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April 9, 1993

Briefings on How To Use the Federal Register
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WHAT: Free public briefings (approximately 3 hours) to present:

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

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

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92-NM-163-AD; Amendment 39-8535; AD 93-07-03]

Airworthiness Directives; Aerospatiale Model ATR42-300 Series Airplanes, and Model ATR72-100 and -200 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Aerospatiale Model ATR42-300 series airplanes, and all Model ATR72-100 and -200 series airplanes, that requires replacement of certain electrical push button switches which control the cabin pressurization valves and attach the emergency battery to the standby bus. This amendment is prompted by reports of faulty electrical push button switches. The actions specified by this AD are intended to prevent failure of the pressurization valves to close in the event of ditching, and to prevent interruption of electrical power to certain electrical equipment used during approach and landing.

DATES: Effective May 10, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 10, 1993.

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

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

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to all Aerospatiale Model ATR42-300 series airplanes, and all Model ATR72-100 and -200 series airplanes was published in the **Federal Register** on December 18, 1992 (57 FR 60142). That action proposed to require replacement of certain electrical push button switches which control the cabin pressurization valves and attach the emergency battery to the standby bus.

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

One commenter supports the proposal, but requests that additional time for compliance with the requirements of the final rule not be added when the final rule is published in the **Federal Register.** This commenter suggests that the proposed compliance time may be unnecessarily extended by making the effective date substantially later than the **Federal Register** publication date. The commenter considers that this procedure arbitrarily assigns additional time to correct safety deficiencies which are critical to the safety of the flying public. The FAA does not concur with the commenter's request for two reasons:

First, in developing the compliance time for this AD action, the FAA considered not only the safety implications of the unsafe condition addressed, but the average utilization rate of the affected fleet, the practical aspects of an orderly modification of the fleet during regular maintenance periods, the availability of required modification parts, and the time necessary for the rulemaking process. The proposed compliance time of 30 days following the effective date of the final rule was determined to be appropriate.

Second, the effective dates for AD actions are not arbitrarily assigned, as the commenter implies. The Administrative Procedure Act (APA) requires that Federal agencies provide at least 30 days after publication of a final rule in the **Federal Register** before making it effective, unless "good cause" can be found not to do so. Under the APA, the basis for this finding is similar to the basis for a finding of good cause to dispense with notice and comment procedures in issuing rules. In the case of certain AD's, the nature of the action may be of such urgency that for the FAA to take any additional time to provide notice and opportunity for prior public comment would be impracticable; in those cases, the FAA finds good cause for making the rule effective in less than 30 days. In the case of this AD action, however, the FAA did not consider that the addressed unsafe condition was of such a critical nature that time could not be afforded for notice and the opportunity for the public to comment on the rule. It follows then, that there is no basis for finding good cause for making this rule effective in less than 30 days. For final rules following notice, the FAA usually assigns an effective date of 30 days after publication.

Aerospatiale requests that the compliance time to perform the replacement of the affected switches with serviceable switches, as required by proposed paragraph (a), be revised from "* * * prior to further flight" to read "* * * within 30 days after the effective date of this AD." The commenter believes that, as it is currently stated, the proposed requirement will cause some airplanes to be grounded, due to a lack of serviceable switch parts. The FAA does not concur. The FAA has verified that an ample number of required parts will be available for modification of the U.S. fleet within the proposed compliance period. Paragraph (a) of the proposal requires removal and identification of electrical switches within 30 days following the effective date of the AD. Replacement must be accomplished, prior to further flight, only if an improper switch is discovered. Therefore, the FAA has determined that the provisions of paragraph (a) of the final rule are appropriate.

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

The FAA estimates that 17 airplanes of U.S. registry will be affected by this AD, that it will take approximately 4 work hours per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. Required parts would be provided by the manufacturer at no cost to operators. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $3,740, or $220 per airplane. This total cost figure assumes that no operator has yet accomplished the requirements of this AD.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

93-07-03 Aerospatiale: Amendment 39-8535. Docket 92-NM-163-AD.

Applicability: All Model ATR42-300 series airplanes, and all Model ATR72-100 and -200 series airplanes; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the pressurization valves to close in the event of ditching, and to prevent interruption of electrical power to certain electrical equipment used during approach and landing, accomplish the following:

(a) Within 30 days after the effective date of this AD, remove the electrical switches, part numbers 9PD and 12HM, and identify the date codes in accordance with Aerospatiale Service Bulletin ATR42-31-0023, dated May 15, 1992 (for Model ATR42-300 and -320 series airplanes); or Aerospatiale Service Bulletin ATR72-31-1006, dated May 15, 1992 (for Model ATR72-100 and -200 series airplanes); as applicable.

(1) If the date code is identified as A6, A7, A8, A9, AO, AN, AD, B1, B2, B3, B4, B5, B6, or B7, prior to further flight, replace the currently-installed switch with a serviceable switch marked with a date code other than those listed above.

(2) If the date code is other than those listed in paragraph (a)(1) of this AD, reinstall the switch. No further action is necessary.

(b) As of the effective date of this AD, no person shall install an electrical switch, part numbers 9PD and 12HM, having a date code of A6, A7, A8, A9, AO, AN, AD, B1, B2, B3, B4, B5, B6, or B7, on any airplane.

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

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

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

(e) The removal and identification shall be done in accordance with Aerospatiale Service Bulletin ATR42-31-0023, dated May 15, 1992 (for Model ATR42-300 and -320 series airplanes); or Aerospatiale Service Bulletin ATR72-31-1006, dated May 15, 1992 (for Model ATR72-100 and -200 series airplanes); as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on May 10, 1993.

Issued in Renton, Washington, on April 2, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-8352 Filed 4-8-93; 8:45 am]

BILLING CODE 4910-13-P

14 CFR Part 39

[Docket No. 92-NM-101-AD; Amendment 39-8534; AD 93-07-02]

Airworthiness Directives; Airbus Industrie Model A310 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Industrie Model A310 series airplanes, that requires conducting repetitive integrity tests to detect corrosion in the wing tip brake solenoids and replacement of corroded solenoids. This amendment also provides terminating action for these repetitive tests. This amendment is prompted by several incidents in which wing tip brake solenoids failed as a result of corrosion in the solenoid coils. The actions specified by this AD are intended to prevent wing tip brake valve failure, which could lead to reduced controllability of the airplane.

DATES: Effective May 10, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 10, 1993.

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

FOR FURTHER INFORMATION CONTACT: Mr. Greg Holt, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton,

Washington 98055–4056; telephone (206) 227–2140; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain Airbus Industrie Model A310 series airplanes was published as a supplemental notice of proposed rulemaking (NPRM) in the **Federal Register** on January 25, 1993 (58 FR 5947). That action proposed to require conducting repetitive integrity tests to detect corrosion in the wing tip brake solenoids and replacement of corroded solenoids. That action also proposed to provide a terminating action for these repetitive tests.

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

Both commenters support the proposed rule.

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

The FAA estimates that 22 airplanes of U.S. registry will be affected by this AD, that it will take approximately 2.5 work hours per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $3,025, or $138 per airplane. This total cost figure assumes that no operator has yet accomplished the requirements of this AD.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

93–07–02 Airbus Industrie: Amendment 39–8534. Docket 92–NM–101–AD.

Applicability: Model A310 series airplanes on which Modification 6725 has not been accomplished; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent wing tip brake valve failure, which could lead to reduced controllability of the airplane, accomplish the following:

(a) Within 350 flight hours after the effective date of this AD, conduct an integrity test to detect corrosion of the wing tip brake solenoids, in accordance with Airbus Industrie Service Bulletin A310–27–2042, Revision 1, dated December 11, 1986. Thereafter, repeat the integrity test at intervals not to exceed 350 flight hours.

(b) If corrosion in any wing tip brake solenoid is detected as a result of any integrity test required by paragraph (a) of this AD, prior to further flight, replace the corroded solenoid with a modified one having part number 500A00003–03. After such replacement, continue to perform integrity tests on all 8 solenoids at intervals not to exceed 350 flight hours until all 8 solenoids have been replaced with modified solenoids.

(c) Installation of Modification 6725 in accordance with Airbus Industrie Service Bulletin A310–27–2046, Revision 1, dated November 24, 1989, which involves the installation of modified solenoids on all 8 solenoid valves in the wing tip brake, constitutes terminating action for the integrity testing required by paragraphs (a) and (b) of this AD.

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

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

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

(f) The integrity test and modification shall be done in accordance with the following Airbus Industrie service bulletins, which contain the specified effective pages:

Service bulletin reference and date	Page No.	Revision level shown on page	Date shown on page
A310–27–2042 Revision No. 1	1–2, 5–6	1	December 11, 1986.
December 11, 1986	3–4	Original	June 20, 1986.
A310–27–2046 Revision No. 1	1–2	1	November 24, 1989.
November 24, 1989	3–4	Original	February 2, 1987.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Airbus Industrie, Airbus Support Division, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on May 10, 1993.

Issued in Renton, Washington, on April 2, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–8353 Filed 4–8–93; 8:45 am]

BILLING CODE 4910–13–P

14 CFR Part 39

[Docket No. 92–NM–184–AD; Amendment 39–8537; AD 93–07–05]

Airworthiness Directives; AMI Industries, Inc., Pilot and Co-Pilot Seats, Model 1108, as Installed in, but not Limited to, de Havilland Model DHC–8 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain AMI Industries, Inc., pilot and co-pilot seats, that requires replacement of lap belt attachment links for certain pilot and co-pilot seats. This amendment is prompted by a report that a lap belt link fitting failed due to fatigue. The actions specified by this AD are intended to prevent failure of the pilot's and co-pilot's lap belts during air turbulence, which could lead to reduced ability of the pilots to control the airplane.

DATES: Effective May 10, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 10, 1993.

ADDRESSES: The service information referenced in this AD may be obtained from AMI Industries, Inc., 1275 North Newport Road, Colorado Springs, Colorado 80916. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Pliny Brestel, Aerospace Engineer, Seattle Aircraft Certification Office, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2783; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain AMI Industries, Inc., pilot and co-pilot seats, was published in the **Federal Register** on December 18, 1992 (57 FR 60146). That action proposed to require replacement of lap belt attachment links for certain pilot and co-pilot seats.

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

One commenter supports the proposal, but requests that additional time for compliance with the requirements of the final rule not be added when the rule is published in the **Federal Register**. This commenter suggests that the compliance time may be unnecessarily extended by making the effective date of the final rule substantially later than the **Federal Register** publication date. The commenter considers that this procedure arbitrarily assigns additional time to correct safety deficiencies which are critical to the safety of the flying public. The FAA does not concur with the commenter's request for two reasons:

First, in developing the compliance time for this AD action, the FAA considered not only the safety implications of the unsafe condition addressed, but the average utilization rate of the affected fleet, the practical aspects of an orderly modification of the fleet during regular maintenance periods, the availability of required modification parts, and the time necessary for the rulemaking process. The proposed compliance time of 60 days following the effective date of the final rule was determined to be appropriate.

Second, the effective dates for AD actions are not arbitrarily assigned, as the commenter implies. The Administrative Procedure Act (APA) requires that Federal agencies provide at least 30 days after publication of a final rule in the **Federal Register** before making it effective, unless "good cause" can be found not to do so. Under the APA, the basis for this finding is similar to the basis for a finding of good cause to dispense with notice and comment procedures in issuing rules. In the case of certain AD's, the nature of the action may be of such urgency that for the FAA to take any additional time to provide notice and opportunity for prior public comment would be impracticable; in those cases, the FAA finds good cause for making the rule effective in less than 30 days. In the case of this AD action, however, the FAA did not consider that the addressed unsafe condition was of such a critical nature that time could not be afforded for notice and the opportunity for the public to comment on the rule. It follows then, that there is no basis for finding good cause for making this rule effective in less than 30 days. For final rules following notice, the FAA usually assigns an effective date of 30 days after publication.

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

The actual number of pilot and co-pilot seats of the affected design in the worldwide fleet is not known. However, the FAA is aware that the subject seats may be installed in, but not limited to, de Havilland Model DHC–8 series airplanes. There are approximately 109 of these airplanes in the worldwide fleet; of this number, the FAA estimates that 85 airplanes are of U.S. registry. It will take approximately 1 work hour per airplane to accomplish the required actions, at an average labor rate of $55 per work hour. Required parts will be supplied by the parts manufacturer at no cost to the operators. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $4,675, or $55 per airplane. This total cost figure assumes that no operator has yet accomplished the requirements of this AD.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

93-07-05 AMI Industries, Inc.: Amendment 39-8537. Docket 92-NM-184-AD.

Applicability: Pilot and Co-Pilot Seats, Model 1108, serial numbers 004 to 189, inclusive; as installed in, but not limited to de Havilland Model DHC-8 series airplanes.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the pilot's and co-pilot's lap belts during air turbulence, which could lead to reduced ability of the pilots to control the airplane, accomplish the following:

(a) Within 60 days after the effective date of this AD, remove the lap belt attachment links and install the improved lap belt attachment link kit, P/N 1B9014-3R, in accordance with AMI Industries, Inc., Service Bulletin 25-1108-03, dated May 20, 1992.

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

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

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

(d) The replacement shall be done in accordance with AMI Industries, Inc., Service Bulletin 25-1108-03, dated May 20, 1992. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from AMI Industries, Inc., 1275 North Newport Road, Colorado Springs, Colorado 80916. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on May 10, 1993.

Issued in Renton, Washington, on April 2, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-8349 Filed 4-8-93; 8:45 am]

BILLING CODE 4910-13-P

14 CFR Part 39

[Docket No. 92-NM-189-AD; Amendment 39-8536; AD 93-07-04]

Airworthiness Directives; British Aerospace Model ATP Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain British Aerospace Model ATP series airplanes, that requires a one-time general visual inspection to ensure that the bolt and nut assemblies on the flanged-coupling assembly on the right flap gearbox drive have split pins installed, and if split pins are missing, repetitive check tightening of the bolts until split pins are installed. This amendment is prompted by reports that during production, split pins may have been omitted from the bolt and nut assemblies on the flanged-coupling assembly. The actions specified by this AD are intended to prevent possible loss of integrity and security of the flap drive system.

DATES: Effective May 10, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 10, 1993.

ADDRESSES: The service information referenced in this AD may be obtained from Jetstream Aircraft, Inc., Librarian for Service Bulletins, P.O. Box 16029, Dulles International Airport, Washington, DC 20041-6029. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

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

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain British Aerospace Model ATP series airplanes was published in the **Federal Register** on December 22, 1992 (57 FR 60745). That action proposed to require a one-time visual inspection to ensure that the bolt and nut assemblies on the flanged-coupling assembly on the right flap gearbox drive have split pins installed, and if split pins are missing, repetitive check tightening of the bolts until split pins are installed.

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

The commenter supports the proposed rule, but requests that additional time for compliance with the requirements of the final rule not be added when the final rule is published in the **Federal Register**. This commenter suggests that the proposed compliance time may be unnecessarily extended by making the effective date substantially later than the **Federal Register** publication date. The commenter considers that this procedure arbitrarily assigns additional time to correct safety deficiencies which are critical to the safety of the flying public. The FAA does not concur with the commenter's request for two reasons:

First, in developing the compliance time for this AD action, the FAA considered not only the safety implications of the unsafe condition addressed, but the average utilization rate of the affected fleet, the practical aspects of an orderly inspection of the fleet during regular maintenance periods, the availability of necessary modification parts, and the time necessary for the rulemaking process. The proposed compliance time of 14 days following the effective date of the final rule was determined to be appropriate.

Second, the effective dates for AD actions are not arbitrarily assigned, as the commenter implies. The Administrative Procedure Act (APA) requires that Federal agencies provide at least 30 days after publication of a final rule in the **Federal Register** before making it effective, unless "good cause" can be found not to do so. Under the APA, the basis for this finding is similar to the basis for a finding of good cause to dispense with notice and comment procedures in issuing rules. In the case of certain AD's, the nature of the action may be of such urgency that for the FAA to take any additional time to provide

notice and opportunity for prior public comment would be impracticable; in those cases, the FAA finds good cause for making the rule effective in less than 30 days. In the case of this AD action, however, the FAA did not consider that the addressed unsafe condition was of such a critical nature that time could not be afforded for notice and the opportunity for the public to comment on the rule. It follows then, that there is no basis for finding good cause for making this rule effective in less than 30 days. For final rules following notice, the FAA usually assigns an effective date of 30 days after publication.

Paragraph (a) of the final rule has been revised to clarify that the required visual inspection is a "general" visual inspection.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the change previously described. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

The FAA estimates that 10 airplanes of U.S. registry will be affected by this AD, that it will take approximately 0.5 workhour per airplane to accomplish the required actions, and that the average labor rate is $55 per workhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $275.

The FAA has been advised that all 10 U.S.-registered airplanes have been modified in accordance with the requirements of this AD. Therefore, there is no future economic cost impact of this rule on U.S. operators.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

93-07-04 British Aerospace: Amendment 39-8536. Docket 92-NM-189-AD.

Applicability: Model ATP series airplanes; serial numbers 2001 through 2049, inclusive; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent possible loss of integrity and security of the flap drive system, accomplish the following:

(a) Within 14 days after the effective date of this AD, perform a one-time general visual inspection of the primary flap drive torque tubes to ensure that the four bolt and nut assemblies on the splined flanged-coupling assembly on the right gearbox drive at station 0 have split pins installed, in accordance with British Aerospace Service Bulletin ATP-27-55, dated August 14, 1992.

(1) If split pins are installed, no further action is necessary.

(2) If any split pin is missing, accomplish the requirements of both paragraphs (a)(2)(i) and (a)(2)(ii) of this AD:

(i) Prior to further flight, check tighten each of the four bolts to 8 to 10 foot pounds torque. Repeat this check tightening thereafter at intervals not to exceed 14 days.

(ii) Within 6 months after the effective date of this AD, install split pins in the bolt and nut assemblies in accordance with British Aerospace Service Bulletin ATP-27-55, dated August 14, 1992. Installation of these split pins constitutes terminating action for the inspections and check tightening requirements of this paragraph.

(b) Installation of split pins in the bolt and nut assemblies in accordance with British Aerospace Service Bulletin ATP-27-55, dated August 14, 1992, constitutes terminating action for the requirements of paragraph (a) of this AD.

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

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

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

(e) The inspection and installation shall be done in accordance with British Aerospace Service Bulletin ATP-27-55, dated August 14, 1992. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Jetstream Aircraft, Inc., Librarian for Service Bulletins, P.O. Box 16029, Dulles International Airport, Washington, DC. 20041-6029. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on May 10, 1993.

Issued in Renton, Washington, on April 2, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-8351 Filed 4-8-93; 8:45 am]

BILLING CODE 4910-13-P

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14 CFR Part 39

[Docket No. 92-NM-42-AD; Amendment 39-8533; AD 93-07-01]

Airworthiness Directives; Fokker Model F28 Mark 0100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Fokker Model Mark 0100 series airplanes, that requires modification of the passenger address (PA) system in the aft passenger compartment. This amendment is prompted by systems evaluation test results indicating that messages delivered over the PA system from the forward passenger compartment are not sufficiently audible in the aft passenger compartment. The actions specified by this AD are intended to prevent inaudible communications between the

forward and aft passenger compartments, a situation that could hamper emergency evacuation.

EFFECTIVE DATES: May 10, 1993.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 10, 1993.

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

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

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain Fokker Model Mark 0100 series airplanes was published in the **Federal Register** on August 27, 1992 (57 FR 38798). That action proposed to require modification of the passenger address (PA) system in the aft passenger compartment.

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

Two commenters support the rule as proposed.

One commenter requests that the proposed compliance time be extended to allow modification within 12 months after the effective date of the rule. This will allow the modification to be accomplished during the time of a regularly scheduled "C" check. The commenter considers that the adoption of the proposed compliance time of 6 months would require operators to schedule special times for the accomplishment of this modification, at additional expense. The FAA concurs with the commenter's request to extend the compliance time for the modification requirement. Extending the compliance time by 6 additional months will not adversely affect safety, and will allow the modification to be performed at a base during regularly scheduled maintenance where special equipment and trained maintenance personnel will be available if necessary. Paragraph (a) of the final rule has been revised to specify a compliance time of 12 months.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the change previously described. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

The FAA estimates that 27 airplanes of U.S. registry will be affected by this AD, that it will take approximately 14 work hours per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. Required parts will cost approximately $2,057 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $76,329, or $2,827 per airplane. This total cost figure assumes that no operator has yet accomplished the requirements of this AD.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

93–07–01 Fokker: Amendment 39–8533. Docket 92–NM–42–AD.

Applicability: Model F28 Mark 0100 series airplanes; serial numbers 11244 through 11339, inclusive; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent inaudible communications between the forward and aft passenger compartments, which could potentially hamper emergency evacuation procedures, accomplish the following:

(a) Within 12 months after the effective date of this AD, modify the passenger address system in accordance with Fokker Service Bulletin SBF100–23–017, Revision 1, dated April 3, 1992.

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

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

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

(d) The modification shall be done in accordance with Fokker Service Bulletin SBF100–23–017, Revision 1, dated April 3, 1992. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on May 10, 1993.

Issued in Renton, Washington, on April 2, 1993.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–8350 Filed 4–8–93; 8:45 am]

BILLING CODE 4910–13–P

14 CFR Part 71

[Airspace Docket No. 92-AGL-15]

Alteration of Jet Routes J-73 and J-84

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action realigns J-73 from Northbrook, IL, via Pocket City, IN, to Nashville, TN, and extends J-84 from the Northbrook Very High Frequency Omnidirectional Range/Tactical Air Navigation (VORTAC) to the Danville, IL, VORTAC. This action provides a third departure route south for the Chicago O'Hare International Airport terminal area. This action will also expedite the flow of air traffic and reduce the required coordination between en route facilities.

EFFECTIVE DATE: 0901 UTC, May 27, 1993.

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

SUPPLEMENTARY INFORMATION:

History

On January 28, 1993, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to realign J-73 from Northbrook, IL, via Pocket City, IN, to Nashville, TN, and extend J-84 from the Northbrook, IL, VORTAC to the Danville, IL, VORTAC (58 FR 6375). Interest parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Jet routes are published in § 71.607 of FAA Order 7400.7A dated November 2, 1992, and effective November 27, 1992, which is incorporated by reference in 14 CFR 71.1. The jet routes listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations realigns J-73 from Northbrook, IL, via Pocket City, IN, to Nashville, TN, and extends J-84 from the Northbrook, IL, VORTAC to the Danville, IL, VORTAC. This action provides a third departure route south for traffic departing the Chicago O'Hare terminal area and preserves the existing route structure from Chicago to the Indianapolis area. Realigning the airways will expedite the flow of air traffic and reduce the required coordination between en route facilities.

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. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Incorporation by reference, Jet routes.

Adoption of the Amendment

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

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

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

Section 71.607 Jet Routes

* * * * *

J-73 [Revised]

From Miami, FL, via La Belle, FL; Lakeland, FL; Tallahassee, FL; La Grange, GA; Nashville, TN; Pocket City, IN; to Northbrook, IL.

* * * * *

J-84 [Revised]

From Oakland, CA, via Linden, CA; Mina, NV; Delta, UT; Meeker, CO; Sidney, NE; Wolbach, NE; Dubuque, IA; Northbrook, IL; to Danville, IL.

* * * * *

Issued in Washington, DC, on March 30, 1993.

Willis C. Nelson,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 93-8362 Filed 4-8-93; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 92-ACE-03]

Designation of Transition Area; Burlington, KS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action designates a 700-foot transition area at Burlington, Kansas, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Coffey County Airport, Burlington, Kansas, utilizing the Burlington nondirectional radio beacon.

EFFECTIVE DATE: 0901 UTC, May 27, 1993.

FOR FURTHER INFORMATION CONTACT: Dale Carnine, Airspace Specialist, System Management Branch, Air Traffic Division, ACE-530, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 426-3408.

SUPPLEMENTARY INFORMATION:

History

On December 7, 1992, the FAA proposed to amend part 71 of the Federal Aviation Regulations to designate a transition area at Burlington, Kansas (57 FR 57708). Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. The coordinates for this airspace are based on North American Datum 83. Transition areas are published in § 71.181 of FAA Order 7400.7A, dated November 2, 1992, and effective November 27, 1992, which is incorporated by reference in 14 CFR 71.1. The transition area listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations designates a 700-foot transition area at Burlington,

Kansas. To enhance airport usage, a new instrument approach procedure has been developed for the Coffey County Airport, Burlington, Kansas, utilizing the Burlington nondirectional radio beacon. The establishment of a new instrument approach procedure entails designation of a transition area at Burlington, Kansas, at and above 700 feet above ground level. Transition areas are designed to contain instrument flight rule operations in controlled airspace during portions of the terminal operation and enroute environment. This action is to ensure segregation of aircraft using the approach procedure under instrument flight rules (IFR) and other aircraft operating under visual flight rules (VFR).

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. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Incorporation by reference, Transition areas.

Adoption of the Amendment

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

PART 71 [AMENDED]

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

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

§71.1 [Amended]

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

Section 71.181 Designation of Transition Area

* * * * *

ACE KS TA Burlington, Kansas [New]

Coffey County Airport

(lat. 38°18'00"N, long. 95°43'18"W)

That airspace extending upward from 700 feet above the surface within a 6 nautical mile radius of Coffey County Airport and within 2.5 nautical miles each side of the 186° bearing from the Coffey County Airport extending from the 6 nautical mile radius to 7 nautical miles south of the airport.

* * * * *

Issued in Kansas City, Missouri, on March 24, 1993.

Clarence E. Newbern,

Manager, Air Traffic Division, Central Region.

[FR Doc. 93–8363 Filed 4–8–93; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 73

[Airspace Docket No. 92–AGL–18]

Establishment of Restricted Area R–5401; Devils Lake, ND

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes Restricted Area R–5401 Devils Lake, ND, from the surface to 5,000 feet mean sea level (MSL). The restricted area will be located at Camp Grafton South, Eddy County, ND. This area will support training requirements of the North Dakota Army National Guard, which currently must travel to distant out-of-state facilities for training.

EFFECTIVE DATE: 0901 UTC, May 27, 1993.

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

SUPPLEMENTARY INFORMATION:

History

On November 24, 1992, the FAA proposed to amend part 73 of the Federal Aviation Regulations (14 CFR part 73) to establish Restricted Area R–5401 Devils Lake, ND, from the surface to 5,000 feet MSL (57 FR 55175). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. As proposed, the original description of R–5401 listed 29 reference points congruent with the Camp Grafton property boundaries. After review it was determined that the size of the area required to contain the hazardous activity could be reduced and still remain within the reservation property boundary. Therefore the description has been reduced to 10 reference points. Section 73.54 of part 73 of the Federal Aviation Regulations was republished in FAA Order 7400.8 dated November 1, 1991. The coordinates for this airspace docket are based on North American Datum 83.

The Rule

This amendment to part 73 of the Federal Aviation Regulations establishes Restricted Area R–5401 Devils Lake, ND. The restricted area will be used by the North Dakota Army National Guard and will be activated by NOTAM 24 hours in advance, approximately 60 days per year. During the months of June and July, the area may be utilized 24 hours a day for annual training. The area will be used for weapons firing, demolition, and cratering charges from the surface to 5,000 feet MSL. This area will support training requirements of the North Dakota Army National Guard which currently must travel to distant out-of-state facilities for training.

Along with this action, the description for the overlaying Devils Lake East Military Operations Area will be modified to exclude the airspace within the restricted area during those times that R–5401 is active.

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. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

An environmental assessment of the proposal was performed by the Office of the Adjutant General, State of North Dakota, which the FAA adopts, found no significant environmental impact. On the basis of the conclusions contained in the environmental assessment, the FAA finds that the airspace action

adopted in this amendment will have no significant impact on the environment. Use of the subject area as proposed is consistent with existing national environmental policies and objectives as set forth in section 101(a) of the National Environmental Policy Act (NEPA) and would not significantly affect the quality of the human environment or otherwise include any condition requiring consultation pursuant to section 102(2)(c) of NEPA.

List of Subjects in 14 CFR Part 73

Aviation safety, Restricted areas.

Adoption of the Amendment

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

PART 73—[AMENDED]

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

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

§ 73.54 [Amended]

2. Section 73.54 is amended as follows:

R–5401 Devils Lake, ND [New]

Boundaries. Beginning at lat. 47°41'01"N., long. 98°41'15"W.; to lat. 47°39'23"N., long. 98°40'17"W.; to lat. 47°39'23"N., long. 98°39'57"W.; to lat. 47°39'35"N., long. 98°39'39"W.; to lat. 47°40'20"N., long. 98°38'01"W.; to lat. 47°40'20"N., long. 98°37'18"W.; to lat. 47°41'15"N., long. 98°37'18"W.; to lat. 47°41'08"N., long. 98°39'14"W.; to lat. 47°41'10"N., long. 98°39'57"W.; to lat. 47°41'01"N., long. 98°40'17"W.; thence to the point of beginning.

Altitudes. Surface to 5,000 feet MSL.

Time of designation. As scheduled 30 days in advance and activated by NOTAM 24 hours in advance. Area may be scheduled continuously during peak training periods June and July.

Controlling agency. FAA, Minneapolis ARTCC.

Using agency. U.S. Army, Commander Camp Grafton, North Dakota Army National Guard, Devils Lake, ND.

Issued in Washington, DC, on March 30, 1993.

Willis C. Nelson,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 93–8361 Filed 4–8–93; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization; Redelegation of the Center for Biologics Evaluation and Research Program Authorities

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for delegations of authority relating to program authorities for their respective areas from the Director of the Center for Biologics Evaluation and Research (CBER) to certain FDA officials in CBER. This action is being taken to redistribute workload and to expedite decisionmaking.

EFFECTIVE DATE: April 9, 1993.

FOR FURTHER INFORMATION CONTACT: Ellen Rawlings, Division of Management Systems and Policy (HFA–340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4976.

SUPPLEMENTARY INFORMATION: FDA is amending the delegations of authority under 21 CFR part 5 by adding new § 5.39 *Redelegation of the Center for Biologics Evaluation and Research Director's program authorities.* This section gives CBER Associate Directors, Office Directors, and Division Directors all the program authorities of the Director, CBER, for their respective areas. This action is being taken to redistribute workload and to expedite decisionmaking.

Further redelegation of the authority delegated is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis.

List of Subjects in 21 CFR Part 5

Authority delegations (Government agencies), Imports, Organization and functions (Government agencies).

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 5 is amended as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

1. The authority citation for 21 CFR part 5 continues to read as follows:

Authority: 5 U.S.C. 504, 552, App. 2; 7 U.S.C. 138a, 2271; 15 U.S.C. 638, 1261–1282, 3701–3711a; secs. 2–12 of the Fair Packaging and Labeling Act (15 U.S.C. 1451–1461); 21 U.S.C. 41–50, 61–63, 141–149, 467f, 679(b), 801–886, 1031–1309; secs. 201–903 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321–394); 35 U.S.C. 156; secs. 301, 302, 303, 307, 310, 311, 351, 352, 361, 362, 1701–1706, 2101, 2125, 2127, 2128 of the Public Health Service Act (42 U.S.C. 241, 242, 242a, 242l, 242n, 243, 262, 263, 264, 265, 300u–300u–5, 300aa–1, 300aa–25, 300aa–27, 300aa–28); 42 U.S.C. 1395y, 3246b, 4332, 4831(a), 10007–10008; E.O. 11490, 11921, and 12591; secs. 312, 313, 314 of the National Childhood Vaccine Injury Act of 1986, Public Law 99–660 (42 U.S.C. 300aa–1 note).

2. New § 5.39 is added to subpart B to read as follows:

§ 5.39 Redelegation of the Center for Biologics Evaluation and Research Director's program authorities.

The following officials are authorized to perform all the functions of the Director, Center for Biologics Evaluation and Research (CBER) with regard to program authorities for their respective areas:

(a) Associate Directors, CBER.

(b) Office Directors, CBER.

(c) Division Directors, CBER.

Dated: April 2, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93–8296 Filed 4–8–93; 8:45 am]

BILLING CODE 4160–01–F

Proposed Rules

Federal Register
Vol. 58, No. 67
Friday, April 9, 1993

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 90–NM–200–AD]

Airworthiness Directives; Airbus Industrie Model A300–B4 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: This action withdraws a notice of proposed rulemaking (NPRM) that proposed a new airworthiness directive (AD), applicable to certain Airbus Industrie Model A300–B4 series airplanes. That action would have required a one-time detailed visual inspection to detect cracks in the pylon rear attachment sealing angles, and repair, if necessary. Since the issuance of the NPRM, the Federal Aviation Administration (FAA) has issued a separate AD that includes, as part of its requirements, the inspection and repair that would have been required by this action. Accordingly, the proposed rule is withdrawn.

FOR FURTHER INFORMATION CONTACT: Mr Greg Holt, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2140; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to add a new airworthiness directive (AD), applicable to Airbus Industrie Model A300–B4 series airplanes, was published in the **Federal Register** on November 6, 1990 (55 FR 46673). The proposed rule would have required a one-time detailed visual inspection to detect cracks in the pylon rear attachment sealing angles, and repair, if necessary. That action was prompted by reports of premature cracking found in the vertical flange of the pylon rear attachment sealing angles on in-service airplanes. The proposed actions were intended to prevent reduced structural capability of the engine pylon.

Since the issuance of that NPRM, the FAA has issued AD 93–01–24, Amendment 39–8478 (58 FR 6703, February 2, 1993), which includes, as part of its requirements, inspection and repair procedures identical to those proposed previously by this action.

Upon further consideration, the FAA has determined that issuance of the proposed AD is not necessary. Accordingly, the proposed rule is hereby withdrawn.

Withdrawal of this notice of proposed rulemaking constitutes only such action, and does not preclude the agency from issuing another notice in the future, nor does it commit the agency to any course of action in the future.

Since this action only withdraws a notice of proposed rulemaking, it is neither a proposed nor a final rule and therefore, is not covered under Executive Order 12291, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Withdrawal

Accordingly, the notice of proposed rulemaking, Docket 90–NM–200–AD, published in the **Federal Register** on November 6, 1990 (55 FR 46673) is withdrawn.

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

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93–8327 Filed 4–8–93; 8:45 am]

BILLING CODE 4910–13–P

14 CFR Part 39

[Docket No. 92–NM–206–AD]

Airworthiness Directives; Gulfstream Model G–IV Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Gulfstream Model G–IV series airplanes. This proposal would require inspection of the data plate on the bottom of the hydraulic brake control module (HBCM) to verify the part and serial numbers, and replacement of the HBCM, if necessary. This proposal is prompted by a landing incident that involved a malfunction of the braking system. The actions specified by the proposed AD are intended to prevent a malfunction of the braking system, which could lead to reduced controllability of the airplane on the ground.

DATES: Comments must be received by June 7, 1993.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–206–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 Gulfstream Aerospace, P.O. Box 2206, Savannah, Georgia 31402–2206. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, 1669 Phoenix Parkway, suite 210C, Atlanta, Georgia.

FOR FURTHER INFORMATION CONTACT: Mr. Steve Flanagan, Aerospace Engineer, Airframe Branch, ACE–120A, Atlanta Aircraft Certification Office, 1669 Phoenix Parkway, suite 210C, Atlanta, Georgia 30349; telephone (404) 991–2910; fax (404) 991–3606.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

in this notice may be changed in light of the comments received.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92–NM–206–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–206–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

An operator of a Gulfstream Model G–IV series airplane reported a landing incident, during which the airplane left the runway. The airplane was not damaged and the pilot was able to taxi it to the terminal. The flight crew reported that, upon initial brake application, the airplane swerved to the right; at that point, both crew members applied the left rudder and left brake, but they were unable to turn the airplane to the center of the runway. The flight crew also reported that the nose wheel steering (NWS) appeared to be inoperative at the time of the incident. However, following the incident, both the NWS and the brakes appeared to operate normally. Subsequent investigation revealed that the hydraulic brake control module (HBCM) contained various types of contamination, which could have caused uncommanded braking if such contamination became lodged in the small orifices used to control brake pressure. Since the contamination was apparently introduced within the HBCM during brake manufacture, all part number 6004933–1 and 6004933–3 brake units are suspected to be contaminated. Contamination in the HBCM, if not corrected, could result in a malfunction of the braking system, which could lead to reduced controllability of the airplane on the ground.

The brake manufacturer has identified possible sources of the contamination and has established a new process for assembly of the valves that will prevent the contamination problems.

The FAA has reviewed and approved Gulfstream Customer Bulletin No. 34, dated August 24, 1992, that describes procedures for visually inspecting the data plate on the bottom of the HBCM to verify the part and serial numbers, and replacement of the HBCM if suspect parts are detected. The inspection will also verify the valve integrity, including valve cleanliness and stability.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require a visual inspection of the data plate on the bottom of the HBCM to verify the part and serial numbers, and replacement of the HBCM, if necessary. The actions would be required to be accomplished in accordance with the customer bulletin described previously.

There are approximately 201 Gulfstream Model G–IV series airplanes of the affected design in the worldwide fleet. The FAA estimates that 149 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 4 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. (Note: If replacement of the HBCM is necessary, the manufacturer will supply replacement parts at no charge to operators.) Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $32,780, or $220 per airplane. This total cost figure assumes that no operator has yet accomplished the proposed requirements of this AD action.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Gulfstream: Docket 92–NM–206–AD.

Applicability: Model G–IV series airplanes; serial numbers 1000 through 1200, inclusive; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent a malfunction of the braking system, which could lead to reduced controllability of the airplane on the ground, accomplish the following:

(a) Within 9 months after the effective date of this AD, visually inspect the data plate on the bottom of the hydraulic brake control module (HBCM) to verify the part and serial numbers, in accordance with Gulfstream Customer Bulletin No. 34, dated August 24, 1992.

(1) If the part number of the HBCM is 6004933–5, no further action is required.

(2) If the part number of the HBCM is 6004933–3 and a "TA" follows the serial number, prior to further flight, install a decal on the HBCM in accordance with Figure 1 of the customer bulletin.

(3) If the part number of the HBCM is 6004933–3 and there is no "TA" following the serial number, or if the part number is 6004933–1, prior to further flight, replace the HBCM with one having part number 6004933–5, in accordance with the applicable maintenance manual.

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

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

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

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

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-8328 Filed 4-8-93; 8:45 am]

BILLING CODE 4910-13-P

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14 CFR Part 71

[Airspace Docket No. 92-ANM-26]

Proposed Realignment of Jet Routes J-163 and J-523

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would extend segments of Jet Routes J-163 and J-523 located in the vicinity of Washington State, Oregon, Idaho, Utah, Wyoming, and Colorado. This proposal would enhance traffic flow and reduce controller workload on frequently used high altitude routes.

DATES: Comments must be received on or before May 27, 1993.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, ANM-500, Docket No. 92-ANM-26, Federal Aviation Administration, 1601 Lind Avenue, SW., Renton, WA 98055-4056.

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

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

FOR FURTHER INFORMATION CONTACT: Norman W. Thomas, Airspace and Obstruction Evaluation Branch (ATP-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9230.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 92-ANM-26." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-220, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3485. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to extend segments of J-163 and J-523 located in the vicinity of Washington State, Oregon, Idaho, Utah, Wyoming, and Colorado. The proposed extension of these jet routes would enhance traffic flow and reduce controller workload on frequently used high altitude routes. Jet routes are published in § 71.607 of FAA Order 7400.7A dated November 2, 1992, and effective November 27, 1992, which is incorporated by reference in 14 CFR 71.1. The jet routes listed in this document would be published subsequently in the Order.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Incorporation by reference, Jet routes.

The Proposed Amendment

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

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

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

Section 71.607 Jet Routes

* * * * * *

J-163 [Revised]

From Baker, OR, via Boise, ID; Pocatello, ID; Rock Springs, WY; to Hayden, CO.

* * * * * *

J-523 [Revised]

From Bryce Canyon, UT; Ely, NV; Rome, OR; Kimberly, OR; Klickitat, WA; Seattle, WA; Tatoosh, WA; Port Hardy, BC, Canada; Sandspit, BC, Canada; to Annette Island, AK; excluding the airspace within Canada.

* * * * * *

Issued in Washington, DC, on April 1, 1993.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 93-8364 Filed 4-8-93; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 92-AEA-11]

Proposed Modification of VOR Federal Airway V-162

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to modify VOR Federal Airway V-162 by extending the airway from the State of Pennsylvania to Martinsburg, WV. This action is necessary to accommodate flights destined for the Washington-Dulles International Airport. Extending V-162 to the Martinsburg, WV, area would facilitate air traffic operations and reduce controller workload.

DATES: Comments must be received on or before May 27, 1993.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, AEA-500, Docket No. 92-AEA-11, Federal Aviation Administration, JFK International Airport, Fitzgerald Federal Bldg. Jamaica, NY 11430.

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

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 92-AEA-11." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-220, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267-3485. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to modify VOR Federal Airway V-162 by extending the airway from State of Pennsylvania to Martinsburg, WV. This action is necessary to accomodate flights destined for the Washington-Dulles International Airport, facilitate air traffic operations, and reduce the controllers' workload. Domestic VOR Federal airways are published in § 71.123 of FAA Order 7400.7A dated November 2, 1992, and effective November 27, 1992, which is incorporated by reference in 14 CFR 71.1. The airway listed in this document would be published subsequently in the Order.

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

List of Subjects in 14 CFR Part 71

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

The Proposed Amendment

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

PART 71—[AMENDED]

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

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

§71.1 [Amended]

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

Section 71.123 Domestic VOR Federal Airways

* * * * *

V-162 [Revised]

From Martinsburg, WV; INT Martinsburg 058° and Harrisburg, PA, 191° radials; Harrisburg; INT Harrisburg 092° and East Texas, PA, 251° radials; East Texas; Allentown, PA; to Huguenot, NY.

* * * * *

Issued in Washington, DC, on April 1, 1993.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 93-8359 Filed 4-8-93; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 73

[Airspace Docket No. 92-AEA-10]

Proposed Subdivision of Restricted Areas R-6608A and R-6608B, and Establishment of Restricted Area R-6608C; VA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to subdivide the common boundaries of Restricted Areas R-6608A and B, and establish R-6608C. This subdivision would facilitate the effective use of airspace near Washington Dulles Tower.

DATES: Comments must be received on or before May 27, 1993.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, AEA-500, Docket No. 92-AEA-10, Federal Aviation Administration, JFK International Airport, Fitzgerald Federal Building, Jamaica, NY 11430.

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

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

FOR FURTHER INFORMATION CONTACT: Lee Powell, Military Operations Program Office (ATM-420), Office of Air Traffic System Managmeent, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-9327.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 92-AEA-10." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-220, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3485. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 73 of the Federal Aviation Regulations (14 CFR part 73) to subdivide the internal boundaries of Restricted Areas R-6608A and R-6608B and establish Restricted Area R-6608C in the vicinity of Quantico, VA. This proposed modification resulted from negotiations between the FAA and the U.S. Marine Corps in Quantico, VA. These changes are completely contained within existing restricted airspace. No additional restricted airspace is created by this action. This action would lessen the burden on the public by releasing more airspace to the public when Restricted Area R-6608C is not in use thereby enhancing the flow of air traffic in the area. Section 73.66 of part 73 of the Federal Aviation Regulations was republished in FAA Order 7400.8A dated March 3, 1993.

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

List of Subjects in 14 CFR Part 73

Aviation safety, Restricted areas.

The Proposed Amendment

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

PART 73—SPECIAL USE AIRSPACE

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

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

§ 73.66 [Amended]

2. Section 73.66 is amended as follows:

R-6608A Quantico, VA—[Amended]

Boundaries. Beginning at lat. 38°35'10" N., long. 77°34'06" W.; to lat. 38°37'00" N., long. 77°34'06" W.; to lat. 38°37'50" N., long. 77°32'19" W.; to lat. 38°37'17" N., long. 77°27'44" W.; to lat. 38°35'35" N., long. 77°27'44" W.; to the point of beginning.

Designated altitudes. Surface to 10,000 feet MSL.

Time of designation. 0500 to 2400 local time daily; other times by NOTAM 24 hours in advance.

Controlling agency. FAA, Dulles ATCT.

Using agency. U.S. Marine Corps, Commanding General, Marine Corps Development and Education Command, Quantico, VA.

R-6608B Quantico, VA—[Amended]

Boundaries. Beginning at lat. 38°35'10" N., long. 77°34'06" W.; to lat. 38°35'35" N., long. 77°27'44" W.; to lat. 38°29'31" N., long. 77°27'44" W.; to lat. 38°29'00" N., long. 77°28'44" W.; to lat. 38°31'20" N., long. 77°34'06" W.; to the point of beginning.

Designated altitudes. Surface to 10,000 feet MSL.

Time of designation. 0500 to 2400 local time daily; other times by NOTAM 24 hours in advance.

Controlling agency. FAA, Dulles ATCT.

Using agency. U.S. Marine Corps, Commanding General, Marine Corps Development and Education Command, Quantico, VA.

R-6608C Quantico, VA—[New]

Boundaries. Beginning at lat. 38°37'17" N., long. 77°27'44" W.; to lat. 38°37'00" N., long. 77°25'33" W.; to lat. 38°34'00" N., long. 77°23'59" W.; to lat. 38°31'15" N., long. 77°24'19" W.; to lat. 38°29'31" N., long. 77°27'44" W.; to the point of beginning.

Designated altitudes. Surface to 10,000 feet MSL.

Time of designation. 0500 to 2400 local time daily; other times by NOTAM 24 hours in advance.

Controlling agency. FAA, Dulles ATCT.

Using agency. U.S. Marine Corps, Commanding General, Marine Corps Development and Education Command, Quantico, VA.

Issued in Washington, DC, on April 1, 1993.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 93-8360 Filed 4-8-93; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 200 and 270

[Release No. IC-19381, File No. S7-13-93]

RIN 3235-AF56

Expedited Procedure for Exemptive Orders and Expanded Delegated Authority; Correction

AGENCY: Securities and Exchange Commission.

ACTION: Correction to proposing release.

SUMMARY: This document contains a correction to the proposing release which was published Wednesday, March 31, 1993 (58 FR 16799). The Commission would not accept requests to reactivate applications that have been declared abandoned. If an applicant subsequently decides to pursue an abandoned application, the applicant must file a new application.

FOR FURTHER INFORMATION CONTACT: Matthew M. O'Toole, Attorney, or Diane C. Blizzard, Assistant Director, both at (202) 272-2048, Office of Regulatory Policy, Division of Investment Management, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: Accordingly, the publication on March 31, 1993 of the proposing release, which was the subject of FR Doc. 93-7440, is corrected as follows: On page 16803 in the third column, beginning in the sixteenth line of section II.B., remove the sentence following the words "a hearing" and before the sentence beginning "The Commission requests.* * * "

By the Commission.

Dated: April 5, 1993.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93-8307 Filed 4-8-93; 8:45 am]

BILLING CODE 8010-01-P

DELAWARE RIVER BASIN COMMISSION

18 CFR Part 401

Proposed Amendments to Administrative Manual—Rules of Practice and Procedure; Public Hearings

AGENCY: Delaware River Basin Commission.

ACTION: Proposed rules and public hearings.

SUMMARY: Notice is hereby given that the Delaware River Basin Commission will hold public hearings to receive comments on proposed amendments to its Rules of Practice and Procedure relating to the control of nonpoint sources of pollution in the drainage area to classified Special Protection Waters of the Basin.

In addition, the Commission is proposing related revisions to its Comprehensive Plan, Water Code of the Delaware River Basin and Administrative Manual—Part III Water Quality Regulations. Supplementary background information and a summary of the proposed amendments to the Comprehensive Plan, Water Code and Water Quality Regulations are published elsewhere in the Notices section of this issue of the **Federal Register.**

Those proposed revisions present a three-pronged approach to control nonpoint sources of pollution in drainage areas to Special Protection Waters. The first prong addresses new nonpoint sources on a project-by-project basis through the Commission's project review process under Section 3.8 of the Delaware River Basin Compact; through USEPA's NPDES stormwater permitting regulations; and on a discretionary basis when needed. The second prong addresses new and existing nonpoint sources on a priority watershed basis. For priority watersheds, watershed nonpoint source management plans would be developed and implemented. The third prong would encourage the development and implementation of watershed nonpoint source plans on a voluntary basis in watersheds which are not considered the highest priority of the Commission. A process to identify priority watersheds and develop watershed nonpoint source management plans is included in the proposal.

The proposed amendments to the Rules of Practice and Procedure would add two new categories to those now required to be submitted to the Commission for review and approval under Section 3.8 of the Compact: those projects required to obtain a permit under the USEPA's NPDES stormwater regulations and any other activity the Commission believes may generate increased nonpoint source pollution loads having potential substantial impact on Special Protection Waters.

DATES: The public hearings are scheduled as follows:

June 16, 1993 beginning at 1:30 p.m. and continuing until 4:30 p.m., as long as there are people present wishing to testify.

June 22, 1993 beginning at 2 p.m. and continuing until 5 p.m., as long as there are people present wishing to testify.

June 22, 1993 beginning at 7 p.m. and continuing until 9:30 p.m., as long as there are people present wishing to testify.

The deadline for inclusion of written comments in the hearing record will be announced at the hearings.

ADDRESSES: The June 16, 1993 hearing will be held in the New Castle County Council Chambers, First Floor of the City/County Building, 800 French Street, Wilmington, Delaware.

The June 22, 1993 hearings will be held in the Ballroom of the Inn at Hunt's Landing, 900 Routes 6 & 209, Matamoras, Pennsylvania.

Written comments should be submitted to Susan M. Weisman, Delaware River Basin Commission, P. O. Box 7360, West Trenton, New Jersey 08628.

FOR FURTHER INFORMATION CONTACT: Susan M. Weisman, Commission Secretary, Delaware River Basin Commission, P. O. Box 7360, West Trenton, New Jersey 08628. Telephone (609) 883-9500 X203.

SUPPLEMENTARY INFORMATION: Copies of the full text of the proposed amendments and the Administrative Manual—Rules of Practice and Procedure may be obtained by contacting Ms. Weisman at the address provided in **FOR FURTHER INFORMATION CONTACT.** Persons wishing to testify are requested to notify the Secretary in advance. Written comments on the proposed amendments should also be submitted to the Secretary.

Delaware River Basin Compact, 75 Stat. 688.

Dated: March 30, 1993.
Susan M. Weisman,
Secretary.
[FR Doc. 93–8232 Filed 4–8–93; 8:45 am]
BILLING CODE 6360–01–P

NATIONAL INDIAN GAMING COMMISSION

25 CFR Part 518

RIN 3141–AA06

National Environmental Policy Act Procedures

AGENCY: National Indian Gaming Commission.

ACTION: Proposed rule.

SUMMARY: The National Indian Gaming Commission is proposing this rule for the purpose of describing the procedures the Commission proposes to adopt pursuant to the National Environmental Policy Act of 1969. These proposed regulations supplement the regulations promulgated by the Council on Environmental Quality.

DATES: Comments must be received by May 10, 1993.

ADDRESSES: Comments may be mailed to: NEPA Rule Comments, National Indian Gaming Commission, suite 250, 1850 M St., NW., Washington, DC 20036–5803. Comments may be delivered to the Commission between the hours of 9 a.m. and 5 p.m., Monday through Friday, or faxed to (202) 632–7066 (not a toll-free number). Comments may be inspected by the public between the hours of 9 a.m. and noon and 2 p.m. to 5 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Susan Carletta at (202) 632–7003, ext. 34, or by facsimile at (202) 632–7066 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

The Indian Gaming Regulatory Act (IGRA, or the Act), 25 U.S.C. 2701 et seq., was signed into law on October 17, 1988. The IGRA established the National Indian Gaming Commission (NIGC, or the Commission). The IGRA classifies gaming into class I, class II and class III. The tribes have exclusive jurisdiction over class I gaming. Class II gaming is regulated by the tribes and the Commission. Class III gaming is regulated by individual tribes and states under negotiated tribal-state compacts, with the Commission exercising a limited role.

On August 15, 1991, the Commission published final rules (56 FR 40702) requiring class II gaming operations to compute and pay to the Commission the annual fees required by section 2717 of the IGRA. On April 9, 1992 (57 FR 12382), the Commission published a final rule that defines key statutory terms, notably clarifying the distinctions between class II gaming (regulated by tribes and the Commission) and class III gaming (regulated under negotiated tribal-state compacts).

The Commission also published final rules regarding its review and approval of tribal gaming ordinances and resolutions under sections 2710 and 2712 of the Act (58 FR 5802 (January 22, 1993)), Privacy Act procedures (58 FR 5814 (January 22, 1993)), compliance and enforcement procedures under sections 2705 and 2706 of the Act (58 FR 5833 (January 22, 1993)), and review and approval of management contracts under sections 2711 and 2712 of the IGRA (58 FR 5818 (January 22, 1993)). Section 2711(h) of the IGRA transferred to the Commission the authority of the Secretary of the Interior under 25 U.S.C. 81 to review and approve management contracts concerning Indian gaming. Sections 2710(d)(9) and 2711 of the IGRA require tribes to submit new management contracts to the Chairman of the Commission for his or her review and approval and provide standards for approval. Section 2712 contains standards and procedures for the Chairman's review of existing management contracts.

The Commission also published proposed rules regarding disclosure of information under the Freedom of Information Act (57 FR 55212 (November 24, 1992)).

The regulations proposed today provide strategies and procedures the Commission proposes to adopt pursuant to the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.* Congress enacted NEPA to encourage a national policy of protecting, enhancing, and restoring the quality of the human environment. The Council on Environmental Quality (CEQ), established pursuant to NEPA, promulgated implementing regulations at 40 CFR parts 1501 through 1508 NEPA and the CEQ's regulations require every federal agency to establish procedures and strategies that give appropriate consideration to the environmental consequences of federal agency actions.

National Environmental Policy Act Procedures

The purpose of these proposed regulations is to inform the public of the procedures and policies the Commission proposes to adopt pursuant to NEPA. The proposed regulations supplement, rather than supersede, the CEQ's regulations. The proposed regulations explain the Commission's policies regarding the use of environmental information in its planning and decision-making. The regulations also would require the Commission to be responsible for the preparation of environmental analyses concerning actions of the Commission that may have a significant impact on the quality of the human environment. Accordingly, § 518.4 of the proposed regulations sets forth the policies the Commission is proposing to adopt to ensure compliance with NEPA and the CEQ regulations.

Public participation is an important aspect of the NEPA process. Accordingly, § 518.5 of the proposed regulations provides procedures to ensure such public involvement. Under that section, the Commission proposes to give notice to the public of the availability of environmental documents prepared during the NEPA process. This section would also require the Commission to provide public notice of NEPA-related hearings and public meetings concerning proposed federal actions in which the Commission is involved. The way in which notice will be provided will be determined on a case by case basis depending upon the magnitude and effects of a particular proposed action.

The CEQ's regulations implementing NEPA contain requirements for the designation of lead and cooperating agencies for proposed actions involving more than one federal agency. A determination of agency status as a lead or cooperating agency is made using various factors set out in the CEQ's regulations. A lead agency has the ultimate responsibility for the content of an EA or EIS. A cooperating agency is responsible for the development of information and the preparation of environmental analyses at the request of the lead agency.

The Commission believes that in any instances where it is involved in the preparation of environmental documents, other federal agencies will also be involved due to various federal actions. Such federal actions could include the lending of federal monies to a tribe for activities related to tribal gaming, or approving a lease of tribal lands for gaming. In such cases, the Commission will cooperate in the preparation of environmental documents. Section 518.7 contains provisions for the Commission's role as a lead or cooperating agency in proposed federal actions when the preparation of environmental documents is necessary.

Under NEPA, proposed agency actions fit one of three categories. First, a proposed action which normally has no significant impact on the quality of the human environment is termed a Categorical Exclusion. Actions listed as Categorical Exclusions normally do not require the preparation of environmental documents. The Commission believes that most of its actions fall into this category. Section 518.9 of the proposed regulations, *Categorical Exclusions,* lists such actions.

The second category comprises actions normally requiring the preparation of an Environmental Assessment (EA). An EA must be prepared when the environmental consequences of a particular action are unclear and need to be further defined. Preparation of an EA leads to one of two results. If the EA reveals that the proposed action may have a significant impact on the quality of the human environment, preparation of an Environmental Impact Statement (EIS) (discussed below) is required. On the other hand, if the EA reveals that the proposed action will have no significant impact on the quality of the human environment, a finding of no significant impact (FONSI) is required.

The Commission believes the Chairman's authority, under sections 2711 and 2712 of the IGRA, to approve management contracts and modifications to management contracts may trigger the NEPA process and require the preparation of an EA when such contracts contain provisions for the development and construction of gaming operations or parts thereof. Section 518.10 proposes to require the preparation of an EA in such cases. Section 518.10 also provides general procedures for the preparation of all EAs.

The third category consists of actions normally requiring the preparation of an EIS. An EIS is necessary when a proposed action may have a significant impact on the quality of the human environment. An EIS is a detailed written statement containing a full discussion of all significant environmental impacts of and alternatives to a proposed action. An EIS is necessary when, as a result of an EA, there is a finding that a proposed action will have a significant impact on the quality of the human environment. Section 518.11 contains provisions regarding the content of EISs.

Under NEPA and the CEQ's regulations, federal agencies are required to take full responsibility for the accuracy, scope, and content of environmental documents. Federal agencies may, however, permit a party other than the agency to prepare EAs. When an agency allows a third party to prepare an EA the agency is required to evaluate and verify the information contained in the EA, and is responsible for the accuracy, scope, and content of the document. Federal agencies may also hire third party contractors to prepare EISs if the contractor is selected by the agency and has signed a disclosure statement denying any financial or other interest, in the outcome of the proposed federal action. Section 518.12 implements these provisions.

Regulatory Matters

Executive Order 12291 and the Regulatory Flexibility Act

The Commission has determined that this document is not a major rule under Executive Order 12291. The proposed rule will not have any significant effects on the economy or result in major increases in costs or prices for consumers, individual industries, federal, state, or local governments, agencies or geographical regions. The proposed rule will not have any adverse effects on competition, employment, investment, productivity, innovation, or the export/import market.

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, the Commission has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities. Because this proposed rule is procedural in nature, it will not impose substantive requirements that could be deemed impacts within the scope of the IGRA.

Paperwork Reduction Act

The information collection requirements contained in this proposed rule have been submitted to the Office of Management and Budget (OMB) 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 OMB.

National Environmental Policy Act

The Commission has determined that this proposed rulemaking does not constitute a major federal action significantly affecting the quality of the human environment and that no detailed statement is required pursuant to the National Environmental Policy Act of 1969.

Executive Order 12778

The Chairman of the NIGC has certified to OMB that this proposed rule meets the applicable standards provided in sections 2(a) and 2(b)(2) of Executive Order 12778, "Civil Justice Reform," 56 *FR* 55195, October 25, 1991.

Dated: March 23, 1993.

Anthony J. Hope,

Chairman, National Indian Gaming Commission.

List of Subjects in 25 CFR Part 518

Environmental impact statements, reporting and recordkeeping requirements.

For the reasons set forth in the preamble, chapter III of title 25 of the code of Federal Regulations is proposed to be amended by adding part 518 to subchapter A.

PART 518—NATIONAL ENVIRONMENTAL POLICY ACT PROCEDURES

518.1 Purpose and scope.
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Authority: 25 U.S.C. 2701 *et seq.*; 42 U.S.C. 4321 *et seq.*

§ 518.1 Purpose and scope.

This part contains the regulations of the National Indian Gaming Commission (NIGC, or the Commission) implementing the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*). NEPA established a national policy for the protection, enhancement, and restoration of the human environment. The Council on Environmental Quality (CEQ), established pursuant to NEPA, promulgated implementing regulations at 40 CFR parts 1501 through 1508. NEPA and the CEQ's regulations require all Federal agencies to develop procedures that give appropriate consideration to the environmental consequences of proposed federal agency actions that will affect the quality of the human environment. This part supplements the NEPA regulations promulgated by the CEQ.

§ 518.2 Definitions under this part.

As used in this part, the following terms have the specified meanings:

(a) *Categorical exclusion* means a category of actions which do not individually or cumulatively have a significant effect on the human

environment and which have been found to have no such effect and for which neither an environmental assessment nor an environmental impact statement is required.

(b) *Cooperating agency* means any Federal agency other than a lead agency which has jurisdiction, by law or special expertise, with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment. A State or local agency of similar qualifications or, when the effects are on a reservation, an Indian tribe, may by agreement with the lead agency become a cooperating agency.

(c) *Cumulative impact* is the impact on the environment which results from the incremental impact of an action when added to other past, present, and reasonably foreseeable future actions regardless or what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

(d) *Effects* include:

(1) Direct effects, which are caused by the action and occur at the same time and place.

(2) Indirect effects, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.

(3) "Effects" and "impacts" as used in this part are synonymous. Effects includes ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health effects, whether direct, indirect, or cumulative. Effects may also include those resulting from actions which may have both beneficial and detrimental effects, even if on balance the Commission believes that the effect will be beneficial.

(e) *Environmental assessment means:*

(1) A concise public document for which the Commission is responsible that serves to:

(i) Briefly provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact.

(ii) Aid in compliance with NEPA when no environmental impact statement is necessary.

(iii) Facilitate preparation of an environmental impact statement when one is necessary.

(2) An environmental assessment shall include brief discussions of the need for the proposal, of alternatives as required by section 102(2)(E) of NEPA, of the environmental impacts of the proposed action and alternatives, and a listing of agencies and persons consulted.

(f) *Environmental document* includes the documents contained in paragraphs (e), (g), (h), and (m) of this section.

(g) *Environmental impact statement* means a detailed written statement as required by section 102(2)(C) of NEPA.

(h) *Finding of no significant impact* means a document prepared by the Commission, when the Commission is acting as a lead agency, briefly presenting the reasons why an action, other than a categorical exclusion, will not have a significant effect on the human environment and for which an environmental impact statement therefore will not be prepared. It shall include an environmental assessment or a summary of an environmental assessment and shall note any other environmental documents related to it. If the assessment is included, the finding need not repeat any of the discussion in the assessment but may incorporate the assessment.

(i) *Human environment* shall be interpreted comprehensively to include the natural and physical environment and the relationship of people with that environment. This means that economic or social effects are not intended by themselves to require preparation of an environmental impact statement. When an environmental impact statement is prepared and economic, social, natural, or physical environmental effects are interrelated, then the environmental impact statement will discuss all of these effects on the human environment.

(j) *Lead agency* means the agency or agencies preparing or having taken primary responsibility for preparing an environmental impact statement.

(k) *Mitigation* includes:

(1) Avoiding an impact altogether by not taking a certain action or parts of an action.

(2) Minimizing impacts by limiting the degree or magnitude of an action and its implementation.

(3) Rectifying an impact by repairing, rehabilitating, or restoring the affected environment.

(4) Reducing or eliminating an impact over time by preservation and maintenance operations during the life of the action.

(5) Compensating for an impact by replacing or providing substitute resources or environments.

(l) *NEPA process* means all measures necessary for compliance with the requirements of NEPA.

(m) *Notice of intent* means a notice that an environmental impact statement will be prepared and considered. The notice shall briefly:

(1) Describe the proposed action and possible alternatives.

(2) Describe the proposed scoping process including whether, when, and where any scoping meeting will be held.

(3) State the name and address of the NEPA Officer.

(n) *Scope* consists of the range of actions, alternatives, and impacts to be considered in an environmental impact statement. The scope of an individual statement may depend on its relationships to other statements. To determine the scope of environmental impact statements, agencies shall consider 3 types of actions, 3 types of alternatives, and 3 types of impacts. They include:

(1) *Action.* (i) Connected actions, which means that they are closely related and therefore should be discussed in the same impact statement. Actions are connected if they:

(A) Automatically trigger other actions which may require environmental impact statements.

(B) Cannot or will not proceed unless other actions are taken previously or simultaneously.

(C) Are interdependent parts of a larger action and depend on the larger action for their justification.

(ii) Cumulative actions, which when viewed with other proposed actions have cumulatively significant impacts and should therefore, be discussed in the same impact statement.

(iii) Similar actions, which when viewed with other reasonably foreseeable or proposed agency actions have similarities that provide a basis for evaluating their environmental consequences together, such as common timing or geography. An agency may wish to analyze these actions in the same impact statement. It should do so when the best way to assess adequately the combined impacts of similar actions or reasonable alternatives to such actions is to treat them in a single impact statement.

(2) *Alternatives.* (i) No action alternative.

(ii) Other reasonable courses of actions.

(iii) Mitigation measures (not in the proposed action).

(3) *Impacts.* (i) Direct impacts.
(ii) Indirect impacts.
(iii) Cumulative impacts.

(o) *Significantly,* as used in NEPA and this part, requires consideration of both context and intensity:

(1) *Context.* This means that the significance of an action must be analyzed in several contexts such as society as a whole, the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short and long term effects are relevant.

(2) *Intensity.* This refers to the severity or impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:

(i) Impacts that may be both beneficial and adverse. A significant effect may exist even if the Commission believes that on balance the effect will be beneficial.

(ii) The degree to which the proposed action affects public health or safety.

(iii) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

(iv) The degree to which the effects on the quality of the human environment are likely to be highly controversial.

(v) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

(vi) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

(vii) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

(viii) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss of destruction of significant scientific, cultural, or historical resources.

(ix) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973 (16 U.S.C. 1531–1544).

(x) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

(p) *Tiering* refers to the coverage of general matters in broader environmental impact statements with subsequent narrower statements or environmental analyses referencing the general discussions and concentrating solely on the issues specific to the statement subsequently prepared. Tiering is appropriate when the sequence of statements or analyses is:

(1) From a program, plan, or policy environmental impact statement to a program, plan, or policy statement or analyses of lesser scope or to a site-specific statement or analysis.

(2) From an environmental impact statement on a specific action at an early stage to a supplement or a subsequent statement or analysis at a later stage. Tiering in such cases is appropriate when it helps the lead agency to focus on the issues which are ripe for decision and exclude from consideration issues already decided or not yet ripe.

§ 518.3 Responsibilities.

The Chairman shall designate an employee of the Commission to serve as the NEPA Officer. Such person shall ensure compliance with NEPA and related laws, regulations, policies, and programs.

§ 518.4 Policy.

(a) It is the policy of the Commission to comply with all provisions of NEPA and related laws and regulations.

(b) To the fullest extent possible, the Commission shall utilize a systematic, interdisciplinary approach to insure the integrated use of the natural and social sciences and the environmental design arts in planning and decision-making that may have an impact on the human environment.

(c) The Commission shall prepare environmental documents in a clear and concise manner, addressing the pertinent environmental issues. If environmental documents are prepared by someone other than the Commission, the Commission shall take responsibility for the scope and contents of the documents pursuant to § 518.12. To facilitate the process, the Commission shall, when appropriate:

(1) Substitute or combine environmental documents with other available reports to reduce duplication and paperwork;

(2) Use tiering, defined under the CEQ's regulations as the coverage of general matters in environmental documents with narrower statements or analyses, incorporating the general discussions and focusing on the issues at hand (40 CFR 1508.28); and

(3) Incorporate other environmental documents to reduce the bulk of paperwork.

(d) The Commission shall identify environmental effects and values in adequate detail so they can be compared to other economic and technical analyses. Environmental documents and appropriate analyses shall be circulated and reviewed at the same time as other planning documents related to an agency action.

(e) The Commission shall study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources.

(f) The Commission shall provide for cases where actions are planned by private applicants or other non-federal entities before Federal involvement so that:

(1) Policies or designated staff are available to advise potential applicants of studies or other information foreseeably required for later federal action; and

(2) Appropriate State and local agencies, and Indian tribes, are involved early in the process when their involvement is reasonably foreseeable.

(g) The Commission shall plan for the cost of analyses and preparation of environmental documents during the budgetary process relating to the program or project.

(h) After prior consultation with the CEQ, the Commission may deviate from its normal NEPA procedures in emergency situations. Such arrangements shall be limited to actions necessary to control the immediate impacts of an emergency situation.

§ 518.5 Public involvement.

(a) *Generally.* The Commission shall make diligent efforts to involve the public in preparing NEPA documents by providing public notice of NEPA-related hearings, public meetings, and the availability of environmental documents.

(b) *Environmental documents.* Environmental documents and other documents related to the NEPA process shall be available to the public for review at the NIGC, 1850 M Street, NW., suite 250, Washington, DC 20036, or upon request. Documents shall be made

available to the public without charge, except that for voluminous documents, the Commission may charge the requester for the cost of duplication.

(c) *Hearings and public meetings.* The Commission shall hold or sponsor public hearings or meetings in accordance with NEPA and the CEQ's regulations when there is substantial environmental controversy concerning a proposed action, substantial interest in holding a hearing, or when another agency with jurisdiction over the proposed action requests a hearing or public meeting. Requests by another agency must include a statement of reasons why a hearing on a proposed action will be helpful. If a draft EIS will be considered at a hearing or public meeting, the draft EIS shall be made available to the public at least 15 days in advance of the hearing. If the purpose of the hearing or public meeting is to develop information for a draft EIS, no such document need be made available.

(d) *Notice.* Notice of public hearings or meetings shall be provided according to the following requirements:

(1) The Commission shall mail notice of hearings and public meetings to those who have requested it regarding a particular proposed action;

(2) In the case of an action with effects of national concern, the Commission shall publish notice of hearings and public meetings in the Federal Register and shall mail notice to all national organizations expected to be interested in the matter; and

(3) In the case of an action of local concern, the Commission shall provide notice individually to those persons or entities expected to be interested, or by publication in local newspapers or newsletters that may be expected to reach the interested persons, announcements made through local media, or posting of notice on and off the site in the area where the action is to occur.

§ 518.6 Adoption of previously drafted environmental documents prepared by other Federal agencies.

When the Commission determines that preparation of environmental documents is necessary, the Commission may adopt previously drafted EAs or EISs, or portions thereof, prepared by another Federal agency for use in a current EA or EIS, provided that the original document meets the standards for an adequate EA or EIS under these regulations. If the actions covered in the original document and the proposed action are substantially the same, the Commission need not recirculate the adopted Federal document, except as a final EA or EIS If the Commission acts as a cooperating agency pursuant to § 518.7, it may adopt, without recirculating, the EA or EIS of a lead agency if, after an independent review of the document, the Commission concludes that its comments and suggestions have been satisfied. When the Commission adopts an EA or EIS which is not final, or when the proposed action being assessed is referred to the CEQ because of interagency disagreement, or the statement's adequacy is the subject of a judicial action which is not final, the Commission shall specify this information in the current EA or EIS.

§ 518.7 Lead and cooperating agencies.

The Commission shall cooperate with other Federal and state agencies, Indian tribes, individuals, or entities to ensure that NEPA considerations are addressed early in the planning process. When a proposed action of the Commission triggers the NEPA process, the Commission shall consult with other agencies to determine the extent of Federal involvement in various aspects of the proposed action. If several agencies will be involved due to various Federal actions, the Commission shall comply with the requirements in the CEQ's regulations (40 CFR 1501.5 and 1501.6) for determining the scope of its involvement either as a lead or cooperating agency.

§ 518.8 Types of actions.

The following are the categories of proposed actions associated with the Commission's programs and activities:

(a) *Categorical exclusions.* Actions which normally do not individually or cumulatively have a significant effect on the quality of the human environment and which therefore do not require the preparation of an Environmental assessment (EA) or an Environmental impact statement (EIS).

(b) *Actions normally requiring the preparation of an EA.* Actions that do not meet the criteria under paragraph (a) of this section, and whose effects are not defined well enough to permit an early determination that an EIS is required. The purpose of an EA is to allow the Commission to determine whether a proposed action will have a significant effect on the environment, resulting in the need for preparation of either a finding of no significant impact (FONSI) or an EIS.

(c) *Actions requiring the preparation of an EIS.* Actions that normally have a significant effect on the quality of the human environment and that normally require the preparation of an EIS.

§ 518.9 Categorical exclusions.

(a) *Categorical exclusions.* The following are actions of the Commission that meet the criteria for categorical exclusions and normally do not require the preparation of an EA or an EIS:

(1) Routine administrative activities such as personnel activities, internal organizational changes, budget matters, inventories, collection of data and information necessary to carry out the Commission's duties, educational and informational programs and activities, establishing a schedule of fees, and collecting such fees from the operators of each class II gaming activity regulated by the Commission, pursuant to 25 U.S.C. 2717;

(2) Monitoring class II gaming conducted on Indian lands, including the inspection of books, records, and the premises where class II gaming is conducted as provided under 25 U.S.C. 2706(b);

(3) Conducting or causing to be conducted background investigations of persons or entities with a financial interest in, or having management responsibility for, management contracts for class II gaming operations under 25 U.S.C. 2706(b)(3);

(4) Issuing certificates of self-regulation to Indian tribes pursuant to 25 U.S.C. 2710(c);

(5) The Chairman's approval of class II and class III tribal gaming ordinances, resolutions, and of modifications to such ordinances and resolutions under 25 U.S.C. 2710(b), 2710(d), and 2712(b);

(6) The Chairman's approval of management contracts and of modifications to management contracts under 25 U.S.C. 2711(b) and 2712(c), except that when the management contract or modification provides for the development or construction of a gaming operation, or parts thereof, § 518.10 shall apply.

(b) *Exceptions to categorical exclusions.* If there are extraordinary circumstances which require the Commission to conduct appropriate studies to determine if the categorical exclusion classification is proper for a particular action, the Commission shall conduct or cause to be conducted such studies, including, if necessary, the preparation of an EA concerning the action. Such extraordinary circumstances include:

(1) Actions that may have significant adverse effects on public health or safety;

(2) Actions that may have highly controversial environmental effects;

(3) Actions that may have highly uncertain environmental effects or involve unique or unknown environmental risks;

(4) Actions, related to other actions, that individually have insignificant environmental effects but that cumulatively may have significant environmental effects; and

(5) Actions that may establish a precedent for future actions or that represent a decision in principle about a future consideration with significant environmental effects.

§ 518.10 Environmental assessments.

(a) *Actions requiring the preparation of an EA.* If the proposed action is not categorically excluded and preparation of an EA will assist in determining the environmental impacts of a proposed action, the Commission shall be responsible for the preparation of an EA in accordance with § 158.12. The Chairman's approval or modification of management contracts that provide for the development and construction of gaming facilities, or parts thereof, normally will require the preparation of an EA.

(b) *Form and content.* An EA may be prepared in any format, provided that it is prepared in a clear and concise manner and contains all of the information necessary to determine whether a proposed action may have a significant impact on the human environment. The Commission shall involve environmental agencies, applicants, and the public to the extent practicable in preparing EAs in accordance with § 518.5. An EA shall include:

(1) A brief discussion of the need for the proposed action;

(2) Alternatives to the proposed action;

(3) Adverse and beneficial environmental impacts of the proposed action; and

(4) A list of agencies and persons consulted in the preparation of the EA.

(c) *Written decisions.* Based on the information contained in an EA, the Commission shall determine whether to prepare a FONSI or, whether there is need for the preparation of an EIS. If the Commission determines that preparation of a FONSI is appropriate, the Commission shall prepare a written decision in combination with the EA.

(d) *Time limits.* If, based on the information contained in an EA, the Commission determines that a proposed action will have no significant impact on the quality of the human environment, it shall prepare a FONSI. The Commission shall make the FONSI available to the affected public in accordance with § 518.5. Under certain circumstances, the Commission shall make a FONSI available for public review for 30 days before the Commission makes a final determination and before any action may begin. A FONSI shall be made available for public review prior to a final determination when:

(1) The proposed action is closely similar to one which normally requires the preparation of an EIS; or

(2) The nature of the proposed action is one without precedent.

§ 518.11 Environmental impact statements.

(a) *Actions requiring the preparation of an EIS.* The Commission shall be responsible for the preparation of an EIS in accordance with § 518.12(c), when it is determined that the approval or modification of a management contract containing provisions for development and construction of gaming facilities will have a significant impact on the quality of the human environment. In preparing an EIS, the Commission shall comply with all provisions of the CEQ's regulations as set forth in 40 CFR parts 1502 through 1508.

(b) *Implementing the EIS.* The decision concerning a proposed action for which an EIS has been prepared shall be documented in a Record of Decision (ROD). The Commission, when acting as lead agency or in cooperation with other agencies, shall monitor activities subsequent to the issuance of an ROD to ensure that its provisions are carried out. The Commission shall also implement any mitigation activities identified in the ROD. When acting as the lead agency in an action, the Commission shall:

(1) Include appropriate mitigation requirements in the ROD;

(2) Upon request, inform other agencies involved in the NEPA process of the progress of mitigation efforts; and

(3) Upon request, make available to the public the results of relevant monitoring.

§ 518.12 Preparation of environmental assessments and environmental impact statements.

(a) *Information.* The Commission may require the applicant(s) seeking approval of a management contract or modification to submit environmental information for use in the preparation of environmental documents. The Commission shall evaluate the information submitted and shall take responsibility for its accuracy.

(b) *Environmental assessments.* If the Commission, acting as a lead or cooperating agency, permits another party, such as the applicant(s) of a management contract or a third party contractor, to prepare an EA, the Commission shall independently evaluate the information submitted and shall verify and be responsible for the accuracy, scope, and content of the EA.

(c) *Environmental impact statements.* The Commission, when acting as a lead or cooperating agency, shall prepare or aid in the preparation of an EIS. When acting as a lead agency, the Commission may hire a third party, selected by the Commission, to prepare an EIS. When the Commission chooses to hire a third party contractor, the Commission shall prepare a disclosure statement to be executed by the contractor specifying that the contractor has no financial or other interest in the outcome of the action. Also, when the Commission hires a third party contractor, the Commission shall furnish guidance on the proposed action and shall participate in the preparation of the EIS. The Commission shall also independently evaluate the information submitted and shall verify and be responsible for the accuracy, scope, and content of the EIS.

[FR Doc. 93-7064 Filed 4-8-93; 8:45 am]
BILLING CODE 7565-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD13-93-02]

Drawbridge Operation Regulations; Youngs Bay and Lewis and Clark River, OR

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: At the request of the Oregon Department of Transportation, the Coast Guard proposes a change to the regulations governing the New Youngs Bay Bridge across Youngs Bay, mile 0.7, the Old Youngs Bay Bridge across Youngs Bay, mile 2.4, and the Lewis and Clark River Bridge across the Lewis and Clark River, mile 1.0, at Astoria, Oregon. This change would require that four hours advance notice be given for opening any of the three drawspans from 9 p.m. to 5 a.m. This proposal is being made because in a period of 30 months, only 19 openings were made for the passage of vessels during the cited hours. This action would relieve the owner of the bridges from having a person constantly available at the bridges. This change should still provide for the reasonable needs of navigation.

DATES: Comments should be received on or before May 24, 1993

ADDRESSES: Comments should be mailed to Commander (oan), Thirteenth Coast Guard District, 915 Second Avenue, Seattle, Washington 98174–1067. The comments and any other materials referenced in this notice will be available for inspection and photocopying at 915 Second Avenue, room 3410. Normal office hours are between 7:45 a.m. and 4:15 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: John E. Mikesell, Chief, Plans & Programs Section, Aids to Navigation and Waterways Management Branch. Telephone: (206) 553–5864.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify the bridge, and give reasons for concurrence with, or any recommended changes in, the proposal. Persons desiring acknowledgement that their comments have been received should enclose a stamped, self-addressed post-card or envelope.

The Commander, Thirteenth Coast Guard District, will evaluate all communications received and determine a final course of action on this proposal. The proposed regulations may be changed in light of comments received.

Drafting Information

The drafters of this notice are Austin Pratt, project officer, and Lieutenant Laticia J. Argenti, project attorney.

Discussion of the Proposed Rule

The Oregon State Department of Transportation has asked the Coast Guard to approve a change to the operating regulations which would require a longer advance notice at night for opening the drawbridges in the Youngs Bay area. A four-hour notice would be required between 9 p.m. and 5 a.m. The existing regulations for all three bridges require a half hour notice for openings at any time. Only the Lewis and Clark River Bridge has a tender present 24 hours a day. This operator also responds to the calls for opening the Old and the New Youngs Bay Bridges. The proposed change alters only the length of notice between the hours of 9 p.m. and 5 a.m., thereby relieving the owner of having an operator present during the hours when requests for opening are seldom made. The Oregon Department of Transportation has maintained records that show a significant and consistent decline in the number of openings at all three bridges. This decline is especially pronounced during the night hours which are encompassed by the proposed rule. The operator for the Youngs Bay area bridges is posted at the Lewis and Clark River Bridge because this drawspan is opened for the passage of vessels more often than the other two. If this change of regulations is approved, the bridge owner will establish an answering service at a phone number dedicated to the operation of these drawspans between 9 p.m. and 5 a.m.

Regulatory Evaluation

This proposed rule is considered to be not major under Executive Order 12291 and non-significant under the Department of Transportation regulatory policies and procedures (44 FR 113044, February 26, 1979). The economic impact has been determined to be so minimal that a full regulatory evaluation is unnecessary. This conclusion is based on the fact that these regulations are not expected to have any substantial effect on commercial navigation or any businesses that depend on waterborne transportation for successful operations.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) the U.S. Coast Guard must consider whether rules will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under Section 3 of the Small Business Act (15 U.S.C. 632). Because this proposed rulemaking imposes no new requirements on small businesses and will result in partial relief from a regulatory burden on the owner or operator of this bridge, the Coast Guard does not expect this proposed regulation change to have significant economic impact on a substantial number of small entities.

Federalism

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

Environment

This proposed rulemaking has been thoroughly reviewed and determined by the Coast Guard to be categorically excluded from further environmental documentation under the authority of 40 Code of Federal Regulations § 1507.3 and in accordance with paragraph 2.B.2.g.(5) of the NEPA Implementing Procedures Commandant Instruction M16475.1B. A Categorical Exclusion Determination statement has been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Part 117

Bridges.

In consideration of the foregoing, the Coast Guard proposes to amend part 117 of title 33, Code of Federal Regulations to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g).

2. Section 117.899 is revised to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.899 Youngs Bay and Lewis and Clark River.

(a) The draw of the US101 (New Youngs Bay) highway bridge, mile 0.7, across Youngs Bay at Smith Point, shall open on signal for the passage of vessels if at least one half hour's notice is given to the drawtender at the Lewis and Clark River Bridge by marine radio, telephone, or other suitable means from 5:00 a.m. to 9:00 p.m. At all other times four hour's notice by telephone is required. The opening signal is two prolonged blasts followed by one short blast.

(b) The draw of the Oregon State (Old Youngs Bay) highway bridge, mile 2.4, across Youngs Bay at the foot of Fifth Street, shall open on signal for the passage of vessels if at least one half hour's notice is given to the drawtender at the Lewis and Clark River Bridge by marine radio, telephone, or other suitable means from 5 a.m. to 9 p.m. At all other times four hour's notice by telephone is required. The opening signal is two prolonged blasts followed by one short blast.

(c) The draw of the Oregon State highway bridge, mile 1.0, across the Lewis and Clark River, shall open on signal for the passage of vessels if at least one half hour's notice is given by marine radio, telephone, or other suitable means from 5 a.m. to 9 p.m. At all other times four hour's notice by telephone is required. The opening

signal is one prolonged blast followed by four short blasts.

J.E. Vorbach,

Rear Admiral, U.S. Coast Guard, Commander, 13th Coast Guard District.

[FR Doc. 93-8272 Filed 4-8-93; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF JUSTICE

Justice Management Division

41 CFR Part 128-1

Seismic Safety Program

AGENCY: Department of Justice, Justice Management Division.

ACTION: Proposed rule.

SUMMARY: The Department of Justice (DOJ or Department) proposes to issue rules that will bring the Department into compliance with the provisions of Executive Order (E.O.) 12699, "Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction," which implements the building safety provisions of the Earthquake Hazards Reduction Act of 1977, as amended. The Executive Order requires each affected Federal agency to develop and implement its own mission-appropriate and cost-effective regulations governing seismic safety for new buildings that the agency constructs or leases, and for buildings constructed with assistance from the agency, or constructed under regulations provided by the agency. The Order and this rule have as their purposes, the reduction of risks to the lives of building occupants and others who would be affected by the failure of Federal buildings in an earthquake, the improvement of the capabilities of essential buildings to function during or after an earthquake, and the reduction of earthquake losses of public buildings and investments.

DATES: Written comments must be received by DOJ, or carry a postmark or equivalent, by May 10, 1993.

ADDRESSES: Comments should be sent to Benjamin F. Burrell, Director, Facilities and Administrative Services Staff, United States Department of Justice, MCPH Suite 700, Washington, DC 20530. Commenters are requested to provide an original and two copies of their comments.

FOR FURTHER INFORMATION CONTACT: William Kopitz, Deputy Assistant Director, Construction Management Services, United States Department of Justice, MCPH Suite 700, Washington, DC 20530. Telephone: 202-633-2874.

SUPPLEMENTARY INFORMATION: To coordinate earthquake research and to improve earthquake preparedness, Congress enacted the Earthquake Hazards Reduction Act of 1977 (Act)(Pub. L. 95-124, 42 U.S.C. 7701 *et seq.*) as amended (Pub. L. 101-614), which directed the establishment and maintenance of an effective earthquake hazard reduction program. In the Act, actions to improve the safety of building structures focused on the development of design and construction methods to make both new and existing structures earthquake resistant, and the development and promotion of model building codes. The Act applied to both the private and public sectors.

Federal agencies joined forces via the Interagency Committee on Seismic Safety in Construction (ICSSC) to develop earthquake hazards reduction measures for the large number of Federal buildings: the Federal government owns or leases more than 400,000 buildings. For more than 10 years, the ICSSC has been developing seismic design guidelines for new and existing Federal buildings and facilities. In 1987, the ICSSC published "Seismic Design Guidelines for Federal Buildings" (ICSSC RP-1) which were intended primarily for new buildings. In March 1989, it issued "Guidelines for Identification and Mitigation of Seismically Hazardous Existing Federal Buildings" (ICSSC RP-3).

On January 5, 1990, President Bush signed Executive Order 12699, Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction, which requires all Federal agencies to ensure that any new building which is Federally owned, leased, assisted or regulated is designed and constructed in accordance with appropriate seismic design and construction standards. Appropriate and cost-effective seismic design and construction standards and practices were identified by the ICSSC, pursuant to the authority granted to the ICSSC in the Executive Order. Specifically, the ICSSC found that several model building codes provide the levels of seismic safety required by the Executive Order.

This proposed rule implements Executive Order 12699 in the Department of Justice by creating a seismic safety program that applies to buildings designed and constructed under the responsibility of the Department.

Executive Order 12291

This proposed rule conforms with Executive Order 12291, which, in pertinent part, requires the preparation of a Regulatory Impact Analysis for "major" rules. The Department of Justice finds that this rule is not "major" within the meaning of that term in Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required.

Executive Order 12372

This proposed rule is excluded from the scope of Executive Order 12372, Intergovernmental Consultation, which may require consultation with State and local officials.

Executive Order 12612

The Department analyzed this proposed rule in accordance with the principles and criteria contained in Executive Order 12612, Federalism Considerations in Policy Formulation and Implementation, and determined that this proposed rule has minimal federalism implications, if any at all. Therefore, preparation of a Federalism Assessment is not warranted.

Executive Order 12778

The Department reviewed the proposed rule pursuant to Executive Order 12778, Civil Justice Reform. This rule will not: (1) Preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule; (2) have any retroactive effect; and (3) require administrative proceedings before parties may file suit challenging the provisions of this rule.

Collection of Information and Recordkeeping Requirements

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

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) the Department must consider whether this proposed rule will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under Section 3 of the Small Business Act (15 U.S.C. 632). Because the Department expects that this rule will have no impact on small business, the Department certifies, under 5 U.S.C. 605(b) that this proposed rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 41 CFR Part 128–1

Acquisition of real property, Seismic Safety, Seized personal property, Utilization, donation, or disposal of abandoned and forfeited personal property.

PART 128—[AMENDED]

For the reasons set out in the preamble, the Department of Justice proposes to amend 41 CFR part 128–1 by establishing a new subpart 128–1.8 as follows:

Subpart 128–1.8—Seismic Safety Program

Sec.
128–1.800 Scope.
128–1.8001 Background.
128–1.8002 Definitions of terms.
128–1.8003 Objective.
128–1.8004 Seismic Safety Coordinators.
128–1.8005 Seismic safety standards.
128–1.8006 Seismic safety program requirements.
128–1.8007 Reporting.
128–1.8008 Exemptions.
128–1.8009 Review of seismic safety program.
128–1.8010 Judicial review.

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

Subpart 128–1.8—Seismic Safety Program

§ 128–1.8000 Scope.

This subpart establishes a Seismic Safety Program for the Department of Justice and sets forth the policies and procedures for obtaining compliance with Executive Order 12699 (Executive Order), "Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction."

§ 128–1.8001 Background.

The Earthquake Hazards Reduction Act of 1977 (Act), 42 U.S.C. 7701, *et seq.*, as amended, directs the Federal government to establish and maintain an effective earthquake hazards reduction program to reduce the risks to life and property from future earthquakes. Executive Order 12699 implements certain provisions of the Act by requiring Federal agencies responsible for the design and construction of new buildings to develop and implement a seismic safety program. The regulations in this subpart implement the Executive Order, and apply to buildings designed and constructed under the responsibility of the Department of Justice. These regulations do not apply to buildings used by the Department and obtained, through purchase or lease, by the General Services Administration or other Federal agencies.

§ 128–1.8002 Definitions of terms.

(a) *Construction documents*—Detailed plans and specifications for the construction of a building.

(b) *Building*—Any structure, fully or partially enclosed, used or intended for sheltering persons or property.

(c) *New building*—A building, or an addition to an existing building, or which development of construction documents was initiated after January 5, 1990.

(d) *Leased building*—A new building constructed expressly for lease by the Department of Justice, and for which the Department contracted with the lessor or owner to develop construction documents to meet the specifications of the Department.

(e) *Purchased building*—A new building constructed expressly for purchase by the Department, and for which the Department contracted with the owner/developer to develop construction documents meeting the specifications of the Department.

(f) *Assisted or regulated building*—A new building designed and constructed with funding assistance from the Department through Federal grants or loans, or guarantees of financing, through loan or mortgage insurance programs.

(g) *Covered building*—a new building owned, leased, purchased, or assisted or regulated by the Department of Justice.

§ 128–1.8003 Objective.

The Department shall comply with Executive Order 12699 for the purpose of reducing the risks to lives of occupants of new buildings owned by the Department, leased for Department uses, or purchased and constructed with assistance from the Department, and to other persons who would be affected by the failure of such buildings in earthquakes; improving the capability of essential new Department buildings to function during or after an earthquake; and protecting public investments in all covered buildings; all in a cost-effective manner.

§ 128–1.8004 Seismic Safety Coordinators.

(a) The Justice Management Division shall designate an individual with technical training, engineering experience and a seismic background as the Department of Justice Seismic Safety Coordinator who shall provide overall guidance for the implementation of the Seismic Safety Program for the Department. The Department Seismic Safety Coordinator shall, at a minimum:

(1) Monitor the execution and results of the efforts of the Department to upgrade the seismic safety of the Department's new construction activities;

(2) Implement seismic safety program changes, as required;

(3) Act as a point of contact for the Department in maintaining necessary records, and consolidate data pertaining to the seismic safety activities in the Department;

(4) Monitor and record the cost, construction and other consequences attributable to compliance with the Executive Order;

(5) Notify each Component Seismic Coordinator about what information he must maintain under the Seismic Safety Program and what reports he must prepare;

(6) Prepare and forward for submission all reports, as required by law and regulation;

(7) Manage the Seismic Safety Program for all components of the Department, with the exception of the components listed in paragraph (b) of this section.

(b) The Component Head for the Bureau of Prisons, the Drug Enforcement Administration, the Federal Bureau of Investigation, the Immigration and Naturalization Service, and the United States Marshals Service, shall designate a Component Seismic Safety Coordinator for his/her respective component. Each of these Component Seismic Safety Coordinators shall manage and implement the seismic safety policies and activities within the component. the Component Seismic Safety Coordinators shall, at a minimum:

(1) Provide guidance to component employees who undertake building activity;

(2) Maintain and provide data about the Seismic Safety Program, as requested by the Department Seismic Safety Coordinator;

(3) Monitor and record the cost, construction and other consequences attributable to compliance with the Executive Order; and

(4) Submit an annual Seismic Safety Program status report as directed by the Department Seismic Safety Coordinator.

§ 128–1.8005 Seismic safety standards.

(a) To meet the building and construction requirements of this subpart, the Department, except as noted, adopts as its seismic safety standards the seismic safety levels set forth in the model building codes that the Interagency Committee on Seismic Safety in Construction (ICSSC) recognizes and recommends as appropriate for implementing the Executive Order. The ICSSC, as of [the

effective date of the final rule], recognizes and recommends:

(1) The 1991 International Conference of Building Officials (ICBO) Uniform Building Code (UBC);

(2) The 1992 Supplement to the Building Officials and Code Administrators International (BOCA) National Building Code (NBC); and

(3) The 1992 Amendments to the Southern Building Code Congress (SBCC) Standard Building Code (SBC).

(b) The seismic design and construction of a covered building shall conform to the model code applicable in the locality having jurisdiction over the building, unless:

(1) The building code for the locality provides a higher level of seismic safety than provided by the appropriate model code, in which case the local code shall be utilized as the standard; or

(2) The locality does not have seismic safety building requirements, in which case the ICSSC model building code appropriate for that geographic area shall be utilized as the standard.

§ 128–1.8006 Seismic Safety Program Requirements.

The Department Seismic Safety Coordinator and each Component Seismic Safety Coordinator shall ensure that an individual familiar with seismic design provisions of the Seismic Safety Standards (appropriate standards), or a professional, licensed engineer shall conduct the reviews required under this section, as appropriate.

(a) *New building projects*—Construction documents initiated after [THE EFFECTIVE DATE OF THE FINAL RULE], and which apply to new construction projects, shall comply with the appropriate standards and shall be reviewed for compliance. Once the reviewer determines that the documents comply, the reviewer shall affix his/her signature and seal (if a licensed engineer) to the approved documents and provide a statement certifying compliance with the appropriate standards.

(b) *Existing building projects*—For new buildings with construction documents that were initiated prior to [THE EFFECTIVE DATE OF THE FINAL RULE], the documents shall be reviewed to determine whether they comply with the appropriate standards. If the reviewer determines that the documents comply with the standard, the reviewer shall affix his/her signature and seal (if a licensed engineer) to the approved documents and provide a statement certifying compliance with the appropriate standards. If the reviewer determines that seismic deficiencies exist, the appropriate Component Head shall ensure completion of one of the following:

(1) For a new building project for which a contract for construction has not been awarded, the construction documents shall be revised to incorporate the appropriate standards. The revised construction documents shall then be reviewed for compliance. Once the reviewer determines that the documents comply with the standard, the reviewer shall affix his/her signature and seal (if a licensed engineer) to the approved documents and provide a statement certifying compliance with the Department standards.

(2) For a new building under construction, or for which construction has been completed, a corrective action plan shall be devised to bring the building into compliance with the appropriate standards. The plan shall then be reviewed for compliance. Once the reviewer determines that the plan complies with the standard, the reviewer shall affix his/her signature and seal (if a licensed engineer) to the approved documents and provide a statement certifying compliance with the Department standards. The Component Head shall ensure implementation of the approved plan.

(3) For an addition to an existing building, the review shall account for, in addition to the requirements provided in paragraphs (b)(1) or (2) of this section, as appropriate, any effect the addition will have on the seismic resistance of the existing portion of the structure. If the reviewer determines that the addition will decrease the level of seismic resistance of the existing building, the appropriate Component Head shall develop a plan of corrective action to restore the seismic integrity of the existing structure. Once the plan of corrective action has been accomplished, the reviewer shall verify that the current level of seismic resistance of the existing building at least equals the seismic resistance level of the building before the addition.

(c) The Department Seismic Safety Coordinator and each Component Seismic Safety Coordinator shall ensure that statements verifying compliance made under this subpart have been completed and retained by the appropriate contracting officer.

§ 128–1.8007 Reporting.

The Department shall file reports on the execution of the Executive Order as required under the Order, and as required by the Federal Emergency Management Agency.

§ 128–1.8008 Exemptions.

The Executive Order exempts from these regulations only those categories of buildings exempted by the "National Earthquake Hazards Reduction Program Recommended Provisions for the Development of Seismic Regulations for New Buildings." The Department Seismic Safety Coordinator shall maintain the latest version of this document.

§ 128–1.8009 Review of seismic safety program.

The Department shall review and, as necessary, revise the Seismic Safety Program once every three years from [THE EFFECTIVE DATE OF THE FINAL RULE].

§ 128–1.8010 Judicial review.

Nothing in this rule is intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the Department of Justice, its Seismic Safety Coordinators, its officers, or any employee of the Department.

Dated: March 26, 1993.

Stephen R. Colgate,

Assistant Attorney General for Administration.

[FR Doc. 93–8005 Filed 4–8–93; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3400

[WO–650–4120–02]

RIN 1004–AC04

Coal Management—General

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rule; notice of reopening of comment period.

SUMMARY: A proposed rule that would add a section to the regulations on coal management allowing decisions affecting actions in the Federal Coal Management Program to remain in full force and effect during the pendency of an appeal to the Interior Board of Land Appeals (IBLA), unless the appellant shows sufficient justification to the IBLA that a stay is necessary, was published in the **Federal Register** on January 22, 1993 (58 FR 5697), allowing 60 days for public comment. In response to public request, the comment period is being reopened for 30 days.

DATES: Comments should be submitted by May 10, 1993. Comments received or

postmarked after the above date may not be considered in the decisionmaking process on the final rule

ADDRESSES: Comments should be sent to Director (140), Bureau of Land Management, room 5555, Main Interior Building, 1849 C Street, NW., Washington, DC 20240. Comments will be available for public review at the above address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Carole Smith, (202) 653–5182.

Dated: April 1, 1993.

Michael Dombeck,

Acting Assistant Secretary of the Interior.

[FR Doc. 93–8284 Filed 4–8–93; 8:45 am]

BILLING CODE 4310–84–M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

48 CFR Part 9903

Cost Accounting Standards Board; Applicability and Thresholds for Cost Accounting Standards Coverage

AGENCY: Cost Accounting Standards Board, Office of Federal Procurement Policy, OMB.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The Office of Federal Procurement Policy, Cost Accounting Standards Board, is proposing to revise applicability, thresholds and procedures for the application of the Cost Accounting Standards (CAS) to negotiated government contracts. Section 26(g)(1) of the Office of Federal Procurement Policy Act requires that the Board, prior to the promulgation of any new or revised Cost Accounting Standard, publish an NPRM. The Board is taking action on this topic in order to adjust CAS applicability requirements and dollar thresholds to levels reflecting experience with price inflation since the thresholds were last promulgated by the previous Board on September 12, 1977. The Board is also proposing changes to the criteria for determining which Standards apply at different threshold levels and the concept of what constitutes modified coverage, and, the criteria that trigger full CAS coverage.

DATES: Requests for a copy of the Board's NPRM must be in writing and must be received by June 8, 1993. Comments on the proposed rule must be in writing and must be received by June 23, 1993.

Organizations that previously requested a copy of the Board's Advance Notice of Proposed Rulemaking (ANPRM) on this subject are already on the Board's mailing list and will automatically receive a copy of this NPRM.

ADDRESSES: Comments and requests for copies of the Board's NPRM should be addressed to Richard C. Loeb, Executive Secretary, Cost Accounting Standards Board, Office of Federal Procurement Policy, 725 17th Street, NW., room 9001, Washington, DC 20503. Attn: CASB Docket No. 91–04.

FOR FURTHER INFORMATION CONTACT: Richard C. Loeb, Executive Secretary, Cost Accounting Standards Board (telephone: 202–395–3254).

SUPPLEMENTARY INFORMATION:

A. Regulatory Process

The Cost Accounting Standards Board's rules and regulations are codified at 48 CFR chapter 99. Section 26(g)(1) of the Office of Federal Procurement Policy Act, 41 U.S.C. 422(g)(1), requires that the Board, prior to the establishment of any new or revised Cost Accounting Standard, complete a prescribed rulemaking process. This process consists of the following four steps:

1. Consult with interested persons concerning the advantages, disadvantages and improvements anticipated in the pricing and administration of Government contracts as a result of a proposed Standard.
2. Promulgate an Advance Notice of Proposed Rulemaking.
3. Promulgate a Notice of Proposed Rulemaking.
4. Promulgate a Final Rule.

This proposal is step three in the four step process.

B. Background

On September 12, 1977, the previous Cost Accounting Standards Board (CASB) promulgated rules that exempted certain types of government contractors from the full impact of the application of the Cost Accounting Standards (CAS) to all of their otherwise CAS covered contracts and subcontracts. The regulation issued by the old CASB, formerly part 332 of that Board's rules (4 CFR part 332), entitled "Modified Contract Coverage," was designed to partially address the problem of application of CAS to smaller government contractors, as well as the application of CAS to those contractors for whom government business represented only a relatively small share of total sales volume. The impetus for the development of the concept of modified CAS coverage was the concern expressed at the time, that some business firms (principally smaller firms and non-government segments of major contractors) were avoiding bidding on government contracts because of the perceived burdens associated with the administration of CAS requirements. See Preamble A to CAS part 332, 42 FR 45625, Sept. 12, 1977.

The present requirement for modified CAS coverage appearing at 48 CFR 9903.201–2, entitled "Types of CAS coverage" provides:

> (b) *Modified coverage.* (1) Modified coverage requires only that the contractor comply with Standard 9904.401, Consistency in Estimating, Accumulating and Reporting Costs, and Standard 9904.402, Consistency in Allocating Costs Incurred for the Same Purpose. Modified, rather than full, CAS coverage may be applied to a covered contract of less than $10 million awarded to a business unit that received less than $10 million in CAS-covered contracts in the immediately preceding cost accounting period if the sum of such awards was less than 10 percent of the business unit's total sales during that period * * *

Additional provisions of this section as well as section 9903.202 of the Board's rules, entitled "Disclosure requirements," currently provide that certain business units that are subject to modified coverage must still file Disclosure Statements (normally required only for contractors subject to full coverage) if the business unit is a part of a larger company that has other business units that are subject to full CAS coverage. See 48 CFR 9903.202–1.

The regulations providing for modified CAS coverage were originally effective on March 10, 1978. In the intervening 15 years, the dollar threshold for modified CAS coverage has not been adjusted. However, prices as measured by the consumer price index have been adjusted by over 100% during this period. Presumably the issues giving rise to the development of the concept of modified CAS coverage in 1977 have been further highlighted during this time frame. The $10 million threshold, once considered to be the mark at which a contractor had sufficient "covered" contracts to be subject to full CAS coverage, has been eroded by the effects of inflation. This dollar threshold may no longer serve as an appropriate size standard that represents a fair demarcation applicable to CAS covered contractors.

The Board is now proposing what it believes to be appropriate adjustments in the threshold for application of modified CAS coverage to covered contractors. In so doing, the CASB has

been considering two principal issues: (1) The adjustment should properly reflect the effects of inflation, and (2) the adjustment should protect the interests of the Government while lessening the need to impose the full burdens associated with CAS coverage on affected contractors.

C. Summary of Proposed Amendments

The Board's NPRM provides for a full CAS coverage threshold of $25 million (actual inflation experience rounded to the nearest five million dollar increment). This represents an increase of two-and-one-half times the present threshold, and approximates inflation experience as measured by the consumer price index from the last quarter of calendar year 1977 through the last quarter of 1992.

In the Board's judgment, its internal study (which is based upon data available in the Federal Procurement Data System) has indicated that this proposed threshold should provide adequate protection to the Government in the form of cumulative contract dollars remaining subject to full CAS coverage, while significantly reducing the number of contractors that will be required to comply with the full scope of the Standards and the requirement for submission of a Disclosure Statement. The results of the Board's study have also established that the proposed increase in the threshold applicable to modified CAS coverage should result in an approximately 45%–50% decrease in the number of contractors (or contractor business segments) subject to full CAS coverage, while the corresponding reduction in CAS-covered dollars will be only 5%–6% from current levels. These results would appear to indicate that a substantial reduction in the burdens associated with full CAS coverage will be achieved for a significant number of contractors, and contractor segments, with only a relatively small decrease in the cumulative dollar value of contracts that are subject to the full scope of CAS coverage.

The Board, in this proposal, has also determined to increase the dollar threshold associated with the so-called "trigger contract" in order to decrease the burdens associated with the application of full CAS coverage. Pursuant to this proposal, the "trigger contract" will be that contract dollar threshold associated with the initiation of full CAS coverage, for a particular contractor, based on the award of a single negotiated government contract. Under rules previously in effect (see 4 CFR 331.30(b)(7) and 332, also 48 CFR 30.201–1(b)(7) and 30.201–2(b)), the trigger contract threshold was a single negotiated government contract exceeding $500,000. Once awarded a negotiated government contract of at least this dollar magnitude in a single cost accounting period, a government contractor's segment or business unit was subject to some form of CAS coverage (either full or modified) for all subsequently awarded negotiated contracts exceeding $100,000. Public Law 100–679 raised the threshold for individual CAS contract coverage to $500,000 (see CAS recodification, 57 FR 14148, April 17, 1992), which had the effect of eliminating the $500,000 trigger concept. Without an amendment, the minimum individual CAS contract threshold and the initiating CAS "trigger contract" threshold are currently one and the same. Although the Board has provided for the continuation of the "trigger contract" concept in this NPRM, it has limited its application exclusively to full CAS coverage. Therefore, the application of modified CAS coverage to an individual contract or subcontract will be determined without reference to the triggering contract mechanism applicable to full CAS coverage. Public comments are invited concerning this aspect of the Board's proposal.

D. Additional Considerations

In the past several months, certain information has come to the Board's attention, that would seem to indicate a potential need for redefining the concept of modified CAS coverage. Based on this information, the Board is concerned that some government contractors, particularly those who do work for certain civilian procurement agencies, may be including specifically identifiable unallowable costs in indirect cost pools which are reflected in the billings submitted to, and reimbursements received from, Federal Government contracting agencies. Conformance with the requirements of CAS 405 would restrict such a practice. Therefore, the Board is proposing to add CAS 405 to the current modified CAS coverage requirements. In the Board's view, it is fundamental that Government contractors, engaged in cost-based contracting, be able to comply with this basic cost accounting concept in the pricing and administration of contracts of any dollar value. In addition, the Board has determined that the inclusion of CAS 406, "Cost Accounting Period," in the coverage criteria for modified CAS will significantly reduce the opportunity for selection of inconsistent cost accounting periods with respect to the costing and pricing of contracts. The Board believes that the principle enunciated in Standard 406 is so basic as to be a reasonable requirement for all government contracts priced on the basis of cost. The Board also believes that CAS 406 provides a form of protection to contractors in that it prohibits the use of inappropriate and/or inconsistent cost accounting periods in order to minimize indirect contract costs. As was noted in the preamble to the Advance Notice of Proposed Rulemaking on this topic (see 57 FR 47438), the Board has been considering methods by which to achieve a greater degree of balance between those who would urge it to raise and/or tighten certain CAS applicability thresholds, and those who have argued that these same thresholds should not be revised. The Board's consideration of this issue has led to the current proposal that would apply the requirements of at least CAS 401, 402, 405 and 406 to all otherwise non-exempt awards exceeding $500,000. This would constitute the definition of modified CAS coverage.

In addition, the Board proposed in the ANPRM, and has retained in this NPRM the elimination of the alternative "10 percent or more" sales test criterion for the initiation of full CAS coverage. The Board has taken this step in order to clarify and simplify the rules with respect to the initiation of full CAS coverage. The elimination of the percent of sales test precludes the possibility that two contractors with the same amount of covered contracts would be subject to two different levels of coverage.

The approach to the issue of full and modified CAS coverage that is being proposed by the Board seeks to balance cost versus benefits through an adjustment in CAS thresholds that would extend the applicability of a newly proposed definition of modified CAS coverage, while proposing higher cumulative contract dollar value thresholds applicable for so-called full CAS coverage.

Finally, and quite importantly, the Board has determined that the exemption paragraph appearing at § 9904.201–1(b)(15) should be expanded to eliminate the requirement for a separate Cost Accounting Standards Board waiver in circumstances where the relevant procuring agency has determined to waive the requirement for submission of certified cost or pricing data. The Board believes that adequate safeguards exist within the procuring agencies with respect to this issue so as to preclude the need for the approval of individual CAS contract waivers by the Board. The elimination of this requirement should significantly ease

the administrative burdens (for both the Government and contractors/subcontractors) associated with obtaining CAS coverage exemptions in those instances where the agency has already waived the requirements of the Truth in Negotiations Act.

Allan V. Burman,

Administrator for Federal Procurement Policy and Chairman, Cost Accounting Standards Board.

[FR Doc. 93–8298 Filed 4–8–93; 8:45 am]

BILLING CODE 3110–01–M

DEPARTMENT OF COMMERCE

National Oceanic Atmospheric Administration

50 CFR Part 625

Summer Flounder Fishery

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

ACTION: Notice of availability of a fishery management plan amendment and request for comments.

SUMMARY: NMFS issues this notice that the Mid-Atlantic Fishery Management Council (Council) has submitted Amendment 3 to the Fishery Management Plan for the Summer Flounder Fishery (FMP) for Secretarial review and is requesting comments from the public. Copies of the amendment may be obtained from the address below.

DATES: Comments on Amendment 3 must be received on or before June 4, 1993.

ADDRESSES: All comments may be sent to Richard B. Roe, Director, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930–3799. Copies of Amendment 3 and the environmental assessment/regulatory impact review may be obtained from John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, room 2115, Federal Building, 300 S. New Street, Dover, DE 19001–6790.

FOR FURTHER INFORMATION CONTACT: Kathi L. Rodrigues, 508–281–9324.

SUPPLEMENTARY INFORMATION: The Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) (Magnuson Act) requires each regional fishery management council to submit any fishery management plan or plan amendment it prepares to the Secretary of Commerce (Secretary) for review and approval or disapproval. The Magnuson Act also requires the Secretary, upon receiving the plan or amendment, to immediately publish a notice that the plan or amendment is available for public review and comment. The Secretary will consider the public comments in determining whether to approve the plan or amendment.

The proposed amendment would provide that otter trawl vessels having Federal summer flounder permits and operating between November 1 through April 30, must fish with 5.5 inch (14.0 cm) minimum diamond mesh or 6 inch (15.2 cm) minimum square mesh applied throughout the tail bag, in order to possess 200 or more pounds (90.8 or more kg) of summer flounder. Vessels possessing less than 200 pounds (less than 90.8 kg) of summer flounder are exempt from the mesh size requirement during the period November 1 through April 30.

For the remaining months, May 1 through October 31, vessels possessing 100 or more pounds (45.4 or more kg) of summer flounder would be subject to the mesh requirement and those possessing less than 100 pounds (less than 45.4 kg) would be exempt.

The second measure concerns the boundary line of the exemption area where vessels may fish with less than the minimum sized mesh in a limited area during the period November 1 through April 30, provided an exemption permit is on board. The established boundary line for the area would become a straight exemption line at 72°30′ W. longitude. The rule would also provide a framework mechanism to adjust the location of the line, or the length of the exemption season to prevent unnecessary discarding of summer flounder, to the extent possible.

Regulations proposed by the Council to implement this amendment are scheduled to be published within 15 days.

List of Subjects in 50 CFR Part 625

Fisheries, Reporting and recordkeeping requirements.

Dated: April 5, 1993.

David S. Crestin,

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

[FR Doc. 93–8324 Filed 4–6–93; 8:45 am]

BILLING CODE 3510–22–M

Notices

Federal Register
Vol. 58, No. 67
Friday, April 9, 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. 90-108-3]

Medfly Cooperative Eradication Program Draft Environmental Impact Statement

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has prepared a draft environmental impact statement for the Medfly Cooperative Eradication Program. This document analyzes potential environmental effects of a program to eradicate the Mediterranean fruit fly from the U.S. mainland. We are requesting public comments on the draft environmental impact statement.

DATES: Consideration will be given only to comments received on or before May 24, 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 USDA, room 1141, South Building, 14th Street and Independence Avenue, SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are encouraged to call ahead on (202) 690-2817 to facilitate entry into the comment reading room.

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 Lenola 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

The Animal and Plant Health Inspection Service (APHIS), in cooperation with 12 other Federal and State organizations, has prepared a draft environmental impact statement for the Medfly Cooperative Eradication Program. Copies of this document were filed with the U.S. Environmental Protection Agency (EPA) on March 30, 1993, pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(c)), and the EPA Notice of Availability is published in the Notices section of today's **Federal Register**.

We published a notice of intent to prepare an environmental impact statement in the **Federal Register** on June 22, 1990 (55 FR 25681-25682, Docket No. 90-108). This notice requested comments from the public concerning issues that should be addressed in the environmental impact statement. Comments were to be received on or before August 21, 1990. We published a notice of public meetings and extension of the comment period in the **Federal Register** on July 27, 1990 (55 FR 30730-30731, Docket No. 90-137). As a result, formal scoping for the environmental impact statement was held between June 22 and November 9, 1990.

Major Issues

The comments received from the public helped us to determine the principal focus of the draft environmental impact statement. The document analyzes the following broad alternatives: (1) No action; (2) Medfly suppression including the use of chemicals; (3) Medfly suppression without the use of chemicals; (4) Medfly eradication including the use of chemicals; and (5) Medfly eradication without the use of chemicals. The draft environmental impact statement focuses on the potential environmental consequences of chemical controls, especially the use of malathion with protein bait, and their alternatives.

The draft environmental impact statement is now available for review and comment. We are seeking input from members of the public, government agencies, and private industry.

Preparation of the Final Environmental Impact Statement

APHIS will consider all comments received by the close of the comment period in the development of the final environmental impact statement for the Medfly Cooperative Eradication Program. A notice announcing the availability of the final document will be published in a subsequent **Federal Register** notice.

This notice is issued in accordance with: (1) NEPA (42 U.S.C. 4321 *et seq.*), (2) Regulations of the Council on Environmental Quality for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500-1508), (3) USDA Regulations Implementing NEPA (7 CFR part 1b), and (4) APHIS Guidelines Implementing NEPA (44 FR 50381-50384, August 28, 1979, and 44 FR 51272-51274, August 31, 1979).

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

Lonnie J. King,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 93-8379 Filed 4-8-93; 8:45 am]

BILLING CODE 3410-34-P

Packers and Stockyards Administration

Deposting of Stockyards

Notice is hereby given, that the livestock markets named herein, originally posted on the dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), no longer come within the definition of a stockyard under the Act and are therefore, no longer subject to the provisions of the Act.

Facility No., name, and location of stockyard	Date of posting
AL–140—Capital Stockyard, Inc., Montgomery, Alabama.	September 30, 1946.

This notice is in the nature of a change relieving a restriction and, thus, may be made effective in less than 30 days after publication in the **Federal Register** without prior notice or other public procedure. This notice is given pursuant to section 302 of the Packers and Stockyards Act (7 U.S.C. 202) and is effective upon publication in the **Federal Register.**

Done at Washington, DC this 5th day of April, 1993.

Harold W. Davis,

Director, Livestock Marketing Division.

[FR Doc. 93–8302 Filed 4–8–93; 8:45 am]

BILLING CODE 3210–KD–P

Posting of Stockyards

Pursuant to the authority provided under section 302 of the Packers and Stockyards Act (7 U.S.C. 202), it was ascertained that the livestock markets named below are stockyards as defined by section 302(a). Notice was given to the stockyard owners and to the public as required by section 302(b), by posting notices at the stockyards on the dates specified below, that the stockyards are subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*).

Facility No., name, and location of stockyard	Date of posting
MS–166—Granger Trading Barn, Hazlehurst, Mississippi.	February 21, 1993.

Done at Washington, DC this 5th day of April, 1993.

Harold W. Davis,

Director, Livestock Marketing Division, Packers and Stockyards Administration.

[FR Doc. 93–8301 Filed 4–8–93; 8:45 am]

BILLING CODE 3410–KD–P

Proposed Posting of Stockyards

The Packers and Stockyards Administration, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in Section 302 of the Packers and Stockyards Act (7 U.S.C. 202), and should be made subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*).

AR–169 London Auction Barn, London, Arkansas
MN–190 Wayne Pike Auction Company, Princeton, Minnesota
MO–275 MO–KAN Livestock Market, Passaic, Missouri
NC–164 Asheville Horse Sale, Asheville, North Carolina
TN–189 Middle Tennessee Horse Sales, Decherd, Tennessee
WI–141 Tim Nolan Arena, Marion, Wisconsin

Pursuant to the authority under section 302 of the Packers and Stockyards Act, notice is hereby given that it is proposed to designate the stockyards named above as posted stockyards subject to the provisions of said Act.

Any person who wishes to submit written data, views or arguments concerning the proposed designation may do so by filing them with the Director, Livestock Marketing Division, Packers and Stockyards Administration, room 3408–South Building, U.S. Department of Agriculture, Washington, DC 20250 by April 20, 1993.

All written submissions made pursuant to this notice will be made available for public inspection in the office of the Director of the Livestock Marketing Division during normal business hours.

Done at Washington, DC this 5th day of April, 1993

Harold W. Davis,

Director, Livestock Marketing Division.

[FR Doc. 93–8300 Filed 4–8–93; 8:45 am]

BILLING CODE 3410–KD–P

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: Monthly Wholesale Trade Survey.

Form Number(s): B–310.

Agency Approval Number: 0607–0190.

Type of Request: Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection.

Burden: 6,150 hours.

Number of Respondents: 5,985.

Avg Hours Per Response: 10 minutes.

Needs and Uses: The Bureau of the Census conducts the Monthly Wholesale Trade Survey to obtain sales and inventory data from a sample of merchant wholesalers. From the data we gather, we produce statistics on wholesale sales, end–of–month inventories, methods of inventory valuation, and stock/sales ratios. The Bureau of Economic Analysis uses these statistics in its calculations of the Gross Domestic Product (GDP) and to improve the reliability of inventory adjustments applied in the quarterly GDP estimates. The Bureau of Labor Statistics uses these statistics as input to its Producer Price Indexes and in developing productivity measurements. Other government agencies and businesses use these statistics for planning and development and to gauge the current trends of the economy. Current data on wholesale trade also enable us to make comparisons with the five–year wholesale census data.

Affected Public: Businesses or other for–profit organizations.

Frequency: Monthly.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Maria Gonzalez, (202) 395–7313.

Copies of the above information collection proposal can be obtained by calling or writing Edward Michals, DOC Forms Clearance Officer, (202) 482–3271, Department of Commerce, room 5312, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Maria Gonzalez, OMB Desk Officer, room 3208, New Executive Office Building, Washington, DC 20503.

Dated: April 5, 1993.

Edward Michals,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 93–8339 Filed 4–8–93; 8:45 am]

BILLING CODE 3510–07–F

Bureau of Export Administration

Telecommunications Equipment Technical Advisory Committee; Partially Closed Meeting

A meeting of the Telecommunications Equipment Technical Advisory Committee will be held May 4, 1993, 9:30 a.m., in the Herbert C. Hoover Building, room 1617M(2), 14th & Pennsylvania Avenue, NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis on technical questions that affect the level of export controls applicable to telecommunications and related equipment and technology.

Agenda

General Session

1. Opening remarks by the Chairman.
2. Approval of minutes.
3. Presentation of papers or comments by the public.
4. Other business.

Executive Session

5. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent that time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials two weeks prior to the meeting date to the following address: Lee Ann Carpenter, TAC Unit, ODAS/EA/BXA, room 1621, U.S. Department of Commerce; Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on February 5, 1992, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C., 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10(a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, room 6020, U.S. Department of Commerce, Washington, DC 20230. For further information or copies of the minutes, contact Lee Ann Carpenter on (202) 482–2583.

Dated: April 6, 1993.

Lee Ann Carpenter,

Acting Director, Technical Advisory Committee Unit.

[FR Doc. 93–8402 Filed 4–8–93; 8:45 am]

BILLING CODE 3510–DT–M

[Docket Nos. 2103–01, 2103–04, 2103–05, 2103–05, 2103–04]

Peter Burger, et al.; Final Decision and Order

In the matter of Peter Burger, individually and as agent for both International Business Connections and Helling KG, and Helling KG and International Business Connections, Respondents.

On February 20, 1992, the Office of Export Enforcement, Bureau of Export Administration, United States Department of Commerce (Department) issued separate charging letters against Peter Burger, individually and as agent for Helling KG (Helling) and International Business Connections (IBC), and against Helling and IBC, under the authority of the Export Administration Act of 1979, as amended (50 U.S.C.A. app. 2401–2420 (1991 and Supp. 1992)) (the Act), and the Export Administration Regulations (currently codified at 15 CFR parts 768–799 (1992)) (the Regulations).[1] Respondents received the charging letters, which were sent by registered mail, and service thereof was effected on February 26, 1992.

The charging letters accused the Respondents of engaging in two conspiracies to acquire commodities controlled under section 5 of the Act for reasons of national security. The first conspiracy involved the acquisition of 60 U.S.-origin Tektronix workstations in Malaysia, and their subsequent reexport from Malaysia, by Goh Sian Lake (Goh). Goh is alleged to have made "false and misleading statements regarding the intended end-use and end-user of the workstations to the Malaysian distributor for the U.S. manufacturer". Goh then allegedly reexported the workstations from Malaysia without the required authorization from the Department.

The Respondents are also alleged to have conspired to acquire and export a Proquip rigid disk certifier and Tektronix color graphic workstations from the United States in violation of the Regulations. The Respondents, along with other co-conspirators, are alleged to have filed an application for a validated export license that falsely identified the intended end-user; exported a Tektronix color graphics workstation to Hong Kong without the required validated license; and applied for a validated export license to ship the Proquip rigid disk certifier to Canada while intending to ship the equipment to Malaysia.

For allegedly having caused violations of the Regulations, having conspired to act in violation of the Regulations, and having acted with knowledge of such violations in furtherance of the above conspiracies, the Respondents were charged with violating §§ 787.2, 787.3(a), 787.3(b), 787.4(a), 787.5(a), and 787.6 of the regulations.

On February 24, 1993, the Administrative Law Judge (ALJ) entered a Recommended Decision in the consolidated case against the Respondents. The ALJ concluded that the Respondents have each committed eight violations of the Regulations as alleged by the Department. The ALJ recommends that each of the Respondents be denied export privileges for a period of twenty years. For the reasons below, I affirm the ALJ's Recommended Decision.

Pursuant to § 788.7 of the Regulations, a respondent must answer a charging letter within 30 days after service. The date of service of a charging letter is, in turn, "the date of its delivery, or its attempted delivery if delivery is refused." 15 CFR 788.4(d). In this case, agency counsel sent separate charging letters to the Respondents by registered mail. Delivery, or attempted delivery, of the charging letters was made on each Respondent on February 26, 1992. Having thus been duly served, the Respondents were required to answer the charging letters within 30 days thereafter. Respondents Burger and IBC failed to do so and were found in default by the ALJ. Order, April 6, 1992.

Respondent Helling, through counsel, answered the charging letter against it on March 20, 1992. However, Helling thereafter failed to meet the schedule established by the ALJ to file testimony, exhibits and briefs of issues. In addition, Helling also failed to respond to agency counsel's First Request for Admissions of Fact, for Productions of Documents and Interrogatories. According to § 788.9(b) of the Regulations, "Matters of fact or law of which admission is

[1] The Act expired on September 30, 1990. Executive Order 12730 (55 FR 40373, October 2, 1990) continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C.A. 1701–1706 (1991)).

requested shall be deemed admitted unless * * * the party to whom the request is directed serves upon the requesting party a sworn statement * * * denying specifically the matters of which admission is requested". Accordingly, the ALJ correctly granted agency counsel's motion that all facts for which admission was sought be deemed to be true.

The Regulations expressly authorize denial of export privileges as a sanction which may be imposed upon a respondent who has been found to have violated the Act, the Regulations, or any order license or other authorization issued under the Act. 15 CFR 788.3(a). Based on the evidence submitted by agency counsel and on the above admissions of fact, the ALJ found Respondent Helling to have violated the Regulations as alleged by the Department. Similarly, Respondents Burger and IBC having been found in default. "Any order so issued shall have the same force and effect as an order issued following the disposition of contested charges." 15 CFR 788.8(a). Therefore, the order recommended by the ALJ is, in all respects, appropriate.

The Regulations require all parties to respond within twelve days after receipt of the Recommended Decision. 15 CFR 788.23(b). On March 8, 1993, agency counsel filed an initial submission supporting the Recommended Decision. Respondents Burger, Helling and IBC have not responded. Accordingly, I hereby affirm the Recommended Decision.

Therefore, It Is Ordered:

1. For a period of twenty years from the date of this final action by the United States Department of Commerce, Respondents

Peter Burger, individually and as agent for

Helling KG, 54 Sylvesteralle 2, 2000 Hamburg 54, Germany

and

International Business Connections, 11 rue Aldringen, 1–2960 Luxembourg, Luxembourg,

and

Helling KG, 54 Sylvesteralle 2, 2000 Hamburg 54, Germany

and

International Business Connections, 11 rue Aldringen, 1–2960 Luxembourg, Luxembourg

and all successors, assignees, officers, partners, representatives, agents, and employees of each of the above Respondents hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or that are otherwise subject to the Regulations.

2. Participation prohibited in any such transaction, either in the United States or abroad, shall include, but not be limited to, participation:

(i) As a party or as a representative of a party to a validated export license application;

(ii) In preparing or filing any export license application or request for reexport authorization, or any document to be submitted therewith;

(iii) In obtaining or using any validated or general export license or other export control document;

(iv) In carrying on negotiations with respect to, or in receiving, ordering, buying, selling delivering, storing, using or disposing of, in whole or in part, any commodities or technical data exported from the United States, or to be exported; and

(v) In the financing, forwarding, transporting, or other servicing of such commodities or technical data.

Such denial of export privileges shall extend to those commodities and technical data which are subject to the Act and the Regulations.

3. After notice and opportunity for comment, such denial of export privileges may be made applicable to any person, firm, corporation, or business organization with which any of the Respondents is now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or related services.

4. All outstanding individual validated export licenses in which the respective Respondents appear or participate, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Licensing for cancellation. Further, all of Respondents' privileges of participating, in any manner or capacity, in any special licensing procedure, including, but not limited to, distribution licenses, are hereby revoked.

5. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Licensing, shall, with respect to commodities and technical data, do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with any of these Respondents or any related person, or whereby any Respondent or any related person may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly:

(i) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any export, reexport, transshipment, or diversion of any commodity or technical data exported in whole or in part, or to be exported by, to, or for any of the Respondents or related persons denied export privileges, or

(ii) Order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance or otherwise service or participate in any export, reexport, transshipment or diversion of any commodity or technical data exported or to be exported from the United States.

This Final Decision and Order shall constitute the Department's final action in this proceeding pursuant to the Act (50 U.S.C.A. § 2412(c)(1)). A copy of this Final Decision and Order shall be served upon each Respondent and published in the **Federal Register.**

Dated: March 25, 1993.

Robert F. Kugelman,

Acting Under Secretary for Export Administration.

Department of Commerce, Office of Administrative Law Judge, Suite 4017, Washington, DC 20230

Recommended Decision

In the matter of: Peter Burger, individually and as agent for both International Business Connections and Helling KG and Helling KG and International Business Connections, Respondents. Docket Nos. 2103–01, 2103–04, 2103–05, 2103–05, 2103–04.

Appearance for Respondent Helling KG: Wolfram Westphal, Esq., Westphal-Feseker-Breutigam, Grimm 8, 2000 Hamburg 11, Germany; Mr. Peter Burger, individually and as agent for both International Business Connections, 11 rue Aldringen, L–2960 Luxembourg, Luxembourg, and Helling KG, 54 Sylvesterallee 2, 2000 Hamburg 54, Germany.

Appearance for Agency: Thomas C. Barbour, Esq., Office of Chief Counsel for Export Administration, U.S. Department of Commerce, Room H–3839, 14th & Constitution Ave., NW, Washington, DC 20230.

Preliminary Statement

On February 20, 1992, the Office of Export Enforcement, United States Department of Commerce (the Department or Agency) issued separate charging letters against Peter Burger, individually and as agent for Helling KG (Helling) and International Business Connections (IBC) (hereby collectively

referred to as Burger); and against Helling and IBC,[1] under the authority of the Export Administration Act of 1979 (50 U.S.C.A. app. 2401–2420), as amended (the Act), and the Export Administration Regulations (the Regulations).[2] These charging letters collectively allege:

That between approximately November 6, 1987, and April 7, 1988, Burger, individually, and in his capacity as agent for both Helling and IBC; and Helling and IBC, respectively in their own right, conspired with Goh Sian Lake, also known as Alex Goh (Goh),[3] individually and doing business as Cheras Plaza Sdn. Bhd., Kuala Lumpur, Malaysia, to acquire 60 U.S.-origin Tektronix workstations in Malaysia by misrepresenting the end-use and the end-user of the workstations to the Malaysian distributor for the U.S. Manufacturer; that Goh, accordingly, obtained the workstations by the conduct described above; and that Goh, in accordance with instructions received from Burger, was instrumental in the reexport of these workstations from Malaysia without obtaining from the Department the prerequisite reexport authorization that he knew, or should have known, was required by § 774.1 of the Regulations. Therefor, for conspiring with Goh to violate the Act and the Regulations, Burger, Helling and IBC each violated § 787.3(a) of the Regulations.

That in connection with the above conspiracy, on April 7, 1988, Burger was instrumental in the reexport of 60 U.S.-origin Tektronix workstations without obtaining from the Department the reexport authorization required by § 774.1 of the Regulations. By causing conduct prohibited by the Act and the Regulations, Burger, Helling and IBC are alleged to have violated § 787.2 of the Regulations. Further, by reexporting the workstations while knowing that such conduct was violative of the Act and/or the Regulations, Burger, Helling and IBC each violated § 787.4(b) of the Regulations.

That between about August 31, 1988, and November 25, 1988, a second conspiracy occurred participated in by Goh,[4] Burger, individually and as agent for Helling and IBC; Helling and IBC, in which these parties were joined and abetted by co-conspirators Ming Kit Hui, also known as Charles Hui, individually and doing business as Hunter Computer Systems, Limited, Hong Kong (herein collectively referred to as Hui); Emily Lim, also known as Lim Sook Poh, individually and doing business as Wellpool Corporation, Kuala Lumpur, Malaysia (herein collectively referred to as Wellpool); Perry Chen, individually and doing business as Dyna Computer, Inc., San Jose, California (herein collectively referred to as Chen); Kenneth Lam, an employee of Hunter; and Tok Peng Chua, also known as Douglas Chua, employed by both Hunter and Wellpool. The purpose of this later conspiracy was for Goh, as instructed by Burger, to obtain for Burger, IBC and Helling, a U.S.-origin ProQuip rigid disk certifier and Tektronix color graphic workstations and to export those commodities contrary to the Regulations. It is charged that in carrying out this conspiracy, the above-named parties filed with the Department an application for a validated export license that contained false and misleading statements of material fact; attempted to export from the United States a ProQuip rigid disk certifier contrary to the Regulations; and exported a Tektronix workstation from the United States without the validated export license required by § 772.1 of the Regulations. By so conspiring to violate the Act and Regulations, including prescribed licensing requirements, Burger, Helling and IBC each violated § 787.3(b) of the Regulations.

That, in furtherance of the second alleged conspiracy, on about November 9, 1988, the conspirators submitted to the Department an application for a validated export license to export a ProQuip rigid disk certifier to Wellpool in Malaysia, which application, also signed by Lim as Wellpool's Managing Director, falsely represented that Wellpool was the end-user of the equipment when, in fact, it was not. In so doing, Burger, Helling and IBC each violated § 787.5(a) of the Regulations by making false and misleading statements of material fact to a United States agency in connection with the preparation, submission or use of an export control document.

That as part of the above second conspiracy, on about November 20, 1988, Kenneth Lam exported a Tektronix color graphics workstation from the United States to Hong Kong without obtaining from the Department the validated export license required by § 772.1(b) of the Regulations. By exporting this workstation in a manner contrary to the Act and Regulations, Burger, Helling and IBC, as participants in the overall conspiracy, each violated § 787.6 of the Regulations.

That, on about November 25, 1988, also in furtherance of the second conspiracy, Burger, Helling and IBC each violated § 787.3(a) of the Regulations when Chen, aided by Chua, made effort to violate the Act and Regulations by attempting to export the ProQuip equipment to Canada while knowing that the equipment was intended for immediate reexport from Canada and that the Department had denied their previously-filed application for a validated export license to ship such equipment from the United States to Wellpool in Malaysia. In addition, because their co-conspirators also had purchased and transported that equipment while knowing that to do so was violative of

[1] Copies of the charging letters against Burger were sent to him by registered mail both in care of Helling, Hamburg, in the then-Federal Republic of Germany (FDR), and in care of IBC, Luxembourg, and were delivered at both addresses on February 26, 1992. As established by Agency counsel, the charging letter sent to Burger at Helling was twice returned to the Department, first, accompanied by Helling's March 12, 1992, answer to the charging letter against itself and, next, by an April 22, 1992, letter. Collectively, both documents proclaimed that Burger never had been an employee or agent of Helling, that Helling never was connected with Burger, that Helling did not know Burger or his address, and that the envelope sent to him in care of Helling had been opened by mistake. By similar correspondence, dated March 9, 1992, IBC also returned to the Department the charging letters issued against it and Burger on the ground that the charges against IBC and the related enclosures were not applicable and could not be accepted. Noting that uncontradicted evidence submitted by Agency Counsel confirms that Burger, in fact, has served herein as agent for both of those companies; that IBC basically served as a front for Helling; that Section 788.4(d) of the Regulations provides that the date of service of a charging letter shall be the date of its delivery, or attempted delivery, if service is refused; and that unlike Switzerland, the rules applicable in Germany and Luxembourg concerning the types of service permissible in administrative proceedings brought from abroad do not preclude the type of service made herein, I agree with Agency counsel that Burger was duly served as of February 26, 1992, with copies of the charging letters in this proceeding by the posting of same to these two companies, as his principals, in the manner indicated. I further find, consistent with Section 788.4(d) of the Regulations, above, that separate service of the appropriate charging letter also duly was made upon IBC at that company's Luxembourg address, although it has declined to accept same. Although Helling, as noted, twice returned the charging letter sent to Burger in care of its address, Helling did accept service of the charging letter against itself and, ultimately, answered the allegations contained therein. Accordingly, the validity of the charging letter issued against Helling is not in dispute.

[2] The Act expired on September 30, 1990. Executive Order 12730 (55 FR 40373, October 2, 1990) invoked the International Emergency Economic Powers Act (50 U.S.C.A. 1701–1706 (1991)) (IEEPA), continuing in effect the Export Administration Regulations and to the extent permitted by law, the provisions of the Act.

[3] Although a charging letter alleging his role in the matters alleged herein was sent to Goh on February 20, 1992, no proof of service of same has been submitted. On February 3, 1993, I issued an Order providing that, as of March 4, 1993, the charging letter against Goh would be dismissed unless proof of service of same, or written representation of imminent service by a date certain were filed on or before that return date.

[4] The Department did not allege that Goh acted through the company Cheras Plaza Sdn. Bhd. with respect to this conspiracy.

the Act and Regulations, Burger, Helling and IBC each violated § 787.4(a) of the Regulations.

On March 20, 1992, Helling, by counsel, filed its answer generally denying the allegations of the charging letter against itself and the commission of unlawful conduct. Helling, however, did not thereafter request hearing and, unlike Agency Counsel, did not comply with the revised schedule set forth in Administrative Law Judge Hugh J. Dolan's May 5, 1992, Order, issued pursuant to § 788.14 of the Regulations which, among other things, established August 5, 1992, as the date by which Helling was required to file testimony, exhibits and briefs of issues. Judge Dolan's Order also set August 25 as the date when the record in this matter would be closed for decision. On July 13, 1992, Agency Counsel timely filed his submission and supporting evidence directed primarily as to Helling, which stands uncontradicted in the record.[5]

On April 6, 1992, Judge Dolan issued Orders with respect to the various alleged conspirators named herein where, *inter alia*, he found that Burger and IBC were in default with respect to the above alleged violations because of their respective failure to file answers, acknowledgments or other relevant submissions, and directed that Agency counsel, on or before May 6, 1992, file a submission indicating service of the charging letters upon the Respondents, and proposing sanctions, with the justification therefor. This Decision, in large part, follows Agency Counsel's able May 6 and July 13 submissions, including the uncontradicted evidentiary exhibits presented therewith.

By Order, dated February 12, 1993, I consolidated for further proceeding Cases Nos. 2103–01, 2103–04 and 2103–05 involving, respectively, Burger, individually and as agent; IBC and Helling. Since, as with Goh, Agency Counsel has not established proof of service of the February 20, 1992, charging letters upon the other alleged co-conspirators named herein, the cases against them likewise have been pended for disposition consistent with my above February 3, 1993, Order, as described in footnote 3, above.

Facts

A. The First Conspiracy

On October 22, 1987,[6] Compuser Datentechnik GmbH (Compuser), Hamburg, Germany, ordered 60 workstations from Tektronix GmbH, the Hamburg-based German distributor for Tektronix Inc., Beaverton, Oregon, subsequently advising Tektronix on October 26 that the order was to be delivered to Helling KG at an address also in Hamburg. On October 27, Tektronix GmbH advised Compuser of an extension in the delivery date and that two new models could be substituted for the initially-ordered workstations.[7] This letter also gave notice that the workstations were being purchased for resale and that the final recipient was not yet known. Tektronix, concerned about Helling's resale of the workstations to unknown end-users, attempted to conclude the transaction by using an individual validated license, rather than its distribution license. On November 25, Helling canceled the deal.

However, on November 8, Goh, of Cheras Plaza Sdn. Bhd., Kuala Lumpur, Malaysia, placed an order with Sime Darby Systems, a Tektronix distributor in that city, for an order of Tektronix workstations identical to that which Compuser originally had given to Tektronix GmbH in Hamburg. As Agency Counsel indicates, it is particularly significant here that Cheras Plaza's banker, Compagnie Luxembourgeoise De La Dresdner Bank AG, in Luxembourg, as correspondence reveals, made payment pursuant to instructions received from IBC, and that the letter of credit for the transaction identified IBC as the applicant.[8]

After further communications between Sime Darby and Goh, during which Goh represented that the Tektronix workstations were to be used in a Malaysian government project, the workstations were delivered to Goh in Malaysia in two separate shipments. On February 13 and March 19, 1988, respectively, Sime Darby sent two telexes in connection with these shipments to the Luxembourg bank requesting that the bank "advise the applicant International Business Co." of the shipment of the computers from the United States to Malaysia.

In an interview with the Royal Malaysian Police, described in a September 27, 1989, letter from that organization to the U.S. Customs Attache, Singapore, Goh related that at the end of 1987, Peter Burger of IBC, "an old friend," had met with Goh in Kuala Lumpur and asked that Goh supply 50 Tektronix terminals, which Goh, accordingly, ordered from Sime Darby. When, the terminals arrived in Kuala Lumpur in late March 1988, Goh turned them over to Burger who reexported them. Goh told the police that he had acted only on commission, that the transaction was between Sime Darby and IBC, Luxembourg, and that, according to Burger, the purchasing had been done in Malaysia because it was cheaper.

Agency Counsel argues that Goh's statement to the Malaysian Police, combined with his story to Sime Darby to convince that Company of the legitimacy of his order and IBC's role as applicant for the letter of credit used to finance the transaction and its continued interest in the transaction's progress, establish the existence of a conspiracy between Goh and Burger, as an agent of IBC, to obtain and to reexport controlled U.S.-origin goods without authorization from the Department.

[5] On July 23, 1992, counsel for Helling, in response to Agency Counsel's June 11, 1992, First Request for Admissions of Fact, For Production of Documents and Interrogatories, sent the Department a letter essentially indicating that, because of the language barrier, neither Helling nor its legal representatives could understand the details of the request so as to be able to respond in proper form. Helling's counsel requested that they be provided with a German translation of the June 11 document. While this assertion of language difficulty does not seem credible since the same attorney had been able to submit the March 20 answer to the charging letter against his client in serviceable English, the point is of no legal consequence. As § 788.7(e) of the Regulations requires that "(t)he answer, and all other documentary evidence, must be submitted in English or translations into English must be filed at the same time," it is Helling's responsibility, in communicating with the Department concerning this matter, to triumph over the asserted language barrier. In this regard, since no response has been received to Agency Counsel's June 11 discovery requests, I grant his motion that all facts for which admission was sought be deemed to be true. *United States* v. *Kasuboski*, 834 F. 2d 1345, 1349 (C.A.7, 1987), citing rule 36(a) of the Federal Rules of Civil Procedure. Accordingly, these will be included in the section of this Decision entitled "Facts." It should be noted that, in *United States* v. *Kasuboski*, *supra*, at 1350, the U.S. Court of Appeals held that "(a)dmissions made under Rule 36, even default admissions, can serve as the factual predicate for summary judgment" under Fed. R. Civ. P. Section 56(c).

[6] All dates hereinafter are within 1987 unless stated to be otherwise.

[7] In this period, and in the weeks that followed, a series of meetings were held in Europe and the United States concerning the order. Of particular significance was an October 27, 1987, meeting at Helling's offices, attended by representatives of Tektronix, an official of Compuser, and at which Helling was represented by a Mr. Neisse. Neisse later was more fully identified in the record as Harald Neisse, chief of bookkeeping for Helling and one of the three principals of IBC. The Tektronix memorandum describing that October 27 meeting indicated that it was at that meeting that Tektronix officials became aware that, while some of the ordered equipment might be used by Helling for academic purposes at its Institute for Training and Continued Education, Helling actually intended that most of the Tektronix equipment to be purchased would be for resale. The Tektronix' officials' subsequent difficulties in discovering to whom Helling planned to resell its equipment caused that manufacturer to become cautious in its approach to the transaction.

[8] Compagnie Luxembourgeoise is a wholly-owned subsidiary of Dresdner Bank AG, Frankfort, Germany. Dresdner Bank AG, Hamburg, served as Helling's bank.

Agency Counsel also points out that Helling's involvement in this transaction was demonstrated in two ways. First, Helling had tried to obtain for unnamed end-users the same Tektronix workstations that Goh later was able to procure for Burger in Malaysia, and that Goh had engaged in the transaction with Sime Darby only after the failure of negotiations between Helling and Tektronix GmbH. Second, a Dun and Bradstreet Ltd. report prepared on International Business Connections SA (IBC. SA) identified that company's directors as Harold Neisse, Ingeborg Neisse and Nathanael Riess. That report also indicated that, although incorporated in 1985, IBC, SA, had no employees and little financing, while the cost of the purchased workstations exceeded $1 million U.S. dollars. Additional information concerning Helling, submitted by Agency Counsel, reveals that Nathanael Riess is Helling's Managing Director; that Harald Neisse is chief of bookkeeping for Helling [9] and that he is married to Ingeborg Neisse who was not otherwise connected to Helling.

From the above evidence, Agency Counsel argues that Helling, having been unable to purchase the Tektronix workstations directly from that manufacturer because of its insistence on following the export licensing requirements, used IBC as a facade for Helling's officials in order to procure those same terminals, which are controlled for national security reasons, and that the submitted evidence establishes each of the unlawful acts alleged in the charging letters issued against Burger, Helling and IBC.

B. The Second Conspiracy

On September 6, 1988, ProQuip, Inc., Santa Clara, California, provided a series of price quotations for a ProQuip burnisher, glide tester, rigid disk certifier and other related equipment in response to a late August 1988 request by Charles Hui, Managing Director of Hunter Computer Systems, Inc., Hong Kong. On September 9, Hunter submitted to ProQuip a purchase order for the equipment.

The above transaction was in line with a September 2, 1988, fax, which indicated on its face that it had been sent from "Helling KG Hamburg." By that document, Burger had sent instructions to Goh regarding payment for the ProQuip equipment and also provided technical specifications concerning three Tektronix workstations he wanted Goh to purchase. Agency Counsel emphasizes that, in this fax, Burger specified that payment for the final 70 percent balance to become due on the ProQuip items would be made after "arrival at final (unidentified) destination." The fax specified that "Direkt (sic) shipment from Hong Kong/ or New Territories accepted (by Aeroflot)."

On September 12, 1988, Goh originated the transfer of $68,144 (U.S.), representing a 25 percent downpayment for the ProQuip equipment, from the Hong Kong branch of the Dresdner Bank to ProQuip's account at the Bank of California.

Additional documents regarding the ProQuip transaction establish that, on September 19, 1988, ProQuip communicated to Hunter that, if the goods were going to the People's Republic of China (PRC), then Wellpool Corporation, a Malaysian company, could not be the ultimate consignee for the equipment. ProQuip noted that if it applied for an export license with Wellpool as the ultimate consignee, Hunter would not be authorized to reexport the equipment to the PRC without written advance approval from the U.S. Government. Therefor, time could be saved by obtaining the PRC End-User Certificate at once so that the country of ultimate destination could be shown in ProQuip's application. Instead, Hunter obtained a Standard Form ITA–629P signed by Hui Ming Kut, Managing Director of Hunter, as the purchaser, and also signed, as ultimate consignee, by Emily Lim, SP, as Managing Director of Wellpool.

In early November 1988, Hunter replaced ProQuip as the exporter of the ProQuip equipment with Dyna Computer, San Jose, California. According to a statement given by Kim Cheong Fung (also known as Sammy Fung) [10] on December 21 and 22, 1988, to special agents of the Department's Office of Export Enforcement, Hui had told him that the ProQuip equipment would not be shipped directly to Malaysia by ProQuip, as immediate exporter, but rather that the equipment would go from ProQuip to Dyna Computer, and then to Malaysia. This was because ProQuip had advised that they had to have a PRC end-user's statement before they could apply for an export license. Hui had chosen Dyna Computer because he and Perry K. Chen, Dyna's president, were good friends and as everything that Hunter had been receiving from the United States was shipped by Dyna.

On November 23, 1988, Dyna Computer was orally advised that its application for an export license for the equipment in question had been rejected. On a theory that it was easier to obtain a Canadian export license, Dyna Computer immediately attempted to export the equipment to Malaysia through Canada by sending the goods there through Colin Trading Company, Vancouver, British Columbia. Chua who, as noted, had brought Goh and Hui together and otherwise was active in promoting this transaction, and Colin Trading Company's president, Kia Sai Wee (also known as Colin Ong), had been friends and business partners in Malaysia and Singapore years before.

While discussions concerning the ProQuip equipment were in progress, Hunter also ordered from Dyna Computer the three Tektronix workstations referenced in Burger's above September 2, 1988, fax to Goh. On November 20, 1988, Kenneth Lam, one of the two engineers hired by Hunter to train in the United States on the ProQuip equipment, carried one of the Tektronix workstations out of the United States without an export license.[11]

The Government's June 15, 1989, Complaint for Forfeiture, filed with the United States District Court, Northern District of California, alleged that, on about November 23, 1988, special agents of the U.S. Department of Commerce, in executing a search warrant at Dyna's premises, seized the remaining Tektronix equipment along with records indicating that Dyna had purchased the Tektronix equipment on Hunter's behalf and at Hunter's request. The special agents also seized a check in the amount of $22,000 (U.S.) written against Chua's account, Chua there being described as an agent of Wellpool. These funds were to repay Dyna Computer for the loan in

[9] Harald Neisse was first identified above in connection with the original unsuccessful Hamburg transaction through his attendance at the October 27, 1987, meeting with Tektronix and Compuser officials where he appeared as Helling's representative. As indicated by Agency Counsel from the record, "Harald" is the German spelling for "Harold," as the latter was used in the list of IBC's principals.

[10] Fung, employed at Hunter by Hui, actively represented that Company in this transaction both in Asia and in the United States. He arrived in California on November 4, 1988, having been sent there by Hui in the company of Tok Peng Chua, also known as Douglas Chua, an agent of Wellpool who had introduced Goh and Hui as business associates. Chua, too, thereafter played an active role on Hunter's behalf in promoting this transaction, serving also as an agent for Hunter. In dispatching Fung to the United States, Hui directed him that, while in this country, he always should refer to Chua as Alex Goh.

[11] As related by Fung in his statement, the two other Tektronix workstations were similarly to be taken out of the United States by Lawrence Chung, the other engineer hired by Hunter to be trained by ProQuip in the U.S., and Chung's wife, who had accompanied him. Chen, however, not having been paid for those units, would not release them.

that amount to Hunter to enable Hunter to complete the purchase of the ProQuip equipment.[12]

The complaint further alleged that, on November 25, 1988, the ProQuip equipment was seized and two individuals were detained as they delivered the equipment and shipping documents to an undercover special agent at a freight shipper in San Bruno, California. These documents included a Shipper's Export Declaration in which Dyna Computer had declared that the ultimate consignee for the ProQuip equipment to be the Colin Trading Company. Rejecting a claim later filed by Chua, the U.S. District Court, under Docket No. C 89 2081 WWS, granted forfeiture of the ProQuip equipment.

Fung, in his above statement to the special agents, also referred to Burger and IBC in connection with the ProQuip transaction. When, in mid to late September 1988, the deposit for the equipment had been received, Hui told Fung that it had been sent from West Germany; that Hunter would buy the equipment for Goh and then send it to Malaysia, where Goh would claim it. Goh had told Fung that the West German company he worked for was IBC, headed by Peter Burger. Fung stated that he knew that IBC was in West Germany because when it was necessary to fax papers to that company, Hunter employees had to use the 049 code for that country. Fung also related that the money to buy the ProQuip equipment had been forwarded by telegraphic transfer from West Germany. Chua, too, in a November 25, 1988, statement to special agents, related that he had seen faxed correspondence between Hui and Helling, which he identified as a West German company. Chua stated that this had caused him to believe that the equipment ultimately would be sent to West Germany.

C. Conclusions

From Agency Counsel's evidence, noting particularly that the proofs submitted herein establish that IBC, applicant for the financing letter of credit, served merely as a front for Helling; that IBC director Harald Neisse, as Helling's representative, had met in October 1987 with officials of Tektronix and Compuser to give first notice that most of the Tektronix equipment Helling was purchasing would be reexported; that Goh, in his September 1989 statement, admitted to the Royal Malaysian Police with respect to the first conspiracy that he had obtained the Tektronix workstations at the request of Burger of IBC and that Burger had reexported them after receiving the equipment from Goh:[13] that the entire second conspiracy had involved obtaining, exporting, or attempting to export, the ProQuip and Tektronix equipment referenced in the September 1988 fax Burger had sent Goh from Helling's premises; and that Fung and Chua, in their respective statements to the authorities describing the second conspiracy, had implicated therein Burger, Helling, IBC and Goh, I find that, as alleged in the February 20, 1992, charging letters, that Peter Burger, individually, and as agent for Helling KG and International Business Connections, and that International Business Connections, respectively, each have committed one violation of § 787.2, one violation of § 787.3(a), two violations of § 787.3(b), two violations of § 787.4(a), and one violation of §§ 787.5(a) and 787.6 for a total of eight violations of the Regulations by each of these two Respondents. Each violation concerns commodities controlled for reasons of national security under section 5 of the Act.

Also from Agency Counsel's uncontradicted evidence, having additionally found above that all facts for which admissions were sought in Agency Counsel's June 11, 1992, unanswered First Request for Admissions of Fact, for Production of Documents, and Interrogatories, be deemed true, I conclude that Helling KG, too, has committed a total of eight violations of the same above Regulations in exactly the same manner attributed to Burger and IBC in the immediately preceding paragraph of this Decision.[14]

Because of the seriousness of the violations here established, I accept Agency Counsel's recommendation that each of the Respondents herein be denied export privileges for twenty years and, accordingly, issue the following recommended:

Order

For a period of twenty years from the date of final action by the United States Department of Commerce, Respondents Peter Burger, individually and as agent for Helling KG, 54 Sylvesteralle 2, 2000 Hamburg 54, Germany, and as agent for International Business Connections, 11 rue Aldringen, L–2960 Luxembourg, Luxembourg, and Helling Kg, 54 Sylvesteralle 2, 2000 Hamburg 54, Germany, and International Business Connections, 11 rue Aldringen, L–2960 Luxembourg, Luxembourg, and all successors, assignees, officers, partners, representatives, agents, and employees of each of the above Respondents hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or that are otherwise subject to the Regulations.

I. Participation prohibited in any such transaction, either in the United States or abroad, shall include, but not be limited to, participation:

(i) As a party or as a representative of a party to a validated or general export license application;

(ii) In preparing or filing any export license application or request for reexport authorization, or any document to be submitted therewith;

(iii) In obtaining or using any validated or general export license or other export control document;

(iv) In carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported from the United States, or to be exported; and

(v) In the financing, forwarding, transporting, or other servicing of such commodities or technical data.

Such denial of export privileges shall extend to those commodities and technical data which are subject to the Act and the Regulations.

[12] In November 1988, Hunter had paid ProQuip the entire outstanding balance of $90,000, effectuated by two checks. One from Chua's account, and the other, in the amount of $22,000 drawn from Dyna's account.

[13] The evidence also shows that the type and quantity of the Tektronix equipment purchased for Burger by Goh corresponded to that which Helling had backed off from buying directly from that manufacturer in Hamburg when Tektronix, concerned about the ultimate destination, insisted upon complying with the Regulations as they related to export licensing.

[14] As indicated by Agency Counsel, Helling has a prior record of activities violative of both U.S. and German export laws. In a 1984 indictment returned in the U.S. District Court for the District of Colorado, Helling KG and Nathanael Riess were charged with conspiracy and involvement in several exports of U.S.-origin commodities from the United States without the required validated export license. More conclusively, in 1987, Riess, on behalf of Helling KG, confessed, apparently to German authorities and U.S. Customs officials in Bonn, FDR, that in early September 1987, he/Helling had obtained and, until prevented by the authorities, had attempted to ship a Hughes Aircraft radio cross section transmitter/receiver to the former Union of Soviet Socialist Republics (U.S.S.R). Riess/Helling had purchased this system by representing to Hughes that the actual buyer was the German Defense Department. For this infraction, Helling was fined DM 400,000 and the equipment was destroyed. Later that month, Watkins-Johnson's West German subsidiary reported that Helling had contacted them for price quotes on two high-band electronic processors used in classified U.S. projects. The quotes were not provided. In the aforesaid confession, Riess admitted that he has had a close relationship with the U.S.S.R. for which he had served as a primary purchaser.

II. After notice and opportunity for comment, such denial of export privileges may be made applicable to any person, firm, corporation, or business organization with which the Respondents are now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or related services.

III. All outstanding individual validated export licenses in which the respective Respondents appear or participate, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Licensing for cancellation. Further, all of Respondents' privileges of participating, in any manner or capacity, in any special licensing procedure, including, but not limited to, distribution licenses, are hereby revoked.

IV. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Licensing, shall, with respect to commodities and technical data, do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with any of these Respondents or any related person, or whereby any Respondent or any related person may obtain any benefit therefore or have any interest or participation therein, directly or indirectly:

(i) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any export, reexport, transshipment, or diversion of any commodity or technical data exported in whole or in part, or to be exported by, to, or for any of the Respondents or related persons denied export privileges, or (ii) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance or otherwise service or participate in any export, reexport, transshipment or diversion of any commodity or technical data exported or to be exported from the United States.

V. This Order as affirmed or modified shall become effective upon entry of the Secretary's final action in this proceeding pursuant to the Act (50 U.S.C.A. app. 2412(c)(1)).

Dated: February 24, 1993.

Robert M. Schwarzbart,

Administrative Law Judge.

To be considered in the 30 day statutory review process which is mandated by section 13(c) of the Act, submissions must be received in the Office of the Under Secretary for Export Administration, U.S. Department of Commerce, 14th & Constitution Ave., NW., room 3898B, Washington, DC, 20230, within 12 days. Replies to the other party's submission are to be made within the following 8 days. 15 CFR 788.23(b), 50 FR 53134 (1985). Pursuant to section 13(c)(3) of the Act, the order of the final order of the Under Secretary may be appealed to the U.S. Court of Appeals for the District of Columbia within 15 days of its issuance.

[FR Doc. 93-7907 Filed 4-8-93; 8:45 am]

BILLING CODE 3510-DT-M

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

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

ACTION: Notice of Opportunity to Request Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation.

Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspension of investigation, an interested party as defined in section 771(9) of the Tariff Act of 1930, as amended, may request, in accordance with section 353.22 or 355.22 of the Commerce Regulations, that the Department of Commerce ("the Department") conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

Opportunity To Request a Review

Not later than April 30, 1993, interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in April for the following periods:

	Period
Antidumping Duty Proceedings:	
Canada: Sugar and Syrups (A-122-085)	04/01/92-03/31/93
France: Sorbital (A-427-001)	04/01/92-03/31/93
Greece: Electrolytic Manganese Dioxide (A-484-801)	04/01/92-03/31/93
Italy: Spun Acrylic Yarn (A-475-084)	04/01/92-03/31/93
Japan: Calcium Hypochlorite (A-588-401)	04/01/92-03/31/93
Japan: Cyanuric Acid (A-588-019)	04/01/92-03/31/93
Japan: Electrolytic Manganese Dioxide (A-588-806)	04/01/92-03/31/93
Japan: 3.5" Microdisks and Media Thereof (A-588-802)	04/01/92-03/31/93
Japan: Roller Chain, Other Than Bicycle (A-588-028)	04/01/92-03/31/93
Japan: Spun Acrylic Yarn (A-588-086)	04/01/92-03/31/93
Kenya: Standard Carnations (A-779-602)	04/01/92-03/31/93
Mexico: Certain Fresh Cut Flowers (A-201-601)	04/01/92-03/31/93
Norway: Fresh and Chilled Atlantic Salmon (A-403-801)	04/01/92-03/31/93
Taiwan: Color Television Receivers (A-583-009)	04/01/92-03/31/93
The Republic of Korea: Color Television Receivers (A-580-008)	04/01/92-03/31/93
Countervailing Duty Proceedings:	
Argentina: Wool (C-357-002)	01/01/92-12/31/92
Argentina: Cold-Rolled Carbon Steel Flat-Rolled Products (C-357-005)	01/01/92-12/31/92
Brazil: Pig Iron (C-351-062)	01/01/92-12/31/92
Malaysia: Carbon Steel Wire Rod (C-557-701)	01/01/92-12/31/92
Mexico: Leather Wearing Apparel (C-201-001)	01/01/92-12/31/92
Norway: Fresh and Chilled Atlantic Salmon (C-403-802)	01/01/92-12/31/92

	Period
Peru: Pompon Chrysanthemums (C–333–601)	01/01/92–12/31/92
Thailand: Rice (C–549–503).	

In accordance with §§ 353.22(a) and 355.22(a) of the Commerce regulations, an interested party may request in writing that the Secretary conduct an administrative review of specified individual producers or resellers covered by an order, if the requesting person states why the person desires the Secretary to review those particular producers or resellers. If the interested party intends for the Secretary to review sales of merchandise by a reseller (or a producer if that producer also resells merchandise from other suppliers) which was produced in more than one country of origin, and each country of origin is subject to a separate order, then the interested party must state specifically which reseller(s) and which countries of origin for each reseller the request is intended to cover.

Seven copies of the request should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, room B–099, U.S. Department of Commerce, Washington, DC 20230. The Department also asks parties to serve a copy of their requests to the Office of Antidumping Compliance, Attention: Thomas Futtner, in room 3069–A of the main Commerce Building. Further, in accordance with § 353.31 or 355.31 of the Commerce Regulations, a copy of each request must be served on every party on the Department's service list.

The Department will publish in the **Federal Register** a notice of "Initiation of Antidumping (Countervailing) Duty Administrative Review", for requests received by April 30, 1993.

If the Department does not receive, by April 30, 1993, a request for review of entries covered by an order or finding listed in this notice and for the period identified above, the Department will instruct the Customs Service to assess antidumping or countervailing duties on these entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

This notice is not required by statute, but is published as a service to the international trading community.

Dated: April 2, 1993.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 93–8403 Filed 4–8–93; 8:45 am]

BILLING CODE 3510–DS–M

[C–580–602]

Stainless Steel Cooking Ware From the Republic of Korea Determination Not To Revoke Countervailing Duty Order

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

ACTION: Notice of Determination Not to Revoke Countervailing Duty Order.

SUMMARY: The Department of Commerce is notifying the public of its determination not to revoke the countervailing duty order on stainless steel cooking ware from the Republic of Korea.

EFFECTIVE DATE: April 9, 1993.

FOR FURTHER INFORMATION CONTACT: Patricia W. Stroup or Dana Mermelstein, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 482–0983 or 482–2786.

SUPPLEMENTARY INFORMATION:

Background

On January 4, 1993, the Department of Commerce ("the Department") published in the **Federal Register** (58 FR 85) its intent to revoke the countervailing duty order on stainless steel cooking ware from the Republic of Korea. Under 19 CFR 355.25(d)(4)(iii), the Secretary of Commerce will conclude that an order is no longer of interest to interested parties and will revoke the order if no interested party objects to revocation or requests an administrative review by the last day of the fifth anniversary month. We had not received a request for an administrative review of the order for more than four consecutive anniversary months.

On January 27, 1993, Farberware Inc., a domestic producer of the subject merchandise and an interested party in this case, objected to our intent to revoke the order. Because the requirements of 19 CFR 355.25(d)(4)(iii) have not been met, we will not revoke the order.

This notice is in accordance with 19 CFR 355.25(d).

Dated March 3, 1993.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 93–8404 Filed 4–8–93; 8:45 am]

BILLING CODE 3510–05–M

National Oceanic and Atmospheric Administration

North Pacific Fishery Management Council; Cancellation of Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

A public meeting of the North Pacific Fishery Management Council's Rockfish Committee, which was previously published in the **Federal Register** at 58 FR 16401, on March 26, 1993, has been cancelled. The meeting was to be held in Seattle, WA, on April 12, 1993.

For more information contact Chris Oliver, North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510; telephone: (907) 271–2809.

Dated: April 6, 1993.

David S. Crestin,

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

[FR Doc. 93–8333 Filed 4–8–93; 8:45 am]

BILLING CODE 3510–22–M

Marine Mammals

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

ACTION: Receipt of Applications (P532A), (P536), and (P211F).

SUMMARY: Notice is hereby given of the following Applicants have applied in due form for a Permit to take Steller sea lions (*Eumetopias jubatus*) as authorized by the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361–1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531–1543), and the regulations governing endangered fish and wildlife (50 CFR parts 217–222).

(P532A) Drs. M.A. Castellini, Institute of Marine Science, University of Alaska, Fairbanks, AK 9975–1080, R.W. Davis, Department of Marine Biology, P.O. Box 1675, Texas A&M University, Galveston, TX 77553–1675, and T.M. Williams,

Naval Ocean Systems Center, P.O. Box 997, Kailua, HI 96734–0997, have requested a two-year Permit to take animals annually as follows: (1) Up to 40 pups will be captured, flipper-tagged and dye marked, weighed, measured, blood sampled, have their temperatures taken, blubber and muscle biopsy sampled, and injected with deuterium oxide (labelled water); (2) up to 40 adult females will be chemically immobilized and have the same activities performed as on pups, except that 20 will be injected with doubly-labelled water and tagged with VHF radio transmitters (10 of these transmitters will carry miniature time-depth recorders); (3) up to 1000 adult and juvenile animals may be unintentionally disturbed during the proposed activities; and (4) up to two pups and two adults may be accidentally killed during capture and handling operations. Animals will be taken up to four times each year during the two-year research season. Activities will occur at Chirikof Island south of Kodiak, and Forrester Island near Dixon entrance in southeast Alaska.

(P536) Dr. Andrew W. Trites, Research Coordinator, North Pacific Universities Marine Mammal Research Consortium, c/o Fisheries Centre, University of British Columbia, 2204 Main Mall, Vancouver, B.C., Canada, V6T 1Z4, has requested a five-year Permit. The initial 1993 study is a pilot program to develop a safe and consistent method for use of the Dive Behavior/Stomach Temperature Sensor Recorder. During the 1993 field season, up to six (6) adult females will be captured, chemically immobilized, weighed, equipped with a dive behavior/stomach temperature sensor recorder and a VHF radio/satellite tag, and released, and up to 250 animals may be disturbed during capture and instrumentation activities. Each subsequent year (1994–1997): (1) Up to 40 juveniles (20 male/female) and 20 adult females will be subjected to the same activities as done in 1993, except that the adult females will also be injected with doubly-labelled water and recaptured for blood sampling; (2) up to 750 may be disturbed during research activities; and (3) up to 2 juveniles and 2 adults may be accidentally killed during research activities. Animals may be recaptured to remove tag equipment if the remote release device fail. Activities will occur on Forrester Island in 1993 and in the western Gulf of Alaska and Southeast Alaska in subsequent years.

(P211F) Mr. Robin Brown, Oregon Department of Fish and Wildlife, Marine Region, Marine Science Dr., Bldg. 3, Newport, OR 97365 has requested a five-year Permit to take animals annually as follows: (1) Up to 200 pups will be captured, weighed, measured, hot branded, and flipper-tagged, of which 50 will be blood sampled once, 30 tissue sampled, 10 fur sampled, and 5 radio-tagged; (2) up to 5 adult females will be captured, equipped with radio tags and blood and fur sampled; (3) up to 4,000 animals may be disturbed incidental to the proposed activities; and (4) up to 2 pups and 2 adult females may be accidentally killed during research activities. Activities will occur within waters of Oregon, Washington and California, including Rogue Reef, Orford Reef, and St. George Reef. No more than 100 pups will be handled at Rogue Reef and no more than 50 will be handled at Orford Reef or St. George Reef in any single year.

ADDRESSES: Written data or views, or requests for a public hearing on any one of these requests should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, NOAA, U.S. Department of Commerce, 1335 East-West Hwy., Suite 7324, Silver Spring, MD 20910, within 30 days of the publication of this notice.

Documents submitted in connection with the above applications are available for review upon written request or by appointment in the Permits Division, Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Hwy., room 7324, Silver Spring, MD 20910 (301/713–2289);

(P532A and P536): Director, Alaska Region, National Marine Fisheries Service, NOAA, Federal Annex, 9109 Mendenhall Mall Rd., Suite 6, Juneau, AK 99802 (907/586–7221);

(P532A, P536, and P211F): Director, Northwest Region, National Marine Fisheries Service, NOAA, 7600 Sand Point Way, NE, BIN C15700, Seattle, WA 98115 (206/526–4020);

(P211F): Southwest Region, National Marine Fisheries Service, 501 W. Ocean Blvd., Long Beach, California 90802–4213 (310/980–4015).

Dated: April 2, 1993.

William W. Fox,

Director of Protected Resources.

[FR Doc. 93–8326 Filed 4–8–93; 8:45 am]

BILLING CODE 3510–22–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Sri Lanka

April 6, 1993.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: APRIL 13, 1993.

FOR FURTHER INFORMATION CONTACT: Jennifer Aldrich, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limit for Category 644 is being increased by application of swing, reducing the limit for Categories 359–C/659–C to account for the increase.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 57 FR 54976, published on November 23, 1992). Also see 57 FR 29290, published on July 1, 1992.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

April 6, 1993.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on June 25, 1992, by the Chairman, Committee for the Implementation

of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products and silk blend and other vegetable fiber apparel, produced or manufactured in Sri Lanka and exported during the twelve-month period which began on July 1, 1992 and extends through June 30, 1993.

Effective on April 13, 1993, you are directed to amend further the directive dated June 25, 1992 to adjust the limits for the following categories, as provided under the terms of the current bilateral agreement between the Governments of the United States and the Democratic Socialist Republic of Sri Lanka:

Category	Adjusted twelve-month limit [1]
359–C/659–C [2]	828,046 kilograms.
644	144,170 numbers.

[1] The limits have not been adjusted to account for any imports exported after June 30, 1992.

[2] Category 359–C: only HTS numbers 6103.42.2025, 6103.49.3034, 6104.62.1020, 6104.69.3010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010; Category 659–C: only HTS numbers 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.3038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.3014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.4015, 6211.33.0010, 6211.33.0017 and 6211.43.0010.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 93–8338 Filed 4–8–93; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to 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.

COMMENTS MUST BE RECEIVED ON OR BEFORE: May 10, 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.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodities listed below from nonprofit agency employing persons who are blind or have other severe disabilities.

I certify that the following actions 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 will result in authorizing small entities to furnish the commodities to the Government.

3. 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:

Pad, Scouring

7920–00–045–2940

Nonprofit Agency: Beacon Lighthouse for the Blind, Inc., Wichita Falls, Texas.

Hat, Sun, Woodland Camouflage

8415–01–196–8374 thru 8415–01–196–8386

Nonprofit Agency: Human Technologies Corp., Utica, New York.

Beverly L. Milkman,

Executive Director.

[FR Doc. 93–8368 Filed 4–8–93; 8:45 am]

BILLING CODE 6820–33–P

Procurement List; Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: May 10, 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.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the services 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 services to the Government.

2. The action does not appear to have a severe adverse impact on the current contractors for the services.

3. The action will result in authorizing small entities to furnish the services 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 services 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 services to the Procurement List for production by the nonprofit agency listed:

Document Processing, Office of Transportation Audits, 18th and F Streets, NW., Washington, DC.

Nonprofit Agency: Sheltered Occupational Center of Northern Virginia, Arlington, Virginia.

Janitorial/Custodial, Drug Dependence Treatment Center, 2320 West Roosevelt Road, Chicago, Illinois.

Nonprofit Agency: Ada S. McKinley Community Services, Inc. Chicago, Illinois.

Janitorial/Custodial, Federal Building and U.S. Courthouse, 655 First Avenue North Federal Building and U.S. Post Office, 657 Second Avenue North Fargo, North Dakota.

Nonprofit Agency: Vocational Training Center, Fargo, North Dakota.

Painting Service, McClellan Air Force Base, California.

Nonprofit Agency: Pride Industries, Roseville, California.

Beverly L. Milkman,

Executive Director.

[FR Doc. 93-8369 Filed 4-8-93; 8:45 am]

BILLING CODE 6820-33-M

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 a flameless heater to be furnished by a nonprofit agency employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: May 10, 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 July 17, 1992, the Committee for Purchase From People Who Are Blind or Severely Disabled published a notice (57 FR 31698) of the proposed addition of this heater to the Procurement List. Comments were received during the development phase of this addition to the Procurement List from both contractors. Both contractors indicated that sales of the flameless ration heater to the Government represented a sizeable portion of their total sales. One contractor also indicated that its work force includes people with disabilities who might become unemployed because of the addition to the Procurement List.

The Committee has decided to reduce the portion of the Government requirement for the heaters to be added to the Procurement List from 100% to 15%. This will substantially lessen the impact of the Committee's action on both current contractors and their employees and will leave them free to compete to supply the bulk of the Government's requirement for the heater. Consequently, the Committee has concluded that addition of the flameless ration heater to the Procurement List will not constitute severe adverse impact on the current contractors.

After consideration of the material presented to it concerning capability of qualified nonprofit agency to produce the commodity, fair market price, and impact of the addition on the current or most recent contractors, 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 51-2.4. 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 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:

Heater, Flameless

8970-01-321-9153
(15% 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. 93-8371 Filed 4-8-93; 8:45 am]

BILLING CODE 6820-33-M

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 a survival kit to be furnished by a nonprofit agency employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: May 10, 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 January 29, 1993, the Committee for Purchase From People Who Are Blind or Severely Disabled published a notice (58 F.R. 6477) of the proposed addition of this kit to the Procurement List. Comments were received during the development phase of this addition to the Procurement List from the current contractor, which indicated that the survival kit did not lend itself to assembly by people with severe disabilities. The contractor, which provided data showing that it is operating at a loss, also indicated that removal of any of the items it manufactures from open competition would have a major adverse impact on it. The contractor claimed the previous sales year had been the worst it had encountered in 29 years of business, and supplied figures for the past five years to support the claim.

The Federal agency which buys the kits inspected the nonprofit agency proposing to produce them and has informed the Committee that it considers the nonprofit agency capable of producing them. The Committee's capability determination is based on information and similar information from the cognizant central nonprofit agency.

Although its sales in the past year were the worst in the last five years, the percentage of the contractor's sales which the survival kit represents is not normally considered by the Committee to constitute severe adverse impact. Moreover, the contractor did not receive the previous contract for this kit and, therefore, should not be dependent on the income from its sale to the Government. Consequently, the Committee does not consider that its action in adding the survival kit to the Procurement List constitutes severe adverse impact on the contractor.

After consideration of the material presented to it concerning capability of qualified nonprofit agency to produce the commodity, fair market price, and impact of the addition on the current or

most recent contractors, 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 51–2.4. 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 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:

Kit, Survival

6545–00–139–3671

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. 93–8373 Filed 4–8–93; 8:45 am]

BILLING CODE 6820–33–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 services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: May 10, 1993.

ADDRESS: 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 October 2 and 23, 1992, February 12 and 19, 1993, the Committee for Purchase from People Who Are Blind or Severely Disabled published notices (57 FR 45608, 48359, 58 FR 8261 and 9151) 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 services, fair market price, and impact of the additions on the current or most recent contractors, the Committee has determined that the commodities and services 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 services to the Government.

2. The action will not have a severe economic impact on current contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the commodities and services 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 services proposed for addition to the Procurement List.

Accordingly, the following commodities and services are hereby added to the Procurement List:

Commodities

Clamp, Loop
5340–00–881–5019
5340–01–118–6678
5340–01–259–4151
Strap, Webbing
5340–00–NSH–0031
(Requirements for the Defense Construction Supply Center)

Cleaning Compound, Rug and Upholstery

7930–00–724–9556
7930–00–113–1913

Splint, Wood

6515–00–372–1200

Box, Wood

8115–00–NSH–0162
8115–00–NSH–0163
8115–00–NSH–0165
8115–00–NSH–0166
8115–00–NSH–0170
8115–00–NSH–0171
8115–00–NSH–0172
8115–00–NSH–0173
8115–00–NSH–0174
8115–00–NSH–0175
8115–00–NSH–0177
8115–00–NSH–0178
8115–00–NSH–0179
8115–00–NSH–0180
8115–00–NSH–0181
8115–00–NSH–0199
8115–00–NSH–0203
(Requirements for the Naval Supply Center, San Diego, CA)

Services

Janitorial/Custodial, U.S. Army Reserve Center, 1750 East 29th Street, Tucson, Arizona.

Janitorial/Custodial, U.S. Customhouse, 200 East Bay Street, Charleston, South Carolina.

Mailing and Mailing List Maintenance, Department of Housing and Urban Development, Washington, DC.

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. 93–8370 Filed 4–8–93; 8:45 am]

BILLING CODE 6820–33–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Technology Reinvestment Project Regional Briefings

AGENCY: Advanced Research Projects Agency.

ACTION: Notice.

SUMMARY: This announces a series of regional briefings on the Technology Reinvestment Project. The Technology Reinvestment Project (TRP) is a broad-reaching program that will invest $600 million (including some FY 1992 funds) in dual-use technology partnerships, manufacturing technology, regional technology alliances, manufacturing extension and assistance programs, and manufacturing education initiatives. The effort is being planned and conducted by an interagency team led by the Department of Defense (Advanced Research Projects Agency), which includes the Department of Commerce (through NIST), Department of Energy (Defense Programs), National Aeronautics and Space Administration, and the National Science Foundation. Funds will be invested to develop

critical dual-use technologies, deploy existing technologies which address defense needs and have potential for commercial viability, and stimulate the integration of military and commercial research and production bases. Five regional briefings on the TRP will take place April 12–16, 1993 in the following cities: Monday, April 12, New York City, Sheraton New York Hotel & Towers, 811 Seventh Ave. at 52nd St., New York, NY 10019, (212) 581–1000; Tuesday, April 13, Detroit, The Westin Hotel, Renaissance Center, Jefferson Ave., Detroit, MI 48243, (313) 568–8000; Wednesday, April 14, Orlando, Hyatt Orlando, I-4 and U.S. 192 (Exit 25A), 6375 W. Irlo Bronson Memorial Hwy., Kissimmee, FL 34746, (407) 396–1234; Thursday, April 15, Dallas, Radisson Hotel, Central Dallas, 6060 N. Central Expressway, Dallas, TX 75206, (214) 750–6060; Friday, April 16, Los Angeles, The Biltmore Hotel, 506 S. Grand Ave., Los Angeles, CA 90071, (213) 624–1011. All interested parties are invited to attend one of these briefings. No additional formal briefings are planned once the TRP solicitation is published in May. Attendees who plan to stay at one of these hotels should mention the TRP when making their hotel reservations and they may receive a special rate room on a first come, first served basis. On-site briefing registration will begin at 8:00 am on a first come, first served basis. Attendees are asked to register as early as possible to prevent long lines before the start of the briefing. Each briefing will run from approximately 12:30 pm to 5:45 pm. Lunch will not be included. There will be no charge for admission. Call 1–800–DUALUSE (8 am through 7 pm EST, Monday through Friday) to let the TRP know if you will attend a briefing.

Dated: April 5, 1993.

L.M. Bynum,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 93–8299 Filed 4–8–93; 8:45 am]

BILLING CODE 3810–01–M

DELAWARE RIVER BASIN COMMISSION

Proposed Amendments to Comprehensive Plan, Water Code of the Delaware River Basin, Administrative Manual—Part III Water Quality Regulations; Public Hearings

AGENCY: Delaware River Basin Commission.

ACTION: Notice of proposed rulemaking and public hearings.

SUMMARY: Notice is hereby given that the Delaware River Basin Commission will hold public hearings to receive comments on proposed amendments to its Comprehensive Plan, Water Code and Water Quality Regulations relating to the control of nonpoint sources of pollution in the drainage area to classified Special Protection Waters. The proposed amendments involve a three-pronged approach: the first prong addresses new nonpoint sources on a project-by-project basis through the Commission's project review process under Section 3.8 of the Delaware River Basin Compact; through USEPA's NPDES stormwater permitting regulations; and on a discretionary basis when needed. The second prong addresses new and existing nonpoint sources on a priority watershed basis. For priority watersheds, watershed nonpoint source management plans would be developed and implemented. The third prong would encourage the development and implementation of watershed nonpoint source plans on a voluntary basis in watersheds which are not considered the highest priority of the Commission. A process to identify priority watersheds and develop watershed nonpoint source management plans is included in the proposal.

In addition, the Commission is proposing related revisions to its Administrative Manual—Rules of Practice and Procedure. A summary of the proposed amendments to the Administrative Manual—Rules of Practice and Procedure is published elsewhere in the Proposed Rules section of this issue of the **Federal Register.**

DATES: The public hearings are scheduled as follows:

June 16, 1993 beginning at 1:30 p.m. and continuing until 4:30 p.m., as long as there are people present wishing to testify.

June 22, 1993 beginning at 2:00 p.m. and continuing until 5:00 p.m., as long as there are people present wishing to testify.

June 22, 1993 beginning at 7:00 p.m. and continuing until 9:30 p.m., as long as there are people present wishing to testify.

The deadline for inclusion of written comments in the hearing record will be announced at the hearings.

ADDRESSES: The June 16, 1993 hearing will be held in the New Castle County Council Chambers, First Floor of the City/County Building, 800 French Street, Wilmington, Delaware.

The June 22, 1993 hearings will be held in the Ballroom of the Inn at Hunt's Landing, 900 Routes 6 & 209, Matamoras, Pennsylvania.

Written comments should be submitted to Susan M. Weisman, Delaware River Basin Commission, P. O. Box 7360, West Trenton, New Jersey 08628.

FOR FURTHER INFORMATION CONTACT: Susan M. Weisman, Commission Secretary, Delaware River Basin Commission, P. O. Box 7360, West Trenton, New Jersey 08628. Telephone (609) 883–9500 X203.

SUPPLEMENTARY INFORMATION:

Background and Rationale

On December 9, 1992 the Delaware River Basin Commission amended its Comprehensive Plan, Water Code, Water Quality Regulations and Rules of Practice and Procedure to allow for special water quality protection measures to be applied to waters that the Commission classifies as Special Protection Waters. The Commission action also classified the Delaware River and those portions of tributaries within the Upper Delaware Scenic and Recreational River (UDSRR) corridor and the Delaware Water Gap National Recreation Area (DWGNRA) as Outstanding Basin Waters and the Delaware River from the southern boundary of the UDSRR to the northern boundary of the DWGNRA as a Significant Resource Waters, thus bringing them under the Special Protection Waters regulations.

However, Commission action on the Special Protection Waters regulations did not include nonpoint source regulations which were deferred for further consideration and development. Since that time, Commission staff has continued its work with the Commission's Water Quality Advisory Committee and nonpoint source experts from Pennsylvania, New Jersey and New York to develop nonpoint source regulations which (1) contribute to the overall goal of no measurable change in water quality in Special Protection Waters and (2) can be integrated with the NPDES stormwater permitting program as well as other emerging programs at the local, state and federal levels.

The Commission is now proposing expanded nonpoint source regulations which will address new and increased nonpoint source loads impacting water quality. Planning and regulatory activities of other agencies are integrated with the Special Protection Waters program to the extent possible.

The Commission has prepared a "Basis and Background Document—Special Protection Waters—Proposed Nonpoint Source Regulations" describing the proposed amendments

and their rationale in considerable detail. This document may be obtained by contacting Christopher M. Roberts at the Commission at X205.

Copies of the full text of the proposed amendments may be obtained by contacting Ms. Weisman at the address provided in **FOR FURTHER INFORMATION CONTACT.** Persons wishing to testify are requested to notify the Secretary in advance. Written comments on the proposed amendments should also be submitted to the Secretary.

Delaware River Basin Compact, 75 Stat. 688.

Dated: March 30, 1993.

Susan M. Weisman,

Secretary.

[FR Doc. 93–8231 Filed 4–8–93; 8:45 am]

BILLING CODE 6360–01–P

DEPARTMENT OF EDUCATION

[CFDA No.: 84.255A]

Life Skills for State and Local Prisoners Program; Correction

AGENCY: Department of Education.

ACTION: Correction.

SUMMARY: On March 16, 1993, the Department of Education published in the **Federal Register** a notice inviting applications under the Life Skills for State and Local Prisoners Program. On page 14278, in the first column, the deadline for transmittal of applications was incorrectly listed as May 15, 1993. The correct deadline for transmittal of applications is May 17, 1993. The deadline for intergovernmental review remains unchanged.

FOR FURTHER INFORMATION CONTACT: Christopher Koch, U.S. Department of Education, 400 Maryland Avenue, SW (room 4512—MES), Washington, DC 20202–7242. Telephone (202) 205–5621. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, DC 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

Program Authority: 20 U.S.C. 1211–2.

Dated: April 2, 1993.

Ricky Takai,

Acting Assistant Secretary, Office of Vocational and Adult Education.

[FR Doc. 93–8314 Filed 4–8–93; 8:45 am]

BILLING CODE 4000–01–U

[CFDA No. 84.040]

Invitation for Fiscal Year 1993 Applications Under the School Construction in Areas Affected by Federal Activities Program for Fiscal Year 1994 Funds

Purpose of Program: To help compensate school districts for the cost of educating children when enrollment and the availability of revenues from local sources have been adversely affected by Federal activities, the Secretary provides direct grants for the construction, or remodeling of urgently needed minimum school facilities. Section 5 of Public Law 81–815 authorizes assistance for school construction in local educational agencies experiencing an increase in membership due to Federal activity carried on either directly or through a contractor. Eligibility is determined by the increase in the number of children residing on Federal property or with a parent employed on Federal property. Section 9 authorizes construction assistance to school districts experiencing a temporary Federal impact, either directly or through a contractor. Section 14 authorizes assistance for certain school districts that serve children residing on Indian lands, or that are significantly burdened by the presence of nontaxable Federal property and have a substantial number of inadequately housed pupils. Section 8 authorizes assistance that supplements certain awards made under sections 5, 9, and 14 of Public Law 81–815.

Notice is given that the Secretary of Education has established a closing date for the transmittal of applications for assistance under sections 5 and 9 of Public Law 81–815, based on increase periods ending June 1993 or June 1994. (An increase period is a period of four consecutive regular school years during which a school district has experienced a substantial increase in school membership as a result of new or increased Federal activities.) This closing date also applies to applications for assistance under section 14 and for supplemental assistance under section 8 of Public Law 81–815.

Approval of these applications is subject to availability of funds.

Deadline for Transmittal of Applications: June 30, 1993.

Deadline for Intergovernmental Review: September 1, 1993.

Available Funds: The fiscal year 1993 appropriation provided $3.8 million for sections 14(a) and 14(b), and $3.6 million for sections 5 and 14(c). The Administration has requested no funds for these activities for fiscal year 1994. However, the actual level of funding available for these activities in fiscal year 1994 is contingent upon Congressional action.

Applications Available: Application forms may be obtained from the State educational agency that serves the applicant local educational agency.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 80, 82, 85 and 86; and (b) the regulations for this program in 34 CFR part 221.

FOR FURTHER INFORMATION CONTACT: School Facilities Branch, Impact Aid Program, Program Operations Division, U.S. Department of Education, 400 Maryland Avenue, SW., room 2113, Washington, DC 20202–6244. Telephone: (202) 401–0660. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, DC 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

Program Authority: 20 U.S.C. 631–6451.

Dated: April 2, 1993.

Mary Jean LeTendre,

Acting Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 93–8313 Filed 4–8–93; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER93–480–000, et al.]

West Texas Utilities Co., et al., Electric Rate, Small Power Production, and Interlocking Directorate Filings

Take notice that the following filings have been made with the Commission:

1. West Texas Utilities Co.

[Docket No. ER93–480–000]

April 1, 1993.

Take notice that on March 24, 1993, West Texas Utilities Company (WTU) tendered for filing an Assignment of Service Agreement (Agreement) between WTU and Greenbelt Electric Cooperative, Inc. (Greenbelt) and the Golden Spread Electric Cooperative, Inc. (Golden Spread). Pursuant to the Agreement, Greenbelt will assign to Golden Spread an existing Service Agreement pursuant to which Greenbelt now takes full-requirements service from WTU. WTU seeks an effective date of May 24, 1993.

Copies of the filing have been served on Greenbelt, Golden Spread and the Public Utilities Commission of Texas.

Comment date: April 15, 1993, in accordance with Standard Paragraph E at the end of this notice.

2. Puget Sound Power & Light Co.

[Docket No. ER93-478-000]

April 1, 1993.

Take notice that on March 24, 1993, Puget Sound Power & Light Company (Puget) tendered for filing a Power Purchase Contract between the United States of America Department of Energy acting by and through the Bonneville Power Administration (Bonneville) and Puget dated as of December 29, 1992. Under the Power Purchase Contract (the Agreement), Puget will sell and deliver to Bonneville, and Bonneville will purchase from Puget, certain amounts of energy during designated winter-month and summer-month periods in 1993, 1994, 1995, 1996 and 1997.

Copies of the filing were served upon Bonneville.

Comment date: April 15, 1993, in accordance with Standard Paragraph E at the end of this notice.

3. Puget Sound Power & Light Co.

[Docket No. ER93-161-000]

April 1, 1993.

Take notice that on March 8, 1993, Puget Sound Power & Light Company (Puget) tendered for filing an amendment to its original filing filed in this docket on November 17, 1992.

Comment date: April 14, 1993, in accordance with Standard Paragraph E at the end of this notice.

4. Puget Sound Power & Light Co.

[Docket No. ER93-159-000]

April 1, 1993.

Take notice that on March 17, 1993, Puget Sound Power & Light Company (Puget) tendered for filing an amendment to its original filing filed in this docket on November 17, 1992.

Comment date: April 14, 1993, in accordance with Standard Paragraph E at the end of this notice.

5. Golden Spread Electric Cooperative, Inc.

[Docket No. ER93-485-000]

April 1, 1993.

Take notice that on Golden Spread Electric Cooperative, Inc., on March 24, 1993, tendered for filing proposed changes in its FERC Electric Service Rate Schedules Nos. 1-11.

The proposed changes are necessary to conform the Wholesale Power Agreements between Golden Spread and its member systems to the Settlement Agreement in Docket No. EL89-50-000 (approved by the Commission in a letter order dated October 10, 1990), which resolved a complaint proceeding brought against SPS by Golden Spread. These changes include: (1) Extending the term of the Contracts for Primary Electric Service between Golden Spread and SPS for 15 years from January 1, 1990 (through December 21, 2004; (2) providing for the interconnection of qualifying facilities (QFs); and (3) with respect to Lighthouse Electric Cooperative, incorporating a provision that the point of delivery to Azteca Milling Company's Plainview facility be a full requirements delivery point not subject to the option for partial requirements service. The term of the Wholesale Power Agreement between Golden Spread and one member, Midwest Electric Cooperative, Inc., has been extended to January 1, 2008.

In addition, Greenbelt Electric Cooperative, Inc., a member system of Golden Spread, desires to assign to Golden Spread its "service agreement" between West Texas Utilities Company and Greenbelt Electric Cooperative, Inc. Accordingly, Golden Spread seeks to amend the Wholesale Power Agreements to allow Golden Spread to obtain power suppliers to serve its member systems other the SPS.

In order to facilitate this change and to allow for appropriate accounting for power supplied by entities other than SPS certain conforming changes have been made to Schedule A of the Wholesale Power Agreements.

Copies of the filing were served upon Golden Spread's jurisdictional customer, the Public Utility Commission of Texas, the New Mexico Public Service Commission, the Colorado Public Utilities Commission, and the Oklahoma Corporation Commission.

Comment date: April 16, 1993, in accordance with Standard Paragraph E at the end of this notice.

6. Western Resources, Inc.

[Docket No. ES93-29-000]

April 1, 1993.

Take notice that on March 29, 1993, Western Resources, Inc., (Western) filed an application with the Federal Energy Regulatory Commission under section 204 of the Federal Power Act requesting authorization to issue not more than 2 million additional shares of common stock, $5.00 par value, pursuant to a dividend reinvestment and stock purchase plan. Also, Western requests exemption from the Commission's competitive bidding and negotiated placement regulations.

Comment date: April 28, 1993, in accordance with Standard Paragraph E at the end of this notice.

7. The United Illuminating Co.

[Docket No. ER93-487-000]

April 1, 1993.

Take notice that on March 25, 1993, The United Illuminating Company (UI) tendered for filing a rate schedule for a short-term, coordination transaction involving the sale of capacity entitlements to Massachusetts Municipal Wholesale Electric Company (MMWEC). The rate schedule corresponds to a letter agreement, dated March 19, 1993, between UI and MMWEC. The commencement date for service under the agreement is May 1, 1993. UI proposes the rate schedule commence on this date.

The service provided under the agreement is the provision of capacity entitlements and associated energy from UI's New Haven Harbor Station.

Copies of the filing were mailed to MMWEC.

Comment date: April 16, 1993, in accordance with Standard Paragraph E at the end of this notice.

8. Minnesota Power & Light Co.

[Docket No. ER93-486-000]

April 1, 1993.

Take notice that on March 25, 1993, Minnesota Power & Light Company (MP&L) tendered for filing an Amendment dated November 24, 1992, to the Electric Service Agreement between MP&L and Dahlberg Light and Power Company and a side letter agreement pursuant to which the rate for non-firm energy service may not exceed the rate for firm energy. The Amendment provides, among other things, for a ten-year extension of the Agreement through December 31, 2004.

Comment date: April 16, 1993, in accordance with Standard Paragraph E at the end of this notice.

9. Arizona Public Service Co.

[Docket No. ER93-438-000]

April 2, 1993.

Take notice that on April 1, 1993, Arizona Public Service Company tendered for filing an amendment to FERC Docket No. ER93-438-000. The amendment proposes to extend existing services to the Navajo Tribal Utility Authority (NTUA) for one additional month through midnight, June 30, 1993.

No change to the current rate or revenue levels presently on file with the Commission is proposed herein.

No new facilities or modifications to existing facilities are required as a result of this amendment.

A copy of this filing has been served on NTUA and the Arizona Corporation Commission.

Comment date: April 16, 1993, in accordance with Standard Paragraph E at the end of this notice.

10. Cincinnati Gas & Electric Co.

[Docket No. ER93-416-000]

April 2, 1993.

Take notice that on March 29, 1993, Cincinnati Gas & Electric Company (CG&E) tendered for filing as a supplement to its previous filing in this docket a letter explaining how CG&E will respond to requests from customers for rate provisions such as those proposed in this docket for Union Light Heat & Power Company (ULH&P). CG&E states that it has proposed this provision only for ULH&P because ULH&P is the only full requirements customer of CG&E that has interruptible loads. CG&E further states that it will consider arrangements similar to that for ULH&P for other full requirements customers should they develop or obtain interruptible loads that offer comparable benefits to the CG&E system.

Copies of the filing were served on the Public Service Commission of Kentucky and the Public Utilities Commission of Ohio.

Comment date: April 16, 1993, in accordance with Standard Paragraph E at the end of this notice.

11. Puget Sound Power & Light Co.

[Docket No. ER93-183-000]

April 2, 1993.

Take notice that Puget Sound Power & Light Company (Puget) on March 30, 1993 tendered for filing, as an initial rate schedule, the Centralia Transmission Agreement, executed on September 22, 1980, between Puget and the City of Seattle, City Light Department (Seattle).

The Agreement generally requires Puget to provide capacity for the transmission of Seattle's share of the output from the Centralia Steam-Electric Generating Plant from BPA's C.W. Paul Substation to Puget's Talbott Hill Substation. Seattle is required to pay Puget at an initial rate of $1.31 per kilowatt per year, subject to escalation for increases in Puget's costs as provided for in the Agreement. Service under the Agreement will commence on July 1, 1983.

A copy of the filing was served upon Seattle.

Comment date: April 16, 1993, in accordance with Standard Paragraph E at the end of this notice.

12. Wisconsin Electric Power Co.

[Docket No. ER93-492-000]

April 2, 1993.

Take notice that Wisconsin Electric Power Company (Wisconsin Electric) on March 26, 1993, tendered for filing the Stony Brook Tap Letter Agreement, the Rockdale Transformer Letter Agreement and a resultant Appendix C modification of the interconnection agreement between itself and Wisconsin Power and Light Company (Power and Light). The Stony Brook Tap Agreement provides for the installation and operation of a breakered substation at Stony Brook in order to serve its local load in that area. The letter agreement provides that that taps to each other's systems to serve such other party's local loads where it is the least cost method of service.

The Rockdale Letter Agreement calls for Wisconsin Electric to provide a 345-138 kV transformer for use at the Rockdale Substation in order to improve transfer capability from Commonwealth Edison Company to WUMS, a subregion of the Mid America Interpool Network.

Appendix C to the Interconnection Agreement between Wisconsin Electric and Power and Light recognizes the modifications required by the Rockdale Letter Agreement at this point of interconnection.

Wisconsin Electric respectfully requests an effective date of sixty days after the date of filing. Wisconsin Electric is authorized to state that Power and Light joins in the requested effective date.

Copies of the filing have been served on Power and Light, and the Public Service Commission of Wisconsin.

Comment date: April 16, 1993, in accordance with Standard Paragraph E at the end of this notice.

13. Arizona Public Service Co.

[Docket No. ER93-499-000]

April 2, 1993.

Take notice that on March 29, 1993, Arizona Public Service Company (APS) tendered for filing the proposed Agreement for the Sale of Energy between Louis-Dreyfus Electric Power, Inc., (LDEP) and Arizona Public Service Company (APS).

Sales of energy by APS to LDEP under the proposed Agreement are to be priced using a bifurcated rate consisting of (1) the actual variable cost incurred, plus (2) a negotiated adder not to exceed a proposed ceiling adder based on the fixed costs associated with the facilities most likely to be used to produce the required energy.

A copy of this filing has been served on LDEP and the Arizona Corporation Commission.

Comment date: April 16, 1993, in accordance with Standard Paragraph E at the end of this notice.

14. Tucson Electric Power Co.

[Docket No. ER93-497-000]

April 2, 1993.

Take notice that on March 29, 1993 Tucson Electric Power Company (Tucson) tendered for filing pursuant to 18 CFR 35.12, an agreement entitled "Wholesale Power Supply Agreement Between Tucson Electric Power Company and Navajo Tribal Utility Authority."

Copies of this filing have been served upon all parties affected by this proceeding.

Comment date: April 16, 1993, in accordance with Standard Paragraph E at the end of this notice.

15. Central Louisiana Electric Co., Inc.

[Docket No. ER93-498-000]

April 2, 1993.

Take notice that on March 29, 1993, Central Louisiana Electric Company, Inc. (CLECO) tendered for filing a Contract for the Sale of Energy and Use of Substation Facilities between Central Louisiana Electric Company, Inc. and the City of St. Martinville, Louisiana effective upon Commission approval.

CLECO has served copies of the filing on the affected customer and on the Louisiana Public Service Commission.

Comment date: April 16, 1993, in accordance with Standard Paragraph E at the end of this notice.

16. Pennsylvania Power & Light Co.

[Docket No. ER93-484-000]

April 2, 1993.

Take notice that on March 24, 1993, Pennsylvania Power & Light Company (PP&L) tendered for filing a Capacity Credit Sales Agreement (Agreement) between PP&L and Delmarva Power & Light Company (DP&L) dated March 15, 1993. The Agreement provides for the sale by PP&L to DP&L of Daily Generating Capacity Megawatts solely for DP&L's use in the Pennsylvania-New Jersey-Maryland (PJM) Interconnection's planned and/or accounted-for installed capacity accounting purposes.

PP&L has requested an effective date of May 24, 1993 for the Agreement, which is 60 days from the date of filing. PP&L is not requesting any notice period waivers.

PP&L states that a copy of its filing was served on DP&L, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission,

Delaware Public Service Commission, and the Virginia State Corporation Commission.

Comment date: April 16, 1993, in accordance with Standard Paragraph E at the end of this notice.

17. Minnesota Power & Light Co.

[Docket No. ER93–488–000]

April 2, 1993.

Take notice that Minnesota Power & Light Company (MP&L) tendered for filing a Negotiated Capacity Option between it and Wisconsin Power & Light Company (WP&L) on March 25, 1993. The Negotiated Capacity Option provides WP&L an option to purchase up to 75 MW of firm capacity from 1993 to 1997 and a separate option to purchase 75 MW of firm capacity during the period 1998 to 2007. MP&L and WP&L request an effective date of March 24, 1993, which is the date following the execution of the Option. Copies of the filing have been served upon WP&L, the Minnesota Public Utilities Commission and the Public Service Commission of Wisconsin.

Comment date: April 16, 1993, in accordance with Standard Paragraph E at the end of this notice.

18. Southern Company Services, Inc. [Docket No. ER93–490–000]

April 2, 1993.

Take notice that on March 25, 1993, Southern Company Services, Inc., acting as agent for Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Savannah Electric and Power Company, submitted for filing a letter agreement dated February 19, 1993 revising the Unit Power Sales Agreement dated August 17, 1988 among Jacksonville Electric Authority and Southern Companies. Specifically, the letter agreement contains an amended and restated Section 5.5, which governs the establishment of an initial return on common equity when the unit power sales commence on June 1, 1993.

Comment date: April 16, 1993, in accordance with Standard Paragraph E at the end of this notice.

19. Milford Power Limited Partnership

[Docket No. ER93–493–000]

April 2, 1993.

Take notice that Milford Power Limited Partnership (Milford), on March 26, 1993, tendered for filing its proposed initial Rate Schedule FERC No. 2.

The proposed initial Rate Schedule No. 2 would allow Milford to charge non-cost-based negotiated rates for non-firm energy sales and short and long-term sales of capacity and associated energy from its facility located in the Town of Milford, Massachusetts.

Comment date: April 6, 1993, in accordance with Standard Paragraph E at the end of this notice.

20. Southern Company Services, Inc.

[Docket No. ER93–489–000]

April 2, 1993.

Take notice that on March 25, 1993, Southern Company Services, Inc., acting as agent for Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Savannah Electric and Power Company, submitted for filing a letter agreement dated February 19, 1993 revising the Unit Power Sales Agreement dated July 20, 1988 among Florida Power & Light Company and Southern Companies. Specifically, the letter agreement contains an amended and restated § 5.5, which governs the establishment of an initial return on common equity when the unit power sales commence on June 1, 1993.

Comment date: April 16, 1993, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–8341 Filed 4–8–93; 8:45 am]

BILLING CODE 6717–01–M

[Project Nos. 2246–022, et al.]

Hydroelectric Applications [Yuba County Water Agency, et al.]; Notice of Applications

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection:

a. *Type of Application:* Application to Revise Project Recreation Plan.

b. *Project No.:* 2246–022.

c. *Date Filed:* February 26, 1993.

d. *Applicant:* Yuba County Water Agency.

e. *Name of Project:* Yuba River Development Project.

f. *Location:* Yuba County, California.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. Sec. 791(a)–825(r).

h. *Applicant Contact:* Mr. Donn Wilson, Engineer-Administrator, Yuba County Water Agency, 1402 D Street, Marysville, CA 95901–422, (916) 741–6278.

i. *FERC Contact:* Dan Hayes, (202) 219–2660.

j. *Comment Date:* May 6, 1993.

k. *Description of Project:* Yuba County Water Agency, licensee for the Yuba River Development, filed an application to revise its project recreation plan. The plan will result in renovation and expansion of certain recreation facilities in and around the lake and closure of certain informal access points.

l. This notice also consists of the following standard paragraphs: B, C, and D2.

2a. *Type of Application:* Approval of Plan for Construction of Recreation Facilities.

b. *Project No.:* 2320–006.

c. *Date Filed:* March 5, 1993.

d. *Applicant:* Niagara Mohawk Power Company.

e. *Name of Project:* Raquette Project.

f. *Location:* Raquette River, St. Lawrence County, New York.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. *Applicant Contact:* Mr. Sam S. Hirschey, Lead Engineer, Hydro Licensing and Regulatory Compliance, Niagara Mohawk Power Company, 300 Erie Boulevard West, Syracuse, NY 13202, (315) 428–5561.

i. *FERC Contact:* Heather Campbell, (202) 219–3097.

j. *Comment Date:* May 3, 1993.

k. *Description of Project:* Niagara Mohawk Power Company licensee for the Raquette Project, requests Commission approval of a plan to construct recreation facilities at the Higley Development. The licensee proposes to construct a boat ramp accommodating trailer-mounted boats. The area is adjacent to an existing recreation area known as Big Rock Park.

l. This notice also consists of the following standard paragraphs: B, C, and D2.

3a. *Type of Application:* New Major License < 5 MW.

b. *Project No.:* 2411–005.

c. *Date filed:* December 24, 1991.
d. *Applicant:* STS Hydropower, Ltd. and Dan River, Inc.
e. *Name of Project:* Schoolfield Dam Hydroelectric Project.
f. *Location:* On the Dan River in the city of Danville, Virginia.
g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. § 791(a)—825(r).
h. *Applicant Contact:* Mr. Mark J. Sundquist, President, STS Hydropower, Ltd., 111 Pfingsten Road, Northbrook, IL 60062, (708) 272–6520.
i. *FERC Contact:* Mr. Hector Perez, (202) 219–2843.
j. *Comment Date:* Sixty days from the date of this Notice. (May 7, 1993)
k. *Status of Environmental Analysis:* This application is ready for environmental analysis at this time—see attached paragraph D9.
l. *Description of Project:* The run-of-river project consists of: (1) A 25-foot-high concrete dam consisting of a 910-foot-long ogee spillway topped with 3-foot-high flashboards; (2) a 67-foot-long fishway; (3) a 90-acre impoundment; (3) a powerhouse containing three generating units with a total installed capacity of 4,550 kW; (4) a transmission line interconnection; and (5) appurtenant facilities.

The Applicant is not proposing any changes to the existing project works as licensed.

m. *Purpose of Project:* All energy generated by the project would be sold to Virginia Power.
n. This notice also consists of the following standard paragraph: D9.
o. *Available Locations of Application:* A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at STS Hydropower, Ltd., located at 111 Pfingsten Road, Northbrook, Illinois 60062, or by calling Mr. Mark J. Sundquist at (708) 272–6520.
4a. *Type of Application:* New License.
b. *Project No.:* 2446–001.
c. *Date filed:* December 27, 1991.
d. *Applicant:* Commonwealth Edison Company.
e. *Name of Project:* Dixon.
f. *Location:* On the Rock River, at the town of Dixon, in Lee County, Illinois.
g. *Filed Pursuant to:* Federal Power Act 16 USC §§ 791(a)–825(r).
h. *Applicant Contact:* Mr. J. S. Graves, Commonwealth Edison Company, P.O. Box 767, Chicago, IL 60690–0767, (312) 294–3545.
i. *FERC Contact:* Michael Spencer at (202) 219–2846.
j. *Comment Deadline:* Sixty days from the issuance date of the notice. (May 3, 1993)
k. *Status of Environmental Analysis:* This application is ready for environmental analysis at this time—see attached paragraph D9.
l. *Description of Project:* The project would consist of: (1) the 15.7-foot-high rockfilled timber crib dam; (2) a reservoir with a surface area of 800 acres; (3) a powerhouse containing five generating units with a combined installed capacity of 3,200 kW and an average annual generation of 12,400 MWh; (4) a 1.5-mile-long, 34.5-kV transmission line, and (5) appurtenant facilities.

The licensee is not proposing any changes to the existing project works.

m. *Purpose of Project:* All project energy generated would be utilized by the licensee.
n. This notice also consists of the following standard paragraphs: D9.
o. *Available Locations of Application:* A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at the Commonwealth Edison Company, located at 125 South Clark Street, Chicago, Illinois 60690–0767, or by calling Mr. J. S. Graves, at (312) 294–3545.
5a. *Type of Application:* Subsequent License (see 18 CFR 16.2(e) for definition).
b. *Project No.:* 2541–004.
c. *Dated filed:* December 18, 1991.
d. *Applicant:* Cascade Power Company.
e. *Name of Project:* Cascade Hydroelectric Project.
f. *Location:* On the Little River, a tributary of the French Broad River, in Transylvania County, North Carolina, near the town of Brevard.
g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. §§ 791(a)–825(r).
h. *Applicant Contract:*
C.W. Pickelsimer, Jr., President, Cascade Power Company, P.O. Box 1137, Brevard, NC 28712, (704) 884–9011.
Mr. John Boaze, Fish and Wildlife Associates, Inc., P.O. Box 241, Whittier, NC 28789, (704) 497–6505.
i. *FERC Contact:* Ms. Deborah Frazier-Stutely (202) 219–2842.
j. *Comment Date:* Sixty days from the issuance date of this notice. (May 3, 1993).
k. *Status of Environmental Analysis:* This application is ready for environmental analysis at this time—see attached paragraph D6.
l. *Description of Project:* The existing project would consist of: (1) A 58-foot-high, 240-foot-long concrete arch dam with a 5-foot-high concrete parapet wall with a crest elevation at 2,227 feet msl; (2) a 33-foot-long concrete spillway consisting of 2-inch by 2-inch flashboards, and rods; (3) a 2.3-foot by 4.5-foot rectangular bypass through dam, controlled by a rectangular slide gate; (4) the 64 acre Cascade Lake with a storage capacity of 1,590 feet with a crest elevation at 2,227 feet, msl; (5) an intake structure with rectangular slide gates and a 9.7-foot-wide by 30-foot-long steel bar screen; (6) a 6.35-foot-diameter, 984-foot-long wood stave penstock; (7) a 12.5-foot-diameter, 35-foot-high concrete and brick masonry surge tank; (8) a 5-foot-diameter, 75-foot-long steel penstock; (9) a brick masonry powerhouse containing two generating units with a combined capacity of 960 kW; (10) a tailrace; and (11) related facilities.

Cascade Power Company maintains the Little River Camping Resort, a public fee collecting, recreation area with campsites, water, toilets, bathhouses, a sewage dumping station, camp store, a swimming lake with shoreline play area and boat launching ramp to Cascade reservoir.

The project generates on an average 4,850,000 kilowatthours of energy annually.

m. *Purpose of Project:* Project power is sold to Duke Power Company.
n. This notice also consists of the following standard paragraphs: B1 and D6.
o. *Available Locations of Applications:* A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at the applicant's office (see item (h) above).
6a. *Type of Application:* Surrender of License.
b. *Project No.:* 8718–008.
c. *Date filed:* March 8, 1993.
d. *Applicant:* Dan J. Brutger.
e. *Name of Project:* Lewis Creek Project.
f. *Location:* Lewis Creek, near Emigrant in Park County, Montana.
g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. George L. Smith, Smith and Associates, Post Office Box 51016, Idaho Falls, ID 83405, (208) 529–8115.

i. *FERC Contact:* Hank Ecton, (202) 219–2678.

j. *Comment Date:* May 6, 1993.

k. *Description of Project Action:* The license for this project, with a proposed capacity of 95 kilowatts, was issued on April 28, 1989. The licensee states that he cannot afford to develop the project. No construction has occurred, and the proposed site remains unaltered.

l. This notice also consists of the following standard paragraphs: B, C, and D2.

7a. *Type of Application:* Surrender of License.

b. *Project No.:* 8862–013.

c. *Date filed:* March 4, 1993.

d. *Applicant:* Coffeeville Hydroelectric Partners.

e. *Name of Project:* Coffeeville Hydroelectric Project.

f. *Location:* On the Tombigbee River near the town of Coffeeville, in Clark and Choctaw Counties, Alabama.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:*

Mr. Glenn Gaydar, Sithe Energies Inc., 135 East 57th Street, 23d Floor, New York, NY 10020, (212) 755–7600.

Mr. William S. Fowler, Sigma Consultants Inc., 321 Boston Post Road, suite 2B, Sudbury, MA 01776.

i. *FERC Contact:* Etta Foster, (202) 219–2679.

j. *Comment Date:* May 3, 1993.

k. *Description of Proposed Project:* The Licensee states that it has been unable to secure an acceptable power purchase contract for output from the project and it does not appear likely that such a contract will be available in the foreseeable future. No on-site construction has taken place under the license and no private or U.S. lands were impacted by studies conducted during the design process, nor were any lands or easements acquired.

l. This notice also consists of the following standard paragraphs: B and C and D2.

8a. *Type of Application:* Minor License.

b. *Project No.:* 8974–001.

c. *Date filed:* December 30, 1985.

d. *Applicant:* Southern New Hampshire Hydroelectric Development Corporation.

e. *Name of Project:* Upper Factory Project.

f. *Location:* On the Cocheco River, in Strafford County, New Hampshire.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. §§ 791(a)–825(r).

h. *Applicant Contact:* Mr. John N. Webster, Southern New Hampshire Hydroelectric Development, P.O. Box 1073, Dover, NH 03820, (207) 384–5334.

i. *FERC Contact:* Mary Golato (202) 219–2804.

j. *Deadline Date:* See Paragraph D10. (May 3, 1993).

k. *Status of Environmental Analysis:* This application is ready for environmental analysis at this time—see attached paragraph D10.

l. *Description of Project:* The proposed project would consist of: (1) A proposed reconstructed concrete gravity spillway dam; (2) a proposed reservoir with a surface area of 30 acres at the normal maximum surface elevation of 98.7 feet mean sea level; (3) two proposed 6-foot-diameter steel penstocks, each approximately 50 feet long; (4) a proposed woodframe powerhouse, 20 feet wide by 30 feet long by 30 feet high, containing (a) two proposed propeller turbines with hydraulic capacity ranges of 133 cfs to 225 cfs for the first unit and 35 cfs to 90 cfs for the second unit, providing a maximum plant hydraulic capacity of 315 cfs and (b) two proposed induction generators with ratings of 350 kilowatts (kW) and 150 kW providing a total plant rating of 500 kW; (5) a proposed 12.47-kilovolt primary transmission line approximately 2,200 feet long; and (6) proposed appurtenant facilities.

m. *Purpose of Project:* All project energy generated would be utilized by the applicant for sale to its customers.

n. This notice also consists of the following standard paragraphs: A4 and D10.

o. *Available Locations of Application:* A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC 20426, or by calling (202) 219–1371. A copy is also available for inspection and reproduction at Mr. John N. Webster, P.O. Box 1073, Dover, NH 03820 (207) 384–5334.

9a. *Type of Application:* Transfer of License.

b. *Project No.:* 9088–015.

c. *Date Filed:* January 28, 1993.

d. *Applicant:* John N. Webster.

e. *Name of Project:* Lower Village Project.

f. *Location:* On the Sugar River in the Town of Claremont in Sullivan County, New Hampshire.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. § 791(a)–825(r).

h. *Applicant Contact:* Mr. John N. Webster, P.O. Box 178, South Berwick, ME 03908, (207) 384–5334.

Lower Village Hydroelectric, Limited Partnership, c/o John N. Webster, P.O Box 178, South Berwick, ME 03908, (207) 384–5334.

i. *FERC Contact:* David Cagnon, (202) 219–2693.

j. *Comment Date:* May 6, 1993.

k. *Description of Project:* John N. Webster proposes to transfer the license for the Lower Village Power Project No. 9088 to Lower Village Hydroelectric Associates, Limited Partnership. This limited partnership was formed by John N. Webster for the purpose of financing the development of the project.

l. This notice also consists of the following standard paragraphs: B, and C.

10a. *Type of Application:* Major License.

b. *Project No.:* 11286–000.

c. *Date Filed:* May 4, 1992.

d. *Applicant:* City of Abbeville, South Carolina.

e. *Name of Project:* Abbeville Hydroelectric Project.

f. *Location:* On the Rocky River, in Abbeville and Anderson Counties, South Carolina.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. §§ 791(a)–825(r).

h. *Applicant Contact:* David H. Krumwiede, City Manager, P.O. Box 40, Abbeville, South Carolina 29620, (803) 459–2109.

i. *FERC Contact:* Mary C. Golato (dt), (202) 219–2804.

j. *Deadline Date:* May 7, 1993.

k. *Status of Environmental Analysis:* This application is accepted for filing and is ready for environmental analysis at this time—see attached D4.

l. *Description of Project:* The constructed project consists of the following facilities: (1) An existing dam 500 feet long and 80 feet high; (2) an existing reservoir with a surface area of 1,425 acres and a gross storage capacity of 25,650 acre-feet; (3) an existing powerhouse containing two turbine-generating units having a total existing capacity of 2,800 kW; (4) an existing switchyard; and (5) appurtenant facilities. The owner of the project is the City of Abbeville. The average annual generation will be approximately 8.6 gigawatthours and the cost of the project is $459,040.

m. *Purpose of Project:* All project energy generated would be utilized by the applicant for sale to its customers.

n. This notice also consists of the following standard paragraphs: A3, A9, B1 and D4.

o. *Available Locations of Application:* A copy of the application, as amended

and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC 20426, or by calling (202) 219–1371. A copy is also available for inspection and reproduction at Mr. David Krumweide, P.O. Box 40, Abbeville, South Carolina 29620, (803) 459–2109.

11a. *Type of Application:* Major License (≥5MW).

b. *Project No.:* 10930–001.

c. *Date filed:* June 29, 1992.

d. *Applicant:* L.B. Industries, Inc.

e. *Name of Project:* Kanaka Rapids Water Power Project.

f. *Location:* On the Snake River at river mile 592 (near Kanaka Rapids) in Twin Falls and Gooding Counties Idaho, near the town of Buhl. T.9S., R.14E., section 3 and 10, Boise Meridian.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:*

Mr. Larry Falkner, L.B. Industries, Inc., 1401 Shoreline Drive, P.O. Box 2797, Boise, ID 83701, (208) 345–7515.

Carl L. Myers, PE, Myers Engineering Company, P.A., 750 Warm Springs Avenue, Boise, ID 83712, (208) 336–1425.

Mr. Lee Sherline, Consultant, 207 Park Avenue, suite 101, Falls Church, VA 22046–4312, (703) 536–5401.

i. *FERC Contact:* Ms. Deborah Frazier-Stutely, (202) 219–2842.

j. *Comment Date:* May 6, 1993.

k. *Description of Project:* The proposed run-of-river project would consist of: (1) A side channel turnout and natural rock sill intake at elevation 2,917 feet msl; (2) an 800-foot-long, 20-foot-deep unlined earth canal; (3) a 160-foot-long ogee spillway, with a normal water crest elevation of 2,920.50 feet; (4) a 1,450-foot-long, 19-foot-deep concrete lined canal, with a bottom width of 35 feet; (5) a 39-foot-long, 50-foot-high, 92-foot-wide reinforced concrete powerhouse with trashrack, headgate, entry chamber, and two generating units with a combined installed capacity of 6,300 kW, operating under a net head of 27 feet; (6) a switchyard; (7) a 138-kV, 4,600-foot-long transmission line tying into an existing Idaho Power Company system; and (8) related facilities.

The project would generate approximately 40.9 GWh of energy annually.

The applicant also proposes to provide public access signs, foot paths, a picnic area with parking, and upgrade existing jeep trails as recreational enhancement at the project site.

l. *Purpose of Project:* The applicant proposes to sell the project power to Idaho Power Company or another utility in the region.

m. This notice also consists of the following standard paragraphs: A2, A9, B1, D8.

n. *Available Locations of Applications:* A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at the applicant's office (see item (h) above).

12a. *Type of Application:* Preliminary Permit.

b. *Project No:* 11381–000.

c. *Date filed:* February 4, 1993.

d. *Applicant:* Douglas Power Company, Inc.

e. *Name of Project:* East Fork Carson River Power Project.

f. *Location:* On East Fork Carson River, near the town of Gardnerville, in Douglas County, Nevada. Sections 25, 35, and 36 in T12N, R20E.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a) – 825(r).

h. *Applicant Contact:* Mr. David L. Pruett, Douglas Power Company, Inc., 859 Hwy #95, Gardnerville, NV 89410, (702) 265–2095.

i. *FERC Contact:* Mr. Michael Strzelecki, (202) 219–2827.

j. *Comment Date:* May 14, 1993.

k. *Description of Project:* The proposed project would consist of: (1) The applicant's existing 30-foot-high dam and 5-acre reservoir; (2) the replacement of the applicant's existing 100-foot-long penstock; (3) a powerhouse containing one generating unit with an installed capacity of 700 kW; (4) a 0.5-mile-long transmission line interconnecting with an existing Sierra-Pacific Power Company transmission line; and appurtenant facilities.

No new access roads will be needed to conduct the studies. The approximate cost of the studies would be $50,000.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11382–000.

c. *Date filed:* February 10, 1993.

d. *Applicant:* Hammond Hydroelectric Company.

e. *Name of Project:* Big Creek Project.

f. *Location:* On Big Creek, in Custer and Lemhi Counties, Idaho, utilizing lands of the United States managed by the Bureau of Land Management and the Forest Service, Sections 18 through 22, T 13 N, R 24 E.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a) –825 (r).

h. *Applicant Contact:* Mr. Jack S. Hammond, P.O. Box 460, Troy, ID 83871–0460, (208) 835–8443.

i. *FERC Contact:* Mr. Hector M. Perez, (202) 219–2843.

j. *Comment Date:* May 6, 1993.

k. *Description of Project:* The proposed project would consist of: (1) A new diversion structure; (2) a 16,000-foot-long, 48-inch-diameter steel penstock; (3) a powerhouse containing one generating unit with an installed capacity of 2,000 kW; (4) two 500-foot-long, 48-inch-diameter tailrace pipe; and (5) appurtenant facilities.

This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

Standard Paragraphs:

A2. *Development Application*—Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified deadline date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified deadline date for the particular application. Applications for preliminary permits will not be accepted in response to this notice.

A3. *Development Application*—Any qualified development applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permits will not be accepted in response to this notice.

A4. *Development Application*—Public notice of the filing of the initial development application, which has already been given, established the due date for filing competing applications or notices of intent. Under the Commission's regulations, any competing development application must be filed in response to and in compliance with public notice of the initial development application. No competing applications or notices of intent may be filed in response to this notice.

A5. *Preliminary Permit*—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b)(1) and (9) and 4.36.

A7. *Preliminary Permit*—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b)(1) and (9) and 4.36.

A9. *Notice of intent*—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

A10. *Proposed Scope of Studies under Permit*—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit will be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

B. *Comments, Protests, or motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules and Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

B1. *Protests or Motions to Intervene*—Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Federal Energy Regulatory Commission, Room 1027, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. *Agency Comments*— Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D4. *Filing and Service of Responsive Documents*—The application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to § 4.35(b) of the regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice (May 7, 1993 for Project No. 11286–000). All reply comments must be filed with the Commission within 105 days from the date of this notice (June 21, 1993 for Project No. 11286–000).

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must (1) bear in all capital letters the title "PROTEST", "MOTION TO INTERVENE", "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATIONS," "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, Room 1027, at the above address. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

D6. *Filing and Service of Responsive Documents*—The application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to § 4.34(b) of the regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice. (May 3, 1993 for Project No. 2541–006). All reply comments must be filed with the Commission within 105 days from the day of this notice. (June 21, 1993 for Project No. 2541–006).

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must (1) bear in all capital letters the title "PROTEST", "MOTION TO INTERVENE", "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, Room 1027, at the above address. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

D8. *Filing and Service of Responsive Documents*—The application is not ready for environmental analysis at this time; therefore, the Commission is not now requesting comments, recommendations, terms and conditions, or prescriptions.

When the application is ready for environmental analysis, the Commission will issue a public notice requesting comments, recommendations, terms and conditions, or prescriptions.

All filings must (1) bear in all capital letters the title "PROTEST" or "MOTION TO INTERVENE," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," or "COMPETING APPLICATION;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, Room 1027, at the above address. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

D9. *Filing and Service of Responsive Documents*—The application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to § 4.34(b) of the regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice. (May 3, 1993 for Project No. 2446–001; May 7, 1993 for Project No. 2411–005). All reply comments must be filed with the Commission within 105 days from the date of this notice. (June 16, 1993 for Project No. 2446–001; June 21, 1993 for Project No. 2411–005).

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must (1) bear in all capital letters the title "COMMENTS", "REPLY COMMENTS", "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, Room 1027, at the above address. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

D10. *Filing and Service of Responsive Documents*—The application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to section 4.34(b) of the regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 30, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice. (May 3, 1993 for Project No. 8974–001). All reply comments must be filed with the Commission within 105 days from the date of this notice. (June 16, 1993 for Project No. 8974–001).

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary

circumstances in accordance with 18 CFR 385.2008.

All filings must (1) bear in all capital letters the title "COMMENTS", "REPLY COMMENTS", "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, Room 1027, at the above address. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

Dated: April 5, 1993, Washington, DC.

Lois D. Cashell,

Secretary.

[FR Doc. 93-8323 Filed 4-8-93; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RM87-17-000]

Natural Gas Data Collection System; Notice of Availability of Revised Edit-Checking Software for the FERC Form No. 2

Issued April 5, 1993.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of availability of revised edit-checking software for the FERC Form No. 2.

SUMMARY: Revised and enhanced PC software for edit-checking of the structured data file for the FERC Form No. 2, Annual Report of Major Natural Gas Companies, is now available. The software is being issued to enable FERC Form No. 2 respondents to accomplish certain automated validations of the Form No. 2 data prior to submission. This version of software corrects deficiencies in the previous version (released 2/11/91) and includes several new menu options to display and edit the electronic Form No. 2 data file.

DATES: The revised PC software and the User's Manual are available on April 5, 1993.

ADDRESSES: For information on obtaining the revised software and documentation, please contact the: Public Reference & Files Maintenance Branch, Federal Energy Regulatory Commission, 941 North Capitol Street, NE., room 3104, Washington, DC 20426, (202) 208-1371.

FOR FURTHER INFORMATION CONTACT: For information relating to the execution of this software, contact James Krug at (202) 208-0677.

SUPPLEMENTARY INFORMATION: Revised PC software (executable code) is now available to provide for edit-checking of the structured electronic data file of the FERC Form No. 2 when filed in accordance with the Form No. 2 instructions and record formats as revised and issued on February 11, 1991. This edit-checking program was developed for Commission use and to assist major pipelines in complying with the electronic submission requirement for the FERC Form No. 2 pursuant to Order Nos. 493 (53 FR 15,025 (Apr. 27, 1988)), 493-A (53 FR 30,027 (Aug. 10, 1988)), 493-B (53 FR 49,652 (Dec. 9, 1988)), 493-C (54 FR 21,197 (May 17, 1989)) and 493-D (58 FR 7,985 (February 3, 1993)). A complete list of the edit-checks are found in appendix A of the User's Manual.

The edit-checking software was written in the C programming language and can be run on an IBM-compatible PC with 640 RAM, DOS 3.3 or later version and a fixed (hard) disk. The software and documentation is available on one 3.5" (1.44MB) or 5.25" (1.2MB) double-sided, high density diskette. The User's Manual is included on the diskette as an ASCII file and is also available in paper format.

The software has been tested by staff. However, if problems occur relating to the use of this software, the Commission staff encourages users to submit written comments as to the exact nature of the problem to James M. Krug, room 6010, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426.

The software and documentation can be purchased on diskette:

(1) By written request to the Commission, Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, DC 20426, ATTN: Mr. William McDermott, Chief Public Reference & Files Branch.

Please enclose a check, payable to LaDorn System Corporation for $7.00 per diskette ordered and $3.40 to cover postage and handling. Allow 10-14 days for processing and delivery.

(2) Directly from LaDorn System Corporation at the cashier's window in the Commission's Public Reference Room for $7.00 per diskette plus applicable sales tax, if any. The Public Reference Room is located on the third floor, 941 N. Capitol Street, NE., Washington, DC.

(3) By telephone request to LaDorn Energy Information Services at 1-800-676-FERC. Orders placed by phone will be assessed charges as follows:

(a) 25.00 processing fee,

(b) $7.00 per diskette ordered, and

(c) Cost of shipping and handling. (The requestor will have a choice of regular mail, 2-Day Express Mail or Federal Express).

The documentation is also available in hardcopy (paper) form. Please contact the Commission's Public Reference & Files Maintenance Branch on (202) 208-1371 for information and the cost of purchasing the paper version.

LaDorn System Corporation employees cannot answer questions regarding the use or operation of the software. Any questions concerning operation and use of the Form No. 2 edit-checking software should be directed to the individual listed in the "FOR FURTHER INFORMATION CONTACT:" section of this notice.

This notice is available through the Commission Issuance Posting System (CIPS), an electronic bulletin board service that provides access to formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed on a 24-hour basis using a personal computer with a modem. Your communications software should be set at full duplex, no parity, eight data bits and one stop bit. To access CIPS at 300, 1200 or 2400 baud dial (202) 208-1397. For access at 9600 baud dial (202) 208-1781. FERC is using U.S. Robotics HST Dual Standard modems. If you have any problems, please call (202) 208-2474. This notice will be available on CIPS for 30 days from the date of issuance of the notice.

In addition to publishing the text of this notice in the **Federal Register**, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this notice during normal business hours in the Public Reference & Files Maintenance Branch (Room 3104) at the Commission's

headquarters, 941 North Capitol Street, NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 93–8322 Filed 4–8–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. EL91–2–002]

Northern States Power Co.; Notice of Filing

April 5, 1993.

Taken notice that on March 5, 1993, Northern States Power Company (Northern States) tendered for filing a refund report in the above-referenced docket.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 285.214). All such motions or protests should be filed in or before April 15, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies for this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–8319 Filed 4–8–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER93–328–001]

Orange & Rockland Utilities, Inc.; Notice of Filing

April 5, 1993.

Take notice that on March 18, 1993, Orange & Rockland Utilities, Inc. (O&R) tendered for filing Supplement No. 1 to Rate Schedule FERC No. 60; and Supplement No. 2 to Rate Schedule FERC No. 61.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before April 14, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–8318 Filed 4–8–93; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 10983–001 Oregon]

Russell Canyon Corp.; Surrender of Preliminary Permit

April 5, 1993.

Take notice that Russell Canyon Corporation, permittee of the Bryant Mountain Hydroelectric Pumped Storage Project No. 10983, has requested that its permit be terminated. The permit was issued March 20, 1992. The project would have been located on the Klamath Irrigation District's "D" canal in Klamath County, Oregon.

The permittee filed the request on March 22, 1993, and the permit for Project No. 10983 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday, or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR part 4, may be filed on the next business day.

Lois D. Cashell,

Secretary.

[FR Doc. 93–8316 Filed 4–8–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER93–500–000]

Public Service Electric and Gas Co.; Notice of Filing

April 5, 1993.

Take notice that Public Service Electric and Gas Company (PSE&G) of Newark, New Jersey on March 29, 1993, tendered for filing an Agreement for the sale of Capacity and Energy to Central Hudson Gas and Electric Company (CHG&E) to provide replacement power for generating units (Roseton) damaged in a fire on March 18, 1993. Pursuant to the Agreement, PSE&G proposes to begin selling power immediately in an effort to provide relief to CHG&E; the Agreement will continue beyond the emergency period until notice of termination is served by either party under the terms of the contract.

PSE&G request the Commission to waive its notice requirements under Section 35.3 of its Rules and to permit the Capacity and Energy Sales Agreement to become effective immediately.

Copies of the filing have been served upon CHG&E and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before April 19, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–8321 Filed 4–8–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER93–157–000]

Puget Sound Power & Light Co.; Notice of Filing

April 5, 1993.

Take notice that on March 30, 1993, Puget Sound Power & Light Company (Puget) tendered for filing an amendment in the above-referenced docket.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before April 19, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93-8320 Filed 4-8-93; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP92-285-001]

Richfield Gas Storage System; Filing of Substitute Initial FERC Gas Tariff

April 5, 1993.

Take notice that on April 1, 1993, Richfield Gas Storage System, (Richfield) filed its Substitute Initial FERC Gas Tariff, Volume No. 1, Sheets 1 to 42. Richfield seeks authorization to make its initial tariff effective on April 15, 1993. The Substitute Tariff is intended to restate and replace Richfield's Initial Tariff which was filed on March 11, 1992. Richfield says that the purpose of the filing is to eliminate technical errors in the earlier version and to add a provision for short-term capacity release.

Richfield says that copies of this filing were served on the company's jurisdictional customers and affected state commission as required by § 154.16(b) of the Commission's Regulations.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before April 12, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93-8317 Filed 4-8-93; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER93-494-000]

Toledo Edison Co.; Filing

April 5, 1993.

Take notice that on March 26, 1993, The Toledo Edison Company (Toledo Edison) tendered for filing a new Rate Schedule K to the Interconnection and Service Agreement between Toledo Edison and American Municipal Power-Ohio, (AMP-Ohio), which was effective for service rendered by Toledo Edison to AMP-Ohio from December 1, 1989. Toledo Edison states that the new Rate Schedule K reflects the change of delivery point for service rendered to AMP-Ohio at the City of Bowling Green. This filing provides information on a contribution in aid of construction project.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before April 19, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93-8315 Filed 4-8-93; 8:45 am]

BILLING CODE 6717-01-M

Southeastern Power Administration

Georgia-Alabama-South Carolina System of Projects

AGENCY: Southeastern Power Administration (Southeastern), DOE.

ACTION: Notice.

SUMMARY: Southeastern proposes to extend existing schedules of rates and charges applicable to the sale of power from the Georgia-Alabama-South Carolina System of Projects effective for a 3-year period, October 1, 1993, through September 30, 1996. These schedules are set forth at 56 FR 26585 (June 5, 1991).

DATES: Written comments are due on or before May 26, 1993. A public information and comment forum will be held in Atlanta, Georgia, on May 11, 1993. Persons desiring to speak at the forum should notify Southeastern by May 5.

ADDRESSES: Five copies of written comments should be submitted to: Administrator, Southeastern Power Administration, Department of Energy, Samuel Elbert Building, Elberton, Georgia 30635. The public information and comment forum will begin at 10 a.m. on May 11, 1993, at the Sheraton Atlanta Airport Hotel, 1325 Virginia Avenue, Atlanta, Georgia 30344. Relevant documents are available for examination at the Samuel Elbert Building, Elberton, Georgia 30635.

FOR FURTHER INFORMATION CONTACT: Leon Jourolmon, Director, Power Marketing Division, Southeastern Power Administration, Department of Energy, Samuel Elbert Building, Elberton, Georgia 30635, (706) 283-9911.

SUPPLEMENTARY INFORMATION: This action must be completed before the existing rate schedules expire on September 30, 1993.

Southeastern is proposing to extend all schedules approved by the Federal Energy Regulatory Commission in Docket No. EF90-3011-000 and 001 on April 3, 1991 and September 30, 1993, except that the surcharge applicable to schedules SC-4-A, SC-5-A, CAR-4-A, and SCE-4-A would expire on September 30, 1993. The transmission charge for each schedule so extended would be the rate charged by the appropriate facilitators. The use of facilities credit previously allowed would expire on September 3, 1993 and all transmission rates would be subject to revision in accordance with current contracts.

Issued at Elberton, Georgia, April 5, 1993.

John A. McAllister, Jr.,

Administrator.

[FR Doc. 93-8397 Filed 4-8-93; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-4598-4]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared March 22, 1993 Through March 26, 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.

Summary of Rating Definitions

Environmental Impact of the Action

LO—Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be

accomplished with no more than minor changes to the proposal.

EC—Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

EO—Environmental Objections

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EO—Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

Adequacy of the Impact Statement

Category 1—Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2—Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3—Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

Draft EISs

ERP No. D-AFS-J65199-MT

Rating EC2, Upper Camp-Duncie Timber Sale, Harvesting Timber and Road Construction, Implementation, Deerlodge National Forest, Phillipsburg Ranger District, Granite County, MT.

Summary: EPA expressed concern regarding confusion over project boundaries and analysis areas, sediment loading and air quality. EPA requested that additional discussion of these issues be included in the FEIS.

ERP No. D-AFS-L65189-ID

Rating EC2, Steen Creek Salvage Timber Sale, Salvage Harvest Timber and Possible Road Construction, Payette National Forest, Adams County, ID.

Summary: EPA had concerns with potential water quality impacts; the need for broader air quality impact analysis; the need for complete monitoring and mitigation discussions; and the need for an expanded cumulative effects analysis. Additional information is requested to clarify compliance with state water quality standards; to disclose air quality impacts from prescribed burning; to outline monitoring and mitigation strategies; and to expand the cumulative effects analysis.

ERP No. D-COE-C30009-NJ

Rating EC2, Atlantic Coast of New Jersey, Beach Erosion Control Project, Implementation, Sandy Hook to Barnegat Inlet within the Borough of Asbury Park to Manasquan, Monmouth County, NJ.

Summary: EPA expressed concerns regarding the validity of the project area analysis, as the DEIS did not reflect possible changes caused by borrow areas and nourishment sites were not sufficiently described.

Final EISs

ERP No. F-FHW-E40130-NC

Hickory East Side Thoroughfare Transportation Improvement, US 127 to I-40 east of Hickory and continuing to US 70 in the vicinity of Startown Road, Funding and COE Section 404 Permit, City of Hickory, Catawba County, NC.

Summary: EPA expressed concern regarding water quality, wetland and upland impacts. EPA requested that additional mitigation be investigated.

ERP No. F-NPS-K61185-NV

Lake Mead National Recreation Area, Lakeshore Road/NV-166 Reconstruction, Funding, Clark County, NV.

Summary: Review of the Final EIS was not deemed necessary. No formal comment letter was sent to the preparing agency.

Dated: April 6, 1993.

William D. Dickerson,

Deputy Director, Office of Federal Activities

[FR Doc. 93-8389 Filed 4-8-93; 8:45 am]

BILLING CODE 6560-50-P

[FRL-4612-3]

Science Advisory Board; Public Meetings

Under Public Law 92-463, notice is hereby given of the following two Science Advisory Board (SAB) meetings. These meetings are open to the public; however, seating is limited and is on a first-come basis.

1. The Radiation Advisory Committee (RAC) will meet April 27-28, 1993, Guest Quarters Suite Hotel, 100 South Reynolds Street, Alexandria, Virginia 22304, 703-370-9600. The meeting will begin at 9 a.m. on Tuesday April 27 and adjourn no later than 5 p.m. on Wednesday April 28. The draft agenda calls generally for discussion of waste issues on Tuesday and electric magnetic fields on Wednesday, as described below.

(A) Tuesday's meeting will begin with consideration of naturally-occurring radioactive materials (NORM), including a briefing by the Office of Radiation and Indoor Air (ORIA) on their draft preliminary risk assessment, with the intention of conducting a review of the topic at the July 1993 RAC meeting.

(B) Tuesday's meeting will continue with discussion and presentations concerning source terms and waste classification systems, a briefing on the activities of the Radon Science Initiative Subcommittee, and progress briefings on radon research related activities of the Office of Radiation and Indoor Air.

(C) On Wednesday, the Agency will brief the RAC on progress towards implementing the recommendations found in its two earlier reports on electric and magnetic fields; i.e., EPA-SAB-RAC-92-013 (potential carcinogenicity) and EPA-SAB-RAC-LTR-92-009 (research needs); see (D) below for ordering information. RAC member Dr. Ricardo Gonzalez and ORIA staff will brief the Committee on the EPA's Radiofrequency Radiation Conference. Staff from the Office of Health Research will brief the Committee on Electric and Magnetic Fields: An EPA Perspective on Research Needs and Priorities for Improving Health Risk Assessment (EPA/600/9-91/016F), December 1992. Copies of this document are available from CERI (513) 569-7562. ORIA staff will update the RAC on the Office's citizen communication activities. The RAC will also begin planning for future reviews.

(D) RAC member Dr. Oddvar Nygaard will lead a overview discussion on RAC reviews and Agency responses since the Committee's formation in 1985 and their implication for risk reduction. A list of RAC reports, with ordering numbers, can be obtained from Mrs. Dorothy Clark (202) 260-6552; the reports themselves are available by calling (202) 260-4126.

(E) The Committee may also discuss other issues relating to environmental radiation.

2. *The RAC's Radon Science Initiative Subcommittee* will meet on May 20-21, 1993, Guest Quarters Suite Hotel, 100 South Reynolds Street, Alexandria, Virginia 22304, 703-370-9600. The meeting will begin at 9 a.m. on Thursday and adjourn no later than 4 p.m. on Friday. The Subcommittee will discuss written materials they have prepared as a result of their earlier meetings on radon research, including radon risk and exposure assessment, radon reduction, and radon communication. Copies of this material will be available to the public in May through Mrs. Diana Pozun (202/260-6552).

The proposed charge for the Subcommittee is: (a) What are the remaining important areas of scientific uncertainty that affect (1) the estimates of exposure and risk associated with radon, and (2) risk reduction strategies (such as mitigation)?; (b) broadly, what scientific efforts are currently underway, both within the Agency and outside, that would address these areas?; and (c) what are the priorities for near- and longer-term research needs for the Agency's own programs.

Anyone wishing to provide written public comments for the April 27-28 meeting or the May 20-21 meeting should forward at least thirty-five copies to Mrs. Dorothy Clark or Mrs. Diana Pozun respectively. Both can be reached at (A-101F), Science Advisory Board, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Copies of these statements received in the SAB Staff Office ten days prior to a meeting will be mailed to the Committee before that meeting; copies received after that date will be provided to the Committee at the meeting. Commenters should register with Mrs. Clark or Mrs. Pozun at least ten days before the meeting, being sure to specify at which meeting they wish to provide comments, the nature of the comments, and audiovisual requirements.

Dated: April 1, 1993.

A.R. Flaak,

Acting Staff Director, Science Advisory Board.

[FR Doc. 93-8396 Filed 4-8-93; 8:45 am]

BILLING CODE 6560-50-P

(ER-FRL-4598-3)

Weekly Receipts of Environmental Impact Statements; Availability

RESPONSIBLE AGENCY: Office of Federal Activities, General Information (202) 260-5076 OR (202) 260-5075.

Weekly Receipts of Environmental Impact Statements Filed March 29, 1993 Through April 2, 1993 Pursuant to 40 CFR 1506.9.

EIS No. 930105, FINAL EIS, AFS, MT, Beaver-Dry Timber Sales, Harvest Timber and Road Construction, Implementation, Helena National Forest, Lincoln Ranger District, Lewis and Clark and Powell Counties, MT, Due: May 10, 1993, Contact: Terry Eccles (406) 362-4265.

EIS No. 930106, DRAFT EIS, COE, LA, Gulf of Mexico Waters Oyster Shell Dredging Project, COE Section 10 and 404 Permits, East Cote Blanche and Atchafalaya Bays, Terrebonne and St. Mary Parishes, LA, Due: May 28, 1993, Contact: Robert Rosenberg (504) 862-2522.

EIS No. 930107, FINAL EIS, AFS, MS, W. W. Ashe Nursery Integrated Pests Management Plan, Implementation, DeSoto National Forest, Forest County, MS, Due: May 10, 1993, Contact: Sally Campbell (503) 326-7755.

EIS No. 930108, DRAFT EIS, APH, AL, CA, GA, MS, TX, AZ, FL, LA, SC, Medfly (Mediterranean Fruit Fly) Cooperative Eradication Program, Implementation, AL, AZ, CA, FL, GA, LA, MS, SC and TX, Due: May 24, 1993, Contact: Harold T. Smith (301) 436-8963.

EIS No. 930109, DRAFT EIS, NOA, NC, FL, SC, GA, Shrimp Fishery Management Plan, Implementation, Exclusive Economic Zone (EEZ), South Atlantic Region, NC, SC, FL and GA, Due: May 24, 1993, Contact: Nancy Foster (301) 713-2239.

EIS No. 930110, FINAL EIS, IBR, 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, Due: May 10, 1993, Contact: Richard Cheline (916) 978-5002.

EIS No. 930111, DRAFT EIS, BLM, OK, Oklahoma Comprehensive Land and Resource Management Plan for Oil and Gas Leasing and Development, Coal Tract Leasing, Townsite Disposal and Red River Management, Tulsa District, several Counties, OK, Due: July 2, 1993, Contact: Paul W. Tanner (405) 794-9624.

EIS No. 930112, FINAL EIS, FAA, TN, Memphis International Airport, Construction and Operation, Runway 18L-36R, Relocation of Swinnea Road, portion of Winchester Road and Shelby Drive, Airport Layout Plan (ALP) Approval, Funding and Section 404 Permits, Shelby County, TN, Due: May 10, 1993, Contact: Peggy S. Kelley (901) 544-3495.

EIS No. 930113, FINAL EIS, AFS, CA, Echo Summit Ski Area Site, Operation and Management, Issue Special Use Permit, El Dorado National Forest, Placerville Ranger District, El Dorado County, CA, Due: May 10, 1993, Contact: Diana Erickson (916) 622-5061.

EIS No. 930114, FINAL EIS, BOP, SC, Edgefield Low Security Federal Correctional Institution, Construction, Operation and Site Selection, Edgefield County, SC, Due: May 10, 1993, Contact: Patricia K. Sledge (202) 514-8697.

EIS No. 930115, DRAFT SUPPLEMENT, USN, WA, Puget Sound Area Carrier Battle Group, Implementation, Updated Information on Element II Breakwater Pier, Everett Homeport Naval Station Project, Snohomish, King and Pierce Counties, WA, Due: May 24, 1993, Contact: Don Morris (206) 396-5976.

EIS No. 930116, FINAL EIS, USN, MD, Naval Air Warfare Center Aircraft Division Base Realignment, Naval Air Station Patuxent River, St. Mary's, Calvert and Charles Counties, MD, Due: May 10, 1993, Contact: Mike Bryan (202) 433–3381.

Amended Notices

EIS No. 930041, DRAFT EIS, FRC, FL, MS, AL, LA, Florida Gas Transmission Phase III Expansion Project, Construction and Operation, Special Use Permits, Section 10 and 404 Permits and NPDES Permit, extending through Fl, AL, MS and LA, Due: May 20, 1993, Contact: Mark Jensen (202) 208–1121.

Published FR 2–19–93—Review period extended.

Dated: April 6, 1993.

William D. Dickerson,

Deputy Director, Office of Federal Activities.

[FR Doc. 93–8390 Filed 4–8–93; 8:45 am]

BILLING CODE 6560–50–U

[FRL–4612–5]

Science Advisory Board; Environmental Engineering Committee, MMSOILS Model Review Subcommittee Open Meeting

Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the Science Advisory Board's (SAB's) MMSOILS Model Review Subcommittee (MMRS) of the Environmental Engineering Committee (EEC), will meet on Thursday, April 22 through Friday, April 23, 1993. On Thursday, April 22, 1993 the MMRS will meet from 9 a.m. and adjourn no later than 6 p.m. On Friday, April 23, 1993 the MMRS will meet starting at 8:30 a.m. and will adjourn no later than 4:30 p.m. The meeting will be held at the Guest Quarters Suite Hotel, 100 South Reynolds Street, Alexandria, VA 22304 (Hotel telephone number is (703) 370–9600). The meeting is open to the public and seating will be on a first come basis.

At this meeting, the MMRS will be briefed by Agency staff, including the Office of Research and Development (ORD) Staff, on specific elements of the Office of Solid Waste and Emergency Response (OSWER) fate and transport model (MMSOILS) used to predict environmental concentrations of contaminants with regard to the methodology used to predict environmental concentrations of contaminants, and implications that the model has on the human and ecological risk assessment being performed by the OSWER Office of Solid Waste (OSW) staff. The OSW staff are also requesting review of the methodology used in the contingent valuation (CV) study in the economic benefits analysis and residential property valuation study. This latter activity is being conducted by the SAB's Environmental Economics Advisory Committee (EEAC). The charge will address the following items related to the MMSOILS model:

(1) The adequacy of methods for using a screening level model to characterize situations where there is a substantial subsurface heterogeneity or where non-aqueous phase contaminants are present,

(2) Appropriateness of the Agency's approach for aggregating releases from solid waste management units (the source terms for the contaminant modeling) to estimate concentration at exposure points over time,

(3) Adequacy of the Agency's approach for developing long term effectiveness and failure scenarios for site remedies, and

(4) The implications of the fate and transport modeling assumptions on the ecological and human risk assessment.

Any member of the public wishing further information, such as a proposed agenda should contact Dr. K. Jack Kooyoomjian, Designated Federal Official, or Mrs. Diana L. Pozun, Secretary, Science Advisory Board (A–101–F), U.S. Environmental Protection Agency, Washington, DC 20460, at (202) 260–6552. Anyone wishing copies of the draft report entitled "*MMSOILS: Multimedia Contaminant Fate, Transport, and Exposure Model,*" as well as the "*Draft Regulatory Impact Analysis for the Final Rulemaking Corrective Action for Solid Waste Management Units: Proposed Methodology for Analysis,*" and its Appendices should contact the RCRA Hotline (1–800–424–9346). Anyone having a question on the OSWER review documents and issues should contact Ms. Linda Martin at (202) 260–0062.

Written comments received by April 15, 1993 will be mailed to the SAB's MMRS; comments received after that date will be provided to the MMRS at the meeting. Written comments of any length (at least 35 copies) may be provided to the Subcommittee up until the meeting. Members of the public who wish to make a brief oral presentation should contact Dr. K. Jack Kooyoomjian no later than April 19, 1993 in order to reserve time on the agenda. The Science Advisory Board expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements. In general, each individual or group making an oral presentation will be limited to a total time of five minutes.

Dated: March 29, 1993.

A. Robert Flaak,

Acting Staff Director, Science Advisory Board (A–101).

[FR Doc. 93–8395 Filed 4–8–93; 8:45 am]

BILLING CODE 6560–50–P

[FRL–4612–6]

CWA 304(L): Availability of List Submissions and Proposed Approval Decisions

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability.

SUMMARY: This notice announces the availability of lists submitted to EPA pursuant to CWA section 304(l)(1)(C) as well as EPA's proposed approval decisions, and requests public comment.

DATES: Comments must be submitted to EPA on or before May 10, 1993.

ADDRESSES: Comments on these items should be sent to Francisco Cruz, Permits Enforcement Branch, U.S. EPA Region III, 841 Chestnut Building, Philadelphia, PA 19107. Copies of the documents relevant to this action are available for public inspection at the U.S. EPA Region III office noted above during normal business hours.

FOR FURTHER INFORMATION CONTACT: Francisco Cruz, Permits Enforcement Branch, U.S. EPA Region III, 841 Chestnut Building, Philadelphia, PA 19107, (215) 597–8813.

SUPPLEMENTARY INFORMATION: Section 304(l) of the Clean Water Act (CWA) required each state, within two years after February 4, 1987, to submit to the U.S. Environmental Protection Agency (EPA) three lists of waters, including a list (the "B List" or "Short List") of those waters that the state does not expect to achieve applicable water quality standards, after application of technology-based controls, due to discharges of toxic pollutants from point sources. Section 304(l)(1)(B), 33 U.S.C. 1314(l)(1)(B). The second, or "Mini", list consists of waters that are not meeting the new water quality standards developed under section 303(c)(2)(B) for toxic pollutants because of pollution from point and nonpoint sources. Section 304(l)(1)(A)(i), 33 U.S.C. 1314(l)(1)(A)(i). The third, or "Long", list includes all waters on the other two lists, plus any waters which after the implementation of technology-based controls, are not expected to meet the water quality goals of the Act. Section

304(l)(1)(A)(ii), 33 U.S.C. 1314(l)(1)(A)(ii).

For each water segment identified in these lists, the state was required, by February 4, 1989, to submit a "C" List specifying point sources discharging toxic pollutants believed to be preventing or impairing such water quality. Section 304(l)(1)(C), 33 U.S.C. 1314(l)(1)(C); see *Natural Resources Defense Council* v. *EPA*, 915 F.2d 1313, 1323–4 (9th Cir. 1990); 57 FR 33040–3050 (July 24, 1992) (amending EPA's section 304(l) regulations to require point sources to be identified for each listed water segment). For each point source identified on the state's C List as discharging toxic pollutants into a water segment on the state's B List, the state was further required to submit to EPA an individual control strategy (ICS) that the state determined would serve to reduce point source discharges of toxic pollutants to the receiving water to a degree sufficient to attain water quality standards in that water within three years after the date of the establishment of the ICS. 33 U.S.C. 1314(l)(1)(D).

EPA initially interpreted the statute to require states to identify on the C List only those facilities that discharge toxic pollutants believed to be impairing waters listed on the B List. In *Natural Resources Defense Council* v. *EPA*, the Ninth Circuit Court of Appeals remanded that portion of the regulation and directed EPA to amend the regulation to require the states to identify all point sources discharging any toxic pollutant that is believed to be preventing or impairing water quality of any stream segment listed on any of the three lists of waters, and to indicate the amount of the toxic pollutant discharged by each source. EPA amended 40 CFR 130.10(d)(3) accordingly. See 57 FR 33040 (July 24, 1992).

Consistent with EPA's amended regulation, the Commonwealth of Pennsylvania, the Commonwealth of Virginia, Delaware, Maryland and West Virginia have submitted to EPA for approval their listing decisions under section 304(l)(1)(C). EPA today proposes to approve these lists hereby and solicits public comment on both the approval decisions and on the state lists.

Dated: March 25, 1993.

W.T. Wisniewski,

Acting Regional Administrator, EPA Region III.

[FR Doc. 93–8391 Filed 4–8–93; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL RESERVE SYSTEM

Centura Banks, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than May 6, 1993.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Senior Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. Centura Banks, Inc., Rocky Mount, North Carolina; to acquire 100 percent of the voting shares of Interim Bank, Granite Falls, North Carolina, the successor by conversion from Granite Savings Bank, SSB.

2. First Union Corporation, Charlotte, North Carolina; to acquire 100 percent of the voting shares of First American Metro Corp, McLean, Virginia; Maryland Bankshares, Inc., Baltimore, Maryland; and Virginia Bankshares, Inc., McLean, Virginia; and thereby indirectly acquire First American Bank of Maryland, Silver Spring, Maryland, and First American Bank of Virginia, McLean, Virginia.

Board of Governors of the Federal Reserve System, April 5, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93–8330 Filed 4–8–93; 8:45 am]

BILLING CODE 6210-01-F

George Edward Feaster, et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than April 29, 1993.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. George Edward Feaster, Largo, Florida; to acquire 13.71 percent; and John Victor Phillipoff, Seminole, Florida; to acquire 11.81 percent of the voting shares of P.C.B. Bancorp, Inc., Largo, Florida, and thereby indirectly acquire Pinellas Community Bank, Largo, Florida.

2. John Andrew Rainier Grimaldi, Tampa, Florida; Frank Musolino, Temple Terrace, Florida; Paul Roque, Temple Terrace, Florida; and Edward Simmon, Temple Terrace, Florida, to retain 36.25 percent of the voting shares of University State Bank Corp., Tampa, Florida, and thereby indirectly acquire University State Bank, Tampa, Florida.

B. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Robert W. Davis, Tulsa, Oklahoma; to acquire an additional 4.92 percent for a total of 8.60 percent; Brenda Boone Davis, Tulsa, Oklahoma, to acquire an additional 12.57 percent for a total of 13.83 percent; Anthony B. Davis, Tulsa, Oklahoma, to retain 1.32 percent; Eric Lowell Davis, Tulsa, Oklahoma, to retain 1.34 percent; Robert W. Langholz, Tulsa, Oklahoma, trustee of the Brenda B. Davis Irrevocable Trust, to acquire 3.81 percent; Anthony Boone Davis Living Trust, Robert W. and Brenda Boone Davis, Co-trustees, to acquire 2.46 percent; and Eric Lowell Davis Living Trust, Robert W. and Brenda Boone Davis, Co-trustees, to acquire 2.46 percent of the voting shares of F &

M Bancorporation, Tulsa, Oklahoma, and thereby indirectly acquire The F & M Bank and Trust Co., Tulsa, Oklahoma.

Board of Governors of the Federal Reserve System, April 5, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93-8329 Filed 4-8-93; 8:45 am]

BILLING CODE 6210-01-F

Montfort Bancorporation, Inc., et al.; Notice of Applications to Engage de novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 29, 1993.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Montfort Bancorporation, Inc., Platteville, Wisconsin, and Clare Bancorporation, Inc., Platteville, Wisconsin; to engage *de novo* in making and acquiring loans pursuant to § 225.25(b)(1) of the Board's Regulation Y. These activities will be conducted in the State of Wisconsin.

B. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Gaylord Bancorporation, Ltd., Gaylord, Minnesota; to engage *de novo* in making, acquiring, or servicing loans or other extensions of credit for its own account or the account of others pursuant to § 225.25(b)(1); and to engage indirectly through its subsidiary, Sterling Capital Advisors, Inc., Gaylord, Minnesota, in acting as investment or financial advisor to the extent of (a) providing advice, including rendering fairness opinions and providing valuation services, in connection with mergers, acquisitions, divestitures, joint ventures, leveraged buyouts, recapitalizations, capital structurings, and financing transactions (including private and public financings and loan syndications); and conducting financial feasibility studies pursuant to § 225.25(b)(4)(vi)(A)(1); and (b) providing financial and transaction advice regarding the structuring and arranging of swaps, caps, and similar transactions relating to interest rates, currency exchange rates or prices, and economic and financial indices, and similar transactions pursuant to § 225.25(b)(4)(vi)(A)(2); acting as intermediary for the financing of commercial or industrial income-producing real estate by arranging for the transfer of the title, control and risk of such a real estate project to one or more investors pursuant to § 225.25(b)(14); and providing securities brokerage services in combination with investment advisory services pursuant to §§ 225.25(b)(4) and (b)(15)(ii) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, April 5, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93-8331 Filed 4-8-93; 8:45 am]

BILLING CODE 6210-01-F

FEDERAL TRADE COMMISSION

[File No. 912 3048]

Abbott Laboratories; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit, among other things, an Illinois-based marketer of very-low-calorie diet programs (rapid weight loss, modified fasting diets of 800 or fewer calories per day) from making false or unsubstantiated claims about health risks, weight loss, or weight loss maintenance; and would require certain disclosures in conjunction with safety and weight loss maintenance claims in the future.

DATES: Comments must be received on or before June 8, 1993.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, room 159, 6th St. and Pa. Ave., NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Brinley H. Williams or David V. Plottner, Cleveland Regional Office, Federal Trade Commission, 668 Euclid Avenue, suite 520-A, Cleveland, Ohio 44114, (216) 522-4210.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

In the Matter of Abbott Laboratories, a corporation.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Abbott Laboratories, hereinafter sometimes referred to as proposed respondent or respondent, and it now appearing that proposed respondent is willing to enter into an agreement containing an Order

to Cease and Desist from the use of the acts or practices being investigated.

It is hereby agreed by and between Abbott Laboratories, by its duly authorized officer, and its attorney and counsel for the Federal Trade Commission that:

1. Proposed respondent Abbott Laboratories is an Illinois corporation, with its offices and principal place of business at One Abbott Park Road, Abbott Park, Illinois 60064–3500.

2. Proposed respondent admits all the jurisdictional facts set forth in the attached draft Complaint.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's Decision contain a statement of findings of fact and conclusions of law;

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the Order entered pursuant to this Agreement; and

(d) Any claim under the Equal Access to Justice Act, 5 U.S.C. 504.

4. This Agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this Agreement is accepted by the Commission, it, together with the attached draft Complaint, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this Agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its Complaint (in such form as the circumstances may require) and Decision, in disposition of the proceeding.

5. This Agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the attached draft Complaint, or that the facts alleged in the attached draft Complaint, other than the jurisdictional facts, are true.

6. This Agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent: (a) Issue its Complaint corresponding in form and substance with the attached draft Complaint and its Decision containing the following Order to Cease and Desist in disposition of the proceeding; and (b) make information public with respect thereto. When so entered, the Order to Cease and Desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The Order shall become final upon service. Delivery by the United States Postal Service of the Complaint and Decision containing the agreed-to Order to proposed respondent's address as stated in this Agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The Complaint may be used in construing the terms of the Order, and no agreement, understanding, representation or interpretation not contained in the Order or the Agreement may be used to vary or contradict the terms of the Order.

7. Proposed respondent has read the attached draft Complaint and the following Order. Proposed respondent understands that once the Order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the Order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the Order after it becomes final.

Order

Definitions

(1) For purposes of this Order, "competent and reliable scientific evidence" means those tests, analyses, research, studies, surveys or other evidence conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the relevant profession or science to yield accurate and reliable results.

(2) "Very-low-calorie diet" or "VLCD" means any dietary regimen that provides 800 calories per day (K cal/day) or less.

I

It is ordered, That respondent Abbott Laboratories, a corporation, its successors and assigns, officers, representatives, agents and employees, directly or through any corporation, subsidiary, division or other device in connection with the advertising, promotion, offering for sale or sale of any weight loss or weight control product, program or service, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(A) Making any representation, directly or by implication, regarding the safety of any very-low-calorie diet ("VLCD") program, unless respondent clearly and prominently discloses, in close proximity to any such representation, that physician monitoring is required to minimize the potential for health risks, or otherwise misrepresenting any health risk of the program.

(B) Misrepresenting the likelihood that patients of respondent's diet program(s) will regain all or any portion of lost weight.

(C) Making any representation, directly or by implication, about the success of patients on any diet program in achieving or maintaining weight loss or weight control unless, at the time of making such representation, respondent possesses and relics upon a reasonable basis consisting of competent and reliable scientific evidence substantiating the representation; *provided, however, That* for any representation that:

(1) Any weight loss achieved or maintained through any diet program is typical or representative of all or any subset of patients using the program, said evidence shall, at a minimum, be based on a representative sample of:

(a) All patients who have entered the program, where the representation relates to such persons; or

(b) All patients who have completed a particular phase of the program or the entire program, where the representation only relates to such persons; and

(2) Any weight loss is maintained long-term, said evidence shall, at a minimum, be based upon the experience of patients who were followed for a period of at least two years after completion of respondent's program (including any periods of participation in active maintenance); and

(3) Any weight loss is maintained permanently, said evidence shall, at a minimum, be based upon the experience of patients who were followed for a period of time after completing the program that is either:

(a) Generally recognized by experts in the field of treating obesity as being of sufficient length to constitute a reasonable basis for predicting that weight loss will be permanent; or

(b) Demonstrated by competent and reliable survey evidence as being of sufficient duration to permit such a prediction.

(D) Representing, directly or by implication, that any patients of any diet program have successfully maintained weight loss, unless respondent discloses, clearly and

prominently and in close proximity to such representation:

(1) The following information:

(a) The average percentage of weight loss maintained by those patients;

(b) The duration over which the weight loss was maintained, measured from the date that patients ended the active weight loss phase of the program; *provided, however, That* if any portion of the time period covered includes participation in respondent's maintenance program(s) that follows active weight loss, such fact must also be disclosed; and

(c) If the patient population referred to is not representative of the general patient population for that program, the proportion of the total patient population in respondent's programs that those patients represent, expressed in terms of a percentage or actual numbers of patients, or the statement, "New Direction makes no claim that this [these] result[s] is [are] representative of all patients in the New Direction program;" and

(2) The statement: "For many dieters, weight loss is temporary;" *provided, however, That* respondent shall not represent, directly or by implication, that the above-quoted statement does not apply to dieters in respondent's diet program.

II

It is further ordered, That respondent shall notify the Commission at least thirty (30) days prior to the effective date of any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation(s), the creation or dissolution of subsidiaries, the filing of a bankruptcy petition or any other change in the corporation(s) that may affect compliance obligations arising out of this Order.

III

It is further ordered, That respondent shall maintain for a period of three (3) years after the date on which the representation was last made, and make available to the Federal Trade Commission staff upon request for inspection and copying, all materials possessed and relied upon to substantiate any claim or representation covered by this Order, and all test reports, studies, surveys or information in its possession or control and which, to its knowledge, contradict, qualify or call into question any such claim or representation.

IV

It is further ordered, that respondent and its successors or assigns shall forthwith distribute a copy of this Order to each of its officers, agents, representatives, independent contractors and employees, including participating hospitals or clinics, that are engaged in the preparation and placement of advertisements or promotional materials, who communicate with patients or prospective patients, or who have any responsibilities with respect to the subject matter of this Order; and, for a period of ten (10) years from the date of entry of this Order, distribute same to all of respondent's future officers, agents, representatives, independent contractors and employees having said responsibilities. *Provided, however, That* nothing in this Order shall obligate respondent with respect to advertising or promotional materials of participating physicians, hospitals and clinics that are neither owned, operated nor controlled by respondent when said advertising is not prepared, approved or placed by respondent.

V

It is further ordered, That respondent and its successors and assigns shall, within sixty (60) days after service of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this Order.

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted an Agreement to a proposed Consent Order from Abbott Laboratories, marketer of the "New Direction" rapid weight-loss, very-low-calorie diet ("VLCD") program through its Ross Laboratories Division. The New Direction diet program is offered to the public nationwide through independent hospitals.

The proposed Consent Order has been placed on the public record for sixty (60) days for the reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the Agreement and will decide whether it should withdraw from the Agreement or make final the Agreement's proposed Order.

The Commission's Complaint charges that Abbott Laboratories deceptively advertised the safety and efficacy of the New Direction diet program.

Safety

The Commission has alleged that Abbott Laboratories failed to disclose that physician monitoring is required to minimize the potential for health risks on VLCDs. Abbott Laboratories claimed that the New Direction diet program is safe.

The Complaint does not allege that the New Direction diet program is unsafe, but that Abbott Laboratories' claim that the program is safe was deceptive in light of its failure to disclose that physician monitoring is required to minimize the potential for health risks. There is some empirical evidence that, during the period in which they are dieting, patients on VLCDs may be at increased risk of developing gallstones.

The proposed Consent Order seeks to address the alleged safety misrepresentation cited in the accompanying Complaint in two ways (Part I.A.). First, the Order requires Abbott Laboratories to disclose, in conjunction with any claim regarding the safety of any VLCD program, that physician monitoring is required to minimize the potential of health risks. Thus, if Abbott Laboratories in the future were to claim that the New Direction program is "safe," it would need to make to required disclosure in close proximity to that claim. Second, the proposed Order prohibits any misrepresentation about any health risk of the program. Thus, Abbott Laboratories in the future could not claim that patients have experienced no serious adverse side effects, unless that is the case.

Efficacy

The Commission has further alleged that Abbott Laboratories failed to possess a reasonable basis for claims it made regarding the success of New Direction patients in avoiding the regain of weight lost during the program. Abbott Laboratories claimed that the New Direction diet is a successful long-term or permanent treatment for obesity, and that the typical New Direction patient is successful in maintaining weight loss achieved under the program.

The Commission believes that these success claims for patient maintenance of achieved weight loss were deceptive because Abbott Laboratories, at the time it made the claims, did not possess adequate substantiation that New Direction patients successfully maintain achieved weight loss.

The proposed Consent Order seeks to address the alleged efficacy misrepresentations cited in the accompanying Complaint in several

ways. First, the Order prohibits Abbott Laboratories from misrepresenting the likelihood that patients or its diet programs will regain all or any portion of lost weight (Part I.B.).

Second, the Order requires Abbott Laboratories to possess a reasonable basis consisting of competent and reliable scientific evidence substantiating any claim about the success of patients on any diet program in achieving or maintaining weight loss. As a fencing-in measure to ensure compliance, the Order further specifies what this level of evidence shall consist of when certain types of success claims are made:

(1) In the case of claims that weight loss is typical or representative of all patients using the program, or any subset of those patients, that evidence shall be based on a representative sample of:

(a) All patients who have entered the program, where the representation relates to such persons; or

(b) All patients who completed a particular phase of the program, or the entire program, where the representation only relates to such persons.

(2) In the case of claims that any weight loss is maintained long-term, that evidence shall be based upon the experience of patients who were followed for a period of at least two years after their completion of Abbott Laboratories' program, including any periods of participation in Abbott's maintenance program.

(3) In the case of claims that weight loss is maintained permanently, that evidence shall be based upon the experience of patients who were followed for a period of time after completing the program that is either:

(a) Generally recognized by experts in the field of treating obesity as being of sufficient length to constitute of reasonable basis for predicting that weight loss will be permanent; or

(b) Demonstrated by competent and reliable survey evidence as being of sufficient duration to permit such a prediction (Part I.C.).

Finally, as fencing-in measures to ensure compliance, the proposed Order requires Abbott Laboratories, for any claim that patients on any diet program have successfully maintained weight loss, to disclose the fact that "For many dieters, weight loss is temporary," as well as the following information relating to that claim (Part I.D.):

(1) The average percentage of weight loss maintained by those patients (e.g., "60% of achieved weight loss was maintained"),

(2) The duration over which the weight loss was maintained, measured from the date that patients ended the active weight loss phase of the program, and the fact that all or a portion of the time period covered includes participation in proposed respondent's maintenance program(s) that follows active weight loss, if that is the case—e.g., "patients maintain an average of 60% of weight loss 22 months after fasting (includes 18 months on maintenance program"), and

(3) Where the patient population referred to is not representative of the general patient population for that program, the proportion of the total patient population that those patients represent, expressed in terms of a percentage or actual numbers of patients—e.g., "Patients on maintenance—30% of our patients—kept off an average of 66% of the weight for one year (includes time on maintenance program)" or, in lieu of that factual disclosure, the statement; "Abbott Laboratories makes no claim that this result is representative of all patients in the New Direction program."

The purpose of this analysis is to facilitate public comment on the proposed Order, and is not intended to constitute an official interpretation of the Agreement and proposed Order or to modify in any way their terms.

Donald S. Clark,

Secretary.

[FR Doc. 93-8382 Filed 4-8-93; 8:45 am]

BILLING CODE 6750-01-M

[File No. 912 3381]

Conair Corp.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit, among other things, a Connecticut-based manufacturer of personal health care and consumer electronic products from representing that soundwaves emitted by the California Facial Skin Rejuvenating System, or by any similar product, will firm and tone facial muscles or improve the efficacy of a facial skin clarifying toner. Respondent would be required to have competent and reliable scientific evidence to support future representations it makes regarding soundwaves emitted from any product.

DATES: Comments must be received on or before June 8, 1993.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, room 159, 6th St. and Pa. Ave., NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Sylvia Kundig, San Francisco Regional Office, Federal Trade Commission, 901 Market St., Suite 570, San Francisco, CA. 94103. (415) 744-7920.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Agreement Containing Consent Order To Cease and Desist

The Federal Trade Commission having initiated an investigation of certain acts or practices of Conair Corporation, a corporation, hereinafter sometimes referred to as respondent or proposed respondent, and it now appearing that proposed respondent is willing to enter into an agreement containing an order to cease and desist from the acts and practices being investigated.

It is hereby agreed by and between Conair Corporation, by its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Conair Corporation is a Delaware corporation. Its principal office or place of business is at 1 Cummings Point Road, Stamford, Connecticut, 06904.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

a. Any further procedural steps;

b. The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;

c. All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and

d. All claims under the Equal Access to Justice Act.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by the proposed respondent of the facts, other than jurisdictional facts, or of violations of law an alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

I.

It is ordered, That respondent Conair Corporation, its successors and assigns, and its officers, representatives, agents, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the manufacturing, labelling, advertising, promotion, offering for sale, sale, or distribution of "The California Facial Skin Rejuvenating System" or any substantially similar product, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, in any manner, directly or by implication that: (1) Sound waves can or will firm or tone an individual's facial muscles, and (2) sound waves will improve the efficacy of a facial skin clarifying toner or exfoliating scrub. For purposes of this Order, "substantially similar product" shall mean any skin care product, or combination of products that includes a skin care product, that use sounds waves emitting a frequency of no more than 20 (twenty) kilohertz.

II.

It is further ordered, That respondent Conair Corporation, its successors and assigns, and its officers, representatives, agents, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the manufacturing, labelling, advertising, promotion, offering for sale, sale, or distribution of any product or combination of products that use sound waves, including but not limited to intrasound or ultrasound, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, in any manner, directly or by implication that sound waves can or will firm or tone an individual's muscles, unless at the time of making the representation, respondent possesses and relies upon competent and reliable scientific evidence that substantiates the representation. For purposes of this Order, "competent and reliable scientific evidence" shall mean tests, analyses, research, studies, or other evidence, conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the relevant profession to yield accurate and reliable results.

III.

It is further ordered, That respondent Conair Corporation, its successors and assigns, and its officers, representatives, agents, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the manufacturing, labelling, advertising, promotion, offering for sale, sale, or distribution of any product or combination of products that use sound waves, including but not limited to intrasound or ultrasound, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, in any manner, directly or by implication that sound waves can or will improve the efficacy of a topically applied product, unless at the time of making the representation, respondent possesses and relies upon competent and reliable scientific evidence that substantiates the representation. For purposes of this Order, "competent and reliable scientific evidence" shall mean tests, analyses, research, studies, or other evidence, conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the relevant profession to yield accurate and reliable results.

IV.

It is further ordered, That the provisions of this Order shall not apply to the printing on approximately 40,000 tubes of "Deep Penetrating Body Creme" and 40,000 tubes of "Muscle Soothing Gelle" which were manufactured prior to July 1, 1992, and shipped by respondent to distributors or retailers prior to January 10, 1993.

V.

It is further ordered, That for five (5) years after the last date of dissemination of any representation covered by this Order, respondent, or its successors and assigns, shall maintain and upon request make available to the Federal Trade Commission for inspection and copying:

A. All materials that were relied upon in disseminating such representation; and

B. All tests, reports, studies, surveys, demonstrations or other evidence in its possession or control that contradict, qualify, or call into question such representations, or the basis relied upon for such representation, including complaints from consumers.

VI.

It is further ordered, That the respondent shall, for ten (10) years from the date of entry of this Order, distribute a copy of this Order to each current and future officer, employee, agent, and/or representative engaged in the preparation or placement of advertising or other promotional materials covered by this Order and shall obtain from each such person a signed and dated statement acknowledging receipt of the Order.

VII.

It is further ordered, that respondent shall notify the Commission, at least thirty (30) days prior to the proposed change, of any proposed change in the respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation that may affect compliance obligations arising out of the Order.

VIII.

It is further ordered, that respondent shall, within sixty (60) days after the date of service of this Order upon them and at such other times as the Commission may require, file with the Commission a report, in writing, setting forth in detail the manner and form in which its has complied with this Order.

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed Consent Order from Conair Corporation.

The proposed Consent Order has been placed on the public record for sixty (60) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement and take other appropriate action, or make final the proposed Order contained in the agreement.

This matter concerns advertisements for The California Facial Skin Care Rejuvenating System ("the System"). The product consists of a hand-held, soundwave device, which is used in conjunction with a clarifying toner and an exfoliating scrub. A moisture lotion is also included with the product. The consumer uses the device and lotions as a facial skin care regimen.

The Commission's proposed Complaint alleges that the advertisements expressly and impliedly claimed that the sound waves emitted by the device will "tone" and "firm" the user's facial muscles. This claim is alleged to violate section 5 of the Federal Trade Commission Act, 15 U.S.C. 45, because it is false and the proposed respondent did not possess adequate substantiation for the claim at the time it was made.

The proposed Complaint also alleges that the advertisements expressly and impliedly claimed that the sound waves emitted by the device will improve the efficacy of the lotions used in conjunction with the device. This claim is alleged to violate section 5 of the Federal Trade Commission Act, 15 U.S.C. 45, because it is false and the proposed respondent did not possess adequate substantiation for the claim at the time it was made.

Finally, because the advertisements were for a device which is intended to affect the structure of the body, as well as for a cosmetic, the proposed Complaint also alleges that Conair's practices violate section 12 of the Federal Trade Commission Act, 15 U.S.C. 52.

The Proposed Consent Order prohibits the proposed respondent from representing, directly or by implication, that the System, on any substantially similar product, (1) can or will "firm" and "tone" an individual's facial muscles; or (2) will improve the efficacy of a facial skin clarifying toner or exfoliating scrub. It also requires the proposed respondent to have a reasonable basis for claims that (1) sound waves can or will "firm" and "tone" muscles; or (2) sound waves can or will improve the efficacy of a topically applied product.

Finally, the proposed Consent Order contains provisions requiring record retention demonstrating compliance with the Order; distribution of the Order to managerial employees; notification to the Commission of any changes in the structure of the corporation; and reports to the Commission demonstrating compliance with the terms of the Order.

The purpose of this analysis is to facilitate public comment on the proposed Order. It is not intended to constitute an official interpretation of the agreement and proposed Order or to modify in any way their terms.

Donald S. Clark,

Sectetary.

[FR Doc. 93-8385 Filed 4-8-93; 8:45 am]

BILLING CODE 6750-01-M

[File No. 912 3303]

Health Management Resources Corporation; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit, among other things, a Boston-based marketer of very-low-calorie diet programs (rapid weight loss, modified fasting diets of 800 or fewer calories per day) from making false or unsubstantiated claims about health risks, weight loss, weight loss maintenance, acceptance of its program by the medical profession, or low success rates of other diet programs; and would require certain disclosures in conjunction with safety and weight loss maintenance claims in the future, and scientific evidence to back up comparison studies or claims of acceptance by the medical profession.

DATES: Comments must be received on or before June 8, 1993.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, room 159, 6th St. and Pa. Ave., NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Richard F. Kelly or Renate Kinscheck, FTC/H-200, Washington, DC 20580, (202) 326-3304 or (202) 326-3283.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Agreement Containing Consent Order to Cease and Desist

The Federal Trade Commission having initiated an investigation of certain acts and practices of Health Management Resources Corporation ("HMR"), hereafter sometimes referred to as proposed respondent or

respondent, and it now appearing that proposed respondent is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated,

It is hereby agreed by and between Health Management Resources Corporation, by its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission that:

1. Respondent Health Management Resources Corp., is a Nevada corporation, with its offices and principal place of business at 59 Temple Place, Boston, MA. 02111.

2. Proposed respondent admits all the jurisdictional facts set forth in the attached draft complaint.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and

(d) Any claim under the Equal Access to Justice Act, 5 U.S.C. 504.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the attached draft complaint, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the attached draft complaint.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent: (a) Issue its complaint corresponding in form and substance with the attached draft complaint and its decision containing the following order to cease and desist in disposition of the proceeding; and (b) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the attached draft complaint and the following order. Proposed respondent understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

Definition

For purposes of this order, "competent and reliable scientific evidence" shall means those tests, analyses, research, studies, surveys or other evidence conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the relevant profession or science to yield accurate and reliable results.

I.

It is ordered, That respondent HMR, a Nevada corporation, its successors and assigns, officers, representatives, agents, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, promotion, offering for sale, or sale of any weight loss or weight control product, program or service, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Making any representation, directly or by implication, regarding the safety of any very-low-calorie diet ("VLCD") program (providing 800 calories or less per day), unless respondent clearly and prominently discloses in close proximity to any such representation that physician monitoring is required to minimize the potential for health risks;

B. Misrepresenting any health risk of any vlcd diet program;

C. Making any representation that the HMR vlcd program is widely accepted by the medical profession as a whole or is considered to be the preferred treatment by most medical experts, or making any other representation regarding the extent to which a diet program, or any aspect thereof, is accepted, recognized or preferred by medical experts unless, at the time of making any such representation, respondent possesses and relies upon a reasonable basis consisting of competent and reliable evidence substantiating any such representation;

D. Misrepresenting the likelihood that patients in any of respondent's diet programs will regain all or any portion of lost weight;

E. Making any representation, directly or by implication, about the success of patients on any diet program to achieve or maintain weight loss or weight control unless, at the time of making any such representation, respondent possesses and relies upon a reasonable basis consisting of competent and reliable scientific evidence substantiating the representation; *Provided, however,* That for any such representation that:

(1) any weight loss achieved or maintained through any diet program is typical or representative of all or any subset of patients using the program, said evidence shall, at a minimum, be based on a representative sample of:

(a) All patients who have entered the program, where the representation relates to such persons; or

(b) All patients who have completed a particular phase of the program or the entire program, where the representation only relates to such persons, and

(2) any weight loss is maintained long-term, said evidence shall, at a minimum, be based upon the experience of patients who were followed for a period of at least two years after completion of respondent's program (including any periods of participation in active maintenance); and

(3) any weight loss is maintained permanently, said evidence shall, at a minimum, be based upon the experience of patients who were followed for a period of time after completing the program that is either: (a) generally recognized by experts in the field of treating obesity as being of sufficient length to constitute a reasonable basis for predicting that weight loss will be permanent or (b)

demonstrated by competent and reliable survey evidence as being of sufficient duration to permit such a prediction;

F. Representing, directly or by implication, that any patients of any diet program have successfully maintained weight loss, unless respondent discloses, clearly and prominently, and in close proximity to such representation:

(1) the following information:

(a) The average percentage of weight loss maintained by those patients,

(b) The duration, over which the weight loss was maintained, measured from the date that patients ended the active weight loss phase of the program; *Provided, however,* That if any portion of the time period covered includes participation in respondent's maintenance program(s) that follows active weight loss, such fact must also be disclosed, and

(c) If the patient population referred to is not representative of the general patient population for that program, the proportion of the total patient population in respondent's programs that those patients represent, expressed in terms of a percentage or actual numbers of patients, or the statement: "HMR makes no claim that this [these] result[s] is [are] representative of all patients in the HMR program;" and

(2) The statement: "For many dieters, weight loss is temporary." *Provided, however,* That, respondent shall not represent, directly or by implication, that the above-quoted statement does not apply to dieters in respondent's diet programs;

G. Making any representation about the efficacy of any other diet program or programs, unless at the time of making such representation, respondent possesses and relies upon a reasonable basis for making such representation. Such reasonable basis shall consist of a competent and reliable scientific study or studies of such other diet program or programs substantiating the representation;

H. Making comparisons between the efficacy of respondent's diet program or programs and the efficacy of any other diet program or programs, unless at the time of making such representation, respondent possesses and relies upon a reasonable basis for making such representation. Such reasonable basis shall consist of a competent and reliable scientific study or studies substantiating the representation in terms of both the efficacy of respondent's diet program or programs and the efficacy of the diet program or programs with which the comparison is made.

II.

It is further ordered, That respondent shall notify the Commission at least thirty (30) days prior to the effective date of any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation(s), the creation or dissolution of subsidiaries, the filing of a bankruptcy petition, or any other change in the corporation(s) that may affect compliance obligations arising out of this Order.

III.

It is further order, That respondent shall maintain for a period of three (3) years after the date the representation was last made, and make available to the Federal Trade Commission staff upon request for inspection and copying, all materials possessed and relied upon to substantiate any claim or representation covered by this Order, and all test reports, studies, surveys or information in its possession or control or of which it has knowledge that contradict, qualify or call into question any such claim or representation.

IV.

It is further ordered, That respondent and its successors or assigns, shall forthwith distribute a copy of this Order to each of it's officers, agents, representatives, independent contractors and employees, including participating hospitals or clinics, that are engaged in the preparation and placement of advertisements or promotional materials, who communicate with patients or prospective patients, or who have any responsibilities with respect to the subject matter of this Order; and, for a period of ten (10) years from the date of entry of this Order, distribute same to all of respondent's future officers, agents, representatives, independent contractors and employees having said responsibilities.

V.

It is further ordered, That respondent and its successors or assigns shall, within thirty (30) days after service of this Order, advise physicians, hospitals and clinics using the HMR diet program that advertising previously furnished by respondent for their use, and brochures, pamphlets, booklets and other materials previously provided by respondent to physicians, hospitals and clinics for dissemination to patients and prospective patients, shall not be further used by those physicians, hospitals and clinics where that advertising or other materials would violate this Order. If, after providing the notification required by the first sentence in this Paragraph, respondent become aware that any physician, hospital or clinic using the HMR diet program, uses advertising or other materials previously furnished by respondent that would violate this Order, respondent shall again communicate with that physician, hospital or clinic in an attempt to ensure that such advertising or other materials shall not be further used by said physician, hospital or clinic.

VI.

It is further ordered, That respondent and its successors or assigns shall, within sixty (60) days after service of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this Order.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Health Management Resources Corp. (hereinafter "HMR"), a marketer of rapid-weight loss, very-low-calorie diet (hereinafter "vlcd") programs. The HMR diet program is offered to the public nationwide through hospitals and medical clinics.

The proposed consent order has been placed on the public record for sixty (60) days for the reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The Commission's complaint charges that the proposed respondent deceptively promotes the safety and efficacy of its diet program, the low success rate of other diet programs, and the wide acceptance of its diet program by the medical community.

Safety

The Commission's complaint against HMR alleges that HMR has failed to disclose that physician supervision is required to minimize the potential for health risks on vlcd's. The company claims that its vlcd program is unqualifiedly free of health risks.

The complaint does not allege that the HMR diet program is unsafe, but that proposed respondent's claim that the program is risk-free is deceptive in light of its failure to disclose that physician supervision is required to minimize the potential for health risks. There is some empirical evidence that, during the

period in which they are dieting, patients on vlcd's may be at increased risk of developing gallstones.

The proposed consent order seeks to address the alleged safety misrepresentation cited in the accompanying complaint in two ways. First, the order (Part I.A.) requires HMR to disclose in conjunction with any claim regarding the safety of any vlcd program that physician monitoring is required to minimize the potential for health risks. Thus, if proposed respondent in the future was to claim that the HMR program is "safe," it would need to make the required disclosure in close proximity to that claim.

Second, the proposed order (Part I.B.) prohibits any misrepresentation about any health risk of any vlcd program. Thus, proposed respondent in the future could not claim that patients have experienced no serious adverse side effects, unless that is the case.

Wide Acceptance of HMR Program by the Medical Profession

The Commission's complaint against HMR also alleges that HMR failed to possess a reasonable basis for claims it makes that its vlcd diet program, including the practice of advising patients to remain on the program for extensive periods of time, is widely accepted by the medical profession as a whole and is considered to be the preferred treatment by most medical experts.

The Commission believes that these claims are deceptive because the proposed respondent at the time it made the claims did not possess adequate substantiation for the claim that its practice of advising patients to remain on the vlcd program for extensive periods of time is widely accepted by medical experts and is the preferred treatment.

The proposed order (Part I.C.) prohibits HMR from continuing to make these representations or any representations regarding the extent to which a diet program, or any aspect thereof, is accepted, recognized or preferred by medical experts, unless respondents possess a reasonable basis consisting of competent and reliable evidence substantiating such representation.

Efficacy

The complaint against HMR further alleges that HMR failed to possess a reasonable basis for claims it makes regarding the success of its patients in avoiding the regain of weight lost during the program. HMR claims that over the long term, HMR patients on average keep off over 60% of the weight they lose, that three years after ending maintenance, HMR patients on average keep off more than 60% of the weight they lose, and that the HMR diet programs are successful long-term treatments for obesity.

The Commission believes that these success claims for patient maintenance of achieved weight loss are deceptive because the proposed respondent at the time it made the claims did not possess adequate substantiation for those claims.

The proposed consent order seeks to address the alleged efficacy misrepresentations cited in the accompanying complaint in several ways. First, the order (Part I.D.) prohibits HMR from misrepresenting the likelihood that patients of its diet programs will regain all or any portion of lost weight.

Second, the order (Part I.E.) requires the company to possess a reasonable basis consisting of competent and reliable scientific evidence substantiating any claim about the success of patients on any diet program in achieving or maintaining weight loss. To ensure compliance, the order further specifies what this level of evidence shall consist of when certain types of success claims are made:

(1) In the case of claims that weight loss is typical or representative of all patients using the program or any subset of those patients, that evidence shall be based on a representative sample of:

(a) All patients who have entered the program, where the representation relates to such persons; or

(b) All patients who have completed a particular phase of the program or the entire program, where the representation only relates to such persons.

(2) In the case of claims that any weight loss is maintained long-term, that evidence shall be based upon the experience of patients who were followed for a period of at least two years after their completion of the respondent's program, including any periods of participation in respondent's maintenance program.

(3) In the case of claims that weight loss is maintained permanently, that evidence shall be based upon the experience of patients who were followed for a period of time after completing the program that is either:

(a) Generally recognized by experts in the field of treating obesity as being of sufficient length to constitute a reasonable basis for predicting that weight loss will be permanent or

(b) Demonstrated by competent and reliable survey evidence as being of sufficient duration to permit such a prediction.

Finally, as measures to ensure future compliance, the proposed order (Part I.F.) requires the proposed respondent for any claim that patients of any diet program have successfully maintained weight loss to disclose the fact that "For many dieters, weight loss is temporary," as well as the following information relating to that claim:

(1) The average percentage of weight loss maintained by those patients (e.g., "60% of achieved weight loss was maintained"),

(2) The duration over which the weight loss was maintained, measured from the date that patients ended the active weight loss phase of the program, and the fact that all or a portion of the time period covered includes participation in proposed respondent's maintenance program(s) that follows active weight loss, if that is the case—*e.g.*, "patients maintain an average of 60% of weight loss 22 months after fasting (includes 18 months on maintenance program)", and

(3) Where the patient population referred to is not representative of the general patient population for that program, the proportion of the total patient population that those patients represent, expressed in terms of a percentage or actual numbers of patients—e.g. "Patients on maintenance—30% of our patients—kept off an average of 66% of the weight for one year (includes time on maintenance program)" or, in lieu of the factual disclosure, the statement: "HMR makes no claim that this result is representative of all patients in the HMR program."

Low Success Rate of "Commercial" Diet Programs

Finally, the proposed complaint against HMR alleges that HMR made unsubstantiated claims about the supposedly low success rate of "commercial" diet programs, including (1) that the average weight loss in such programs is 11.5 pounds, (2) that less than 8% of clients in such programs lose 40 or more pounds, and (3) that one year after reaching goal weight over 90% of clients in such programs regain all of their weight lost. The complaint alleges that HMR at the time that it made these representations did not possess a reasonable basis therefore.

To address this alleged violation, the order (Part I.G and H.) requires HMR to possess a reasonable basis, consisting of a competent and reliable scientific study or studies, substantiating any representation about the efficacy of any other diet program or for any comparisons between the efficacy of respondent's diet program and the efficacy of any other diet program.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of

the agreement and proposed order, or to modify in any way their terms.

Donald S. Clark,

Secretary.

Statement of Commissioner Deborah K. Owen Concurring in Part and Dissenting in Part in Health Management Resources Corporation, File No. 912-3303, and United Weight Control Corporation, File No. 902-3253

The proposed consent orders with these two marketers of very low calorie diets appropriately address several concerns regarding their advertising of safety, efficacy and other claims. However, as explained below, I disagree with certain aspects of the proposed remedies in both matters. With respect to United Weight Control, I also conclude that there is insufficient evidence to support a reason to believe that that firm's alleged comparative program claims have violated the Federal Trade Commission Act. Accordingly, I dissent in part from the Commission's decision to accept these consent orders for public comment.

As my statement accompanying the Commission's decision on three previous very low calorie diet orders explains,[1] I believe that the disclosures required when weight-loss maintenance claims are made will likely be too complex to be effective in enlightening consumers during short radio or TV ads. Consequently, I continue to support an alternate approach to such disclosures in which a more concise disclosure would be permitted for broadcast ads, and supplemented with a requirement of full disclosure at point of sale.[2]

Concerning United Weight Control's comparative program claims, I particularly disagree with challenging United's claim about its Risk Reduction Program, which is set out in Paragraph 15(a) of the proposed complaint.[3] First, United appeared to have some evidence to substantiate the claim that this program in unique in addressing cardiac health risks among men. Second, the comparative claims here are unlike those in some previous cases, which were fairly specific with respect to competing services or products, made use of quantitative data to purport a distinction between the advertiser and competitors,[4] or invoked studies or tests.[5] Requiring a higher level of substantiation for these kinds of stronger comparative claims may be appropriate. However, none of these conditions seems to apply very well to United's comparative claims generally. Ultimately, of course, a claim's ability to deceive depends on consumers' interpretations and their expectations on substantiation. Unfortunately, in my view, there is insufficient information on actual consumer reactions to these claims. All in all, I conclude that the evidence is too weak to support challenging United's comparative claims, and consequently I dissent from the Commission's decision to allege a violation and seek relief in connection with these claims.

Finally, I am puzzled by, and therefore dissent with respect to the requirement in the proposed United order which requires the firm to maintain relevant records for a period of five years. Previous orders with very low calorie diet marketers, and the order proposed for Health Management Resources, require that records be maintained for only three years. I am not currently aware of any justification for imposing on United, which happens to be one of the smaller marketers of very low calorie diets, a greater compliance burden than these other firms.

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BILLING CODE 6750-01-M

[1] Statement Concurring in Part and Dissenting in Part in Jason Pharmaceuticals, Inc., File No. 902-3337, National Center for Nutrition, Inc., File No. 912-3024, and Sandoz Nutrition Corporation, File No. 912-3023, August 10, 1992.

[2] While I agree that there is sufficient reason to believe that United's weight-loss maintenance claims violate the FTC Act, it is worthy of note that some of these claims appear in a context that plausibly yields alternative interpretations. In particular, the United ad shown in Exhibit A-4 contains not only the strong maintenance claim cited in Paragraph 9(a) of the complaint ("Finally, a weight loss program that works even after you go off it."), but explicitly features a caveat that weight-loss maintenance is conditioned on adherence to United's program. This caveat, a plus the ad's explicit reference to weight-loss maintenance results of patients who have participated in an HMR "maintenance program," might suggest another interpretation that merely losing weight in an HMR program does not constitute a permanent or long-term remedy of weight control problems. Without additional information on consumer reactions, however, it remains unclear how many, if any, consumers would hold such an interpretation.

[3] In this regard, I am allied with Commissioner Azcuenaga's thoughtful statement.

[4] See, *e.g.*, claims involving quantitative efficacy comparisons with "commercial" weight loss programs in the proposed complaint in *Health Management Resources.*

[5] See, *e.g.*, comparative efficacy and safety claims referring to supporting studies in the accompanying complaints in *Sandoz Nutrition Corp.*, C-3394 (Aug. 10, 1992) and *National Center for Nutrition*, C-3393 (Aug. 10, 1992).

[File No. 902-3253]

United Weight Control Corp.; Proposed Consent Agreement with Analysis to Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit, among other things, a New York-based marketer of very-low-calorie diet programs (rapid weight loss, modified fasting diets of 800 or fewer calories per day) from making false or unsubstantiated claims about health risks, scientific tests, comparison studies, weight loss, or weight loss maintenance; and would require certain disclosures in conjunction with safety and weight loss maintenance claims in the future.

DATES: Comments must be received on or before June 8, 1993.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, room 159, 6th St. and Pa. Ave., NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Michael J. Bloom, New York Regional Office, Federal Trade Commission, 150 William Street, Suite 1300, New York, New York 10038, (212) 264-1207.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Agreement Containing Consent Order to Cease and Desist

The Federal Trade Commission having initiated an investigation of certain acts and practices of United Weight Control Corp., a corporation, and it now appearing that United Weight Control Corp., hereinafter sometimes referred to as proposed respondent or respondent, is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

It is hereby agreed by and between United Weight Control Corp., by its duly authorized officers, and its attorney, and counsel for the Federal Trade Commission that:

1. Respondent United Weight Control Corp. is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Delaware, with its corporate office located at 226 East 54 Street, New York, New York, 10022.

2. Proposed respondent admits all the jurisdictional facts set forth in the attached draft complaint.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a

statement of findings of fact and conclusions of law;

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and

(d) Any claim under the Equal Access to Justice Act, 5 U.S.C. § 504.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. In this agreement is accepted by the Commission, it, together with the attached draft complaint, will be placed on the public record for a period sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the attached draft complaint, or that the facts alleged in the draft complaint, other than the jurisdictional facts, are true.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent: (1) Issue its complaint corresponding in form and substance with the attached draft complaint and its decision containing the following order to cease and desist in disposition of the proceeding; and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be use in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the attached draft complaint and the following order. Proposed respondent understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

ORDER

Definitions

A. For purposes of the order, "competent and reliable scientific evidence" shall mean those tests, analyses, research, studies, or other evidence conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the relevant profession or science to yield accurate and reliable results.

I.

It is ordered, That respondent United Weight Control Corp., a corporation, its successors and assigns, officers, representatives, agents, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, promotion, offering for sale, or sale of any weight loss or weight control product, service, or program in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Making any representation, directly or by implication, regarding the safety of any very-low-calorie diet ("VLCD") program (providing 800 calories or less per day), unless respondent clearly and prominently discloses in close proximity to any such representation that physician monitoring is required to minimize the potential for health risks, or otherwise misrepresenting any health risk of the program.

B. Misrepresenting, directly or by implication, the likelihood that patients in respondent's diet program(s) will regain all or any portion of lost weight.

C. Making any representation, directly or by implication, about the success of patients of any diet program in achieving or maintaining weight loss or weight control, unless, at the time of making such representation, respondent possesses and relies upon a reasonable basis consisting of competent and reliable scientific evidence substantiating the representation; *Provided, however,* That for any representation that:

(1) Any weight loss achieved or maintained through any diet program is typical or representative of all or any subset of patients in the program, said evidence shall, at a minimum, be based on a representative sample of:

(a) All patients who have entered the program, where the representation relates to such persons; or

(b) All patients who have completed a particular phase of the program or the entire program, where the representation only relates to such persons;

(2) Any weight loss is maintained long-term, said evidence shall, at a minimum, be based upon the experience of patients who were followed for a period of at least two years after their completion of the respondent's program (including any periods of participation in respondent's maintenance program); and

(3) Any weight loss is maintained permanently, said evidence shall, at a minimum, be based upon the experience of patients who were followed for a period of time after completing the program that is either:

(a) Generally recognized by experts in the field of treating obesity as being of sufficient length to constitute a reasonable basis for predicting that weight loss will be permanent; or

(b) Demonstrated by competent and reliable survey evidence as being of sufficient duration to permit such a prediction.

D. Representing, directly or by implication, that any patients of any diet program have successfully maintained weight loss, unless respondent discloses, clearly and prominently, and in close proximity to such representation:

(1) The following information:

(a) The average percentage of weight loss maintained by those patients,

(b) The duration over which the weight loss was maintained, measured from the date that patients ended the active weight loss phase of the program; *Provided, however,* That if any portion of the time period covered includes participation in respondent's maintenance program(s) that follows active weight loss, such fact must also be disclosed; and

(c) If the patient population referred to is not representative of the general patient population for that program, the proportion of the total patient population in respondent's programs that those patients represent, expressed in terms of a percentage or actual numbers of patients, or the statement:

"United Weight Control Corp. makes no claim that this [these] result[s] is [are] representative of all patients in the United Weight Control Corp. program;" and

(2) The statement:

"For many dieters, weight loss is temporary," *Provided, however,* That, respondent shall not represent, directly or by implication, that the above-quoted statement does not apply to dieters in respondent's programs.

E. Making comparisons between the design, safety, or effectiveness of respondent's diet program or programs and the design, safety, or effectiveness of any other diet program or programs, unless at the time of making such representation, respondent possesses and relies upon a reasonable basis for making such representation. Such reasonable basis shall consist of a competent and reliable scientific evidence substantiating the representation in terms of both the design, safety, or effectiveness of respondent's diet program or programs and the design, safety, or effectiveness of the other diet program or programs with which the comparison is made.

F. Misrepresenting, directly or by implication, the existence, contents, validity, results, conclusions, or interpretations of any test or study.

II.

It is further ordered, That respondent(s) shall notify the Commission at least thirty (30) days prior to the effective date of any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation(s), the creation or dissolution of subsidiaries, or any other change in the corporation(s) that may affect compliance obligations arising out of this order.

III.

It is further ordered, that respondent shall maintain for a period of five (5) years after the date the representation was last made, and make available to the Federal Trade Commission staff upon request for inspection and copying, all materials possessed and relied upon to substantiate any claim or representation covered by this order, and all test reports, studies, surveys or information in its possession or control or of which it has knowledge that contradict, qualify or call into question any such representation.

IV.

It is further ordered, that within 15 days after the service of this order on respondent, respondent and its successors or assigns, shall distribute a copy of this order to each of its officers, co-venturers, agents, representatives, independent contractors, and employees, including participating hospitals or clinics, that are engaged in the preparation and placement of advertisements or promotional materials, who communicate with patients or prospective patients, or who have any responsibilities with respect to the subject matter of this order; and, for a period of ten (10) years from the date of entry of this order, distribute same to all of respondent's future officers, agents, representatives, independent contractors and employees having said responsibilities.

V.

It is further ordered, that respondent and its successors or assigns shall, within thirty (30) days after service of this order, advise physicians, hospitals, and clinics using the United Weight Control Corp. diet programs that advertising and promotional materials previously furnished by respondent for their use and dissemination to patients and prospective patients, shall not be further used by those physicians, hospitals, and clinics where the advertising or promotional materials would violate this order; and respondents further shall attempt to insure that such advertising or other materials shall not be further used by physicians, hospitals, and clinics using the United Weight Control Corp. diet programs.

VI.

It is further ordered, that respondent shall, within sixty (60) days after the date of service of this order, file with the Federal Trade Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from United Weight Control Corp., marketer of diet programs that place patients on a rapid-weight loss, very-low-calorie diet. The United Weight Control Corp. diet programs are offered to the public through joint ventures with hospitals.

The proposed consent order has been placed on the public record for sixty (60) days for the reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement or make final the agreement's proposed order.

The Commission's complaint charges that the proposed respondent deceptively advertised the safety and efficacy of the United Weight Control Corp. diet programs, and that its diet programs are unique or superior to other diet programs in design or effectiveness in promoting weight loss or weight loss maintenance.

Safety

The Commission has alleged that United Weight Control Corp. failed to disclose that physician monitoring is required to minimize the potential for health risks on very-low-calorie diets. The company claimed that the United Weight Control Corp. diet programs are unqualifiedly free of serious health risks.

The complaint does not allege that the United Weight Control Corp. diet programs are unsafe, but that proposed respondent's claim that the programs are risk-free was deceptive in light of their failure to disclose that physician monitoring is required to minimize the potential for health risks. There is some empirical evidence that, during the period in which they are dieting, patients on very-low-calorie diets may be an increased risk of developing gallstones.

The proposed consent order seeks to address the alleged safety misrepresentation cited in the accompanying complaint in two ways (Part I.A.). First, the order requires United Weight Control Corp. to disclose in conjunction with any claim regarding the safety of any very-low-calorie diet program that physician monitoring is required to minimize the potential for health risks. Thus, if proposed respondent in the future were to claim that the United Weight Control Corp. programs are "safe," it would need to make the required disclosure in close proximity to that claim.

Second, the proposed order prohibits any misrepresentation about any health risk of the programs. Thus, proposed respondent in the future could not claim that the patients have experienced no serious adverse side effects, unless that is the case.

Efficacy

The Commission has further alleged that United Weight Control Corp. failed to possess a reasonable basis for claims it made regarding the success of United Weight Control Corp. patients in avoiding the regain of weight lost during the programs. The company claimed that the United Weight Control Corp. programs are successful long-term or

permanent treatments for obesity, and that the typical United Weight Control Corp. patient is successful in maintaining weight loss achieved under the programs.

The Commission believes that these success claims for patient maintenance of achieved weight loss were deceptive because the proposed respondent at the time it made the claims did not possess adequate substantiation that United Weight Control Corp. patients successfully maintain achieved weight loss.

The proposed consent order seeks to address the alleged efficacy misrepresentations cited in the accompanying complaint in several ways. First, the order prohibits United Weight Control Corp. from misrepresenting the likelihood that patients of its diet programs will regain all or any portion of lost weight (Part I.B.).

Second, the order requires the company to possess a reasonable basis consisting of competent and reliable scientific evidence substantiating any claim about the success of patients on any diet program in achieving or maintaining weight loss. To ensure compliance, the order further specifies what this level of evidence shall consist of when certain types of success claims are made:

(1) In the case of claims that weight loss is typical or representative of all patients using the program or any subset of those patients, that evidence shall be based on a representative sample of: (a) all patients who have entered the program, where the representation relates to such persons; or (b) all patients who have completed a particular phase of the program or the entire program, where the representation *only* relates to such persons.

(2) In the case of claims that any weight loss is maintained long-term, that evidence shall be based upon the experience of patients who were followed for a period of at least two years after their completion of the respondent's program, including any periods of participation in respondent's maintenance program.

(3) In the case of claims that weight loss is maintained permanently, that evidence shall be based upon the experience of patients who were followed for a period of time after completing the program that is either: (a) generally recognized by experts in the field of treating obesity as being of sufficient length to constitute a reasonable basis for predicting that weight loss will be permanent or (b) demonstrated by competent and reliable survey evidence as being of sufficient duration to permit such a prediction (Part I.C.).

Finally, as measures to ensure future compliance, the proposed order requires the proposed respondent for any claim that patients of any diet program have successfully maintained weight loss to disclose the fact that "For many dieters, weight loss is temporary," as well as the following information relating to that claim (Part I.D.):

(1) The average percentage of weight loss maintained by those patients (*e.g.*, "60% of achieved weight loss was maintained"),

(2) The duration over which the weight loss was maintained, measured from the date that patients ended the active weight loss phase of the program, and the fact that all or a portion of the time period covered includes participation in proposed respondent's maintenance program(s) that follows active weight loss, if that is the case—*e.g.*, "patients maintain an average of 60% of weight loss 22 months after fasting (includes 18 months on maintenance program)", and

(3) Where the patient population referred to is not representative of the general patient population for that program, the proportion of the total patient population that those patients represent, expressed in terms of a percentage or actual numbers of patients—*e.g.* "Patients on maintenance—30% of our patients—kept off an average of 66% of the weight for one year (includes time on maintenance program)" or, in lieu of that factual disclosure, the statement: "United Weight Control Corp. makes no claim that this result is representative of all patients in the United Weight Control Corp. program."

Proven Safe and Effective Claims

The Commission has also separately alleged that United Weight Control Corp. misrepresented that competent and reliable scientific evidence has proven that United Weight Control Corp. diet programs are unqualifiedly free of health risks and that United Weight Control Corp. diet programs are successful long-term or permanent treatments for obesity. To address these problems, the proposed order prohibits United Weight Control Corp. from mispresenting the existence, contents, validity, results, conclusions, or interpretations of any test or study.

Comparative Program Claims

The Commission also alleges that United Weight Control Corp. did not possess and rely upon a reasonable basis for making representations that its programs are unique or superior to other diet programs in design or effectiveness in promoting weight loss or weight loss maintenance. The order prohibits such comparative program claims regarding design, safety, or effectiveness of respondent's diet program and any other diet program or programs, unless at the time of making such representation, United Weight Control Corp. possesses and relies upon a reasonable basis for making such representation (Part I.E). Such reasonable basis shall consist of competent and reliable scientific evidence substantiating the representation in terms of both the design, safety, or effectiveness of respondent's diet program or programs and the design, safety, or effectiveness of the other diet program or programs with which the comparison is made.

Purpose

The purpose of this analysis is to facilitate public comment on the proposed order and is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Donald S. Clark,

Secretary.

Separate Statement of Commissioner Mary L. Azcuenaga Concurring in Part and Dissenting in Part in United Weight Control Corp., File No. 902-3253

I concur with the Commission's decision to accept the proposed settlement for public comment but dissent as to the inclusion in the proposed Complaint of Paragraph 15(a). Paragraph 15(a) recites United Weight Control's claim that its Risk Reduction Program is the "only" weight control program developed to "reduce the high incidence of heart attacks and other serious health problems among abdominally obese men." The claim conveys that there is a focus unique to the Risk Reduction Program, one of minimizing heart attack risk in obese men, in addition to the goal of achieving weight control.

It is not clear to me that we should challenge the claim of uniqueness in Paragraph 15(a) for lack of substantiation, when there is at least some, albeit casual, substantiation to form a reasonable basis for the claim.[1] Considering the facts, enunciated

[1] Paragraph 15 of the proposed Complaint lists numerous statements that United Weight Control has made in its advertisements, and Paragraph 16 characterizes the statements in Paragraph 15 as representations of uniqueness or superiority "in design and/or effectiveness in promoting weight loss or weight loss maintenance." While the other claims recited in Paragraph 15 do convey that United Weight Control's programs are unique or superior in promoting weight loss or weight control, I question whether the uniqueness claim in Paragraph 15(a) falls within the scope of Paragraph 16. The statement in Paragraph 15 (a) describes a uniqueness in qualities other than weight loss or weight control. As drafted, therefore, Paragraph

Continued

in *Pfizer, Inc.*, 81 F.T.C. 23 (1972), that we weigh in determining the appropriate level of substantiation in a given case, a relatively low level of substantiation should be sufficient for the uniqueness claim in this instance. In addition, if other competitors have the same, or similar, programs dealing with reduction of heart attack risks, those competitors could easily rebut United Weight Control's uniqueness claims by advertising the health risk reduction aspects of their own programs.[2] Indeed, consumers might benefit from this response.

In this instance, given the potential usefulness of the information to consumers, absent a showing of consumer injury from the claim,[3] and with some evidence that the claim may be true, we would serve consumers better by leaving the claim unchallenged.

Statement of Commissioner Deborah K. Owen Concurring in Part and Dissenting in Part in Health Management Resources Corporation, File No. 912-3303, and United Weight Control Corporation, File No. 902-3253

The proposed consent orders with these two marketers of very low calorie diets appropriately address several concerns regarding their advertising of safety, efficacy and other claims. However, as explained below, I disagree with certain aspects of the proposed remedies in both matters. With respect to United Weight Control, I also conclude that there is insufficient evidence to support a reason to believe that that firm's alleged comparative program claims have violated the Federal Trade Commission Act. Accordingly, I dissent in part from the Commission's decision to accept these consent orders for public comment.

As my statement accompanying the Commission's decision on three previous very low calorie diet orders explains,[1] I believe that the disclosures required when weight-loss maintenance claims are made will likely be too complex to be effective in enlightening consumers during short radio or TV ads. Consequently, I continue to support an alternate approach to such disclosures in which a more concise disclosure would be permitted for broadcast ads, and supplemented with a requirement of full disclosure at point of sale.[2]

Concerning United Weight Control's comparative program claims, I particularly disagree with challenging United's claim about its Risk Reduction Program, which is set out in Paragraph 15(a) of the proposed complaint.[3] First, United appeared to have some evidence to substantiate the claim that this program is unique in addressing cardiac health risks among men. Second, the comparative claims here are unlike those in some previous cases, which were fairly specific with respect to competing services or products, made use of quantitative data to purport a distinction between the advertiser and competitors,[4] or invoked studies or tests.[5] Requiring a higher level of substantiation for these kinds of stronger comparative claims may be appropriate. However, none of these conditions seems to apply very well to United's comparative claims generally. Ultimately, of course, a claim's ability to deceive depends on consumers' interpretations and their expectations on substantiation. Unfortunately, in my view, there is insufficient information on actual consumer reactions to these claims. All in all, I conclude that the evidence is too weak to support challenging United's comparative claims, and consequently I dissent from the Commission's decision to allege a violation and seek relief in connection with these claims.

Finally, I am puzzled by, and therefore dissent with respect to the requirement in the proposed United order which requires the firm to maintain relevant records for a period of five years. Previous orders with very low calorie diet marketers, and the order proposed for Health Management Resources, require that records be maintained for only three years. I am not currently aware of any justification for imposing on United, which happens to be one of the smaller marketers of very low calorie diets, a greater compliance burden than these other firms.

[FR Doc. 93-8384 Filed 4-8-93; 8:45 am]

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15(a) appears to be outside the theory of the case pleaded in the Complaint.

[2] If such competitors choose the same advertising medium as United Weight Control, i.e., local newspapers, they should be able to communicate their corrective, competitive claims relatively inexpensively.

[3] The claim that the program focuses, in part, on reducing risk factors associated with heart attack is true. The issue is whether the program is sufficiently distinct from other diet programs to make it unique. If it is true that the Risk Reduction Program is substantially the same as other diet programs, the consumer is not necessarily injured by the selection of that program over others. Nevertheless, a consumer might be injured if he or she were persuaded to select the Risk Reduction Program over other programs that provided the same service at less cost.

[1] Statement Concurring in Part and Dissenting in Part in Jason Pharmaceuticals, Inc., File No. 902-3337, National Center for Nutrition, Inc., File No. 912-3024, and Sandoz Nutrition Corporation, File No. 912-3023, August 10, 1992.

[2] While I agree that there is sufficient reason to believe that United's weight-loss maintenance claims violate the FTC Act, it is worthy of note that some of these claims appear in a context that plausibly yields alternative interpretations. In particular, the United ad shown in Exhibit A-4 contains not only the strong maintenance claim cited in Paragraph 9(a) of the complaint ("Finally, a weight loss program that works even after you go off it."), but explicitly features a caveat that weight-loss maintenance is conditioned on adherence to United's program. This caveat, plus the ad's explicit reference to weight-loss maintenance results of patients who have participated in an HMR "maintenance program," might suggest another interpretation that merely losing weight in an HMR program does not constitute a permanent or long-term remedy of weight control problems. Without additional information on consumer reactions, however, it remains unclear how many, if any, consumers would hold such an interpretation.

[3] In this regard, I am allied with Commissioner Azcuenaga's thoughtful statement.

[4] See, *e.g.*, claims involving quantitative efficacy comparisons with "commercial" weight loss programs in the proposed complaint in *Health Management Resources*.

[5] See, *e.g.*, comparative efficacy and safety claims referring to supporting studies in the accompanying complaints in *Sandoz Nutrition Corp.*, C-3394 (Aug. 10, 1992) and *National Center for Nutrition*, C-3393 (Aug. 10, 1992).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Meeting of the National Advisory Board on Medical Rehabilitation Research

Pursuant to Pubic Law 92-463, notice is hereby given of the meeting of the National Advisory Board on Medical Rehabilitation Research, National Institute of Child Health and Human Development, April 14-16, 1993, Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, Maryland 20814.

The three-day meeting will be open to the public from 9 a.m. to 5 p.m. on April 14-15 and 9 a.m. to adjournment on April 16. Attendance by the public will be limited to space available. The Board will review progress achieved by the Center in developing medical rehabilitation research and report on workshops, conferences, and grants. The Board will review a draft of the annual report on progress implementing the Report and Plan for Medical Rehabilitation Research that will include the areas of opportunity for new research, and for reducing the economic impact of lost function associated with disability. The Board will also discuss what areas in the Report and Plan should be developed in the near future. The meeting will have a specific period of time set aside for public comment on the activities of the Center and medical rehabilitation research.

Ms. Mary Plummer, Committee Management Officer, NICHD, 6100 Executive Blvd, room 5E01, National Institutes of Health, Bethesda, Maryland 20892, Area Code 301, 496-1485, will provide a summary of the meeting and a roster of Advisory Board members as well as substantive program information. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Ms. Plummer.

This meeting is being published less than 15 days prior to the meeting due to the difficulty of coordinating the attendance of members because of conflicting schedules.

Dated: April 2, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93-8413 Filed 4-8-93; 8:45 am]

BILLING CODE 4140-01-M

Public Health Service

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Public Health Service (PHS) publishes a list of information collection requests it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). The following requests have been submitted to OMB since the list was last published on Friday, March 26, 1993.

(Call PHS Reports Clearance Officer on 202-690-7100 for copies of requests)

1. Annual Space Utilization Report for Nursing and Health Professions—0915-0056—The construction assistance programs for Nursing and Health Professions use this form to monitor space utilization in the portion of the teaching facilities which received Federal assistance. Respondents: Non-profit institutions. Number of Respondents: 260; Number of Responses per Respondent: 1; Average Burden Per Response: 1 hour; Estimated Annual Burden: 260 hours.

2. Reporting Requirements for the Alzheimers Demonstration Grants to States Program—New—Data on persons served, services provided, and program staff will be collected semi-annually from participants in the Alzheimer Demonstration Grants to States Program. Data will be used for program modification and evaluation, annual Department reports, and a final report to Congress. Respondents: Individuals, State or local governments, Non-profit institutions.

Title	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Reporting clients	900	2	.25
Grantees and agencies	75	2	12.1
Record-keeping agencies	60	1	12.25

Estimated total annual burden 3,000 hours

3. Health Professions Student Loan (HPSL) and Nursing Student Loan (NSL) Programs: Regulatory Administrative and Due Diligence Requirements—0915-0047—This information is necessary to document that schools are properly administering the HPSL and NSL programs in accordance with statutory and regulatory requirements and are exercising sound billing and collection procedures to ensure that Federal monies are available to recycle for future HPSL and NSL awards. Respondents: Individuals; non-profit institutions.

Title	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
HPSL recordkeeping burdens: 57.206(b)(2); 57.208(a); 57.210(b)(1) (i) & (ii); 57.215 (a), (b), (c), & (d)	310	1	42.63
NSL recordkeeping burdens: 57.306(b)(2)(ii); 57.308(a); 57.310(b)(1) (i) & (ii); 57.315(a)(1) & (4); 57.315(a) (2) & (3)	800	1	9.48
HPSL reporting burdens: 57.205(a)(2); 57.206(a) (2) & (3); 57.208(c); 57.210(a)(3); 57.210(b)(1) (i), (ii), (iii), (iv), (vi) & (x); 57.210(b)(4)(i); 57.211(a); 57.212(a)(3); 57.215(a) & (a)(2); 57.216(d)	7,810	15.84	.182
NSL reporting burdens: 57.305(a)(2); 57.306(a)(2); 57.310(b)(1) (i), (ii), (iii), (iv), (vi) & (x); 57.310(b)(4)(i); 57.311(a); 57.312(a)(3); 57.315(a)(1) & (a)(1)(ii); 57.316a(d)	3,800	20.27	.28
Estimated total annual burden 65,279 hours.			

4. Notice of Availability of Sample Electronic Product—(Performance Standards for Electronic Products—21 CFR parts, 1020, 1030, 1040 and 1050)—0910-0048—The Food and Drug Administration Center for Devices and Radiological Health conducts laboratory compliance testing of electronic products, and the "Notice of Availability of Sample Electronic Product" informs the Center of the location of products which are being requested for testing. Respondents: Businesses or other for-profit; Small businesses or organizations; Number of Respondents: 145; Number of Responses per Respondent: 11.03; Average Burden Per Response: .08 hour; Estimated Annual Burden: 128 hours.

Desk Officer: Shannah Koss

Written comments and recommendations for the proposed information collections should be sent within 30 days of this notice directly to the OMB Desk Officer designated above at the following address: Human Resources and Housing Branch, New Executive Office Building, room 3002, Washington, DC 20503.

Dated: April 5, 1993.

James Scanlon,

Director, Division of Data Policy, Office of Health Planning and Evaluation.

[FR Doc. 93-8295 Filed 4-8-93; 8:45 am]

BILLING CODE 4160-17-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-26]

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.

EFFECTIVE DATE: April 9, 1993.

ADDRESSES: For further information, contact James Forsberg, Department of Housing and Urban Development, Room 7262, 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 the December 12, 1988 court order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88–2503–OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: April 2, 1993

Don I. Patch,

Acting Deputy Assistant Secretary for Grant Programs.

[FR Doc. 93–8261 Filed 4–8–93; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–040–4320–03]

Temporary Closure of Public Land to Public Use

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of closure of public lands known as the Badger Den Allotment to public use.

SUMMARY: Notice is hereby given in accordance with 43 CFR 8364.1, that the Safford District, Bureau of Land Management (BLM) is closing the public land known as the Badger Den Allotment, No. 51100, to public use (see legal description) to provide for public safety during livestock impoundment proceedings. The land will be closed to all public uses. The closure will be effective with this notice and will last until 24:00 hours, April 24, 1993.

FOR FURTHER INFORMATION CONTACT: Larry H. Humphrey, Impoundment Coordinator, BLM, Safford District, 711 14th Avenue, Safford, Arizona 85546, Telephone Number (602) 428–4040.

SUPPLEMENTARY INFORMATION: To prevent disruption of the impoundment proceedings and to provide for the safety of the public, all of the Badger Den Allotment (see legal description) is closed to all public use until BLM completes the impoundment. The closure is effective with this notice and will remain in effect until 24:00 hours, April 24, 1993.

This closure will not apply to BLM personnel involved in administration and management of the land, nor will the closure apply to those persons or groups BLM has specifically authorized to go onto the land to assist them with the impoundment.

Any person who fails to comply with the closure may be subject to a fine not to exceed $100,000 and/or imprisonment not to exceed 12 months.

Dated: April 2, 1993.

William T. Civish,

District Manager.

Legal Description of the Badger Den Allotment

Gila and Salt River Meridian, Arizona

T. 10 S., R. 27 E.,
Sec. 36, all.

T. 10 S., R. 28 E.,
Sec. 26, all;
Sec. 27, all;
Sec. 28, all public land within section;
Sec. 29, all;
Sec. 31, all;
Sec. 32, all;
Sec. 33, all public land within section;
Sec. 34, all;
Sec. 35, all.

T. 10 S., R. 29 E.,
Sec. 5, all;
Sec. 8, all;
Sec. 9, all;
Sec. 10, all;
Sec. 15, all;
Sec. 16, all;
Sec. 17, all;
Sec. 18, all;
Sec. 19, all;
Sec. 20, all;
Sec. 21, all;
Sec. 22, all;
Sec. 27, all;
Sec. 28, all;
Sec. 29, all;
Sec. 30, all;
Sec. 31, all;
Sec. 32, all;
Sec. 33, all;
Sec. 34, all.

T. 11 S., R. 27 E.,
Sec. 1, all;
Sec. 12, all;
Sec. 13, all.

T. 11 S., R. 28 E.,
Sec. 1, all;
Sec. 2, all;
Sec. 3, all public land within section;
Sec. 4, all;
Sec. 5, all;
Sec. 6, all;
Sec. 7, all;
Sec. 8, all;
Sec. 9, all public land within section;
Sec. 10, all public land within section;
Sec. 11, all;
Sec. 12, all;
Sec. 13, all;
Sec. 14, all;
Sec. 15, all public land within section;
Sec. 16, all;
Sec. 17, all;
Sec. 18, all;
Sec. 19, all public land within section;
Sec. 20, all;
Sec. 21, all public land within section;
Sec. 22, all public land within section;
Sec. 23, all;
Sec. 24, all;
Sec. 25, all;
Sec. 26, all;
Sec. 27, all public land within section;
Sec. 28, all public land within section;
Sec. 29, all;
Sec. 30, all public land within section;
Sec. 31, all public land within section;
Sec. 32, all;
Sec. 33, all;
Sec. 34, all;
Sec. 35, all;
Sec. 36, all.

T. 11 S., R. 29 E.,
Sec. 3, all;
Sec. 4, all;
Sec. 5, all;
Sec. 6, all;
Sec. 7, all;
Sec. 8, all;
Sec. 9, all;
Sec. 10, all;
Sec. 11, all;
Sec. 12, all public land within section;
Sec. 13, all;
Sec. 14, all public land within section;
Sec. 15, all;
Sec. 16, all;
Sec. 17, all;
Sec. 18, all;
Sec. 19, all;
Sec. 20, all;
Sec. 29, all;
Sec. 30, all;
Sec. 31, all;
Sec. 32, all.

T. 11 S., R. 30 E.,
Sec. 7, all;
Sec. 18, all.

[FR Doc. 93–8256 Filed 4–8–93; 8:45 am]

BILLING CODE 4310–32–M

[NV–030–93–4333–04]

Temporary Closures of Public Lands in the Carson City District for Management of Three Off-Highway Vehicle (OHV) Races

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of temporary closures.

SUMMARY: The Carson City District Manager announces the temporary closure of selected public lands during the official running of three competitive off-highway vehicle events. This action is being taken to provide for the public's safety and to protect adjacent resources.

The following events are included in this notice:

May 7–9, 1993 Western States Racing Association, Virginia City Grand Prix—Permit Number NV–03516–93–11,
May 29–30, 1993 Valley Off-Road Racing Association, Yerington 400–Permit Number NV–03516–93–08
June 18–20, 1993 Valley Off-Road Racing Association, Virginia City 200—Permit Number NV–03516–93–09

FOR FURTHER INFORMATION CONTACT: Fran Hull, Walker Area Recreation Planner, Carson City District, Bureau of Land Management, 1535 Hot Springs Road, suite 300, Carson City, Nevada 89706, Telephone: (702) 885–6000.

SUPPLEMENTARY INFORMATION: A map of each closure may be obtained from Fran Hull at the contact address. The event permittee is required to clearly mark and monitor the event route during the closure period.

Specific information pertaining to each event is as follows:

1. Western States Racing Association Virginia City Grand Prix—Number NV–03516–93–11. Multiple-lap motorcycle race on roads and trails near Virginia City, Nevada in Storey County within T17N R21E Sections 21–29, 32–36 and T16N R21E Sections 2–5. The Bureau Lands to be closed to the public include existing roads and trails identified on the ground as the 1993 Virginia City Grand Prix Motorcycle Race route and Bureau Lands within 100 yards of either side except at designated pit and spectator areas. These areas are located in Virginia City at the Old Railroad Depot. Section 24, T17N R21E will be closed to spectators and camping due to environmental sensitivity. This closure will be in effect from 6 p.m. on May 7 through 8 p.m. on May 9, 1993. Spectators shall remain in safe locations as directed by event officials and BLM personnel.

2. Valley Off-Road Racing Association Yerington 400 Off-Road Race—Permit Number NV–03516–93–08. Multiple-lap OHV race on roads and washes near Yerington, Nevada in Douglas and Lyon Counties, within T13N R24E; T14N R24E; T15N R24E; T16N R24E; T13N R25E; T16N R25E; T16N R26E; and T17N R26E. Bureau Lands to be closed include existing roads and washes identified on the ground as the 1993 Yerington 400 Off-Road Race route, and Bureau Lands within 100 yards of either side except at designated pit and spectator areas. This closure will be in effect from 6 p.m. May 29 until midnight on May 30, 1993. Spectator areas are: the Start/Finish area, Gallagher Pass Road and Hooten Wells Road at Check Point 5. Spectators shall remain in safe locations as directed by event officials and BLM personnel.

3. Valley Off-Road Racing Association Virginia City 200 Off-Road Race Number NV–03516–93–09. Multiple-lap off-road race on roads and trails near Virginia City, Nevada in Storey County within T17N R21E. The Bureau Lands to be closed to the public include existing roads and trails identified on the ground as the 1993 Virginia City 200 Off-Road Race route and Bureau Lands within 100 yards of either side except at designated pit and spectator areas. These areas are located in Virginia City at the Old Railroad Depot. Section 24, T17N R21E will be closed to spectators and camping due to environmental sensitivity. This closure will be in effect from 6 p.m. on June 18 through 6 a.m. on June 20, 1993. Spectators shall remain in safe locations as directed by event officials and BLM personnel.

Dated: March 31, 1993.

James W. Elliott,

District Manager.

[FR Doc. 93–8291 Filed 4–8–93; 8:45 am]

BILLING CODE 4310–HC–M

[UT–050–03–4210–05]

Mountain Valley Management Framework Plan Amendment; Correction

April 1, 1993.

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction notice.

SUMMARY: The legal description listed in the **Federal Register** Volume 58, Number 44, on March 9, 1993, as it pertains to the Mountain Valley Management Framework Plan Amendment needs to be changed as follows:

Incorrect: T. 28 S., R. 1 W.
Corrected: T. 23 S., R., 1 W.

James M. Parker,

State Director.

[FR Doc. 93–8287 Filed 4–8–93; 8:45 am]

BILLING CODE 4310–DQ–M

[NV–030–02–4210–05; N–57155]

Realty Action; Noncompetitive Sale of Federal Land, Douglas County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Realty action: noncompetitive sale of Federal land in Douglas County, Nevada.

SUMMARY: In response to a request from the owner of an adjoining private residential lot, the following described Federal land has been examined and found suitable for direct sale under sections 203 and 209 of the Federal Policy and Management Act of 1976 at not less than the appraised fair market value.

Mount Diablo Meridian, Nevada

T. 11 N., R. 21 E.
Sec. 4: E½SW¼SE¼SW¼SW¼SE¼, SE¼SE¼SW¼SW¼SE¼, S½S½SE¼SW¼SE¼;

aggregating 3.4375 acres, more or less.

SUPPLEMENTARY INFORMATION: The parcel was considered part of the residential landowner's private property until a determination was made that the survey subdividing the private land erroneously included approximately this area of public land. The homeowner's water well, pipeline, and a portion of the landscaped back yard area lie within the proposed sale area. The sale would make whole the landowner's estate. This action is consistent with the Bureau's land use planning for this area and would be in the public interest. No conflicts with State or local plans have been identified.

The land would be offered for sale at fair market value, which will be determined by appraisal before the sale. The land will not be offered for sale until at least 60 days after the date of publication of this notice in the **Federal Register**, and not until all environmental and other required documents have been completed.

Upon determination that the mineral interests associated with the parcel have no known value, conveyance of available mineral interests would occur simultaneously with the sale of the land, and the purchaser would be required to pay a $50.00 non-returnable filing fee for the administrative cost of that conveyance.

The patent, when issued, would contain a reservation to the United States for a right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890 (26 Stat. 391, 43 U.S.C. 945).

Publication of this notice in the **Federal Register** segregates the public lands from appropriation under the public land laws, including the mining laws, until the first of the following events occurs: (1) Issuance of patent as proposed, (2) the passage of 270 days from the date this notice is published in the **Federal Register**, or (3) publication of a notice in the **Federal Register** that the segregation is terminated.

FOR FURTHER INFORMATION CONTACT: More detailed information is available

from the Area Manager or Steep Weiss, Bureau of Land Management, Walker Resource Area, 1535 Hot Springs Road, suite 300, Carson City, Nevada 89706; telephone (702) 885–6000.

DATES: Interested parties may submit comments, including issues and alternatives to be analyzed in an environmental assessment, to the Area Manager at the address above for a period of 45 days from publication of this notice in the **Federal Register**. Any objections would be reviewed by the Carson City District Manager, who may sustain, vacate, or modify the decision in this realty action. In the absence of any objections, the decision in this realty action will become the final determination of the Department of the Interior.

Dated: March 30, 1993.

John Matthiessen,

Area Manager, Walker Resource Area.

[FR Doc. 93–8289 Filed 4–8–93; 8:45 am]

BILLING CODE 4310–HC–M

[NV–930–03–4210–04; N 57154]

Realty Action; Exchange of Public and Private Lands, Douglas County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action, proposed land exchange.

SUMMARY: The following described public land in Douglas County, Nevada, has been proposed for disposal by exchange under section 206 of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1716):

Mount Diablo Meridian, Nevada

T. 11 N., R. 21 E.
Sec. 4: SW¼NW¼SE¼, NW¼SW¼SE¼, N½SW¼SW¼SE¼, N½S½SW¼SW¼SE¼, S½SW¼SW¼SW¼SE¼, W½SW¼SE¼SW¼SW¼SE¼;

aggregating approximately 29.0625 acres.

In exchange, the United States would require the following described private land in Douglas County, Nevada:

T. 10 N., R. 23 E., MDM
Sec. 3: *SE¼SE¼*;
Sec. 9: SE¼NE¼, NE¼SE¼;
Sec. 10: *N½NE¼*, *E½SW¼*, SW¼SW¼;
only the portions lying west of the West Walker River

aggregating approximately 200 acres.

SUPPLEMENTARY INFORMATION: The purpose of this exchange is to acquire private land adjacent to public land along the West Walker River which is characterized by high public resource values of scenery, wildlife habitat, and outdoor recreation. The Federal land to be exchanged is adjacent to a private residential area, and a residential structure occupies a portion of the land which had been erroneously considered private land. The exchange would be consistent with provisions of the Walker Resource Management Plan and would serve the public interest. An environmental assessment will be prepared.

The proposed exchange would be based on equal land values determined by fair market value appraisals. Acreages of either the private land or the public land would be reduced as needed to equalize values.

Land transferred from Federal ownership would be subject to a reservation of right-of-way to the United States for ditches and canals, pursuant to the Act of August 30, 1890 (43 U.S.C. 945);

Publication of this notice in the **Federal Register** segregates the public lands from appropriation under the public land laws, including the mining laws, until the first of the following events occurs: (1) Issuance of patent as proposed, (2) the passage of two years from the date this notice is published in the **Federal Register**, or (3) publication of a notice in the **Federal Register** that the segregation is terminated.

FOR FURTHER INFORMATION CONTACT: More detailed information is available from the Area Manager or Steep Weiss, Bureau of Land Management, Walker Resource Area, 1535 Hot Springs Road, suite 300, Carson City, Nevada 89706; telephone (702) 885–6000.

DATES: Interested parties may submit comments, including issues and alternatives to be analyzed in an environmental assessment, to the Area Manager at the address above for a period of 45 days from publication of this notice in the **Federal Register**. Any objections would be reviewed by the Carson City District Manager, who may sustain, vacate, or modify the decision in this realty action. In the absence of any objections, the decision in this realty action will become the final determination of the Department of the Interior.

Dated: March 30, 1993.

John Matthiessen,

Area Manager, Walker Resource Area.

[FR Doc. 93–8290 Filed 4–8–93; 8:45 am]

BILLING CODE 4310–HC–M

[CO–070–03–7122–02–7425; COC–50884]

Notice of Availability—Amendment of the Grand Junction Resource Management Plan and Notice of Realty Action; Determination To Proceed With Exchange

AGENCY: Bureau of Land Management, Interior.

ACTION: The Notice of Availability of the amendment to the Grand Junction Resource Management Plan (RMP), to allow certain lands to be disposed of by exchange, and Notice of Realty Action for a land exchange with Hawxhurst Ranch Company.

SUMMARY: Pursuant to section 102 of the National Environmental Policy Act of 1969 and section 202 of the Federal Land Policy and Management Act of 1976 (FLPMA), the Bureau of Land Management, Grand Junction District (BLM), will amend the Grand Junction Resource Area RMP, and under section 206 of FLPMA, the BLM will transfer title to the described public lands in exchange for title to certain lands in Mesa County, Colorado.

SUPPLEMENTARY INFORMATION: PLAN AMENDMENT: The Plan Amendment changes the category of the following public lands in Mesa County, Colorado, from retention to disposal by land exchange:

Sixth Principal Meridian, Colorado

T. 9 S., R. 94 W.,
Sec. 8, E½SW¼, SE¼;
Sec. 9, SW¼;
Sec. 16, N½NW¼;
Sec. 17, NE¼, N½SE¼;
Sec. 18, Lots 1, 2 and 3, NE¼, E½NW¼, NE¼SW¼, NW¼SE¼.
T. 9 S., R. 95 W.,
Sec. 13, SE¼NE¼NE¼.

The lands described above contain 1238.72 acres, more or less.

This amendment may be protested by persons or organizations that previously participated in this exchange process. A protesting party may raise only those issues submitted for the record during the process. Protests to this amendment shall be filed within 30 days of the date of publication of this notice in the **Federal Register** and shall contain:

1. The name, mailing address, telephone number and interest of the person filing the protest;
2. A statement of the issue or issues being protested;
3. A statement of the part or parts of the amendment being protested;
4. A copy of all documents addressing the issue or issues that were submitted during the planning process by the protesting party or an indication of the date the issue or issues were discussed for the record; and

5. A concise statement explaining why the State Director's decision is believed to be wrong.

Protests on the Plan Amendment shall be sent to the Director, Bureau of Land Management, 1800 C Street, NW., Washington, DC 20240. In the absence of any protests, the amendment to the Resource Management Plan will become effective 60 days after publication of this notice in the **Federal Register.**

Notice of Realty Action (NORA)

For the proposed land exchange, the above-described lands are the selected BLM lands in the Preferred Alternative (Grassy Gulch). The exchange will be made subject to:

1. A reservation to the United States of a right-of-way for ditches and canals constructed by authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. A reservation to the United States of oil, gas and coal, along with the right of ingress and egress to explore for and extract these minerals, and subject to the rights of prior permittees or lessees to use so much of the surface of the land as is required for proper mining operations, without compensation to the patentee for damages resulting from proper mining operations for the duration of the following oil and gas leases and any authorized extension of the leases—Colorado 44749, 46740, 49215, 49216, 49511, 52263; and Colorado 09523C (which is held by production).

The offered private lands include the following:

The Grassy Gulch parcel:

Sixth Principal Meridian, Colorado

T. 9 S., R. 94 W.,
Sec. 3, Lots 1, 2, 3 and 4, S½NW¼, SW¼, N½SE¼, SW¼SE¼;
Sec. 10, NW¼NE¼, N½NW¼; and,

The Horsethief Ranch:

Ute Principal Meridian, Colorado

T. 1 N., R. 3 W.
Sec. 7, Lots 3, 4 and 5, SW¼NE¼, E½NW¼;
Sec. 8, Lots 2, 4, 5 and 6, NE¼SE¼, SE¼NE¼;
Sec. 9, S½NW¼, NW¼SW¼.

Excluding the house, its appurtenances and up to 40 acres.

The offered land will include an easement for public access through the excluded acreage, as necessary.

The offered land described above contains approximately 1280 acres. To the extent the value of the offered private land exceeds the value of the selected public land, BLM may purchase the remaining offered land using appropriated funds.

For a period of 45 days from the date of this NORA, interested parties may submit comments regarding the exchange to the District Manager, Grand Junction District Office, 2815 H Road, Grand Junction, Colorado, 81506. Objections will be reviewed by the State Director who may sustain, vacate or modify this NORA. In the absence of any planning protests or objections regarding the exchange, this realty action will become the final determination of the Department of Interior, effective 60 days from the date of publication of this NORA.

FOR FURTHER INFORMATION CONTACT: The Environmental Assessment concerning this proposed land exchange and Amendment of the Grand Junction Resource Area RMP is available for review at the Grand Junction District Office, 2815 H Road, Grand Junction, Colorado, 81506. Further information can be obtained by contacting Alan Kraus, Realty Specialist, at (303) 244–3000.

Dated: March 29, 1993.

Tim Hartzell,

District Manager.

[FR Doc. 93–7904 Filed 4–8–93; 8:45 am]

BILLING CODE 4310–JB–M

[G–010–4210–05/G–910–G30008]

Bureau Motion Recreation and Public Purposes (R&PP) Act Classification

AGENCY: Bureau of Land Management (BLM), Department of the Interior.

ACTION: Notice or realty action.

SUMMARY: The following public lands in Santa Fe County, New Mexico, have been examined and found suitable for classification for lease or conveyance to Santa Fe County under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 et seq.). Santa Fe County proposes to use the lands for solid waste transfer sites.

New Mexico Principal Meridian, New Mexico

T. 20 N., R. 9 E., NMPM,
Sec. 13: SESWSWNE, NWNWNWSE, NENWNWSE, N1/2SWNWNWSE, N1/2SENWNWSE;
Sec. 23: SESESW.

Containing 20 acres, more or less.

The lands are not needed for Federal purposes. Lease and/or conveyance is consistent with current BLM land use planning and disposal of the public land for use as waste transfer sites is in the public's best interest and best use of the public land.

EFFECTIVE DATE: Interested parties may submit comments on the recreation and public purpose lease on or before May 24, 1993.

FOR FURTHER INFORMATION CONTACT: Lora Yonemoto at the BLM Taos Resource Area Office, 224 Cruz Alta Road, Taos, New Mexico 87571 or at (505) 758–8851.

ADDRESSES: Comments should be sent to District Manager, BLM Albuquerque District Office, 435 Montano NE, Albuquerque, New Mexico 87107.

SUPPLEMENTARY INFORMATION: Lease or conveyance of the lands will be subject to the following terms, conditions, and reservations.

1. Provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the interior.
2. A right-of-way for ditches and canals constructed by the authority of the United States Act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945.
3. All valid existing rights documented on the official public land records at the time of lease/patent issuance.
4. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove the minerals.
5. Any other reservations that the authorized officer determines appropriate to ensure public access and proper management of Federal lands and interests therein.
6. Provisions of the Resource Conservation and Recovery Act of 1976 (RCRA) as amended, 42 U.S.C. 6901–6987 and the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) as amended, 42 U.S.C. 9601 and all applicable regulations.

Upon publication of this Notice in the **Federal Register**, the lands will be segregated from all forms of appropriation under the public land laws including the general mining laws, except for lease or conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws.

Interested parties may submit comments regarding the proposed lease/conveyance or classification of the lands on or within 45 days of the date of publication of this notice.

Classification Comments

Interested parties may submit comments involving the suitability of the land for waste transfer sites.

Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Application Comments

Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for solid waste transfer sites.

Adverse comments will be evaluated by the State Director who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, this realty action will become the final determination of the Department of the Interior.

Dated: March 31, 1993.

Michael R. Ford,

District Manager.

[FR Doc. 93-8235 Filed 4-8-93; 8.45 am]

BILLING CODE 4310-FB-M

Minerals Management Service

Outer Continental Shelf Gas and Oil Lease Sales; List of Restricted Joint Bidders

Pursuant to the Authority vested in the Director of the Minerals Management Service by the joint bidding provisions of 30 CFR 256.41, each entity within one of the following groups shall be restricted from bidding with any entity in any other of the following groups at Outer Continental Shelf gas and oil lease sales to be held during the bidding period from May 1, 1993, through October 31, 1993. The List of Restricted Joint Bidders published October 7, 1992, in the **Federal Register** at 57 FR 46194 covered the period of November 1, 1992, through April 30, 1993.

Group I. Chevron Corporation; Chevron U.S.A. Inc.

Group II. Exxon Corp.; Exxon San Joaquin Production Co.

Group III. Shell Oil Co.; Shell Offshore Inc.; Shell Western E&P Inc.; Shell Frontier Oil & Gas Inc.

Group IV. Mobil Oil Corp.; Mobil Oil Exploration and Producing Southeast Inc.; Mobil Producing Texas and New Mexico Inc.; Mobil Exploration and Producing North America Inc.

Group V. BP America Inc.; the Standard Oil Co.; BP Exploration & Oil Inc.; BP Exploration (Alaska) Inc.

Dated: April 1, 1993.

Carolita U. Kallaur,

Acting Director, Minerals Management Service.

[FR Doc. 93-8387 Filed 4-8-93; 8:45 am]

BILLING CODE 4310-MR-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Board for International Food and Agricultural Development and Economic Cooperation

Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given of the One Hundred and Fifteenth Meeting of the Board for International Food and Agricultural Development and Economic Cooperation (BIFADEC) on April 29, 1993 from 8:30 a.m. to 3 p.m.

The purposes of the meeting are: (1) To discuss a draft statement on the importance of major components of the U.S. program to the U.S. itself; (2) to discuss a draft policy paper on higher education; (3) to hear a report on world food situation and the role of the International Agricultural Research Centers and U.S. universities in alleviating hunger; and (4) to review a draft A.I.D. policy paper on research.

This meeting will be held in The George Washington University Club, located at 800 21st Street, NW. 3rd Floor of the Marvin Center. This facility is three blocks from the Foggy Bottom Metro Station. For any further directions to the Meeting, you may contact Gretchen S. Berry on Telephone, 703-816-0277. Any interested person may attend and may present oral statements in accordance with procedures established by the Board and to the extent time available for the meeting permits.

C. Stuart Callison, Deputy Executive Director, Agency Center for University Cooperation in Development, Bureau for Research and Development, Agency for International Development will be the A.I.D. Advisory Committee Representative at this Meeting. Those desiring further information may write to Dr. Callison, in care of the Agency for International Development, Room 900 SA-38, Washington, DC 20523-3801 or telephone him on (703) 816-0294.

Date: April 6, 1993.

C. Stuart Callison,

Acting Executive Director, Agency Center for University Cooperation in Development.

[FR Doc. 93-8378 Filed 4-8-93; 8:45 am]

BILLING CODE 6116-01-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. (Sub-No. 2)]

Rate Guidelines; Non-Coal Proceedings

AGENCY: Interstate Commerce Commission.

ACTION: Announcement of AAR demonstration; postponement of comment due date.

SUMMARY: The Association of American Railroads (AAR) has agreed to demonstrate its simplified stand-alone cost (SSAC) model and answer questions at a workshop open to the public. Following the workshop, parties may address those issues of access to the SSAC model that remain unresolved. The date for filing substantive comments on the proposed rate reasonableness methodologies is postponed.

DATES: The AAR demonstration will begin at 10 a.m., April 28, 1993, in Hearing Room A, Interstate Commerce Commission, 12th Street and Constitution Avenue, NW., Washington, DC. Written questions for the AAR concerning the SSAC model should be submitted by April 14, 1993. Comments addressing access to the SSAC model are due May 14, 1993. The date for filing formal comments on the various proposed maximum rate methodologies is postponed until further notice.

ADDRESSES: Refer to Ex Parte No. 347 (Sub-No. 2).

(1) Send one copy of questions concerning the SSAC model to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423, and two copies directly to: Office of Economics, Interstate Commerce Commission, Washington, DC 20423.

(2) An original and 10 copies of comments addressing access to the SSAC model should be sent to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Jeanne P. Kowalski, (202) 927-6182. [TDD for hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION: On February 25, 1993 the Office of Economics hosted a technical workshop in this proceeding. The AAR also participated in the workshop and explained how its proposed simplified stand-alone cost (SSAC) test worked for evaluating the reasonableness of rates charged captive shippers. The model relies upon confidential railroad waybill

data and uses proprietary software developed by ALK Associates, Inc.

In a petition filed March 10, 1993, the AAR offered to conduct a more detailed demonstration to "walk parties through use of the model." We believe such a demonstration would be useful. We are supporting this effort by providing the Commission's Hearing Room A on April 28, 1993 for the demonstration. It will begin at 10 a.m.

The Office of Economics will independently develop hypothetical examples of rail shipments and submit them to the AAR to use in demonstrating how the model works and the types of results it produces. At the demonstration, the AAR will use computer terminals to show how to access and run the model and how the results are presented. There will be no charge to attend the demonstration and no one will be required to sign a protective order.

To aid the AAR in preparing a useful demonstration, we ask that written questions regarding the SSAC model be submitted in advance to the Commission. The questions will be forwarded to AAR staff and copies will be made available at the door of the meeting room on the day of the demonstration. In addition, questions from the floor will be allowed.

In its March 10th petition the AAR submitted a protective order which would allow access to the SSAC model. Because the SSAC model uses confidential and proprietary information, the AAR has been reluctant to allow access to the model without assurances protecting against the dissemination of confidential or proprietary data. Several shipper interests replied to the AAR petition.

We will not rule on the AAR's request for a protective order nor on the alternative requests of the shippers for greater access to the SSAC model. Some of the concerns over protective conditions and the need for access raised in the petition and replies may be resolved as the AAR responds to questions raised by the parties at the workshop. Therefore, we will defer deciding these issues until after the workshop. To assist us in crafting an equitable solution regarding access to the SSAC model, persons will be allowed to file written comments no later than May 14, 1993. After considering the AAR's petition for a protective order, the replies thereto and any additional comments filed by May 14th, we will issue a decision ruling on the various issues regarding access to the SSAC model.

Finally, the date for filing substantive comments on the various rate reasonableness methodologies proposed in this proceeding is postponed until issues concerning access to the SSAC model have been resolved.

[Section 5a Application No. 34]

Middlewest Motor Freight Bureau, Inc. and Central States Motor Freight Bureau, Inc.; Merger Agreement

AGENCY: Interstate Commerce Commission.

ACTION: Notice of filing joint application for merger, and for comments.

SUMMARY: Middlewest Motor Freight Bureau, Inc. (MWB) and Central States Motor Freight Bureau, Inc. (CMB) (applicants) have filed a joint application seeking approval of the merger of CMB into MWB, and approval of the amended agreement of MWB so as to permit the MWB General Rate Committee to engage in ratemaking within the CMB territory. Other amendments provide for the inclusion of CMB member carriers in the membership of the MWB General Rate Committee and its Board of Directors. No changes are contemplated in the ratemaking procedures under the MWB agreement, which was previously approved by the Commission.

DATES: Comments (original and 10 copies) must be filed by May 10, 1993 and concurrently served on applicants' representatives. Comments must contain the basis for supporting or opposing the proposed merger. Applicants' reply must be filed and concurrently served on the other commenting parties by May 19, 1993.

ADDRESSES: Send an original and 10 copies of all documents (referring to Section 5a Application No. 34) to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

In addition, concurrently send one copy of comments to each of the following applicants' representatives:

Byrce Rea, Jr., 1920 N Street NW., suite 420, Washington, DC 20036.

John W. McFadden, Jr., 1600 Wilson Blvd., #1210, Arlington, VA 22209.

FOR FURTHER INFORMATION CONTACT: Jessie Hodge, (202) 927–5302 or Richard Felder, (202) 927–5610.

[TDD for hearing impaired: (202) 927–5721]

SUPPLEMENTARY INFORMATION: The joint application seeks approval of the merger of CMB into MWB and approval of amendments to MWB's section 5a Agreement No. 34 which will permit collective ratemaking to continue within the CMB territory under the procedures and agreement of MWB. The MWB agreement currently provides for collective consideration and publication of rates between points in the MWB territory, on the one hand, and points in the CMB territory, on the other. The effect of the merger will be to transfer to MWB the responsibility for publication of rates within the CMB territory.

The present MWB agreement defines its territory so as to include all points in Colorado, Illinois, that portion of the Chicago Commercial Zone within Indiana, Iowa, Kansas, the Upper Peninsula of Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

The present CMB agreement defines its territory so as to include all points in Illinois, Indiana, Michigan, Wisconsin, and those points in New York, Pennsylvania, West Virginia, Kentucky, Iowa, and Missouri so designated in Central Territory Motor Carrier Rates, 8 M.C.C. 233 (1938). The CMB territory as defined in the present MWB agreement includes points in Indiana (except that portion within the Chicago Commercial Zone), the Lower Peninsula of Michigan, Ohio, and defined portions of New York, Pennsylvania, West Virginia, and Kentucky. That definition would be changed under a proposed amendment (1) by removing the exclusion for points in the Chicago Commercial Zone, and (2) by adding the following to the definition: "and, in addition, those points in New York, Pennsylvania, West Virginia and Kentucky, designated in the report of the I.C.C. in Central Territory Motor Carrier Rates, 8 M.C.C. 233 (1938), and not otherwise described herein."

Applicants believe that significant economies of operation will result from the merger. They note that the functions of collective ratemaking, rate procedures, processing of independent actions, publication of agency tariffs and individuals tariffs, computer services, other printing and support services, research activities, Federal regulatory activities, and other functions, interests, and activities of both MWB and CMB are very similar. A merger will reduce the number of meetings that will be held for purposes of considering rate matters. Consequently, they believe that the economies and efficiencies can be achieved without a reduction in service to member carriers, participants, tariff subscribers, shippers, and the general public. The merged operation would be conducted under the terms of the MWB's agreement (with minor amendments) that received final

approval (Section 5a Application No. 34 (Amendment No. 6), Middlewest Motor Freight Bureau, Inc., Agreement (not printed), served June 9, 1987), as consistent with the requirements of 49 U.S.C. 10706(b).

This procedure essentially follows the procedure employed by the Commission in Section 5a Application No. 46, Southern Motor Carriers Rate Conference, Inc., and Central and Southern Motor Freight Tariff Association, Inc.—Merger Agreement (not printed), served March 24, 1989. If no comments are filed, the proceeding will be determined upon the basis of the existing record.

No Commission decision accompanies this notice. Copies of the application are available for public inspection and copying at the Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423, and from the applicants' representatives identified above. Applicants are encouraged to make copies promptly available to those who request them so that potential commenters will be able to submit informed comments on a timely basis.

Authority: 49 U.S.C. 10321 and 10706 and 5 U.S.C. 553.

Decided: April 1, 1993.

By the Commission, Chairman McDonald, Vice Chairman Simmons, Commissioners Phillips, Philbin, and Walden.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–8377 Filed 4–8–93; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF LABOR

Labor Advisory Committee for Trade Negotiations and Trade Policy; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463 as amended), notice is hereby given of a meeting of the Environment, Safety and Health Subcommittee of the Labor Advisory Committee for Trade Negotiations and Trade Policy.

Date, time and place: April 26, 1993, 10 a.m.–12 noon, room S–3215 A&B, Department of Labor Building, 200 Constitution Avenue, NW., Washington, DC 20210.

Purpose: To discuss trade negotiations and trade policy of the United States.

This meeting will be closed under the authority of section 10(d) of the Federal Advisory Committee Act and 5 U.S.C. 552(c)(1). The Committee will hear and discuss sensitive and confidential matters concerning U.S. trade negotiations and trade policy.

For further information, contact: Fernand Lavallee, Director, Trade Advisory Group, Phone: (202) 523–2752.

Signed at Washington, DC, this 1st day of April of 1993.

Jorge Perez-Lopez,

Acting Deputy Under Secretary International Affairs.

[FR Doc. 93–8336 Filed 4–8–93; 8:45 am]

BILLING CODE 4510–28–M

Employment Standards Administration

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.

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

Iowa:

IA93–24 (Apr. 9, 1993)

Modification to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

Alabama:

AL93–8(Feb. 19, 1993)
Florida:
FL93–9(Feb. 19, 1993)
FL93–17(Feb. 19, 1993)
FL93–28(Feb. 19, 1993)
Kentucky:
KY93–1(Feb. 19, 1993)
KY93–2(Feb. 19, 1993)
KY93–3(Feb. 19, 1993)
KY93–4(Feb. 19, 1993)
KY93–6(Feb. 19, 1993)
KY93–7(Feb. 19, 1993)
KY93–29(Feb. 19, 1993)
KY93–32(Feb. 19, 1993)
KY93–35(Feb. 19, 1993)
Massachusetts:
MA93–1(Feb. 19, 1993)
New York:
NY93–8(Feb. 19, 1993)
NY93–16(Feb. 19, 1993)
NY93–20(Feb. 19, 1993)
NY93–21(Feb. 19, 1993)
Pennsylvania:
PA93–17(Feb. 19, 1993)
PA93–31(Feb. 19, 1993)
Vermont:
VT93–4(Feb. 19, 1993)
West Virginia:
WV93–2(Feb. 19, 1993)

Volume II

Minnesota:
MN93–3(Feb. 19, 1993)
MN93–7(Feb. 19, 1993)
MN93–8(Feb. 19, 1993)
MN93–15(Feb. 19, 1993)
Texas:
TX93–10(Feb. 19, 1993)
Wisconsin:
WI93–8(Feb. 19, 1993)

Volume III

Idaho:
ID93–2(Feb. 19, 1993)
Oregon:
OR93–1(Feb. 19, 1993)
South Dakota:
SD93–2(Feb. 19, 1993)
SD93–3(Feb. 19, 1993)
SD93–5(Feb. 19, 1993)
SD93–6(Feb. 19, 1993)
Utah:
UT93–27(Feb. 19, 1993)
Washington:
WA93–1(Feb. 19, 1993)
WA93–2(Feb. 19, 1993)
WA93–3(Feb. 19, 1993)
WA93–6(Feb. 19, 1993)
WA93–9(Feb. 19, 1993)
WA93–11(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 2nd day of April 1993.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 93–8141 Filed 4–8–93; 8:45 am]

BILLING CODE 4510–27–M

Mine Safety and Health Administration

Baylor Rush, Inc., et al.; Petitions for Modification

The following parties have filed petitions to modify the application of mandatory safety standards under section 101(c) of the Federal Mine Safety and Health Act of 1977.

1. Baylor Rush Inc.

[Docket No. M–93–41–C]

Baylor Rush Incorporated, P.O. Box 32, Saint Clair, Pennsylvania 17970 has filed a petition to modify the application of 30 CFR 75.340(a)(1) (underground electrical installations) to its No. 2 Slope (I.D. No. 36–01789) located in Schuylkill County, Pennsylvania. The petitioner proposes to charge batteries on the mine's locomotive while all miners are out of the mine, and to allow intake air used to ventilate the charging station located between the No. 7 and No. 8 chutes in the inactive East Gangway level to continue through its normal route to the last open crosscut and into the monkey airway return. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

2. Broken Hill Mining Co.

[Docket No. M–93–42–C]

Broken Hill Mining Company, P.O. Box 356, Sidney, Kentucky 41564 has filed a petition to modify the application of 30 CFR 75.1710 (canopies or cabs; electric face equipment) to its Mine No. 3 (I.D. No. 15–14959) located in Pike County, Kentucky. Due to low areas of travel in the mine, the petitioner proposes to operate electric face equipment without canopies. The petitioner states that the use of canopies would be detrimental to the roof control and to the safety of the equipment operator.

3. Consolidation Coal Co.

[Docket No. M–93–43–C]

Consolidation Coal Company, 1800 Washington Road, Pittsburgh, Pennsylvania 15241–1421 has filed a petition to modify the application of 30 CFR 75.364(b)(2) (weekly examination) to its Amonate No. 31 Mine (I.D. No. 46–04421) located in McDowell County, West Virginia. Due to deteriorating roof conditions, certain areas of the return air course cannot be safely traveled. The petitioner proposes to establish eight air monitoring stations to monitor the air entering and leaving the affected area at each station. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

4. Western Mingo Coal Co.

[Docket No. M–93–44–C]

Western Mingo Coal Company, P.O. Box 119, Naugatuck, West Virginia 25685 has filed a petition to modify the application of 30 CFR 75.350 (air course and belt haulage entries) to its Mine No. 5 (I.D. No. 46–08147) located in Mingo County, West Virginia. The petitioner proposes to install a low-level carbon monoxide detection system in all belt entries used as intake air courses. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

5. Windsor Coal Co.

[Docket No. M–93–45–C]

Windsor Coal Company, P.O. Box 39, West Liberty, West Virginia has filed a petition to modify the application of 30 CFR 75.380(d)(4) (escapeways; bituminous and lignite mines) to its Windsor Mine (I.D. No. 46–01286) located in Brooke County, West Virginia. The petitioner proposes to maintain the longwall power center in the intersection of the entry to offset the pump and water cars and to maintain a clear 4-foot wide walkway to allow for passage in an emergency. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

6. Laurel Run Mining Co.

[Docket No. M-93-46-C]

Laurel Run Mining Company, HC 76 Box 425, Mt. Storm, West Virginia 26739 has filed a petition to modify the application of 30 CFR 75.364(b)(1) (weekly examination) to its Potomac Mine (I.D. No. 46-04190) located in Grant County, West Virginia. Due to deteriorating roof conditions, certain areas of the intake air course cannot be safely traveled. The petitioner proposes to establish evaluation points to monitor the quantity and quality of air entering and leaving the affected area. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

7. Clinchfield Coal Co.

[Docket No. M-93-47-C]

Clinchfield Coal Company, P.O. Box 4000, Lebanon, Virginia 42466 has filed a petition to modify the application of 30 CFR 75.1002 (high-voltage cables and transformers) to its McClure No. 1 Mine (I.D. No. 44-04251) located in Dickerson County, Virginia. The petitioner proposes to use high-voltage cables to power longwall equipment. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

8. Leeco, Inc.

[Docket No. M-93-48-C]

Leeco, Inc., 100 Coal Drive, London, Kentucky 40741-8799 has filed a petition to modify the application of 30 CFR 75.333(a), (b) and (e)(1) (ventilation controls) to its Mine No. 60 (I.D. No. 15-12941) located in Leslie County, Kentucky, its Mine No. 62 (I.D. No. 15-16412) and its Mine No. 63 (I.D. No. 15-16413 both located in Perry County, Kentucky. The petitioner proposes to use semi-permanent stoppings in rooms where second mining is projected and to construct the stoppings of 4-inch hollow-core concrete blocks, dry stacked and coated on one side with wood-fiber based plaster. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

Request for Comments

Persons interested in these petitions may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 10, 1993. Copies of these petitions are available for inspection at that address.

Dated: April 2, 1993.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 93-8335 Filed 4-8-93; 8:45 am]

BILLING CODE 4510-43-M

Pension and Welfare Benefits Administration

[Application No. D-9149, et al.]

Proposed Exemptions; Fred Hervey Interests Employees' Benefit Plan, et al.

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restriction of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or request for a hearing on the pending exemptions, unless otherwise stated in the Notice of Proposed Exemption, within 45 days from the date of publication of this **Federal Register** Notice. Comments and request for a hearing should state: (1) The name, address, and telephone number of the person making the comment or request, and (2) the nature of the person's interest in the exemption and the manner in which the person would be adversely affected by the exemption. A request for a hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing. A request for a hearing must also state the issues to be addressed and included a general description of the evidence to be presented at the hearing.

ADDRESSES: All written comments and request for a hearing (at least three copies) should be sent to the Pension and Welfare Benefits Administration, Office of Exemption Determinations, room N-5649, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. Attention: Applicant No. stated in each Notice of Proposed Exemption. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefits Administration, U.S. Department of Labor, room N-5507, 200 Constitution Avenue NW., Washington, DC 20210.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register**. Such notice shall include a copy of the notice of proposed exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of proposed exemption are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

Fred Hervey Interests Employees' Benefit Plan (the Plan)

Located in El Paso, TX

[Application No. D-9149]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act 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). If the exemption is granted, the restrictions of sections 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) shall not apply to the: (1) proposed sale by the Plan of a promissory note (the Note) to Sun World Corporation (the Employer), a party in interest with respect to the Plan

and (2) the proposed sale by the Plan of undivided interests (the Interests) in certain real property (the Property) to the Employer.

This proposed exemption is conditioned upon the following requirements: (1) both sales are one-time transactions for cash; (2) the Plan is not required to pay any fees or commissions in connection therewith; (3) the Note and the Interests are appraised by qualified, independent appraisers; (4) the sales price for the Note is based upon an amount representing the greater of its outstanding principal balance plus accrued interest or its fair market value as of the date of the sale; (5) the sales price for each Interest reflects its fair market value on the date of the sale; and (6) within 90 days of the publication in the **Federal Register** of the notice granting this proposed exemption, SWC will file a Form 5330 with the Internal Revenue Service (the Service) and pay all applicable excise taxes resulting from the past prohibited leasing arrangements by two of its affiliates and the Plan.

Summary of Facts and Representations

1. The Plan is a profit sharing plan with total assets of $414,936 as of December 31, 1991. As of March 10, 1992, the Plan had 64 participants. The trustees of the Plan and decisionmakers with respect to Plan investments are Messrs. Fred Hervey, H.R. Fenstermacher, Ned P. Euseppi and Mark R. Matthew.

2. Sun World Corporation (SWC), a private holding company headquartered at 900 Magoffin, El Paso, Texas, is the sponsor of the Plan. SWC is wholly-owned by Mr. Hervey. Aside from Mr. Hervey, SWC's other principals are Messrs. Fenstermacher, Euseppi and Matthew.

3. Among the assets of the Plan is a promissory note. The Note, dated December 21, 1990, is in the original principal amount of $140,000. The Note bears interest on the unpaid principal balance at the rate of 10 percent per annum and it is payable in equal monthly installments of $1,351 which includes both principal and interest. Payments under the Note commenced on January 21, 1991 and they will continue for three years, at which time the entire balance of the principal and interest will become due and payable in full.

4. The Note was executed by the Plan and Mr. Arturo R. Andrade, an unrelated party, in connection with the sale of certain real property located at 7000 Alameda, El Paso, Texas, by the Plan to Mr. Andrade.[1] The Note is secured by a first lien interest in the Property which consists of a restaurant and excess land. According to the applicant, the Plan has incurred no servicing fees in connection with the administration of the Note. As of December 21, 1992, the outstanding principal balance of the Note was $135,788.

5. Also among the assets of the Plan are undivided Interests in the following parcels of unimproved land:

a. *Parcel One* is legally described as "Tracts 3A, 3C and 3D, O.A. Danielson Survey #312, City of El Paso, El Paso County, Texas." Parcel One consists of 130.5759 acres of land that is accessed from Loop 375. The Plan has an 11.31 percent interest in Parcel One.

b. *Parcel Two* is legally described as "Tract 2A, O.A. Danielson Survey #312, City of El Paso, El Paso County, Texas." It consists of 3.217 acres of land located on Loma Verde Drive. The Plan has an 11.31 percent interest in Parcel Two.

c. *Parcel Three* is legally described as "Tract 2A, O.A. Danielson Survey #312, City of El Paso, El Paso County, Texas." Parcel Three is a portion of Parcel Two. It consists of .886 acres of land that is located on Loma Verde Drive. The Plan has an 11.31 percent interest in Parcel Three.

d. *Parcel Four* is legally described as "Tract 6, O.A. Danielson Survey #312, City of El Paso, El Paso County, Texas." It consists of 5.320 acres of land that is located on Loma Verde Drive and Loop 375. The Plan has an 11.22 percent interest of a one-half interest in Parcel Four.

6. Initially, the Plan acquired an undivided 11.22 percent in Parcels One, Two and Three by warranty deed dated January 1, 1974 from Casa Mañana Land & Water Company, Inc. (Casa Mañana), which was then owned by the Plan, Mr. Hervey and certain of his related entities. The deed had been executed as a liquidating distribution of Casa Mañana.

In July 1975, the Plan acquired, by warranty deed, additional .09 percent undivided interests in Parcels One, Two and Three from Mr. Hervey, Ms. Shirleen Lockhart Hervey, who is Mr. Hervey's daughter, the O.A. Corporation and the Hervey Foundation, a private foundation established by Mr. Hervey. (The O.A. Corporation and the Hervey Foundation were merged into SWC in 1976.)

The Plan paid no consideration to the grantors in connection with the acquisition of the Interests in Parcels One, Two and Three. The residual interests in these parcels are owned by the Hervey Foundation.

7. The Plan acquired its Interest in Parcel Four on March 30, 1987 from the County of El Paso. The Plan's Interest was set out as an 11.22 percent interests in the warranty deed. The Plan paid no consideration to acquire this Interest.[2] The residual interests in Parcel Four are held as follows: SWC (½ undivided interest), Hervey Foundation (88.69 percent of a ½ interest), Mr. Hervey (.03 percent of a ½ interest), Ms. Hervey (.015 percent of a ½ interest), and two unrelated parties—John A. Gillett, Jr. (.015 percent of a ½ interest), and the Estate of Kenneth Carroll (.03 percent of a ½ interest).[3]

8. According to the applicant, the Plan's Interests in Parcels One, Two, Three or Four have never been used by or leased to anyone, including parties in interest since their acquisition by the Plan. The applicant represents that the Plan has, however, paid its proportionate share of real estate taxes since it has owned the Interests. Through the year ending 1991, the applicant states that the Plan has paid a total of $38,502 in real estate taxes.

9. In order that the Plan can convert its assets to cash, terminate and make a final distribution to its participants, SWC requests an administrative

[1] According to the applicant, the Plan acquired the Property on January 17, 1979 from Ms. Barbara Jeanne Abraham, an unrelated party, for $40,000. At that time, the Property was subject to an existing lease between Ms. Abraham, as lessor, and West Texas Drive-Ins, Inc. (West Texas), as lessee. West Texas was 98.73 percent owned by Mr. Hervey. The primary term of the lease was ten years, commencing May 1, 1967 and it contained an option to renew for an additional period of five years. The lease expired on April 30, 1982. Afterwards until its sale to Mr. Andrade, the Property was occupied by Lakeside Oasis, a restaurant owned by the O.A. Corporation, the successor to West Texas and an entity also more than 50 percent owned by Mr. Hervey. In this regard, the applicant is aware that the past leasing arrangements between the Plan, West Texas and the O.A. Corporation resulted in prohibited transactions in violation of the Act. Therefore, the applicant represents that SWC will file a Form 5330 with the Service and pay all applicable excise taxes that are associated with these past leasing arrangements within 90 days of the publication of the notice granting the exemptive relief herein in the **Federal Register**.

[2] Parcel Four had been previously conveyed to the County of El Paso by Dedication Deed dated May 2, 1973 and it was to be used solely as a public road. According to the terms of this deed, the property conveyed would revert to the grantors, Fred Hervey, Inc. (FHI) and Cas Mañana, if not used as a public road. Because the road was never constructed, the County of El Paso reconveyed Parcel Four to FHI and the Plan, as successor in interest to Casa Mañana.

[3] The Department is expressing no opinion in this proposed exemption on whether the acquisition and the holding by the Plan of the Interests in Parcels One, Two, Three and Four, in conjunction with Mr. Hervey and the Hervey Foundation, violated any of the provisions of part 4 of title I of the Act.

exemption from the Department to purchase the Note and the Interests from the Plan. Therefore, SWC proposes to acquire the Note for an amount representing the greater of its outstanding principal balance plus accrued interest or its fair market value on the date of the sale. In addition, SWC proposes to purpose the Plan's Interests in Parcels One, Two, Three and Four for an amount representing the fair market value of such Interests on the date of sale. SWC proposes to pay the consideration in cash. The Plan will not be required to pay any real estate fees or commissions in connection therewith.

10. The Note has been valued by Mr. Mark H. Gilbert, an independent appraiser. Mr. Gilbert is a consultant in the Real Estate Loan Department of the Bank of El Paso, located in El Paso, Texas. He has over 26 years of experience in servicing, reviewing and evaluating real estate loan portfolios. In an appraisal report dated June 23, 1992, Mr. Gilbert states that after examining the terms of the Note, he would recommend that his bank purchase the Note for 70 percent of its present loan balance or $95,947.

In a November 4, 1992 letter updating his appraisal report, Mr. Gilbert describes certain factors he considered in placing the fair market value of the Note at $95,947. He states that he has based his valuation on the following conditions:

(a) *The loan to value ratio (based upon an appraisal of the underlying Property that was performed by William Scott Burns and Company dated May 23, 1990.* Mr. Gilbert notes that the loan to value ratio for the Property is close to 100 percent. He represents that this factor is a cause for great concern since the collateral may have to be liquidated if Mr. Andrade does not pay the Note. Assuming the Property is sold, he explains that the sales expense could easily fall in the 20–25 percent range. He also explains that a knowledgeable purchaser would require a discount of that amount in order to cover the possibility of a loss in case of a foreclosure and subsequent sale.

(b) *The creditworthiness and financial strength of the borrower.* Mr. Gilbert also represents that Mr. Andrade's creditworthiness and financial strength are additional causes for concern. Because Mr. Andrade is not an American citizen and has no verifiable assets within the United States, Mr. Gilbert does not believe his personal guarantee would be of any consequence assuming he defaulted on the loan. Therefore, he states that a further discount of the Note is warranted.[4]

(c) *The borrower's payment history on the loan.* Mr. Gilbert represents that Mr. Andrade's payment history on the Note is of concern to him because Mr. Andrade is frequently delinquent. Therefore, he believes another discount of the Note is warranted.

(d) *Market interest rates.* Mr. Gilbert explains that the Note has a 10 percent interest rate. Notes of this type, he represents, would carry interest rates of 12–14 percent. Therefore, he believes a further discount of the Note would be warranted.

(e) *Unusual terms and conditions of the Note.* Mr. Gilbert explains that the balloon feature of the Note makes it risky to a subsequent purchaser since at the time of maturity, Mr. Andrade would either have to make a large cash payment or be able to refinance the loan.

On the basis of these factors, Mr. Gilbert again concludes that the Note is worth $95,947. Therefore, the proposed selling price for the Note will be $137,067, representing the principal balance outstanding plus accrued interest.[5]

11. The Plan's Interests in Parcels One, Two, Three and Four were appraised by Messrs. Scott Eschenbrenner, RM and W. Scott Burns, MAI, independent appraisers associated with the real estate appraisal firm of William Scott Burns and Company of El Paso, Texas. In separate appraisal reports dated January 13, 1992, the appraisers valued the subject property as of December 31, 1991. The valuations determined by the appraisers for Parcels One, Two, Three and Four as well as the value of the Plan's Interests in such property are as follows:

Property	Value of property	Value of plan's interest
Parcel one	$1,300,000	$147,030
Parcel two	45,000	5,090
Parcel three	26,000	2,941
Parcel four	55,000	3,086
Totals	1,426,000	158,147

In addenda to the appraisals of June 23, 1992 and January 5, 1993, Mr. Eschenbrenner represents that the Interests are of no unique or special value to SWC by reason of their proximity to other property owned by SWC and/or its principals. Mr. Eschenbrenner concludes that upon the consummation of the sale, SWC will hold 11.22 percent and 11.31 percent Interests in the subject Parcels. In his opinion, this amount of ownership is minimal and due to the limited control in ownership, he believes there would be no added value to SWC.

Thus, based upon the independent appraisals, the Plan will sell the Note and the Interests to SWC for an aggregate sales price of $295,214.

12. In summary, it is represented that the proposed transactions will satisfy the statutory criteria for an exemption under section 408(a) of the Act because: (a) The sales of the Note and the Interests will represent one-time transactions for cash; (b) the Plan will not be required to pay any fees or commissions in connection therewith; (c) the Note and the Interests have been appraised by qualified, independent appraisers; (d) the sales price for the Note will be based upon an amount representing the greater of its outstanding principal balance plus accrued interest or its fair market value as of the date of the sale; and (e) the sales price for each Interest will be based upon an amount reflecting its fair market value on the date of the sale.

Tax Consequences of Transaction

The Department of the Treasury has determined that if a transaction between a qualified employee benefit plan and its sponsoring employer (or affiliate thereof) results in the plan either paying less than or receiving more than fair market value, such excess may be considered to be a contribution by the sponsoring employer to the plan and therefore must be examined under applicable provisions of the Code, including sections 401(a)(4), 404 and 415.

Notice to Interested Persons

Notice of the proposed exemption will be given to all interested persons within 7 days following the publication of the notice of pendency in the **Federal Register**. Such notice will include a copy of the notice of proposed exemption as published in the **Federal Register** and shall inform interested persons of their right to comment on and/or to request a hearing with respect to the notice of proposed exemption. Comments or requests for a hearing are due within 37 days after the date of publication of this proposed exemption in the **Federal Register**.

[4] The Department expresses no opinion herein on whether the acquisition and holding of the Note by the Plan violated any of the provisions of part 4 of title I of the Act.

[5] The applicant represents that the amount by which the sales price for the Note may exceed its fair market value, if treated as an employer contribution to the Plan, when added to the balance of the annual additions to such Plan, will not exceed the limitation prescribed by section 415 of the Code.

For Further Information Contact: Ms. Jan D. Broady of the Department, telephone (202) 219–8881. (This is not a toll-free number.)

Local No. 60 Health and Welfare Fund (the Plan) Located in Leominster, Massachusetts

[Application No. L–9015]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990). If the exemption is granted, the restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Act shall not apply to the cash sale of a parcel of real property (the Property) by the Plan to the New England Joint Board of the Retail, Wholesale and Department Store Union, AFL–CIO (the Joint Board), for the greater of (1) $212,000 in cash or (2) the fair market value of the Property as of the date of the sale, provided the following conditions are satisfied: a) the purchase price is not less than the fair market value of the Property on the date of the sale; and b) the fair market value of the Property is determined by a qualified, independent appraiser as of the date of the sale.

Summary of Facts and Representations

1. In 1962, Local No. 60 of the Retail, Wholesale and Department Store Union, AFL–CIO (Local No. 60) and the Foster Grant Corporation (FG), pursuant to their collective bargaining agreement, established the Plan to provide health and welfare benefits to Union employees of FG. Local No. 60 is a local affiliate of the Joint Board, which is the regional organization for all locals of the Retail, Wholesale and Department Store Union in the six New England states. Union trustees of the Plan also serve as officers or staff members of the Joint Board.

2. The Plan has been terminated because FG is bankrupt and has, effectively, gone out of business and ceased to exist. There has not been a collective bargaining agreement between FG and Local No. 60 since August 13, 1991, when FG consummated the sale of its Technical Products Division. On August 9, 1991, the Plan's trustees unanimously voted to terminate the Plan and distribute the Plan's assets to its beneficiaries upon FG's sale of its Technical Products Division, which would terminate the collective bargaining agreement.

3. The Plan's trustees are now attempting to effectuate the Plan's termination and so distribute its assets to its approximately 850 beneficiaries. Part of the action required to accomplish these objectives is the sale of the Property, which consists of a building located at 149 Mechanic Street in Leominster, Massachusetts. The Plan acquired the Property on May 15, 1967 from J. Henry and Corinne A. Goguen, unrelated third parties, for $40,000.

4. The trustees have attempted to sell the Property to third parties by listing it with an independent real estate broker. Mr. Thomas Morin of Century 21 Realty in Lunenburg, Massachusetts, represents that the Property was listed with his agency in June 1991, at $299,000, and there were no interested buyers. On September 18, 1991, the price was reduced to $280,000, but still there have been no interested buyers.

5. On April 28, 1992, the Property was appraised by Mr. Lawrence W. Marshall of Northern Financial Services, Inc., an independent real estate appraiser in Leominster, Massachusetts, as having a fair market value of $212,000. Mr. Marshall noted that there had been no sale activity at the prices at which the Property had been listed with the real estate broker (see rep. 4, above) because the asking price had been above the market value range. The Plan's trustees are now requesting an exemption to permit the sale of the Property to the Joint Board at its appraised fair market value in order to terminate the Plan and distribute its assets to its participants.

6. The applicant represents that since January 1, 1985, the Plan has rented office space in the Property to various entities, some of which are parties in interest with respect to the Plan. The Plan rented space to the Leominster Joint Board of the Retail, Wholesale and Department Store Uniform from before January 1, 1985 to January, 1991. The monthly rent paid by the Leominster Joint Board was $400 from January, 1985 to December, 1986; $550 from December, 1986 to February, 1989; and $625 from February, 1989 to January, 1991. The Plan rented space to the Bay State Council of Retail, Wholesale and Department Store Union from before January 1, 1985 to December, 1991. The monthly rent paid by the Bay State Council was $150 from January, 1985 to December, 1986; $300 from December, 1986 to February, 1989; $415 for the month of February, 1989; $365 from March, 1989 to January, 1991; and $625 from January, 1991 to December, 1991. The Plan has also leased space in the Property to the Joint Board from December, 1991 to the present. For the month of December, 1991 the Joint Board paid a rent of $625; since January, 1992, when it substantially increased the amount of space it was renting, the Joint Board has paid a monthly rental of $1,625.

7. The applicant represents that it believes that the leases of office space in the Property by the Plan to the entities described in representation 6, above, all were at the fair market rental values for the spaces in question. However, the applicant represents that within 60 days of the granting of the exemption proposed herein, the Joint Board will make the Plan whole for any below-market rentals that may have been received by the Plan from the Leominster Joint Board, the Bay State Council or the Joint Board. The applicant represents that an independent party will review these past leases of office space to determine whether the Plan received fair market rental value for the leases. In addition, the Joint Board acknowledges that the Department is proposing no relief herein for the leases described in representation 6, above. Accordingly, the Joint Board represents that within 60 days of the granting of the exemption proposed herein, it will pay to the Department a civil penalty of $7,521.50 pursuant to section 502(i) of the Act, arising as a result of the above-described leases.[6]

8. In summary, the applicant represents that the proposed transaction meets the criteria of section 408(a) of the Act because: (a) The sale is a one-time transaction for cash, and no commissions will be paid with respect to the sale; (b) the purchase price for the Property will be not less than the fair market value of the Property; and (c) the fair market value of the Property will be determined by a qualified, independent appraiser.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 219–8881. (This is not a toll-free number.)

Johnson Paints, Inc. Employee Profit Sharing Plan (the Plan) Located in Fort Myers, Florida

[Application No. D–9275]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act 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, 32847, August 10, 1990). If the exemption is granted, the restrictions of sections 406(a) and 406(b)(1) and (2) of the Act and the

[6] The amount of the civil penalty was determined by the Department, and agreed to by the applicant.

sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the sale of a certain parcel of real property (the Property) from the Plan to Johnson Paints, Inc. (the Employer), the sponsor of the Plan, and the assumption by the Employer of two existing mortgages on the Property, provided that the following conditions are met:

1. The fair market value of the Property is established by appraisers independent of the Employer;

2. The Employer pays cash to the Plan in connection with the sale and assumes the existing mortgages on the Property;

3. Such cash payment amounts to no less than the greater of the current fair market value of the Property (less the remaining balance on the mortgages) or the total cash outlays made by the Plan in regard to the Property as of the date of sale; and

4. The Plan pays no fees or expenses in relation to the sale.

Summary of Facts and Representations

1. The Employer is engaged in the business of the manufacture and sale of architectural coatings. The Plan is a profit sharing plan which had total assets of $329,385 and 94 participants as of December 31, 1992. The trustees of the Plan, Samuel Johnson and Marla Flint, are the individuals having investment discretion over the Plan assets involved in the proposed transaction.

2. The Property consists of approximately 2.2 acres of vacant land in Lee County, Florida, located adjacent to the corporate offices and manufacturing facilities of the Employer. The Plan acquired the Property in two contiguous tracts which together comprise one larger parcel. The first tract was purchased in October 1988 and the second tract was acquired in January 1989. The purchase price for each parcel was $97,875 plus closing costs. The applicant represents that the seller of both tracts, Herb Jones (Jones), is unrelated to the Plan and the Employer.

Each tract was subject to a mortgage in the original amount of $78,300. The mortgage holder is Jones in each case. The total unpaid balance on the two mortgages together was $65,874 on December 31, 1992. As of that date, the total cash payments made by the Plan in regard to acquiring and holding the Property amounted to $183,579. The Property contains no improvements and has produced no income for the Plan. The applicant represents that the Property has not been used by the Employer or any other party in interest since the time of purchase by the Plan.

3. The Plan obtained an appraisal on the Property on September 22, 1992, from William E. Stewart, Jr., MAI and Paul B. Hobby (the Appraisers) of Stewart, Stephan & Bowen, Inc., a real estate appraisal and analysis firm located in Fort Myers, Florida. The applicant represents that the Appraisers are independent of the Employer. The Appraisers stated that the highest and best use of this vacant land would be for light industrial development. Utilizing the direct sales comparison approach to value, both Appraisers estimated the fair market value of the Property to be approximately $190,000. By letters dated January 29 and February 15, 1993, the Appraisers stated that they were aware in making the appraisal that the Property is contiguous to property of the Employer and that the Employer was a prospective buyer of the Property. They did not attach a premium to the value for this particular purchaser, however. In their opinion, whether the Property in this case is developed by an adjacent property owner or an independent developer should not have an effect on the calculation of value.

4. The Employer desires to acquire the Property at this time in order to permit future expansion of its facilities. Accordingly, the Plan proposes to sell the Property to the Employer. The Employer will pay cash to the Plan in regard to the sale and will assume the balance remaining on the two mortgages on the Property. The cash payment made by the Employer will be no less than the greater of the current fair market value of the Property based on an updated independent appraisal (less the remaining balance on the mortgages) or the total cash outlays made by the Plan in regard to the Property as of the date of sale. The Plan will pay no fees or expenses in connection with the proposed sale.

5. In summary, the applicant represents that the proposed transaction will satisfy the statutory criteria of section 408(a) of the Act because: (1) The fair market value of the Property will be established by real estate appraisers independent of the Employer; (2) the Employer will pay cash to the Plan and will assume the existing mortgages on the Property; (3) the cash payment will be no less than the greater of the current fair market value of the Property (less the remaining balance on the mortgages) or the total expenditures of the Plan on the Property up to the time of sale; (4) the Plan will pay no fees or expenses in regard to the sale; and (5) the sale will enable the Plan to divest itself of an investment which is illiquid and has produced no income for the Plan.

For Further Information Contact: Paul Kelty of the Department, telephone (202) 219–8883. (This is not a toll-free number.)

Communications Workers of America Savings and Retirement Trust (the CWA Plan) and The Tobacco Institute, Inc. Employees' Pension Plan Trust Agreement (the Tobacco Plan; together, the Plans) Located in Washington, DC

[Application Nos. D–9304 and D–9305]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR part 2507, subpart B (55 FR 32836, 32847, August 10, 1990). If the exemption is granted, the restrictions of sections 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the proposed cash sale by the Plans of certain real estate (collectively, the Properties) acquired as a result of foreclosure actions taken with respect to certain loans (the Loans) held by the respective Plans, to First American Bank (FAB), a party in interest with respect to the Plans, provided the following conditions are satisfied: (a) The sales are one-time transactions for cash; (b) each Plan receives the greater of (i) the fair market value of the Properties held by it as of the date of the sale, or (ii) the original principal balance of the Loans, plus accrued interest, at the time the transaction is consummated; and (c) at the time the transaction is consummated, a qualified, independent appraiser has appraised the Properties and determined that the sales price is no less than the current fair market value of the Properties.

Summary of Facts and Representations

1. The CWA Plan is a defined contribution plan which had approximately 2,484 participants and assets with a fair market value of approximately $18,728,641 as of December 31, 1992. The Tobacco Plan is a defined benefit plan which had 147 participants and assets of approximately $17,189,226 as of December 31, 1992.

2. The applicants have requested an exemption to consummate three similar transactions. FAB proposes in each case to purchase from the Plans Properties located in the District of Columbia. FAB, in its fiduciary capacity, invested

the Plans' assets in Loans for which the Properties were pledged as collateral (see rep. 3., below). Each of the Loans is currently in default as a result of the borrower's failure to pay interest on the Loans when due.[7] The Loans are "interest-only loans," the entire unpaid principal balance of which became due and payable on default, together with accrued and unpaid interest. No principal was ever repaid on the Loans. In December, 1991, FAB, in its fiduciary capacity, foreclosed on the underlying Properties. However, the fair market value of each Property foreclosed upon was substantially less than the outstanding principal balance and accrued interest on the Loan secured by the Property. By consummating the purchase of the Properties, FAB will pay to the Plans the full amount of the Plans' investment in the Loans, including interest accrued and unpaid from the date of default to the date of the purchase.[8] FAB will thereby assume the risk of collecting the difference (deficiency) between the value of the Properties and the outstanding principal balance and accrued interest on the Loans, as well as the burden of the disposal of the Properties.

3. The Loans can be described as follows: On May 15, 1986, FAB, on behalf of the CWA Plan, extended a Loan in the principal amount of $375,000 to Mark Lobar (the Obligor), secured by a first deed of trust lien on Unit #207, 3030 K Street NW., Washington, DC, and on April 30, 1987, a Loan to the Obligor in the principal amount of $975,000 secured by a first deed of trust lien on Unit #208 of the same Property. Both Loans were extended for five-year terms, with interest payable monthly; in the case of the $375,000 Loan, at a rate of 11% per annum, and in the case of the $975,000 Loan, at a rate of 10.375% per annum. On June 30, 1986, FAB, on behalf of the Tobacco Plan, extended a Loan to the Obligor in the principal amount of $104,000, secured by a first deed of trust lien on a residential condominium unit known as Unit #3019, 1080 Wisconsin Avenue NW., Washington, DC, for a five-year term with interest payable monthly at a rate of 10.5% per annum. The applicants represent that the Obligor is not, and at the time of any of the Loans was not, a party in interest with respect to any of the Plans.

4. Initial payment defaults on the Loans occurred during the months of May, June, and July, 1990. FAB has retained the services of J. Lee Donnelly & Son (Donnelly), independent real estate appraisers in Chevy Chase, Maryland, to appraise the properties. Donnelly has appraised Unit #207 of 3030 K Street as having a fair market value of $305,000 as of September 10, 1992 (the Loan it secures has principal and interest due of approximately $476,406); Unit #208 of 3030 K Street as having a fair market value of $1 million as of September 10, 1992 (the Loan it secures has principal and interest due of approximately $1,227,890); and Unit 3019 of 1080 Wisconsin Avenue as having a fair market value of $112,500 as of August 4, 1992 (the Loan it secures has principal and interest due of approximately $133,553).

5. Because FAB retains full investment discretion with respect to the Loans[9] and the Properties, the investment decision to sell the Loans or the Properties continues to be the sole responsibility of FAB. However, in view of the nature of the sale and the fact that it would be prohibited in the absence of the exemption proposed herein, FAB has obtained the consent of certain co-fiduciaries of each of the Plans to engage in the transaction. The CWA Plan Board of Trustees consists of nine individual trustees and FAB. The individual trustees have been informed of the proposed sale and consented thereto. For the Tobacco Plan, FAB is the investment manager for a fixed income portfolio which contains the Loan. The Pension Committee (the Committee) of the Tobacco Institute, Inc., the Plan's sponsor, sets out guidelines for investments, and FAB acts within those guidelines. The Committee has been informed of the proposed sale and has consented thereto.

6. FAB represents that the Loans are currently in default. Although the Loans and the Properties are transferable, FAB represents that no market exists for the Loans unless the holders are willing to accept a substantial discount on the principal amount of the Loans. FAB also represents that the market value of the Properties is significantly less than the outstanding balance on the Loans (see rep. 4, above). In the absence of the proposed exemption, FAB represents that each of the Plans would have to attempt to recover its investment through collection efforts against the Obligor. FAB represents that such collection efforts are likely to be unsuccessful as the Obligor has filed bankruptcy under Chapter 7 of the U.S. Bankruptcy Code and apparently there will be no distribution to unsecured creditors.

7. The applicants represent that there has been no income earned from the Properties either by FAB or the Plans. The applicants further represent that although FAB has defrayed the bulk of the costs in maintaining the Properties since the foreclosure, the Plans have paid approximately $100 to $200 in electric bills. FAB represents that it will reimburse the Plans in full for such expenditures as part of the purchase price.

8. In summary, the applicants represent that the proposed transaction satisfies the criteria contained in section 408(a) of the Act because: (a) The sale will be a one-time transaction for cash; (b) the Plans will sell the Properties to FAB for the greater of the current fair market value of the Properties, or the original principal balance of the Loans plus accrued interest at the time the sale is consummated; and (c) the Properties have been appraised by Donnelly, a qualified independent appraiser, who has determined that the fair market value of the Properties is currently less than the outstanding principal balance of the Loans plus accrued interest.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 219–8881. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest of disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary

[7] The Department notes that the decisions to acquire and hold the Loans and/or the Properties are governed by the fiducuary responsibility requirements of part 4, subtitle B, title I of the Act. In this regard, the Department herein is not proposing relief for any violations of part 4 of the Act which may have arisen as a result of the acquisition and holding of the Loans and/or the Properties.

[8] The Department wishes to point out that the exemptive relief being proposed herein extends only to those sections of the Act as described above. In this regard, the Office of the Comptroller of the Currency has informed the Department that a transaction that may be prohibited under the Act also may be a violation of the National Bank Act or constitute an unsafe or unsound banking practice, and that the exemption does not address the safety and soundness or the legality of the proposed transaction under the National Bank Act. Accordingly, FAB should satisfy itself that the transaction does not violate the National Bank Act or constitute an unsafe or unsound banking practice.

[9] Even though the Properties have been foreclosed upon by FAB on behalf of the Plans, the Loans are still outstanding. The Loans have been reduced by the value of the Properties foreclosed upon, but this value is less than the outstanding principal balance and accrued interest on the Loans (see rep. 4, above).

responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(b) of the act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan;

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or 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; and

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 6th day of April 1993.

Ivan Strasfeld,

Director of Exemption Determinations, Pension and Welfare Benefits Administration, Department of Labor.

[FR Doc. 93-8380 Filed 4-8-93; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 93-24; Exemption Application No. D-9211, et al.]

Grant of Individual Exemptions; Welborn Clinic Employees' Retirement Plan, et al.

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Grant of individual exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, DC. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of proposed exemption were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990) and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

Welborn Clinic Employees' Retirement Plan (the Plan) Located in Evansville, Indiana

[Prohibited Transaction Exemption 93-24; Exemption Application No. D-9211

Exemption

The restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to (1) the transfer by the Plan of a parcel of real property (Parcel A) to the WANC Leasing company (WANC), a party in interest with respect to the Plan; (2) the Plan's acquisition of another parcel of real property (Parcel B) and a cash payment from WANC, in exchange for Parcel A; and (3) the modification of a lease (the Employer Lease) between the Plan and the Welborn Clinic (the Employer), the sponsor of the Plan; provided the following conditions are satisfied:

(A) All terms and conditions of the proposed transaction are at least as favorable to the Plan as those the Plan could obtain in an arm's-length transaction with an unrelated party;

(B) The Plan is represented for all purposes in the transactions by the Citizens National Bank of Evansville, Indiana, the trustee of the Plan;

(C) The Plan receives a purchase price for Parcel A which is no less than the fair market value of Parcel A, and which consists of Parcel B plus a cash payment of at least $10,000;

(D) The Plan continues to receive rent under the Employer Lease of no less than the fair market rental value of the leased premises; and

(E) The plan does not incur any expenses with respect to the transaction.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on February 18, 1993 at 58 FR 8991.

For Further Information Contact: Ronald Willett of the Department, telephone (202) 219-8881. (This is not a toll-free number.)

James F. Volpe Electrical Contracting Corp. Pension Plan (the Pension Plan) and James F. Volpe Profit Sharing Plan (the P/S Plan; Together, the Plans) Located in Brooklyn, New York

[Prohibited Transaction Exemption 93-25; Exemption Application Nos. D-9155 and D-9156]

Exemption

The restrictions of sections 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to: (1) The proposed loan (the Loan) by the Plans of no more than $180,000 to Salmieri-Matrone Partnership (the Partnership), a party in interest with respect to the Plans; and (2) the proposed personal guarantees of the Partnership's obligations under the Loan by Salvatore Salmieri and Anthony Matrone, parties in interest with respect to the Plans;

provided that the following conditions are met:

(a) The amount of each Plan's assets involved in the Loan does not exceed 25% of such Plan's total assets at any time during the transaction;

(b) All terms and conditions of the Loan are at least as favorable to the Plans as those which the Plans could obtain in an arm's-length transaction with an unrelated party;

(c) An independent, qualified fiduciary determines on behalf of the Plans that the Loan is feasible, in the best interests of the Plans as an investment for each Plan's portfolio, and protective of the Plans and their participants and beneficiaries; and

(d) The independent, qualified fiduciary monitors compliance by the Partnership with the terms and conditions of the Loan throughout the duration of the transaction, taking any action necessary to safeguard the Plan's interest, and monitors compliance by all parties with the terms and conditions of the exemption.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on February 18, 1993 at 58 FR 8995.

For Further Information Contact: Mr. E. F. Williams of the Department, telephone (202) 219–8883. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions to which the exemptions does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)91)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transactional 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; and

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 6th day of April 1993.

Ivan Strasfeld,

Director of Exemption Determinations, Pension and Welfare Benefits Administration, U.S. Department of Labor.

[FR Doc. 93–8381 Filed 4–8–93; 8:45 am]

BILLING CODE 4510-29-M

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements; Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission (NRC) has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

1. *Type of submission, new, revision, or extension:* Revision.
2. *The title of the information collection:* 10 CFR Part 20—Standards for Protection Against Radiation.
3. *The form number if applicable:* Not applicable.
4. *How often the collection is required:* Annually or upon the occurrence of reportable accident.
5. *Who will be required or asked to report:* Holders of NRC licenses to receive title to, own, acquire, deliver, receive, and possess, use, or initially transfer special nuclear material or design, build or operate production or utilization facilities.
6. *An estimate of the total number of responses:* 1,763.
7. *An estimate of the total number of hours needed to complete the requirement or request:* 222,003 hours (216,815 for recordkeeping and 5,188 for reporting or 2.9 hours per response.)
8. *Abstract:* 10 CFR part 20 establishes standards for protection against ionizing radiation resulting from activities conducted under licenses issued by the NRC. These standards in part require the establishment of radiation protection programs, the maintenance of radiation records, the recording of radiation received by workers, the reporting of incidents which could cause exposure to radiation and the submittal of an annual report to NRC of the results of individual monitoring. These mandatory requirements are needed to protect occupationally exposed individuals from undue risks of excessive exposure of ionizing radiation and to protect the health and safety of the public.

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, Office of Information and Regulatory Affairs (3150–0014), NEOB–3019, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395–3084. The NRC Clearance Officer is Brenda J. Shelton, (301) 492–8132.

Dated at Bethesda, Maryland, this 31st day of March 1993.

For the Nuclear Regulatory Commission.

Gerald F. Cranford,

Designated Senior Official for Information Resources Management.

[FR Doc. 93–8398 Filed 4–8–93; 8:45 am]

BILLING CODE 7590-01-M

Documents Containing Reporting or Recordkeeping Requirements: Office of Management and Budget (OMB) Review

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of 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 of 1980 (44 U.S.C. chapter 35).

1. *Type of submission, new, revision, or extension:* Revision.
2. *The title of the information collection:* 10 CFR Part 73—Physical Protection of Plants and Materials.
3. *The form number if applicable:* Not

applicable.

4. *How often the collection is required:* On occasion. Required reports are collected and evaluated on a continuing basis as events occur.
5. *Who will be required or asked to report:* Persons who possess, use, import, export, transport, or deliver to a carrier for transport, special nuclear material.
6. *An estimate of the number of responses annually:* 68,574.
7. *An estimate of the total number of hours needed annually to complete the requirement or request:* 369,913 hours (an average of 0.61 hours per response plus 44.95 hours per recordkeeper).
8. *An indication of whether section 3504(h), Pub. L. 96-511 applies:* Not applicable.
9. *Abstract:* 10 CFR part 73 prescribes requirements for establishment and maintenance of a physical protection system with capabilities for protection of special nuclear material at fixed sites and in transit and of plants in which special nuclear material is used. The revision reflects an increase in burden because of requirements for access authorization added by a rulemaking previously approved by OMB, as well as an adjustment to indicate an increased number of licensee event report records.

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 may be directed by mail to the OMB reviewer: Ronald Minsk, Office of Information and Regulatory Affairs (3150-0002), NEOB-3019, Office of Management and Budget, Washington, DC 20503.

Comments may also be communicated by telephone at (202) 395-3084.

The NRC Clearance Officer is Brenda Jo. Shelton, (301) 492-8132.

Dated at Bethesda, Maryland, this 1st day of April 1993.

For the Nuclear Regulatory Commission.

Gerald F. Cranford,

Designated Senior Official for Information Resources Management.

[FR Doc. 93-8399 Filed 4-8-93; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

Cost Accounting Standards Board; Organizational Changes and Changes in Cost Accounting Practices

AGENCY: Request for public comments.

SUMMARY: The Office of Federal Procurement Policy, Cost Accounting Standards Board (CASB), invites public comments concerning a Staff Discussion Paper on the topic of Organizational Changes and Changes in Cost Accounting Practices.

DATES: Requests for a copy of the Staff Discussion Paper must be in writing and must be received by June 8, 1993. Comments must be in writing and must be received by June 23, 1993.

ADDRESSES: Requests for a copy of the Staff Discussion Paper or comments upon its contents should be addressed to Mr. Rudolph J. Schuhbauer, Project Director, Cost Accounting Standards Board, Office of Federal Procurement Policy, 725 17th Street NW., room 9001, Washington, DC 20503. Attn: CASB Docket No. 93-01.

FOR FURTHER INFORMATION CONTACT: Rudolph J. Schuhbauer, Project Director, Cost Accounting Standards Board (telephone 202-395-3254).

SUPPLEMENTARY INFORMATION: The Office of Federal Procurement Policy, Cost Accounting Standards Board, is releasing a Staff Discussion Paper to solicit the views and concerns of contractors, Government agencies, professional accounting organizations and other interested parties relative to the application of CASB's regulatory provisions on changes in cost accounting practices in cases where a contractor elects to change its organizational structure during contract performance.

In response to the CASB's solicitation of recommendations for agenda items (55 FR 48714, Nov. 21, 1990), a number of commenters recommended that the regulations governing changes in cost accounting practices be clarified. The commenters advised the Board that industry and Government officials are interpreting the prior Board's regulatory coverage differently and often disagree on whether a particular change made in a contractor's organizational structure did or did not result in a change in cost accounting practice.

Note: The prior Board's regulatory provisions have been recodified in the Federal Acquisition Regulation System (48 CFR, chapter 99, 57 FR 14148, Apr. 17, 1992).

The Defense Production Act of 1950, as amended, 50 U.S.C. App. § 2168 entitled "Cost Accounting Standards Board," provided, in part, that the original CASB shall promulgate rules and regulations requiring defense contractors and subcontractors to agree to a price adjustment, with interest, for any increased costs paid to such contractor or subcontractor by the United States because of the defense contractor's failure to follow consistently his disclosed cost accounting practices in pricing contract proposals and in accumulating and reporting contract performance cost data. Section 26(h)(1) of the Office of Federal Procurement Act, 41 U.S.C. 422(h)(1), incorporates a similar requirement which was made applicable to both defense and nondefense negotiated Federal contract and subcontract awards.

The regulatory criteria on changes in cost accounting practices that were established by the original Board to implement this continuing statutory requirement are a critical element in the process used for determining if contract price adjustments for increased costs are needed. Such criteria should, on a case-by-case basis, enable the contracting parties to reasonably reach a consensus on whether a particular organizational change did or did not result in a change in cost accounting practice. Based on the comments received, however, this may not always be the case. Accordingly, the Board is considering this topic for purposes of determining if more explicit or otherwise expanded regulatory provisions are needed.

Section 26(g)(1) of the Office of Federal Procurement Policy Act, 41 U.S.C. 422(g)(1), requires that the Board, prior to the promulgation of any new or revised Cost Accounting Standard, consult with interested persons concerning the advantages, disadvantages and improvements anticipated in the pricing and administration of Government contracts as a result of the adoption of a proposed Standard. The purpose of the Staff Discussion Paper is to solicit public views from interested parties with respect to the Board's consideration of the topic of Organizational Changes and Changes in Cost Accounting Practices.

The Staff Discussion Paper presents a general overview of the interdependent relationship between a contractor's organizational structure and accounting systems, provides an analysis of the CASB's regulatory coverage, and raises a number of issues for consideration by potential commenters. It reflects research and analysis accomplished to date by the staff in the respective subject

areas, and as such has not been formally approved by the Board.

Allan V. Burman,

Administrator for Federal Procurement Policy and Chairman, Cost Accounting Standards Board.

[FR Doc. 93-8297 Filed 4-8-93; 8:45 am]

BILLING CODE 3110-01-M

SECURITIES AND EXCHANGE COMMISSION

Requests Under Review by Office of Management and Budget

Agency Clearance Officer: John J. Lane, (202) 272-2142.

Upon written request copies available from: Securities and Exchange Commission, Office of Filings, Information and Consumer Services, 450 Fifth Street, NW., Washington, DC 20549.

Proposed Amendment

Rule 0-5—File No. 270-378.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for OMB approval proposed amendments to Rule 0-5 under the Investment Company Act of 1940 (Act). Amendments to Rule 0-5 would establish an expedited review procedure for various applications under the Act. Each of the 60 respondents would incur an annual estimated 5 burden hours to comply with this requirement.

The estimated average burden hours are made solely for proposes of the Paperwork Reduction Act and are not derived from a comprehensive or even a representative survey or study of the costs of Commission rules or forms.

Direct general comments to Gary Waxman at the address below. Direct any comments concerning the accuracy of the estimated average burden hours for compliance with Securities and Exchange Commission rules and forms to John J. Lane, Associate Executive Director, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549 and Gary Waxman, Clearance Officer, Office of Management and Budget, room 3208, New Executive Office Building, Washington, DC 20503.

Dated: March 30, 1993.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93-8310 Filed 4-8-93; 8:45 am]

BILLING CODE 8010-01-M

Forms Under Review by Office of Management and Budget

Agency Clearance Officer; John J. Lane, (202) 272-5407.

Upon Written Request, Copy Available From: Securities and Exchange Commission, Office of Filings, Information and Consumer Services, 450 Fifth Street, NW., Washington, DC 20549.

Proposed Rules and Forms

Rule/form	File No.
Rule 53	270-376
Rule 54	270-376
Rule 55	270-376
Rule 57(a) and Form U-57	270-376
Rule 57(b) and Form U-33-S	270-376

Amendments

Rule/form	File No.
Rule 1(c) and Form U5S	270-168
Rule 2 and Form U-3A-2	270-83

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for OMB approval proposed rules 53, 54 and 55, new Forms U-57 and rule 57(a) and U-33-S and rule 57(b), and amendments to Form U5S, Rule 1(c) and U-3A-2, Rule 2 under the Public Utility Holding Company Act of 1935 ("Act") (15 U.S.C. 79 *et seq.*).

Proposed rules 53, 54 and 55 do not create a reporting burden for respondents. These rules do, however, contain a recordkeeping and retention requirement; it is estimated that each rule will require ten hours of one recordkeeper's time for each company utilizing each rule. The Commission estimates that only seven of the registered holding companies will be engaging in the types of transactions that would trigger a recordkeeping requirement under any of the proposed rules, for an annual burden of seventy hours per rule.

Proposed rule 57 imposes two reporting requirements. First, companies seeking foreign utility company status must file a notification on new Form U-57. It is estimated that this form will require three hours to complete, and that twenty companies may make this filing per year, for an annual burden of 60 hours. The second reporting requirement of Rule 57 is the filing of an annual report on new Form U-33-S. It is estimated that this form will require three hours to complete, and that eighty-nine companies may make this filing per year, for an annual burden of approximately 267 hours.

The proposed amendments to Forms U5S, Rule 1(c) and U-3A-2, Rule 2 would change the reporting burdens associated with those forms. Form U5S is proposed to be amended to require annual reporting of investments in exempt wholesale generator and foreign utility companies. It is estimated that only seven of the fourteen companies that file Form U5S would make the types of investments that would trigger this new reporting requirement. Those seven filers could incur a ten hour increase in the time spent preparing the form as a result of the proposed amendments, which corresponds to a total annual burden of approximately 202 hours. Form U-3A-2 would be amended to require the annual reporting by certain exempt companies of activities relating to exempt wholesale generators and foreign utility companies. It is estimated that 89 filers may be required to provide this information, which will increase the time of preparing the report by three hours for those filers, for a total annual burden of approximately 406 hours.

Although the hourly report burden associated with Form U-1 would not change, the amendment to proposed rule 55 would have the effect of reducing the number of applications and/or declarations on Form U-1. The Commission anticipates that rule 55 will eliminate the necessity for seven filings on Form U-1 per year, or an annual reduction of 1,085 hours, for a total annual burden of 26,040 hours. The amendments would also reduce the number of statements required under rule 24 which must be filed with the Commission. The Commission anticipates a reduction of nine burden hours for complying with the requirements of rule 24 so the total annual burden would be 331 hours. These estimates of average burden hours are made solely for the purposes of the Paperwork Reduction Act and are not derived from a comprehensive or even a representative survey or study of the costs of SEC rules and forms.

Direct general comments to Gary Waxman at the address below. Direct any comments concerning the accuracy of the estimated average burden for compliance with SEC rules and forms to John J. Lane, Associate Executive Director, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, and Gary Waxman, Clearance Officer, Office of Management and Budget (Paperwork Reduction Projects 3235-0125 (Form U-1), 3235-0164 (Form U5S, Rule 1(c)), 3235-0161 (Form U-3A-2, Rule 2) and 3235-00126 (Rule 24), room 3208, New

Executive Office Building, Washington, DC 20503.

Dated: March 4, 1993.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-8311 Filed 4-8-93; 8:45 am]

BILLING CODE 8010-01-M

Forms Under Review by Office of Management and Budget

Agency Clearance Officer: John J. Lane, (202) 272-5407.

Upon Written Request, Copy Available From: Securities and Exchange Commission, Office of Filings, Information and Consumer Services, 450 Fifth Street NW., Washington, DC 20549.

Proposed Amendments

Rule 482—File No. 270-68.

New

Proposed New Form 482(g)—File No. 270-379.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for OMB approval proposed amendments to rule 482 and proposed new Form 482(g), both under the Securities Act of 1933 (15 U.S.C. 77a-1 *et seq.*).

The amendments to rule 482 would permit certain advertisements ("off-the-page prospectuses") for mutual fund shares to include an order form if the off-the-page prospectuses contain specified disclosure. Any additional time necessary for mutual funds to obtain the information required to be disclosed in these prospectuses would be de minimis.

Proposed Form 482(g) would be used as a cover sheet for off-the-page prospectuses that are filed with the Commission. Each of the 809 respondents would incur an annual estimated 6 burden hours to comply with this form.

The estimated average burden hours are made solely for the purposes of the Paperwork Reduction Act, and are not derived from a comprehensive or even representative survey or study of the cost of SEC rules and forms.

Direct general comments to Gary Waxman at the address below. Direct any comments concerning the accuracy of the estimated average burden hours for compliance with SEC rules and forms to John J. Lane, 450 Fifth Street, NW., Washington, DC 20549, and Gary Waxman, Clearance Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, room 3208, New Executive Office Building, Washington, DC 20503.

Dated: March 18, 1993.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93-8344 Filed 4-8-93; 8:45 am]

BILLING CODE 8010-01-M

Forms Under Review by Office of Management and Budget

Agency Clearance Officer: John J. Lane, (202) 272-5407.

Upon Written Request, Copy Available From: Securities and Exchange Commission, Office of Filings, Information and Consumer Services, 450 Fifth Street, NW. Washington, DC 20549.

Extension

Rule 31a-2—File No. 270-174.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq*), the Securities and Exchange Commission has submitted for extension of OMB approval Rule 31a-2 under the Investment Company Act of 1940 (17 CFR 270.17f-5).

Rule 31a-2 concerns preservation of records by registered investment companies and certain majority-owned subsidiaries thereof. Each of the 3,997 respondents incur an average estimated 15.4 burden hours annually to comply with this requirement.

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study of the costs of SEC rules and forms.

Direct general comments to Gary Waxman at the address below. Direct any comments concerning the accuracy of the estimated average burden hours for compliance with SEC rules and forms to John J. Lane, Associate Executive Director, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549 and Gary Waxman, Clearance Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, (Paperwork Reduction Project 3235-0179), room 3208, New Executive Office Building, Washington, DC 20503.

Dated: March 29, 1993.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93-8345 Filed 4-8-93; 8:45 am]

BILLING CODE 8010-01-M

[Release Nos. 33-6987; 34-32101; 35-25781; 39-2305; IA-1366; IC-19378; File No. S7-2-93]

Alternative Dispute Resolution Policy

AGENCY: Securities and Exchange Commission.

ACTION: Extension of time for comment.

SUMMARY: The Securities and Exchange Commission is extending the date by which comments on the Commission's release requesting comment on how alternative dispute resolution and negotiated rulemaking processes might be used in the Commission's activities (Release No. 33-6872) (58 FR 6531, January 29, 1993) must be submitted from April 1, 1993, until July 1, 1993.

DATES: Comments should be received on or before July 1, 1993.

ADDRESSES: Comments should be submitted in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Mail Stop 6-9, Washington, DC 20549. Comment letters should refer to File No. S7-2-93. All comment letters received will be made available for public inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549.

FOR FURTHER INFORMATION CONTACT: Michael G. Lenett (202) 272-3094, Special Counsel, Office of General Counsel, Securities and Exchange Commission, 450 Fifth Street, NW., Mail Stop 6-6, Washington, DC 20549.

SUPPLEMENTARY INFORMATION: In its Request for Comments Release, the Commission requested comments on the utility of ADR and negotiated rulemaking techniques to the Commission's activities. The Commission is aware that several groups or organizations would like to comment but need more time to do so. In view of this, and given the complexity of many of the topics under consideration, the Commission believes that an extension of time for comment is appropriate. The Commission has extended the comment period from April 1, 1993, until July 1, 1993.

By the Commission.

Dated: April 2, 1993.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-8308 Filed 4-8-93; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-32105; International Series Release No. 530; File No. SR-Amex-93-09]

Self-Regulatory Organizations; Filing and Order Granting Accelerated Approval of Proposed Rule Change by the American Stock Exchange, Inc. Relating to Options on the Eurotop 100 Index

April 5, 1993

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on March 10, 1993, the American Stock Exchange ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the 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 Amex proposes, in connection with the listing of options on the Eurotop 100 Index ("E-100" or "Index"), to change the divisor applied to the Index calculation as disseminated by the European Options Exchange ("EOE") from two to ten.

The text of the proposal is available at the Office of the Secretary, Amex, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The Commission approved, on March 14, 1992, an Exchange proposal to list options on the Eurotop 100 Index.[1] The proposal, as approved, provided that a divisor of five would be applied to the Index calculation as disseminated by the EOE so that the E-100 options would trade on an Index value equal to one-fifth the value of the EOE-disseminated Index. On November 2, 1992, the Commission approved an Exchange proposal to change this divisor from five to two.[2] The Amex requested Commission approval to increase the Amex E-100 Index value to one-half the value of the EOE-disseminated Index because it believed that the Index options would primarily be traded by institutional investors seeking to hedge large portfolios.

After the Amex E-100 options began trading in October of 1992, the Amex realized that this product is primarily being traded by retail investors, not institutional investors. Therefore, the Exchange currently is proposing to decrease the Amex E-100 Index value from one-half to one-tenth the value of the EOE's E-100 Index. This will be achieved by applying to the Index calculation disseminated by the EOE a divisor of ten. The current proposal, thus, reduces the value of the Amex E-100 Index by one-fifth.[3]

In order to most efficiently effect the change in the Index value, the Exchange proposes to adjust outstanding E-100 options series similar to the way in which equity options are adjusted for a 5-for-1 stock split. On the effective date of the split ("ex-date"), the number of outstanding E-100 options contracts will be multiplied by five and the exercise price of each contract will be reduced by one-fifth.[4] The Exchange believes that effecting the adjustment in this manner will avoid any confusion associated with having "old" and "new" E-100 options series and symbol codes.

Additionally, the Exchange believes that since the Commodity Exchange, Inc. trades E-100 futures based on the Index at its full value, options based on one-tenth the EOE-disseminated Index will continue to be easily related by investors seeking to use both the options and futures markets. The Exchange further believes that a lower valued Index will result in a substantial lowering of the dollar value of options premiums for E-100 contracts.

The Exchange believes that the proposed rule change is consistent with section 6(b) of the Act, in general, and section 6(b)(5), in particular, in that it is designed to remove impediments to and perfect the mechanism of a free and open market and the national market system.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Amex believes that the proposed rule change will not impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has requested that the proposed rule change be given accelerated effectiveness pursuant to section 19(b)(2) of the Act.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6.[5] Specifically, the Commission continues to believe that the trading of options on the Index will promote the public interest, and help to remove impediments to a free and open securities market by providing investors with a means to hedge exposure to market risk associated with European stock investments.

The Commission further believes that changing the Index divisor from two to ten will result in the Index options premiums being more affordable for retail investors, thus, making the options more attractive to these investors. Additionally, the Commission further notes that the position and exercise limits currently in place for Amex E-100 options on the higher valued Index will remain in place after the Index value is reduced by one-fifth. Thus, the Commission does not believe that lowering the Index value will make the market for Index options readily susceptible to manipulation.

Finally, the Commission believes that permitting the Exchange to adjust outstanding E-100 series similar to the way in which equity options are adjusted for a 5-for-1 stock split will reduce the likelihood that lowering the value of the Amex E-100 Index could result in investor confusion.[6]

[1] Securities Exchange Act Release No. 30463 (March 14, 1992), 57 FR 9284 (March 17, 1992).

[2] Securities Exchange Act Release No. 31350 (October 23, 1992), 57 FR 49497 (November 2,

[3] On March 22, 1993, the Amex-calculated Index value was at 464.62. Under the proposed rule change, that value would be reduced to 92.92.

[4] The Amex states that, as of April 2, 1993, open interest in the remaining April and May E-100 series totalled 18 contracts.

[5] 15 U.S.C. 78f(b)(5) (1988).

[6] In order to provide adequate notice to investors, the Amex agrees to disseminate an information

Continued

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in the Federal Register. Accelerating approval of this proposal will permit the Exchange to reduce the Index value prior to listing any new E-100 options series. The Commission further believes that merely changing the Index's divisor from two to ten does not substantially change the character of the Index options as approved by the Commission on March 14, 1992,[7] and does not raise any new issues. Accordingly, the Commission believes it is consistent with sections 19(b)(2) and 6(b)(5) of the Act to approve the proposed rule change on an accelerated basis.

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. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by April 30, 1993.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act[8] that the proposed rule change (SR-Amex-93-09) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 93-8346 Filed 4-8-93; 8:45 am]
BILLING CODE 8010-01-M

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circular, substantially similar to that submitted to the Commission on April 2, 1993, not later than April 5, 1993. The Amex further agrees not to implement the proposed rule change until April 8, 1993. Telephone conversation between Ellen Kander, Special Counsel, Derivative Securities, Amex, and Richard Zack, Branch Chief, Division of Market Regulation, Commission, on April 2, 1993.

[7] See *supra* note 1.

[8] 15 U.S.C. 78s(b)(2) (1988).

[9] 17 CFR 200.30-3(a)(12) (1992).

[Release No. 34-32103; File No. SR-AMEX-93-12]

Self-Regulatory Organizations; Filing of Proposed Rule Change by the American Stock Exchange, Inc., Relating to the Expansion of the Post Execution Reporting System

April 5, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on March 23, 1993, the American Stock Exchange, Inc. ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex proposes to expand its Post Execution Reporting ("PER") system to permit the entry of up to 25,000 shares for eligible market and limit orders for designated Unit Investment Trust securities. Under the proposal, the Exchange's Floor Governors, in consultation with the senior management of the Exchange, will be given the authority to determine which Unit Investment Trust(s) should receive the 25,000-share (or any limit not exceeding 25,000 shares) PER eligibility designation.

The text of the proposed rule change is available at the Office of the Secretary, Amex, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Purpose

The Amex's PER system provides member firms with the means to electronically transmit equity orders directly to the specialist's post for execution and reporting. Equity orders are either executed immediately by the specialist (market or marketable limit orders) or placed upon the specialist's book (limit orders). Initially, PER accepted only 100-share market orders and odd lots. Over time, PER order parameters have been increased gradually in response to both the operational needs of member firms and the Amex's need to remain competitively positioned with other exchanges' automated systems. The most recent increase in the size eligibility of PER market orders permitted an expansion of PER eligible orders to 5,000 shares.[1] The Amex now proposes to increase PER eligibility for eligible market and limit orders to 25,000 shares for designated Unit Investment Trust securities.

The Amex explains that recent experience in the listing and trading of Unit Investment Trust securities has shown that specialists are able to continuously offer substantial "size" markets at very tight quote intervals. For example, in the case of Standard & Poor's Depositary Receipts ("SPDRs"), the Exchange's most recent listing of a Unit Investment Trust security, the specialist has publicly guaranteed 50,000-up markets during normal markets at the tightest (narrowest) possible quote interval, a 1/32 spread. Further, as a practical matter, size quotations in SPDRs are often at substantially higher levels, up to one million shares.

To accommodate the ease of order entry and execution on behalf of members firms, particularly those with institutional customers, the Amex believes that an increase in PER eligibility to a 25,000-share level would be appropriate given the demonstrated interest in such products and the specialist's ability to maintain such size markets. The Amex states that the Exchange's Floor Governors, in consultation with the senior management of the Exchange, has been given the authority to determine which

[1] See Securities Exchange Act Release No. 28891 (February 15, 1991), 56 FR 7438 (order approving File No. SR-Amex-90-37).

Unit Investment Trust(s) should receive the 25,000-share (or any limit not exceeding 25,000 shares) PER eligibility designation.

(b) Basis

The Amex believes that the proposed rule change is consistent with section 6(b) of the Act, in general, and furthers the objectives of section 6(b)(5), in particular, in that it will foster cooperation and coordination with persons engaged in facilitating transactions in securities, and will also result in more efficient and effective market operations, consistent with section 11A(a)(1)(B) of the Act.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Amex states that the proposed rule change will not create a burden on competition given that the use of the PER system is optional, and those firms which use PER can achieve more efficient handling of their respective orders. The Amex also believes that the proposal will enhance the Exchange's competitive status in providing efficient, fast and accurate order-delivery systems.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 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 90 days of such date if it finds such longer period to be appropriate and publishes its reason for so finding or (ii) as to which the self-regulatory organization 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 at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by April 30, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[2]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93-8348 Filed 4-8-93; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-32104; File No. SR-BSE-93-03]

Self-Regulatory Organizations; Filing of Proposed Rule Change by the Boston Stock Exchange, Inc. Relating to the Adoption of a Smoking Policy and the Addition of That Policy to Its Minor Rule Violation Plan

April 5, 1993

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 12, 1993, the Boston Stock Exchange, Inc. ("BSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The BSE proposes to establish a Smoking Policy to regulate where on the Exchange premises smoking may occur and to amend its Minor Rule Violation Plan ("Plan")[1] to provide for the imposition of summary fines for violation of the Smoking Policy.[2]

The following is the text of the BSE's proposed policy:

Smoking Policy

Smoking is prohibited in all areas of the Exchange unless specifically designated by the Market Performance Committee as a smoking area. These areas are currently the large trading floor lounge, the hallways outside of the restrooms and in private offices where the occupant permits smoking. Smoking is permitted in the conference rooms where a meeting of greater than one hour's duration is in session and none of the meeting attendees object. The Exchange may redesignate areas as smoking or non-smoking as deemed necessary and appropriate by the authorized Exchange committees and the Market Performance Committee, and with due notice to the members and staff.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statement may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed Smoking Policy is to designate certain areas of the Exchange as smoking areas and to prohibit smoking in all other areas. The policy was adopted in response to concerns regarding the effects of smoking on non-smokers in the work environment, balancing these concerns with providing an area or areas for smokers. Any changes in the designated areas for smoking must be approved by the Floor Facilities Committee (for trading floor areas) or the Rules Revision Committee (for all other Exchange areas) and ratified by the Market Performance Committee. In addition, the Exchange also is proposing to add the policy to the Plan to include

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[2] 17 CFR 200.30-3(a)(12) (1992).

[1] The BSE's Plan for enforcing and reporting minor disciplinary rule violations was approved by the Commission in Securities Exchange Act Release No. 26737 (April 17, 1989), 54 FR 16438-I (April 24, 1989) (File No. SR-BSE-88-2).

[2] The BSE has requested approval, under Rule 19d-1(c)(2), 17 CFR 240.19-1(c)(2), to amend its Rule 19d-1 minor rule violation enforcement and reporting plan to include violations of its smoking policy. See letter from Karen A. Aluise, Staff Attorney, BSE, to Diana Luka-Hopson, Branch Chief, Commission, dated February 8, 1993.

a fine schedule for violation of the Smoking Policy. The BSE proposes a fine of $100 for an initial offense and a fine of $250 for subsequent violations of the Smoking Policy. This would provide a deterrent to smoking in the restricted areas, as well as enable the Exchange to enforce the policy with the least amount of disruption.

The Exchange's Plan provides that the Exchange may impose a fine, not to exceed $2,500, on any member, member organization, allied member, approved person, or registered or non-registered employee of a member or member organization for a minor violation of certain specified Exchange rules.

The purpose of the Plan is to provide for a response to a rule violation when a sanction is appropriate, but when initiation of a full disciplinary proceeding is not suitable because such proceeding would be more costly and onerous than would be warranted given the minor nature of the violation. The Plan provides for an appropriate response to minor violations of certain Exchange rules, while preserving the due process rights of the party accused through specified, required procedures.

In the Exchange's initial filing which set forth the provisions and procedures of the Plan,[3] the Exchange indicated that it periodically would amend the list of rules subject to the Plan as the Exchange deemed appropriate. The Exchange now seeks to add the following policy to the List:

Violation of the Exchange Smoking Policy

2. Statutory Basis

The statutory basis for the proposed smoking policy is section 6(b)(1) of the Act, in that the policy is an administrative action by the Exchange to require its members to comply with its rules and policies, and will ensure the orderly conduct of business on the floor and in the administrative areas without interfering with the personal comfort and safety of the members and staff. The addition of the policy to the Plan will advance the objectives of section 6(b)(6) of the Act in that its members and persons associated with its members will be appropriately disciplined for violations of rules and policies where the Exchange has determined that such violations are minor in nature. In accordance with sections 6(b)(7) and 6(d)(1), the Plan provides for a fair disciplinary procedure for the imposition of sanctions.

[3] See supra note 1.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the **Federal Register** or within such other period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the BSE. All submissions should refer to File No. SR-BSE-93-03 and should be submitted by April 30, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93-8347 Filed 4-8-93; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Midwest Stock Exchange, Inc.; Application for Unlisted Trading Privileges in Two Over-the-Counter Issues and To Withdraw Unlisted Trading Privileges in Two Over-the-Counter Issues

April 2, 1993.

On March 29, 1993 the Midwest Stock Exchange, Inc. ("MSE") submitted an application for unlisted trading privileges ("UTP") pursuant to section 12(f)(1)(C) of the Securities Exchange Act of 1934 ("Act") in the following over-the-counter ("OTC") securities, i.e., securities not registered under section 12(b) of the Act.

File No.	Symbol	Issuer
7-10431	AKLM	Acclaim Entertainment common stock, $.02 par value.
7-10432	FPNX	First Pacific Networks common stock, $.001 par value.

The above-referenced issues are being applied for as replacements for the following securities, which form a portion of the Exchange's program in which OTC securities are being traded pursuant to the granting of UTP.

The MSE also applied to withdraw UTP pursuant to section 12(f)(4) of the Act for the following issues:

File No.	Symbol	Issuer
7-10433	RTRSY	Reuters Holdings ADS, no par value.
7-10434	BOAT	Boatman's Bankshares Inc. common stock, $1.00 par value.

Replacement issues are being requested due to a lack of trading activity.

Comments

Interested persons are invited to submit, on or before April 23, 1993, written comments, data, views and arguments concerning this application. Persons desiring to make written comments should file three copies with

the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

Commentators are asked to address whether they believe the requested grant of UTP would be consistent with Section 12(f)(2), which requires that, in considering an application for extension or withdrawal of UTP in an OTC security, the Commission consider, among other matters, the public trading activity in such security, the character of such trading, the impact of such extension on the existing markets for such security, and the desirability of removing impediments to and the progress that has been made toward the development of a national market system.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93-8309 Filed 4-8-93; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-25783]

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

April 2, 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 statement 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 April 26, 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.

Eastern Edison Company 70-8165

Eastern Edison Company ("Eastern"), 110 Mulberry Street, Brockton, Massachusetts 02403, a wholly owned electric public-utility subsidiary company of Eastern Utilities Associates, a registered holding company, has filed an application-declaration under sections 6(a), 6(b) and 7 of the Act and Rules 50 and 50(a) (5) thereunder.

Eastern proposes to cause the Massachusetts Industrial Finance Agency ("Agency") to issue up to $45 million of refunding Pollution Control Revenue Bonds maturing no later than December 31, 2023 ("Refunding Bonds"). The Agency presently has outstanding $40 million principal amount of Pollution Control Revenue Bonds, 10.125%, due in 2008 ("1983 Bonds"). The 1983 Bonds are callable on August 1, 1993, and new revenue bonds may be issued as early as May 1, 1993, the proceeds of which would be used to refinance the 1983 Bonds. In order to effect the refinancing of the 1983 Bonds at lower interest rates, Eastern proposes to borrow, on or before December 31, 1994, the proceeds from the Refunding Bonds. The aggregate principal amount of such borrowings from the Agency would not exceed $45 million.

The proceeds from the Refunding Bonds will be used to redeem the outstanding principal amount of the 1983 Bonds, plus (i) any, redemption premium on the 1983 Bonds, (ii) accrued interest on the 1983 Bonds, (iii) the costs of issuance of the Refunding Bonds, (iv) the expenses of paying, redeeming or purchasing the 1983 Bonds, (v) the costs of holding and investing proceeds of the Refunding Bonds pending such payment, redemption or purchase, and (vi) such reserves for debt service or other capital or current expenses as may be required by a bond resolution, financing documents or agreement securing the Refunding Bonds. The timing and amounts of such borrowings will be determined in light of market conditions and other relevant factors at the time of issuance.

The terms of Eastern's borrowings from the Agency will be governed by one or more loan agreements and the amendments, if any, thereto which will require Eastern to make payments corresponding to the amounts required to pay the principal, interest and premium, if any, on the Refunding Bonds as they become due. The interest rates, payment dates, prepayment provisions and maturities of the Refunding Bonds will be determined at the time of issuance by negotiation between the Agency and the purchaser of the Refunding Bonds or the managing underwriter of a public offering of the Refunding Bonds.

The Refunding Bonds will be issued as either fixed rate bonds ("Fixed Rate Bonds") or as variable rate bonds ("Variable Rate Bonds"). The Fixed Rate Bonds will bear a fixed interest rate until maturity. The Variable Rate Bonds will bear interest at a floating rate for interest rate periods determined by the Company. The interest rate will be determined by a remarketing agent pursuant to a remarketing agreement. Owners of the Variable Rate Bonds would also be able to tender their bonds for a mandatory purchase at 100% of the principal amount thereof plus accrued interest. It is expected that the Variable Rate Bonds will also provide for a conversion at the option of Eastern, to a fixed interest rate for the remaining life of the bonds.

In order to secure its obligations under the Refunding Bonds, Eastern proposes: (1) To issue a series of its first mortgage and collateral trust bonds ("Additional Bonds"); (2) to issue an irrevocable letter of credit; and/or (3) to cause an insurance company to issue a policy guaranteeing payment of the principal of, premium, if any, and interest on the Refunding Bonds (collectively, "Collateral"). Eastern proposes to begin negotiations regarding the issuance and sale of the Collateral. It may do so.

The Additional Bonds would be issued to the Agency under Eastern's Indenture of First Mortgage and Deed of Trust dated as of September 1, 1948, as supplemented and modified ("Indenture") and one or more supplemental indentures to be entered into. The interest rate, redemption and sinking fund provisions, if any, with respect to the Additional Bonds would correspond to the provisions of the Refunding Bonds.

Eastern will not undertake to refinance the 1983 Bonds if it does not believe that the estimated net present value of the interest cost savings to be derived from the net difference between interest on the Refunding Bonds and the 1983 Bonds would, on an after-tax basis, be greater than the present value of all redemption and issuance costs, including any tendering and premium costs and credit enhancement expenses, assuming an appropriate discount rate.

Eastern further proposes to issue and sell, through December 31, 1994, up to an aggregate principal amount of $175 million of: (1) Unsecured medium-term

notes ("MTNs"); and (2) unsecured notes ("Notes").

The MTNs would be offered under an indenture between Eastern and Citibank, N.A. as trustee. Eastern would offer the MTNs, from time to time, through one or more agents who regularly engage in the placement of these securities. The maturity dates of the MTNs will range from 3 months to 30 years and will be determined by agreement between Eastern and the respective purchasers or agents for the purchasers under agency agreements. Each MTN may be redeemable by Eastern prior to maturity, at par or at various premiums above the principal amount of the MTNs being redeemed plus accrued interest, if any, as determined from time to time by Eastern and the purchaser or its agent.

Eastern anticipates that the commissions payable to the agents for placing the MTNs will range from ⅛ of 1% to ⅞ of 1% of the principal amount of MTNs sold through such agents depending upon the maturity of the MTNs sold. In addition, Eastern may sell MTNs to an agent, as principal, for resale to investors at a discount equal to such commission.

The Notes will be issued directly by Eastern or sold by its agents for a commission to lenders such as banks, insurance companies or similar institutions under note agreements and will mature in not more than ten years. Eastern anticipates that the commissions payable to the agents for placing the Notes will not exceed 1% of the principal amount of Notes sold through such agents.

Terms of the sale of the MTNs and Notes will be determined in light of market conditions and other similar factors at the time of issuance. The MTNs and Notes will be sold at rates not in excess of those generally obtainable at the time of their pricing on sales of securities with similar terms and conditions, with the same maturity and by companies of comparable credit quality. Eastern proposes a maximum limit on the interest rates for the MTNs and the Notes of 9.15%.

Eastern will not undertake to issue MTNs or Notes for refinancing purposes if it does not believe that the estimated net present value savings derived from the net difference between interest or dividend payments on any MTNs or Notes to be issued for refunding purposes would be, on an after-tax basis, greater than the present value of all redemption and issuing costs, including any tendering and premium costs, assuming an appropriate discount rate. Eastern proposes to begin negotiations regarding the issuance of the MTNs and Notes. It may do so.

The proceeds from the MTNs and Notes will be used by Eastern for any of the following purposes: (1) Retirement or redemption of outstanding first mortgage bonds, medium-term notes, notes and preferred stock; (2) the repayment of outstanding short-term bank borrowings incurred in connection with the redemption of First Mortgage Bonds, MTNs, Notes and preferred stock; (3) the payment of underwriting costs and other issuance expenses; and (4) other corporate purposes, including (a) payment for construction of capital additions and improvements to plant and system, (b) working capital needs and the repayment of short-term borrowings incurred for such purposes, and (c) sinking fund payments and the retirement or redemption of outstanding securities.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93-8306 Filed 4-8-93; 8:45 am]

BILLING CODE 8010-01-M

[Investment Company Act Release No. 19380; 812-8250]

Sagamore Funds Trust, et al.; Application for Exemption Under the Investment Company Act of 1940

April 2, 1993.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "Act").

APPLICANTS: Raffensperger, Hughes & Co., Inc. ("Raffensperger" or "Distributor"); Sagamore Funds Trust ("Sagamore"); and all open-end registered investment companies that hereafter may be advised by Raffensperger, or any affiliated person of Raffensperger (as defined in section 2(a)(3) of the Act), and whose units or shares are offered at net asset value plus a sales load and which are offered in the same group of investment companies, as defined in rule 11a-3 under the Act.

RELEVANT ACT SECTIONS: Order requested under section 6(c) for exemption from the provisions of sections 2(a)(32), 2(a)(35), 22(c), and 22(d), and rule 22c-1.

SUMMARY OF APPLICATION: Applicants seek an order to permit them to impose a contingent deferred sales load ("CDSL") on certain redemptions of Sagamore's units or shares ("Units") for which Sagamore's front-end sales loads initially were waived, and to waive the CDSL under certain circumstances.

FILING DATE: The application was filed on January 19, 1993, and an amendment thereto was filed on March 29, 1993. In a letter dated April 1, 1993, applicants' counsel has stated that an additional amendment, the substance of which is incorporated herein, will be filed during the notice period.

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 applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on April 27, 1993, and should be accompanied by proof of service on applicants, 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. Applicants, 20 North Meridian Street, Indianapolis, Indiana 46204.

FOR FURTHER INFORMATION CONTACT: Joseph G. Mari, Senior Special Counsel, (202) 272-3030, or Barry Miller, Senior Special Counsel, (202) 272-3018 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicants' Representations

1. Sagamore is an open-end diversified management investment company organized as an Indiana Business Trust on January 17, 1991. Raffensperger, an Indiana corporation registered as a broker-dealer pursuant to the Securities Exchange Act of 1934, is the distributor and principal underwriter for Sagamore.

2. Units of Sagamore are offered to the public at net asset value plus a sales load of 2.75% of the offering price (2.83% of the net asset value) on single purchases of less than $50,000. The sales load is reduced on a graduated scale on single purchases of $50,000 and over, and reduced sales loads are applicable through a right of accumulation by which purchasers may add to their investments in Sagamore by

purchasing Units at the offering price applicable to the total of (a) the dollar amount then being purchased plus (b) an amount equal to the then current offering price or original cost, whichever is greater, of the Units then held by the purchaser and the purchaser's immediate family.

3. Reduced sales loads apply to the aggregate amount of purchases of Units of Sagamore made by any purchaser within a 13 month period pursuant to a letter of intent. Each purchase of Units under a letter of intent will be entitled to the sales load applicable to the total investment indicated in the letter of intent. If the total amount of Units purchased during the 13 month period does not equal the amount stated in the letter of intent, the purchaser will be notified and required to pay within 20 days of the expiration of the 13 month period the difference between the sales load applicable to the Units purchased at the reduced rate and the sales load applicable to the Units actually purchased pursuant to the letter of intent.

4. Applicants propose to offer Sagamore Units at net asset value plus a sales load on transactions involving less than $1,000,000, or such other amount as agreed to by applicants. For purchases of $1,000,000 or more (including letter of intent purchases), applicants will impose no front-end sales load. Sagamore proposes to pay the Distributor a CDSL from the proceeds of certain redemptions of Units initially sold without a sales load.

5. The CDSL will be imposed only if a redemption transaction occurs within a specified period of time (the "holding period") following the Unit purchase and will be equal to a percentage of the lesser of (a) the net asset value of the Units at the time of purchase, or (b) the net asset value of the Units at the time of redemption. The proposed holding period is two years and the proposed CDSL is 1 percent.

6. Applicants represent that no CDSL will be imposed when an investor redeems Units held for longer than the holding period; for amounts representing capital appreciation of Units; or for Units derived from reinvestment of dividends or capital gains distributions. In determining whether a CDSL is payable, it will be assumed that a redemption is made first of Units not subject to the CDSL, including shares derived from Units, and then other shares in the order of purchase.

7. Applicants may change the holding period and the amount of the CDSL, provided, however, that applicants comply with proposed rule 6c–10 under the Act as currently proposed and as it may be reproposed, adopted, or amended; and provided that no change in the holding period and the amount of the CDSL will affect Units that already have been issued. In accordance with proposed rule 6c–10, the sum of any front-end sales load and contingent deferred sales load applicable to any sale of units will not exceed the maximum sales charge that could have been imposed under Article III, section 26(d) of the Rules of Fair Practice promulgated by the National Association of Securities Dealers, Inc. at the time the units were purchased. No contingent deferred sales load will be imposed on Units issued prior to the effective date of the requested order.

8. Applicants intend to waive all sales loads, including CDSLs, in connection with purchases of Units at net asset value by directors, trustees, officers, and employees of Sagamore and the Distributor, and immediate family members of the foregoing. Applicants also represent that they may sell Units without a sales load, including a CDSL, to particular classes of investors or transactions in accordance with the requirements of rule 22d–1 under the Act, in connection with purchases by (a) investment advisory clients of the Distributor; (b) trust accounts of financial institutions; and (c) shareholders of mutual funds (other than Sagamore) who paid a sales charge to such mutual fund and who reinvest the proceeds from a redemption of shares of such mutual fund within 14 calendar days in Units of Sagamore. Regarding item (c) above, the sales load, including the CDSL, will not be waived if the shareholder paid a deferred sales load, redemption fee (as such terms are defined pursuant to rule 11a–3 under the Act), or other charge in connection with the redemption of shares of such other mutual fund, because in such a situation the transaction may be prohibited under section 11(a) of the Act, absent an order of the SEC, as an exchange effected on a basis other than relative net asset values. Applicants will take such steps as may be necessary to determine that the shareholder has not paid a deferred sales load, redemption fee, or other charge in connection with the redemption of shares of such other mutual fund, including, without limitation, requiring the shareholder to provide a written representation that a deferred sales load, redemption fee, or other charge was not imposed upon redemption and, in addition, either (a) requiring the shareholder to provide an account activity statement reflecting the redemption that supports the shareholder's representation or (b) reviewing a copy of the current prospectus of the other mutual fund and determining that such other mutual fund does not impose a deferred sales load, redemption fee, or other charge.

9. Applicants also intend to waive the CDSL on the redemption of Units in the event of: (a) The death or disability of the Unit holder; (b) a lump sum distribution from a benefit plan qualified under the Employee Retirement Income Security Act ("ERISA") or 1974; or (c) systematic withdrawals from ERISA plans if the Unit holder is at least 59½ years old.

Applicants' Condition

If the requested exemptive relief is granted, applicants agree to comply with the provisions of proposed rule 6c–10 under the Act, as currently proposed and as it may be reproposed, adopted or amended.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–8343 Filed 4–8–93; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

Little Rock District Advisory Council; Public Meeting

The U.S. Small Business Administration Little Rock District Advisory Council will hold a public meeting at 9 a.m. on Wednesday, May 5, 1993, at the U.S. Small Business Administration, 2120 Riverfront Drive, suite 100, Little Rock, Arkansas, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. Joseph T. Foglia, District Director, U.S. Small Business Administration, 2120 Riverfront Drive, suite 100, Little Rock, Arkansas 72202, (501) 324–5871.

Dated: April 5, 1993.

Dorothy A. Overal,

Acting Assistant Administrator, Office of Advisory Councils.

[FR Doc. 93–8358 Filed 4–8–93; 8:45 am]

BILLING CODE 8025–01–M

Augusta District Advisory Council; Public Meeting

The U.S. Small Business Administration Augusta District Advisory Council will hold a public meeting at 9:30 a.m. on Monday, May 10, 1993, at the Service Corps of Retired

Executives (SCORE) Office, 66 Pearl Street, suite 211, Portland, Maine, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. Roy Perry, District Director, U.S. Small Business Administration, 40 Western Avenue, Augusta, Maine 04330, (207) 622–8378, Ext. 110.

Dated: April 5, 1993.

Dorothy A. Overal,

Acting Assistant Administrator, Office of Advisory Councils.

[FR Doc. 93–8356 Filed 4–8–93; 8:45 am]

BILLING CODE 8025–01–M

Clarksburg District Advisory Council; Public Meeting

The U.S. Small Business Administration Clarksburg District Advisory Council will hold a public meeting at 8:30 a.m. on Tuesday, May 4, 1993, at the River Tower Building, suite 302, 1102 Third Avenue, Huntington, West Virginia, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. Marvin Shelton, District Director, U.S. Small Business Administration, P.O. Box 1608, 168 W. Main Street, Clarksburg, West Virginia 26302–1608, (304) 623–5631.

Dated: April 5, 1993.

Dorothy A. Overal,

Acting Assistant Administrator, Office of Advisory Councils.

[FR Doc. 93–8357 Filed 4–8–93; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

[Docket 37554]

Notice of Order Adjusting the Standard Foreign Fare Level Index

The International Air Transportation Competition Act (IATCA), Public Law 96–192, requires that the Department, as successor to the Civil Aeronautics Board, establish a Standard Foreign Fare Level (SFFL) by adjusting the SFFL base periodically by percentage changes in actual operating costs per available seat-mile (ASM). Order 80–2–69 established the first interim SFFL, and Order 92–2–27 established the currently effective two-month SFFL applicable through March 31, 1993.

In establishing the SFFL for the two-month period beginning April 1, 1993, we have projected non-fuel costs based on the year ended December 31, 1992, data, and have determined fuel prices on the basis of the latest available experienced monthly fuel cost levels as reported to the Department.

By Order 93–4–7 fares may be increased by the following adjustment factors over the October 1979 level:

Atlantic	1.5147
Latin America	1.3883
Pacific	1.9375
Canada	1.4238

For further information contact: Keith A. Shangraw, (202) 366–2439.

By the Department of Transportation: April 2, 1993.

Patrick V. Murphy,

Acting Assistant Secretary for Policy and International Affairs.

[FR Doc. 93–8294 Filed 4–8–93; 8:45 am]

BILLING CODE 4910–62–M

Order Adjusting International Cargo Rate Flexibility Level

Policy Statement PS–109, implemented by Regulation ER–1322 of the Civil Aeronautics Board and adopted by the Department, established geographic zones of cargo pricing flexibility within which certain cargo rate tariffs filed by carriers would be subject to suspension only in extraordinary circumstances.

The Standard Foreign Rate Level (SFRL) for a particular market is the rate in effect on April 1, 1982, adjusted for the cost experience of the carriers in the applicable ratemaking entity. The first adjustment was effective April 1, 1983. By order 92–2–31, the Department established the currently effective SFRL adjustments.

In establishing the SFRL for the two-month period beginning April 1, 1993, we have projected non-fuel costs based on the year ended December 31, 1992 data, and have determined fuel prices on the basis of the latest available experienced monthly fuel cost levels as reported to the Department.

By Order 93–4–9 cargo rates may be adjusted by the following adjustment factors over the April 1, 1982 level:

Atlantic	1.2302
Western Hemisphere	1.1386
Pacific	1.5037

For further information contact: Keith a Shangraw (202) 366–2439.

By the Department of Transportation: April 5, 1993.

Patrick V. Murphy,

Acting Assistant Secretary for Policy and International Affairs.

[FR Doc. 93–8375 Filed 4–8–93; 8:45 am]

BILLING CODE 4910–62–M

Office of the Secretary

[Notice 93–13]

Commercial Space Transportation Advisory Committee; Open Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. App. 1), notice is hereby given of a meeting of the Commercial Space Transportation Advisory Committee (COMSTAC). The meeting will take place on Wednesday, April 28, 1993 from 8:30 a.m. to 5 p.m. in room 2230 of the Department of Transportation's headquarters building at 400 Seventh Street SW., in Washington, DC. This will be the seventeenth meeting of the COMSTAC. In addition to reports from the respective COMSTAC Working Groups, the meeting will address among other things, commercial requirements for a potential new space vehicle. There will also be a legislative update on Congressional activities involving commercial space transportation.

This meeting is open to the interested public; however, space may be limited. Additional information may be obtained by contacting Ms. Linda H. Strine at (202) 366–2980.

Dated: April 5, 1993.

Donald R. Trilling,

Acting Director, Office of Commercial Space Transportation.

[FR Doc. 93–8374 Filed 4–8–93; 8:45 am]

BILLING CODE 4910–62–M

Federal Aviation Administration

Application; Passenger Facility Charge (PFC) at Chicago O'Hare International Airport, Chicago, IL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Chicago O'Hare International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before May 10, 1992.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address:

Federal Aviation Administration, Chicago Airports District Office, 2300 East Devon Avenue, room 258, Des Plaines, IL 60018.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. David R. Mosena, Commissioner of the City of Chicago Department of Aviation at the following address: 20 N. Clark Street, suite 3000, Chicago, IL 60602.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the City of Chicago Department of Aviation under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Louis H. Yates, Manager, Chicago Airports District Office, 2300 East Devon Avenue, room 258, Des Plaines, IL 60018, (312) 694–7335. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenues from a PFC at Chicago O'Hare International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On March 26, 1993, the FAA determined that the application to impose and use the revenue from a PFC submitted by the City of Chicago Department of Aviation was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than June 25, 1993.

The following is a brief overview of the application.

Level of the proposed PFC: $3.00.

Proposed charge effective date: August 1, 1993.

Proposed charge expiration date: October 31, 1999.

Total estimated PFC revenue: $513,787,558.

Brief description of proposed project(s):

Projects to Impose and Use PFC

Airfield: Noise Mitigation; Terminal; Safety and Security; Heating and Refrigeration; Terminal Support; Project Formulation; International Terminal.

Projects Only to Impose a PFC

Airfield: Noise Mitigation; Terminal; Safety and Security; Heating and Refrigeration; Terminal Support.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air Taxi.

Any person may inspect the application in person at the FAA office listed above under "**FOR FURTHER INFORMATION CONTACT.**"

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the City of Chicago Department of Aviation.

Issued in Des Plaines, Illinois, on March 31, 1993.

W. Robert Billingsley,

Manager, Airports Division, Great Lakes Region.

[FR Doc. 93–8367 Filed 4–8–93; 8:45 am]

BILLING CODE 4910–13–M

Application; Passenger Facility Charge (PFC) Chicago Midway Airport, Chicago, IL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Chicago Midway Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before May 10, 1993.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address:

Federal Aviation Administration, Chicago Airports District Office, 2300 East Devon Avenue, Room 258, Des Plaines, IL 60018.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. David R. Mosena, Commissioner of the City of Chicago Department of Aviation at the following address: 20 N. Clark Street, Suite 3000, Chicago IL 60602.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the City of Chicago Department of Aviation under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Louis H. Yates, Manager, Chicago Airports District Office, 2300 East Devon Avenue, Room 258, Des Plaines, IL 60018, (312) 694–7335. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Chicago Midway Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On March 26, 1993, the FAA determined that the application to impose and use the revenue from a PFC submitted by the City of Chicago Department of Aviation was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than June 25, 1993.

The following is a brief overview of the application:

Level of the proposed PFC: $3.00

Proposed charge effective date: August 1, 1993

Proposed charge expiration date: September 30, 2001

Total estimated PFC revenue: $83,039,821

Brief description of proposed project(s):

Projects to Impose and Use PFC

Airfield; Noise Mitigation; Terminal; Support Facilities; Airport Master Plan.

Projects Only to Impose a PFC

Airfield; Noise Mitigation; Terminal.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air Taxi.

Any person may inspect the application in person at the FAA office listed above under "**FOR FURTHER INFORMATION CONTACT.**

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the City of Chicago Department of Aviation.

Issued in Des Plaines, Illinois, on March 31, 1993.

W. Robert Billingsley,

Manager, Airports Division, Great Lakes Region.

[FR Doc. 93–8366 Filed 4–8–93; 8:45 am]

BILLING CODE 4910–13–M

Application; Passenger Facility Charge (PFC) Indianapolis International Airport, Indianapolis, IN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the

application to impose and use the revenue from a PFC at Indianapolis International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before May 10, 1993.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address:

Federal Aviation Administration, Chicago Airports District Office, 2300 Devon Avenue, room 258, Des Plaines, Illinois 60018.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Daniel C. Orcutt, Executive Director, of the Indianapolis Airport Authority at the following address: Indianapolis Airport Authority, 2500 South High School Road, Box 100, Indianapolis, Indiana 46241–4941.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Indianapolis Airport Authority under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Louis H. Yates, Manager, Chicago Airports District Office, 2300 East Devon Avenue, room 258, Des Plaines, Illinois 60018, (312) 694–7335. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Indianapolis International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On March 26, 1993, the FAA determined that the application to impose and use the revenue from a PFC submitted by Indianapolis Airport Authority was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, not later than July 17, 1993.

The following is a brief overview of the application.

Level of the proposed PFC: $3.00

Proposed charge effective date: September 1, 1993

Proposed charge expiration date: September 30, 2005

Total estimated PFC revenue: $123,313,000

Brief description of proposed projects:

a. Repair of South Terminal Apron
b. Design and Engineering for New Runway 5L/23R
c. Construction of New Runway 5L/23R
d. Relocation of Electrical Transmission Line
e. Relocation of Bridgeport Road
f. Construction of Aircraft Rescue and Fire Fighting Station No. 2
g. Environmental Mitigation for New Runway 5L/23R
h. Reimbursement for Environmental Assessment on New Runway 5L/23R
i. Installation of Deicing Control System
j. Installation of Taxiway Guidance Signs
k. Installation of Parallel Taxiway D Centerline Lights
l. Purchase of Airfield Safety and Maintenance Equipment
m. Reimbursement of Local Share for Construction of Runway 5R/23L
n. Reimbursement for Construction of Firefighting Training Facility
o. Reimbursement of Local Share for Installation of Terminal Card Access System
p. Site Preparation and Purchase of Aircraft Loading Bridges
q. Renovation of Terminal Passenger Departure Gates A1 and A2 and Holdrooms
r. Land Acquisition for Noise Compatibility under FAR Part 150
s. Land Acquisition for Environmental Mitigation for New Runway 5L/23R
t. Reimbursement for repair of existing Runway 5L/23R
u. Reimbursement for construction of south commuter apron

Class or classes of air carriers which the public agency has requested not to be required to collect PFCs: Air taxi/commercial operators (ATCO) filing FAA Form 1800–31.

Any person may inspect the application in person at the FAA office listed above under "**FOR FURTHER INFORMATION CONTACT.**"

In addition, any person may, upon request, inspect the application notice and other documents germane to the application in person at the Indianapolis Airport Authority.

Issued in Des Plaines, Illinois, on March 31, 1993.

W. Robert Billingsley,

Manager, Airports Division, Great Lakes Region.

[FR Doc. 93–8365 Filed 4–8–93; 8:45 am]

BILLING CODE 4910–13–M

Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Redmond Municipal Airport, Redmond, OR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Redmond Municipal Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before May 10, 1993.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: J. Wade Bryant, Manager, Seattle Airports District Office, SEA–ADO, Federal Aviation Administration, 1601 Lind Avenue SW., suite 250, Renton, WA 98055–4056.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Joe Hannan, City Manager of the City of Redmond at the following address: 455 S. 7th Street, Redmond, Oregon 97756.

Air carriers and foreign air carriers may submit copies of written comments previously provided to City of Redmond under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Ms. Suzanne Lee-Pang, Civil Engineer, (206) 227–2654; Seattle Airports District Office, SEA–ADO; Federal Aviation Administration; 1601 Lind Avenue SW., suite 250, Renton, WA 98055–4056. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Redmond Municipal Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On April 1, 1993, the FAA determined that the application to impose and use the revenue from a PFC submitted by the City of Redmond was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the

application, in whole or in part, no later than July 10, 1993.

The following is a brief overview of the application.

Level of the proposed PFC: $3.00
Proposed charge effective date: October 1, 1993
Proposed charge expiration date: March 31, 2000
Total estimated PFC revenue: $1,323,000
Brief description of proposed project(s): Airfield signage; renovation and expansion of the air carrier terminal; reconstruction of runways 4/22 and 10/28; pavement study; purchase of one ARFF vehicle; resurface and expansion of the air carrier ramp.
Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air taxis and small air charter companies.

Any person may inspect the application in person at the FAA office listed above under "**FOR FURTHER INFORMATION CONTACT**" and at the FAA regional Airports office located at: Federal Aviation Administration, Northwest Mountain Region, Airports Division, ANM–600, 1601 Lind Avenue SW., suite 540, Renton, WA 98055–4056.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the City of Redmond.

Issued in Renton, Washington, on April 1, 1993.

Matthew J. Cavanaugh,

Acting Assistant Manager, Airports Division, Northwest Mountain Region.

[FR Doc. 93–8354 Filed 4–9–93; 8:45 am]

BILLING CODE 4910–13–M

Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at San Jose International Airport, San Jose, CA

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of intent to rule on application to impose and use the revenue from a passenger facility charge (PFC) at San Jose International Airport, San Jose, California.

SUMMARY: The Federal Aviation Administration (FAA) proposes to rule and invites public comment on the application to impose and use PFC at San Jose International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and 14 CFR part 158. On March 24, 1993, the FAA determined that the application to impose a PFC submitted by the city of San Jose was substantially complete within the requirements of 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than June 23, 1993.

DATES: Comments must be received on or before May 10, 1993.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Airports Division, P.O. Box 92007, Worldway Postal Center, Los Angeles, CA 90009 or San Francisco Airports District Office, 831 Mitten Road, Room 210, Burlingame, CA 94010–1303. In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Ralph G. Tonseth, Director of Aviation, San Jose International Airport, 1661 Airport Boulevard, San Jose, California 95110–1285.

Comments from air carriers and foreign air carriers may be in the same form as provided to the city of San Jose under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph R. Rodreguez, Supervisor, Planning and Programming Section, Airports District Office, 831 Mitten Road, room 210, Burlingame, CA 94010–1303, Telephone: (415) 876–2805. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The following is a brief overview of the application.

Level of proposed PFC: $3.00
Proposed charge effective date: August 2, 1995
Proposed charge expiration date: April 1, 1999
Total estimated PFC revenue: $22,454,000.00
Brief description of the proposed projects: Run up Area Blast Pad, Taxiway 1 Reconstruction (TWY B to TWY E), Taxiway A Reconstruction, West GA Parking Reconstruction, T–Hangar Relocation, Fuel Farm Remediation, Taxiway 2 Reconstruction, Runway 30L Reconstruction, Runway 30R Reconstruction, Terminal C Asbestos Abatement, Westside Development, Terminal A Shuttle Island Modifications, AVI System, Taxiway 1 Reconstruction (Twy A to Twy B), Earthquake Emergency Supplies, Interactive Training System, Digital Announcement System, Master Plan Update and the city requests authority to use PFC revenue for the Noise Attenuation project previously approved on June 11, 1992.
Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air Taxi/Commercial Operations (ATCO) filing FAA Form 1800–31 who enplane passengers at San Jose International because they enplane less than 1 percent of total enplaned passengers.
Availability of Application: Any person may inspect the application in person at the FAA office listed above. In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the city of San Jose.

Issued in Hawthorne, California, on April 1, 1993.

Ellsworth Chan,

Manager, Planning and Programming Branch.

[FR Doc. 93–8355 Filed 4–8–93; 8:45 am]

BILLING CODE 4910–13–M

Federal Highway Administration

Pilot Program; Controlled Substances and Alcohol Testing

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of program; availability of documents.

SUMMARY: The FHWA is issuing this notice to advise the public of a pilot program mandated by the Omnibus Transportation Employee Testing Act of 1991. Under the pilot program, the FHWA is funding random, roadside alcohol and controlled substances testing of commercial motor vehicle operators conducted by State officials of Minnesota, Nebraska, New Jersey, and Utah. The program will operate for a period of one year in each State. The data gathered in the program will be incorporated into a report to Congress required by the Act. This notice also informs the public of the availability of certain program documents and provides the names and addresses of Federal and State officials who may be contacted for further information.

FOR FURTHER INFORMATION CONTACT: Mr. James McCauley, Office of Motor Carriers, HFO–30, (202) 366–0133; or Mr. David Sett, Office of Chief Counsel, HCC–20, (202) 366–0834; Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except legal Federal holidays.

SUPPLEMENTARY INFORMATION: The Omnibus Transportation Employee

Testing Act of 1991 directed the Secretary of Transportation to select four States for participation in a pilot test program "for the purpose of testing the operators of commercial motor vehicles on a random basis to determine whether an operator has used, in violation of law or Federal regulation, alcohol or a controlled substance." Public Law 102–143, section 5(b)(1), 105 Stat. 952, 961 (49 U.S.C. app. 2717 note). The Congress intended the pilot program to test "the effectiveness of State-administered testing in detecting individuals, such as owner-operators and independent drivers, who might otherwise avoid detection through carrier-administered testing * * *." S. Rep. No. 54, 102d Cong., 1st Sess. 34 (1991). The legislation directs the pilot program to continue for one year, and requires the Secretary to report to Congress by April 28, 1994, on the results and desirability of a random testing system.

The legislation mandates that the pilot program be administered as part of the Motor Carrier Safety Assistance Program (MCSAP), and makes available $5 million from funds appropriated to MCSAP for fiscal year 1992. MCSAP is a grant program in which a State agency enforces, primarily through roadside driver and vehicle inspections, State motor carrier safety regulations which are compatible with Federal regulations, as a condition of receiving Federal grants. See 49 U.S.C. 2300–2304; 49 CFR part 350. Federal regulations, and compatible State regulations, prohibit the use of controlled substances by and the presence of alcohol in operators of commercial motor vehicles. 49 CFR 392.4, 392.5, 391.41(b)(12).

After soliciting all States participating in MCSAP, on May 5, 1992, the Secretary issued a press release announcing the selection of four States—Nebraska, New Jersey, Minnesota, and Utah—for the pilot program. The State agencies actively participating are the Nebraska State Patrol, the New Jersey State Police (through the New Jersey Department of Transportation), the Minnesota State Patrol, and the Utah Department of Transportation. In July 1992, the Secretary entered into grant agreements with each of these agencies.

In accordance with MCSAP procedures, each grant agreement commits the State to carry out its program in accordance with its grant application. Each application contains a State Enforcement Plan which describes the procedures the State agency will follow in implementing random, roadside testing of commercial motor vehicle operators for the presence of controlled substances and alcohol. For purposes of the pilot program, "commercial motor vehicles" include only those vehicles for which a commercial driver's license is required to operate.

The Plans commit the States to generally follow the DOT employer-based drug testing procedures set forth in 49 CFR part 40. This includes urine testing, offering the individual the opportunity to explain positive lab results to a Medical Review Officer before verification, specimen collection and chain of custody procedures, use of labs certified by the Department of Health and Human Services, screen and confirmatory drug metabolite cutoff levels, quality assurance procedures including blind sample performance testing, and protection of the privacy of the tested individual. Minor variations from the employer-based testing in part 40 are necessitated by the States' administration of the tests. As there are no DOT alcohol testing procedures, the Plans provide that the States will conduct alcohol tests in accordance with evidential procedures approved by their courts.

The Plans also include information on the roadside locations of tests, driver selection method, the State agencies conducting the tests, budgets, required certifications, driver and employer notification letters of tests, data requirements, and collection procedures. Consistent with the legislative mandate, vehicle operators subject to the tests are selected on a random basis.

The States began conducting tests under the program on the following dates: Nebraska—October 1, 1992; Minnesota—October 19, 1992; Utah—November 1, 1992; New Jersey—January 28, 1993.

On December 22, 1992, the Owner-Operator Independent Drivers Association, Inc. (OOIDA) and others filed suit in the United States Court of Appeals for the District of Columbia Circuit, challenging the legality of this testing program and the failure to publish the Plans. *Owner-Operator Independent Drivers Ass'n* v. *Peña*, No. 92–1662. Because the Plans describe State, not Federal, activities and regulations, they are not being published in the **Federal Register**. Under the Plans and the structure of MCSAP, the State officials administering these Plans act under the authority of State, not Federal law. Also consistent with MCSAP procedures, annual State Enforcement Plans detailing federally-funded State safety activities (including driver and vehicle inspections) required under MCSAP regulations to be submitted to FNWA by each participating State are not published or made the subject of a notice in the **Federal Register**.

Notwithstanding FHWA's position and longstanding practice, this notice will serve to inform the public of the pilot testing program and of the availability for inspection of the State Enforcement Plans concerning such testing. Although persons subject to the program have received and continue to receive constitutionally adequate notice of the pilot program, the intent of this publication is to provide additional information and direct interested parties to the source of further details about the program.

TO INSPECT THE PLANS CONTACT: The State Enforcement Plans (Temporary Docket No. T–93–001) are available for public inspection and copying by contacting Ms. Patricia Matthews, Motor Carrier Docket Clerk, Federal Highway Administration, room 4217, 400 Seventh Street, SW., Washington DC 20590, (202) 366–1351. The documents are available from 8:30 a.m. to 3:30 p.m., e.t., Monday through Friday, except legal Federal holidays, until January 28, 1994. The documents are also available through Freedom of Information Act requests, pursuant to 49 CFR part 7, subpart F. A fee will be charged for copying with either method.

FOR FURTHER STATE INFORMATION: The following State officials may be contacted for further information on a particular State's program: Sergeant Darrell Fisher, Nebraska State Patrol, P.O. Box 94907, Lincoln, Nebraska 65809–4907, (402) 471–0774; Mr. Roman Horodysky, New Jersey Department of Transportation, 1035 Parkway Avenue, CN600, Trenton, New Jersey 08625, (609) 530–8026; Lieutenant Brian Erickson, Minnesota State Patrol, 100 Stockyard Road, South Saint Paul, Minnesota 55075, (612) 297–8274; Mr. David Alder, Utah Department of Transportation 4510 South 2700 West, Salt Lake City, Utah 84119–5998, (801) 965–4266.

Authority: Omnibus Transportation Employee Testing Act of 1991, Public Law 102–143, section 5(b), 105 Stat. 952, 961 (49 U.S.C. app. 2717 note); 23 U.S.C. 315; 49 CFR 1.48.

Issued on: April 2, 1993.

E. Dean Carlson,

Executive Director.

[FR Doc. 93–8293 Filed 4–8–93; 8:45 am]

BILLING CODE 4910–22–M

Environmental Impact Statement: Anderson and Greenville Counties, SC

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise that an environmental impact statement will be prepared for a proposed highway project south of the City of Greenville in Anderson and Greenville Counties, South Carolina.

FOR FURTHER INFORMATION CONTACT: Mr. Ken Myers, Planning and Environmental Engineer, Federal Highway Administration, 1835 Assembly Street, suite 758, Columbia, South Carolina 29201, telephone: (803) 253–3881, Mr. John Walsh, South Carolina Department of Highways and Public Transportation, P.O. Box 191, Columbia, South Carolina 29202, telephone: (803) 737–1566.

SUPPLEMENTARY INFORMATION: The Federal Highway Administration (FHWA), in cooperation with the South Carolina Department of Highways and Public Transportation, will prepare an environmental impact statement on the proposed Southern Connector. This proposed new facility would be constructed on a new location from existing I–85, at its interchange with I–185 west of the City of Greenville, continuing south of Donaldson Center, to existing I–385, at its interchange with U.S. 276 southeast of the City of Greenville between Simpsonville and Mauldin, in Greenville County. This mainline would be an approximately 16 mile (25.8 Km) four-lane freeway facility constructed to interstate highway standards, including full control of access. In addition, a proposed spur would be constructed on a new location from existing I–85, at its interchange with S.C. 153 in Anderson County, to the proposed mainline. This approximately 1.5 mile (2.4 Km) four-lane non-freeway facility would be a limited access roadway. The proposed Southern Connector would be located within a study area that is approximately two miles (3.2 Km) wide and 16 miles (25.8 Km) long. The proposed 17.5 mile (28.2 Km) facility would cross both the Saluda and Reedy Rivers, and Grove and Huff Creeks.

The first proposal for the South Connector was adopted in January 1967, as part of Greenville County's first General Development Plan, Dimension 85. The construction of the Southern Connector is considered necessary to relieve future traffic pressure on I–85, to provide an east-west connector south of I–85, and to serve new development in the southern portion of the County.

Alternatives under consideration include (1) taking no action, (2) employing transportation system management measures with existing facilities, and (3) building a new facility on a new alignment. Incorporated into and studied with the various build alternatives will be design variations of grade and alignment.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. Public workshops as well as a location public hearing will be held at a later date. Public notice will be given of the time and place of the workshops and location public hearing. A scoping meeting will be held on May 6, 1993 beginning at 1 p.m. in the 5th floor auditorium of the Highway Department Headquarters, 955 Park Street, Columbia, SC.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited. Comments or questions concerning this proposed action and the Environmental Impact Statement should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: April 2, 1993.

Robert J. Probst,

Division Administrator, Columbia, South Carolina.

[FR Doc. 93–8285 Filed 4–8–93; 8:45 am]

BILLING CODE 4910–22–M

Research and Special Programs Administration

[Advisory Bulletin Number ADB–93–02]

Advisory to Owners and Operators of Gas Distribution and Gas Transmission Facilities; Continuing Educational Programs for Gas Customers and the Public

Purpose

To direct gas pipeline facility owners and operators to review and assess their § 192.615(d) continuing educational programs as applied to customers and the public.

Advisory

In 1988 and 1989 a series of five incidents in the Kansas City, Missouri and Topeka, Kansas, area resulted in four deaths, four serious injuries, and damages estimated at almost $750,000. Events that led to each of the incidents began with leakage. The National Transportation Safety Board (NTSB) report, "Pipeline Accident Report PB90–916501," covering these five incidents revealed that in two of them gas odor has been detected long before ignition, but in both cases had gone unreported. The report concluded that the two "* * * could have been prevented had gas odors detected by residents previous to the accident been reported to either Kansas Power & Light Company or the local fire department." On that basis, the NTSB recommended (Safety Recommendation P–90–21) in part that "* * * existing gas industry programs for educating the public on the dangers of gas leaks * * *" be assessed "to determine the appropriateness of information provided, (and) the effectiveness of educational techniques used * * *"

Therefore, the Research and Special Programs Administration (RSPA) is advising that all natural gas owners and operators review and assess their continuing educational programs to assure that they are in compliance with the provisions of 49 CFR 192.615(d).

Background

For compliance with § 192.615(d) the operator must have an educational program that fully covers § 192.615(d) requirements. It must:

- Be an ongoing (continuing) educational program,
- Educate so as to enable individuals to:

—Be able to recognize an existing or possible emergency involving natural gas, such as leaking gas, and

—Know how to report it to the gas company or to the appropriate public officials (fire department, police department, etc.),

- Cover all geographic areas in which the gas company has distribution or transmission facilities,
- Be conducted not only in English but in other languages commonly understood by a significant number and concentration of the non-English speaking population in the above designated areas,
- Be specified in written procedures in the operator's § 192.615 emergency plans.

Gas distribution and gas transmission pipeline operators should assess these programs for educating the public on the dangers of gas leaks to determine:

- The appropriateness of the information provided, and

• The effectiveness of the educational techniques used.

If the assessment identifies deficiencies in the appropriateness and effectiveness of the program, the program should be modified to assure the adequacy of the program.

The Gas Piping Technology Committee Guide for Gas Transmission and Distribution Piping Systems (ANSI/GPTC Z380.1–1992) provides additional guidance on meeting the requirements of 49 CFR 192.615(d).

Issued in Washington, DC, on April 5, 1993.

George W. Tenley, Jr.,

Associate Administrator for Pipeline Safety.

[FR Doc. 93–8292 Filed 4–8–93; 8:45 am]

BILLING CODE 4910–60–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Dated: April 5, 1993.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Special Request

On April 5, 1993, the Department of the Treasury requested a less than 30-day review of the information collection listed below in order meet a congressionally-mandated report date of April 30, 1993. A copy of the survey is attached for public review and comment. All comments must be received by close of business April 9, 1993.

Bureau of Alcohol, Tobacco and Firearms

OMB Number: New
Form Number: None
Type of Review: New collection
Title: Knowledge and Attitudes Survey for the Gang Resistance Education and Training G.R.E.A.T. Program
Description: This student survey is to assist in the assessment of the G.R.E.A.T. Program designed to educate high risk students on the dangers of joining street gangs. This project is specific to the Phoenix and Tucson, Arizona areas.
Respondents: Individuals or households
Estimated Number of Respondents: 800
Estimated Burden Hours Per Response:

Test	30 minutes
Focus Group Interview Sessions.	50 minutes

Frequency of Response: Other (one time only)
Estimated Total Reporting Burden: 413 hours
Clearance Officer: Robert N. Hogarth (202) 927–8930, Bureau of Alcohol, Tobacco and Firearms, Room 3200, 650 Massachusetts Avenue, NW., Washington, DC 20226.
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.

Attachment A

Directions: Circle the number that comes closest to your feelings

1. I feel that I'm a person of worth, at least on an equal basis with others
   1 Strongly Disagree
   2 Somewhat Disagree
   3 Disagree
   4 Agree
   5 Somewhat Agree
   6 Strongly Agree
2. I feel that I have a number of good qualities.
   1 Strongly Disagree
   2 Somewhat Disagree
   3 Disagree
   4 Agree
   5 Somewhat Agree
   6 Strongly Agree
3. All in all, I sort of feel that I am a failure.
   1 Strongly Disagree
   2 Somewhat Disagree
   3 Disagree
   4 Agree
   5 Somewhat Agree
   6 Strongly Agree
4. I am able to do things as well as most other people.
   1 Strongly Disagree
   2 Somewhat Disagree
   3 Disagree
   4 Agree
   5 Somewhat Agree
   6 Strongly Agree
5. I feel I do not have much to be proud of.
   1 Strongly Disagree
   2 Somewhat Disagree
   3 Disagree
   4 Agree
   5 Somewhat Agree
   6 Strongly Agree
6. I take a positive attitude toward myself.
   1 Strongly Disagree
   2 Somewhat Disagree
   3 Disagree
   4 Agree
   5 Somewhat Agree
   6 Strongly Agree
7. On the whole, I am satisfied with myself.
   1 Strongly Disagree
   2 Somewhat Disagree
   3 Disagree
   4 Agree
   5 Somewhat Agree
   6 Strongly Agree
8. I wish I could have more respect for myself.
   1 Strongly Disagree
   2 Somewhat Disagree
   3 Disagree
   4 Agree
   5 Somewhat Agree
   6 Strongly Agree
9. I certainly feel useless at times.
   1 Strongly Disagree
   2 Somewhat Disagree
   3 Disagree
   4 Agree
   5 Somewhat Agree
   6 Strongly Agree
10. At times I think I am no good at all.
   1 Strongly Disagree
   2 Somewhat Disagree
   3 Disagree
   4 Agree
   5 Somewhat Agree
   6 Strongly Agree

Please answer the following questions.

1. Do any of your friends belong to gangs?

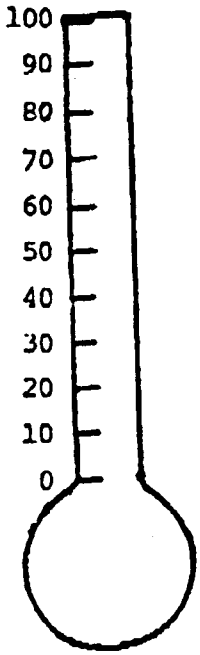
2. How many of your friends belong to gangs?

3. Do you belong to a gang?

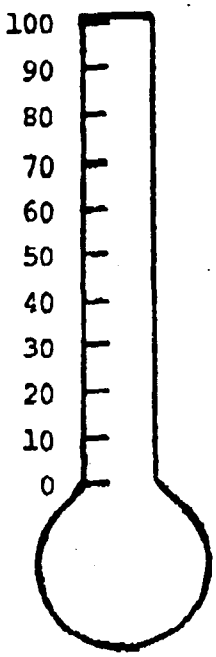
BILLING CODE 4830–31–M

(ATTACHMENT B)

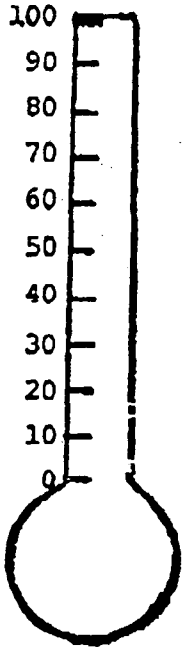
SCHOOL



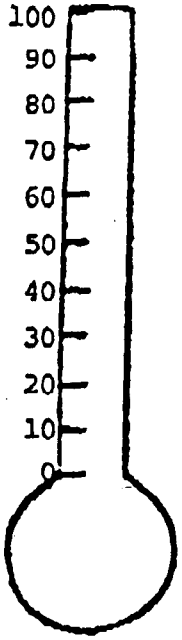
POLICE OFFICERS



GANGS



DRUGS



BILLING CODE 4830-31-C

Attachment C

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Attachment D

Standard Focus Group Questions

(1) What do you think the goal/purpose of the program was?

(2) How much do you think you learned about gangs?

(3) How much do you think you learned about drugs?

(4) How much did you like the program?

(5) Who presented the program? Gender? Good?

(6) How knowledgeable about gangs was the officer?

(7) How knowledgeable about drugs was the officer?

(8) Did your attitude about gangs change?

(9) Where have you received most of your information about gangs?

(10) Where did you receive most of your information about drugs?

(11) How much do you recall about what was presented?

(12) Will you do anything differently as a result of the program?

(13) What was the worst thing you can recall about the program?

(14) What was the best thing you can recall about the program?

(15) Are gangs a problem in your neighborhood or school?

(16) How many of you know gang members?

(17) How many gang members do you know?

(18) Are drugs a problem in your neighborhood or school?

The focus group will be finished by asking if the students feel that the program should be continued, what they believed what age group should be targeted and also the number of courses that they attended.

[FR Doc. 93–8340 Filed 4–8–93; 8:45 am]

BILLING CODE 4830–31–M

Customs Service

Application for Recordation of Trade Name: "Dovex Incorporated"

ACTION: Notice of Application for Recordation of Trade Name.

SUMMARY: Application has been filed pursuant to section 133.12, Customs Regulations (19 CFR 133.12), for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name "Dovex Incorporated," used by Dovex Incorporated, a corporation organized under the laws of the State of California, located at 16610 Ventura Blvd., Encino, California 91436.

The application states that the trade name is used in connection with cookware. The merchandise is manufactured in the Philippines.

Before final action is taken on the application, consideration will be given to any relevant data, views, or arguments submitted in writing by any person in opposition to the recordation of this trade name. Notice of the action taken on the application for recordion of this trade name will be published in the **Federal Register.**

DATES: Comments must be received on or before June 8, 1993.

ADDRESSES: Written comments should be addressed to U.S. Customs Service, Attention: Intellectual Property Rights Branch, 1301 Constitution Avenue, NW., (Franklin Court), Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Delois P. Cooper, Intellectual Property Rights Branch, 1301 Constitution Avenue, NW., (Franklin Court), Washington DC 20229 (202–482–6960).

Dated: April 5, 1993.

John F. Atwood,

Chief, Intellectual Property Rights Branch.

[FR Doc. 93–8312 Filed 4–8–93; 8:45 am]

BILLING CODE 4820–02–M

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition; Additional Objects

On March 18, 1993 notice was published at page 14612 of the **Federal Register** (58 FR 14612) by the United States Information Agency pursuant to Public Law 89–259, relating to the exhibit "The Great Age of British Watercolors: 1750–1880." In addition to the objects covered by that notice, this exhibit will include three other items.[1] I hereby determine that the additional objects to be exhibited are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign lender. I also determine that the temporary exhibition of the objects in the United States is in the national interest.

Public notice of this determination is ordered to be published in the **Federal Register.**

Dated: April 6, 1993.

R. Wallace Stuart,

Acting General Counsel.

[FR Doc. 93–8408 Filed 4–8–93; 8:45 am]

BILLING CODE 8230–01–M

DEPARTMENT OF VETERANS AFFAIRS

Wage Committee; Notice of Meetings

The Department of Veterans Affairs (VA), in accordance with Public Law 92–463, gives notice that meetings at the VA Wage Committee will be held on:

Wednesday, May 5, 1993, at 2:30 p.m.
Wednesday, May 26, 1993, at 2:30 p.m.
Wednesday, June 9, 1993, at 2:30 p.m.
Wednesday, June 23, 1993, at 2:30 p.m.

The meetings will be held in room 1161, Veterans Affairs Central Office, 810 Vermont Avenue, NW, Washington DC 20420.

The Committee's purpose is to advise the Chief Medical Director on the development and authorization of wage

[1] A copy of the list of additional items to be included in the exhibit may be obtained by contacting Mr. R. Wallace Stuart of the Office of the General Counsel of USIA. The telephone number is 202–619–5078, and the address is room 700, 301 4th Street, SW., Washington, DC 20547.

schedules for Federal Wage System (blue-collar) employees.

At these meetings the Committee will consider wage survey specifications, wage survey data, local committee reports and recommendations, statistical analyses, and proposed wage schedules.

All portions of the meetings will be closed to the public because the matters considered are related solely to the internal personnel rules and practices of the Department of Veterans Affairs and because the wage survey data considered by the Committee have been obtained from officials of private business establishments with a guarantee that the data will be held in confidence. Closure of the meetings is in accordance with subsection 10(d) of Public Law 92–463, as amended by Public Law 94–409, and as cited in 5 U.S.C. 552b(c) (2) and (4).

However, members of the public are invited to submit material in writing to the Chairperson for the Committee's attention.

Additional information concerning these meetings may be obtained from the Chairperson, VA Wage Committee, room 1161, 810 Vermont Avenue, NW, Washington, DC 20420.

Dated: By Direction of the Secretary:

Dated: April 2, 1993

Heyward Bannister,

Committee Management Office.

[FR Doc. 93–8337 Filed 4–8–93; 8 45 am]

BILLING CODE 8320-01-M

Corrections

Federal Register
Vol. 58, No. 67
Friday, April 9, 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 DEFENSE

48 CFR Parts 215 and 252

Defense Federal Acquisition Regulation Supplement; Recoupment of Nonrecurring Costs on Sales of U.S. Items

Correction

In rule document 93-7356 appearing on page 16782 in the issue of Wednesday, March 31, 1993, make the following corrections:

1. On page 16782:

a. In the first column, under **Background**, in the second paragraph, in the sixth line from the bottom, "agreement" should read "agreements".

b. In the same column, in the last paragraph, in the last line, remove "effective".

c. In the second column, in the first line, remove "January 13, 1993,"; and in the second line, insert "being" after "are".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8357]
RIN 1545-AI79

Certain Cash or Deferred Arrangements and Employee and Matching Contributions Under Employee Plans; Correction

Correction

In rule document 93-5890 beginning on page 14150 in the issue of Tuesday, March 16, 1993, make the following correction:

On page 14151, in the first column, the **EFFECTIVE DATE** should read "August 15, 1991".

BILLING CODE 1505-01-D

federal register

Friday
April 9, 199:

Part II

Securities and Exchange Commission

Adoption of EDGAR Filer Manual; Notice

SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33–6986; 34–32091; 35–25779; 39–2304; IC–19376]

Adoption of EDGAR Filer Manual

April 1, 1993

The Commission today announces the adoption as a procedural rule of the Commission the EDGAR Filer Manual ("Filer Manual"), which sets forth the technical formatting requirements governing the preparation and submission of electronic filings through the Electronic Data Gathering, Analysis and Retrieval ("EDGAR") system. Compliance with the provisions of the Filer Manual is required in order to assure the timely acceptance and processing of filings made in electronic format.[1] Filers should consult the Filer Manual in conjunction with the Commission's recently adopted rules governing mandated electronic filing when preparing documents for electronic submission.[2]

The Filer Manual will be effective on April 26, 1993. Pursuant to the provisions of the Administrative Procedure Act, the Commission finds good cause to establish that effective date, even though the Filer Manual will not be published 30 days before effectiveness.[3] With the adoption of the EDGAR rules earlier this year, the Commission mandated that electronic filing commence for designated registrants and third party filers on April 26, 1993. The firm commencement date was intended to allow filers to make definite plans for their own transition to the electronic system. Since the adopted EDGAR rules require compliance with the Filer Manual, it would disrupt a smooth transition for some filers if they are not able to rely on the provisions of the Filer Manual at the time they are mandated to commence electronic filing.

Most persons required to commence electronic filing on April 26, 1993 have been filing on the operational EDGAR system since July of 1992. As volunteers on the EDGAR system, they have been using an earlier version of the Filer Manual and already have gained experience with its provisions, which in nearly all cases have been retained in the Filer Manual adopted today. An exemption from electronic filing may be available to others, such as persons making filings with respect to a mandated electronic filer, if electronic filing is found to be unduly burdensome.[4]

In addition to publication in the **Federal Register** and the distribution of the Filer Manual to the entities named in the phase-in list, paper copies of the EDGAR Filer Manual may be obtained at the following address: Public Reference Room, U.S. Securities and Exchange Commission, Mail Stop 1–2, 450 Fifth Street, NW., Washington, DC 20549. Electronic format copies will be available on the EDGAR electronic bulletin board.

The text of the EDGAR Filer Manual is reproduced in full below.

April 1, 1993.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

BILLING CODE 8010–01–M

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[1] See Rule 301 of Regulation S–T (17 CFR 232.301), effective April 26, 1993.

[2] See Release Nos. 33–6977 (February 23, 1993), IC–19284 (February 23, 1993), 35–25746 (February 23, 1993), and 33–6980 (February 23, 1993) for a comprehensive treatment of the rules adopted by the Commission governing mandated electronic filing.

[3] 5 U.S.C. 553(d).

[4] See Rule 202 of Regulation S–T (17 CFR 232.202), effective April 26, 1993.



U.S. Securities and Exchange Commission
Washington, D.C.

Electronic Data Gathering, Analysis, and Retrieval (EDGAR)

EDGAR FILER MANUAL:
User's Guide for Electronic Filing with the
U.S. Securities and Exchange Commission

EDGAR Release 3.0

This edition replaces the edition of June 1992

APRIL 1993

EDGAR
Electronic Data Gathering, Analysis, and Retrieval

EDGAR FILER MANUAL

NOTICE

This EDGAR filer manual is a Rule of the United States Securities and Exchange Commission ("Commission"). Rule 301 of the Commission Regulation S-T adopted by the Commission requires that electronic filings with the Securities and Exchange Commission comply with the requirements of this Filer Manual. Notices of amendments to this Filer Manual will appear in the Federal Register and other sources.

EDGARLink™ is a trademark of the U.S. Securities and Exchange Commission. All other brand product names mentioned in this Filer Manual are trademarks or registered trademarks of their respective holders.

U.S. Securities and
Exchange Commission
Washington, D.C

ELECTRONIC DATA GATHERING,
ANALYSIS, AND RETRIEVAL
(EDGAR)

EDGAR FILER MANUAL:

User's Guide for Electronic Filing with the U.S. Securities and Exchange Commission

April 1993

For Use With Release 3.0 of EDGAR

U.S. SECURITIES AND EXCHANGE COMMISSION

ELECTRONIC DATA GATHERING, ANALYSIS, AND RETRIEVAL SYSTEM (EDGAR)

EDGAR FILER MANUAL:
USER'S GUIDE FOR ELECTRONIC FILING WITH THE U.S. SECURITIES AND EXCHANGE COMMISSION

APRIL 1993

PREFACE

Welcome to the Electronic Data Gathering, Analysis, and Retrieval (EDGAR) system of the U.S. Securities and Exchange Commission (SEC). The system is designed to provide an electronic filing process for those EDGAR filers and filing agents who file with the SEC under the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, and the Investment Company Act of 1940 (collectively, "Acts").

This Manual explains how registered EDGAR filers may file electronically with the SEC. The SEC accepts electronic submissions by direct telephone transmission, on magnetic tape, or on computer diskette. In addition to this Manual, filers should refer principally to Regulation S-T (17 CFR Part 232), which contains rules prescribing requirements and procedures relating to electronic submissions. Regulation S-T is complemented by amendments to certain existing rules, regulations, and forms under the Acts.

PREFACE Continued

This edition of the EDGAR Filer Manual includes procedures for Release 3.0 of the Operational EDGAR system, in which the system can receive, accept, and disseminate electronically submitted filings. Significant changes from previous editions are indicated with a change bar in the outside margin. For the first time, Transitional Filers (former Pilot participants) who have been using the EDGAR Operational system are mandated to file electronically. Third-party filers and selected volunteers who become registered EDGAR filers will also use the system. Please note in using the Manual that certain system features are not available in Release 3.0, but are anticipated in the future.

The EDGAR system introduces changes in the formatting of information submitted to the SEC, not changes in the content of what is submitted. For rules governing the required forms, and specifications for content of the filings, filers are directed to Title 17 of the Code of Federal Regulations (CFR parts 200 to the end). Changes in the Rules are published in the Federal Register.

Shortly in advance of their scheduled phase-in date, the SEC is providing all EDGAR registrants with copies of the Filer Manual and EDGARLink, the filer assistance software. The latest version of this Manual is available for transfer (download) from the EDGAR electronic bulletin board. The bulletin board is an optional service that may be accessed from the Main Menu of EDGARLink, or directly from the EDGAR electronic mail vendor, CompuServe, using other asynchronous communications software.

The Filer Manual is available for purchase from the SEC, at the following address:

DISCLOSURE INC
PUBLIC REFERENCE ROOM
U S SECURITIES AND EXCHANGE COMMISSION
MAIL STOP 1-2
450 5TH ST NW
WASHINGTON DC 20549
(800) 638-8241
(301) 951-1350

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CHAPTER 1--ABOUT THIS MANUAL

1.1 ITEMS CRITICAL TO FILING ON EDGAR

FILE A FORM ID WITH THE SEC

Before filers can use the EDGAR system, they must be registered on the system as EDGAR filers. To register, a filer must submit a Form ID. Phase-in of mandated filing begins with Release 3.0. Those who have not received SEC access codes must file a new Form ID with the SEC, preferably at least 3 months prior to their phase-in date for filing. Specific phase-in dates for the first four groups are set forth in Appendix B to the Adopting Release. Dates for future groups will be published in the SEC News Digest and Federal Register. When the completed form is received by the SEC, filers who have been mandated or otherwise permitted to file on EDGAR will be supplied with four codes that are referred to throughout this manual as access codes: a Central Index Key (CIK), the associated CIK Confirmation Code (CCC), Password (PW), and Password Modification Authorization Code (PMAC).

KEEP CODES PRIVATE

It is necessary that filers limit the number of people who know their CCC, PW, and PMAC. To protect the integrity of the data that are received by the SEC in a filer's name, these access codes must be kept secure.

PROVIDE FOR RECEIVING COMMUNICATION FROM THE SEC

For communicating with the filer, the SEC provides an optional bulletin board and electronic mail (E-Mail) service through a vendor--CompuServe. Acceptance and suspension messages about submissions will be communicated via E-Mail to subscribers. Those who do not subscribe to the service will receive messages via U.S. Mail. CompuServe sends an information packet on the EDGAR E-Mail service to all registered filers.

WHEN PREPARING DOCUMENTS, LIMIT CHARACTERS PER LINE TO 80 FOR TEXT AND 132 FOR TABULAR MATERIAL

FOR COMPANY RECORDS, KEEP A SIGNED COPY OR PRINTOUT OF EACH FILING SENT TO THE SEC

MAKE A BACKUP COPY OF THE SEC-PROVIDED EDGARLink SOFTWARE

1.2 GUIDE TO ORGANIZATION OF THIS MANUAL

The manual is divided into chapters. Paragraphs and subparagraphs are numbered for easy reference (e.g., 1.2, 2.6.1). Long chapters have been further divided into Sections (e.g., 4-A).

The following information is designed to help filers decide where to turn for information in this Manual. An index is also provided at the end of this Manual.

CHAPTER 1--ABOUT THIS MANUAL

This chapter provides a key to where and when information about using the EDGAR filing system is available. Included in this chapter are the plans for issuing Manual updates, references governing electronic filings, and the phase-in of filers.

CHAPTER 2--THE ELECTRONIC FILING PROCESS

This overview of the EDGAR system offers a background on the development of electronic filing to the SEC and plans for phase-in of registrants to the EDGAR system. It also provides a comparison of filing on the Operational EDGAR system between Releases 2.1 and 3.0; a comparison of filing on the EDGAR system and filing on paper; hours of operation for and answers to filer's most frequently asked questions.

CHAPTER 3--HOW TO BECOME AN ELECTRONIC FILER

This chapter details what is needed before becoming an EDGAR filer. A completed Form ID must be sent to the SEC to obtain a CIK and other associated EDGAR access codes. In addition, EDGAR-compatible equipment and software are needed, and filers are encouraged to subscribe to the EDGAR electronic mail service to receive acceptance and suspension messages from the SEC. Fee payment methods also are described. Some elements of the EDGAR system will be unavailable to those who do not subscribe to E-Mail (e.g., modular and segmented submissions).

CHAPTER 4--HOW TO PREPARE AN EDGAR SUBMISSION

Information on the word processing phase of preparing (EDGARizing) text and documents (forms, exhibits, schedules, correspondence, etc.) for submission to the EDGAR system is presented in this chapter. This chapter provides a definition of some terms used in electronic filing, describes the American Standard Code for Information Interchange (ASCII) character set recognized by EDGAR and includes descriptions of "tags" and "values" used in "headers" and documents.

The chapter is divided into six sections: Section A provides general information on what must be done to EDGARize a submission; Section B lists the tags and values used in constructing submission headers; Section C lists the tags and values used in constructing document headers; Section D lists tags and values used within documents; Section E gives instructions for handling special situations; and Section F discusses signatures in electronic filings.

CHAPTER 5--HOW TO USE THE EDGARLink FILER ASSISTANCE SOFTWARE

Procedures for using EDGARLink, the software provided to filers by the SEC, are presented in this chapter. This chapter has been divided into five sections: Section A provides information on installing and maintaining EDGARLink on a PC; Section B introduces the Main Menu and provides procedures to configure the software to meet user hardware parameters and specific needs; Section C includes procedures to use EDGARLink to EDGARize submissions and includes assembling a submission, error checking and using the correction editor; Section D provides all of the procedures which involve communicating with the SEC, including changing CCCs and passwords, sending transmissions, downloading updated software; and Section E discusses using the EDGAR E-Mail service through EDGARLink and installing N-SAR software.

CHAPTER 6--HOW TO SEND FILINGS BY ASYNCHRONOUS COMMUNICATION (OTHER THAN EDGARLink)

This chapter provides information on transmitting filings to the SEC with asynchronous communications software packages that support the Kermit and Xmodem protocols.

CHAPTER 7--HOW TO SEND FILINGS ON MAGNETIC TAPE

The submission format and procedures for nine-track magnetic tapes and the required accompanying documentation are presented in this chapter.

CHAPTER 8--HOW TO SEND FILINGS ON DISKETTE

Diskette filings are the subject of this chapter. It describes how to submit filings on diskette in a wide variety of word processing formats or in ASCII text, and includes information on the required accompanying documentation.

CHAPTER 9--HOW TO SEND FILINGS BY SYNCHRONOUS COMMUNICATION

This chapter describes how to submit filings using synchronous data communications (the EDGAR system supports the IBM 3780 Bisync protocol). Filings may be submitted either over a 56 Kb leased line or dial-up telephone line.

APPENDICES (Bound Separately)

A FORM TYPES ACCEPTED FOR ELECTRONIC FILING
This appendix lists the form types that are accepted by the EDGAR system and the EDGAR Submission Header type names given to each SEC form. It also provides a page reference to Appendix B, where the tags appropriate for each submission header type are provided.

B EDGAR TAGS BY SUBMISSION HEADER TYPE
In this appendix the EDGAR tags appropriate for each submission header type are provided.

C ACCEPTABLE VALUES FOR CERTAIN EDGAR TAGS
The EDGAR system recognizes a limited set of values for certain tags. This appendix lists those values that must be given in a specified format.

D MESSAGES REPORTED BY THE EDGAR SYSTEM
This appendix includes information to assist in the understanding of the acceptance and suspension messages generated by the EDGAR system.

E FUTURE TAGGING FOR FINANCIAL DATA SCHEDULES
In a future release of EDGAR, financial data schedules will require specific EDGAR tags.

F PAPER FORMS FOR ELECTRONIC FILING

Form ID	Uniform Application for Access Codes to File on EDGAR
Form SE	Form for Submission of Paper Format Exhibits by Electronic Filers
Form ET	Transmittal Form for Electronic Format Documents Under the EDGAR System
Form TH	Notification of Reliance on Temporary Hardship Exemption

APPENDICES

G GLOSSARY OF COMMONLY USED TERMS, ACRONYMS, AND ABBREVIATIONS

H FORM 13F-E SPECIAL ELECTRONIC FILING INSTRUCTIONS
The Form 13F-E, which is accepted by the EDGAR system only on tape, requires that data and summary records be provided in precise positions within tables. Instructions for submitting the 13F-E are provided in this appendix.

I EDGARLink SCRIPT LANGUAGES
This is a technical appendix intended for those who wish to write their own program script.

INDEX

1.3.1 NEW EDITIONS OF THE FILER MANUAL

As the EDGAR system evolves, updates may result in new editions of this manual. The latest edition of this manual is available for purchase from the SEC, at the following address:

DISCLOSURE INC
PUBLIC REFERENCE ROOM
U S SECURITIES AND EXCHANGE COMMISSION
MAIL STOP 1-2
450 5TH ST NW
WASHINGTON DC 20549
(800) 638-8241
(301) 951-1350

See paragraph 3.6 of Chapter 3 for information on how to access the latest version of this manual from the EDGAR bulletin board.

1.3.2 CHANGES FROM PREVIOUS EDITION

To identify substantive changes from the previous edition of this manual, a black bar has been placed in the outer margin next to the changed text.

1.4 IMPORTANT REFERENCES REGARDING ELECTRONIC FILINGS

For information on the statutes and regulations governing the requirements for electronic filing with the SEC, refer to the following:

* Regulation S-T (17 CFR Part 232), effective April 26, 1993.

* Securities and Exchange Commission Authorization Act of 1987--Public Law 100-181 (December 4, 1987). (Section 35A of Securities Exchange Act of 1934.)

* Title 17, Code of Federal Regulations (CFR Parts 200 to the end).

* Federal Register for amendments, revisions, and repeal of the Rules governing filings to the SEC.

* Release Nos. 33-6977 (Rules applicable to Corporation Finance companies)
  IC-19284 (Rules specific to investment companies)
  35-25746 (Rules specific to public utility holding companies)
  33-6980 (Rules relating to payment of filing fees to the SEC's lockbox in Pittsburgh, Pennsylvania)

  These four releases were issued by the Commission on February 23, 1993.

CHAPTER 2--THE ELECTRONIC FILING PROCESS

2.1 INTRODUCTION

This chapter discusses how the electronic filing process affects filers. Beginning with some historical background, the plan for phase-in of filers is explained, and the EDGAR system i described. The chapter also summarizes the differences in filing between this release of the Operational EDGAR system and the previous release and between filing electronically and filing on paper.

2.2 BACKGROUND ON THE DEVELOPMENT OF EDGAR

Because SEC filers submit approximately 12 million pages of documents annually to the SEC, automation offers immediate and future benefits. For the filer, automation means more efficient access to the SEC and an end to providing multiple copies of required filings. For the investment community, automation means speedier access to public information.

2.2.1 ELECTRONIC FILING STARTED WITH PILOT EDGAR SYSTEM

The Commission first authorized electronic transfer of filings with a Pilot EDGAR system in 1984. Filers were invited to participate and become the first electronic filers. Although the Pilot successfully demonstrated that electronic filing was both feasible and beneficial, it was not, nor was it meant to be, a complete and comprehensive automated system.

2.2.2 OPERATIONAL EDGAR SYSTEM BUILDS ON THE PILOT

Beginning in 1989, development started on a fully Operational EDGAR system. The new system receives filings, verifies filer identification, and checks that required information is present. The EDGAR system stores information and disseminates corporate disclosure data, permitting SEC staff members to examine submitted filings at their own workstations. The public may access electronically submitted filings from EDGAR workstations in the SEC's Public Reference Rooms (in Washington, D.C., New York, NY, or Chicago, IL) or through regulated dissemination services. The Operational EDGAR system refines and more fully automates the filing process established for the Pilot, and extends automation to more functions within the SEC.

2.2.3 RULES GOVERNING ELECTRONIC FILING

The Commission has adopted Rules mandating the electronic submission of filings and establishing a schedule for each reporting company to change from paper to electronic submissions. (See Release Nos. 33-6977, IC-19284, 35-25746, 33-6980 referred to in Section 1.4 above.) The Rules governing electronic filing are printed in the Federal Register and are available along with the phase-in schedule in the SEC's Public Reference Rooms. The SEC anticipates maintaining a copy of the schedule and the Rules on the EDGAR bulletin board.

2.3 PLANS FOR PHASE-IN OF FILERS TO EDGAR

2.3.1 WHO MUST USE EDGAR TO FILE WITH THE SEC

Most filers with the SEC will eventually become EDGAR participants as prescribed in the Rules for mandated electronic submissions. Groups of registrants will be mandated to begin filing electronically each year until phase-in is complete. Once a registrant is phased in, not only the company's own filings but also most third party filings with respect to that registrant must be filed electonically. Only a few specified filing forms will be exempt from mandated electronic filing. In addition, foreign private issues and foreign governments will not be mandated to file on EDGAR, but may be accepted as volunteers.

2.3.2 HOW REGISTRANTS GET STARTED AS ELECTRONIC FILERS

Approximately 3 months before the scheduled phase-in of a filing group, the SEC sends a Form ID to each registrant in that group. Filers, including third-party filers, may apply for EDGAR access codes by returning a completed Form ID to the SEC. When codes have been provided to the filer by the SEC, the filer may access the EDGAR system.

2.3.3 THE CURRENT RELEASE 3.0

In Release 3.0, Transitional Filers and additional groups of registrants are mandated to submit filings electronically.

2.3.4 THE NEXT RELEASE

The next EDGAR release will be available later in 1993. After a significant test group of mandated filers has filed electronically for 6 months (sometime in 1994), the system is expected to be declared fully operational. Then the Commission is expected to mandate that all remaining domestic registrants, and third parties making filings with respect to such registrants, file electronically. Groups of registrants will be phased into the EDGAR system, in accordance with the schedule published in the Federal Register.

Phase-in is expected to be completed 3 years after the beginning of mandated filing.

2.4 ELECTRONIC FILING CHANGES EFFECTIVE WITH RELEASE 3.0

With this release of the EDGAR system, filers will find a few EDGARizing changes and several enhanced filing capabilities.

* A few tags have been added, and others, previously shown as planned for future release, have been activated. (See the listing of tags in Chapter 4.)
* Segmented filings are accepted. These are submissions comprising segments sent in separately and combined at the direction of the filer to make a complete submission. (See Chapter 4, Section B.)
* Header building assistance for segments and modular submissions has been added to the EDGARLink software. (See Chapter 5.)
* Up to 250 group members for Williams Act filings can be recognized and recorded in the EDGAR database through the use of the tag <GROUP-MEMBER>. (See Chapter 4, Section B.)
* Filers may stipulate an effectiveness date for some submission types. (See Appendix B.)
* Module processing has been refined. (See Chapter 4, Section E.)
* Filers who submit paper filings under a temporary hardship exemption must submit an electronic confirming copy using the tag <CONFIRMING-COPY> in the submission header.
* Additional form types have been added to the list of those to be filed electronically. (See Appendix A and B.)
* New hours of operation and Filer Support service.

2.5 CHANGES IN THE SUBMISSION PROCESS FOR PAPER FILERS

For filers who have previously filed on paper, the table below shows the filing changes with the EDGAR system. Each of the new filing requirements is explained in detail later in this manual.

COMPARISON OF PAPER FILING WITH EDGAR FILING

	For Paper Filings	For EDGAR
Preliminary Requirement	None	Registrants, third party filers making filings with respect to phased-in registrants, and agents complete Form ID to be assigned EDGAR access codes (paragraph 3.2)
Media Used For Submissions	Printed documents	Data transfer via telephone lines (Chapters 5 and 6), magnetic tape (Chapter 7), diskette (Chapter 8), high-speed leased lines (Chapter 9), or CompuServe public data network (paragraph 3.6)
Document Preparation	Cover letters usually provided for identification; typed/word processing/ typeset copy often sent through agents; multiple paper copies	Headers and data tags required for computer identification (Chapter 4); letters may be provided; may still use an agent; ASCII file (Section 4-A) for telecommunication, EBCDIC or ASCII file for magnetic tape, ASCII or acceptable word processing file on diskette; EDGARLink for EDGARizing headers, verifying format and tags, correcting EDGARized document and compressing filing before transmitting (Chapter 5)
Forms Filed	All forms	Most required forms (Appendix B)
Notification of Acceptance or Suspension	Receipt acknowledged at document control desk if form provided by filer	CompuServe electronic mail or U.S. Mail (Paragraph 3.6)
Payment of Fees*	Check or wire transfer to lockbox, or payment at the filing desk	Check or wire transfer to lockbox (Paragraph 3.5)
Dissemination	Microfiche, public reference room (paper and electronic)	Microfiche, public reference room (paper and electronic), and subscribers to real time and overnight dissemination services
Signatures	Handwritten	Typed (Section 4-F)

* As of the beginning of mandated filing, filing fees with respect to phased-in registrants must be paid via the lockbox (either by check or wire transfer), whether the filing is made electronically or in paper pursuant to a hardship exemption.

2.6.1 DURING RELEASE 3.0--HOURS OF OPERATION

In this Release, the system is available to receive direct transmissions of electronic filings each business day from 8:00 a.m. to 10:00 p.m. Eastern Time. Transmissions started but not completed by 10:00 p.m. will be canceled and will have to be resubmitted the next business day.

2.6.2 SEC DATING OF ELECTRONICALLY TRANSMITTED FILINGS

Direct transmissions of live filings that are begun after 5:30 p.m. Eastern Time will have a filing date as of the next business day if those filings are accepted by the EDGAR system. Direct transmissions begun before 5:30 p.m. will receive the date of the same business day if they are accepted.

2.6.3 HOURS FOR RECEIVING TAPES, DISKETTES, and FORM ID

Tapes, diskettes, and Form ID should be mailed to the SEC at the following address:

ATTN FILER SUPPORT
U S SECURITIES AND EXCHANGE COMMISSION
MAIL STOP 0-7
6432 GENERAL GREEN WAY
ALEXANDRIA VA 22312

Hand delivery of tapes, diskettes or Form ID may be made to headquarters or to the Operations Center. Delivery hours at either location are between 8:00 a.m. and 5:30 p.m. Eastern Time.

Headquarters:

ATTN FILER SUPPORT
U S SECURITIES AND EXCHANGE COMMISSION
MAIL STOP 1-4
450 5TH STREET NW
WASHINGTON DC 20549

Operations Center

ATTN FILER SUPPORT
U S SECURITIES AND EXCHANGE COMMISSION
MAIL STOP 0-12 ROOM 1414
6432 GENERAL GREEN WAY
ALEXANDRIA, VA 22312

2.6.4 ASSISTANCE AVAILABLE ON USING EDGAR SYSTEM

A Filer Support staff is available to assist filers each business day from 8:00 a.m. to 7:00 p.m. Eastern Time. The Filer Support staff may be reached at (202) 272-7171. Filer Support will help filers with most problems having to do with the EDGAR system (such as understanding procedures, communicating via telephone lines, correcting suspended filings, and obtaining emergency access to EDGAR).

2.6.5 ASSISTANCE AVAILABLE ON CONTENT OR EXEMPTIONS

Filers should contact their appropriate SEC Disclosure Branch during hours of normal operation (9:00 a.m. to 5:30 p.m. Eastern Time) for questions regarding the following types of information:

- content of filing,
- request for a continuing hardship exemption from electronic filing, and
- adjustment of the filing date on a filing.

2.7 ANSWERS TO FILERS' MOST FREQUENTLY ASKED QUESTIONS

2.7.1 INTRODUCTION

Since the opening of the Operational EDGAR system for testing on May 1, 1991, a number of EDGAR filers have called Filer Support with a variety of questions about EDGAR. Some of the more frequently asked questions and the answers are summarized below.

2.7.2 QUESTIONS AND ANSWERS

Q: When will non-Pilot participants be able to send test filings to the Operational system?

A: That capability is now available. Non-Pilot filers who obtain access codes may send test transmissions. Filers wishing to test the system may purchase a copy of the current *EDGAR Filer Manual* and EDGARLink software from the SEC at the following address:

DISCLOSURE INC
PUBLIC REFERENCE ROOM
MAIL STOP 1-2
U S SECURITIES AND EXCHANGE COMMISSION
450 5TH ST NW
WASHINGTON DC 20549
Telephone (800) 638-8241 or (301) 951-1350

Q: Will I have to file my Form 10-K electronically as soon as I become a mandated Operational filer?

A: Mandated EDGAR filers will not be required to file their first Form 10-K electronically if it is their first electronic filing after the filer's phase-in date. In this case, the filer will have the option of submitting the 10-K either electronically or on paper.

Q: Why may filing agents have more than one CIK?

A: Filing agents may have several CIKs for accounting and management purposes. For example, a filing agent may elect to use a different CIK for each operating office, each industry group, or for certain categories of filers on whose behalf he/she makes SEC filings. However, the filing agent must use a separate and distinct CIK for any filings it makes on his/her own behalf.

Q: Will EDGARLink ever be written for the Macintosh?

A: We anticipate that EDGARLink will be written for the Macintosh by a third-party software developer, but not by the Government. To foster third-party development of EDGARLink on other hardware/software platforms, the Office of Systems Support is currently exploring ways to grant nonexclusive software development licenses to companies and individuals. Any version of EDGARLink developed by a third party will need to be certified by the SEC and the EDGAR contractor to ensure compatibility with the official EDGAR system before it is sold or otherwise made available to the filer community.

Q: What happens if we submit a filing inadvertently?

A: This could be a very serious problem if the filing does not contain errors that would cause it to be suspended. Unlike the situation with the Pilot system, once a public filing is accepted by the Operational system it will be immediately disseminated. The SEC will not be able to stop the filing at the door and retrieve the filing as we have sometimes done in the past.

Q: Are there plans for EDGARLink to run in an OS/2 or Windows environment?

A: There are no current plans to modify EDGARLink to run in either an OS/2 or Windows environment. However, this issue will be revisited when more filers begin to use this software. If a version of EDGARLink is developed by a third party for OS/2 or Windows, it will need to be certified by the SEC and the EDGAR contractor to ensure compatibility with the official EDGAR system before it is sold or otherwise made available to the filer community.

2.7 ANSWERS TO FILERS' MOST FREQUENTLY ASKED QUESTIONS
Continued
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Q: How quickly can a filer determine whether a filing was accepted?

A: The quickest way for a filer to determine whether a filing was accepted or suspended will be to query a CompuServe E-Mail box. E-Mail error messages are designed to give the filer clear reasons why the filing was suspended. However, if the message is not understood, the filer should call Filer Support. Those filers who do not subscribe to the E-Mail service will be sent acceptance and suspension messages by U.S. Mail.

Q: What is the interaction between N-SAR software and EDGARLink?

A: The N-SAR software was produced for the Division of Investment Management to be used with the Pilot EDGAR system. That N-SAR software has been modified to be compatible with the Operational system and has been integrated with EDGARLink, the filer assistance software provided to users of the Operational EDGAR system. EDGARLink may be used to install and run the N-SAR software and will be used to create headers for the completed N-SAR reports and to transmit them to the SEC.

Q: How will we know if a change has been made to the EDGARLink software or the Filer Manual?

A: When you use EDGARLink in conjunction with the main EDGAR system, it will automatically verify the EDGARLink version and will let you know if your version of EDGARLink is current or not. If not, you will have the opportunity to download the updated EDGARLink software simply by making that menu choice.

The current version of the Filer Manual will also be posted on the EDGAR bulletin board maintained by CompuServe. We contemplate issuing Filer Manual update/change notices with EDGAR acceptance and error messages at a later date. Because the updated Filer Manual will be available in electronic ASCII format on the EDGAR bulletin board, you will have an opportunity to download the complete document or only those paragraphs that have been changed. The SEC will also make Filer Manual updates available through the Public Reference Rooms.

CHAPTER 3--HOW TO BECOME AN ELECTRONIC FILER

3.1 INTRODUCTION

Before authorized filers may begin filing on the EDGAR system with their phase-in group, certain preparations must be completed:

* A Form ID filed to obtain EDGAR access codes and to obtain a corporate account number (for use with fee payment) unless these have already been received for the Operational EDGAR system,
* EDGAR-compatible computer equipment and software obtained, and
* arrangements made for EDGAR acceptance and suspension messages to be sent by electronic mail (otherwise they will be returned by U.S. Mail).

This chapter includes information on how to accomplish each of the above.

NOTE:
Under Release 3.0 of the EDGAR system, only mandated, phased-in registrants and those making third-party filings with respect to those registrants (with exceptions for certain mandated and voluntary filings specified in Regulation S-T), may make live filings to the EDGAR system. Other registrants who obtain access codes may submit test filings for training purposes before live filing is mandated.

Entities wishing to become either training agents or filing agents should submit a completed Form ID to the following address (see appendix F for Form ID):

ATTN FILER SUPPORT
U S SECURITIES AND EXCHANGE COMMISSION
MAIL STOP 0-7
6432 GENERAL GREEN WAY
ALEXANDRIA VA 22312

(See Paragraph 2.6.3 for hours for receiving and hand delivery of Form I.D.)

3.2 FORM ID

The SEC Form ID is used primarily to obtain access codes to file on the EDGAR system. It may also be used to request replacement codes and for filing and training agents to gain access to the EDGAR system.

3.2.1 WHEN TO SUBMIT FORM ID

Before filing on the EDGAR system, EDGAR filers must have a completed Form ID filed with the SEC and have received EDGAR access codes from the SEC. A copy of the Form ID, with instructions for completing it, is provided in Appendix F.

As phase-in to the EDGAR system occurs for filing entities, the SEC will provide registrants a copy of the Form ID for purposes of applying for access codes. Third-party filers may request a copy of the Form ID at any time. (See mailing address on page 3-1.)

3.2.2 WHEN MORE THAN ONE FORM ID IS REQUIRED

Applicants for EDGAR access codes are required to indicate whether they are a filer, filing agent, or training agent as defined in Part I of the Form ID General Instructions. If an applicant plans to file on EDGAR in more than one capacity, a separate Form ID must be completed and submitted for each capacity. For example, if the applicant wants to make EDGAR submissions as a filer, a filing agent, and a training agent, the applicant must submit a separate Form ID for each filing capacity and will receive three separate sets of CIKs and access codes.

Filers may submit filings on their own behalf or use a filing agent. Training agents may only submit test filings.

3.3.1 FOUR CODES ARE NEEDED TO ACCESS EDGAR

To identify filers correctly and to authenticate that filings are being sent by entities authorized to make EDGAR submissions, the EDGAR system uses four access codes: a Central Index Key (CIK), a CIK Confirmation Code (CCC) for CIK filer authentication, a Password (PW) for login when filing by direct transmission and for modifying the CCC, and a Password Modification Authorization Code (PMAC) for modifying the password.

CAUTION:
The PW expires after 12 months. Filers are advised to change their PW periodically. Filers who are locked out of the system because their access codes have expired should contact Filer Support at (202) 272-7171.

3.3.2 CENTRAL INDEX KEY (CIK)

The CIK is a number assigned by the SEC to uniquely distinguish a company or individual. Use of the CIK for identification prevents filing entities with similar names from being mistaken for one another. The SEC uses a CIK to identify all filers, both EDGAR and non-EDGAR.

DIFFERENCE BETWEEN LOGIN CIK AND SUBMISSION CIK

The CIK is the one EDGAR access code that is available to the public. In EDGAR, the CIK is used with a password for login identification (sometimes referred to as a login CIK). This identifies the submitter, which could be an agent. The CIK is also used with the CCC in submission headers to identify the registrant. The CIK is a permanent identifier; it may not be changed.

3.3.3 CIK CONFIRMATION CODE (CCC)

The CCC is a code of eight characters with at least one being a number (0-9) and at least one a special character (@, #, $, *) The CCC is case-sensitive and must be used exactly as created either in upper case or in lower case. Both a CIK and its corresponding CCC are required to authenticate a filing.

Because the CCC is case-sensitive, if lower case letters are used when the CCC is created or changed, the filer must use lower case letters when entering the CCC in submission headers. To avoid confusion, the SEC does not use the number 1 (one), the lower-case l (el), the number 0 (zero), or the capital letter O (oh) in assigning codes. It is suggested that filers also avoid these numbers and letters when changing their CCC.

CCC MAY BE RELEASED TO FILING AGENTS AND FINANCIAL PRINTERS

It will be necessary for registrants to release the CCC to their filing agent or financial printer because it is required information in the submission header of each filing. When an agent submits a filing for a filer, the submitting agent uses his/her own login CIK and password to establish his/her authorization to make a submission. However, the agent uses the filer's CIK and CCC in the submission header of the filing to identify the entity for whom the filing is being made.

CCC SHOULD BE CHANGED

Although a CCC is assigned initially by the SEC, there will be times when it must be changed. Filers are advised to change their CCC (1) before using the EDGAR system the first time, and (2) after a filing agent has used it for a submission on the filer's behalf.

Procedures for changing the CCC are included in chapters on sending a filing to the SEC via modem, diskette, and tape.

3.3.4 PASSWORD (PW)

The PW is a code of eight characters with at least one number (0-9) and at least one special character (@, #, $, *). The PW is case-sensitive and must be used exactly as created either in upper case or in lower case. It is used in combination with a CIK to identify the entity making a submission. (Since a CIK is public information, a second, confidential, code is necessary to ensure that whoever is sending a submission to EDGAR is authorized to do so.) Both a CIK and a password are required to access the EDGAR system.

3.3 ACCESS CODES TO THE EDGAR SYSTEM Continued

PASSWORDS SHOULD BE CHANGED

Although a password will be assigned initially to each filer by the SEC, filers are advised to change that password before beginning to use the system. Procedures for changing a password are included in chapters explaining how to transmit filings using modems (EDGARLink, asynchronous, and synchronous). To change a password, a Password Modification Authorization Code (PMAC) is required. The password should be changed periodically and will expire 12 months after it was created or last changed.

3.3.5 PASSWORD MODIFICATION AUTHORIZATION CODE (PMAC)

The PMAC is required to authorize a change of password. The PMAC is a code of eight characters with at least one number (2-9) and at least one special character (@, #, $, *). The PMAC is case-sensitive and must be entered exactly as created, either in upper case or in lower case. It is a very private code assigned by the SEC and should be held by only one or two persons in an organization. To request a new PMAC from the SEC, a new Form ID must be submitted. Although the CIK is public information, and the CCC may be passed on to an agent to make submissions on a filer's behalf, the PMAC should be held in strict confidence.

3.3.6 TEMPORARY ACCESS TO THE EDGAR SYSTEM

In emergencies when a filing is due and the filer cannot access the system using existing codes, certain SEC staff members are authorized to arrange temporary access. However, only a filer with a valid Form ID on file may be granted access. Contact Filer Support at (202) 272-7171.

3.4 EQUIPMENT AND SOFTWARE NEEDED FOR EDGAR SUBMISSIONS

The equipment and software needed to send filings to the EDGAR system depend on the submission method chosen:

* Direct asynchronous transmission
  - using EDGARLink software
  - using commercial telecommunications software
* Magnetic Tape
* Diskette
* Direct synchronous transmission

3.4.1 EQUIPMENT AND SOFTWARE FOR DIRECT TRANSMISSION USING EDGARLink FILER ASSISTANCE SOFTWARE

* IBM or compatible PC, with the following:
  - 640 Kb of RAM (minimum of 512 Kb available for EDGARLink)
  - 3.5 inch diskette drive
  - Hard Drive (with approximately 6 Mb available to store filings and EDGARLink software)
  - DOS version 3.3 or 5.0
  - Serial port (if using external modem)
* Monitor (color recommended)
* Printer (recommended, not required)
* Modem using Hayes or AT command set that supports a transmission speed of either 9600 bps, 2400 bps, or 1200 bps. The EDGAR system will support the following CCITT modem standards and speeds using dial-up telephone lines:

Designation	Transmission Rate (bps)
V.22	1200
V.22bis	2400
V.32	9600

* Word processing and spreadsheet applications with option of saving documents as standard ASCII text files

Refer to Chapter 5 for information on how to create and send filings using the EDGARLink filer assistance software.

3.4.2 EQUIPMENT AND SOFTWARE FOR DIRECT TRANSMISSION WITHOUT EDGARLink

* Any PC, mini, or mainframe computer

* Modem

The EDGAR system will support the following CCITT modem standards and speeds using dial-up telephone lines:

Designation	Transmission Rate (bps)	Mode
V.22	1200	Asynchronous
V.22bis	2400	Asynchronous
V.32	4800/9600	Asynchronous or Synchronous

* Word processing or spreadsheet application with option of saving in or converting files to standard ASCII

* Communications software that supports one of the following protocols:
  Asynchronous -
  - Kermit CRC: 1200, 2400, 4800 and 9600 bps
  - Xmodem CRC: 1200, 2400, 4800 and 9600 bps
  Synchronous -
  - IBM 3780 Bisync: 4800 and 9600 bps (dial-up) or 56 Kb leased line

Refer to Chapter 6 for information on how to send filings by asynchronous communication. Refer to Chapter 9 for information on how to send filings by synchronous communication.

3.4.3 SPECIFICATIONS FOR TAPE SUBMISSIONS

* Tape type
  - Open-reel, half-inch
  - Formatted with standard ANSI or IBM labels
  - 1600 or 6250 bpi storage density

* Acceptable formats
  - EBCDIC (see character set limits in Chapter 4)
  - ASCII (see character set limits in Chapter 4)

* Creation parameters
  - one record per printed line of filing
  - maximum record length of 132 bytes
  - blocking factor of 10

Refer to Chapter 7 for information on how to send filings on magnetic tape.

3.4.4 SPECIFICATIONS FOR DISKETTE SUBMISSIONS

Filings submitted to the SEC on diskette are prepared using:

* ASCII text or in a wide variety of word processing formats, listed in Chapter 8;

* Most hardware operating systems including MS DOS, APPLE, UNIX, and CPM;

* 8-inch, 5 1/4-inch or 3 1/2-inch diskettes (but not high-density Macintosh diskettes).

Refer to Chapter 8 for information on how to send filings on diskette.

3.5 FEE PAYMENT METHODS

When filing fees are required for a specific form type, they must be paid in accordance with the provisions of the Lockbox Rule (Rule 3a of the Commission's Rules of Practice) as effective April 26, 1993.

Each filer is given an account number (CIK) to provide for electronic transfer of funds. That CIK number must be supplied with the payment to permit proper assignment of funds. Funds deposited with the Mellon Bank should be designated as either "R" for restricted, or "N" for nonrestricted. Restricted monies are reserved for specific designated filings, i.e., registration statements.

Expected fee payment methods for electronic filings are listed in the table below. Phased-in registrants must pay fees via the lockbox, either by check or wire transfer.

TABLE OF FEE PAYMENT METHODS

Option	Procedure
Delivery to Lockbox	Send money order, certified check, or cashier's check to the SEC account 910-8739 Mellon Bank Box 360055M Pittsburgh, PA 15251
Fedwire (Wire Transfer) to Lockbox	Contact your bank about specifics of wire transfer. Send fee to the SEC Account 910-8739 at the Mellon Bank, ABA number 043000261

3.6 EDGAR ELECTRONIC MAIL AND BULLETIN BOARD SERVICE

3.6.1 HOW EDGAR USES VENDOR'S E-MAIL

The SEC has contracted with CompuServe, an on-line information service, to further automate the filing process. E-Mail and the bulletin board are accessed either through EDGARLink's Main Menu or directly to CompuServe using other asynchronous communications software. Users of the E-Mail and bulletin board service are charged at regulated rates. The service provides the following EDGAR-related capabilities:

* With E-Mail, filers can receive timely information regarding the acceptance or suspension of their filings.

* An EDGAR bulletin board is used to post announcements from the SEC and to provide the latest version of the Filer Manual.

* When return copies of filings are requested, they can be returned at filer expense via E-Mail. If no E-Mail User ID has been provided to the SEC, then the U.S. Mail is used to return requested copies of filings. Prices for copies returned by U.S. Mail will reflect currently regulated per page prices of the SEC's copying contractor, Disclosure, Inc.

* Filers may elect to send their electronic filings to the SEC via a local CompuServe telephone number rather than a long-distance direct dial-up connection.

* Subscribers may access an EDGAR Company Database. The database is searchable for company information. The database provides information on SEC corporate registrants. (See 3.6.12)

* NOTE:
Given the SEC's plans to make extensive use of this service, filers are advised to check their mailboxes regularly. (See Section 3.6.14.)

3.6.2 HOW TO ORDER E-MAIL SERVICE

Information on subscribing to the EDGAR E-Mail service is included in an information packet that CompuServe sends to each phased in registrant or third party filer who receives EDGAR access codes. Further information on becoming an E-Mail

subscriber is available by calling 1-800-848-8199, selecting the option to become a NEW CompuServe subscriber, and asking for an EDGAR representative. EDGAR filers who are already CompuServe subscribers must complete a new CompuServe application to allow access to the EDGAR E-Mail and bulletin board. Any previous CompuServe services subscribed to will continue to be available along with the EDGAR services. To establish an E-Mail account, follow the instructions provided in CompuServe's information packet.

3.6.3 NEW COMPUSERVE HELP LINE ESTABLISHED

CompuServe has announced a new 800 number to provide EDGAR clients with assistance in using E-Mail and bulletin board services. The number is 1-800-336-3330. The hours of operation are Monday through Friday 8 a.m. to midnight; weekends noon to 10 p.m.; and holiday hours vary. (All times shown are Eastern Standard Time.)

3.6.4 MAIL IS ADDRESSED TO MAILBOX (USER ID)

Each EDGAR subscriber to the E-Mail and bulletin board service is assigned a mailbox address referred to as a User ID. The EDGAR system sends acceptance and suspension messages to the mailboxes of the EDGAR contacts for the login CIK, filer CIKs, and to each User ID that follows the <NOTIFY> tag. (Unless the <NOTIFY> tag is used, E-Mail from the EDGAR system will be sent only to those filing entities that have registered their CompuServe User IDs with the SEC either by the Form ID or by using the Send User ID option on the CompuServe menu. With the <NOTIFY> tag, mail may be addressed to other CompuServe mailboxes.)

3.6.5 CHARGES ASSOCIATED WITH E-MAIL AND BULLETIN BOARD SERVICES

Those who subscribe to the services provided by CompuServe will be billed according to the amount of time they are connected to the service. Use of electronic mail and the bulletin board is billed at regulated rates. As of March 1993, the rates were 21 cents each minute for use at 1200 and 2400 bps, and 38 cents each minute at 9600 bps.

3.6.6 HOW TO GET STARTED USING E-MAIL

For information on the following, please refer to the subscription material supplied by CompuServe:

* Sign-up, User ID number, and password;
* Detailed instructions on how to get on line;
* Local telephone numbers to access E-Mail; and
* Settings for communications hardware and software.

3.6.7 HOW TO ACCESS EDGAR COMPUSERVE OPTIONS

To check your CompuServe mailbox or use any of the E-Mail options, follow the procedure below:

Access and login to CompuServe (either through the EDGARLink Main Menu (see Section 5-E) or other communications software (see Chapter 6).

Result: You will be greeted by CompuServe's EDGAR Banner and Menu.

Example of CompuServe's EDGAR banner and menu:

```
Welcome to EDGAR
Electronic Data Gathering, Analysis, and Retrieval

1 Transmit an Electronic Filing to the SEC
2 Retrieve EDGAR E-Mail
3 Access EDGAR Bulletin Board
4 Send CIK and User ID to SEC
5 Access EDGAR Company Database
6 .............................
7 .............................

Enter choice number: 2
```

3.6.8 HOW TO TRANSMIT A FILING TO THE SEC

To transmit filings through CompuServe either the user's CompuServe phone numbers must be entered on the EDGARLink MODIFY USER'S CONFIGURATION screen or CompuServe must be dialed directly using any other communications package.

PROCEDURE TO TRANSMIT AN ELECTRONIC FILING TO THE SEC

To send an electronic filing through CompuServe, access CompuServe and login, then follow the procedure below:

STEP	ACTION/RESULT
At the CompuServe EDGAR banner and menu:	
1	Select: [1], TRANSMIT AN ELECTRONIC FILING TO THE SEC Press: [Enter] Result: The EDGAR banner appears with the cursor at ENTER YOUR EDGAR LOGIN CIK.
At the EDGAR Login Banner	
2	Type: (your login CIK) at the CIK prompt, press [Enter] Result: Prompt appears "Please Enter EDGAR Password."
3	Type: (your password), press [Enter] Result: the EDGAR Main Menu appears.

Continued

PROCEDURE TO TRANSMIT AN ELECTRONIC FILING TO THE SEC Continued

Example of the Main Menu:

```
        ******  *****    ****    ****   ******
        *       *    *  *       *    *  *     *
        ***     *    *  *   **  ******  *****
        *       *    *  *    *  *    *  *   *
        ******  *****    ****   *    *  *    *
        U.S. Securities and Exchange Commission
            EDGAR Electronic Filing System

          Eastern time : Friday January 01, 1993 10:52:36 am
  Last successful log on : Wednesday June 11, 1992 12:00:12 pm
Your password expires on : Thursday August 20, 1993 12:00:01 pm
2 Invalid logins

Electronic messages will be forwarded to CompuServe E-Mail
address 12345,6789

                        EDGAR MAIN MENU
                        ---------------
                        (L)ive Filing
                        (T)est Filing
                        (P)assword Change
                        (C)IK Confirmation Code Change

                        E(X)it

ENTER YOUR SELECTION (L/T/P/C/X)=>
```

At the EDGAR Main Menu

Type: (your choice from the Main Menu), press [Enter]

IF...	THEN...
you typed [L], [T], [P], or [C]	the system displays the screen you chose.
you typed [X]	EDGAR logs you off the system.

3.6.9 HOW TO RETRIEVE EDGAR E-MAIL

To retrieve EDGAR E-Mail, users who have CompuServe Information Manager (CIM) software should follow the procedure below:

STEP	ACTION/RESULT
At the CompuServe EDGAR Menu	
1	Enter: [2], RETRIEVE EDGAR E-MAIL, press [Enter] Result: The E-Mail Pull Down Menu appears
2	Select: GET MAIL, press [Enter] Result: A listing of messages appears
3	Select: (Desired message to read), press [Enter] Result: Notice of acceptance or suspension appears on the the screen. If you wish to download messages, proceed to Step 4; otherwise, follow on-line instructions to continue.
4	Press: [F2] to save message as a DOS file Result: A download window appears followed by a prompt for a name to be given to the file to be downloaded. (For very brief messages, you may not see the download window.)
5	Type: (name given to file to be downloaded) Example: C:\10Kaccep.SEC Press: [Enter] Result: Message is saved to your PC as a DOS file

3.6.10 HOW TO ACCESS AND DOWNLOAD FROM THE BULLETIN BOARD

The latest version of this manual and other material are maintained on the EDGAR Bulletin Board and may be downloaded to a PC.

PROCEDURE TO ACCESS THE BULLETIN BOARD

To access the bulletin board, logon to your EDGAR CompuServe account and follow the procedure below:

STEP	ACTION/RESULT
At the CompuServe EDGAR menu:	
1	Enter: [3] to ACCESS EDGAR BULLETIN BOARD Result: The following menu appears: Libraries Available: 1 On-line Filer Manual 2 Announcements 3 SEC Newsletter 4 Filing Issues Enter choice number:
2	Enter: (number representing your choice) Result: When you select any of the options on the bulletin board, the following STANDARD menu appears: 1 BROWSE thru files 2 DIRECTORY of files 3 N/A 4 DOWNLOAD a file 5 LIBRARIES

An explanation of the options follows:

Continued

PROCEDURE T^ ACCESS THE BULLETIN BOARD Continued

BROWSE

This option displays information about selected files in turn and gives the opportunity to examine each file.
When you choose this option the following prompt appears:

* Enter Keywords (e.g., EDGAR)
  or
* (CR) for all:

NOTE:
(CR) on bulletin board screen means carriage return or [Enter]

DIRECTORY

This option displays the list of available files. The listing for each file includes the complete file identification, the date it was uploaded, the number of characters in the file, and the number of times the file has been accessed.

For example, the directory display might begin like this:

A-CH1.MAN	01-Mar-92	2354	Accesses: 5
A-CH2.MAN	12-Mar-92	10343	Accesses: 150
A-CH3.MAN	12-Feb-92	23456	Accesses: 18

DOWNLOAD

This option allows you to download files if you already have the file name. A menu of available protocols appears after you select this option.

NOTES:
1) Each chapter and appendix of the Manual is a separate file on the bulletin board.
2) For convenience in displaying and printing text, it is recommended that the files on the bulletin board be downloaded to a word processing directory.
3) For best results, print the manual on standard 8.5 x 11 inch-paper using the following specifications: 10 pitch (10 characters per inch), 12.0 point, non-proportional type. Right and left margins should be set at .75 inch, top and bottom margins at 1 inch.

PROCEDURE TO DOWNLOAD FROM THE BULLETIN BOARD

If you know the name of the file you want to download from the bulletin board,
Then you follow the procedures below to download:

STEP	ACTION/RESULT
1	Enter: [4] DOWNLOAD A FILE from the menu Result: System prompts for a file name
2	Type: (Name of file to be downloaded), press [Enter] Result: prompt appears "File name for your computer?"
3	Type: (name to save on your local computer), press [Enter] Result: File you have specified is sent to your PC

PROCEDURE TO LOCATE FILE TO DOWNLOADED FROM BULLETIN BOARD

IF you do not know the name of the file you want to download from the bulletin board,

THEN you must select from the STANDARD menu either #1 BROWSE or #2 DIRECTORY OF FILES to get the file name before returning to the STANDARD menu and executing the procedures above to download.

1 Type: M at the exclamation point prompt or press [Enter], to return to the STANDARD Menu.

LIBRARIES

This option will return you to the LIBRARIES Available Menu.

3.6.11 HOW TO SEND CIK AND USER ID TO THE SEC

Before the SEC can send you messages, your User ID must be added to the SEC database. To record your User ID with the SEC, follow the procedure below:

At the CompuServe EDGAR menu:

Enter: [4] to SEND CIK AND USER ID TO THE SEC
Result: System will prompt you to answer three questions: (Company Name, CIK, and User Id)

Once the prompts have been answered, a form is sent to the SEC that initiates the process to begin sending acceptance and suspension messages back to the filer by E-Mail. The filer will be notified that the SEC database has been updated when the following message is received at EDGAR login: "Electronic messages will be returned to CompuServe E-Mail address: xxxxx, xxxx."

3.6.12 HOW TO ACCESS EDGAR COMPANY DATABASE

The EDGAR company database contains information such as business address, state of incorporation, and CIK on all of the companies that file with the SEC.

To use the database follow the procedure on the next page.

PROCEDURE TO ACCESS AND SEARCH EDGAR COMPANY DATABASE

STEP	ACTION/RESULT
	At the CompuServe EDGAR menu:
1	Enter: [5], ACCESS EDGAR COMPANY DATABASE, press [Enter] Result: Welcome to the EDGAR Company Database File appears.

```
                    Welcome to the
              EDGAR Company Database File

 1 Introduction
 2 How to Search the Company Database
 3 Access the EDGAR Company Searchable Database
 4 Exit

 Enter Choice    !
```

2 Enter: (number representing your choice)
Result: Depending upon your choice, system provides one of the following:

*Introduction:
An overview of the EDGAR Company Database.

*How to Search the Company Database:
A description of each searchable item.

*Access the EDGAR Company Searchable Database:
A search menu appears to allow you to define your search. (See paragraph 3.6.11.)

*Exit:
Return the system to the previous Welcome screen.

3 Enter: [3] to proceed with a database search
Result: Search Menu appears

Continued

PROCEDURE TO ACCESS AND SEARCH EDGAR COMPANY DATABASE Continued

STEP	ACTION/RESULT

```
EDGAR Company Database File
Search Menu

Search By:

1 CIK Number
2 Company Name
3 Phase-In Group Number
4 Reporting File Number
5 City
6 State/Country
7 State of Inc.
8 Zip Code
9 Date Last Updated on CompuServe

Enter Choice:  !
```

4 Enter: (number representing your choice)
Result: Depending upon your choice, the system will prompt for specific information

5 Enter: (response to prompts as directed)
Result: Search is completed and one of the following responses appears, depending upon the number of records found:

Continued

RESPONSES APPLICABLE TO EDGAR COMPANY DATABASE SEARCH

IF the Number of Records is ...	THEN the system Response is...
0,	Message: No records found matching selected search criteria.
1,	An information article:

EXAMPLE OF AN INFORMATION ARTICLE:

```
Company:          <conformed_name>
CIK:              <cik>
IRS No:           <irs_number>

Phase-In Group:   <current_admin_group>
Rpt File No:      <reporting_file_number>

Address:          <business_street1>
                  <business_street2>
                  <business_city>
                  <business_state> (<state/country>)
                  <business_zip>

Phone:            <business_phone>

State of Inc.:    <state_of_incorporation>
                     (<state/country>)
Fiscal Year End:  <fiscal_year_end>

EDGAR Date Mode:  <date_modified>
```

Continued

RESPONSES APPLICABLE TO EDGAR COMPANY DATABASE SEARCH

IF the Number of Records is ...	THEN the system Response is ...
less than 20,	A Dynamic Menu User can select one of the records to be displayed on the screen or press [Return] to Access Next Action Menu. NOTE: The information in the Dynamic Menu is sorted in Company Name order on all dynamic menus.

EXAMPLE OF A DYNAMIC MENU:

#	CIK Number	Company Name	State of Inc.	Date Last Updated on CompuServe
1	0123455678	Ford Motor Company	MI	04/23/92
2	3344556677	General Electric	NY	03/21/92
3	2345678901	H&R Block	KS	05/23/91
4	1234567898	McDonnell Douglas	MO	09/13/91

Enter Choice !

Continued

RESPONSES APPLICABLE TO EDGAR COMPANY DATABASE SEARCH

IF the Number of Records is ...	THEN the system Response is ...
more than 20,	Next Action Menu The Next Action Menu allows the user to further narrow the selection set, display the records found in the selection set (Dynamic Menu), or begin a new search. An example is listed below:

EXAMPLE OF NEXT ACTION MENU:

```
NEXT ACTION MENU:

Record(s) Found: 56

1. Display Records
2. Narrow Search
3. Begin New Search
4. Exit
```

3.6.13 SEARCHABLE ITEMS IN THE EDGAR COMPANY DATABASE

Following are the searchable items in the EDGAR Company Database File.

NOTE:
All searches--except date modified--will provide matches for equal to or beginning with whatever characters are entered.

CIK Number - A 10-digit number. Leading and trailing zeros are required.
EXAMPLE: 0000123456

Company Name - The name of a company. The search software will match on any company name beginning with or equal to the entered name.

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SEARCHABLE ITEMS IN THE EDGAR COMPANY DATABASE Continued

EXAMPLE: If the letter "D" is used, the search software will respond with all companies beginning with the letter D.

Phase-In Group Number - 5-character designation. Format xx-xx; e.g., CF-09 (must be two letters, a hyphen, then two numbers).

Reporting File Number - Up to 12-character designation. Format xxx-xxxxx-xx. Prefix up to three characters; base number up to five characters; and, if used, a suffix of up to two characters.

State of Incorporation - 2-character State abbreviation.

City - Search software matches on any city beginning with or equal to the city entered.

State/Country Code - 2-character State or Country code.

Zip - Code of up to 10 characters.

Date Last Updates - Date range: from: MM/DD/YY
to: MM/DD/YY.

3.6.14 MAINTAINING YOUR COMPUSERVE MAILBOX

Each CompuServe mailbox can hold only 100 messages simultaneously. If more than 100 messages are received, the excess messages will not be delivered, nor will they be queued for delivery at a later time. Therefore, filers should download important messages to their PCs by placing messages in the **BASKET.IN** directory. Getting into the habit of doing this, will make it easier to copy, move, or delete old text messages as necessary.

Filers who file on behalf of multiple CIKs and anticipate more than 100 messages in a brief period of time should establish multiple mailboxes by acquiring multiple CompuServe user IDs. Each ID should be associated with specific CIKs.

CHAPTER 4--HOW TO PREPARE AN EDGAR SUBMISSION

SECTION A--THE PROCESS OF EDGARIZING DOCUMENTS

4.1 INTRODUCTION TO CREATING AN EDGAR FILING

The previous chapters provided information on preparing to file electronically with the SEC. This chapter includes the specifics of preparing (EDGARizing) a filing for electronic submission. It is divided into five sections:

A	THE PROCESS OF EDGARIZING DOCUMENTS	Page 4-A-1
B	TAGS USED IN SUBMISSION HEADERS	Page 4-B-1
C	TAGS USED IN DOCUMENT HEADERS	Page 4-C-1
D	TAGS USED WITHIN DOCUMENTS	Page 4-D-1
E	SPECIAL HANDLING FOR SOME KINDS OF INFORMATION	Page 4-E-1
F	SIGNATURES	Page 4-F-1

The creation of successful electronic submissions of filings for the SEC depends upon two elements:

* **Both the sending and receiving computers must "speak" the same language**--For the EDGAR system to read what it receives, asynchronous direct transmissions must be prepared in ASCII (a character set for computers), synchronous direct transmissions must be in EBCDIC (also a character set), tape submissions must be in ASCII or EBCDIC, diskettes must be either in ASCII or in a word processing format specified in Chapter 8. In section A of this chapter, you will find a discussion of ASCII and EBCDIC and a listing of the characters recognized by EDGAR.

* **The receiving computer must be able to properly identify the filing entity and recognize key information**--To ensure proper recognition and identification of incoming data, the SEC has devised a system of "headers" to introduce each submission and each document within a submission. These

headers are composed of specified "tags" and "values" which allow the EDGAR system to properly handle the electronic submissions. Some tags have also been specified for use within the text of the filing.

4.2 TERMINOLOGY

Some terms have special meaning when used in electronic filing procedures:

TERM	MEANING
Accession Number	A unique number generated by the EDGAR system for each electronic submission. Accession numbers are reported to submitters with acceptance and suspension messages. The accession number consists of three elements: the submitter's CIK (up to 10 digits), the year (2 digits), and a sequence number (up to 6 digits). (Accession numbers are automatically recorded on your PC when sending transmissions using EDGARLink.)
ASCII	This abbreviation stands for the American Standard Code for Information Interchange. It is a binary code used by the computer to represent characters.
Document	A "document" is a discrete unit of text. One or more documents comprise an electronic submission. Examples of documents include a registration statement, a Form 10-Q, a cover letter, or an exhibit.
EBCDIC	This abbreviation stands for the Extended Binary Coded Decimal Interchange Code. Like ASCII, it is a binary code used by a computer to represent characters.
Electronic Filer	An "electronic filer" is a person or entity that submits filings electronically.
Electronic Filing	An "electronic filing" is a document or series of documents submitted in electronic format, at least one of which is required to be filed with the SEC pursuant to the federal securities laws.

4.2 TERMINOLOGY USED IN THIS CHAPTER Continued

TERM	MEANING
Electronic Submission	"Electronic Submission" is the conveyance of a document or series of documents in electronic format to the SEC.
Form Type	A "form type" is a distinct type of document that is required to be filed pursuant to the federal securities laws, e.g., Form 10-K or S-1. Form types may have several variants (e.g., an initial filing and an amendment). For the EDGAR system, each variant is recognized by a specific name, referred to as a submission type. The form types and their applicable submission types are identified in Appendix A.
Grouped Tags	Some "tags" (defined below) must appear together. In the lists beginning with Section 4B, the lead tags are shown first in groupings. The tags that must follow are shown with the same number plus an alpha designation; e.g., 4, 4a, etc. When grouped tags are used, all of the possible grouped tags may not apply to a filer's situation. Only the ones that apply should be used. Grouped tags require both begin and end tags. See "Tag" on the next page.
Header	"Header" refers to the basic information required to precede each electronic submission and document submitted through EDGAR. Submission headers provide identifying information about the filing; for example, the form type of the principal document, the identity of the filing entity, and any fee data. Document headers precede each document in an electronic submission and serve to identify the document.

TERM	MEANING
Module	"Modules" are special documents designed to be included in other documents. Modules are submitted by filers to the EDGAR system as documents in modular submissions. They are stored in a non-public data storage area of the EDGAR system and may be physically incorporated into subsequent submissions.
Registrant	A "registrant" is the issuer of securities with respect to which a registration statement, report, proxy, or information statement is filed.
Segment	A "segment" is a portion of a filing submitted separately and later combined with other segments to make a single, complete filing.
Submission Medium	"Submission medium" is one of the three methods that a filer may use to submit filings via EDGAR: direct transmission, magnetic tape, or diskette.
Submission Type	"Submission type" refers to the specific name by which the EDGAR system recognizes the variants of a form type (e.g., for the Form type 8-K, the initial filing of a notification of assumption of duty to report by successor issuers, is recognized by EDGAR as submission type 8-K15D5). Other examples include modules and correspondence.
Submitter	The "submitter" is the filer, a filing agent, or a training agent sending a filing to the SEC.

TERM	MEANING
Tag	A "tag" is an identifier that labels specific information to the EDGAR system. Tags are designated by placing angle brackets on either side of a term. An end tag appears nearly the same as a begin tag, but is distinguished by its use of the "/" (virgule/slash) immediately following the opening angle bracket (</). For example, the beginning and end of a table would be signified by <TABLE> and </TABLE>, respectively. (A complete listing of EDGAR tags begins with paragraph 4.8.)
Value	"Value" is information that is supplied by the filer and inserted after a tag; for example, for the tag <DOCUMENT-COUNT>, the filer inserts the number of documents included in the submission. That number is the value for the tag.

4.3 ASCII OR EBCDIC

4.3.1 CHARACTER CODE REQUIREMENTS DIFFER BY SUBMISSION MEDIUM

The character code, in which submissions may be made to the SEC, differs depending upon the submission medium chosen:

IF you submit using...	THEN you...
* asynchronous direct transmission,	submit filings in ASCII.
* synchronous direct transmission,	ASCII filings converted to EBCDIC in transmission.
* magnetic tape,	submit filings in ASCII or converted to EBCDIC.
* diskette,	use ASCII or one of the word processing applications listed in Chapter 8.

4.3.2 EDGAR RECOGNIZES A LIMITED SET OF KEYBOARD CHARACTERS

The EDGAR system recognizes a subset of standard ASCII characters. That subset is listed in paragraph 4.4, CHARACTERS TO USE IN EDGAR FILINGS. Using characters or commands outside this set will create errors in the submission and may cause the filing to be suspended.

4.3.3 WHY THE EDGAR SYSTEM RECOGNIZES ONLY STANDARD CHARACTER SETS

The ASCII character set is the standard for computing and was selected to facilitate the use of a wide variety of equipment and software. (Although the EDGAR system will accept filings on tape and by synchronous transmission that use the EBCDIC character set, the characters used must be limited to those listed in paragraph 4.4 of this chapter.)

4.3 ASCII OR EBCDIC Continued

4.3.4 HOW THE REQUIREMENT FOR ASCII AFFECTS WORD PROCESSING

Many popular word processing and spreadsheet applications include a feature that allows the user to save a document as an ASCII text file. The process for saving to ASCII varies from one software package to another, and may be referred to as "save as DOS text," or "save as 'text only' file," or "print to a file," or "save as ASCII file."

WORD PROCESSING CODES ARE LOST WHEN TEXT IS SAVED IN ASCII

Word processing software includes various control codes that are used to indicate document style and format (e.g., bold face, underlining, italics, special characters or symbols, automatic pagination, headers/footers, and print fonts). Because these codes are not part of the standard ASCII character set, and not recognized by EDGAR, they must be removed from all files that are submitted to EDGAR. Saving a document prepared with word processing software as an ASCII text file should remove most word processing control codes.

HOW TO EXPRESS BOLD TYPE

Where SEC filing rules specify the use of bold print, filers should use all capitalized letters (CAPS).

THINGS TO REMEMBER ABOUT ASCII CONVERSIONS

Following are things you should know about ASCII conversions:

* Advanced word processing features such as footnoting are often not properly converted to ASCII. (There are some exceptions when special procedures are used. Individuals should consult their specific word processing manuals.) Therefore, it may be necessary to construct footnotes and other document elements the way they would be typed using a typewriter.
* Auto-hyphenation should be turned off when preparing EDGAR documents.
* Submitters are encouraged to verify that their word processing software package creates accurate ASCII output by using the EDGARLink error check option or submitting a test filing containing a return copy tag.
* Tabular or columnar material may create special problems when converted to ASCII. Tabs used with proportional type fonts

may not keep the same position when converted to ASCII. And even when non-proportional fonts are used in the word processing of text, the number of spaces inserted in ASCII to replace tabs may not be consistent with the original. Submitters are encouraged to check the ASCII version of their tabular material before transmission to the SEC.

4.3.5 ABOUT EBCDIC

Extended Binary Coded Data Interchange Code (EBCDIC), like ASCII, is a binary computer code. It is used by synchronous and magnetic tape filers. Because EBCDIC includes some characters not recognized by EDGAR, submitters must limit the use of characters to those listed in paragraph 4.4.

4.3.6 COMMON SYMBOLS NOT TO BE USED IN EDGAR FILINGS

There are a few common symbols which are frequently available in word processing software but will not be recognized by the EDGAR system. The names of the most common ones are listed below. Where it is appropriate, filers are advised to spell out the name of the symbols they would otherwise have used.

EXAMPLE:

CHARACTER	DESCRIPTION	CHARACTER	DESCRIPTION
¢	cent	¶	paragraph
£	pound sterling	§	section
¥	yen	©	copyright
•	bullet	®	registered trademark
†	dagger	™	trademark
‡	double dagger		

4.3.7 SYSTEM INSERTS "^" FOR UNRECOGNIZED CHARACTERS

When the EDGAR system encounters characters that are not in the recognized ASCII character set, it inserts a circumflex (^) and the filer receives a suspense message. In some cases, the filing can be accepted with a limited number of unrecognized characters. The SEC's Filer Support staff can make that determination.

CHARACTER	DESCRIPTION	CHARACTER	DESCRIPTION
0-9	numeric characters	{	left brace
A-Z	upper case alphabet	}	right brace
a-z	lower case alphabet	[	left bracket
`	grave accent	]	right bracket
~	tilde	|	vertical line
!	exclamation point	\	back slash (reverse virgule)
@	at sign	:	colon
#	number (pound) sign	;	semicolon
$	dollar sign	"	quotation mark
%	percent sign	'	apostrophe
&	ampersand	<	less-than (left angle bracket)
*	asterisk (star)	>	greater-than (right angle bracket)
(	left parenthesis	,	comma
)	right parenthesis	.	period
_	underline (may be used on separate line or between characters, but not to underline a character)	?	question mark
-	hyphen	/	slash (virgule)
+	plus sign		
=	equal sign		space bar

The following control characters are also recognized:
horizontal tab (some limitations)
carriage return
line feed
form feed (page break)

4.5 INFORMATION ON HEADERS

4.5.1 DESCRIPTION OF HEADERS

Headers are blocks of identifying information at the beginning of a submission and again at the beginning of each document included within that submission. Headers are created by combining EDGAR-specified tags and filer-supplied information (values). Tags identify data that follow or signal the EDGAR system about a particular facet of the filing. (Tags may appear in headers or the body of documents.)

4.5.2 HOW HEADERS ARE USED

Just as access codes are required so that the EDGAR system can recognize registered EDGAR filers, headers are necessary for the system to process accurately the information being filed. For example, headers identify the entity for whom the filing is being made, give information on fees, and indicate the form or amendment being filed.

The EDGAR system checks that each header includes all information required for any form being submitted. For example, if the form requires the indication of a time period for which the report is being filed, the EDGAR system checks to see that a tag and value for a period have been provided. (Appendix B of this manual lists the submission header tags that apply to each form that may be filed electronically.) Any header tag designated as "required" must be present in the submission or the filing will be suspended.

4.5.3 DESCRIPTION OF TAGS

"Tags" are not just used in headers. Some are also used within the documents of submissions. Whether tags appear in a header or in the text of a filing, they tell the EDGAR system where to look for specific information.

4.5 INFORMATION ON HEADERS Continued

4.5.4 TAG CONSTRUCTION

If a filer does not use the EDGARLink filer assistance software, then tags will have to be constructed manually. Tags are constructed using key words inside right and left angle brackets ("less than" and "greater than" symbols) and may be typed using either upper- or lower-case letters within the angle brackets, i.e., <filer> or <FILER>.

CAUTION:
There must be no blank spaces within the left and right angle brackets in tags. Hyphens separate words in tags with more than one word.

4.5.5 HOW TAGS ARE USED

Many tags are followed immediately by information (a value) typed outside of the symbols, e.g., <CIK> 0000567890. Other tags stand alone, e.g., <TEST>. Still others identify groups of tags to follow, e.g., <FILER> and <SHARES>. Other tags indicate start and stop conditions within a document, e.g., the beginning of a table <TABLE> and ending of a table </TABLE>.

Some tags must appear together and appear as a group. In the lists of Sections A and B, grouped tags (sometimes referred to as nested) are shown with a lead tag first. The other tags of the group are shown using the same number as the lead tag, plus an alpha designation; e.g., 4, 4a, 4b, etc.

4.5.6 CATEGORIES OF TAGS IN SUBMISSION HEADERS

Tags are categorized three ways for a particular submission type:

- **Required.** These tags and their values must be provided or the submission will be suspended.
- **Required When Applicable.** These are tags that apply to a submission type but may or may not apply in a particular situation. They and their values must be provided when applicable. (EDGARLink shows these tags as ADDITIONAL SUBMISSION FIELDS.)
- **Optional.** Optional tags and their values provide important information to the SEC but are not required in order for

the submission to be accepted. Such tags and values are encouraged, but their omission will not cause a submission to be suspended.

NOTE:
In the EDGARLink software, the latter two categories are identified as "Additional Information."

4.5.7 TAG VALUES ARE FILER-SUPPLIED INFORMATION

In this Manual, the term "value" refers to the information that a filer is expected to supply. When the EDGAR system encounters a tag, it determines whether the required information has been supplied. In some cases, no value is required; the tag stands alone. In most cases, values are required.

For values to be processed by the EDGAR system, they must appear in a specified format.

EXAMPLE:
When a <STATE> tag is used, the value must be two letters (as shown in Appendix C) with no punctuation (e.g., VA but neither VA. nor Virginia).

4.5.8 FIELDS LIMIT THE LENGTH OF VALUES

The EDGAR system is programmed to check a specified number of characters for each value. This is known as the field.

EXAMPLE: <CIK> 123456 (This value has a field of up to 10 characters.)

4.5.9 MULTIPLE VALUES MAY BE APPROPRIATE FOR A SINGLE TAG

Some tags allow a list of values in their fields. Multiple values may be separated with white space (created with the space bar or with a carriage return).

EXAMPLE: <ACT> 33 40
or
<ACT> 33
40

4.5.10 TAGS LISTED IN MANUAL FOR USE WITH FUTURE RELEASES

Not all tags and tag values will be recognized or used by the system during the early Releases of the EDGAR system. Tags that are anticipated for future Releases have been included in the tables of tags in this chapter in order to give filers advance notice of changes to come. The following defines present and anticipated future Releases as they are referred to in this manual.

Release 3.0-The current Release, in which filings from the first mandated filers are being submitted electronically.

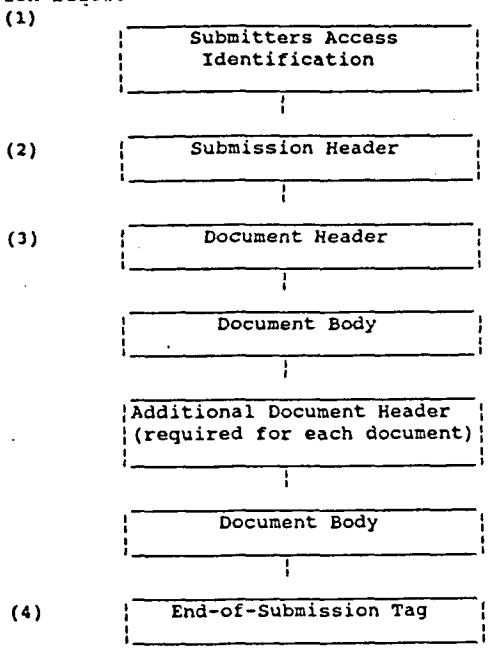
Release 4.0-The next release. It is anticipated that this release will be issued later in 1993.

The tags to be used in Financial Data Schedules (as shown in Appendix E) are not yet recognized by the EDGAR system, but will be used in future Releases.

4.6 EXPLANATION OF GENERAL SUBMISSION REQUIREMENTS

4.6.1 DIAGRAM OF A SUBMISSION

Following is a diagram of submission requirements for electronic filing. The numbers in the diagram are keyed to the discussion below.



Some elements are common to all submissions:

KEY

(1) EDGAR requires identification of the submitter regardless of medium chosen for an electronic submission:

(Key continued on next page)

KEY Continued

- **For direct transmission,** the login CIK and password are required by the system whether connection has been made through EDGARLink or through some other communications software.

- **For tapes or diskettes,** the CIK of the entity submitting the filing must appear on the Form ET that accompanies the submission. See specifics about tape and diskette submissions in Chapters 7 and 8. A sample of the Form ET is provided in Appendix F.

(2) Multiple submissions may comprise a single transmission. However, for each submission, the filer must supply a submission header--a header that provides basic information for the entire submission. Each form type has specific information that is required for the submission to be accepted by the EDGAR system. If required information is missing, the filing will be suspended.

(3) Multiple documents may comprise a single submission. However, each document in a submission must also be identified with a header. An end-of-document tag (</DOCUMENT>) should mark the end of a document. However, the system will not suspend a filing for failure to insert an end-of-document tag.

(4) Each submission must end with an end-of-submission tag (</SUBMISSION>) or it will be suspended.

NOTE:
When the CREATE A SUBMISSION option is used in EDGARLink, the software automatically inserts a <SUBMISSION> tag at the beginning of each submission and </SUBMISSION> tag at the end of a submission.

4.6.2 HEADER AND SUBMISSION EXAMPLES

Following are examples of submission headers for two form types and a sample submission. Note that except for CCC values, tags and values may be typed with either upper- or lower-case letters. The CCC must be entered exactly as created.

EXAMPLE #1, FORM 10-Q HEADER

```
<SUBMISSION>
<TYPE>              10-Q
<TEST>
<DOCUMENT-COUNT> 3
<SUBMISSION-CONTACT>
   <NAME>           Jane Doe
   <PHONE>          202-000-5555
</SUBMISSION-CONTACT>
<NOTIFY>            17700,1155
<FILER>
  <CIK>             123456
  <CCC>             789shd*b
</FILER>
<PERIOD>            3-30-93
```

EXAMPLE #2, FORM SCHEDULE SC 13D HEADER

```
<submission>
<type>              SC 13D
<live>
<document-count> 3
<submission-contact>
   <name>           Jane Doe
   <phone>          202-000-5555
</submission-contact>
<notify>            17700,1156
<filer>
  <cik>             123456
  <ccc>             789shd*b
</filer>
<subject-company>
  <cik>             234567
  <irs-number>      22-7777770
   <name>           Fortune Company, Inc.
</subject-company>
<fee-paid>          $000.00
<method>            lockbox
```


EXAMPLE #3, SAMPLE 10-Q SUBMISSION

```
<SUBMISSION>
<TYPE>                          10-Q
<DOCUMENT-COUNT>                2
<FILER>
<CIK>                           8899871912
<CCC>                           5a8c6#2*
</FILER>
<PERIOD>                        03/30/93
 <DOCUMENT> <TYPE> 10-Q
<DESCRIPTION> THIS IS A TEST DOCUMENT
<TEXT>
<TABLE>
Results of Operations
    The following table sets forth for the fiscal periods
indicated the percentage of net sales represented by certain
items in the company's  Consolidated Statements of Operations.
<CAPTION>

<TABLE>
Consolidated Statement of Income (Unaudited)
<CAPTION>
                        CONSOLIDATED STATEMENT OF INCOME

In millions, except for share amount

                  Three Months Ended June 30,   Six Months Ended June 30,
                        1992        1991          1992        1991

<S>                   <C>         <C>           <C>         <C>

 NET SALES            4859        4794          9498        9742

 OPERATING COSTS      4291        4273          8399        8436
   AND EXPENSES

 OPERATING INCOME      568         521          1099        1306
 OTHER INCOME         (105)        (31)         (226)         120
  (EXPENSE)

 NET INCOME            463         490           873        1426
 AVERAGE SHARES      250.6       248.8         248.6         250
   OUTSTANDING

 EARNINGS PER SHARE  $1.85       $1.97         $3.51       $5.70
</TABLE>
```

EXAMPLE #3, SAMPLE 10-Q SUBMISSION Continued

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned, thereunto duly authorized.

_____
(Registrant)

_____ _____
Date (Signature)

_____ _____
Date (Signature)

```
</TEXT>
</DOCUMENT>
<DOCUMENT> <TYPE> COVER
<DESCRIPTION> COVER LETTER
<TEXT>

THIS IS THE COVER LETTER FOR COMPANY AYZ'S 10-Q DOCUMENT

</TEXT>
</DOCUMENT>

</SUBMISSION>
```


* **If you use EDGARLink**, the SEC-provided prevalidation and communications software, you have header-building assistance provided in the software. Use of the EDGARLink software is described in Chapter 5 of this manual.

* **If you do not use EDGARLink**, you must type your submission and document headers before you convert your documents to ASCII.

For a listing of the required and optional tags in submission headers by form type, refer to Appendix B.

4.6.3 DOCUMENT HEADER EXAMPLE

The submission header is immediately followed by the header for the first document.

EXAMPLE FOR A COVER LETTER

```
<DOCUMENT>
<TYPE>          cover
<DESCRIPTION>   Cover letter for the 1993 10-K filing.
<TEXT>
                (text of document)
```

Each of the documents in a submission requires a header. For a description of the required and optional tags in document headers, refer to Section C of this chapter, beginning on page 4-C-1.

Following is the sequence of word processing steps in adding EDGAR tags and values to a submission:

STEP	DESCRIPTION

1 Prepare the text of documents to be included in your submission on your PC, using a word processing or spreadsheet application.

2 Identify the EDGAR tags to be used within the text of documents to be submitted. (See the list of text tags in paragraph 4.11 of this chapter.) Insert appropriate tags into the text of your documents.

3 Check the list of submission- and document-header tags for your form type in Appendix B.

* **If you are not going to use EDGARLink to create your headers and combine your documents into a submission,** type your headers now.

* **If you are going to use EDGARLink to create your headers and build a submission,** enter the EDGARLink program after step 5 to insert your headers.

4 Check that you have included all the necessary tags and information.

* **If you are going to use EDGARLink's error-checking capability to prevalidate your submission,** you can check your headers and tags after you have saved your text in ASCII.

* **If you are not going to use EDGARLink's error checking,** refer to Appendix B, TAGS BY SUBMISSION HEADER TYPE, and check that you have included all of the required tags and information before you convert to ASCII.

STEP	DESCRIPTION

5 Save (or convert) your documents to ASCII or EBCDIC text files (unless submitting a diskette in an approved word processing application). It is usually a good idea to give the new file a distinctive name.

EXAMPLE: 10Q-630.WP (a word processing file)
10Q-630.ASC (the same file saved in ASCII)

* **If you will be using EDGARLink to create your submission and document headers,** save as a separate ASCII file each document to be part of the submission.

EXAMPLE: COVER.ASC
10-K.ASC
EXHIBIT.ASC

* **If you will not be using EDGARLink to create submission and document headers,** append documents into one output file, and convert to ASCII.

6 Send your filing to the SEC by your chosen method. Refer to the following chapters for specific procedures:
* Chapter 5 for EDGARLink,
* Chapter 6 for asynchronous submissions other than through EDGARLink,
* Chapter 7 for tape,
* Chapter 8 for diskette, and
Chapter 9 for synchronous submissions.

4.8 TAGS USED FOR LOGIN

4.8.1 LOGIN ID TAGS

All electronic filings must have a proper identification before the submitter may communicate with the EDGAR system. The way the identification is provided, however, depends upon the communications medium used for submission.

ASYNCHRONOUS SUBMISSIONS

Asynchronous submissions, whether through EDGARLink or other communications software, have an interactive login. The filer provides a login CIK either in response to an on-screen prompt or through the EDGARLink configuration field.

SYNCHRONOUS SUBMISSIONS

Synchronous filers add the following login tags and their appropriate values before their submission headers.

<LOGIN-CIK>
<LOGIN-PASSWORD>

EXAMPLE:

TAG	VALUE	DEFINITION (LIMITS OF FIELD)
<LOGIN-CIK>	654321	SEC-supplied access code for submitter (Field is up to 10 characters)
<LOGIN-PASSWORD>	pass54#N	Password for access to the EDGAR system. (Field of 8 characters, at least 1 of which must be a numeral and 1 must be @, #, $, or *; case-sensitive)

DISKETTE AND TAPE SUBMISSION

For those submitting filings on diskette or tape, login information is provided on the Form ET that accompanies the filing. (See Appendix F for a copy of Form ET.)

4.8 TAGS USED FOR LOGIN Continued

4.8.2 TEST AND LIVE TAGS

If the tag <TEST> is used in the submission header or if the EDGARLink option "Send a Test Filing" is used, all information, including header information, is treated as a test and will not be disseminated.

WARNING: If no test tag is used all information is treated as live. Acceptance processing and PUBLIC DISSEMINATION are AUTOMATED processes that take place immediately upon receipt of live filings. Public portions of a live filing are immediately disseminated to the public.

EDGARLink SUBMISSIONS

EDGARLink's header-building assistance includes the option to add a <TEST> or <LIVE> tag to the submission header for a form type.

If a filing is sent using the menu option TRANSMIT TEST FILING TO SEC, then the entire submission will be treated as a test even if a <LIVE> tag is used in the submission header of each filing in the transmission. (See Chapter 5 for detailed information on EDGARLink submissions.)

ASYNCHRONOUS SUBMISSIONS - NON-EDGARLink

Asynchronous submitters are prompted to type "T" for test or "L" for live during login. If a filer elects to submit a test filing, all documents will be processed as a test filing regardless of <LIVE> tags in the submission header. (See Chapter 6 for detailed information on non-EDGARLink asynchronous submissions.)

TAPE AND DISKETTE SUBMISSIONS

Each test filing must be separately identified. If no tag is present, the filing is treated as live. Login information is provided on the Form ET that accompanies the filing. (See Chapter 7 for information on tape submissions and Chapter 8 for information on diskettes.)

SYNCHRONOUS SUBMISSIONS

For synchronous submissions, each test filing must be separately identified. If no tag is present, the filing is treated as live. (See Chapter 9 for information on synchronous submissions.)

4.9 SUBMISSION HEADER TAGS AND THEIR VALUES

****

4.9.1 INTRODUCTION TO TAGS USED IN HEADERS

The process of EDGARizing an SEC submission--adding the tags and values required for the EDGAR system--was discussed in Section A of this chapter. The following section provides specific information about the tags and values to be used in preparing submission headers.

4.9.2 THE SYSTEM DICTATES WHICH TAGS MUST BE USED

The EDGAR system recognizes tags in three categories of importance: required, required when applicable, and optional.

* When a tag is shown as required for a filing, the filing will be suspended if it or its value is missing.

* Required when applicable, as the phrase implies, means you must use the tag if it applies to your situation.

EXAMPLE:

The <PAYOR> tags are required when they apply to a specific situation. However, the EDGARLink header assistance function will not list the tags as required.

4.9.3 GUIDE TO LOCATING SPECIFIC TAGS

In the following listing, only the lead tag is shown for those tags that are grouped (nested).

TAG	PAGE	TAG	PAGE
<ACT>	4-B-8	<EFFECTIVENESS-DATE>	4-B-19
<AUDITOR>	4-B-28	<EQUITY>	4-B-13
<AUDIT-REPORT>	4-D-4	<F1> through <F99>	4-D-3
<BOX405>	4-B-15	<FEE-PAID>	4-B-10
<CONFIRMING-COPY>	4-B-18	<FILER>	4-B-5
<CONVERTIBLE>	4-B-13	<FN>	4-D-5
<DEBT>	4-B-12	<GROUP-MEMBERS>	4-B-18
<DELAYING-AMENDMENT>	4-B-8	<ITEMS>	4-B-9
<DESCRIPTION>	4-C-8	<LOGIN-CIK>	4-A-23
<DOCUMENT>	4-C-2, 4-C-6	<LOGIN-PASSWORD>	4-A-23
<DOCUMENT-COUNT>	4-B-4		

****

4.9.3 GUIDE TO LOCATING SPECIFIC TAGS (Continued)

TAG	PAGE	TAG	PAGE
<MASTER-SEGMENT-CIK>	4-C-6	<REGION>	4-B-18
<METHOD>	4-B-10	<RETURN-COPY>	4-B-25
<MODULE>	4-D-2	<SEGMENTS>	4-D-4
<MODULE-COUNT>	4-B-19	<SEGMENT-COUNT>	4-B-19
<NEW-ACCOUNTING-CONTACT>	4-B-25	<SEGMENT-NAME>	4-C-6
<NEW-BUSINESS-ADDRESS>	4-B-22	<SERIAL>	4-B-17
<NEW-COMPANY-DATA>	4-B-22	<SHARES>	4-B-14, 4-B-16
<NEW-EDGAR-CONTACT>	4-B-27	<SROS>	4-B-21
<NEW-MAIL-ADDRESS>	4-B-22	<STATES-SRD>	4-B-17
<NOTIFY>	4-B-21	<SUBJECT-COMPANY>	4-B-9
<OFFSET-PAYMENT>	4-B-10	<SUBMISSION>	4-B-4
<OTHER>	4-B-13	<SUBMISSION-CONTACT>	4-B-20
<PAGE>	4-D-13	<TABLE>	4-D-5
<PAYOR>	4-B-12	<TEST> or <LIVE>	4-B-20
<PERIOD>	4-B-7	<TEXT>	4-C-3
<R>	4-D-3	<TYPE>	4-B-4, 4-C-2
<REFERENCES-429>	4-B-8		

NOTE:
Tags for 13F-E filings are listed in Appendix H.

4.9.4 SUBMISSION HEADER TAGS BY LEVEL OF REQUIREMENT

Each of the tags used in submission headers is described, with an example and definition, in the lists that follow. For convenience, each tag has been given a sequential number, which is not used in headers.

LIST	TYPE OF SUBMISSION HEADER TAG	PAGE
1	Tags REQUIRED in all submission headers	4-B-4
2	Tags for which the submission type determines requirement (whether the tag should be used and if it is REQUIRED, REQUIRED WHEN APPLICABLE to the filer's situation, or OPTIONAL)	4-B-6
3	OPTIONAL tags that may be included in all submission types	4-B-20

NOTE:
Appendix B lists the applicable tags by submission type.

LIST 1. TAGS REQUIRED IN ALL SUBMISSION HEADERS

TAG	EXAMPLE OF VALUE TO BE INSERTED	DEFINITION (LIMITS OF FIELD)
1 <SUBMISSION>		Marks the beginning of a submission. This tag stands alone; no value required. (Inserted by EDGARLink if ASSEMBLE A SUBMISSION is used.)
	WARNING: Each submission must have an end-of-submission tag as the last item in the submission or it will be suspended.	
	EXAMPLE: </SUBMISSION>	
2 <TYPE>	10-Q	Type of submission being filed. See Appendix C for the EDGAR names (values) that may be used. Must be the tag following <SUBMISSION>. (Field up to 10 characters)
3 <DOCUMENT-COUNT> (For segments and modules tag name changes but some form of the count tag is required for all submissions)	1	Number of documents included in the submission. (Field up to 3 characters)

LIST 1. TAGS REQUIRED IN ALL SUBMISSION HEADERS Continued

TAG	EXAMPLE OF VALUE TO BE INSERTED	DEFINITION (LIMITS OF FIELD)
4 <FILER>		Marks the beginning of filer identification group and must be followed by the CIK and CCC. No value.
	NOTE: In those instances where a single filing is being made on behalf of more than one person or entity, it will be necessary to enter grouped (nested) filer information for each such entity. (See coregistrants, in Section 4.14.)	
4a <CIK>	123456	Filer's CIK (supplied by the SEC). (Field up to 10 characters)
4b <CCC>	acc*4stz	Filer's CCC (Field 8 characters, at least 1 of which must be a numeral and at least 1 must be @, #, $, or *; case-sensitive)

LIST 2
TAGS FOR WHICH SUBMISSION TYPE DETERMINES REQUIREMENT

TAG	EXAMPLE OF VALUE TO BE INSERTED	DEFINITION (LIMITS OF FIELD)
	NOTE: When tags 4c and 4d are required, they are nested with <FILER> or with <OFFSET-PAYMENT> (tag number 13). In the case of a confirming copy filing that is also a subject company filing, tag 4c is nested under <SUBJECT-COMPANY> (see tag number 9).	
4c <FILE-NUMBER>	33-00000	File number supplied by the SEC. Required for amendments to 1933 Act registration statements and with specific form types listed in Appendix B. (Field up to 12 characters)
4d <FORM-TYPE>	S-3/A	Used to specify a different form type for a coregistrant filing or to indicate a combination 13D/14D filing. Must be nested under <FILER>. See Appendix A for values. (Field up to 10 characters)
4e </FILER>		Marks the end of filer information. No value.
	For each coregistrant, 4a and 4b must be repeated; and if applicable 4c and 4d,	

LIST 2 Continued
TAGS FOR WHICH SUBMISSION TYPE DETERMINES REQUIREMENT

TAG	EXAMPLE OF VALUE TO BE INSERTED	DEFINITION (LIMITS OF FIELD)
	NOTE: Each coregistrant is shown with a beginning <FILER> tag and an ending </FILER> tag. EXAMPLE: <SUBMISSION> <TYPE> S-1/A <DOCUMENT-COUNT> <FILER> <CIK> 654321 <CCC> abc*4xyz <FILE-NUMBER> 33-00000 </FILER> <FILER> <CIK> 123456 <CCC> mfy92@#5 <FORM-TYPE> S-3/A <FILE-NUMBER> 33-00000-01 </FILER>	
5 <PERIOD>	12-31-91 or 12/31/91 or 12 31 91 or DEC 31 1991	End date of reporting period of filing; order is month, day, and year, i.e., mm/dd/yy. This field is also used for proxy meeting dates. (Field 20 characters; use hyphen, slash, or space to separate numbers)

LIST 2 Continued
TAGS FOR WHICH SUBMISSION TYPE DETERMINES REQUIREMENT

TAG	EXAMPLE OF VALUE TO BE INSERTED	DEFINITION (LIMITS OF FIELD)
6 <ACT>	33 40 or <ACT> 33 <ACT> 40	Identification of the Act(s) under which filing is being made when the form type may be filed under more than one Act. See Appendix B to check if tag applies to your form type. Valid values when required are 33 and/or 40. For certain filings by investment companies, tag identifies Act or Acts. (Field 2 characters for each value; separate values by white space or tag each separately)
7 <DELAYING-AMENDMENT>		Indicates that filing includes a delaying amendment. (No value required)
8 <REFERENCES-429>	33-00000	Refers to 1933 Act Registration Statements updated pursuant to Rule 429. The value represents the file numbers of the prior registration statements. If more than one applies, separate with white space or repeat the tag for each value. (Field up to 12 characters for each reference)

LIST 2 Continued
TAGS FOR WHICH SUBMISSION TYPE DETERMINES REQUIREMENT

TAG	EXAMPLE OF VALUE TO BE INSERTED	DEFINITION (LIMITS OF FIELD)
9 <SUBJECT-COMPANY>		Marks the beginning of subject company information. No value.
9a <CIK>	555555	Identification of a subject company. (Field up to 10 characters)
9b <IRS-NUMBER>	22-7777777	Subject company's IRS employer identification code. Usually shown on on the cover page of a Form 10-K. (Field 9 characters plus an optional hyphen, EDGARLink displays a hyphen with this tag.)
9c <NAME>	Small Co. Ltd.	Name of the subject company. (Field up to 60 characters)
9d <FILE-NUMBER>	00-00000-000	File number supplied by the SEC to be used under subject company only for confirming copies (Field up to 12 characters)
9e </SUBJECT-COMPANY>		Marks the end of subject company information. No value.

LIST 2 Continued
TAGS FOR WHICH SUBMISSION TYPE DETERMINES REQUIREMENT

TAG	EXAMPLE OF VALUE TO BE INSERTED	DEFINITION (LIMITS OF FIELD)
10 <ITEMS>	1 3 8 or 1 3 8	Identifies 1 or more items declared in an 8-K filing (e.g., Items 1, 3, and 8). Separate values with white space or repeat tag for each. See listing of tag values and definitions in Appendix C. (Field for each entry up to 2 characters)
11 <FEE-PAID>	$0.00	Indicates the amount of fee paid with the filing being submitted. (Field up to 15 characters before decimal point)
12 <METHOD>	Lockbox	Indicates how the fee is being paid to the SEC. Values accepted in Release 3.0 are: FEDWIRE and LOCKBOX. (Field up to 12 characters)
13 <OFFSET-PAYMENT>		Marks the beginning of offset payment information. No value.
13a <AMOUNT> $4000.00		Indicates an offsetting payment against the filer's fee obligation as provided for in Section 14 of the Exchange Act. The sum of the values specified for <FEE-PAID> and <OFFSET-PAYMENT>.

LIST 2 Continued
TAGS FOR WHICH SUBMISSION TYPE DETERMINES REQUIREMENT

TAG		EXAMPLE OF VALUE TO BE INSERTED	DEFINITION (LIMITS OF FIELD)
			<AMOUNT> should equal the fee obligation for the filing being submitted. (Field up to 15 characters before decimal point)
13b	<CIK>	654321	CIK of the filer/registrant who previously paid the offset amount. Required if there is an offset amount. (Field is 10 characters)
13c	<FORM-TYPE>	S-4	Identifies form type in which the offsetting fee amount was paid. Required if there is an offset amount. See Appendix C for values. (Field up to 10 characters)
13d	<FILE-NUMBER>	1-00000	References the file number for the offset filing. (Field up to 12 characters)
13e	</OFFSET-PAYMENT>		Marks the end of offset payment information. No value.

LIST 2 Continued
TAGS FOR WHICH SUBMISSION TYPE DETERMINES REQUIREMENT

TAG		EXAMPLE OF VALUE TO BE INSERTED	DEFINITION (LIMITS OF FIELD)
14	<PAYOR>		Marks the beginning of third-party payor information. No value.
14a	<CIK>	666666	CIK of a third-party payor for the fee obligation. (Field is up to 10 characters)
14b	<CCC>	myc#$c94	CCC of a third-party payor for the fee obligation. (Field is 8 characters)
14c	</PAYOR>		Marks the end of third-party payor information. No value.

NOTE:
At least one of the following tags <DEBT>, <CONVERTIBLE>, <EQUITY>, <OTHER> would be used when applicable to a registration statement.

15	<DEBT>	$40000.00	Total dollar amount of debt securities on which filing fee is based. (Field up to 15 characters before decimal point)

LIST 2 Continued
TAGS FOR WHICH SUBMISSION TYPE DETERMINES REQUIREMENT

TAG	EXAMPLE OF VALUE TO BE INSERTED	DEFINITION (LIMITS OF FIELD)
16 <CONVERTIBLE>	$20000.00	Total dollar amount of convertible securities on which filing fee is based. (Field up to 15 characters before decimal point)
17 <EQUITY>	$10000.00	Total dollar amount of the equity securities (common and preferred shares) on which the filing fee is based. (Field up to 15 characters before decimal point)
18 <OTHER>	$100000.00	Total dollar amount of all other securities on which the filing fee is based. (Field up to 15 characters before decimal point)

NOTES:
(1) When a Securities Act registration statement is amended to report a change in the offering amount, only incremental ADDITIONS to the offering amount should be reported as the value for <DEBT>, <CONVERTIBLE>, <EQUITY> OR <OTHER>. These tag values can only be positive numbers or zero. Negative values should be reported as zero.

(2) When a Securities Act registration statement is an unallocated shelf filing covering both debt and equity securities in indeterminate amounts, the total dollar amount on which the filing fee is based should be inserted after <OTHER>.

LIST 2 Continued
TAGS FOR WHICH SUBMISSION TYPE DETERMINES REQUIREMENT

TAG	EXAMPLE OF VALUE TO BE INSERTED	DEFINITION (LIMITS OF FIELD)
NOTE: The following information is about tags 19 and 20 below. Investment company filers paying fees pursuant to Rules 24e-2 or 24f-2 under the Investment Company Act of 1940 should use tags 19 (for filing under Rule 24e-2) or 20 (for filing under Rule 24f-2) and the appropriate tags shown grouped under them. These tags summarize in the submission header the fee calculation information included in the body of the filing. NOTE: The <SERIES> tag is used only when the fee is calculated on a series-by-series basis. Other tags nested under <SHARES> are required when they apply to shares being registered or sold.		
19 <SHARES>		Marks the beginning of fee calculation information. For filings under Rule 24e-2, no value required.
19a <SERIES>	Income Series	Series name. Used if the fee is calculated on a series-by-series basis to indicate the applicable series. (Field up to 40 characters)
19b <REGISTERED>	3,500,000	Number of shares being registered. (Field up to 15 characters)
19c <REDEEMED-SHARES>	1,284,632	Number of shares redeemed or repurchased during period. (Field up to 15 characters)

LIST 2 Continued
TAGS FOR WHICH SUBMISSION TYPE DETERMINES REQUIREMENT

TAG	EXAMPLE OF VALUE TO BE INSERTED	DEFINITION (LIMITS OF FIELD)
19d	<REDEEMED-SHARES-USED> 25	Number of shares redeemed or repurchased already used as an offset in a fee calculation under Rules 24e-2 or 24f-2. (Field up to 15 characters)
19e	<PRICE-PER-SHARE> $25.125	Price per share. (Up to 3 digits permitted after decimal point.) (Field up to 15 characters before decimal point)
19f	</SHARES>	Marks end of fee calculation information for filing under Rule 24e-2. No value.
19.5	<BOX405>	For forms 10-K, 10-K/A, 10-KT, and 10-KT/A. Included if certain executives have failed to file the required ownership reports during the preceding 12 months. (For use in future release. No value required.)

NOTE:
When submitting an amendment pursuant to Rule 24e-2 under the Investment Company Act of 1940 to report a change in the total offering amount, only incremental INCREASES in the number of shares and the price per share should be reported for <REGISTERED>, <REDEEMED-SHARES>, <REDEEMED-SHARES-USED> or <PRICE-PER-SHARE>. These tag values can only be positive or zero. Negative values should be reported as zero.

LIST 2 Continued
TAGS FOR WHICH SUBMISSION TYPE DETERMINES REQUIREMENT

TAG	EXAMPLE OF VALUE TO BE INSERTED	DEFINITION (LIMITS OF FIELD)
20	<SHARES>	Marks the beginning of fee calculation information for filings under Rule 24f-2. (No value required)
20a	<SERIES> Money Market Series	Series name. Used if the fee is calculated on a series-by-series basis to indicate the applicable series. (Field up to 40 characters)
20b	<SALE-PROCEEDS> $2,268,316.00	Proceeds of sale of shares. (Field up to 15 characters before decimal point)
20c	<REDEEMED-VALUE> $344,633.00	Dollar value of shares redeemed or repurchased during period. (Field up to 15 characters before decimal point)
20d	<REDEEMED-VALUE-USED> $10,000.00	Dollar value of shares redeemed or purchased already used as an offset in a fee calculation under Rules 24e-2 or 24f-2. (Field up to 15 characters before decimal point)

LIST 2 Continued
TAGS FOR WHICH SUBMISSION TYPE DETERMINES REQUIREMENT

TAG	EXAMPLE OF VALUE TO BE INSERTED	DEFINITION (LIMITS OF FIELD)
20e </SHARES>		Marks the end of fee calculation information for filing under Rule 24f-2. No value.

NOTE:
When submitting an amendment pursuant to Rule 24f-2 under the Investment Company Act of 1940 to report a change in the total offering amount, only incremental INCREASES in <SALE-PROCEEDS>, <REDEEMED-VALUE> or <REDEEMED-VALUE-USED> should be reported. These tag values can only be positive or zero. Negative values should be reported as zero.

21 <STATES-SRD> For use with future Releases		Indicates that the filing is to be forwarded to the NASAA system.

NOTE:
One-stop filing is not yet available.

22 <SERIAL>		Used when an offering is made from an effective shelf registration statement and the offering relates to interests in a separate legal entity, such as a trust or partnership, that is distinct from the registrant. Use when applicable to submissions of form type 424B2, 424B3, or 424B5. No value required. This will initiate the generation of a new CIK for the serial company created by this filing.

LIST 2 Continued
TAGS FOR WHICH SUBMISSION TYPE DETERMINES REQUIREMENT

TAG	EXAMPLE OF VALUE TO BE INSERTED	DEFINITION (LIMITS OF FIELD)
23 <CONFIRMING-COPY>		Tag marking a confirming copy for a submission already sent in paper to the SEC pursuant to a temporary hardship exemption. When a confirming copy is sent, <FILE-NUMBER> tag and value must be used and nested under the <FILER> tag for non-subject company filings. For subject company filings, <FILE-NUMBER> must be used and nested under the <SUBJECT-COMPANY> tag.
24 <REGION> For use with future Release	NYRO	Identifies a regional SEC office. Not currently used with any submission type. See Appendix C for values for this tag. (Field up to 10 characters)
25 <GROUP-MEMBERS>	John Smith Jane Doe	Identifies list of group member names. Used with Williams Act filings when there is more than one member of a Williams Act group. The list should exclude the entity identified in the filer tags. (There is only one filer.) Each name must appear on a separate line.

LIST 2 Continued
TAGS FOR WHICH SUBMISSION TYPE DETERMINES REQUIREMENT

TAG	EXAMPLE OF VALUE TO BE INSERTED	DEFINITION (LIMITS OF FIELD)
26 <EFFECTIVENESS-DATE>	10/15/92	Filer requested effectiveness date that applies to all co-registrants in a co-registrant filing for certain Investment Company filings. Order is month, day, and year, i.e., mm/dd/yy. Use hyphen, slash, or space to separate numbers. (Field up to 20 characters)
27 <MODULE-COUNT>	3	Used when the value shown for <SUBMISSION><TYPE> is "module." Represents the number of modules included in the submission. For an explanation of modules, see paragraph 4.13. (Field up to 2 characters)
28 <SEGMENT-COUNT>	2	Used when the value shown for <SUBMISSION><TYPE> is "segment." Represents the number of segments included in the submission. For an explanation of segments, see paragraph 4.19. (Field up to 2 characters)

END OF TAGS FOR WHICH SUBMISSION TYPE DETERMINES REQUIREMENT

LIST 3
OPTIONAL TAGS FOR ALL SUBMISSION HEADERS

CAUTION:
Providing information in a submission header does not relieve a registrant of the obligation to report specified information in required filings.

TAG	EXAMPLE OF VALUE TO BE INSERTED	DEFINITION (LIMITS OF FIELD)
29 <TEST> or <LIVE>		Marks a submission to be treated as a test or live filing. No value.
30 <SUBMISSION-CONTACT>		Marks beginning of submission contact information. No value.
30a <NAME>	A. Jones	Identifies a person to contact if there are questions about the submission. Although not required, it is recommended. (Field up to 30 characters)
30b <PHONE>	202-555-1111	Phone number of the contact person; an area code must be included. Although this tag is not required, it is recommended. (Field up to 20 characters)
30c </SUBMISSION-CONTACT>		Marks end of submission contact information. No value.

LIST 3 Continued
OPTIONAL TAGS FOR ALL SUBMISSION HEADERS

TAG	EXAMPLE OF VALUE TO BE INSERTED	DEFINITION (LIMITS OF FIELD)
31 <NOTIFY>	17700,1155 17700,1156	Identifies CompuServe User IDs that are to receive notification of submission acceptance or suspense messages in addition to the user IDs associated with the login CIK and filer CIK. Should not be used to request return copies. (Field up to 40 characters; separate IDs with white space or tag separately)
32 <SROS>	AMEX CBOE	Identifies one or more stock exchanges or other self-regulatory organizations with which organizations filer's securities are listed. In the future may be used in connection with dissemination of one-stop filing. See Appendix C for values for this tag. (Field up to 4 characters--separate abbreviations with white space or tag separately)

NOTE:
One-stop filing is not yet available. However, filers are encouraged to use this tag in Release 3.0 in order to identify applicable SROs.

LIST 3 Continued
OPTIONAL TAGS FOR ALL SUBMISSION HEADERS

TAG	EXAMPLE OF VALUE TO BE INSERTED	DEFINITION (LIMITS OF FIELD)
33 <NEW-COMPANY-DATA>		Marks beginning of new company data. No value.
33a <NAME>	Jones and Son, Inc.	New name of the filer/registrant. (Field up to 60 characters)
33b <IRS-NUMBER>	22-7777777	New IRS number. (Field 9 characters plus an optional hyphen, EDGARLink displays a hyphen with this tag.)
33c <FISCAL-YEAR-END>	06/30	Designates a new fiscal year end date. Month and day only. Hyphen or slash separates month and day. (Field 5 characters)
33d <STATE-OF-INCORPORATION>	CT	Indicates change in state (or country) in which business is incorporated. See Appendix C for correct State (and country) codes. (Field 2 characters)
33e </NEW-COMPANY-DATA>		Marks the end of new company data. No value.
34 <NEW-BUSINESS-ADDRESS>		Marks the beginning of new business address information. No value.

LIST 3 Continued
OPTIONAL TAGS FOR ALL SUBMISSION HEADERS

TAG	EXAMPLE OF VALUE TO BE INSERTED	DEFINITION (LIMITS OF FIELD)
34a <STREET1>	444 4th Street	First line of the street address for a new business address. (Field up to 40 characters)
34b <STREET2>	Suite 444	Second line of new street address. Use if needed. (Field up to 40 characters)
34c <CITY>	New City	City for a new business address. (Field up to 20 characters)
34d <STATE>	VA	State (or country) for a new business address. See Appendix C for values (Field 2 characters)
34e <ZIP>	20200-1010	Postal ZIP Code for a new business address. (Field up to 10 characters)
34f <PHONE>	703-444-4444	Phone number of the new business address; area code must be included. (Field up to 20 characters)
34g </NEW-BUSINESS-ADDRESS>		Marks end of new business address information. No value.

LIST 3 Continued
OPTIONAL TAGS FOR ALL SUBMISSION HEADERS

TAG	EXAMPLE OF VALUE TO BE INSERTED	DEFINITION (LIMITS OF FIELD)
35 <NEW-MAIL-ADDRESS>		Marks the beginning of information for a new mailing address. No value required.
35a <STREET1>	1250 10th St.	First line of the street address for a new business mailing address. (Field up to 40 characters)
35b <STREET2>	P.O. Box 1	Second line of the street address for a new business mailing address. (Field up to 40 characters)
35c <CITY>	New City	City for new business mailing address. (Field up to 20 characters)
35d <STATE>	VA	State (or country) for new business mailing address. See Appendix C for values. (Field 2 characters)
35e <ZIP>	22222-1010	Postal ZIP Code for new mailing address. (Field up to 10 characters)
35f </NEW-MAIL-ADDRESS>		Marks the end of new mail address information. No value.

LIST 3 Continued
OPTIONAL TAGS FOR ALL SUBMISSION HEADERS

TAG	EXAMPLE OF VALUE TO BE INSERTED	DEFINITION (LIMITS OF FIELD)
36 <RETURN-COPY>	E-Mail or Print	Requests return copy of the filing as received by the SEC. For a registered EDGAR E-Mail subscriber: copy of a test filing is returned to User ID of login CIK; copy of an accepted "live" filing is returned to the User ID of the filer CIK. For filers who are not E-Mail subscribers: printed copy is returned by U.S. Mail from the SEC's Public Reference Room vendor, Disclosure, Inc. Both E-Mail and printed copies are returned at filer's expense.
	NOTE: Return copies are stored by CompuServe as binary files and must be downloaded to a PC before they can be read or printed.	
37 <NEW-ACCOUNTING-CONTACT>		Marks the beginning of information regarding person to receive account and billing invoices. No value.
37a <NAME>	John J. Doe	New accounting contact name. (Field up to 60 characters)

LIST 3 Continued
OPTIONAL TAGS FOR ALL SUBMISSION HEADERS

TAG	EXAMPLE OF VALUE TO BE INSERTED	DEFINITION (LIMITS OF FIELD)
37b <STREET1>	1250 10th St.	New accounting contact street address. (Field up to 40 characters)
37c <STREET2>	Apt. 341	New accounting contact street address, line 2. (Field up to 40 characters)
37d <CITY>	Des Moines	New accounting contact city. (Field up to 20 characters)
37e <STATE>	IA	New accounting contact State. See Appendix C for values. (Field 2 characters)
37f <ZIP>	50505-4444	New accounting contact ZIP Code. (Field up to 10 characters)
37g <PHONE>	808-888-8888	New accounting contact phone number. (Field up to 20 characters)
37h </NEW-ACCOUNTING-CONTACT>		Marks the end of new accounting contact information. No value.

LIST 3 Continued
OPTIONAL TAGS FOR ALL SUBMISSION HEADERS

TAG	EXAMPLE OF VALUE TO BE INSERTED	DEFINITION (LIMITS OF FIELD)
38 <NEW-EDGAR-CONTACT>		Marks the beginning of information for a new EDGAR contact. No value required.
38a <NAME>	John J. Doe	New EDGAR contact name. (Field up to 60 characters)
38b <STREET1>	1250 10th St.	New EDGAR contact street address. (Field up to 40 characters)
38c <STREET2>	Apt. 341	New EDGAR contact street address, line 2. (Field up to 40 characters)
38d <CITY>	Des Moines	New EDGAR contact city. (Field up to 40 characters)
38e <STATE>	IA	New EDGAR contact state. See Appendix C for values. (Field 2 characters)
38f <ZIP>	50505-4444	New EDGAR contact ZIP Code. (Field up to 10 characters)
38g <PHONE>	808-888-8888	New EDGAR contact phone number. (Field up to 20 characters)

LIST 3 Continued
OPTIONAL TAGS FOR ALL SUBMISSION HEADERS

TAG	EXAMPLE OF VALUE TO BE INSERTED	DEFINITION (LIMITS OF FIELD)
38h <EMAIL-ID>	17700,1155	New EDGAR contact CompuServe identification. (Field up to 40 characters)
38i </NEW-EDGAR-CONTACT>		Marks the end of new EDGAR contact information. No value.
39 <AUDITOR> For use with future Release		Marks the beginning of information about the auditor for the filing. No value.
39a <NAME>	John J. Doe	Name of the auditor. (Field up to 60 characters)
39b <CITY>	New York	City of the address of the auditor. (Field up to 20 characters)
39c <STATE>	NY	State of the address of the reporting manager. See Appendix C for values. (Field 2 characters)
39d </AUDITOR> For use with future Release		Marks the end of auditor information.

END OF OPTIONAL TAGS FOR ALL SUBMISSION HEADER TAGS

SECTION C--TAGS USED IN DOCUMENT HEADERS

4.10 DOCUMENT HEADER TAGS AND THEIR VALUES

Header tags for all documents submitted to the EDGAR system can be found in the following lists. For convenience, each tag is numbered consecutively.

LIST	DOCUMENT HEADER TYPE	PAGE
4	Tags common to all document headers	4-C-2
5	Tags for document headers in modular submissions	4-C-4
6	Tags for document headers in segment submissions	4-C-6

NOTE:
Refer to paragraph 4.13 for instructions to use the module capability of EDGAR.

Refer to paragraph 4.19 for instructions on using the segment capability of EDGAR.

Tags for N-SAR documents are provided through the special N-SAR filing assistance software provided by the SEC and are not listed here.

Tags for 13F-E filings are provided in Appendix H.

LIST 4
TAGS COMMON TO ALL DOCUMENT HEADERS

TAG	EXAMPLE OF VALUE TO BE INSERTED	DEFINITION (LIMITS OF FIELD)
40 <DOCUMENT>		A required tag marking the beginning of a document. If you are using EDGARLink to assemble a submission, the tag is automatically inserted at the beginning of each document.
	NOTE: Each document should have an end-of-document tag to mark the end of the document </DOCUMENT>.	
41 <TYPE>	EX-10.24	Acceptable document values are listed in Appendix C. One document in each filing must match the submission type. (Field 10 characters)
42 <DESCRIPTION>	Supply contract with XYZ Corp.	This tag is not required but offers the opportunity to describe what is being submitted. (Field up to 50 characters)

LIST 4 Continued
TAGS COMMON TO ALL DOCUMENT HEADERS

TAG	EXAMPLE OF VALUE TO BE INSERTED	DEFINITION (LIMITS OF FIELD)
43 <TEXT>		A required tag marking the beginning of text in a document. If you are using EDGARLink, the <TEXT> tag is automatically inserted after the document header. (No value required)

NOTE:
At the end of the body of text for a document, an end-of-text tag helps to prevent confusion by explicitly marking the end of the text.

EXAMPLE: </TEXT>

END OF TAGS COMMON TO ALL DOCUMENT HEADERS

LIST 5
TAGS FOR DOCUMENT HEADERS IN MODULE SUBMISSIONS

TAG	EXAMPLE OF VALUE TO BE INSERTED	DEFINITION (LIMITS OF FIELD)
44 <DOCUMENT>		A required tag marking the beginning of a document. If you are using EDGARLink to assemble a submission file, the tag is automatically inserted at the beginning of each document. (No value required)
44a <TYPE>	Module	Must be the first tag following <DOCUMENT> (Value must be MODULE)
44b <DESCRIPTION>	Opinion of counsel	Description of the module. Optional tag (Field up to 50 characters)
44c <NAME>	Opinion2_asc	Identifies the name by which the module is to be stored on the EDGAR system. The name must begin with an alpha character, may contain letters, numbers underscores and hyphens but no periods. (Field up to 15 characters)

LIST 5 Continued
TAGS FOR DOCUMENT HEADERS IN MODULE SUBMISSIONS

TAG		EXAMPLE OF VALUE TO BE INSERTED	DEFINITION (LIMITS OF FIELD)
44d	<REPLACE>	Opinion1_asc	Identifies a module already resident on the EDGAR system, the contents of which are to be replaced by a new module. This is an optional tag. When used, it is under <TYPE> module. Not used in combination with <DELETE>. (Field up to 15 characters)
44e	<DELETE>		Directs that the module already resident on the EDGAR system and named with the nested tag <NAME> be deleted from the system. (No value required)
44f	<MODULE-CONTENT>		A required tag marking the beginning of module text. Not used in combination with <DELETE>. (No value required)
44g	</MODULE-CONTENT>		A required tag marking the end of the text for a module. (No value required)

END OF TAGS FOR MODULE DOCUMENT HEADERS

LIST 6
TAGS FOR DOCUMENT HEADERS IN SEGMENT SUBMISSIONS

TAG		EXAMPLE OF VALUE TO BE INSERTED	DEFINITION (LIMITS OF FIELD)
46	<DOCUMENT>		A required tag marking the beginning of a document. (No value required)
46a	<TYPE>	Segment	Must be the first tag following <DOCUMENT> (Value must be SEGMENT)
46b	<SEGMENT-NAME>	Opinion1	Identifies a subordinate segment when the value shown for <SUBMISSION> <TYPE> is "segment." It is the name that will be referenced in a master segment. The name must begin with an alpha character, may contain letters, numbers underscores and hyphens but no periods. For an explanation of segment tagging see paragraph 4.19. (Field up to 15 characters)
46c	<MASTER-SEGMENT-CIK>	123456	Identifies the CIK used in submitting the master segment. Required in subordinate segment submissions. For an explanation of segment tagging see paragraph 4.19. (Field up to 10 characters)
46d	<SEGMENT-CONTENT>		Marks the beginning of the subordinate segment content. No value required.
46e	</SEGMENT-CONTENT>		Marks the end of the subordinate segment content. No value required.

END OF TAGS FOR DOCUMENT HEADERS IN SEGMENT SUBMISSIONS

4.11 TAGS USED TO IDENTIFY ELEMENTS WITHIN A DOCUMENT

Tags used within the body of documents are identified in the following two lists. For convenience in referring to tags, each tag is numbered consecutively.

LIST	TYPE OF TAG	PAGE
7	Internal text tags (for other than wide tables)	4-D-2
8	Wide table tags (over 80 characters wide)	4-D-5

NOTES:

1) For information on using the module capability of EDGAR, refer to paragraph 4.13.

2) For information on using the segment capability of EDGAR, refer to paragraph 4.19.

3) For a discussion on formatting tables wider than 80 characters, refer to paragraph 4.18.

4) Refer to Appendix E for future tags regarding financial data schedules.

LIST 7
INTERNAL TEXT TAGS
(For Other Than Wide Tables)

TAG		EXAMPLE OF VALUE TO BE INSERTED	DEFINITION (LIMITS OF FIELD)
47	<MODULE>		Marks the beginning of information identifying a module, previously submitted, that is part of the current submission. No value.
47a	<NAME>	annual_rpt	Name of the module to be included. Must follow the <MODULE> tag. (Field up to 15 characters)
47b	<CIK>	0000444444	CIK of the filer, who previously submitted the module. Must be grouped with the tag <MODULE>. (Field up to 10 characters)
47c	<CCC>	myccc$#9	CCC of the filer, who previously submitted the module. Must be grouped with the tag <MODULE>. (Field 8 characters)
47d	</MODULE>		Marks the end of module identification information. Required tag. No value.

NOTE:
When the applicable CIK and CCC are those of the primary registrant, then the module may be inserted using only the begin module tag, the name value, and the end module tag.
EXAMPLE: <MODULE> annual_rpt </MODULE>

LIST 7 Continued
INTERNAL TEXT TAGS
(For Other Than Wide Tables)

TAG	EXAMPLE OF VALUE TO BE INSERTED	DEFINITION (LIMITS OF FIELD)
48 <F1> . . . . <F99>		Creates a searchable marker for notes about text. May be used in pairs; e.g., <F1> in the text and a corresponding <F1> at the applicable foot or end note. Any number from 1 through 99 is acceptable. No value.
49 <R>		Indicates the beginning of redlined (revised) information. No value.
49a </R		Indicates end of revised information. <R> and </R> are used to "surround" revised information. To indicate deleted information, use <R> </R> together. No value.

NOTE:
During this Release, filers may insert the tag <R> before and </R> following a paragraph in which changes have been made. Changes to financial statements need not be redlined.

LIST 7 Continued
INTERNAL TEXT TAGS
(For Other Than Wide Tables)

TAG	EXAMPLE OF VALUE TO BE INSERTED	DEFINITION (LIMITS OF FIELD)
50 <PAGE>		Indicates where a new page should begin in a document. No value.
51 <AUDIT-REPORT> (To be used in future Release)		Indicates start of the auditor's report. No value.
51a </AUDIT-REPORT> (To be used in future Release)		Marks end of auditor's report. No value.
52 <SEGMENTS>	Opinion1 Account-TX	Used in a master segment to reference subordinate segments. It may be used within the text of a document to place additional text submitted as a segment; or it may be used between documents to place a subordinate segment submitted as a complete document See paragraph 4.19 for details. (Field for each segment name up to 15 characters--names must be separated with white space or tagged separately; no white space used within the name)
52a </SEGMENTS>		Marks the end of a segment reference.

END OF INTERNAL TEXT TAGS

LIST 8
WIDE TABLE TAGS (Over 80 Characters Wide)

TAG	EXAMPLE OF VALUE TO BE INSERTED	DEFINITION (LIMITS OF FIELD)
53 <TABLE>		Marks the beginning of information wider than 80 characters per line but not wider than 132 characters per line. No value.
53a <CAPTION>		Marks the start of text that will serve as headings for columns. No value.
53b <S>		Marks the start of a stub (the left angle bracket is aligned with start of the stub). No value.
53c <C>		Marks the start of a column of data (the left angle bracket is aligned with the farthest left character of each column of data). No value.
53d </TABLE>		Marks the end of a table, and return to lines no wider than 80 characters. No value.
54 <FN>		Denotes (and separates) the numerical data in a table from its footnotes. No value.

CAUTION:
If information exceeds 80 characters in width, the above tags must be used. Filers are encouraged also to use the tags in tables less than 80 characters wide. The <S> and <C> tags must appear on a separate line between the column headings and the data. The <FN> tag, if used, must appear on a separate line between the last line of data and the footnote or table description.

For more information on using tags for tables, see Section E, paragraph 4.18.

SECTION E--SPECIAL HANDLING FOR SOME SUBMISSIONS

4.12 NON-PUBLIC AND CONFIDENTIAL INFORMATION

The EDGAR system is designed to separate non-public from public information, disseminating only the public information. In some cases the value for submission tag <TYPE> provides sufficient instruction for the EDGAR system to handle filings correctly (for example, when the value CORRESP follows the submission tag <TYPE>, the information is not disseminated outside the SEC).

Similarly, when submission tag <TYPE> is public information, the document tag <TYPE> in the document header determines whether or not the document is public. Much of the header information is not disseminated; e.g., all fee data is non-public.

Non-public material is different from confidential material. All material for which confidential treatment is requested should continue to be submitted on paper.

4.13 USING THE MODULE CAPABILITY OF EDGAR

4.13.1 EDGAR DEFINITION OF A MODULE

A module is information that is stored on the non-public data storage area of the EDGAR system so that it may be included in subsequent filings without being resubmitted each time. This capability has been available since Release 2.1 of the EDGAR system.

4.13.2 HOW EDGAR HANDLES MODULES

A module must be a separate submission and have a unique name. The names of modules are assigned by the filer with the following parameters:

* Must be no more than 15 characters long,
* Must begin with a letter (alpha character),
* Characters after the beginning letter may be letters, numbers, underscores, or hyphens (not periods).

The header of a module submission must include the identification of an SEC filer. The module is treated as the private information of that filer, and is stored on the SEC database by the filer's CIK and CCC. Up to 10 modules may be stored for a single CIK on the EDGAR system. Storage is limited to a total of 1 megabyte per CIK, with a maximum of 1 megabyte for a single module.

Module submissions which include the <TEST> tag (test submissions) will be checked for errors but will not be indexed, i.e., test modules will not be available for referencing in subsequent submissions.

Modules are validated by the EDGAR system just like any other submission type at the time they are submitted. If a module contains errors, those errors are reported to the filer and/or filing agent.

In the case where a module content consists of some document text (but not one or more whole documents), then the module reference will have to occur within a document. When the module content consists of one or more whole documents, the module reference can occur anywhere it is appropriate for that document to be defined.

CAUTION:
EDGAR suspends module submissions from filers or filing agents who are not subscribers to the EDGAR electronic mail (E-Mail) service. Module users must be E-Mail subscribers.

4.13.3 STRUCTURE OF A MODULE SUBMISSION

The following is an example of a submission and document header used to store a module on the EDGAR system:

```
<SUBMISSION>
<TYPE>            module
<MODULE-COUNT>    1
<FILER>
     <CIK>        0000543219
     <CCC>        a23456@b
</FILER>
<DOCUMENT>
<TYPE>            module
<NAME>            Opinion2-asc
<DESCRIPTION>     Opinion of J.J. Green
<MODULE-CONTENT>
   (The text of the module would follow)
</MODULE-CONTENT>
</DOCUMENT>
</SUBMISSION>
```

The optional tag <RETURN-COPY> may be placed in a module submission header. Live and test modular submissions that contain a <RETURN-COPY> tag will be returned with all tags and tag values other than access codes.

4.13.4 PROCESS TO DELETE OR REPLACE A MODULE

It is possible to delete a module stored on EDGAR or to replace it. However, these changes can only be accomplished by the same filer who stored the module on the EDGAR system. To delete or replace a module:
1. Create a module submission header.
2. Append a module document header and include the tag <DELETE> or <REPLACE>.

If the <REPLACE> tag is used, the name of the module that is currently stored on the EDGAR system must be given as the tag value. (The EDGAR system will delete the module identified with

the tag <REPLACE> and add the module identified with the tag <NAME>.)

If neither the <REPLACE> or <DELETE> tag is present, the system will assume that the module is to be added.

EXAMPLE OF USING THE <DELETE> TAG:

```
<SUBMISSION>
<TYPE>                module
<MODULE-COUNT>        1
<FILER>
  <CIK>               871970
  <CCC>               d#dqhn3c
</FILER>
<DOCUMENT> <TYPE>     module
<NAME>                legal_opinion
<DELETE>
<DESCRIPTION>
</DOCUMENT>
</SUBMISSION>
```

EXAMPLE OF USING THE <REPLACE> TAG:

```
<SUBMISSION>
<TYPE>                module
<MODULE-COUNT>        1
<FILER>
  <CIK>               0000123456
  <CCC>               a@bcdef2
</FILER>
<DOCUMENT> <TYPE>     module
<NAME>                audit
<REPLACE>             audit
<DESCRIPTION>         New audit data as of 6/19/92
<MODULE-CONTENT>
This section will contain the module text
</MODULE-CONTENT>
</DOCUMENT>
</SUBMISSION>
```

NOTE:
EDGARLink header building assistance automatically sets the name of the module being replaced equal to the new module name when "Y" is selected for the <REPLACE> tag. The filer may use the EDGARLink editor to change the <REPLACE> tag value to the name of a different module in the filer's module index.

4.13.5 HOW TO REFER TO A MODULE IN A SUBSEQUENT SUBMISSION

The following is an example of how to refer to a module in a subsequent submission:

NOTE:
All of the normal submission header requirements apply. A request for the insertion of a module must come within the text of a document, or at a point where a document header would begin. (The document count for the submission should include all separate documents that will be provided by inclusion of a module.)

EXAMPLE OF REFERENCING A MODULE THAT IS A PARTIAL DOCUMENT:
(This reference is made within the text of a document.)

```
<DOCUMENT
  <TYPE>          S-1
  <TEXT>
     (Text of the document would follow with the request
     to include the module within the text)
     <MODULE>
        <NAME> Opinion2
        <CIK>  0000543219
        <CCC>  a23456@b
     </MODULE>
  </TEXT>
</DOCUMENT>
```

EXAMPLE OF REFERENCING MODULE THAT IS A COMPLETE DOCUMENT:
(This reference is made outside of a document--e.g., following an end document tag.)

```
</DOCUMENT>
  <MODULE>
     <NAME> Opinion2-asc <CIK> 0000543219 <CCC> a23456@b
  </MODULE>
  </SUBMISSION>
```


When a filing is made on behalf of more than one entity (or person), the CIK and CCC for each entity (or person) are required to be included in the submission header.

CAUTION:
All coregistrant filings must apply to the same Act. Following is an example of the multiple filer tags used in a coregistrant submission header:

```
<SUBMISSION>
<TYPE>            S-1
<DOCUMENT-COUNT>  1
<FILER>
  <CIK>           0000123456
  <CCC>           9abc*def
</FILER>
<FILER>
   <CIK>          789901
   <CCC>          8ghi*knm
</FILER>
<FILER>
   <CIK>          987654
   <CCC>          5bmw*njh
</FILER>
```

When a filing involves a single registration statement under the 1933 Act filed on behalf of more than one registrant (coregistrants), the CIK and CCC for each registrant is added to the header. If the filing is an amendment to the registration statement, the <FILE-NUMBER> tag also must be included for each registrant. If the form on which any coregistrant is filing differs, the tag <FORM-TYPE> is required to be included.

WHEN the submission type is...	THEN <FORM-TYPE> may be used to refer to...
S-1	S-1 or S-3
S-3	S-3 or S-1
S-1/A	S-1/A or S-3/A
S-3/A	S-3/A or S-1/A

4.14 FILING ON BEHALF OF MORE THAN ONE ENTITY Continued

Following is an example of a submission header with coregistrants filing amendments for two different forms:

```
<SUBMISSION>
<TYPE>              S-1/A
<DOCUMENT-COUNT>    1
<FILER>
  <CIK>             123456
  <CCC>             9abc*def
  <FILE-NUMBER>     33-99999
</FILER>
<FILER>
  <CIK>             789901
  <CCC>             8ghi*kmn
  <FILE-NUMBER>     33-99999-01
</FILER>
<FILER>
  <CIK>             987654
  <CCC>             2aq3*edc
  <FILE-NUMBER>     33-99999-02
  <FORM-TYPE>       S-3/A
</FILER>
```


4.15 CORRESPONDENCE SUBMISSIONS AND DOCUMENTS

Filers may submit to the EDGAR system a correspondence document (other than a cover letter) within a submission, or may submit a correspondence submission. Correspondence documents and submissions are not disseminated to the public but do become a part of the SEC record.

4.15.1 HOW TO CREATE A CORRESPONDENCE SUBMISSION HEADER

To create a correspondence submission, use the value CORRESP for the <TYPE> tag.

EXAMPLE:

```
<SUBMISSION>
<TYPE>                  CORRESP
<DOCUMENT-COUNT>        1
<FILER>
   <CIK>                123456
   <CCC>                mju899#3
<SUBMISSION-CONTACT>
   <NAME>               A. JONES
   <PHONE>              (202)555-5555
</SUBMISSION-CONTACT>
```

4.15.2 HOW TO CREATE A CORRESPONDENCE DOCUMENT

To create a correspondence document, simply set it off with a document header and end-of-document tag within a submission, as shown in the example below:

EXAMPLE:

```
<DOCUMENT>
  <TYPE>            CORRESP
  <DESCRIPTION>     (Optional)
  <TEXT>
(Insert your correspondence here.)
  </TEXT>           Optional
</DOCUMENT>         Optional
</SUBMISSION>
```

4.16 CORRECTION OF SUSPENDED FILINGS

A correction script may be used in conjunction with a suspended filing to create a corrected submission. Correction scripts can be created only with the EDGARLink software. A correction script forwards to the EDGAR system only the changes to a suspended document, so the entire document need not be resubmitted.

NOTE:
Correction scripts must have the same login CIK and password as the suspended filing. Make timely corrections. Suspended filings will be deleted from the system after 6 business days.

The following is an example of the tags that are used for a correction document created by the EDGARLink program:

```
<DOCUMENT>
  <TYPE>       SCRIPT (Automatically supplied by
               EDGARLink)
  <ACCESSION>  (Number supplied with suspension message and
               recorded in the EDGARLink Client Ref. file)
  <SIZE>       (Automatically supplied by EDGARLink)
  <CRC>        (Automatically supplied by EDGARLink)
  <SCRIPT>     (Automatically inserted by EDGARLink)
  </SCRIPT>    (Automatically inserted by EDGARLink)
</DOCUMENT>
```


4.17 N-SAR DOCUMENTS

Electronic submissions of N-SAR documents by investment companies are prepared using special software (provided by the SEC) with the EDGARLink software. Portions of EDGARLink must be used with the N-SAR software to complete preparation of an N-SAR submission. In this EDGAR Release, EDGAR-compatible N-SAR software is provided to N-SAR filers along with an N-SAR supplement to this manual. (See Section 5-E, paragraph 5.27.)

4.18 FORMATTING TABLES WIDER THAN 80 CHARACTERS

4.18.1 GUIDELINES FOR PRESENTATION OF TABLES

The specifications that apply to formatting electronic documents filed with the SEC require that lines of text not exceed 80 columns (characters). The sole exception to this limitation relates to information presented in tabular or columnar format according to the following guidelines:

* information wider than 80 characters must be introduced with a <TABLE> tag (begin table tag) and end with a </TABLE> tag (end table tag);
* no more than 132 characters/columns can be used per line (row);
* column headings are introduced by a line with the tag <CAPTION> appearing on the otherwise blank line (row) preceding column headings (see examples);
* the row preceding columnar information must consist of tags designating where columns of information will begin (where tabs are set in word processing programs or where columns begin in a spreadsheet program):
  -- the tag <S> is used to designate the leading (left) edge of the "stub" (sometimes referred to as the legend or key) or columns of non-numeric information (see examples);
  -- the tag <C> is used to designate the leading (left) edge of each column of information. (At least one column to the left of the < (left angle bracket) of the tag <C> must be blank in all rows of the table up to the next presentation tag, e.g., <CAPTION>, <FN>, or </TABLE>.)
* the row preceding any explanatory or footnote material must carry the tag <FN> (see Example I).

Refer to the examples that follow for guidance on using table tags in a variety of table styles.

4.18 FORMATTING TABLES WIDER THAN 80 CHARACTERS Continued

4.18.2 FORMATTING EXAMPLES OF WIDE TABLES

NOTE:
If this manual was downloaded from the EDGAR bulletin board, the following examples should be printed at 132 characters per line or printed with condensed type.

EXAMPLE I--TABLE APPEARING WITHIN TEXTUAL DISCUSSION
(Wide text included as part of textual presentation)

```
<TABLE>
Selected Financial Data
<CAPTION>

                                                                                                  Six Months Ended
                                  Fiscal Year Ended June 30,                                      December 31,
                                  ---------------------------------------------------------       ------------
                                  1988    1989    1990    1991    1992                            1991    1992
                                          (in thousands, except per share data)
<S>                               <C>     <C>     <C>     <C>     <C>                             <C>     <C>
Financial Condition:
Total Assets                      1,754   1,124     766     756   5,029                           1,165   5,431
Long-Term Debt                      200     200     268     207     303                             125     174

Results of Operations:

Net Sales                          -0-     -0-     -0-     -0-   1,347                             -0-     898
Income (Loss) from                (1,053)  (935)   (892)   (613)   (339)                           (367)   (244)
  Continuing Operations
Income (Loss) Per                  (.03)   (.03)   (.02)   (.01)    .00                             .00     .00
  Share from
  Continuing Operations
Cash Dividends                     -0-     -0-     -0-     -0-     -0-                             -0-     -0-
  Per Share
<FN>
(a) Because this footnote does not refer to a particular item that has been tagged in the table,
it can be referred to by any designation that is appropriate. It must, however, follow the <FN>
tag as shown.
</TABLE>
```

NOTE:

<TABLE> Tag is placed before the wide text of the table.

<CAPTION> Tag is placed following the wide text and preceding first line of columnar captions.

<S> Tag is placed at leading edge of stub information.

<C> Tag placed at leading edge of each column. The column at the immediate left of the < must be free of any characters between the < and the preceding column on all rows.

<FN> Tag is placed on line preceding footnote.

</TABLE> Tag is placed following the last line of wide information, including footnotes where they apply.

EXAMPLE II -- TABLE WITH TABULAR DATA-SERIES
MARKET AND TRADING INFORMATION

<TABLE>

Xyz's common stock and series A and B preferred stock are quoted on the NASDAQ/NMS. The following tables show for the periods indicated the high and low closing sales prices for such securities.

<CAPTION>

Common Stock

	19xx		19xx		19xx	
Quarter	High	Low	High	Low	High	Low
<S>	<C>	<C>	<C>	<C>	<C>	<C>
First	22 1/2	6 3/4	22 1/4	23 1/2	24 1/8	23 5/8
Second	12 5/8	6 1/2	25 5/8	24 1/2	25 5/8	24 1/2
Third	11	2	25 1/4	24 1/8	25 5/8	24 5/8
Fourth		25	21 1/4	25 1/2	25 1/2	23 1/2

<CAPTION>

Series A Preferred Stock

	19xx		19xx		19xx	
Quarter	High	Low	High	Low	High	Low
<S>	<C>	<C>	<C>	<C>	<C>	<C>
First	33 1/2	17 3/4	7 1/4	33 1/2	24 1/8	23 5/8
Second	32 5/8	15 1/2	34 5/8	32 1/2	25 5/8	24 1/2
Third	22	12	31 1/4	34 1/2	25 1/2	23 1/2
Fourth	29	25	31 1/4	34 1/2	25 1/2	23 1/2

<CAPTION>

Series B Preferred Stock

	19xx		19xx		19xx	
Quarter	High	Low	High	Low	High	Low
<S>	<C>	<C>	<C>	<C>	<C>	<C>
First	53 1/2	34 3/4	57 1/2	53 1/2	46 1/8	43 5/8
Second	52 5/8	35 1/2	54 5/8	52 1/2	45 5/8	44 1/2
Third	42	32	50 1/4	51 1/8	45 5/8	44 5/8
Fourth	69	65	51 1/4	54 1/2	45 1/2	43 1/2

</TABLE>

NOTE:
The <CAPTION>, <S>, <C> tags are repeated to indicate insertion of new captions.

4.18 FORMATTING TABLES WIDER THAN 80 CHARACTERS Continued

A financial data schedule is required to be filed as an exhibit in accordance with Item 601(c) of Regulation S-B [17 CFR 228 601(c)] and Regulation S-K [17 CFR 229.601(c)]. See Appendix E for further information.

The rules for formatting tables wider than 80 characters apply to financial data schedules. In addition, specific accounting captions and their associated data tags are required for these schedules. See Appendix E.

4.19 SUBMITTING FILINGS IN SEGMENTS

In Release 3.0, the SEC begins to accept filings that are submitted in segments. That is, filers may submit parts of a single filing to the EDGAR system separately, even from different locations and under different CIKs. After all parts have been received, the entire filing is assembled and processed as though it had been submitted in a single transmission.

4.19.1 HOW SEGMENT FILING WORKS

For purposes of the EDGAR system:

* one segment is identified as the master segment and identifies the registrant for whom the filing is being made;
* all other segments are subordinate segments;
* the CIK used to identify the filer in the master segment is the master segment CIK and must be shown in subordinate segments;
* the master segment is the last to be transmitted to the SEC and references the subordinate submissions to be included in it.

4.19.2 TESTING SEGMENT SUBMISSIONS

Segment submissions that include the <TEST> tag (test submissions) will be checked for errors but will not be available for inclusion in subsequent submissions, either test or live.

4.19.3 SEGMENT FILING REQUIREMENTS

The following requirements apply to filings submitted in segments:

* The filer must be an EDGAR CompuServe subscriber.
* All segments must be received and accepted by the SEC within 6 business days.
* The master segment must be the last segment to be submitted to the SEC.
* Segment submissions cannot be corrected using a correction script. They must be resubmitted.
* Segments may only be used once; then they are unavailable.

4 19 SUBMITTING FILINGS IN SEGMENTS Continued

The value shown for <MASTER-SEGMENT-CIK> in subordinate segments must match the value shown for <FILER><CIK> in the master segment

4 19 4 SEGMENT NAMING CONVENTIONS

Segments are submitted separately from the filings into which they are to be inserted and they must be given names to be used in referencing them The names of segments are assigned by submitters with the following limitations:

Must be no more than 15 characters long
Must begin with a letter (alpha character)
Characters after the beginning letter may be letters numbers underscores or hyphens (not periods)
Spaces are not allowed

4 19 5 HOW EDGAR HANDLES SEGMENTS

A segment submission must be processed by EDGAR without errors before it is indexed on the EDGAR database It then resides on the EDGAR database for up to 6 business days awaiting the submission of its master segment The subordinate segment must be referenced in a master segment within 6 business days or it expires A subordinate segment is referenced in the master segment with the beginning tag <SEGMENTS>, the name(s) of the segments shown as values and the ending tag </SEGMENTS> These tags and values show where in the master document the segments are to be placed

When the segment content consists of a portion of text (but not one or more complete documents) then the segment reference will have to occur within the text portion of a document

When the segment content consists of one or more complete documents, the segments reference may occur wherever a document tag could occur

When all segments and the master segment have been received without errors the segment reference is resolved by inserting between the <SEGMENTS> and </SEGMENTS> reference in the master segment all of the text that appeared between the <SEGMENT-CONTENT> and </SEGMENT-CONTENT> tags in the subordinate segment submission(s)

4 19 SUBMITTING FILINGS IN SEGMENTS Continued

4 19 6 ERRORS IN SEGMENTS

Segments are validated by the EDGAR system just like any other submission type at the time they are submitted If a segment contains errors those errors are reported to the filer and/or filing agent

If an error arises when the EDGAR system attempts to combine segments or if an error is detected in the master segment the filing is suspended The expiration dates of subordinate segments that are referenced in the master segment are extended 6 business days from the day of suspension of the master segment

However, when an error is detected in a subordinate segment the segment is not accepted and must be resubmitted

4 19 7 DOCUMENT COUNTS AND REFERENCING MODULES OR SEGMENTS

Segments may not be referenced within a segment However modules may be referenced in a segment

If a referenced module represents one or more documents the <DOCUMENT-COUNT> in the master segment must reflect those documents If the module is a portion of a document and referenced within the text of the master segment it is not added to the document count

Segments are counted in the same way If a segment is a complete document it is reflected in the document count of the master segment If however it is not a document but an insertion in the text of the master segment it is not reflected in the document count

4 19 SUBMITTING FILINGS IN SEGMENTS Continued

4 19 8 EXAMPLES OF SEGMENT TAGGING

SUBORDINATE SEGMENTS THAT ARE NOT COMPLETE DOCUMENTS

For a subordinate segment submission that is not a complete document but an insertion into other text that will appear in the filing tags are used as shown below:

<SUBMISSION><TYPE>	segment (the submission type for a subordinate segment is always SEGMENT)
<SEGMENT COUNT>	1 (number of segment documents included in this segment)
<FILER><CIK> CCC>	0000666666 abcd 888
<DOCUMENT><TYPE>	segment
<SEGMENT-NAME>	Opinion1 (name under which this segment will be filed on the EDGAR database and by which it will be referenced in the master segment submission)
<MASTER SEGMENT-CIK>	2222222222 (CIK of the filer for the master segment)

<SEGMENT-CONTENT>
xxxxxxxxxxxxxxxxx(text of segment goes here)xxxxxxxxxxxxxxxxxx
</SEGMENT-CONTENT
</DOCUMENT
</SUBMISSION>

4 19 SUBMITTING FILINGS IN SEGMENTS Continued

SUBORDINATE SEGMENT THAT IS A COMPLETE DOCUMENT

For a subordinate segment submission that is a complete document tags are used as shown below:

<SUBMISSION><TYPE>	segment (the submission type for a subordinate segment is always SEGMENT)
<SEGMENT COUNT>	1 (number of segment documents included in this segment)
<FILER>	
<CIK>	0000666666
<CCC>	abcd 888
</FILER>	
<DOCUMENT><TYPE>	segment
<SEGMENT-NAME>	Atty power (name under which this segment will be filed on the EDGAR database and by which it will be referenced in the master segment submission)
<MASTER-SEGMENT-CIK>	2222222222 (CIK of the filer for the master segment unless the master segment submission contains the tags relating to a subject company For a subject company filing the master segment CIK in the subordinate segments must match that of the subject company in the master segment)
<SEGMENT CONTENT>	
<DOCUMENT><TYPE>	EX-24
<DESCRIPTION>	Power of attorney from A A White to E E Green

<TEXT>
xxxxxxxxxxxxxxxx(text of the EX document goes here)xxxxxxxxxxxxxx
xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx
</TEXT
</DOCUMENT>
</SEGMENT-CONTENT>
</DOCUMENT>
</SUBMISSION

4 19 SUBMITTING FILINGS IN SEGMENTS Continued

MASTER SEGMENT REFERENCING SUBORDINATE SEGMENTS

In a master segment a subordinate segment is referenced where it is to be placed as shown below:

```
<SUBMISSION><TYPE>          10-K
<DOCUMENT-COUNT>            3
                             (the number of documents which are
                             referenced or included by this master
                             segment; i e , this document, any
                             other documents included with the
                             submission  plus segments that are
                             complete documents  and any referenced
                             module documents)
<FILER>
  <CIK>                     2222222222
  <CCC>                     aaaa2@22
</FILER
<PERIOD>                      (tags and values specified for
<FEE-PAID>                    the submission type)
<METHOD>
<DOCUMENT><TYPE             10-K
<TEXT>
xxxxxx(text of document 1 shown in the document count)xxxxxxxxxx
<SEGMENTS>                  Opinion1
                            (first subordinate segment which is
                            not a full document)

</SEGMENTS>
xxxxxxxxxxxxxxx(any additional text)xxxxxxxxxxxxxxxxxxxxxxxxxxxx
</TEXT>
</DOCUMENT>
<DOCUMENT><TYPE>            cover
<TEXT>
xxxxxxx(text of document 2 shown in the document count)xxxxxxxxxx
</TEXT>
</DOCUMENT>
<SEGMENTS>                  Atty-power
                              (name of the segment document named
                              ATTY-POWER which is document 3 in
                              the document count)
</SEGMENTS>
</SUBMISSION>
```


4 20 SUBMITTING 13F-E FILINGS

The 13F-E filing requires special formatting so that the data retrieved by the public can be presented in a meaningful way Unlike most other filings to the EDGAR system the 13F-E has requirements for the columnar positioning of some data (Columns equate to the positions of characters in a 132-character line) Please refer to Appendix H for procedures on how to electronically submit a 13F-E filing

4 21 SUBMITTING EU-i DOCUMENTS

The EDGAR system is designed to accept EU-1 documents in the future. EU-1 documents are intended for the North American Securities Administrators Association (NASAA) system These may be submitted as a document included with an SEC filing

When the NASAA system is ready to accept EDGAR documents, an EU-1 document will be passed to NASAA but will be removed from the EDGAR database and will not be disseminated

4 22 COMBINING 13D AND 14D FILINGS IN A SINGLE SUBMISSION

The EDGAR system is capable of processing in a single submission the following form type combinations:

SC 13D and SC 14D1
SC 13D/A and SC 14D1/A
SC 13D/A and SC 14D1

When submitting one of the above combinations the value for the tag <SUBMISSION><TYPE> should be either SC 14D1 or 14D1/A The value for <DOCUMENT><TYPE> must match the value for <SUBMISSION><TYPE>

When a combination filing is made two <FORM TYPE> tags must be included in the <FILER> grouping (nest) of the submission header indicating as values the two form types being filed

EXAMPLE OF USE OF <FORM TYPE FOR A COMBINATION 13D/14D FILING:

```
<SUBMISSION><TYPE>          SC 14D1
<DOCUMENT=COUNT>            2
<FILER>
  <CIK>                     2222222222
  <CCC>                     ABCD3$56
  <FORM=TYPE>               SC 13D
  <FORM=TYPE>               SC 14D1
</FILER>
```

SECTION F SIGNATURES FOR ELECTRONIC FILINGS

4.23 SIGNATURES TO BE TYPED

* *** ** * ** * * * *

4 23 1 STATUTORY AND NON STATUTORY SIGNATURES

Signatures for electronic filings will be typed. Rule 302 of Regulation S T provides that statutory and non-statutory signature requirements are satisfied if the signatory's name appears in typed form

This differs from the way signatures were provided in the Pilot system Manually signed signature pages or personal identification numbers (PINs) were used depending upon the submission medium. However in the Operational EDGAR system a typed representation of the signature is to be used. In accordance with Rule 302 of Regulation S T a manually signed signature page must be retained by the filer for 5 years

4.23 2 POWERS OF ATTORNEY AND CONSENTS OF EXPERTS

Signatures required of any expert named in a registration statement or as having certified any part of a statement should be in typed format for electronic filings to the EDGAR system

CHAPTER 5--HOW TO USE THE EDGARLink FILER ASSISTANCE SOFTWARE

SECTION A--INSTALLING AND MAINTAINING EDGARLink ON A PC

5 1 INTRODUCTION

*

This chapter provides information on using the SEC-provided filing software It includes general information about the software as well as step-by-step procedures for using it The chapter is divided into five sections to assist filers in finding a needed reference quickly

Included in this chapter are the following sections:

A INSTALLING AND MAINTAINING EDGARLink ON A PC Section 5 A-1
(An introduction to what the software is designed to do, instructions on how to install it and tips on maintaining it)

B GETTING STARTED Section 5-B-1
(How to get in and out of EDGARLink and set the configuration to match filer s requirements)

C PREPARING SUBMISSIONS WITH EDGARLink Section 5-C-1
(Instructions on using the software to EDGARize documents create submissions correct submissions and print submissions and headers)

D USING EDGARLink TO COMMUNICATE WITH THE SEC Section 5-D-1
(How to send changes in CCCs and passwords test and live filings and correction scripts to the EDGAR system; and how to download an updated version of the EDGARLink software)

E USING E MAIL AND CUSTOM APPLICATIONS THROUGH EDGARLink Section 5-E-1
(How to access EDGAR electronic mail and N SAR software for Investment Management filers)

NOTE:
With few exc ptions the procedures for using EDGARLink have not changed from the previous edition However, they are presented in a different order Only new or revised text is shown with change bars throughout all sections of Chapter 5

5 2 THE EDGARLink SOFTWARE PROGRAM

* *

EDGARLink is a DOS based software program designed to assist with the preparation and transmission of electronically submitted filings One set of EDGARLink diskettes is distributed by the SEC to each registered EDGAR filer at no cost The software may be copied or additional copies of EDGARLink may be purchased at the SEC s Public Reference Room Updates may be downloaded from EDGAR using the version verify menu option of EDGARLink

5 2 1 EDGARIZING WITH EDGARLink

The previous chapter explained that before filings can be received processed, and disseminated electronically additional formatting information has to be added The process of adding this information to a filing is known as EDGARizing When a prepared filing is EDGARized tags and other formatting data required by the EDGAR system are added One purpose for the EDGARLink software is to automatically create the required EDGAR tags such as <TYPE

In addition to creating tags EDGARLink assists the filer in creating when required, a correctly formatted value for the tag In the case of a pre-effective amendment to a Form S 1, the submission header tag is <TYPE> and the correct value for the tag is S 1/A not S-1" or anything else EDGARLink knows the correct combinations of required and optional tags for each submission and document type and removes much of the EDGARizing burden from the filer

5 2 2 EDGARLink ATTRIBUTES

Specifically the EDGARLink software assists in preparation submission and correction of SEC submissions by:

* Constructing the necessary EDGAR headers (that go at the beginning of submissions and documents) and inserting the appropriate tags and values for the tags within the headers Headers and tags for submissions and documents are described in Chapter 4

* Checking for formatting errors in the filing prior to transmission to the SEC Validating a filing with EDGARLink software prior to an electronic submission significantly reduces the likelihood of the SEC suspending a filing for EDGARizing errors

Assisting the filer in locating and correcting errors EDGARLink provides a full screen text editor that allows the user to locate errors in the submission and correct them without leaving the EDGARLink application

* Transmitting the filing to the SEC

  - EDGARLink compresses the filing before transmission to reduce transmission time

  - EDGARLink s communications program dials into the SEC and streamlines the login process

  - EDGARLink restarts transmissions (within 15 minutes) automatically in case of a break in communications Following a break in communications data that have been successfully received by EDGAR are not retransmitted

  Constructing a modification script for corrected filings Only the changed data are transmitted reducing the transmission time to send a corrected filing

* Providing access to the optional EDGAR bulletin board and E Mail service

  Providing access to custom software applications (e g Form N SAR)

5 2 3 WHEN EDGARLink SHOULD BE USED

Although the SEC provides the EDGARLink program on diskette to all authorized EDGAR filers its use is optional However with certain custom applications, such as N-SAR portions of EDGARLink must be used to complete preparation of a submission

Features of EDGARLink may also be used independently. For example, a filer could take advantage of EDGARLink's ability to automatically build the special headers for submissions and documents and also use the built-in error checking and text-editing features although the same filer could elect not to use EDGARLink to transmit the filing to the SEC Instead the filer could choose to submit the filing by other means such as a commercially available communications software program

5 2 4 EDGARLink SOFTWARE DISTRIBUTION

The SEC distributes EDGARLink software without charge to registered EDGAR filers as they approach their phase in date. The software is distributed on two double-sided double-density (DS/DD) 3 5-inch floppy diskettes (Diskettes of different size or density are not available from the SEC although the program may be copied)

340 99 APR 09 1993 3 160

For those filers who wish to begin testing earlier EDGARLink software and the Filer Manual are available for purchase from the SEC at the following address:

DISCLOSURE INC
PUBLIC REFERENCE ROOM
MAIL STOP 1-2
U S SECURITIES AND EXCHANGE COMMISSION
450 5TH ST NW
WASHINGTON DC 20549
Telephone (800) 638-8241 or (301) 951-1350

5 2 5 FUTURE RELEASES OF EDGARLink SOFTWARE

Updates to the software, when available, can be downloaded to a filer's PC by using the "Verify EDGARLink Version option on EDGARLink s Main Menu

Upon login, EDGARLink filers are automatically notified whether or not they are using a current version of the software

WARNING:
When either a test or live transmission is initiated, the EDGAR system sends a message if the EDGARLink version being used is not up-to-date If a warning is received about an out-of-date version, the filer has the choice of terminating the session and downloading the updated EDGARLink software (and performing an error check of the submission) or proceeding at risk of having the filing suspended

Downloading a new version of EDGARLink can be time consuming so filer may wish to perform an EDGARLink version check and download in advance of the time for which filing transmission is planned If the filer receives a version out-of-date message at the time of filing he or she may, if time for filing is critical, elect to continue with filing transmission and perform the version download at some later time

Procedures for downloading the current version of EDGARLink are described in Section 5-D paragraph 5 22

5 2 6 WHEN YOU NEED ASSISTANCE

Questions from filers concerning the procedures for using EDGARLink may be referred to the SEC's Filer Support section at (202) 272-7171.

5 2 7 TERMINOLOGY

The following terms have special meaning when using EDGARLink.

TERM	MEANING
Special Editing Keys	Keys that perform special functions when pressed For example: [F1] provides a help screen [Esc] cancels the screen currently displayed without saving changes, [End] saves changes made to the current screen and exits
Select	Marks an item by highlighting it Use the up/down arrow keys until the highlight bar appears on the desired selection Selection does not initiate an action After selecting an item you must press [ENTER] in order for the selection to be recorded or the action to be initiated.

It is recommended that users read all of the setup information in 5 3 before beginning to set up their own equipment

5 3 1 HARDWARE REQUIREMENTS

* IBM or compatible PC with:
  - 640 KB RAM (minimum of 512 KB is required to run EDGARLink)
  - 3 5 inch Diskette Drive.
  - Hard Drive (with approximately 6 MB available to store filings and EDGARLink software and session log files)
  - Serial port (if using an external modem)
  - DOS version 3 3 or 5 0

* Modem, compatible with the Hayes Auto-Dialing Protocol (Standard AT Command Set) that supports a transmission speed of either 9600 bps (recommended) 2400 bps or 1200 bps

* Monitor (color recommended not required)

* Printer (recommended not required)

* Telephone/data line to the modem (see paragraph 5 3 3, this section for transmission requirements if using a PBX line)

5 3 2 SETTING UP YOUR COMPUTER

Before you install EDGARLink or N-SAR software on your computer for the first time you must prepare your computer Setting up the computer should be accomplished by a computer specialist if possible The instructions below provide a brief description of the steps you will need to perform using the edit function associated with the DOS version on your computer. Therefore have a copy of your MS-DOS User s Manual and User s Reference handy for guidance on the use of DOS edit commands For example MS-DOS 5 0 uses Edit and DOS 3 3 uses Edlin

NOTE:
Regardless of the DOS version running on your computer all users should perform the first six steps Only those users running DOS 5 0 need perform the remaining steps

Following are the steps in setting up a PC for EDGARLink:

STEP	DESCRIPTION

FOR DOS 3 3 AND 5 0: At the DOS Prompt C:\>

1 Verify that the computer where EDGARLink will be installed is running either DOS 3 3 or DOS 5 0

2 Verify that the computer where EDGARLink will be installed:
1) has at least 524 288 bytes (512 KB) of available RAM and
2) has 5 megabytes of disk space free

3 Add the following statement after the PATH line in the AUTOEXEC BAT file: PRINT <C:\ELINK\NEWLINE DAT (This will install the resident part of the DOS print command so that it can be used later in EDGARLink) If ELINK is not the directory where EDGARLink will be installed, then substitute the appropriate directory name in place of ELINK in the added line

4 If CompuServe software (CompuServe Information Management) is (to be) installed in a directory other than ELINK then edit the ELEXTERN BAT file (in the root of ELINK) to include the new path (name of the directory) to the CIM EXE file so that EDGARLink will know where the CIM EXE file resides (The CIM.EXE file is part of CompuServe software that resides in the directory where the CIM software is installed) When this is accomplished correctly you will be returned to the EDGARLink Main Menu when you exit from CompuServe

5 Disable the SHARE EXE TSR (Terminate and Stay Resident) program from the AUTOEXEC BAT and CONFIG SYS files (Either boot from a DOS disk to install EDGARLink, or use the REM DOS edit command to remark it out because EDGARLink will run improperly if this TSR program is active Users will not be able to install EDGARLink or use the verify version capability unless the SHARE is disabled It may be enabled again after installation, but it must be disabled again to use the version verify features)

Continued

SETTING UP YOUR COMPUTER Continued

STEP	DESCRIPTION

6

IF you use	THEN you
DOS 3 3	reboot your computer to activate your changes
DOS 5 0	go to Step 7

FOR DOS 5 0

7 Ensure that the AUTOEXEC.BAT file contains the subdirectory \DOS (or the directory in which the DOS files are installed) in the PATH statement

8 Reboot your computer to activate your changes

5 3 3 EDGARLink OR N-SAR SOFTWARE TECHNICAL TIPS

Installation Requirements

- DOS 4 01 cannot be used You must upgrade to DOS 5 0 (In DOS 4 01 the SHARE EXE TSR program is hard coded in the kernel and is loaded automatically when you boot your computer Therefore it cannot be disabled; this causes EDGARLink to run improperly)
- DOS users must disable (remark out) the SHARE EXE TSR program or boot from a DOS disk prior to installing EDGARLink
- SEC Filer Support cannot provide assistance for EDGARLink or N-SAR software installed on a Local Area Network (LAN)
- Install EDGARLink in pure DOS not through a DOS box of OS/2 or WINDOWS

Transmission Requirements

- In some cases a Non-PBX telephone/data line may be required If a PBX line is being used then you may need to modify the default configuration settings for EDGARLink (see Section 5-B paragraph 5 10 for procedures)
- Hayes compatible modem
  - 1200 baud (v 22 CCITT)
  - 2400 baud (v 22bis CCITT)
  - 9600 baud (v 32 CCITT) (recommended)

5 3 NEEDED EQUIPMENT AND SETUP FOR EDGARLINK Continued

* Turn off the MNP5 feature on the modem if you experience difficulty establishing a connection to EDGAR (Check your specific modem manual)

Operating Requirements

* When decompressed, EDGARLink occupies approximately 2 MB of disk space Additional space will be required for storing the text of filing documents and for session log files created by EDGARLink (The remaining 3+ MB of free disk space is needed to expedite read/write operations that EDGARLink performs when error checking a file or when downloading the latest version of the EDGARLink software)
* 2 5 to 3 MB of free disk space are required to run VERIFY EDGARLink VERSION from the EDGARLink Main Menu
* If you have drivers (such as LAN drivers) installed on your PC that reduce free RAM then you will need to boot from a system diskette
* Start EDGARLink in pure DOS not through a DOS box of OS/2 or WINDOWS

5 4 HOW TO INSTALL EDGARLink ON USER S HARD DRIVE

The software is distributed on two double-sided double-density (DS/DD) 3 5-inch floppy diskettes When installation of the files from the first diskette is complete EDGARLink prompts for the second diskette

The installation of EDGARLink takes approximately 10 minutes After the files from the second diskette have been successfully installed you will be notified to press any key to start EDGARLink

5 4 1 PROCEDURE TO INSTALL EDGARLINK

Follow the procedure below to install EDGARLink on your PC

STEP	ACTION/RESULT
At DOS Prompt C:\>	
1	Insert EDGARLink Diskette 1 into your 3 5-inch diskette drive (Depending on whether your drive is drive A or drive B:)
2	Type: **A:\INSTALL** press **[Enter]** or Type: **B:\INSTALL**, press **[Enter]** Result: The EDGARLink/N-SAR Installation Menu appears: --EDGARLink/N-SAR Installation Menu-- Install EDGARLink Software Install N-SAR PC Application Exit to DOS

NOTE:
EDGARLink assists in the preparation, submission and correction of Form N-SAR submissions N-SAR software is sent out on a separate set of diskettes and is installed separately To install the N-SAR PC application, refer to Section 5-E paragraph 5 27 2 and 5 27 3 or to the N-SAR User s Manual

3	Select: **Install EDGARLink Software** press **[Enter]** Result: The Install EDGARLink Software window appears: Install EDGARLink Software Enter Drive and Directory Path : C\ELINK

Continued

PROCEDURE TO INSTALL EDGARLINK Continued

STEP	ACTION/RESULT

4 The next step in the installation depends on what you name the directory where EDGARLink will be stored

IF you want to	THEN you
accept C:\ELINK as the default drive and directory for EDGARLink	press [Enter]
put EDGARLink in another drive and/or directory	type: (path name) press [Enter]

Result: You will be prompted to confirm that entered data are correct

5

IF you want .	THEN you.
the program files decompressed and copied to the designated drive and directory	type [Y] and proceed to Step 6
to abort the installation	type [N] or press [Enter] you will be returned to the EDGARLink Installation Menu

6 Press: (any key)
Result: EDGARLink Main Menu appears

Continued

PROCEDURE TO INSTALL EDGARLINK Continued

STEP	ACTION/RESULT

```
----------------------EDGARLink Main Menu----------------- -----

     Create/Edit a Submission
     Check for Errors in Filing
     Correct Errors in Filing
     Transmit Test Filing to SEC
     Transmit Live Filing to SEC
     Send Modification Script
     Change CIK Confirmation Code
     Change Password
     Verify EDGARLink Version
     Modify User s Configurations
     Access E-Mail and Bulletin Board
     Custom Applications
     Exit to DOS
-- ------------------ ----- ------------------- ---- --------
Version 3.0        | LOG OPEN | PRINT ON |       [F1] for Help
  Move Highlight     [ENTER] Select Option
```

NOTE:
The menu choice CUSTOM APPLICATIONS only appears when certain software (such as the N-SAR PC Application) has been installed into the EDGARLink directory Refer to the N-SAR User s Manual for installation and procedural instructions

CAUTION:
Installation of EDGARLink is not complete until you have changed your CCC and your password (Go to Section D, paragraph 20 for procedures to change your CCC and to paragraph 21 for procedures to change your password)

5 5 1 SETUP AND USE OF EDGARLink DIRECTORIES

When EDGARLink is installed, the application establishes two subdirectories (FILING and SAVEFORM) and as the software is used, two files (EDGAR LOG a record of filing activity, and * CMP, compressed files for interrupted submissions) are added to the ELink root directory

FILING DIRECTORY

The FILING directory is where EDGARLink will place the following files:

submission files prepared using the software
error checked files with the extension err and
* corrected files created using the correction editor

The filer designates where the FILING directory is to reside through the process of establishing configuration parameters (MODIFY USER'S CONFIGURATION on the Main Menu) The default setting for the directory is C:\ELINK\FILING or whatever drive has been selected for ELINK

SAVEFORM DIRECTORY

The SAVEFORM directory is used to save headers When a header is created or modified it is stored in a file in the SAVEFORM directory.

If it is not a confirming copy submission the header will be saved with the extension sav
If the header was created for a confirming copy it will be stored with the extension scc

5 5 2 MAINTENANCE OF EDGARLink DIRECTORIES

Maintenance of EDGARLink software requires some technical knowledge Although most of the maintenance procedures are simple, users may wish to have them performed by a computer specialist whenever possible

Each of the directories listed above can become cluttered with outdated data

MAINTAINING THE FILING DIRECTORY

Once you have received acceptance on a filing created with EDGARLink there will be a number of extraneous files in the FILING directory that will no longer be needed For example, upon successful transmission of a filing to EDGAR you should go into the FILING directory and look for files ending with the ERR extension and files that have a file size equal to 0 bytes and other files that are no longer needed and delete them

MAINTAINING THE SAVEFORM DIRECTORY

When creating or modifying a header the resulting data is saved to a file in the SAVEFORM directory The directory contents should be reviewed periodically and if it is determined that they take up too much space they should be deleted

MAINTAINING THE ELINK ROOT DIRECTORY

When maintaining your EDGARLink software the files of primary importance to you are in the ELink root directory They are EDGAR LOG and * CMP

The edgar log file stores a running account of the ELink processes that have been started (e g., CHECK FOR ERRORS IN FILING or TRANSMIT A FILING) and it will become quite large over time Therefore it should be checked periodically and deleted or copied to a floppy disk

Files ending with the cmp extension (e g 00000001 CMP) are created as a result of an interrupted transmission EDGAR uses these files to re start (within 15 minutes) the transmission from where it left off If more than 15 minutes have elapsed, then these files will reside on your PC until you delete them

5 6 INTRODUCTION

In this section on getting started are basic procedures for getting into and out of EDGARLink, for using the EDGARLink menu and screens and for setting the EDGARLink configuration

Users should be aware of the following:

* Immediately after the software is installed and as necessary for each subsequent EDGARLink session, the user must access the menu item MODIFY USER'S CONFIGURATIONS and establish session parameters

  The configuration must be set to match the user s equipment and needs initially With subsequent sessions the user may wish to change discretionary choices For example, while the modem specifications may not change from one EDGARLink session to another, the decision to turn the printer on or off or the Client Reference file name may change

* Installation is not considered complete until a communication has been established with the EDGAR system and the user s CCC and password have been changed (See Section D, USING EDGARLink TO COMMUNICATE WITH THE SEC, paragraphs 5 20 and 5 21 for procedures on changing the CCC and password)

5 7 HOW TO ACCESS EDGARLink FROM DOS PROMPT

To start the EDGARLink program follow the procedure below

STEP	ACTION/RESULT
At the DOS Prompt for the drive where EDGARLink is stored (e g C:\>)	
NOTE: If a directory other than Elink was specified during installation substitute that path name and directory in Step 1	
1	Type: **cd\Elink** press **[Enter]** Result: Elink becomes the current directory
2	Type: **Elink** press **[Enter]** Result: The Main Menu of EDGARLink appears

```
--------------------EDGARLink Main Menu---------------------

     Create/Edit a Submission
     Check for Errors in Filing
     Correct Errors in Filing
     Transmit Test Filing to SEC
     Transmit Live Filing to SEC
     Send Modification Script
     Change CIK Confirmation Code
     Change Password
     Verify EDGARLink Version
     Modify User s Configurations
     Access E-Mail and Bulletin Board
     Custom Applications
     Exit to DOS
-------------------------------------------------------------
Version 3 0      | LOG OPEN | PRINT ON |    [F1] for Help
  Move Highlight    [ENTER] Select Option
```

5 8 THE EDGARLink MAIN MENU

The EDGARLink Main Menu appears whenever EDGARLink is started (except in the case of an automatic restart, if communication was interrupted during a file transfer) From the Main Menu functions can be selected by using the up or down arrow keys then pressing the [Enter] key

DESCRIPTION OF MENU CHOICES

Create/Edit a Submission
Assists in constructing SEC filings, including submission and document headers Assists in editing text of submissions and placing tags through use of a full-screen editor Assembles a submission file that contains all the documents in the submission Prints a copy of the created submission(s) or submission header(s)

Check for Errors in Filing
Checks filing for tagging and formatting errors Checks submission and document headers for required tags and values

Correct Errors in Filing
Provides an editor to identify locate and correct errors in a filing Reduces the likelihood of a suspended filing

Transmit Test Filing to SEC
Sends a test submission to the SEC as a check of procedures and equipment configuration and for other training purposes

Transmit Live Filing to SEC
Sends live filing(s) to the SEC

Send Modification Script
Constructs and transmits a modification script for a previously suspended filing

Change CIK Confirmation Code
Provides a means to change the CIK Confirmation Code (CCC)

Change Password
Provides a means to change an existing password

Verify EDGARLink Version
Verifies that the current Release of EDGARLink is installed on the filer s PC and downloads the current Release if not installed

Continued

5 8 THE EDGARLink MAIN MENU Continued

DESCRIPTION OF MENU CHOICES Continued

Modify User s Configuration
Allows the filer to modify configuration parameters (such as modem type or modem speed) as necessary to use EDGARLink and to comply with personal preferences

Access E-Mail and Bulletin Board
Connects filer to the optional E-Mail service provided by CompuServe Acceptance and suspension messages from the SEC are placed in each subscriber s mailbox after receipt of a filing Messages report whether a filing has been accepted or suspended and the errors causing the suspension The CompuServe Main Screen gives access to the EDGAR bulletin board (from which the latest version of the EDGAR Filer Manual can be downloaded)

Custom Applications
Starts optionally installed applications that have been developed by third parties (i e N-SAR)

Exit to DOS
Exits the EDGARLink software and returns filer s workstation to the DOS prompt Any communications session to the SEC will be terminated

5 9 HOW TO USE EDGARLink SCREENS AND MENUS

5 9 1 EDGARLink HELP

At the bottom of each screen in EDGARLink there are two informational lines The first line identifies special editing keys and their functions The second line explains the EDGARLink process selected Often a prompt confirming that a selected action has been performed is also presented on the second line (e g Type [Y] (yes) or [N] (no) as appropriate)

Additional help is available for each screen by pressing [F1]

5 9 2 MESSAGE AREA

Many EDGARLink screens have a Message Area window to advise the user on the progress of or inability to perform a process Messages will appear, for example when the following functions are performed or conditions exist:

* Creating Modification Script File
* Version of EDGARLink has been brought up-to-date
* Unable to connect to EDGAR
* Not enough disk space to perform update procedures

EXAMPLE (lower third of screen):

```
----- ---------- ------ ------Message Area-----------------------

  Verifying that original file is unchanged
  Creating Modification Script File

------ ------------- - -------- ---------------------------------
Version 3 0        | LOG OPEN | PRINT ON |        [F1] for Help
[Esc] Main Menu
Verify That Your Version of EDGARLink Is Up-to-Date
```


5 10 HOW TO MODIFY USER S CONFIGURATIONS

EDGARLink has to be configured to match the modem and preferences of the filer When parameters change values must be changed However updated versions of EDGARLink software will not affect configuration values

The following are items established with the MODIFY USER S CONFIGURATIONS screen:

* modem type and parameters
* modem and printer ports
* directory and path names for filings,
* login CIK and telephone numbers for transmissions
* session preferences for use of a printer session log and client reference file name

5 10 1 PROCEDURE TO MODIFY CONFIGURATION

To set EDGARLink configuration, follow the procedures below

STEP	ACTION/RESULT
At the EDGARLink Main Menu	
1 Select:	**Modify User s Configurations** press [Enter]
Result:	Modify User s Configurations screen appears with a list box of alternative modem types

```
------------------Modify User S Configurations----------------

 Modem Type      : Hayes Compatible 2400 ---------------------
 Modem Port      : COM1:                |Hayes Compatible 1200|
 Session Log     : Yes                  |Hayes Compatible 2400|
 Use Printer     : Yes                  |Hayes Compatible 9600|
 Printer Port    : LPT1                 |Modem 4              |
 Auto Verify     : Yes                  |Modem 5              |
 Handshake       : NONE                  ---------------------
 Filing Dir      : \ELINK\filing\
 Client Reference: CompanyA dat
 Login CIK       :
 Data Network  Primary Number   Secondary Number Dialing Script
 CompuServe                                        cserve SCR
 EDGAR Direct  1(703)914-4200   1(703)914-4220     edgar SCR
 PDN User ID     :
 PDN Password    :
 Answer Delay    : 45
```

Continued

PROCEDURE TO MODIFY CONFIGURATION Continued

STEP	ACTION/RESULT

NOTE:
The screen shows EDGARLink default configuration settings

2 Select: (a Modem Type from the list box of alternative modem types)

NOTE:
Use the up and down arrow keys to select the available modem EDGARLink defaults to a Hayes-compatible 2400 bps modem, although settings are also provided for Hayes compatible 9600 bps and 1200 bps modems

3 Press: [F2]
Result: The Change/Add Modem Parameters screen appears
The selected modem type is recorded in the modem type field

CHANGE/ADD MODEM PARAMETERS SCREEN

Three examples are shown below of the Change/Add Modem Parameters screen depending upon which modem type was selected

Modem parameters for the Hayes Compatible 2400 bps modem:

```
-Change/Add Modem Parameters

Modem Type            : Hayes Compatible 2400
Modem Speed           : 2400
Escape Control        : No
Init String           : AT &C1&D2X4Q0E1V1 M
Dialing String        : ATDT
Dialing Suffix        : M
Hang up String        : +++ ATH M
Attention String      :
Connect String        : CONNECT 2400
No Connect Message    : NO CARRIER
No Connect Message    : BUSY
No Connect Message    : NO DIALTONE
Error Message         : ERROR
Error Message         :
Error Message         :

Version 3 0 | LOG OPEN | PRINT ON | [F1] for Help
[End] Saves Changes [Esc] Quits Without Saving
Enter Modem Name
```

Continued

PROCEDURE TO MODIFY CONFIGURATION Continued

Modem parameters for the Hayes Compatible 9600 bps modem

```
-Change/Add Modem Parameters

Modem Type            : Hayes Compatible 9600
Modem Speed           : 9600
Escape Control        : No
Init String           : AT &C1&D2X4Q0E1V1 M
Dialing String        : ATDT
Dialing Suffix        : ^M
Hang-up String        : ~ +++ ATH M
Attention String      :
Connect String        : CONNECT 9600
No Connect Message    : NO CARRIER
No Connect Message    : BUSY
No Connect Message    : NO DIALTONE
Error Message         : ERROR
Error Message         :
Error Message         :

Version 3 0 | LOG OPEN | PRINT ON | [F1] for Help
[End] Saves Changes [Esc] Quits Without Saving
Enter Modem Name
```

Modem parameters for the Hayes Compatible 1200 bps modem:

```
Change/Add Modem Parameters

Modem Type            : Hayes Compatible 1200
Modem Speed           : 1200
Escape Control        : No
Init String           : AT C1X4Q0E1V1 M
Dialing String        : ATDT
Dialing Suffix        : M
Hang up String        : +++ ATH M
Attention String      :
Connect String        : CONNECT 1200
No Connect Message    : NO CARRIER
No Connect Message    : BUSY
No Connect Message    : NO DIALTONE
Error Message         : ERROR
Error Message         :
Error Message         :

Version 3 0 | LOG OPEN | PRINT ON | [F1] for Help
[End] Saves Changes [Esc] Quits Without Saving
Enter Modem Name
```

Continued

PROCEDURE TO MODIFY CONFIGURATION Continued

STEP	ACTION/RESULT
TERMS IN CHANGE/ADD MODEM PARAMETERS SCREEN	
Escape Control	Reserved for future use
Init String	The command sent to the modem to initialize it The commands shown in the examples just apply to that modem type Filers could use equivalent commands and/or make appropriate DIP switch settings

NOTE:
EDGARLink requires that the modem perform the following functions which are reflected in the init string:

1) Raise or lower the Data Carrier Detect (DCD) line in response to detection or loss of signal (AT Command &C1 or switch setting on modem)

2) Monitor Data Terminal Ready (DTR) When an on-to-off transition of DTR occurs the modem is to hang up (AT Command &D2 or switch setting on modem)

3) Report basic call progress result codes to acknowledge connection, no carrier, ring detection, connection speed, busy signal, and dial tone detection (such as CONNECT, NO CARRIER, RING, CONNECT 1200 or 2400 or 9600 NO DIALTONE, BUSY) (AT Command X4; if your modem does not support X4 try X2 or X1 if available)

4) Return result codes such as CONNECT 9600 (AT Command Q0)

5) Echo characters from the keyboard in the command state (AT Command E1)

6) Display result codes as words rather than as digits (AT Command V1)

Dialing String	The dialing command to initiate a telephone call and to specify a tone or pulse method of dialing Filers without a tone dialing capability should change the default Dialing String to ATDP Following the ATDT or ATDP command the user may place any billing or access codes that are required before the telephone number

Continued

PROCEDURE TO MODIFY CONFIGURATION Continued

STEP	ACTION/RESULT
TERMS IN CHANGE/ADD MODEM PARAMETERS SCREEN Continued	
Dialing Suffix	Commands the modem to send a carriage return at the end of a telephone number
Hang-up String	Commands modem to go on hook (hang-up) and return to the command state
Attention String	Reserved for future use
Connect String	A result code to show connection at the bps specified
No Connect Message	Result codes that will be reported if there is either NO CARRIER (carrier signal not detected or lost) or NO DIALTONE (no dial tone detected) or BUSY (the number dialed is busy)
Error Message	Message that will be reported if an invalid command is generated

NOTE:
The Change/Add Modem Parameters screen appears with the Modem Type field selected and showing the name of the modem that was entered in Step 2

4 Either
Press [Enter] to confirm modem type
Or
Type (name of modem) press [Enter]
Result The Modem Speed value is highlighted; and a list box of modem transmission speeds appears

5 Select: (your modem speed from the list box) press [Enter]
Result: A new modem transmission speed is identified and the Escape Control field is selected

Continued

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PROCEDURE TO MODIFY CONFIGURATION Continued

STEP	ACTION/RESULT
	NOTES: 1) For information about the values to be entered in the remainder of this screen, refer to the modem s user manual or to the default examples presented in Step 3 2) Modem parameters provided by EDGARLink are for those modems that are initialized by software commands Modems that have DIP or configuration switches have to be set to match the following configuration: Modem Address: COM1 or COM2 Data Terminal Ready (DTR): OFF Carrier Detect (CD): UP (Reflects actual result of attempt to connect)
	Result: After the Change/Add Modem Parameters screen is completed press [End] to save changes The Modify User's Configurations screen reappears with Modem Type selected
USER S CONFIGURATION SCREEN AFTER MODEM TYPE SELECTED	
	CAUTION: To move between fields use the [Enter] key Many of the fields in the Modify User s Configurations screen have an associated list box from which values can be selected using the up and down arrow keys In moving to the next field you should press the [Enter] key and not attempt to use the up and down arrow keys Inadvertent use of the arrow key instead of the [Enter] key may change a value
6	Press: [Enter] to confirm modem type choice Result: The Modem Port value is highlighted and a list box of alternative serial or communications ports (COM1: and COM2:) appears
MODEM PORT	
7	Select: (COM1: or COM2: from the list box) press [Enter] NOTE: Select a port not used by another serial device such as a mouse Result: The selected value for Modem Port is identified The Session Log value is highlighted and a list box (with the choice Yes or No) appears

Continued

PROCEDURE TO MODIFY CONFIGURATION Continued

STEP	ACTION/RESULT
SESSION LOG	
8	Select: Yes or No (see below) in the list box press [Enter]

If you select	THEN
Yes [Enter]	EDGARLink will maintain a record of all information that appears in the message areas of EDGARLink screens 1) This record known as a session log is maintained in the EDGARLink directory in the file EDGAR LOG 2) LOG OPEN will show in the blue bar at the bottom of the screen NOTE: The session log does NOT keep a copy of the transmitted filings Each session of EDGARLink appends its message log to the EDGAR LOG file If the file becomes too long, it can be renamed or deleted with a DOS command EDGARLink will create a new EDGAR LOG file in the next session of EDGARLink if the user deletes the existing file
No [Enter]	No record will be maintained of the messages appearing in the message window during an EDGARLink session LOG CLOSED will show in the blue bar at the bottom of the screen

Continued

PROCEDURE TO MODIFY CONFIGURATION Continued

STEP	ACTION/RESULT
	Result: The Use Printer value is highlighted and a list box (with the choice Yes or No) appears
USE PRINTER	
9	Select: Yes or No from the list box press [Enter]

IF you select	THEN
Yes [Enter]	1) Whenever a Modification Script File is created by EDGARLink, the modification script will be sent to the printer 2) If the filer has created a header for an SEC Form using EDGARLink, then EDGARLink will print both the header tags and the filer-provided values 3) The filer may also print a copy of the entire submission
CAUTION: If you select Yes you must have edited your AUTOEXEC BAT file as described in Section 5-A paragraph 5 3 2 note #3	
No [Enter]	The printer will not be able to print from EDGARLink No record of modification script files will be made NOTE: Use this option if no printer is connected to your PC

NOTE:
The message PRINT ON or PRINT OFF appears in the message bar above the help line

Result: The Printer Port value is highlighted and a list box with a listing of parallel ports (LPT1 LPT2 LPT3 and LPT4) appears

Continued

PROCEDURE TO MODIFY CONFIGURATION Continued

STEP	ACTION/RESULT
PRINTER PORT	
10	Select (the port to which your printer is connected) press [Enter]
	Result: The selected value for the printer port is identified The Auto Verify value is highlighted and a list box (with the choice Yes or No) appears
AUTO VERIFY	
	NOTE: With YES selected, when you start EDGARLink after a period of nonuse for 90 days or more, the application will automatically try to connect to EDGAR to verify that your EDGARLink is up-to date To download an updated version of EDGARLink, you must access VERIFY EDGARLink VERSION from the Main EDGARLink menu
11	Select: Yes or No, press [Enter]
	Result: The Handshake value is highlighted and a list box with hardware and software choices appears (The options are RTS/CTS XON/XOFF BOTH and NONE)
HANDSHAKE	
	NOTE: Only the NONE choice i valid during this Release of EDGAR
12	Select: NONE press [Enter]
	Result: The selected value for Handshake is identified The Filing Dir (Directory) value is highlighted
FILING DIRECTORY	
13	Either Press: [Enter] to accept the default filing directory \ELINK\FILING\ for output and error files created by EDGARLink Or Type: (the p th name for files created by EDGARLink) press [Enter]
	Result: EDGARLink stores your choice and the Client Reference file value is highlighted

Continued

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PROCEDURE TO MODIFY CONFIGURATION Continued

STEP	ACTION/RESULT

CLIENT REFERENCE

NOTES
1) When EDGARLink creates an output file, it stores it in the filing directory unless another path is specified when the file is named

2) EDGARLink creates Client Reference files to assist a submitter to consolidate received acceptance and suspension messages by separate company or entity. It is useful to agents who file on behalf of a number of companies or for investment managers who file on behalf of a number of funds For instance, an agent could assign the reference file name CompanyA DAT for the ABC Company and when filing later for the BCD Company, enter "CompanyB DAT as the reference file name

3) In the Client Reference file a list resides of all acceptance and suspension message titles that relate to the specific company or entity identified by the reference file name Information in the Client Reference file is displayed for the filer at the Modify Suspended Filing screen when the filer has pressed the [F2] key

CAUTION:
If a submitter wishes to establish a Client Reference file for each entity it is important that the value assigned to Client Reference match the name of the entity for whom the filing is being submitted. Consequently, the value for Client Reference must be changed on the MODIFY USER CONFIGURATION screen every time a different company s submissions are transmitted to EDGAR If there is no requirement by the user to maintain separate files for each company the default file name CompanyA Dat may be accepted

Continued

PROCEDURE TO MODIFY CONFIGURATION Continued

STEP	ACTION/RESULT
14	Type: (a DOS file name you would like to have associated with a company or entity) press [Enter]

NOTE:
Details of each submission--date and time sent to EDGAR whether it is a test or a live submission, and the accession number assigned to each submission by EDGAR--are stored in the Client Reference file The default file name for this file is CompanyA Dat but it may be renamed by the user filer

Result: The value for the Client Reference file is identified The Login CIK value field is highlighted

LOGIN CIK

NOTE:
The login CIK establishes which entity or agent is transmitting the filing. The registrant s CIK may or may not be the same as the login CIK

15	Type:	(CIK) press [Enter]
	Result:	The selected login CIK is identified The CompuServe name is highlighted

Continued

PROCEDURE TO MODIFY CONFIGURATION Continued

STEP	ACTION/RESULT
COMPUSERVE TELEPHONE NUMBERS	
16 Press: [Enter]	

If you are	THEN
A CompuServe subscriber	Type: (the primary local CompuServe access telephone number) press [Enter] Type: (a secondary local CompuServe access telephone number) press [Enter] Type: (name of dialing script) press [Enter]
Not a CompuServe subscriber	Go to lower line for EDGAR Direct by pressing [Enter]

NOTES:
1) Examples of dialing scripts to access EDGAR through the PDN (CompuServe) service are provided with EDGARLink

2) Appendix I contains the symbols identifiers and commands of the EDGARLink Script Language (ESL) Creating scripts is an optional function for experienced users who wish to write instructions for establishing a connection to EDGARLink

Result: Spaces for EDGAR Direct are selected

Continued

PROCEDURE TO MODIFY CONFIGURATION Continued

STEP	ACTION/RESULT
EDGAR DIRECT DIAL NUMBERS	

NOTE:
Pressing [Enter] moves the cursor through spaces for EDGAR Direct name telephone numbers and dialing script

17 Type: (any required digits to the prefix of the default telephone numbers to access outside lines)

NOTES:
1) This information provides EDGARLink with the telephone number for direct transmission of filings Filers who choose to subscribe to CompuServe may contact the EDGAR mainframe through a local CompuServe access number EDGARLink will attempt to dial CompuServe s primary number (if present) first; CompuServe s secondary number (if present) second; then, if no connection is made EDGARLink will dial the EDGAR Direct numbers

2) The default telephone numbers provided for EDGAR Direct may have to be modified by the user to add or delete digits (such as to add a number and a comma to access an outside line, or to delete the area code number) Delete area code digits if calling within the 703 area code. The default telephone numbers in EDGARLink for EDGAR Direct are 1-703-914-4200 (Primary) and 1-703-914-4220 (Secondary)

Result: The values for EDGAR Direct telephone numbers are identified The Dialing Script value is highlighted

DIALING SCRIPT

18 Press: [Enter]
NOTE:
The dialing script assists in connecting to the EDGAR system and should not require changing

Result: The PDN User ID value is highlighted

COMPUSERVE (PDN) USER ID

19 Type: (user ID provided by CompuServe) press [Enter]
Result: The PDN Password value is highlighted

Continued

§ 10 HOW TO MODIFY USER S CONFIGURATIONS Continued

PROCEDURE TO MODIFY CONFIGURATION Continued

STEP	ACTION/RESULT
	COMPUSERVE (PDN) PASSWORD
20	Type (password provided by CompuServe) press [Enter] Result: The value for the PDN Password is identified NOTE: EDGARLink will use the PDN User ID and password to reach CompuServe Result: The Answer Delay value is highlighted
	ANSWER DELAY
21	Type: (the number of seconds that you want EDGARLink to wait for a carrier from a remote modem before retrying an alternate number) press [Enter] NOTE: 45 seconds is a recommended Answer Delay time Result: The value for Answer Delay is identified
	SAVE AND EXIT OR EXIT WITHOUT SAVING
22	Either Press: [End] to save all entries that have been identified on the screen and return to the Main Menu Or Press: [Esc] to exit without saving the new identified choices on the screen CAUTION: For security reasons the installation of EDGARLink should not be considered complete until the filer's initial password and CIK Confirmation Code (CCC) as provided by the SEC have been changed The procedures for changing a CCC and password are provided in Section 5-D paragraph 5.20 and 5.21.

§ 11 HOW TO EXIT FROM EDGARLINK

To exit from the EDGARLink Main Menu follow the 1 step procedure below

STEP	ACTION/RESULT
1	From the EDGARLink Main Menu Select: Exit to DOS press [Enter] Result: You will be returned to a DOS prompt

5 12 CREATE/EDIT SUBMISSION MENU OPTION

EDGARLink can create and build required headers and tags for each submission and each document included in a filer s submission Filers who use EDGARLink need not know what header tags are associated with either a particular type of submission or with each individual document in a submission The submission-creating option prompts the filer for required and additional information according to the type of submission and form EDGARLink then converts this information to tags and values necessary for electronic submission to the EDGAR system

EDGARLink s submission creating option allows the filer to

Create a new submission header or edit an old one

Print out EDGAR submission headers (individually or all) to show the values entered currently if any for each tag

* Assemble an EDGAR submission automatically adding headers to documents and combining documents into a single output file

* Edit the text of a submission with the EDGARLink full-text editor, which includes assistance for the user when placing table tags within text

Print the entire text of submission(s)

5 12 1 PROCEDURE TO ACCESS CREATE/EDIT A SUBMISSION

To access EDGARLink s submission-creating assistance function select the option form the main menu as shown below:

STEP	ACTION/RESULT
From the EDGARLink Main Menu	
Select: **Create/Edit a Submission** press [Enter] Result: The Create/Edit a Submission Menu appears: Create/Edit a Submission Create or Edit a Submission Header Print Submission Header(s) Assemble a Submission File Edit a Submission Print Submission(s) Return to Main Menu	

IF you want to	THEN go to Paragraph
Create or edit a submission header	5 13
Print a header or headers	5 14
Assemble a submission (attach documents to filing)	5 15
Edit a submission	5 16
Print submission(s)	5 17

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5 13 HOW TO CREATE OR EDIT A SUBMISSION HEADER

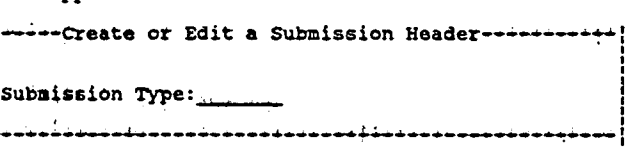
5 13 1 PROCESS TO CREATE OR EDIT A SUBMISSION HEADER

This option creates the required and additional header data elements for each type of submission that may be submitted electronically to the EDGAR system EDGARLink prompts the filer for the required information Once the information has been entered for a given submission type and saved only changed information will have to be re-entered Submission headers must be created before a submission can be assembled

5 13 2 PROCEDURE TO CREATE OR EDIT A SUBMISSION HEADER

To create or edit a submission header follow the procedure below

STEP	ACTION/RESULT
From the Create a Submission menu	
1 Select: Result:	Create or Edit a Submission Header press [Enter] The Create or Edit a Submission Header screen appears:

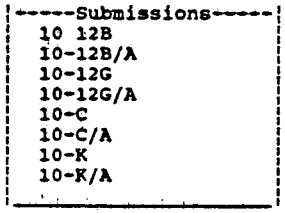


NOTE:
EDGAR has a specific spelling convention for each submission type You will be asked to either enter the submission name or select it from the list box that appears on your screen. Appendix A of this Manual lists each of the header submission types

2 Either Type:	(the name of the header submission type e g 10-K) press [Enter]
Result:	A Required Submission Information screen appears for the submission type entered Proceed to Step 4
Or Press:	[Enter]

Continued

STEP	ACTION/RESULT
PROCEDURE TO CREATE OR EDIT A SUBMISSION HEADER Continued	
Result:	A list box of SEC form names appears:



3 Select:	(the name of the submission type that is to have a header created using the up and down arrow keys to scroll through the list) press [Enter]
Result:	Prompt appears asking IS THIS A CONFIRMING COPY Y/N ?
4 Type: Result:	[Y] for yes, or [N] for no press [Enter] A Required Submission Information screen appears for the submission type selected

NOTE:
If you select one of the N-SAR form types then the program collects some of the data from EDGARLink and some from the N-SAR application

Continued

STEP	ACTION/RESULT
PROCEDURE TO CREATE OR EDIT A SUBMISSION HEADER Continued	
	NOTE: You are required to type a value in each field on the Required Submission Information screen or the filing will be suspended when submitted to the SEC
	EXAMPLE OF REQUIRED SUBMISSION INFORMATION SCREEN:

```
----------Required Submission Information----------

              <TYPE> : 10-K
    <DOCUMENT-COUNT> : ___
               <CIK> : _____
               <CCC> :
            <PERIOD> : __/__/__


Version 3 0    |  LOG OPEN | PRINT ON |      (F1) for HELP
(Pg Dn) to Additional Information Screen; (End) SAVE Header
```

5	To enter data in the fields, Select: (a choice from the list box if presented using the [Up] and [Down] arrow keys) press [Enter] And/Or Type: (a value for each selected field) press [Enter] Result: When all fields have entries, proceed to Step 6

Continued

STEP	ACTION/RESULT
PROCEDURE TO CREATE OR EDIT A SUBMISSION HEADER Continued	
6	At this point you may either add optional tags to the submission header with the [Page Down] key or may conclude the creation of the submission header process with the [End] key

IF you press	THEN
[Page Down]	The Additional Information Screen appears EDGARLink will not save the Required or Additional Information until the [End] key is pressed

WHEN optional tags	THEN
have not been added to the header previously	the Additional Submission Fields window appears. Result: Go to Step 7
Have been added to the header previously	the Additional Submission Information screen appears Result: Go to Step 9

IF you press	THEN
[End]	All required submission values are saved The Create or Edit a Submission Header screen reappears (Step 1)

Continued

PROCEDURE TO CREATE OR EDIT A SUBMISSION HEADER Continued

STEP	ACTION/RESULT

NOTE:
EDGARLink maintains a list of the optional tags that may go with each submission header type

EXAMPLE of Additional Submission Fields window for a Form 10-K submission:

```
------ Additional Submission Fields-------
|                                          |
|       <TEST>                             |
|       <LIVE>                             |
|       <RETURN COPY>                      |
|       <CONFIRMING-COPY>                  |
|       <SEGMENTS>                         |
|       <NOTIFY>                           |
|       <SROS>                             |
|       <SUBMISSION CONTACT>               |
|__________________________________________|
```

NOTE:
Use the arrow keys to scroll through all the tags in the list box. For a description of each tag refer to the tables in Chapter 4 beginning at Paragraph 4 8

7 Select: (each chosen tag) with the [+]key,
(to cancel a selection use the [-] key)
Result: A number appears for each item selected

NOTE:
EDGARLink displays tag groups in highlighted text. You select tags with the [+] key (and cancel a selection with the [-] key) Multi-tags can be selected as many times as necessary EDGARLink places the number of times a tag has been selected next to the tag name When all chosen optional tags have been selected, go to Step 8

Continued

STEP	ACTION/RESULT

ROCEDURE TO CREATE OR EDIT A SUBMISSION HEADER Continued

8 Press: [End] or [Esc]
Result: The optional tags have been saved for this submission type The Additional Submission Information Screen now appears so that you may add appropriate values to the chosen tags

NOTE:
All chosen optional tags will appear on an Additional Submission Information screen Values will not appear for the tags unless the values were entered previously

EXAMPLE:

```
|------------------Additional Submission Information  - ------|
|                                                              |
|              <TEST> : _                                      |
|        <RETURN COPY> : _                                     |
|    <CONFIRMING-COPY> : _                                     |
|             <NOTIFY> : ______________________________________|
|               <SROS> : ____                                  |
|______________________________________________________________|
```

To fill in values for each tag:
Either
9 Select: (a choice from the list box if presented using the [Up] and [Down] arrow keys) press [Enter]
Or
Type: (a value of each selected tag) press [Enter]
Result: Additional values are selected

10 Your next step depends on what you want to do

IF you want to	THEN
save the header as created without further changes	proceed to Step 11
modify any of the required tag values	proceed to Step 12
add delete, or modify any of the optional tags	proceed to Step 13
quit the submission header screen without saving	proceed to Step 14

Continued

STEP	ACTION/RESULT
PROCEDURE TO CREATE OR EDIT A SUBMISSION HEADER Continued	
11	To save the submission header as created:
	Press: [End] Result: All optional tags for a specific submission header are saved. You are returned to the Create or Edit a Submission Header Menu From here you may create additional submission headers or print the header (Section 5 C paragraph 5 14) or assemble a submission (Section 5-C paragraph 5 15)
12	To modify any of the values of the required tags:
	Press: [Pg Up] Result: You are returned to the Required Submission Information screen (Step 4)
13	To add delete or modify any of the optional tags:
	Press: [F2] Result: You are returned to the Additional Submission Fields window (Step 6)
14	To quit the submission header process without saving the latest changes:
	Press: [Esc] Result: A message will appear Do You Want to Quit this Screen [Y/N]? Pressing [Y] will return you to the Create or Edit a Submission Header Menu.

This option allows a printout of the created submission headers, showing the information that has been provided for each of the data fields If no information is entered and saved for a particular header, then only a listing of required and optional tags will be printed

5 14 1 CONFIGURATION REQUIREMENTS FOR USING PRINTER WITH EDGARLink

For the PRINT A SUBMISSION HEADER option to work the notice PRINT ON must appear in the blue bar at the bottom of the screen (The PRINT ON value is established at the Modify User s Configurations Screen)

CAUTION:
No attempt should be made to print submission headers until the AUTOEXEC BAT file has been edited as described in Section 5-A paragraph 5 3 2

Add the following statement after the PATH line in your AUTOEXEC BAT file: PRINT <C \ELINK\NEWLINE:DAT

5 14 2 PROCEDURE TO PRINT A SUBMISSION HEADER

To receive a print out of one or more submission headers follow the procedure below:

STEP	ACTION/RESULT
At the Create a Submission menu	
1	Select: **Print Submission Header(s)** press **[Enter]** Result: The Print Submission Headers(s) screen appears
2	Either Type (the name of the SEC submission type e g. 10-K) and press **[Enter]** Or Press: **[Enter]** Select: (from the list box that appears the name of the submission header that is to be printed) press **[Enter]** Result: Prompt appears asking IS THIS A CONFIRMATION COPY Y/N ?
3	Type: **[Y]** for yes or **[N]** for no, press **[Enter]** Result: The print command is executed and a message appears on the Message Area of the screen.

This option builds or creates a submission file; that is an ASCII text file is created that contains all the documents of a submission with the appropriate headers and header tags

5 15 1 BEFORE ASSEMBLING A SUBMISSION

Before assembling any type of submission (including modules and segments) the following should be completed:

* A submission header created
* Internal document tags inserted in all documents and
* All documents saved as ASCII text files

5 15 2 USING EDGARLink BROWSING CAPABILITY TO ASSEMBLE SUBMISSION

EDGARLink has a browsing capability that allows the user to view the directories on any PC drive to locate the names of the files to assemble. The first directory that will be displayed when this option is activated is the FILING directory designated in the user's configuration From there the user may look at other directories by specifying different paths

5 15 3 PROCEDURE TO ASSEMBLE SUBMISSIONS NOT MODULES OR SEGMENTS

To assemble a submission follow the procedure below

STEP	ACTION/RESULT
At the Create a Submission Menu	
1 Select:	Assemble a Submission File, press [Enter]
Result:	The Assemble a Submission File screen appears with the cursor positioned at Enter Submission File Name
2 Type:	(the DOS file name for a new output file that will be created to hold the complete submission for later transmission to the SEC) press [Enter] Example: SUB10 K ASC
NOTES	
	1) If only the file name is typed EDGARLink assumes the file will be stored in the filing subdirectory named in the user s configuration
	2) If the file is not to be stored in the default subdirectory \FILING type the new path and file name EXAMPLE: to store the output on a floppy diskette: A:\SUB10-K ASC

Continued

STEP	ACTION/RESULT
PROCEDURE TO ASSEMBLE SUBMISSIONS NOT MODULES OR SEGMENTS Continued	
	3) If this file already exists you will be asked if you wish to have the file deleted and overwritten. If not type [N] and the cursor returns to Enter Submission File Name
Result:	A prompt appears asking Is This a Confirming Copy Y/N ?
3 Type:	[Y] for yes or [N] for no, press [Enter]
Result:	The path name of the output file in the ELINK directory appears in the Message Area of the screen and the cursor is positioned at Enter Submission Type
4 Either Type:	(the name of the SEC submission type e g 10-K) and press [Enter]
Or Press:	[F2]
Result:	A list box of SEC submission types appears under the heading Submissions
Select:	(the type of submission that is to be filed) press [Enter]
Result:	The cursor is positioned at the Document File Name field
5 Type:	(the path name where you have stored the SEC form document) EXAMPLE: Type \wp50\FILINGS\DOC10-Q ASC and press [Enter]
Or Press:	[F2] for a list of files in your FILING directory (the default is C:\ELink\filing)
Or Press:	[F3] and with the FILING directory displayed press [F3]
Result:	EDGARLink prompts for a new path
Type:	(path for directory you wish displayed)
Result:	EDGARLink appends the document to the output file The cursor appears at Enter Document Type (For the first document the field will be pre-filled with a name corresponding to the submission type)

Continued

STEP	ACTION/RESULT
	PROCEDURE TO ASSEMBLE SUBMISSIONS NOT MODULES OR SEGMENTS Continued
6	For the first document, Press: [Enter] to accept filled-in value Or For subsequent documents Press: [F2] for a list of document types Select: (the type of document to be added to the submission from the list), press [Enter] Result: Cursor is positioned at the Description field NOTE: This optional field is useful to identify the subject of an exhibit or correspondence
7	Either Type: (descriptive information) press [Enter] Or Press: [Enter] Result: The cursor is again positioned at the Document File Name field A prompt will ask you for another document NOTE: The Message Area of the Assemble a Submission File screen now contains several items of information: 1) Output File Name (the name of the whole submission file being built) 2) Document Type (the type of document that is first in the submission file) 3) Added File (the DOS file name of the document that is first in the submission file) 4) Number of documents added
8	Repeat steps 5,6, and 7 until all appropriate documents have been added to the submission
9	Press: [End] to save the newly created output file (containing the submission header and appended documents) Result: You are returned to the Create/Edit a Submission Menu
10	Select: Return to Main Menu, press [Enter] Result: The EDGARLink Main Menu appears The submission output file is ready for error-checking.

§ 15 4 PROCEDURE TO ASSEMBLE MODULE SUBMISSIONS

The screen for assembling a module submission is unique to modules To assemble a module submission follow the procedure below

STEP	ACTION/RESULT
	At the Create a Submission Menu
1	Select: Assemble a Submission File, press [Enter] Result: The Assemble a Submission File screen appears with the cursor positioned at Enter Submission File Name
2	Type: (the DOS file name for a new output file that will be created to hold the complete submission for later transmission to the SEC) press [Enter] Example: REPORT 93 NOTES: 1) If only the file name is typed EDGARLink assumes the file will be stored in the filing subdirectory named in the user s configuration 2) If the file is not to be stored in the default subdirectory \FILING type the new path and file name EXAMPLE to store the output on a floppy diskette: A:\REPORT 93 3) If this file already exists you will be asked if you wish to have the file deleted and overwritten. If not type [N] and the cursor returns to Enter Submission File Name Result: The path name of the output file in the ELINK directory appears in the Message Area of the screen and the cursor is positioned at Enter Submission Type
3	Type: Module and press [Enter] Result: EDGARLink displays a screen unique to modules The cursor is positioned at the Document File Name field

Continued

5 15 4 PROCEDURE TO ASSEMBLE MODULE SUBMISSIONS Continued

STEP	ACTION/RESULT

EXAMPLE OF ASSEMBLE A SUBMISSION FILE SCREEN FOR MODULES:

```
----------Assemble a Submission File----------

  Document File Name     : A:\Annual Rpt
  Enter Document Type    : Module
  Name                   : _____
  Add                    : _____
  Replace                : _____
  Delete                 : _____
  Description            :

----------Message Area----------
  Output File Name       : \ELink\filing\report 93

Version 3 0  | LOG OPEN | PRINT ON |  [F1] for HELP
[Esc] to Quit  [End] to Save Submission File  [F2] List Files
Enter Name of Module
```

4 Type: (the path name where you have stored the module)
EXAMPLE: A:\Annual Rpt and press [Enter]

Or

Press: [F2] for a list of files in your FILING directory (the default is C:\ELink\filing)

Or

Press: [F2] and with the FILING directory displayed press [F3]
Result: EDGARLink prompts for a new path
Type: (path for directory you wish displayed)
Result: EDGARLink appends the document to the output file The cursor appears at Enter Document Type (For the first document the field will be pre-filled with a name corresponding to the submission type)

Continued

5 15 4 PROCEDURE TO ASSEMBLE MODULE SUBMISSIONS Continued

STEP	ACTION/RESULT

5 Press: [Enter]
Result: Cursor is positioned at Name

6 Type: (name under which module will be stored on the EDGAR database press [Enter]
CAUTION:
Module names must conform to the following pattern:
1) must be no more than 15 characters
2) must begin with a letter (alpha character)
3) characters after the beginning letter may be letters numbers underscores or hyphens (not periods)
4) spaces are not allowed

Result: Cursor moves to ADD and a list box appears with Yes and No as options

7 Select: (appropriate response from the list boxes for Add Replace or Delete) press [Enter]

NOTE:
You may select yes to only one of the above

IF you select yes	THEN
for Add or Delete	the cursor moves to Description field
for Replace	the value for Replace becomes the same as the value used for Name (Value will not appear on this screen) If the module (stored on the EDGAR database) to be replaced does not have the same name as the new module use the procedure to Edit a Submission to change the header The cursor moves to Description field

Continued

5 15 4 PROCEDURE TO ASSEMBLE MODULE SUBMISSIONS Continued

STEP	ACTION/RESULT
8	Type: (a description of the module) and press [Enter] Or Press: [Enter] to skip the description field Result: Although cursor appears again at the DOCUMENT FILE NAME your Module submission is complete
9	If additional modules are to be added to the submission file, repeat steps 5 through 8 When the submission is complete proceed to step 10
10	Press: [End] to save the submission file Result: Module submission is ready to be error checked edited or sent to the SEC Or Press [Esc] to quit without saving the file Result: EDGARLink returns to Create/Edit a Submission Menu.

5 15 5 PROCEDURE TO ASSEMBLE SEGMENT SUBMISSIONS

The screen for assembling a segment submission is unique to segments To assemble a segment submission follow the procedure below

STEP	ACTION/RESULT
At the Create a Submission Menu	
1	Select: Assemble a Submission File, press [Enter] Result: The Assemble a Submission File screen appears with the cursor positioned at Enter Submission File Name
2	Type: (the DOS file name for a new output file that will be created to hold the complete submission for later transmission to the SEC) press [Enter] Example: COUNSEL 93 NOTES: 1) If only the file name is typed, EDGARLink assumes the file will be stored in the filing subdirectory named in the user s configuration 2) If the file is not to be stored in the default subdirectory \FILING, type the new path and file name EXAMPLE: to store the output on a floppy diskette: A:\COUNSEL 93 3) If this file already exists, you will be asked if you wish to have the file deleted and overwritten. If not type (N) and the cursor returns to Enter Submission File Name Result: The path name of the output file in the ELINK directory appears in the Message Area of the screen and the cursor is positioned at Enter Submission Type
3	Type: Segment and press [Enter], Result: EDGARLink displays a screen unique to segments The cursor is positioned at the Document File Name field

Continued

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STEP	ACTION/RESULT

EXAMPLE OF ASSEMBLE A SUBMISSION FILE SCREEN FOR SEGMENTS:

```
----------------Assemble a Submission File--------------------

  Document File Name     : Law1 acc
  Enter Document Type    : Segment
  Segment Name           : _______________
  Master-Segment-CIK     : _______________
  Description            :

------- - - -------Message Area ---  ---  -----  -------------
  Output File Name       : \Elink\filing\counsel 93
_____________________________________________________________
Version 3 0      |   LOG OPEN | PRINT ON |        [F1] for HELP
[Esc] to Quit  [End] to Save Submission File  [F2] List Files
Enter Name of Segment
```

4 Type: (the path name where you have stored the segment)
EXAMPLE **A:\Law1 acc** and press
[Enter]

Or
Press: **[F2]** for a list of files in your FILING directory (the default is C \ELink\filing)

Or
Press: **[F2]** and with the FILING directory displayed press **[F3]**
Result: EDGARLink prompts for a new path
Type: (path for directory you wish displayed)
Result: EDGARLink appends the document to the output file The cursor appears at Enter Document Type

Continued

STEP	ACTION/RESULT

5 Type: **Segment** and press **[Enter]**
Result: Cursor is positioned at **Name**

6 Type: (name under which segment will be stored on the EDGAR database) press **[Enter]**
CAUTION:
Segment names must conform to the following pattern:
1) must be no more than 15 characters
2) must begin with a letter (alpha character)
3) characters after the beginning letter may be letters numbers, underscores or hyphens (not periods)
4) spaces are not allowed

Result: Cursor moves to **Master Segment CIK**

7 Type: (filer CIK under which the master segment will be submitted subsequently) press **[Enter]**
Result Cursor is positioned at **Description**

8 Type (a description of the segment) and press **[Enter]**
Or
Press: **[Enter]** to skip the Description field
Result Cursor appears at the **Document File Name**

9 If additional segments are to be added to the submission file, repeat steps 5 through 8 When the submission is complete proceed to step 10

10 Press: **[End]** to save the submission file
Result: Segment submission is ready to be error checked edited or sent to the SEC
Or
Press: **[Esc]** to quit without saving the file
Result: EDGARLink returns to **Create/Edit a Submission** Menu.

This option allows the user to edit the text of a submission with the EDGARLink full-screen editor. The editor also assists the user when placing table tags Table tags may be inserted without exiting from EDGARLink

5 16 1 SUBMISSION FILE NAMING

The EDGARLink Editor screen prompts the user to Enter Submission File Name. The name to be entered is the file name under which the submission to be edited has been saved

Unlike a word processing application EDGARLink does not allow a file being changed (edited or corrected) to be saved under the same name The output file name must be different from the input file name

Should the user enter the file name of a submission prepared with a third party application (e g N-SAR), EDGARLink will respond with instructions in a window The instructions tell the user that corrections to the submission must be made using the custom application The submission must then be reassembled using EDGARLink The user may however "View the submission file without making changes

5 16 2 USING EDGARLink BROWSING CAPABILITY TO EDIT A SUBMISSION

EDGARLink has a browsing capability, that allows the user to view the directories on any PC drive to locate the name of the file to edit. The first directory that will be displayed when this option is activated is the FILING directory designated in the user s configuration From there the user may look at other directories by specifying different paths

5 16 3 SPECIAL EDITING KEYS

At the bottom of the EDGARLink Editor screen the special editing keys are listed along with a short description of their functions

[Home]	Moves cursor to beginning of line
[End]	Moves cursor to end of line
[Ctrl + Home]	Moves cursor to beginning of file
[Ctrl + End]	Moves cursor to end of file
[F3]	Inserts a <TABLE> (begin table) tag NOTE: If the cursor is not at the beginning of a line EDGARLink opens a line above the cursor position and inserts the tag on the new line
[F4]	Inserts a </TABLE> (end of table) tag
[F5]	Deletes a line
[F6]	Adds a line
[F7]	Set Header NOTE: This function provides a ruler at the top of the screen to assist with positioning column and stub tags in tables Text may be scrolled under this ruler to ensure column alignment To position the tags correctly the cursor must be on the first line of table information and at the left most position of the data
[F8]	Add Header NOTE: This function places the column and stub tags as positioned in the "ruler " into your table
[F9]	Tag List NOTE: This selection box allows you to select tags for insertion within a table

5 16 HOW TO EDIT A SUBMISSION Continued

5 16 4 PROCEDURE TO EDIT A SUBMISSION

Follow the procedure below to edit a submission

STEP	ACTION/RESULT
From the EDGARLink Main menu	
1	Select: Create/Edit a Submission press [Enter] Result: The Create/Edit a Submission screen appears
2	Select: Edit a Submission Result: The EDGARLink Editor screen appears
At the prompt Enter Submission File Name	
3	Either Type: (the name of the file you wish to edit) then skip to Step 5 Or Press: [F2] for a list of files in your FILING directory (the default is C:\ELink\filing) Or Press: [F2] and with the FILING directory displayed press [F3] Result: EDGARLink prompts for a new path Type: (path for directory you wish displayed)
4	Select: (file to be edited by using the arrow keys to move the highlight bar to your choice press [Enter] Result: The file you have chosen appears on your screen (Custom Application filings may only be viewed)
5	Edit: (the submission file using the special editing keys described on the previous page) Result: The new file is ready to be saved
6	Press: [Esc] to Save/Exit Result: The cursor is positioned at Enter Corrected File Name
At the prompt Enter Corrected File Name	
7	Type: (file name that is different from that given in step 3 or 4) Result: The data is written to the designated file NOTE: When you exit the Edit a Submission screen, you will be given the opportunity to print the submission.

5 17 HOW TO PRINT SUBMISSION(S)

The PRINT SUBMISSIONS option allows the user to print the text of submissions to the default printer

EDGARLink has a browsing capability that allows the user to view the directories on any PC drive to locate the name of the file to print The first directory that will be displayed when this option is activated is the FILING directory designated in the user s configuration From there the user may look at other directories by specifying different paths

5 17 1 CONFIGURATION REQUIREMENTS FOR USING PRINTER WITH EDGARLink

For this option to work the notice PRINT ON must appear in the blue bar at the bottom of the screen (The PRINT ON value is established at the Modify User s Configurations Screen)

CAUTION:
No attempt should be made to print submission headers until the AUTOEXEC BAT file has been edited as described in Section 5-A paragraph 5 3 2

Add the following statement after the PATH line in your AUTOEXEC BAT file PRINT <C \ELINK\NEWLINE DAT *

Check that the printer is capable of printing the submission Some data will not print correctly if lines are wider than 80 characters

5 17 2 PROCEDURE TO PRINT A SUBMISSION

To print a submission follow the procedure below

STEP	ACTION/RESULT
From the EDGARLink Main menu	
1	Select: Create/Edit a Submission press [Enter] Result: The Create/Edit a Submission screen appears
2	Select: Print Submission(s) Result: The Print Submission(s) screen appears with the cursor positioned at the prompt Enter File(s) to Print

Continued

STEP	ACTION/RESULT
PROCEDURE TO PRINT A SUBMISSION Continued	
3	Either Type: (the name of the file you wish to print) press [Enter] Result: The file you typed is printed Or Press: [F2] for a list of files in your FILING directory (the default is C:\ELink\filing) Or Press: [F2] and with the FILING directory displayed press [F3] Result: EDGARLink prompts for a new path Type: (path for directory you wish displayed)
4	Select: (file to be printed by using the arrow keys to move the highlight bar to your choice press [Enter] Result: The file you have chosen is printed

Error checking is intended to identify most of the factors that may cause a filing to be suspended by the SEC Error checking normally is performed only on a complete submission; that is the documents in a filing and their attached headers are checked This feature checks for the following:

* all header tags required for the submission or document types are included in the submission
* tags when required are present in the body of documents
* any text greater than 132 characters wide is presented within table tags submission and

  invalid characters in the submission

NOTE:
EDGARLink inserts certain optional tags such as </TEXT> at the end of text or </DOCUMENT> at the end of a document

5 18 1 ERROR FILE

EDGARLink creates an error file in the FILING directory as part of this function The error file has the same name as the file that was error checked except that the extension is ERR This file is used to locate errors and display error messages during the CORRECT ERRORS IN FILING procedure as described in paragraph 5 19

5 18 2 USING EDGARLink BROWSING CAPABILITY TO CHECK FOR ERRORS IN A FILING

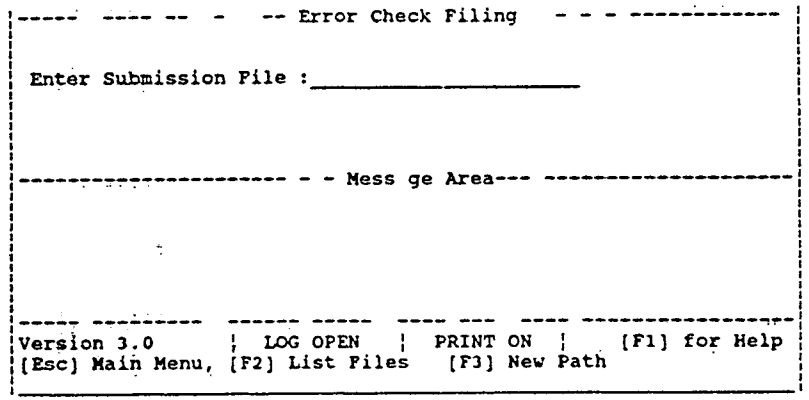
EDGARLink has a browsing capability that allows the user to view the directories on any PC drive to locate the name of the file to check The first directory that will be displayed when this option is activated is the FILING directory designated in the user's configuration From there the user may look at other directories by specifying different paths

5 18 3 PROCEDURE TO CHECK FOR ERRORS IN A FILING

Follow the procedure below to check a submission for errors

CAUTION:
If the error file is written to diskette and there is insufficient room to hold the error file no message informs the filer In such a case the error file may be created but it will contain no data Check that you have adequate space free on your diskette

STEP	ACTION/RESULT
At the EDGARLink Main Menu	
1 Select:	Check for Errors in Filing
Result	The Error Check Filing screen appears and the cursor is po itioned at Enter Submission File



Continued

STEP	ACTION/RESULT
PROCEDURE TO CHECK FOR ERRORS IN A FILING Continued	
2 Type:	(name of output file created during the Assemble a Submission File process, described in paragraph 5 15 above) press [Enter] NOTE: If only the file name is entered, EDGARLink assumes the file is in the default subdirectory
Or Press:	[F2] for a list of files in your FILING directory (the default is C:\ELink\filing)
Or Press:	[F2] and with the FILING directory displayed press [F3]
Result	EDGARLink prompts for a new path
Type	(path for directory you wish displayed)
3 Select:	(file to be checked by using the arrow keys to move the highlight bar to your choice press [Enter]
Result:	The file you have chosen is checked for errors
	NOTE: The Message Area of the screen reports whether the filing PASSED or FAILED error checking, The number of errors (that DO suspend a filing) and the number of warnings (that do NOT suspend a filing) are reported
4 Press:	(any key to return to the EDGARLink Main Menu)
Result:	EDGARLink creates an error file that identifies and locates the errors in the submission file
	NOTES: 1) EDGARLink names the error file with an ERR extension using the file name of the error checked submission file EXAMPLE: SUB10-K ERR This error file will be used in the next procedure Correct Errors in Filing 2) When EDGARLink creates the error file it is given the same drive and directory path name as the submission file that was checked for errors If the submission file is on diskette, the error file will be written to diskette.

5 19 HOW TO CORRECT ERRORS IN A SUBMISSION

As noted in HOW TO CHECK FOR ERRORS IN A FILING errors identified during pre-validation are stored in an error file The file has the same DOS name as the created submission output file but with an ERR extension

In addition to identifying errors, EDGARLink also helps correct them When the option CORRECT ERRORS IN FILING is selected EDGARLink compares the error file against the submission file Then, using a full-screen text editor, EDGARLink displays each error and allows the filer to edit the submission

5 19 1 SOME ERRORS CANNOT BE DETECTED BY EDGARLink

Performing error checking and error correction does not guarantee that a filing will be accepted by the SEC however EDGARLink does check most conditions for acceptance, but some conditions such as confirming that required filing fees have been received, and correct use of CIK Confirmation Codes can only be performed at the SEC

5 19.2 CORRECTING N SAR FILINGS

Should the user enter the file name of a submission prepared with a third party application (e g N-SAR), EDGARLink will respond with instructions in a window The instructions tell the user that corrections to the submission must be made using the custom application The submission must then be reassembled using EDGARLink The user may however, View" the submission file without making changes in EDGARLink

5.19 3 USING EDGARLink BROWSING CAPABILITY TO CORRECT ERRORS IN A FILING

EDGARLink has a browsing capability that allows the user to view the directories on any PC drive to locate the name of the file to correct The first directory that will be displayed when this option is activated is the FILING directory designated in the user's configuration From there the user may look at other directories by specifying different paths

5 19.4 HOW TO USE SUSPENSION MESSAGE AS ERROR LOG

In addition to the Error File created during an EDGARLink error check, an Error File may also be created by a filer who has received a Suspension Message by E-Mail The Suspension message may be used as the Error File

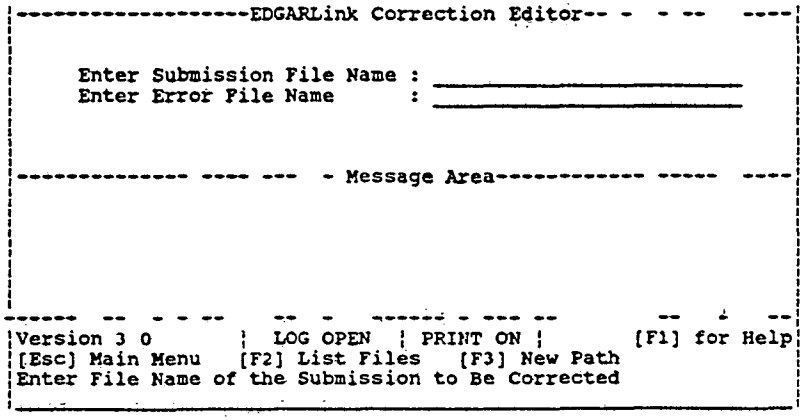
To use the suspension message received by E-Mail as the Error File the message must be downloaded to your PC See Chapter 3 paragraph 3 6 of this manual for procedures for accessing and downloading E-Mail messages and follow the process below

* download the message to your PC
* record the DOS file name given to the downloaded message
* in the Error File Name field (Step 1 below) enter the name of the downloaded DOS file (to replace the default -provided file name with the ERR extension)

5 19 5 PROCEDURE TO OPEN ERROR LOG AND SUBMISSION TO BE CORRECTED

To open an error log and a submission follow the procedure below

STEP	ACTION/RESULT
At the EDGARLink Main Menu	
1	Select: Correct Errors in Filing press [Enter] Result: The following screen appears with the cursor positioned at Enter Submission File Name field



Continued

STEP	ACTION/RESULT
PROCEDURE TO OPEN ERROR LOG AND SUBMISSION TO BE CORRECTED Continued	
	NOTES: 1) The Submission File Name is the same submission file that was used in the CHECK FOR ERRORS IN FILING procedure unless a suspension E-Mail message is being used 2) A path name may be included for files not located in the EDGARLink default directory (c:\elink\filing\) or see Step 2
2	Type: (Submission File Name), press [Enter] EXAMPLE: SUB10-K ASC Or Press: [F2] for a list of files in your FILING directory (the default is C \ELink\filing) Or Press [F2] and with the FILING directory displayed press [F3] Result EDGARLink prompts for a new path Type: (path for directory you wish displayed) Result: A file name appears with the extension ERR in the Error File Name field
3	Either Press [Enter] to accept default error file name EXAMPLE: SUB10 K ERR Or Type: (the file name of the downloaded Suspension Message) press [Enter] Result: The following text editing screen appears

Continued

STEP	ACTION/RESULT
EXAMPLE:	
PROCEDURE TO OPEN ERROR LOG AND SUBMISSION TO BE CORRECTED Continued	

```
U S Securities and Exchange Commission
   EDGARLink Electronic Filing System

<SUBMISSION>                        S-1/A
<TEST>
<DOC-COUNT>                         2
<FILER>
<CIK>                               0000567890
<CCC>                               2345ERT&
</FILER>
<FEE>                               0 00
<METHOD>                            LOCKBOX
<OFFSET AMOUNT                      100 00
<OFFSET-FILE NUMBER
 OFFSET-CIK>

ERROR_INVALID_TAG
<OFFSET-AMOUNT> tag is not valid for this submission type

Version 3 0 | LOG OPEN | PRINT ON |          [F1] for HELP
[Home] [End] [Ctrl+Home] [Ctrl+End] To Move   [F5] Delete Line
[F6] Add Line  [F3] Goto Next Error  [F4] Go to Previous Error
[Esc] To Save/Exit
```

5 19 6 HOW THE EDGARLink CORRECTION EDITOR WORKS

The EDGARLink Correction Editor is a tool to correct a submission by changing text format or any EDGARizing information in a filing

The EDGARLink Correction Editor divides the screen into three parts. The top part is the work area the center is the error description area and the bottom is for information The submission to be corrected is displayed in the work area and corresponding error messages are displayed in the error description area

Two lines appear in the error description area for each error The first line (following ERR:" or WRN:) is an abbreviated code for use by the EDGARLink software, and the second line (following MSG:) is a brief description of the error or warning Appendix D provides an explanation of the error/warning messages and suggested solutions

To edit your submission file use the special editing keys summarized below

5 19 7 SPECIAL EDITING KEYS FOR CORRECTION EDITOR

At the bottom of the EDGARLink Correction Editor screen, the special editing keys are listed along with a short description of their functions

In most cases EDGARLink automatically positions the cursor at the place in the text where an error has occurred in the submission file In other cases the cursor is positioned at the beginning of the submission To examine errors and the corresponding section of the submission file press:

[F3] to go to the next error or
[F4] to go to the previous error

The following editing keys can be used while editing a submission filing:

[Del]	Erase character at cursor.
[Backspace]	Erase character to left of cursor.
[F5]	Delete line
[F6]	Insert line

5 19 8 PROCEDURE TO USE CORRECTION EDITOR

STEP	ACTION/RESULT
1	Correct: the errors in the submission filing by using the special editing keys
2	Press: [Esc] to exit the Correction Editor and save the corrected submission file Result: The cursor appears at the Corrected File Name field NOTES: 1) The Corrected File Name will be the name of the new file to be created with the corrections to the original submission file 2) The Corrected File Name must be different from the Submission File Name It is recommended that this file have the same name as the Submission File but with a FIX extension
3	Type: (Corrected File Name), press [Enter] EXAMPLE: SUB10-K FIX, Result: Corrected submission file is saved, and the EDGARLink Main Menu appears NOTES: 1) Repeat the error checking process described above in paragraph 5 18, then repeat the error correction process described in this section to determine if the submission filing still has errors 2) At the conclusion of this process you will be ready to transmit a live or test filing to the SEC

SECTION D--USING EDGARLink TO COMMUNICATE WITH THE SEC

5 20 HOW TO CHANGE A CIK CONFIRMATION CODE (CCC)

A CIK Confirmation Code (CCC) is used by the EDGAR system to authenticate the user of a CIK code

Although the SEC will assign a CCC initially it is recommended that it be changed before using the EDGAR system as well as after use by other entities such as agents

5 20 1 GUIDELINES FOR SELECTING A CCC

Follow these rules or guidelines for selecting or changing a CCC:

* CCC must contain 8 characters At least one of the characters must be a number (0 through 9) and at least one of the characters must be a @, #, $ or * To avoid confusion do not use the capital letter O (oh) the numeral 0 (zero), the lower case l (el) or the numeral 1 ('one) The CCC characters are case-sensitive

  The CCC like the password is unique to a CIK

* Both a CIK and its corresponding CCC are required to identify a registrant in an EDGAR submission

* If a CCC is lost the registrant should submit a request for a new CCC on a Form ID

5 20 2 PROCEDURE TO CHANGE A CCC

To change your CCC follow the procedure below

STEP	ACTION/RESULT
At the EDGARLink Main Menu	
1 Select Result	Change CIK Confirmation Code press [Enter] Change CIK Confirmation Code screen appears; cursor positioned at Enter Your CIK
2 Type: Result:	(your login CIK) press [Enter] Cursor is positioned at Enter Your Password
3 Type Result:	(your password), press [Enter] Cursor is positioned at Enter New CIK Confirmation Code

Continued

STEP	ACTION/RESULT
4 Type: Result:	(your new CCC), press [Enter] Cursor is positioned at Re-enter To Confirm
5 Type: Result:	(your new CCC again), press [Enter] Your modem dials EDGAR the login is initiated and EDGAR accepts the new CCC Information appears in the Message Area during the process

A password is used in combination with a login CIK to identify the filer sending a submission The initial password and CIK Confirmation Code (CCC) are considered temporary Filers should change both the first time they use EDGARLink and at least once a year thereafter To change a password filers need to use their Password Modification Authorization Code (PMAC)

All access codes referred to here are fully explained in Chapter 3, paragraphs 3 3

CAUTION:
Passwords cannot be changed until the configuration settings are established (see Section 5-B paragraph 5 10)

5 21 1 GUIDELINES FOR SELECTING A PASSWORD

Follow these guidelines for selecting or changing a password

* A password is a series of characters chosen by the owner of the CIK (The SEC provides a temporary password for initial use)

  Passwords must contain 8 characters At least one of the characters must be a number (0 through 9) and at least one of the characters must be a @ #, $ or * To avoid confusion do not use the capital letter O (oh), the numeral 0 (zero) the lower-case l (el) or the numeral 1 (one)

  NOTE:
  Passwords created containing letters require that the case of each letter be observed (ABCDEF2$ and abcdef2$ and Abcdef2$ are not the same password)

  No blank spaces are permitted in a password

  If a password is lost the filer should submit a request for a new password on a Form ID

  The PMAC is used in conjunction with a password change

  The PMAC is provided to the filer by the SEC and cannot be changed by the filer

  If a PMAC should be changed or is lost the filer must submit a request for a new PMAC on a Form ID

5 21 2 PROCEDURE TO CHANGE A PASSWORD

To change your password follow the procedure below

STEP	ACTION/RESULT
At the Elink Main Menu	
1	**Select:** **Change Password** press **[Enter]** **Result:** Change Password screen appears; cursor is positioned at Enter Your CIK
2	**Type:** (your login CIK) press **[Enter]** **Result:** Cursor is positioned at Enter Your Password
3	**Type:** (your OLD password) press **[Enter]** **NOTE:** Your old password remains active until the connection to EDGAR is made and the database is updated **Result:** Cursor is positioned at Enter New Password
4	**Type:** (your new password) press **[Enter]** **Result:** Cursor moves to Re-enter To Confirm
5	**Type:** (your new password again for confirmation) press **[Enter]** **Result:** Cursor moves to Password Modification Authorization Code field
6	**Type:** (your Password Modification Authorization Code) press **[Enter]** **Result:** Your modem dials EDGAR the login is initiated and EDGAR accepts the new password Information appears in the Message Area during the process.

5 22 HOW TO VERIFY CURRENT VERSION OF EDGARLink

The VERIFY EDGARLink VERSION option on the Main Menu may be used to verify that the user s version of the software is current and to download an updated version from the EDGAR system When this option is selected from the EDGARLink Main Menu EDGARLink will automatically begin a download of an updated version if the filer s version is out of date

CAUTION:
Downloading files can take a long time Interrupting the downloading process could result in the corruption of EDGARLink files

It is not necessary to update EDGARLink files before transmitting a submission To avoid a delay in the filing process filers may defer the EDGARLink download process until after transmissions are completed. An out-of date version of EDGARLink may not detect all submission errors that can be detected by the EDGAR system

5 22 1 PROCEDURE TO VERIFY EDGARLink VERSION AND DOWNLOAD NEW VERSION

Follow the procedure below to use VERIFY EDGARLINK VERSION and when necessary to download an updated version

STEP	ACTION/RESULT
At the EDGARLink Main Menu	
1	*Select:* **Verify EDGARLink Version** press [Enter] Result: The following screen appears:

```
------- ------------ Verify EDGARLink Version ---------------
 File Transmitted             :
 File Size                    :
 EDGAR Receipt Time           :
 Estimated Transmission Time  :
 Bytes Transmitted So Far     :
 Estimated Time to Completion :
 Estimated Bytes/Second       :
------------ ------- ---Message Area------- - -------- -----
 Login CIK   :_________
------ ------------------ ---- ---------- -------------------
Version 3 0      | LOG OPEN | PRINT ON |      [F1] for Help
(Esc] Main Menu
Enter your CIK
```

Continued

5 22 HOW TO VERIFY CURRENT VERSION OF EDGARLink Continued

PROCEDURE TO VERIFY EDGARLINK VERSION AND DOWNLOAD NEW VERSION Continued

STEP	ACTION/RESULT	
2	**WHEN EDGARLink is**	**THEN**
	not connected to EDGAR	a prompt appears for the login CIK in the Message Area window NOTE: The login CIK field will be filled in by EDGARLink if it was entered in the login CIK field of the MODIFY USER S CONFIGURATIONS Screen Either Press: [Enter] (if displayed CIK is correct) Or Type: (your CIK) press [Enter] Result: EDGARLink enters the CIK and prompts for a password Type: (password) press [Enter]
	connected to EDGAR	Go to Step 3 NOTE: After a connection to or file transfer with EDGAR EDGARLink will remain connected for 5 minutes
3	**WHEN your EDGARLink**	**THEN**
	is the latest version	a message verifying your version appears
	has been superseded by a newer version	EDGARLink automatically downloads the latest version to your PC

5 23 HOW TO SEND A TEST FILING

Filers are encouraged to submit test filings to the SEC Test filings will be processed by the EDGAR system and an acceptance or "suspension" message will be returned to the filer However content of a test filing will not be reviewed or disseminated The purpose of test filings is to give filers training opportunities using EDGAR procedures

When a submission is ready to be communicated to the SEC the EDGARLink software serves as communications software and accomplishes the following:

* Compresses the filing to reduce transmission time Dials into the SEC using the telephone numbers in the filer s configuration in order of filer-established preference, and Restarts the transmission automatically if there is a break in communications
* EDGARLink remains connected to EDGAR for up to 5 minutes after use (During this period the user may transmit additional submissions or access code changes without receiving a prompt to provide a login CIK or password)
* Upon connection to the EDGAR system a message appears on the filer s screen notifying the filer of the E-Mail User ID to whom acceptance and suspension messages will be sent If this notice does not appear, it means that no E-Mail address is on file at the SEC and acceptance and suspension messages will be returned via the Postal Service

5 23 HOW TO SEND A TEST FILING Continued

5 23 1 PROCEDURE TO SEND A TEST FILING

To send a test filing to the SEC follow the procedures below

STEP	ACTION/RESULT
At the EDGARLink Main Menu	
1	Select: TRANSMIT TEST FILING TO SEC press [Enter] Result: The following screen appears with the cursor positioned at Enter File(s) to Transfer

```
----------------------Send Test Filing----------------------
Enter File(s) to Transfer    :
File Transmitted             :
File Size                    :
EDGAR Receipt Time           :
Estimated Transmission Time  :
Bytes Transmitted So Far     :
Estimated Time to Completion :
Estimated Bytes/Second       :
            A separate notice will be
    furnished when submission is accepted/suspended
--------------------------Message Area---------------------
Version 3 0       | LOG OPEN | PRINT ON |       [F1] for Help
[Esc] Main Menu, [Home]  [End]  [F2] List Files  [F3] New Path
Send Filing to EDGAR
```

Continued

PROCEDURE TO SEND A TEST FILING Continued

STEP	ACTION/RESULT
2	Type: (name of output file[s] to be transmitted) press [Enter] NOTES: 1) Multiple files can be sent in one transmission if their file names are listed separated by commas EXAMPLE: SUB10 K FIX SUBS 1 FIX, SUB10-Q FIX 2) The number of files that can be included in one transmission is limited to the number of file names you can fit in the 45 char cter field on the EDGARLink screen Or Press [F2] for a list of files in your filing directory (the default is C \ELink\filing) Or Press: [F2] and with the filing directory displayed press [F3] Result: EDGARLink prompts for a new path Type: (path for directory you wish displayed)
3	Select: (file to be transmitted by using the arrow keys to move the highlight bar to your choice press [Enter] Result: EDGARLink compresses the file(s) for transmission

WHEN EDGARLink is	THEN
not connected to EDGAR	a prompt appears for the login CIK in the Message Area window NOTE: The login CIK field will be filled in by EDGAR if it was entered in the login CIK field of the Modify User s Configurations Screen Either Press [Enter] (if displayed CIK is correct) Or Type (your CIK) press [Enter] Result EDGARLink enters the CIK and prompts for a password

Continued

PROCEDURE TO SEND A TEST FILING Continued

STEP	ACTION/RESULT

WHEN EDGARLink is	THEN
	Type: (password) press [Enter] Result: EDGARLink transmits the file to the SEC
connected to EDGAR	EDGARLink transmits the file to the SEC

NOTES

1) EDGARLink remains connected to EDGAR for up to 5 minutes after use (During this period the user may transmit additional submissions or access code changes without receiving a prompt to provide a login CIK or password)

2) Upon connection to the EDGAR system a message will appear on the filer s screen notifying the filer of the E-Mail User ID to which acceptance and suspension messages will be sent If this notice does not appear it means that no E-Mail address is on file at the SEC and acceptance and suspension messages will be returned via the Postal Service

3) Upon connection to the EDGAR system, another message will appear at the EDGAR Receipt Time area of the screen to show when the EDGAR system began receipt of the submission If there are multiple files in the submission, the receipt time shown will be the start of the last received file

4) During the transmission of the filing the filer will be informed of the status of file transfer as the following example shows:

Continued

5 23 HOW TO SEND A TEST FILING Continued

PROCEDURE TO SEND A TEST FILING Continued

STEP	ACTION/RESULT

Electronic messages will be returned to CompuServe E-Mail address: 12345 1234

```
-------------------------Send Test Filing----------------------
 Enter File(s) to Transfer    : SUB10-K FIX SUB8-1 FIX
 File Transmitted             :       SUB10-K FIX
 File Size                    :                1977
 EDGAR Receipt Time           :May 29  1992 02:42:47 pm EASTERN
 Estimated Transmission Time  :                   2 Sec
 Bytes Transmitted so far     :                1977
 Estimated Time to Completion :                   0 Sec
 Estimated Bytes/Second       :                 659
              A separate notice will be
       furnished when submission is accepted/suspended
------------------------Message Area-----------------------

 File Transfer is Completed
 Press Any Key to Return to Main Menu
-------- ------- ------------ --- ----- -- ---- ----------- ---
Version 3 0       | LOG OPEN | PRINT ON |       [F1] for Help
```

NOTE:
EDGARLink has an automatic restart capability for file transfers that are interrupted during a transmission to EDGAR A pulled plug, inadvertent rebooting or modem or power failure need not result in the loss of an entire file transfer Should a transmission be interrupted return to the DOS prompt within 15 minutes and invoke Elink A restart screen will appear and EDGARLink will restart the transmission at the place of interruption

5 24 HOW TO SEND A LIVE FILING

When a submission is ready to be communicated to the SEC the EDGARLink software serves as communications software and accomplishes the following:

* Compresses the filing to reduce transmission time
* Dials into the SEC using the telephone numbers in the filer s configuration in order of filer-established preference, and Restarts the transmission automatically if there is a break in communications

EDGARLink remains connected to EDGAR for up to 5 minutes after use (During this period the user may transmit additional submissions or access code changes without receiving a prompt to provide a login CIK or password)
Upon connection to the EDGAR system a message appears on the filer s screen notifying the filer of the E-Mail User ID to whom acceptance and suspension messages will be sent If this notice does not appear it means that no E-Mail address is on file at the SEC and acceptance and suspension messages will be returned via the Postal Service

5 24 1 PROCEDURE TO SEND A LIVE FILING

To submit a filing to the SEC follow the procedure below

STEP	ACTION/RESULT
At the EDGARLink Main Menu	
1 Select:	TRANSMIT LIVE FILING TO SEC press [Enter]
Result:	The following screen appears with the cursor positioned at Enter File(s) To Transfer:

```
---------------------- Send Live Filing----- ------ ----------
 Enter File(s) to Transfer    :
 File Transmitted
 File Size                    :
 EDGAR Receipt Time           :
 Estimated Transmission Time  :
 Bytes Transmitted so far     :
 Estimated Time to Completion :
 Estimated Bytes/Second       :
              A separate notice will be
       furnished when submission is accepted/suspended
-------------------------Message Area---------------------- --

---------------------- -- --- ----- ----------------------------
Version 3 0       | LOG OPEN | PRINT ON |       [F1] for Help
[Esc] Main Menu, [Home]  [End]  [F2] List Files  [F3] New Path
Send Filing to EDGAR
```

Continued

PROCEDURE TO SEND A LIVE FILING Continued

STEP	ACTION/RESULT
2	Type: (name of output file[s] to be transmitted) and press [Enter] Or Press: [F2] for a list of files in your filing directory (the default is C \ELink\filing) Or Press: [F2] and with the filing directory displayed press [F3] Result: EDGARLink prompts for a new path Type: (path for directory you wish displayed) With a list of files displayed Select: (file to be transmitted by using the arrow keys to move the highlight bar to your choice press [Enter] NOTES: 1) Multiple files can be sent in one transmission if their file names are listed separated by commas EXAMPLE: SUB10 K FIX SUBS-1 FIX SUB10-Q FIX 2) The number of files that can be included in one transmission is limited to the number of file names you can fit in the 45 character space allowed Result: The following warning appears: WARNING: Unless your submission includes a <TEST> tag in the submission header, your filing will be treated by EDGAR as a live filing Acceptance processing and PUBLIC DISSEMINATION are AUTOMATED processes that take place immediately upon receipt of transmission of a live filing If your live filing meets the criteria for acceptance by EDGAR (and is not submission type SEGMENT or submission type MODULE) the public portions of your filing will be IMMEDIATELY DISSEMINATED TO THE PUBLIC Do you want to continue with your transmission (Y/N)? [N] (Default is No) Continued

PROCEDURE TO SEND A LIVE FILING Continued

STEP	ACTION/RESULT
3	Type: (Y for yes or N for no) Result: WHEN: No is indicated — THEN: prompt appears Press Any To Return to Main Menu WHEN: Yes is indicated — THEN: EDGARLink compresses the file for transmission WHEN EDGARLink is: not connected to EDGAR — THEN: a prompt appears for the login CIK in the Message Area window NOTE The login CIK field will be filled in by EDGAR if it was entered in the login CIK field of the MODIFY USER S CONFIGURATIONS screen Either Press: [Enter] (to accept CIK) Or Type: (your CIK) Press: [Enter] Result: EDGARLink enter the CIK and prompts for a password Type (password) press [Enter] Result: EDGARLink transmits the file to the SEC Continued

PROCEDURE TO SEND A LIVE FILING Continued

STEP	ACTION/RESULT
	WHEN EDGARLink is / **THEN**
	connected to EDGAR / EDGARLink transmits the file to the SEC

NOTES

1) *Upon connection* to the EDGAR system a message will appear at the EDGAR Receipt Time area of the screen to show when the EDGAR system began receipt of the submission. If there are multiple files in the submission, the receipt time shown will be the start of the last received file

2) During the transmission of the filing, the filer is informed of the status of file transfer as the following example shows:

Electronic messages will be returned to CompuServe E-Mail address: 12345,1234

```
Send Live Filing
Enter File(s) to Transfer     : SUB10-K FIX,SUBS-1 FIX
File Transmitted              :  SUB10-K FIX
File Size                                1977
EDGAR Receipt Time             May 29  1992 02:52:47 pm Eastern
Estimated Transmission Time   :           2 Sec
Bytes Transmitted so far      :        1977
Estimated Time to Completion  :           0 Sec
Estimated Bytes/Second                    699
                A separate notice will be
      furnished when submission is accepted/suspended
Message Area
```


5 25 HOW TO CORRECT A SUSPENDED FILING

When a submission has EDGARizing errors EDGAR suspends the filing, and a Suspension Message is returned to the filer The filer has two choices of action to correct a suspended filing

* Correct the identified errors and resubmit the filing in its entirety to the SEC or

  Within 6 business days use the EDGARLink software to correct the filing by submitting a modification script

5 25 1 HOW TO USE A MODIFICATION SCRIPT

For EDGAR s purposes a modification script file represents the differences in text between the original (but suspended submission) and the corrected version Obviously a modification script file, concerned only with *differences* can be expected to be much smaller than the file containing the corrected version of the complete filing and consequently require significantly less time to transmit to the SEC

Because of the time limitation for acceptance of correction scripts, the script function may be most useful to filers who have EDGAR CompuServe User IDs on file at the SEC

The correction script is exclusive to EDGARLink

MODIFICATION SCRIPT PROCESS

The process for creating and submitting a modification script to correct suspended filings is performed in six stages

STAGE	DESCRIPTION
1	The E-Mail message from CompuServe containing the filing errors is downloaded to the filer s PC; or the mailed suspension notice and the EDGARLink option to CHECK FOR ERRORS IN A FILING is used to create an error file
2	Using the original DOS file submitted to the SEC and the error file, EDGARLink identifies the location of errors in suspended filing EDGARLink s text editor is used to correct errors A new output file is created
3	The new file is checked again for errors Errors are corrected if found This stage in the process is repeated until no more errors are found in the new output file.

Continued

MODIFICATION SCRIPT PROCESS Continued

STAGE	DESCRIPTION
4	EDGARLink creates a script file that represents the differences between the suspended filing and the new output file NOTE The script file is for transmission purposes only and is not a saved file
5	The modification script is compressed by EDGARLink and transmitted to the SEC

5 25 2 PROCEDURE TO CORRECT SUSPENDED FILING WITH A MODIFICATION SCRIPT

Use the following procedure to correct a suspended filing by the use of a modification script:

STEP	ACTION/RESULT
1	Access E-Mail from the Main Menu of EDGARLink Follow the proc dures in Chapter 3 paragraph 3 6 to Retrieve EDGAR E-Mail get mail; and download to your PC (saving the suspension message as a DOS file) (EXAMPLE of DOS file C:\ELINK\FILING\SUB10-K MSG) Or Create an error file using the EDGARLink option CHECK FOR ERRORS IN A FILING (SUB10 K ERR)
	At the EDGARLink Main Menu
2	Select: **CORRECT ERRORS IN FILING**, press **[Enter]** Result: EDGARLink Correction Editor screen appears with the cursor positioned at Submission File Name
3	Type: (name of original file), press **[Enter]** EXAMPLE: A:\SUB10-K ASC Result: cursor positioned at Enter Error File Name
4	Type: (name of error file), press **[Enter]** EXAMPLE SUB10-K MSG (downloaded E-Mail message) or SUB10 K ERR (error file from EDGARLink) Result: Text editing screen appears

Continued

5.25 2 PROCEDURE TO CORRECT SUSPENDED FILING WITH A MODIFICATION SCRIPT Continued

STEP	ACTION/RESULT
5	Correct errors in the submission using the special editing keys described at the bottom of the screen
6	Press: **[Esc]** to exit the Correction Editor and save the corrected submission file Result: Cursor appears at the Corrected File Name field
7	Type: (a file name and extension different from the submission file name) (EXAMPLE: SUB10 K NEW)
8	Check the new output file for additional errors by using the CHECK FOR ERRORS IN A FILING option from the Main Menu
	At the EDGARLink Main Menu
9	Select: **Send Modification Script** press **[Enter]** Result: The following screen appears with the cursor positioned at Enter Accession Number:

```
-- ------  ---- ----  Modify Suspended Filing-------- -- --------

 Enter Accession Number       : _________-____-____
 Enter Original File Name     :
 Enter Modified File Name     :




 -- -    --  -----  -  --- Message Area---------- ---------- --

--- --------- - - -    -       -    -- --- ---------- -- ---- --
Version 3 0       | LOG OPEN  | PRINT ON |       [F1] for Help
[Esc] Main Menu
[F2] for a list of Accession Numbers/DOS File Names
```

Continued

5 25 2 PROCEDURE TO CORRECT SUSPENDED FILING WITH A MODIFICATION SCRIPT Continued

STEP	ACTION/RESULT
	NOTE: The Accession Number is assigned by EDGAR to each submission sent to the SEC and is returned to the filer in a suspension message It is recorded in the EDGARLink Client Reference file The accession Number consists of three elements: the submitter s login CIK (up to 10 digits), the year (2 digits) and a sequence number for the submitting CIK (6 digits) EXAMPLE: 0000123456-92-000003
10	Press: [F2] Result: A list of the accession number(s) and associated submission output file name(s) of each filing received at the SEC appears This is information held in the Client Reference file named in the Modify User s Configurations Screen
	NOTE: If no record of submissions to EDGAR exists, an error message will appear in the Message Area of the screen
11	Select: (accession number or original file name of the suspended filing) press [Enter] Result: Accession Number and Original File Name fields are filled in by EDGARLink
12	Type: (Modified File Name) NOTE: The Modified File Name is the name given to the corrected submission (EXAMPLE: SUB10-K NEW) press [Enter]
	Result: You will be asked to confirm that all data is entered correctly

Continued

5 25 2 PROCEDURE TO CORRECT SUSPENDED FILING WITH A MODIFICATION SCRIPT Continued

STEP	ACTION/RESULT
13	Type: [Y]es or [N]o If No repeat Step 12 Result: EDGARLink compares the original and corrected version of the filing and creates the modification script file EDGARLink prompts for CIK and pas word, sequentially, then compresses and sends the modification script file to EDGAR
	NOTES: 1) The same login CIK must be used for the modification script as was used to send the suspended filing
	2) If the printer is enabled a copy of the modification script file will be printed The original file and corrected file are stored but the modification script file is not stored; the printout is the only record of it
	CAUTION Do not attempt to use this option with the printer enabled without having edited the AUTOEXEC BAT file as described in Section 5-A paragraph 5 3 2 step 3
	3) The Message Area will display a series of messages on the progr ss of the process

Message Ar a
Verifying that 'original' file is unchanged Creating Modification Script File

SECTION E--USING E-MAIL AND CUSTOM APPLICATIONS WITH EDGARLink

5 26 HOW TO ACCESS E-MAIL SERVICE

Through the SEC s electronic mail and bulletin board service provided by CompuServe filers who subscribe can accomplish the following:

Receive error and acceptance messages;
Check the bulletin board for notices
* Download messages and Filer Manual updates
Send their User ID to the SEC database
* Transmit filings to the SEC
Access and search the EDGAR company database

See Chapter 3 paragraph 3 6 for information on CompuServe

5 26 1 PROCEDURE TO ACCESS E-MAIL SERVICE

To access the EDGAR E-Mail Service follow the procedure below

STEP	ACTION/RESULT
At the EDGARLink Main Menu	
	Select **Access E-Mail and Bulletin Board** press [Enter] Result: The CompuServe Information Manager screen appears
	NOTES: 1) Access to acceptance and suspension messages of EDGAR filings from the SEC, and to the bulletin board for updated versions of the on-line Filer Manual and other information is an optional service provided by CompuServe
	2) Consult the instructions provided by CompuServe to registered EDGAR filers for accessing E-Mail and Bulletin Board messages from the EDGAR Main Menu The CompuServe software should be installed into the same directory as EDGARLink
	3) Filers who choose not to subscribe to the EDGAR E-Mail service will receive their acceptance and suspension messages via the Postal Service Acceptance and suspension messages will be sent to the submitter and the filer as identified by the login CIK and the filer CIK
	4) For information on the EDGAR E Mail Service refer to chapter 3 paragraph 3 6

5 27 N-SAR PC APPLICATION INTERFACE WITH EDGARLINK

5 27 1 THE N SAR/EDGARLINK PROCESS

The following stage table outlines the process required for preparation of an N-SAR submission using EDGARLink Each step is described as a detailed procedure on the following pages

STAGE	DESCRIPTION
1	Install and configure EDGARLink
2	Install the N-SAR software
3	Access EDGARLink and prepare a Form N-SAR document
	3 1 Access EDGARLink
	3 2 Prepare a Form N-SAR document
4	Assemble the N-SAR submission:
	4 1 Complete Header Building Assistance options
	4 2 Assemble the submission
5	Check for errors within the submission
6	Correct errors if any
7	Transmit the submission to the SEC
8	Modify a suspended submission
9	Exit

5 27 2 PROCEDURE TO INSTALL AND CONFIGURE EDGARLINK

EDGARLink is a comprehensive software program that is designed to assist with the preparation and transmission of electronically submitted filings to the SEC s EDGAR system The software is provided by the SEC to electronic filers

EDGARLink assists in the preparation submission, and correction of Form N SAR submissions Refer to Section 5-A, paragraphs 5 3 and 5 4 for specific directions on installation of EDGARLink and Section 5-B paragraph 5 10 for instructions on EDGARLink configuration

5 27 3 PROCEDURE TO INSTALL THE N-SAR PC APPLICATION

EDGARLink MUST be installed before the N SAR PC Application can be installed

To install the N-SAR application follow the procedure below

STEP	ACTION/RESULT
1	Insert: (the N SAR PC Application diskette into your 3 5-inch diskette drive)
2	Depending on whether your drive is either drive A or drive B: Type: **A:\INSTALL** press **[Enter]** or Type: **B:\INSTALL**, press **[Enter]** Result: The EDGARLink/N-SAR Installation Menu appears:
3	Select: **Install N-SAR PC Application** Result: The Install N-SAR PC Application screen appears You will be prompted to specify a drive and directory into which you would like the N-SAR software installed

Continued

PROCEDURE TO INSTALL THE N SAR PC APPLICATION Continued

STEP	ACTION/RESULT

IF you want to	THEN you
accept C:\NSAR as the default drive and directory for the N-SAR software and C:\ELINK as the path for EDGARLink	press **[Enter]**
Or put the N-SAR software or EDGARLink into another drive and/or directory	type alternate (path name) press **[Enter]**

4 After pressing **[Enter]** the program prompts you to confirm that entered data are corr ct

WHEN you	THEN
type **[Y]**	the program files are decompressed and copied to the designated drive and directory
* type **[N]** or press **[Enter]**	the program returns you to the Installation Menu

Result: You will be returned to the EDGARLink directory

5 27 4 PROCEDURE TO ACCESS SOFTWARE AND PREPARE A FORM N-SAR

To access the N-SAR software and prepare an N-SAR form follow the procedure below

STEP	ACTION/RESULT
1	At the DOS prompt for the drive where EDGARLink is installed (i e C \>) Type: cd elink press [Enter] NOTE: If a directory other than ELink was specified during installation substitute that path name and directory Result: ELink becomes the current directory
2	Type: ELink, press [Enter] Result: The EDGARLink Main Menu appears NOTE: A description of Main Menu choices may be found in Section 5-B, paragraph 5 8
3	From the EDGARLink Main Menu Select: Access Custom Applications press [Enter] Result: The Custom Applications menu appears listing available applications
4	Select: Create/Edit Form N-SAR, press [Enter] Result The FORM N-SAR title screen appears NOTE: Continue as per instructions in N-SAR User's Guide pages 2-3 Result: A Form N-SAR document is created

5 27 5 ASSEMBLING THE N-SAR SUBMISSION

There are two parts to this process: header building and the actual assembly of the submission file

5 27 5a HEADER BUILDING ASSISTANCE OPTIONS

The required and additional header data elements for N-SAR submissions must be created (Headers are blocks of identifying information at the beginning of a submission and again at the beginning of each document included within that submission)

There are two alternative ways to utilize EDGARLink s header-building assistance in the construction of a Form N-SAR submission:

1) Direct access from the N-SAR PC Application
2) Access from the EDGARLink Main Menu

OPTION 1) PROCEDURE TO ACCESS HEADER BUILDING ASSISTANCE FROM N-SAR APPLICATION

If you followed the instructions in paragraph 5 27 4 for accessing the N-SAR software after filling out Form N-SAR and creating an answer file, return to the N SAR menu and select number 5 EXIT/CREATE SUBMISSION HEADER. You will then be taken directly to the EDGARLink Required Submission Information screen

STEP	ACTION/RESULT
1	When the Required Submission Information screen appears Type: (the missing information in the Required Information fields) Result: Required fields are completed NOTE: 1) Some information is completed by EDGARLink from the information in the Form N-SAR 2) The Document Count for an N-SAR header should always be 1," since exhibits to form N-SAR are normally on paper
2	Press: [PgDn] to access the Additional Fields screen Result: Additional fields are completed
3	Press: [End] to save Result: The Assemble a Submission File screen appears:

Continued

5 27 5 ASSEMBLING THE N-SAR SUBMISSION Continued

NOTE:
Directions for completing required and additional fields may be found in Section 5-C paragraph 5 13 2

OPTION 2 PROCEDURE TO ACCESS HEADER BUILDING ASSISTANCE FROM EDGARLink MAIN MENU

To access Header Building Assistance from the EDGARLink Main Menu:

STEP	ACTION/RESULT
1	Select: **Create/Edit a Submission** press **[Enter]** Result: The Create/Edit a Submission screen appears
2	Select: **Create or Edit a Submission Header** press **[Enter]** Result: The Create or Edit a Submission Header screen appears
3	Type: (the name of the desired Form N-SAR) press **[Enter]** Or Press: **[Enter]** and select the desired Form N SAR from the list of submission types Result: You are prompted for the name of the interface (answer) file
4	Type (the drive and directory where the interface file answer fil produced with the N-SAR PC Application is located) press **[Enter]** NOTE The default path is \NSAR\DATA\ANSWER FIL Result: The Required Submission Information screen appears
5	Type: (the missing information in the Required Information fields) Result: Required fields are completed NOTE: Some information is completed by EDGARLink from the information in the Form N-SAR
6	Press: [PgDn] to access the Additional Fields screen Result: Additional fields are completed

Continued

5 27 5 ASSEMBLING THE N-SAR SUBMISSION Continued

STEP	ACTION/RESULT
	PROCEDURE TO ACCESS HEADER BUILDING ASSISTANCE FROM EDGARLink Continued
7	Press: **[End]** to save Result: The Create/Edit a Submission screen appears NOTE: Directions for completing required and additional fields may be found in Section 5-C paragraph 5 13 2
8	Select: **Assemble a Submission** press **[Enter]** Result: The Assemble a Submission File screen appears

5 27 5b ASSEMBLING THE SUBMISSION

Assembling a submission automatically adds headers to documents and combines documents into a single submission file; that is, an ASCII text file is created that contains all the documents of the submission with the appropriate headers and header tags required for electronic filing

The following paragraphs describe the procedures for assembling an N-SAR submission using EDGARLink

There are two ways to access the EDGARLink Assemble a Submission File capability:

1) Direct access from the N-SAR PC Application

2) Access from the EDGARLink Main Menu

Continued

5 27 5 ASSEMBLING THE N SAR SUBMISSION Continued

OPTION 1 PROCEDURE TO ACCESS "ASSEMBLE A SUBMISSION" DIRECT FROM N-SAR APPLICATION

Once you exit the N-SAR PC Application and complete the required and additional fields, you will be taken directly to the Assemble a Submission File screen

STEP	ACTION/RESULT
1	At the Assemble a Submission File screen Type: (the name of the submission (output) file) press [Enter] Result: The Display Section screen appears NOTES: 1) The output file is the DOS file that will be created to hold the complete submission for later transmission to the SEC 2) The Display Section will present you with information relevant to the Form N-SAR submission for your review
2	Press: [Enter] Result: The Assemble a Submission File appears again with information in the message area The output file has been created containing an N-SAR submission header an N-SAR document header and your N-SAR answer file document
3	No other documents should be added to an N-SAR submission Press: [End] to save the submission file Result: The EDGARLink Main Menu appears NOTE: Refer to Section 5-C, paragraph 5.19. for complete instructions on assembling a submission, and how to include additional documents in the N SAR submission

Continued

5 27 5 ASSEMBLING THE N-SAR SUBMISSION Continued

OPTION 2 PROCEDURE TO ACCESS "ASSEMBLE A SUBMISSION" FROM EDGARLINK

To access Assemble a Submission file from the EDGARLink Main Menu:

STEP	ACTION/RESULT
1	Select: Create/Edit a Submission File, press [Enter] Result: The Create/Edit a Submission menu appears
2	Select: Assemble a Submission press [Enter] Result: The Assemble a Submission File screen appears with the cursor positioned at Enter Submission File Name
3	Type: (the name of the submission output file), press [Enter] NOTE: The output file is the DOS file that will be created to hold the complete submission for later transmission to the SEC. Result: The path name of the output file in the EDGARLINK directory appears in the Message Area of the screen and the cursor is positioned at Enter Submission Type
4	Type: (the name of the desired Form N-SAR press [Enter] or Press: [Enter] And Select: (the N-SAR submission type from the list of submission types) Result: As indicated in the message area, the output file is created with the submission header appended
5	Type: (the drive and directory where the interface file answer.fil, produced with the N SAR PC application is located) press [Enter] NOTE: The default path is \NSAR\DATA\ANSWER FIL Result: The Display Section screen appears

Continued

5 27 5 ASSEMBLING THE N SAR SUBMISSION Continued

OPTION 2 PROCEDURE TO ACCESS ASSEMBLE A SUBMISSION' FROM EDGARLink

STEP	ACTION/RESULT
	NOTE: The Display Section will present you with information relevant to the Form N-SAR submission for your review
6	Press: [Enter] Result: The Assemble a Submission File appears again with information in the message area The output file has been created containing an N SAR submis ion header an N-SAR document header and your N SAR answer file document
7	No other documents should be added to an N SAR submission Press [End] to save the submission file Result: The Create/Edit a Submission Menu appears NOTE: Refer to Section 5-C paragraph 5.15 for complete instructions on assembling a submission and how to include additional documents in the N-SAR submission
8	Select: Return to Main Menu, press [Enter] Result: The EDGARLink Main Menu appears

5 27 6 HOW TO CHECK FOR ERRORS

Error checking is intended to identify most of the factors that may cause a filing to be suspended by the SEC Error checking with EDGARLink is performed on a complete submission EDGARLink will check for required header tags verify internal document tags, identify text greater than 132 characters and look for invalid characters EDGARLink does not check for correct CIK/CCC combinations or fee payments Then EDGARLink displays each error The filer can return to the N SAR software or to the EDGARLink header building process to correct the errors depending on where the errors are located

EDGARLink creates a new file that identifies and locates the errors in the submission file This file is named with the same file name as the submission (output) file with an ERR extension and is used in the error correction process

Complete instructions for error checking may be found in Section 5-C paragraph 5 18

5 27 7 HOW TO CORRECT ERRORS

In addition to identifying errors EDGARLink also helps correct them By selecting the Correct Errors in Filing option EDGARLink compares the error file against the submission file Then EDGARLink displays each error You can return to the N-SAR software or to the EDGARLink header building process to correct the errors depending on where they are located

Complete instructions for correcting errors are in Section 5-C paragraph 5 19

5 27 8 HOW TO TRANSMIT THE SUBMISSION

EDGARLink contains the communications software for transmitting filings electronically to the SEC Complete instructions for electronic submission may be found in Section 5-D paragraphs 5 23 and 5 24

5 27 9 HOW TO MODIFY A SUSPENDED SUBMISSION

When a submission has EDGARizing errors EDGAR suspends the filing and has a suspension message returned to the user There are tw choices of action to correct a suspended filing:

The user may correct the identified errors and resubmit the filing in its entirety to the SEC or

The user may, within 6 business days, use EDGARLink to correct the identified errors and submit a modification script" file containing only the differences between the corrected file and the original submission

The process and procedure for submitting a modified submission may be found in Section 5 D paragraph 5 25.

5 27 10 HOW TO EXIT FROM EDGARLINK

To exit from the EDGARLink application follow the 1-step proc dure below

STEP	ACTION/RESULT
1	From the EDGARLink Main Menu Select: Exit to DOS press [Enter] Result: You will be returned to a DOS prompt

CHAPTER 6--HOW TO SEND FILINGS BY ASYNCHRONOUS COMMUNICATION (OTHER THAN EDGARLink)

6 1 INTRODUCTION

All filers are encouraged to use the EDGARLink filer assistance software program to prepare and transmit filings to the SEC. EDGARLink has features such as automatic tag generation header creation error checking, and text editing Filers are encouraged to transmit using EDGARLink because of the cost-efficient automatic file compression feature of the software Filers with DOS-based PCs who wish to use their own asynchronous communications software, instead of the communications software built into the EDGARLink program may still use EDGARLink except for the transmission feature

The EDGAR system supports two asynchronous communications protocols other than EDGARLink They are:

Kermit (with CRC 3 error checking)	available with some communications software or as an external protocol
Xmodem (with CRC error checking)	

Asynchronous filers (not using the EDGARLink software) have the capability to:

- Submit live or test filings
- Change an EDGAR password and a CIK Confirmation Code (CCC)

The following items are required before a filing can be submitted by asynchronous communication:

- The filing ready for transmission to the SEC, containing the required tags and values and saved as an ASCII text file

- EDGAR access codes, including
  - Login Central Index Key (CIK)
  - Password

- Communications software containing either the Kermit CRC 3 or Xmodem CRC protocol

Modem compatible with the Hayes Auto-Dialing Protocol (Standard AT Command Set) The EDGAR system will support the following CCITT modem standards and speeds using dial-up telephone lines:

Designation	Transmission Rate (bps)
V 22	1200
V 22bis	2400
V 32	4800/9600

NOTE TO V 32 USERS:
If you have difficulty sending or receiving after connection with EDGAR and your V 32 modem offers an option to change the flow control try setting the flow control to off

6 2 ASYNCHRONOUS PROTOCOLS AND MODEM PARAMETERS

For information on how to start a transmission, see the instructions that came with the communications software for file transfer Modem settings should conform to the parameters listed below

PARAMETERS	DIRECT DIAL TO EDGAR	DIRECT THROUGH COMPUSERVE
Comm/Serial Port:	COM1 or COM2	COM1 or COM2
Bps Rate:	1200 to 9600	1200 to 9600
Parity:	None	None
Data Bits:	8	8
Stop Bits:	1	1
Duplex:	Full	Full
Echo:	Off	Off
RTS/CTS:	Off	Off
XON/XOFF:	Off	Off
Telephone Number:	1-(703)914-4200	See CompuServe instructions

6 3 HOW TO LOGIN TO EDGAR

NOTE:
Filers are encouraged to transmit using EDGARLink because of the cost-efficient automatic file compression feature of the software Transmissions may be made using the EDGAR direct telephone lines or CompuServe telephone lines

Direct Dial

The dial-up telephone number for asynchronous modem access to EDGAR is (703) 914-4200 (default setting) After connection has been made the EDGAR banner appears

CompuServe

For filers who are CompuServe subscribers electronic filings may be sent in to the SEC via a local CompuServe telephone number rather than a long distance direct dial-up connection

In order to use the CompuServe telephone lines the primary and secondary local CompuServe numbers must be ascertained This information is provided by CompuServe The installed communications software must be configured to include the appropriate CompuServe numbers and parameters

Note:
In order to interface with EDGAR, the filer is required to set up parameters as follows:

Data Bits: 8
Stop Bits: 1
Parity: None

6 3 1 PROCEDURE TO SEND ELECTRONIC FILING THROUGH COMPUSERVE

To send an electronic filing through CompuServe users who have CompuServe Information Manager (CIM) software should follow the procedure below:

STEP	ACTION/RESULT
1 Dial:	CompuServe using any communications package
Result:	Modem will dial the local CompuServe number and attempt to connect Once the modem handshake (high pitched tones) has been established you will be connected (i e CONNECT 2400)

PROCEDURE TO SEND ELECTRONIC FILING THROUGH COMPUSERVE

STEP	ACTION/RESULT
2	Press: <CR> (a carriage return/[Enter] key) Result: The cursor is at the Host Name prompt Note: When logging into CompuServe to transmit filings using the TTY mode, the Host Name prompt and the User Id prompt may be displayed as garbled text This should not be interpreted as an error; conn ction to the CompuServe Host will be established without error
3	Type CPS and pre s [Enter] Result: The User ID prompt will appear (but may appear as garbled text)
4	Type: + (your CompuServe User ID) and press [Enter] EXAMPLE +75578 1223 Result: The Password prompt appears
5	Type: (your CompuServe password) and press [Enter] Result Assuming you have typed a correct User Id and password a banner will be displayed followed by the CompuServe EDGAR Main Menu

Continued


```
                    Welcome to EDGAR
              09:52 EDT Wednesday 08-Apr-92 P
                    (Executive Option)
                Last Access:  09:33 08-Apr-92

                    Copyright (c) 1992
                  CompuServe Incorporated
                  All Rights Reserved

Welcome to EDGAR
Electronic Data Gathering  Analysis  and Retrieval

1 Transmit an Electronic Filing to the SEC
2 Retrieve EDGAR E-Mail
3 Access EDGAR Bulletin Board
4 Send CIK and Us r ID to SEC
5 Access EDGAR Company Database
6
7    ,

Enter choice number:  1
```

6 Select: Transmit an Electronic Filing to the SEC press Enter
Result: The EDGAR banner appears with the cursor at ENTER YOUR EDGAR LOGIN CIK

```
                  U S  Securities and Exchange Commission
                     EDGAR Electronic Filing System

                  Eastern time : Friday July 01  1991 10 52:36 am
ENTER YOUR EDGAR LOGIN CIK:
```

STEP	ACTION/RESULT
At the EDGAR Login Banner	
1 Type: (your login CIK) at the CIK prompt press [Enter] Result: Prompt appears "Please Enter EDGAR Password	
2 Type: (your password) press [Enter]	

IF	THEN
your CIK or password is incorrect	the screen displays ACCESS DENIED You will have two more chances to enter a correct login CIK and password before EDGAR disconnects If you are disconnected your CIK will not be allowed access to EDGAR for 5 minutes
your CIK and password are correct	the EDGAR Main Menu appears

6 3 2 EDGAR MAIN MENU

Following the login procedure the EDGAR Main Menu appears and provides the following information

the submitter s last successful login date and time
the date the submitter s password will expire
the number of invalid login attempts since last successful login
the CompuServe address (User ID) to which acceptance and suspension messages will be sent (This message is only provided to filers who have their CompuServe User ID on file at the SEC)

Example of the Main Menu:

```
                U S  Securities and Exchange Commission
                     EDGAR Electronic Filing System

            Eastern time : Friday January 01  1993 10:52:36 am
  Last successful log on : Wednesday June 11, 1992 12 00:12 pm
Your password expires on : Thursday August 20  1993 12 00:01 pm
2 Invalid logins

Electronic messages will be forwarded to CompuServe E Mail
address 12345 6789

                              EDGAR MAIN MENU
                              ---------------
                              (L)ive Filing
                              (T)est Filing
                              (P)assword Change
                              (C)IK Confirmation Code Change

                              E(X)it

ENTER YOUR SELECTION (L/T/P/C/X)=>
```

STEP	ACTION/RESULT
At the EDGAR Main Menu	
Type: (your choice from the Main Menu) press [Enter]	

IF	THEN
you typed [L] [T] [P] or [C]	the system displays the screen you chose
you typed [X]	EDGAR logs you off the system

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Typing [T] from the EDGAR Main Menu displays the Test Filing Menu, as in the example that follows From the Test Filing Menu a filer can transmit a test submission using either Kermit CRC or Xmodem CRC The procedure is identical to that used to submit live filings

The test-filing option allows training and practice without submitting live filings to EDGAR

Example of a test filing menu:

```
U S  Securities and Exchange Commission
     EDGAR Electronic Filing System

Eastern time : Friday January 01  1993 10:52:22 am

          EDGAR TEST FILING MENU
          ----------------------

          (K)ERMIT CRC protocol
          (X)MODEM CRC protocol

          (R)eturn to main menu

ENTER YOUR SELECTION (K/X/R) =>
```


STEP	ACTION/RESULT
At the EDGAR Main Menu	
1 Type: Result:	[T] press [Enter] The Test Filing Menu appears
2 Type:	(one of the options offered by the menu) press [Enter]

IF you	THEN
typed [K] or [X]	message READY TO RECEIVE appears Use the command provided by your communications package to upload a file NOTES: 1 Select Kermit CRC or Xmodem CRC file transfer protocol and upload the submission file 2 Be consistent in choosing Kermit or Xmodem during a file transfer 3 If you select Xmodem a series of C s will appear on the screen (with each "C representing one second of time) NOTE You have 60 seconds to begin to upload the submission file before the protocol disconnects from EDGAR

6 4 HOW TO SEND A TEST FILING Continued

IF you	THEN
	4 At the end of the file transfer you will receive either a Kermit" or Xmodem file transfer completed message An additional message will detail when the EDGAR system began receipt of the submission If there are multiple files in the submission the receipt time displayed will be the start of the last received file You will then be returned to the EDGAR Main Menu from where you may repeat the process to transfer additional filings or try other functions
typed (R)	you will be returned to the EDGAR Main Menu

6 5 HOW TO SEND A LIVE FILING

Typing (L) from the EDGAR Main Menu displays the Live Filing Menu. From the Live Filing Menu, a filer can transmit a submission using either Kermit CRC or Xmodem CRC or can return to the Main Menu

The procedure used for submitting live filings is identical to that used for submitting test filings

Example of a Live Filing Menu:

```
U S  Securities and Exchange Commission
     EDGAR Electronic Filing System

Eastern time : Friday January 01  1993 10 52:22 am

              EDGAR LIVE FILING MENU

              (K)ERMIT CRC protocol
              (X)MODEM CRC protocol

              (R)eturn to main menu

ENTER YOUR SELECTION (K/X/R) =
```

STEP	ACTION/RESULT
At the EDGAR Main Menu	
1 Type: [L] press [Enter] Result: The Live Filing Menu appears	
2 Type: (one of the options offered by the menu) press [Enter]	

IF you	THEN
typed [K] or [X]	message READY TO RECEIVE appears Use the command provided by your communications package to upload a file NOTES 1) Select Kermit CRC or Xmodem CRC file transfer protocol and upload the submission file 2) Be consistent in choosing Kermit or Xmodem during a file transfer 3) If you select Xmodem a series of C s will appear on the screen (with each "C representing one second of time) 4) You have 60 seconds to begin to upload the submission file before the protocol disconnects from EDGAR

IF you	THEN
	5) At the end of the file transfer you will receive either a Kermit or Xmodem file transfer completed message An additional message will detail when the EDGAR system began receipt of the submission and provide the accession number of the submission. If there are multiple files in the submission the receipt time displayed will be the start of the last received file and the accession number will be that of the last submission You will then be returned to the EDGAR Main Menu from where you may repeat the process to transfer additional filings or try other functions
typed [R]	you will be returned to the EDGAR Main Menu

Typing [P] from the EDGAR Main Menu displays the Password Change screen as in the example that follows

Example:

```
                  *  *
                     *       *
                     *
               *                    *
                  *              *     *
              U S  Securities and Exchange Commission
                   EDGAR Electronic Filing System

          Eastern time   Friday January 01  1993 10:52 22 am

                              PASSWORD CHANGE
                              ---------------

      A password consists of 8 characters   At least one
      character must be a numeric  and at least one character
      must be @ # $ or

ENTER NEW PASSWORD:
RE-ENTER TO CONFIRM:
ENTER PASSWORD MODIFICATION AUTHORIZATION CODE:

ABORT THIS PASSWORD CHANGE (Y/N) ?N

YOUR EDGAR PASSWORD WAS CHANGED

PLEASE PRESS THE <ENTER> KEY TO CONTINUE
```


The password is used in combination with the CIK to identify the submitter of a filing The submitter could be a financial printer law firm or the registrant itself

A password is a code of eight characters with at least one character a numeral and one character a special character (the special characters being @ # $ and *)

EXAMPLES OF A CORRECTLY FORMED PASSWORD:

```
9@ABCDEF
zyx5v #2
```

EXAMPLES OF AN INCORRECTLY FORMED PASSWORD:

```
8@ABCDE  (not 8 characters)
         (does not contain a numeral)
23ABC789 (does not contain a special character)
zyx v #2 (contains a space)
```

CAUTIONS when creating a new PASSWORD:

To avoid confusion with characters that look similar do not use the capital letter O (oh) the numeral 0 (zero) the lower-case l (el") or the number 1 (one)

* No blank spaces are allowed in the password

CAUTIONS when using the PASSWORD:

* All passwords are case sensitive; upper-case letters are not the same as lower case letters

* Although a password is initially assigned by the SEC filers are encouraged to change their password before using the system and to change it regularly

  Passwords will expire unless changed 1 year from assignment or last change

The SEC also assigns filers a Password Modification Authorization Code (PMAC) an eight character code that allows the password to be changed

6 6 HOW TO CHANGE PASSWORD Continued

A PMAC can be changed only by submitting a Form ID to the SEC Refer to Appendix F for the procedures for submitting a Form ID

Should either the password or PMAC be lost, a Form ID requesting new access codes must be submitted to the SEC

STEP		ACTION/RESULT
At the EDGAR Main Menu		
1	Type: Result:	[P] press [Enter] The Password Change screen appears with Enter New Password highlighted
2	Type Result:	(your new password) press [Enter] Re-Enter to Confirm is highlighted
3	Type: Result	(your new password again) press [Enter] The Password Modification Authorization Code (PMAC) field is highlighted
4	Type Result	(your PMAC) press [Enter] A message appears questioning whether the filer wishes to terminate the change of password process
5	Either	
	Type: Result:	[N] (No) to continue with the password change The message appears, "YOUR EDGAR PASSWORD WAS CHANGED PLEASE PRESS THE <ENTER> KEY TO CONTINUE
	Or	
	Type: Result:	[Y] (Yes) to terminate the password change The message PLEASE PRESS THE <ENTER> KEY TO CONTINUE appears
6	Press: Result:	[Enter] The Main Menu reappears

6 7 HOW TO CHANGE CIK CONFIRMATION CODE (CCC)

Typing [C] from the EDGAR Main Menu displays the CIK Confirmation Code (CCC) Change screen as in the example that follows

Example:

```
                    U S  Securities and Exchange Commission
                         EDGAR Electronic Filing System

              Eastern time : Friday January 01  1993 10:52 22 am

                                   CCC CHANGE
                                   ----------

          A CCC consists of eight characters  At least one
          character must be a numeric  and at least one character
          must be @ # $ or

     ENTER YOUR OLD CCC
     ENTER YOUR NEW CCC:
     REENTER TO CONFIRM:
     ABORT THIS CCC CHANGE (Y/N) ?N

     YOUR EDGAR CCC WAS CHANGED

     PLEASE PRESS THE <ENTER> KEY TO CONTINUE
```

6 7 HOW TO CHANGE CIK CONFIRMATION CODE (CCC) Continued

The SEC assigns a 10-character Central Index Key (CIK) to every filer The CIK is available to the public and is not subject to change

However the CIK Confirmation Code (CCC) is subject to change and is to be kept confidential

The CCC like the password is unique to the CIK

Both the CIK and its corresponding CCC are required to identify the filer in an EDGAR submission

While the SEC will assign an initial CIK Confirmation Code (CCC) filers are encouraged to change the CCC before using the EDGAR system and after use by another entity such as a financial printer or law firm

A CCC must contain eight characters with at least one number (2 - 9) and at least one special character (@ # $ or)

CAUTIONS WHEN CREATING A NEW CCC:

* To avoid confusion with characters that look similar, do not use the capital letter O (oh), the numeral 0 (zero) the lower-case l (el) or the number 1 (one)

  No blank spaces are allowed in the CCC

* The CCC is case sensitive upper-case letters are not the same as lower-case letters

If the CCC is lost the filer should submit a Form ID for a new CCC to the SEC (see Appendix F for Form ID)

6 7 HOW TO CHANGE CIK CONFIRMATION CODE (CCC) Continued

STEP	ACTION/RESULT
At the EDGAR Main Menu	
1 Type:	[C] press [Enter]
Result:	The CIK Confirmation Code Change screen appears with the field for the message ENTER YOUR OLD CCC highlighted
2 Type:	(your current CCC) press [Enter]
Result:	Field for the message ENTER YOUR NEW CCC is highlighted
3 Type:	(your new CCC) press [Enter]
Result:	Field for the message REENTER TO CONFIRM is highlighted
4 Type:	(your new CCC again), press [Enter]
Result:	Message appears questioning whether the CCC change should be terminated
5 Either	
Type	[N] (No) to continue with the CCC change
Result:	The message appears, YOUR EDGAR CCC WAS CHANGED PLEASE PRESS THE <ENTER> KEY TO CONTINUE
Or	
Type:	[Y] (Yes) to termin te the CCC change
Result:	The message appears PLEASE PRESS THE <ENTER> KEY TO CONTINUE
6 Press:	[Enter]
Result:	The Main Menu reappears

6 8 CORRECTING A SUSPENDED SUBMISSION

Filers using non-EDGARLink asynchronous communications software cannot make corrections to a suspended submission except by resubmitting the entire corrected filing

6 9 NOTIFICATION OF ACCEPTANCE OR SUSPENSION

Filers will be sent an acceptance or suspension message from the SEC only after the EDGAR system has completed its receipt and acceptance processing of the submission Acceptance and suspension messages may be sent to the submitter and the filer as identified by the login CIK and the filer CIK If the submitter and/or filer have CompuServe accounts on file with the SEC the acceptance and suspension messages will be sent by electronic mail (E-Mail), otherwise the messages will be returned by U S Mail (and to the filer only) For information on the EDGAR E-Mail service, refer to paragraph 3 6 In addition to the submitter and filer other parties may also receive acceptance and suspension messages if their CompuServe user IDs are provided after the <NOTIFY> tag in the submission header

CHAPTER 7 -HOW TO SEND FILINGS ON MAGNETIC TAPE

7 1 INTRODUCTION

Filers who use magnetic tape to electronically submit their filings to the SEC instead of the communications software built into the EDGARLink program may still use the other features of the EDGARLink filer assistance software

When magnetic tapes are submitted to the SEC they must be accompanied by Form ET a form that provides the SEC with technical information about the tape contents and identifies the submitter and a contact person for questions about the tape An example of Form ET is shown in Appendix F

Filers will be sent an acceptance or suspension message from the SEC only after the EDGAR system has completed its receipt and acceptance processing of the magnetic tape submission The process for receiving acceptance and suspension messages is the same as that described in paragraph 6 9

7 2 HOW TO PREPARE MAGNETIC TAPE

7 2 1 SUBMISSION FORMAT

Magnetic tape submissions must be in standard ASCII or EBCDIC character codes and limited to the standard ASCII characters listed in Paragraph 4 4 This list excludes many common control characters and some printable EBCDIC characters (e g the cent sign)

Tapes submitted to the SEC must have the following format

- Nine-track, half-inch open reel FIPS standard or IBM-compatible tapes (cartridge submissions are not available in the present release of the EDGAR system)
- Density of 1600 bpi or 6250 bpi
- Tape formatted with standard ANSI or IBM labels
- Maximum record length of 132 bytes (No more than 132 characters/columns can be used per line [row] Records of lengths beyond 80 characters must use table tags Tables wider than 80 characters do not need to be blank filled)
- Blocking factor of 10

7 2 2 LABELS HEADERS AND TAGS

The EDGAR system has the following requirements for tape submissions:

Tapes may contain one or more files

NOTE:
For instructions to include multiple submissions and files on a single tape see paragraph 7 2 3

Headers and tags must be present in their proper order as described in chapter 4

* The following items are added automatically to the tape by the filer s processing protocol:
  - Beginning of volume label
  - Tape mark between labels and files
  - End-of-volume mark following the last data

7 2 3 MULTIPLE SUBMISSIONS AND FILES ON A SINGLE TAPE

Multiple submissions may be included on a single tape. Two different methods may be used to submit multiple submissions on a single tape:

METHOD 1 Each submission may be contained in a separate file

METHOD 2 Multiple submissions may be contained in a single file where each submission is separated by six @" signs

EXAMPLE:

```
<SUBMISSION>



</SUBMISSION
@@@@@@
<SUBMISSION>
```

CAUTION:
SEC will assume all files on the tape are intended for submission to the EDGAR system Extraneous or backup files on the tape will be treated as separate submissions and will result in error messages from the SEC Eliminate extraneous files before sending submission tapes to the SEC

7 2 4 SUBMITTING MAGNETIC TAPES

A magnetic tape containing filings must be accompanied by a Form ET before it can undergo receipt processing at the SEC The Form ET requires the following information:

1 CIK of Sender

NOTE:
The sending entity must be a registered EDGAR filer or filing agent

2 Name of filing entity identified by the CIK

3 Number of tapes in package

4 Name and phone number of person to contact in the event of problems reading the tape

5 Volume ID on internal label

6 Language (ASCII or EBCDIC)

7 Density (1600 bpi or 6250 bpi)

7 2 5 MAGNETIC TAPE DOCUMENTS

Except as otherwise indicated in this paragraph all submissions on magnetic tape must follow the same standards and Rules as direct transmission submissions See Chapter 4 for instructions for preparing an EDGAR submission

7 2 6 CONSTRAINTS

It is not possible to change either the EDGAR system password or CIK Confirmation Code (CCC) when submissions are sent via tape To change these items submit a new Form ID or submit a change by EDGARLink or other asynchronous direct transmission

7 3 HOW TO DELIVER MAGNETIC TAPES

Packages containing magnetic tapes should be mailed to the SEC at the following address

ATTN FILER SUPPORT
U S SECURITIES AND EXCHANGE COMMISSION
MAIL STOP 0 7
6432 GENERAL GREEN WAY
ALEXANDRIA VA 22312

Hand delivery of tapes may be made to headquarters or to the Operations Center. Delivery hours at either location are between 8:00 a m and 5:30 p m Eastern Time.

Headquarters:

ATTN FILER SUPPORT
U S SECURITIES AND EXCHANGE COMMISSION
MAIL STOP 1 4
450 5th STREET NW
WASHINGTON DC 20549

Operations Center:

ATTN FILER SUPPORT
U S SECURITIES AND EXCHANGE COMMISSION
MAIL STOP 0 12 ROOM 1414
6432 GENERAL GREEN WAY
ALEXANDRIA VA 22312

NOTE:
To aid in the identification of magnetic tape submissions, filers are requested to clearly indicate "TAPE on the outside of the shipping carton

If the submitter requests and if an extra copy of Form ET or transmittal letter is included with the submission, the extra copy can be date stamped when the tape is received at the SEC The date stamped document can be returned to the courier, if the tape is hand delivered or returned to the submitter by U S Mail if a self addressed stamped envelope is provided

CHAPTER 8- HOW TO SEND FILINGS ON DISKETTE

8 1 INTRODUCTION

Filers may prepare and submit their electronic filings on diskette in either ASCII or a variety of word processing formats Although filers are encouraged to use the EDGARLink filer assistance software program to prepare and tran mit filings directly certain features of EDGARLink such as the automatic tag and header creation error checking, and correction editor can still be used r gardles of how filings are tran mitted to the SEC How ver to use the EDGARLink filer assi tanc software the diskette submitter must first convert all filing doeuments to an ASCII text file

CONSTRAINTS

It is not possible to change either the filer s EDGAR system password or CIK Confirmation Code (CCC) when submissions are sent via diskette To change these items submit a new Form ID or submit a change by EDGARLink or other asynchronous direct transmission Filers are advised not to use page headers footers or footnotes in di kette submissions unless created as they would be on a typewriter (not automatically generated)

Filings submitted to the SEC on diskett may be prepared in

A wide variety of word processing or type etting formats using a variety of hardware operating system such as MS DOS Appl and CPM The word proce sing formats that are currently supported by the Operational EDGAR system are listed in paragraph 8 4

ASCII text but only for diskettes formatted under a MS DOS operating system

8 inch 5 1/4-inch or 3 1/2-inch diskettes (but not high density Macintosh diskettes)

Upon receipt at the SEC if the data on the diskette are in a word processing format they are converted from a word proce sing format to an ASCII text file The conversion removes all ch racters th t are not part of the standard ASCII character set accepted by EDGAR (ee par graph 4 3) Con qu ntly filings should not contain p g head r footers or footnotes that h ve been creat d by the word proce sing software

8 2 HOW TO PREPARE A DISKETTE

Filers will b sent an acceptance or suspension message from the SEC only after the EDGAR system has completed its receipt and acceptance processing of the diskette submission The process for receiving acceptance and suspension messages is described in paragraph 6 9

8 2 1 FORMATS

A list of word processing programs supported by the EDGAR system is found at the end of this Chapter EDGAR Pilot filers who formerly submitted their filings on diskette may continue to use the same word processing format for the Operational system Should there be any doubt as to whether a word processing system or a particular version is supported please contact Filer Support at (202) 272-7171

8 2 2 HEADERS AND TAGS

Except as otherwis indicated in this Paragraph all submissions on diskettes have the same requir ments for headers and tags as direct transmission submissions Headers and tags must be present in their proper order as described in chapter 4

8 2 3 MULTIPLE SUBMISSIONS AND FILES ON A SINGLE DISKETTE

Multiple submi sions may be included on a single diskette but each submission must be in a separate file A filing may not continue across diskettes Extraneous or backup files on the diskette will be treated as separate submissions and will result in an error message from the SEC Filers should eliminate any extraneous files on their submis ion diskette before submission For more efficient processing it is recommended th t filings reside in the root directory (A \ or B \ depe ding on which drive was used to cr ate the disk)

8 2 HOW TO PREPARE A DISKETTE Continued

8 2 4 SUBMITTING DISKETTES

A diskette submission must be accompanied by identifying documentation before it can undergo receipt processing The diskette(s) must be submitted with a copy of Form ET which is shown in Appendix F The following items of information are required on the Form ET:

1 CIK of Sender

NOTE:
The sending entity must be a registered EDGAR filer or filing agent

2 Name of Sender (This is the name of the filing entity identified by the CIK)

3 Number of diskettes in package

4 Name and phone number of person to contact in the event of problems reading the diskettes

5 Sides (Single or Double) and density (Single Double or High)

NOTE:
High-density Macintosh diskettes are not accepted by the EDGAR system

6 Word Processing format and version

NOTE:
All files on a diskette submitted with Form ET must be in either the same word processing format or in ASCII text and identified correctly on Form ET

7 Hardware on which the diskette was prepared

8 Directory of file names used on each diskette (While this is not required inclusion of these names assists the SEC operator)

8 3 HOW TO DELIVER DISKETTES

Packages containing diskettes should be mailed to the SEC at the following address

ATTN FILER SUPPORT
U S SECURITIES AND EXCHANGE COMMISSION
MAIL STOP 0 7
6432 GENERAL GREEN WAY
ALEXANDRIA VA 22312

Hand delivery of diskettes may be made to headquarters or to the Operations Center Delivery hours at either location are between 8 00 a m and 5 30 p m Eastern Time

Headquarters:

ATTN FILER SUPPORT
U S SECURITIES AND EXCHANGE COMMISSION
MAIL STOP 1 4
450 5th STREET NW
WASHINGTON DC 20549

Operations Center:

ATTN FILER SUPPORT
U S SECURITIES AND EXCHANGE COMMISSION
MAIL STOP 0 12 ROOM 1414
6432 GENERAL GREEN WAY
ALEXANDRIA VA 22312

NOTE
To aid in the identification of diskette submissions, filers are requested to clearly indicate DISKETTE on the outside of the shipping carton

If the submitter requests and if an extra copy of Form ET or transmittal letter is included with the submission, the extra copy can be date stamped when the diskette is received at the SEC's Document Control The SEC will return the date stamped document to the submitter if the diskette is hand delivered or accompanied by a self addressed stamped envelope

8 4 LIST OF ACCEPTABLE WORD PROCESSING FORMATS FOR DISKETTE SUBMISSIONS

FORMAT	VERSION
Apple III Plus	3 3
Apple MacWrite	2 2 4 5
Apricot	
CPT 9000	
DEC Rainbow 100	
IBM DisplayWrite 3	
IBM DisplayWrite 4	
Lanier Deskwork	2 0 4 0
Microsoft Word Macintosh	1 05 3 0 4 0
Microsoft Word MS DOS	3 2
Multim te	
Multimate Advantage	
NBI 4000	
PCWrite	
Pe chText	
Volkswriter	4 0
Wang OIS	
Wang VS	
Wangwriter	
WordPerfect	4 2 5 0 5 1
WordStar	3 3 4 0
Wordstar 2000	
XyWrite 3 Plus	

CHAPTER 9--HOW TO SEND FILINGS BY SYNCHRONOUS COMMUNICATION

9 1 INTRODUCTION

* * *

For filers who wish to submit electronic filings to the SEC with synchronous communications, the EDGAR system supports the IBM 3780 BISYNC (or BSC) communications protocol Bulk filers (financial printers and/or other filing agents) who wish to transmit their filings to the SEC over 56 Kb dedicated lines are expected to be the main users of synchronous data communications However, in addition to its use on leased lines, the BISYNC protocol may also be used on dial-up telephone lines at a transmission rate of 4800 bps or 9600 bps

With prior arrangement dedicated 56 Kb transmission lines to the SEC are available for use by synchronous data communication submitters Such lines are installed at the user s expense and questions regarding access to EDGAR by this method may be addressed to:

ATTN OFFICE OF SYSTEMS SUPPORT
MAIL STOP 0-4
U S SECURITIES AND EXCHANGE COMMISSION
450 5TH ST NW
WASHINGTON DC 20549

The following EDGAR telephone numbers should be used when making a dial up transmission using the BISYNC protocol:

IF your modem speed is	THEN dial
4800 bps	1 (703) 914 4246
9600 bps	1 (703) 914-4250

9 2 SYNCHRONOUS LOGIN

*

The first filing in a synchronous communications session must specify the following data in the first two lines of the submission:

<LOGIN-CIK>
<LOGIN PASSWORD

EXAMPLE:
<LOGIN-CIK> 0000654321
<LOGIN-PASSWORD> passw3#2

NOTE:
One or more spaces may be included between the tag <LOGIN-CIK> and <LOGIN-PASSWORD and their respective values as shown in the above example

9 2 1 WHEN LOGIN IS VALID

If the login data received by the EDGAR system are determined to be valid then the system will receive the remainder of the submission

9 2 2 WHEN LOGIN IS INVALID

If EDGAR determines that the submitter s login data are invalid (i e an incorrect login CIK or Password) then a Reverse Interrupt (RVI) command is sent to the filer s computer signalling it to stop sending data Once the submitter s host has stopped transmitting, EDGAR sends the following message Invalid Login Data Received With the mes age sent EDGAR ends the communication session

NOTE:
The submitter s ho t should be set to redirect incoming data from EDGAR to a file on disk

9 2 SYNCHRONOUS LOGIN (Continued)

Some synchronous communications programs for PCs are not able to process EDGAR s response to invalid or incomplete login data and may lock the PC If a PC does not respond to keyboard or mouse commands after sending a filing it is possible that the filing contains login errors If the submitter s keyboard or mouse doesn t respond confirm that the appropriate login tags and values (i e <LOGIN CIK> [value] and <LOGIN-PASSWORD [value]) are present and valid in the filing before retransmitting the filing

9 3 MORE THAN ONE FILING IN THE SAME SESSION

Although only one SEC filing (submission) may be sent in a file when using synchronous communications a sequence of files may be transmitted in the same communications session After transmission of a file the connection to the EDGAR system remains established for 5 minutes allowing the transmission of another file

As noted in paragraph 9 2 the first filing in a submission must contain the tags <LOGIN-CIK> and <LOGIN-PASSWORD> and their values These tags should not be included with the second and subsequent filings in the same communications session

9 4 INITIAL MESSAGE FROM EDGAR AT TIME OF FILING

After the EDGAR system has received each filing the following information is returned to the submitter:

- The CompuServe User ID (E-Mail address) to which acceptance or suspension messages will be sent (If no User ID is provided in the return message it means that a CompuServe User ID for the submitter is not on file at the SEC and that acceptance and suspension messages will be returned via the Postal Service)
- The time of receipt at the SEC when the first data of the filing were received
- The accession number as assigned by the SEC to the submission The accession number consists of three elements:
  --the submitter s log-in CIK
  --the year and
  --the sequence number given to submissions from the submitting CIK

Example of a returned message after a filing has been received:

```
Electronic messages will be forwarded to
CompuServe E-Mail address 12345 6789
Your submission with accession number 0000123456-92-000003
was received at 10 24 am Ea tern Time on August 31 1992
A separate notice will be furnished when the submission is
accepted or suspended
```

NOTES:
1) Because an informational message is now returned to filers after each filing is received the EDGAR system no longer supports the transmission of multiple SEC filings in a single submission

2) Filers will be sent an acceptance or suspension message from the SEC only after the EDGAR system has completed its receipt and acceptance processing of the synchronous submission The process of receiving acceptance and suspension messages is described in paragraph 6 9

9 5 INFORMATION APPLICABLE TO ALL SYNCHRONOUS TRANSMISSIONS

The BISYNC communications protocol as used by the EDGAR system requires the following configuration:

Parameter	Comment
* Non-transparent data	Data in the transparent mode are not supported (as no binary information is received by EDGAR and data may be compressed)
* Data compression	
* Maximum block size of 3072 bytes	
* Multirecord/Record Separator	
* Maximum record length is 132 characters or positions including line feed and carriage return characters	WARNING: line feeds and carriage returns are part of the 132-character line limitation
* Full duplex	
* Receive EBCDIC data	
* Receive Reverse Interrupt Command (RVI Command)	When the RVI command is received the user s host should abort the communications session
* V 32 modem standard	

NOTES:
1) The filer should configure the BISYNC communications parameters so that the data received from EDGAR (such as User ID time of receipt etc) are redirected to a file on disk
2) When filings are submitted by synchronous communications it is not possible to change either the EDGAR system password or CIK Confirmation Code (CCC) To change these items submit a new Form ID or use EDGARLink or another asynchronous communications software program
3) As noted in paragraph 9 2 1 synchronous transmissions require two additional tags before the <SUBMISSION> tag of the first filing If the EDGARLink software is used to error-check a filing that contains these two additional tags EDGARLink will report the two additional tags as warnings Such warning messages however should be ignored



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Wa hi gto DC

Electronic Data Gathering, Analysis, and Retrieval (EDGAR)

EDGAR FILER MANUAL

Appendices and Index

EDGAR Release 3 0

This edition replaces the edition of June 1992

APRIL 1993



E ctron D G g An y

EDGAR FILER MANUAL

NOTICE

This EDGAR filer manual is a Rule of the United States Securities and Exchange Commission ("Commission) Rule 301 of the Commission Regulation S-T adopted by the Commission requires that electronic filings with the Securities and Exchange Commission comply with the requirements of this Filer Manual Notices of amendments to this Filer Manual will appear in the Federal Register and other sources

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U.S. Securities and
Exchange Commission
Washington, D.C.

ELECTRONIC DATA GATHERING,
ANALYSIS, AND RETRIEVAL
(EDGAR)

EDGAR FILER MANUAL APPENDICES AND INDEX:

User's Guide for Electronic Filing with th U.S. Securities and Exchange Commission

April 1993

For Use With Release 3.0 of EDGAR

EDGAR FILER MANUAL
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APPENDIX A
FORM TYPES ACCEPTED FOR ELECTRONIC FILING

Form types that are accepted by the EDGAR system are listed in the tables of this Appendix. Use this Appendix to identify the Header Submission Type that the EDGAR system uses to recognize the different SEC form types.

HOW TABLES ARE ORGANIZED

The tables are organized by the Act under which they are used. Each table has four headings: Form Type, Description, Header Submission Type, and Appendix B Page Number Reference.

FORM TYPE

Under the column for Form Types each table lists the form names as they have been known for paper filings and as they are listed under Information Collection Requirement in the Code of Federal Regulation (CFR).

DESCRIPTION

The Description column explains the purpose of the form.

HEADER SUBMISSION TYPE

The Header Submission Type column shows the form type name as recognized by the EDGAR system.

When inserting a value for the tag <TYPE> or <FORM-TYPE>, be sure to enter the name exactly as it is shown in this column. Use spaces, hyphens, and slashes precisely as they are shown under Header Submission Type.

APPENDIX B PAGE NUMBER

The Appendix B reference page numbers indicate where submission header tags for each form type can be found in Appendix B.

Appendix B has been organized by families of form types that require the same tags.

APPENDIX A
FORM TYPES ACCEPTED FOR ELECTRONIC FILING
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TABLE 1
SECURITIES ACT FORM TYPES ACCEPTED BY EDGAR

FORM TYPE	DESCRIPTION	HEADER SUBMISSION TYPE	APPENDIX B PAGE NUMBER
Form F-1	Registration statement for certain foreign private issuers		
	Initial statement	F-1	B-28
	Pre-effective amendments	F-1/A	B-41
Form F-2	Registration statement for certain foreign private issuers		
	Initial statement	F-2	B-29
	Pre-effective amendments	F-2/A	B-42
	Registration of securities pursuant to dividend or interest reinvestment plans		
	Initial statement	F-2D	B-40
	Pre-effective amendments	F-2D/A	B-53
	Post-effective amendments	F-2DPOS	B-38
Form F-3	Registration statement for certain foreign private issuers offered pursuant to certain types of transactions		
	Initial statement	F-3	B-30
	Pre-effective amendments	F-3/A	B-42
	Registration of securities pursuant to dividend or interest reinvestment plans		
	Initial statement	F-3D	B-40
	Pre-effective amendments	F-3D/A	B-39
	Post-effective amendments	F-3DPOS	B-38
Form F-4	Registration statement for foreign private issuers issued in certain business combination transactions		
	Initial statement	F-4	B-31
	Pre-effective amendments	F-4/A	B-45

Continued

TABLE 1 Continued
SECURITIES ACT FORM TYPES ACCEPTED BY EDGAR

FORM TYPE	DESCRIPTION	HEADER SUBMISSION TYPE	APPENDIX B PAGE NUMBER
Form F-6	Registration of depositary shares evidenced by American Depositary Receipts Filing to become effective other than immediately upon filing		
	Initial statement	F-6	B-58
	Pre-effective amendments	F-6/A	B-53
	Filing to become effective immediately upon filing		
	Initial statement	F-6EF	B-18
	Pre-effective amendments	F-6EF/A	B-53
	Post-effective amendments	F-6 POS	B-43
Form S-1	General form of registration statement		
	Initial statement	S-1	B-31
	Pre-effective amendments	S-1/A	B-55
Form S-2	Registration of securities of certain issuers		
	Initial statement	S-2	B-29
	Pre-effective amendments	S-2/A	B-25
Form S-3	Registration statement for certain issuers offered pursuant to certain types of transactions		
	Initial statement	S-3	B-30
	Pre-effective amendments	S-3/A	B-55
	Registration of securities pursuant to dividend or interest reinvestment plans		
	Initial statement	S-3D	B-40
	Pre-effective amendments	S-3D/A	B-39
	Post-effective amendments	S-3DPOS	B-43

Continued

TABLE 1 Continued
SECURITIES ACT FORM TYPES ACCEPTED BY EDGAR

FORM TYPE	DESCRIPTION	HEADER SUBMISSION TYPE	APPENDIX B PAGE NUMBER
Form S-4	Registration of securities in business combination transactions		
	Initial statement	S-4	B-28
	Pre-effective amendments	S-4/A	B-41
	Securities issued in connection with the formation of a bank holding in compliance with General Instruction G		
	Initial statement	S-4EF	B-54
	Pre-effective amendments	S-4EF/A	B-42
	Post-effective amendments	S-4 POS	B-43
Form S-8	Securities to be offered to employees pursuant to employee benefit plans		
	Initial statement	S-8	B-40
	Pre-effective amendments	S-8/A	B-39
	Post-effective amendments	S-8 POS	B-43
Form S-11	For securities of certain real estate companies		
	Initial statement	S-11	B-28
	Pre-effective amendments	S-11/A	B-41
Form S-20	For standardized options		
	Initial statement	S-20	B-28
	Pre-effective amendments	S-20/A	B-41
Form SB-2	Optional form for the registration of securities to be sold to the public by small business issuers		
	Initial statement	SB-2	B-58
	Pre-effective amendments	SB-2/A	B-39

Continued

TABLE 1 Concluded
SECURITIES ACT FORM TYPES ACCEPTED BY EDGAR

FORM TYPE	DESCRIPTION	HEADER SUBMISSION TYPE	APPENDIX B PAGE NUMBER
ALL FORMS	Post-effective Amendments (other than those indicated above)		
	Post-effective amendments	POS AM	B-43
PROSPECTUSES FILED PURSUANT TO RULE 424			
	Filed pursuant to Rule 424(a)	424A	B-8
	Filed pursuant to Rule 424(b)(1)	424B1	B-8
	Filed pursuant to Rule 424(b)(2)	424B2	B-8
	Filed pursuant to Rule 424(b)(3)	424B3	B-8
	Filed pursuant to Rule 424(b)(4)	424B4	B-8
	Filed pursuant to Rule 424(b)(5)	424B5	B-8
MISCELLANEOUS FILINGS			
	Delaying amendment	DEL AM	B-8
	Information pursuant to Item 4 of Form S-6	UNDER	B-8
	Amendment to information pursuant to Item 4 of Form S-6	UNDER/A	B-8
	Registration Withdrawal	RW	B-19
	Amendment Withdrawal	AW	B-19
FILINGS PURSUANT TO THE TRUST INDENTURE ACT			
T-3	Application for qualification of trust indentures		
	Initial statement	T-3	B-18
	Pre-effective amendments	T-3/A	B-8

NOTE: Form types T-1 and T-2 are not currently being used as stand-alone forms on the EDGAR system. They are shown as EX-25 to registration statements.

TABLE 2
SECURITIES EXCHANGE ACT - PROXY MATERIALS AND INFORMATION STATEMENTS FILED PURSUANT TO SECTION 14 FORM TYPES ACCEPTED BY EDGAR

FORM TYPE	DESCRIPTION	HEADER SUBMISSION TYPE	APPENDIX B PAGE NUMBER
MATERIAL FILED PURSUANT TO SECTION 14			
	Initial material		
PRELIMINARY PROXY SOLICITING MATERIALS			
	Preliminary proxy statements relating to merger or acquisition	PREM14A	B-16
	Preliminary proxy statements-contested solicitations	PREC14A	B-57
	Preliminary special meeting	PRES14A	B-16
	All other preliminary proxy statements	PRE 14A	B-16
PRELIMINARY INFORMATION STATEMENTS			
	Preliminary information statements relating to merger or acquisition	PREM14C	B-16
	Preliminary information statements-contested solicitations	PREC14C	B-57
	Preliminary information statements--special meeting	PRES14C	B-16
	All other preliminary information statements	PRE 14C	B-16
REVISED PRELIMINARY MATERIALS			
	Proxy soliciting materials	PRER14A	B-4
	Information statements	PRER14C	B-4
ADDITIONAL PRELIMINARY MATERIAL			
	Proxy soliciting materials	PREA14A	B-16
	Information statements	PREA14C	B-16

Continued

TABLE 2 Concluded
SECURITIES EXCHANGE ACT - PROXY MATERIALS AND INFORMATION FILED PURSUANT TO SECTION 14 FORM TYPES ACCEPTED BY EDGAR

FORM TYPE	DESCRIPTION	HEADER SUBMISSION TYPE	APPENDIX B PAGE NUMBER
SCHEDULE 13E-3 FILED AS PART OF PROXY MATERIALS			
	Initial Statement-preliminary form	PRE13E3	B-14
	Amendments-preliminary materials	PRE13E3/A	B-14
	Schedule filed as definitive materials	DEF13E3	B-52
	Amendments - definitive materials	DEF13E3/A	B-52
DEFINITIVE MATERIALS (PROXY MATERIALS)			
	Definitive proxy statement relating to merger or acquisition	DEFM14A	B-13
	Definitive proxy statement in connection with contested solicitations	DEFC14A	B-52
	All other definitive proxy statements	DEF 14A	B-7
	Additional proxy soliciting materials-definitive	DEFA14A	B-13
	Definitive proxy statement for special meeting	DEFS14A	B-7
	Notice of exempt solicitation	PX14A6G	B-3
DEFINITIVE MATERIALS (INFORMATION STATEMENTS)			
	Definitive information statement relating to merger or acquisition	DEFM14C	B-13
	Definitive information statement - contested solicitations	DEFC14C	B-52
	All other definitive information statements	DEF 14C	B-7
	Additional information statement materials-definitive	DEFA14C	B-13
	Definitive information statement for special meeting	DEFS14C	B-7

TABLE 3
SECURITIES EXCHANGE ACT - REGISTRATIONS AND REPORTS
FORM TYPES ACCEPTED BY EDGAR

FORM TYPE	DESCRIPTION	HEADER SUBMISSION TYPE	APPENDIX B PAGE NUMBER
REGISTRATION STATEMENTS			
Form 8A	Registration of certain classes of securities pursuant to section 12(b) or (g)		
	Registration of securities pursuant to section 12(b)		
	Initial filing	8-A12B	B-6
	Amendments	8-A12B/A	B-4
	Registration of securities pursuant to section 12(g)		
	Initial filing	8-A12G	B-6
	Amendments	8-A12G/A	B-4
Form 8B	Registration of securities of certain successor issuers pursuant to section 12(b) or (g)		
	Registration of securities pursuant to section 12(b)		
	Initial filing	8-B12B	B-6
	Amendments	8-B12B/A	B-4
	Registration of securities pursuant to section 12(g)		
	Initial filing	8-B12G	B-6
	Amendments	8-B12G/A	B-4
Form 10	General form for registration of securities pursuant to section 12(b) or (g)		
	Registration of securities pursuant to section 12(b)		
	Initial filing	10-12B	B-6
	Amendments	10-12B/A	B-4
	Registration of securities pursuant to section 12(g)		
	Initial filing	10-12G	B-6
	Amendments	10-12G/A	B-4

Continued

TABLE 3 Continued
SECURITIES EXCHANGE ACT - REGISTRATIONS AND REPORTS
FORM TYPES ACCEPTED BY EDGAR

FORM TYPE	DESCRIPTION	HEADER SUBMISSION TYPE	APPENDIX B PAGE NUMBER
FORM 10-SB	Registration of securities for small business pursuant to section 12(b)		
	Initial filing	10SB12B	B-6
	Amendments	10SB12B/A	B-4
	Registration of securities for small business pursuant to section 12(g)		
	Initial filing	10SB12G	B-6
	Amendments	10SB12G/A	B-4
Form 20F	Registration of securities of foreign private issuers pursuant to section 12(b) or (g)		
	Registration of securities pursuant to section 12(b)		
	Initial filing	20FR12B	B-6
	Amendments	20FR12B/A	B-4
	Registration of securities pursuant to section 12(g)		
	Initial filing	20FR12G	B-4
	Amendments	20FR12G/A	B-4
Form 18	Registration of securities of foreign governments or political subdivisions thereof pursuant to section 12(b) or 12(g)		
	Registration of securities pursuant to section 12(b)		
	Initial filing	18-12B	B-6
	Amendments	18-12B/A	B-4
	Registration of securities pursuant to section 12(g)		
	Initial filing	18-12G	B-6
	Amendments	18-12G/A	B-4

Continued

TABLE 3 Continued
SECURITIES EXCHANGE ACT - REGISTRATIONS AND REPORTS
FORM TYPES ACCEPTED BY EDGAR

FORM TYPE	DESCRIPTION	HEADER SUBMISSION TYPE	APPENDIX B PAGE NUMBER
ANNUAL, QUARTERLY, AND PERIODIC REPORTS			
	Annual Report to Security Holders	ARS	B-5
NOTE: This submission type is to be used when furnishing the annual report to security holders for the information of the Commission pursuant to Rule 14a-3(c) or Rule 14c-3(b). Portions of the annual report to security holders filed with the Commission as part of a registration statement or periodic report should be submitted as Exhibit 13, as provided by Item 601 of Regulation S-K and S-B. See Appendix C for proper tagging of Exhibit 13.			
Form 6-K	Report of foreign issuer pursuant to Rules 13a-16 and 15d-16		
	Initial filing	6-K	B-5
	Amendments	6-K/A	B-5
Form 10-Q	Quarterly and transition report filed pursuant to sections 13 or 15(d)		
	Initial filing	10-Q	B-5
	Amendments	10-Q/A	B-5
	Transition reports pursuant to rule 13a-10 or 15d-10		
	Initial filing	10-QT	B-59
	Amendments	10-QT/A	B-59
Form 10-QSB	Optional form for quarterly and transition reports of small business issuers under section 13 or 15(d)		
	Initial filing	10QSB	B-5
	Amendments	10QSB/A	B-5
Form 10-K	Annual and transition reports pursuant to section 13 and 15(d)		
	Initial filing	10-K	B-7
	Amendments	10-K/A	B-5
	Transition reports pursuant to rule 13a-10 or 15d-10		
	Initial filing	10-KT	B-59
	Amendments	10-KT/A	B-59

TABLE 3 Continued
SECURITIES EXCHANGE ACT - REGISTRATIONS AND REPORTS
7ORM TYPES ACCEPTED BY EDGAR

FORM TYPE	DESCRIPTION	HEADER SUBMISSION TYPE	APPENDIX B PAGE NUMBER
FORM 10-KSB	Optional form for annual and transition reports of small business issuers under section 13 or 15(d)		
	Initial filing	10KSB	B-7
	Amendments	10KSB/A	B-5
Form 8-K	Current report		
	Initial filing	8-K	B-12
	Amendments	8-K/A	B-12
	Notification of securities of successor issuers deemed to be registered pursuant to section 12(g)		
	Initial filing	8-K12G3	B-12
	Amendments	8-K12G3/A	B-12
	Notification of assumption of duty to report by successor issuer		
	Initial filing	8-K15D5	B-12
	Amendments	8-K15D5/A	B-12
Form 11-K	Annual report of employee stock purchase, savings and similar plans		
	Initial filing	11-K	B-7
	Amendments	11-K/A	B-5
	Pursuant to rule 13a-10 or 15d-10		
	Initial filing	11-KT	B-59
	Amendments	11-KT/A	B-59
Form 18-K	Annual report for foreign governments and political subdivisions		
	Initial filing	18-K	B-7
	Amendments	18-K/A	B-5
Form 20F	Annual and transition report of foreign private issuers pursuant to sections 13 and 15(d)		
	Initial filing	20-F	B-7
	Amendments	20-F/A	B-5

Continued

TABLE 3 Continued
SECURITIES EXCHANGE ACT - REGISTRATIONS AND REPORTS
FORM TYPES ACCEPTED BY EDGAR

FORM TYPE	DESCRIPTION	HEADER SUBMISSION TYPE	APPENDIX B PAGE NUMBER
Form 12b-25	Notification of late filing Special report pursuant to section 15d-2		
	Initial filing	NT15 D2	B-5
	Amendments	NT15 D2/A	B-5
	Form 10-Q or 10-QSB		
	Initial filing	NT 10-Q	B-5
	Amendments	NT 10-Q/A	B-5
	Form 10-K or 10-KSB		
	Initial filing	NT 10-K	B-5
	Amendments	NT 10-K/A	B-5
	Form 11-K		
	Initial filing	NT 11-K	B-5
	Amendments	NT 11-K/A	B-5
	Form 20-F		
	Initial filing	NT 20-F	B-5
	Amendments	NT 20-F/A	B-5
Form 15	Certification of termination of registration of a class of security under Section 12(g) or notice of suspension of duty to file reports pursuant to Section 13 and 15(d) of the Act		
	Section 12(b)		
	Initial Filing	15-12B	B-4
	Amendments	15-12B/A	B-4
	Section 12(g)		
	Initial filing	15-12G	B-4
	Amendments	15-12G/A	B-4
	Section 13 and 15(d)		
	Initial filing	15-15D	B-4
	Amendments	15-15D/A	B-4
See Rule 15d-2	Special Financial Report pursuant to Rule 15d-2		
	Initial filing	SP 15D2	B-5
	Amendments	SP 15D2/A	B-5

Continued

TABLE 3 Concluded
SECURITIES EXCHANGE ACT - REGISTRATIONS AND REPORTS
FORM TYPES ACCEPTED BY EDGAR

FORM TYPE	DESCRIPTION	HEADER SUBMISSION TYPE	APPENDIX B PAGE NUMBER
MISCELLANEOUS FORMS/FILINGS			
Form 10-C	Report by issuer of securities quoted on NASDAQ interdealer quotation system, pursuant to section 13 or 15(d)		
	Initial filing	10-C	B-5
	Amendments	10-C/A	B-5
Form 13F-E	Quarterly reports filed by institutional managers	(Not Included in B)	
	Initial filing	13F-E	Appendix H
	Amendments	13F-E/A	Appendix H

TABLE 4
WILLIAMS ACT FILING FORM TYPES ACCEPTED BY EDGAR

FORM TYPE	DESCRIPTION	HEADER SUBMISSION TYPE	APPENDIX B PAGE NUMBER
Schedule 13D	General statement of beneficial ownership		
	Initial statement	SC 13D	B-56
	Amendments	SC 13D/A	B-56
n/a	Statement of issuer required by Rule 13e-1		
	Initial statement	SC 13E1	B-48
	Amendments	SC 13E1/A	B-47
Schedule 13E-3	Going private transaction by certain issuers		
	Initial statement	SC 13E3	B-48
	Amendments	SC 13E3/A	B-48
Schedule 13E-4	Issuer tender offer statement		
	Initial statement	SC 13E4	B-48
	Amendments	SC 13E4/A	B-48
Schedule 13G	Statement of beneficial ownership by certain persons		
	Initial statement	SC 13G	B-46
	Amendments	SC 13G/A	B-47
Schedule 14D1	Tender offer statement		
	Initial statement	SC 14D1	B-49
	Amendments	SC 14D1/A	B-49
Schedule 14D-9	Solicitation/recommendation statements		
	Initial statement	SC 14D9	B-47
	Amendments	SC 14D9/A	B-47
n/a	Statement re change in majority of directors pursuant to Rule 14f-1		
	Initial statement	SC 14F1	B-52
	Amendments	SC 14F1/A	B-52

TABLE 5
PUBLIC UTILITY HOLDING COMPANY ACT FORM TYPES ACCEPTED BY EDGAR

FORM TYPE	DESCRIPTION	HEADER SUBMISSION TYPE	APPENDIX B PAGE NUMBER
Form U-1	Application or declaration under the act		
	Initial filing	U-1	B-6
	Pre-effective amendments	U-1/A	B-8
	Post-effective amendments	POS AMC	B-35
Form U-13-1	Application for approval of mutual service company filed pursuant to Rule 88		
	Initial filing	U-13-1	B-6
	Amendments	U-13-1/A	B-8
Form U-3A3-1	Twelve-month statement by bank claiming exemption from provisions of the act pursuant to Rule 3		
	Initial statement	U-3A3-1	B-6
	Amendments	U-3A3-1/A	B-6
Form U-7D	Certificate concerning lease of a utility facility filed pursuant to Rule 7(d)		
	Initial filing	U-7D	B-37
	Amendments	U-7D/A	B-37
Form U-R-1	Declaration as to solicitations filed pursuant to Rule 62		
	Initial filing	U-R-1	B-4
	Amendments	U-R-1/A	B-8
Form 45B-3	Transitional statement concerning extensions of credit filed pursuant to Rule 45(b)(3)		
	Initial statement	45B-3	B-4
	Amendments	45B-3/A	B-4
Form 35 APP	Statement concerning proposed transaction for which no form of application is prescribed filed pursuant to Rule 20(e)		
	Initial statement	35-APP	B-6
	Amendments	35-APP/A	B-8

Continued

TABLE 5 Continued
PUBLIC UTILITY HOLDING COMPANY ACT FORM TYPES ACCEPTED BY EDGAR

FORM TYPE	DESCRIPTION	HEADER SUBMISSION TYPE	APPENDIX B PAGE NUMBER
Form 35-CERT	Certificate concerning terms and conditions filed pursuant to Rule 24		
	Initial filing	35-CERT	B-8
	Amendments	35-CERT/A	B-8
Form U-13-60	Annual report for mutual and subsidiary service companies filed pursuant to Rule 94		
	Initial filing	U-13-60	B-7
	Amendments	U-13-60/A	B-5
Form U-3A-2	Statement by holding company claiming exemption from provisions of the act pursuant to Rule 2		
	Initial statement	U-3A-2	B-7
	Amendments	U-3A-2/A	B-5
Form U-6B-2	Certificate of notification of security issue, renewal or guaranty filed pursuant to Rule 20(d)		
	Initial filing	U-6B-2	B-4
	Amendments	U-6B-2/A	B-4
Form U5A	Notification of registration filed under section 5(a) of the act		
	Initial filing	U5A	B-4
	Amendments	U5A/A	B-4
Form U5B	Registration statement filed under section 5 of the act		
	Initial statement	U5B	B-4
	Amendments	U5B/A	B-4
Form U5S	Annual report for holding companies registered pursuant to section 5 of the act		
	Initial filing	U5S	B-7
	Amendments	U5S/A	B-5

Continued

TABLE 5 Concluded
PUBLIC UTILITY HOLDING COMPANY ACT FORM TYPES ACCEPTED BY EDGAR

FORM TYPE	DESCRIPTION	HEADER SUBMISSION TYPE	APPENDIX B PAGE NUMBER
Form U-12(I)A	Statement pursuant to section 12(i) of the act by person employed or retained by a registered holding company or a subsidiary thereof		
	Initial statement	U-12-IA	B-47
	Amendments	U-12-IA/A	B-47
Form U-12(I)B	Annual statement pursuant to section 12(i) of the act by person regularly employed or retained by a registered holding company or a subsidiary thereof		
	Initial statement	U-12-IB	B-47
	Amendments	U-12-IB/A	B-47
Form U-13E-1	Report by affiliate service companies or independent service companies filed pursuant to Rule 95		
	Initial filing	U-13E-1	B-47
	Amendments	U-13E-1/A	B-47

TABLE 6
INVESTMENT COMPANY ACT FILINGS FORM TYPES ACCEPTED BY EDGAR

FORM TYPE	DESCRIPTION	HEADER SUBMISSION TYPE	APPENDIX B PAGE NUMBER
Form S-1 & Form S-3	Registration statement for face-amount certificate companies		
	Initial statement	S-1	B-31
	Pre-effective amendments	S-1/A	B-55
	Post-effective amendments	POS AMI	B-20
	Initial statement	S-3	B-30
	Pre-effective amendments	S-3/A	B-55
	Definitive materials	497	B-8
	Certification of no change in definitive materials	497J	B-8
Form N-1 & Form N-1A	Registration statement for open-end management investment companies		
	Initial statement	N-1	B-21
	Pre-effective amendments	N-1/A	B-24
	Initial statement	N-1A	B-23
	Pre-effective amendments	N-1A/A	B-24
	Initial statement with 24f-2 election (This filing cannot be submitted as a 1940 Act only filing)	N-1A EL	B-22
	Pre-effective amendments to filing made on form N-1A EL	N-1A EL/A	B-27
	Post-Effective amendments		
	Filed pursuant to Rule 485(a)	485APOS	B-20
	Filed pursuant to Rule 485(a) with additional shares under 24e-2 (This filing cannot be submitted as a 1940 Act only filing)	485A24E	B-32
	Filed pursuant to Rule 485(a) with 24f-2 election (This filing cannot be submitted as a 1940 Act only filing)	485A24F	B-34
	Filed pursuant to Rule 485(b)	485BPOS	B-20

Continued

TABLE 6 Continued
INVESTMENT COMPANY ACT FILINGS FORM TYPES ACCEPTED BY EDGAR

FORM TYPE	DESCRIPTION	HEADER SUBMISSION TYPE	APPENDIX B PAGE NUMBER
	Filed pursuant to Rule 485(b) with additional shares under 24e-2 (This filing cannot be submitted as a 1940 Act only filing)	485B24E	B-32
	Filed pursuant to Rule 485(b) with 24f-election (This filing cannot be submitted as a 1940 Act only filing)	485B24F	B-34
	Filed pursuant to Rule 8b-16 of the 1940 Act (for filings made under the 1940 Act only)	POS AMI	B-20
	Definitive materials	497	B-8
	Certification of no change in definitive materials	497J	B-8
Form N-2	Registration statement for closed-end investment companies		
	Initial statement	N-2	B-10
	Pre-effective amendments	N-2/A	B-24
	Post-effective amendments	POS AMI	B-20
	Definitive materials	497	B-8
	Certification of no change in definitive materials	497J	B-8

Continued

TABLE 6 Continued
INVESTMENT COMPANY ACT FILINGS FORM TYPES ACCEPTED BY EDGAR

FORM TYPE	DESCRIPTION	HEADER SUBMISSION TYPE	APPENDIX B PAGE NUMBER
Form N-3	Registration statement for separate accounts (management investment companies)		
	Initial statement	N-3	B-11
	Pre-effective amendments	N-3/A	B-24
	Initial statement with 24f-2 election (This filing cannot be submitted as a 1940 Act only filing)	N-3 EL	B-22
	Pre-effective amendments to filings made on form N-3 EL	N-3 EL/A	B-27
	Post-effective amendments		
	Filed pursuant to Rule 486(a)	486APOS	B-20
	Filed pursuant to Rule 486(a) with additional shares under 24e-2 (This filing cannot be submitted as a 1940 Act only filing.)	486A24E	B-32
	Filed pursuant to Rule 486(a) with 24f-2 election (This filing cannot be submitted as a 1940 Act only filing.)	486A24F	B-34
	Filed pursuant to Rule 486 (b)	486BPOS	B-20
	Filed pursuant to Rule 486(b) with additional shares under 24e-2 (This filing cannot be submitted as a 1940 Act only filing.)	486B24E	B-32
	Filed pursuant to Rule 486(b) with 24f-2 election (This filing cannot be submitted as a 1940 Act only filing.)	486B24F	B-34

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TABLE 6 Continued
INVESTMENT COMPANY ACT FILINGS FORM TYPES ACCEPTED BY EDGAR

FORM TYPE	DESCRIPTION	HEADER SUBMISSION TYPE	APPENDIX B PAGE NUMBER
	Filed pursuant to Rule 8b-16 of the 1940 Act (for filings made under the 1940 Act only)	POS AMI	B-20
	Definitive materials	497	B-8
	Certification of no change in definitive materials	497J	B-8
Form N-4	Registration statement for separate accounts (unit investment trusts)		
	Initial statement	N-4	B-11
	Pre-effective amendments	N-4/A	B-24
	Initial statement with 24f-2 election (This filing cannot be submitted as a 1940 Act only filing)	N-4 EL	B-22
	Pre-effective amendments to filings made on form N-4 EL	N-4 EL/A	B-27
	Pre-effective pricing amendments filed pursuant to Rule 487	487	B-44
	Post-effective amendments		
	Filed pursuant to Rule 486(a)	486APOS	B-20
	Filed pursuant to Rule 486(a) with additional shares under 24e-2 (This filing cannot be submitted as a 1940 Act only filing.)	486A24E	B-32
	Filed pursuant to Rule 486(a) 24f-2 with election (This filing cannot be submitted as a 1940 Act only filing.)	486A24F	B-34
	Filed pursuant to Rule 486(b)	486BPOS	B-20

Continued

TABLE 6 Continued
INVESTMENT COMPANY ACT FILINGS FORM TYPES ACCEPTED BY EDGAR

FORM TYPE	DESCRIPTION	HEADER SUBMISSION TYPE	APPENDIX B PAGE NUMBER
	Filed pursuant to Rule 486(b) with additional shares under 24e-2 (This filing cannot be submitted as a 1940 Act only filing.)	486B24E	B-32
	Filed pursuant to Rule 486(b) with 24f-2 election (This filing cannot be submitted as a 1940 Act only filing.)	486B24F	B-34
	Filed pursuant to Rule 8b-16 of the 1940 Act (for filings made under the 1940 Act only)	POS AMI	B-20
	Definitive materials	497	B-8
	Certification of no change in definitive materials	497J	B-8
Form S-6	Registration statement for unit investment trusts		
	Initial statement	S-6	B-33
	Pre-effective amendments	S-6/A	B-44
	Initial statement with 24f-2 election	S-6EL24	B-17
	Pre-effective amendments to filings made on S-6EL24	S-6EL24/A	B-36
	Pre-effective pricing amendments filed pursuant to Rule 487	487	B-44
	Post-effective amendments		
	Filed pursuant to Rule 485(a)	485APOS	B-20
	Filed pursuant to Rule 485(a) with additional shares under 24e-2	485A24E	B-32
	Filed pursuant to Rule 485(a) with 24f-2 election	485A24F	B-34
	Filed pursuant to Rule 485(b)	485BPOS	B-20

Continued

TABLE 6 Continued
INVESTMENT COMPANY ACT FILINGS FORM TYPES ACCEPTED BY EDGAR

FORM TYPE	DESCRIPTION	HEADER SUBMISSION TYPE	APPENDIX B PAGE NUMBER
	Filed pursuant to Rule 485(b) with additional shares under 24e-2	485B24E	B-32
	Filed pursuant to Rule 485(b) with 24f-2 election	485B24F	B-34
	Filed pursuant to Rule 8b-16 of the 1940 Act (for filings made under the 1940 Act only	POS AMI	B-20
	Definitive materials	497	B-8
	Certification of no change in definitive materials	497J	B-8
Form N-5	Registration statement for small business investment companies		
	Initial statement	N-5	B-10
	Pre-effective amendments	N-5/A	B-26
	Post-effective amendments	POS AMI	B-20
	Definitive materials	497	B-8
	Certification of no change in definitive materials	497J	B-8
Form N-14	Registration statement for investment companies business combination		
	Initial statement	N-14	B-33
	Pre-effective amendments	N-14/A	B-26
	Initial statement with 24f-2 election	N14EL24	B-17
	Pre-effective amendments with 24f-2 election	N14EL24/A	B-36
	Initial statement with automatic effectiveness	N-14AE	B-28
	Initial statement with automatic effectiveness with 24f-2 election	N14AE24	B-17
	Pre-effective with automatic effectiveness with 24f-2 election	N14AE24/A	B-36

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TABLE 6 Continued
INVESTMENT COMPANY ACT FILINGS FORM TYPES ACCEPTED FY EDGAR

FORM TYPE	DESCRIPTION	HEADER SUBMISSION TYPE	APPENDIX B PAGE NUMBER
	Definitive materials	497	B-8
	Certification of no change in definitive materials	497J	B-8
REGISTRATION OF SECURITIES BY CERTAIN INVESTMENT COMPANIES PURSUANT TO RULES 24f-1, 24f-2, and 24f-3			
Rule 24f-1	Notification of election	24F-1	B-35
Rule 24f-2	Declaration of election	24F-2EL	B-35
	Amendment to declaration of election	24F-2EL/A	B-35
	Rule 24f-2 notice	24F-2NT	B-51
	Amendment to Rule 24f-2 notice	24F-2NT/A	B-51
	Termination of declaration of election	24F-2TM	B-50
	Amendment to the termination of declaration of election	24F-2TM/A	B-50
Rule 24f-3	Rule 24f-3 notice for secondary securities registration (unit investment trusts)	24F-3NT	B-51
	Amendments to Rule 24f-3 notice for Secondary securities registration	24F-3NT/A	B-51
INVESTMENT COMPANY ACT REGISTRATION STATEMENTS			
Form N-8A	Notification of registration under section 8(a)		
	Initial filing	N-8A	B-4
	Amendments	N-8A/A	B-4
Form N-8B-2	Registration statement for unit investment trusts		
	Initial filing	N-8B-2	B-27
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Form N-8B-3	Registration statement for periodic payment Plans	N-8B-3	B-15
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TABLE 6 Continued
INVESTMENT COMPANY ACT FILINGS FORM TYPES ACCEPTED BY EDGAR

FORM TYPE	DESCRIPTION	HEADER SUBMISSION TYPE	APPENDIX B PAGE NUMBER
Form N-8B-4	Registration statement for face-amount certificate companies	N-8B-4	B-15
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Form 6-F	Notice of intent by business development companies to elect to be subject to sections 55 through 65 of the 1940 act		
	Initial filing	N-6F	B-4
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Form N-54A	Notification of election by business development companies		
	Initial filing	N-54A	B-4
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Form N-54C	Notification of withdrawal by business development companies	N-54C	B-4
	Amendments	N-54C/A	B-4
MISCELLANEOUS INVESTMENT COMPANY FORMS			
Form N-18F-1	Notification of election pursuant to Rule 18f-1		
	Initial filing	N-18F1	B-4
	Amendments	N-18F1/A	B-4
Form 23C-1	Reports by closed-end investment companies of purchase of their own securities		
	Initial filing	N-23C-1	B-5
	Amendments	N-23C-1/A	B-5
Form N-27D-1	Accounting for segregated trust accounts		
	Initial filing	N-27D-1	B-5
	Amendments	N-27D-1/A	B-5

Continued

TABLE 6 Concluded
INVESTMENT COMPANY ACT FILINGS FORM TYPES ACCEPTED BY EDGAR

FORM TYPE	DESCRIPTION	HEADER SUBMISSION TYPE	APPENDIX B PAGE NUMBER
Form N-6C9	Exemptions for foreign banks under Rule 6(c)9(c)		
	Initial filing	N-6C9	B-4
	Amendments	N-6C9/A	B-4
Form 2-E	Reports of sales of securities pursuant to		
	Regulation E	2-E	B-5
	Amendments	2-E/A	B-19
PERIODIC REPORTS FOR REGISTERED INVESTMENT COMPANIES			
Form N-SAR	Semi-annual report for management companies	NSAR-A	B-9
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	Transitional semi-annual report	NSAR-AT	B-9
	Amendments to transitional semi-annual report	NSAR-AT/A	B-5
	Annual report for management companies	NSAR-B	B-9
	Amendments to annual report	NSAR-B/A	B-5
	Transitional annual report	NSAR-BT	B-5
	Amendments to transitional annual report	NSAR-BT/A	B-5
	Annual report for unit investment trusts	NSAR-U	B-9
	Amendments to annual report for unit investment trusts	NSAR-U/A	B-5
	Request for extension of time for filing form N-SAR	NT-NSAR	B-5
	Amendments to request for extension of time for filing form N-SAR	NT-NSAR/A	B-5
Form N-30D	Semi-annual reports mailed to shareholders	N-30D	B-5
	Amendments	N-30D/A	B-5
Form N-30B-2	Periodic and interim reports mailed to shareholders	N-30B-2	B-5

APPENDIX B
EDGAR TAGS BY SUBMISSION HEADER TYPE

PREFACE
****

This Appendix identifies by submission type which tags are required for all submissions, required when they apply to the filer's submission, or are optional.

* Optional tags common to all submissions are listed on page B-2, before the listing of tags for use in specific submissions.

* Tags required for all submission types are listed on page B-3.

* To help filers find their submission types, a table of contents is included. It lists the submission types in the same order as they are presented in Appendix A.

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EDGAR TAGS BY SUBMISSION HEADER TYPE
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APPENDIX B
EDGAR TAGS BY SUBMISSION HEADER TYPE

INTRODUCTION

HOW THIS APPENDIX IS ORGANIZED

This Appendix identifies by submission type the EDGAR tags used in submission headers and in document headers. Submission types for which the same tags apply have been grouped together. Submission header tags are categorized as:

1 required,
2 required when applicable,
3 at least one required (from a group of options),
4 optional, and
5 required for confirming copies

When the filer has a choice between tags, but one or at least one is required, special notations have been added.

Some optional submission header tags are common to all form types. Those tags are shown on the next page.

HOW TO USE THIS APPENDIX FOR SUBMISSION HEADERS

This appendix has been developed for use by those not assembling their submissions using the filer assistance software EDGARLink. If EDGARLink is used, the information in this appendix is available in that software program.

If you do not know the submission header type (EDGAR name) for the form you are filing, then check Appendix A where those names are listed. The Appendix A tables include a page reference to where you will find each form type in this Appendix.

If you already know the EDGAR name for your form type, then use the Appendix B table of contents to locate the page with the tags you need.

For more information on tags and when to use them, see the tag tables in Chapter 4 of this Manual.

OPTIONAL TAGS COMMON TO ALL SUBMISSION TYPES

The following tags may be used during Release 3.0 in all submission types:

<TEST> or <LIVE> (if neither tag is used, <LIVE> is assumed)
<RETURN-COPY>
<NOTIFY>

<SUBMISSION-CONTACT>
<NAME>
<PHONE>
</SUBMISSION-CONTACT>

The tags <SUBMISSION-CONTACT> and <NOTIFY> have been included with the submission headers in this appendix to encourage their use. Their absence reduces the effectiveness of the SEC Filer Support staff.

OPTIONAL TAGS COMMON TO MOST SUBMISSION TYPES

The following tags can be used with all submission types except modules and segments.

<CONFIRMING-COPY>

<NEW-ACCOUNTING-CONTACT>
<NAME>
<STREET1>
<STREET2>
<CITY>
<STATE>
<ZIP>
<PHONE>
</NEW-ACCOUNTING-CONTACT>

<NEW-BUSINESS-ADDRESS>
<STREET1>
<STREET2>
<CITY>
<STATE>
<ZIP>
<PHONE>
</NEW-BUSINESS-ADDRESS>

<NEW-COMPANY-DATA>
<NAME>
<IRS-NUMBER>
<STATE-OF-INCORPORATION>
<FISCAL-YEAR-END>
</NEW-COMPANY-DATA>

<NEW-EDGAR-CONTACT>
<NAME>
<STREET1>
<STREET2>
<CITY>
<STATE>
<ZIP>
<PHONE>
<EMAIL-ID>
</NEW-EDGAR-CONTACT>

<NEW-MAIL-ADDRESS>
<STREET1>
<STREET2>
<CITY>
<STATE>
<ZIP>
</NEW-MAIL-ADDRESS>

<SROS>
<STATE-SRD>

TAGS REQUIRED FOR ALL SUBMISSION TYPES

The following tags are required in all submission headers:

<SUBMISSION>
<TYPE>
<DOCUMENT-COUNT>
<FILER>
<CIK>
<CCC>

The tag <CONFIRMING-COPY> is required whenever a submission is being filed as an electronic version of a filing made previously in paper as a result of a hardship exemption.

NOTE:
1) IT IS REQUIRED THAT YOU USE THE END-OF-SUBMISSION TAG AT THE END OF EVERY SUBMISSION:

   </SUBMISSION>

   If you use EDGARLink (the PC software provided by the SEC) to create your submission, the end-of-submission tag is inserted automatically.

2) IT IS REQUESTED THAT YOU USE THE END-OF-DOCUMENT MARKER AT THE END OF EVERY DOCUMENT:

   </DOCUMENT>

   If you use EDGARLink (the PC software provided by the SEC) to assemble your submission, the end-of-document tag is inserted automatically.

TAGS FOR SPECIFIC SUBMISSION TYPES

1. **FOR THE FOLLOWING SUBMISSION TYPES:**

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	8-B12B/A		8-B12G/A
	10-12B/A		10SB12B/A
	10-12G/A		10SB12G/A
15-12B	15-12B/A	15-12G	15-12G/A
15-15D	15-15D/A		
	18-12B/A		18-12G/A
	20FR12B/A	20FR12G	20FR12G/A
45B-3	45B-3/A		
N-6C9	N-6C9/A	N-6F	N-6F/A
N-8A	N-8A/A		N-8B-2/A
	N-8B-3/A		N-8B-4/A
N-18F1	N-18F1/A		
N-54A	N-54A/A	N-54C	N-54C/A
PRER14A		PRER14C	
PX14A6G			
U5A	U5A/A	U5B	U5B/A
U-6B-2	U-6B-2/A	U-R-1	

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	8-A12B/A	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
5	<FILE-NUMBER>	00-00000-000	Up to 12 characters
4	</FILER>		
1	<DOCUMENT>		
1	<TYPE>	8-A12B/A	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
1	</DOCUMENT>		
1	</SUBMISSION>		

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

TAGS FOR SPECIFIC SUBMISSION TYPES

2 FOR THE FOLLOWING SUBMISSION TYPES:

2-E			
6-K	6-K/A		
10-C	10-C/A		10-K/A
	10KSB/A		
10-Q	10-Q/A	10QSB	10QSB/A
	11-K/A		
	18-K/A,		
	20-F/A,		
ARS			
N-23C-1	N-23C-1/A	N-27D-1	N-27D-1/A
N-30B-2		N-30D	N-30D/A
	NSAR-A/A		NSAR-AT/A
	NSAR-B/A		NSAR-BT/A
	NSAR-U/A		
NT 10-K	NT 10-K/A	NT 10-Q	NT 10-Q/A
NT 11-K	NT 11-K/A	NT15 D2	NT15 D2/A
NT 20-F	NT 20-F/A		
NT-NSAR	NT-NSAR/A		
SP 15D2	SP 15D2/A		
	U-3A-2/A		U5S/A
	U-13-60/A		

USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1 <SUBMISSION>		
1 <TYPE>	2E	See List Above
1 <DOCUMENT-COUNT>	1	Up to 3 digits
5 <CONFIRMING-COPY>		
4 <SUBMISSION-CONTACT>		
4 <NAME>	A. Jones	Up to 30 Characters
4 <PHONE>	202-555-1111	Up to 20 Characters
4 </SUBMISSION-CONTACT>		
4 <NOTIFY>	77777,7777	CompuServe ID
1 <FILER>		
1 <CIK>	123456	Up to 10 digits
1 <CCC>	MYCCC*92	8 characters
5 <FILE-NUMBER>	00-00000-000	Up to 12 characters
4 </FILER>		
1 <PERIOD>	12/12/91	Up to 20 characters
1 <DOCUMENT>		
1 <TYPE>	2E	See list Appendix C
4 <DESCRIPTION>		Up to 50 characters
1 <TEXT>		
1 </DOCUMENT>		
1 </SUBMISSION>		

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

TAGS FOR SPECIFIC SUBMISSION TYPES

3. FOR THE FOLLOWING SUBMISSION TYPES:

8-A12B	8-A12G	
8-B12B	8-B12G	
10-12B	10-12G	
10SB12B	10SB12G	
18-12B	18-12G	
20FR12B		
35-APP		
U-1	U-3A3-1	U-3A3-1/A
U-13-1		

USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1 <SUBMISSION>		
1 <TYPE>	8-A12B	See List Above
1 <DOCUMENT-COUNT>	1	Up to 3 digits
5 <CONFIRMING-COPY>		
4 <SUBMISSION-CONTACT>		
4 <NAME>	A. Jones	Up to 30 Characters
4 <PHONE>	202-555-1111	Up to 20 Characters
4 </SUBMISSION-CONTACT>		
4 <NOTIFY>	77777,7777	CompuServe ID
1 <FILER>		
1 <CIK>	123456	Up to 10 digits
1 <CCC>	MYCCC*92	8 characters
5 <FILE-NUMBER>	00-00000-000	Up to 12 characters
4 </FILER>		
4 <FEE-PAID>	000.00	Up to 15 digits
4 <METHOD>	Lockbox	Fedwire or Lockbox
1 <DOCUMENT>		
1 <TYPE>	8-A12B	See list Appendix C
4 <DESCRIPTION>		Up to 50 characters
1 <TEXT>		
4 </DOCUMENT>		
1 </SUBMISSION>		

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

TAGS FOR SPECIFIC SUBMISSION TYPES

4. FOR THE FOLLOWING SUBMISSION TYPES:

DEF 14A	DEFS14A
DEF 14C	DEFS14C
U-3A-2	U-13-60
U5S	
10-K	10KSB
11-K	
18-K	
20-F	

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	DEF 14A	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
5	<FILE-NUMBER>	00-00000-000	Up to 12 characters
4	</FILER>		
1	<PERIOD>	12/12/91	Up to 12 characters
4	<FEE-PAID>	000.00	Up to 15 digits
4	<METHOD>	Lockbox	Fedwire or Lockbox
1	<DOCUMENT>		
1	<TYPE>	DEF 14A	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

TAGS FOR SPECIFIC SUBMISSION TYPES

5. FOR THE FOLLOWING SUBMISSION TYPES:

	35-APP/A		
35-CERT	35-CERT/A		
424A		424B1	
424B2		424B3	
424B4		424B5	
497		497J	
DEL AM			
	T-3/A		
	U-1/A		U-13-1/A
U-R-1/A			
UNDER	UNDER/A		

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	20FR12B/A	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
1	<FILE-NUMBER>	00-00000-000	Up to 12 characters
4	</FILER>		
1	<DOCUMENT>		
1	<TYPE>	20FR12B/A	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

6. FOR THE FOLLOWING SUBMISSION TYPES:

NSAR-A
NSAR-B
NSAR-U
NSAR-AT*
NSAR-BT*

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	NSAR-A	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
5	<FILE-NUMBER>	00-00000-000	Up to 12 characters
4	</FILER>		
1	<PERIOD>	12/12/91	Up to 20 characters
4	<FEE-PAID>*	00.00	Up to 15 characters
4	<METHOD>*	Lockbox	Fedwire or Lockbox
2	<PAYOR>		
2	<CIK>	234567	Up to 10 digits
2	<CCC>	ACCC#234	8 characters
4	</PAYOR>		
1	<DOCUMENT>		
1	<TYPE>	NSAR-A	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

*For the submission type shown with an asterisk, the tags shown with asterisks are not applicable. For all other submission types shown, the tags are optional.

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

7. FOR THE FOLLOWING SUBMISSION TYPES:

N-2
N-5*

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	N-2	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
5	<FILE-NUMBER>	00-00000-000	Up to 12 characters
4	</FILER>		
2	<DELAYING-AMENDMENT>		
1	<ACT>	33	2 digits
2	<REFERENCES-429>		
4	<FEE-PAID>	000.00	Up to 15 digits
4	<METHOD>	Lockbox	Fedwire or Lockbox
3	<EQUITY>	10000.000	Up to 15 characters
3	<DEBT>	10000.000	Up to 15 characters
3	<CONVERTIBLE>	10000.000	Up to 15 characters
3	<OTHER>	10000.000	Up to 15 characters
2	<OFFSET-PAYMENT>*		
2	<AMOUNT>*	1000.00	Up to 12 characters
2	<CIK>*	667788	Up to 10 digits
2	<FORM-TYPE>*	10-K	See list Appendix C
2	<FILE-NUMBER>*	00-00000-000	
4	</OFFSET-PAYMENT>*		
2	<PAYOR>		
2	<CIK>	654321	Up to 10 digits
2	<CCC>	PPP8*444	8 characters
4	</PAYOR>		
1	<DOCUMENT>		
1	<TYPE>	N-2	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

*For the submission type shown with an asterisk, the tags shown with an asterisk are required when they apply to the filer's submission.

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

TAGS FOR SPECIFIC SUBMISSION TYPES

8. FOR THE FOLLOWING SUBMISSION TYPES:

N-3 N-4

USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1 <SUBMISSION>		
1 <TYPE>	N-3	See List Above
1 <DOCUMENT-COUNT>	1	Up to 3 digits
5 <CONFIRMING-COPY>		
4 <SUBMISSION-CONTACT>		
4 <NAME>	A. Jones	Up to 30 Characters
4 <PHONE>	202-555-1111	Up to 20 Characters
4 </SUBMISSION-CONTACT>		
4 <NOTIFY>	77777,7777	CompuServe ID
1 <FILER>		
1 <CIK>	123456	Up to 10 digits
1 <CCC>	MYCCC*92	8 characters
5 <FILE-NUMBER>	00-00000-000	Up to 12 characters
4 </FILER>		
2 <DELAYING-AMENDMENT>		
1 <ACT>	33	2 digits
2 <REFERENCES-429>		
4 <FEE-PAID>	000.00	Up to 15 digits
4 <METHOD>	Lockbox	Fedwire or Lockbox
2 <EQUITY>	10000.000	Up to 15 characters
2 <DEBT>	10000.000	Up to 15 characters
2 <CONVERTIBLE>	10000.000	Up to 15 characters
2 <OTHER>	10000.000	Up to 15 characters
2 <PAYOR>		
2 <CIK>	654321	Up to 10 digits
2 <CCC>	PPP8*444	8 characters
4 </PAYOR>		
1 <DOCUMENT>		
1 <TYPE>	N-3	See list Appendix C
4 <DESCRIPTION>		Up to 50 characters
1 <TEXT>		
4 </DOCUMENT>		
1 </SUBMISSION>		

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

TAGS FOR SPECIFIC SUBMISSION TYPES

9. FOR THE FOLLOWING SUBMISSION TYPES:

8-K 8-K/A 8-K12G3 P-K12G3 A
8-K15D5 8-K15D5/A

USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1 <SUBMISSION>		
1 <TYPE>	8-K	See List Above
1 <DOCUMENT-COUNT>	1	Up to 3 digits
5 <CONFIRMING-COPY>		
4 <SUBMISSION-CONTACT>		
4 <NAME>	A. Jones	Up to 30 Characters
4 <PHONE>	202-555-1111	Up to 20 Characters
4 </SUBMISSION-CONTACT>		
4 <NOTIFY>	77777,7777	CompuServe ID
1 <FILER>		
1 <CIK>	123456	Up to 10 digits
1 <CCC>	MYCCC*92	8 characters
5 <FILE-NUMBER>	00-00000-000	Up to 12 characters
4 </FILER>		
1 <PERIOD>	12/12/91	Up to 20 characters
1 <ITEMS>	3	Up to 2 digits
1 <DOCUMENT>		
1 <TYPE>	8-K	See list Appendix C
4 <DESCRIPTION>		Up to 50 characters
1 <TEXT>		
4 </DOCUMENT>		
1 </SUBMISSION>		

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

TAGS FOR SPECIFIC SUBMISSION TYPES

10. FOR THE FOLLOWING SUBMISSION TYPES:

DEFA14A DEFA14C
DEFM14A DEFM14C

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	DEFA14A	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
5	<FILE-NUMBER>	00-00000-000	Up to 12 characters
4	</FILER>		
1	<DOCUMENT>		
1	<TYPE>	DEFA14A	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

TAGS FOR SPECIFIC SUBMISSION TYPES

11. FOR THE FOLLOWING SUBMISSION TYPES:

PRE13E3 PRE13E3/A

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	PRE13E3	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
4	</FILER>		
1	<SUBJECT-COMPANY>		
1	<NAME>	ABC COMPANY	Up to 60 characters
1	<CIK>	654321	Up to 10 digits
1	<IRS-NUMBER>	22-7777777	9 digits + hyphen
5	<FILE-NUMBER>	00-00000-000	Up to 12 characters
4	</SUBJECT-COMPANY>		
4	<FEE-PAID>	000.00	Up to 15 digits
4	<METHOD>	Lockbox	Fedwire or Lockbox
2	<OFFSET-PAYMENT>		
2	<AMOUNT>	1000.00	Up to 12 characters
2	<CIK>	667788	Up to 10 digits
2	<FORM-TYPE>	10-K	See list Appendix C
2	<FILE-NUMBER>	00-00000-000	
4	</OFFSET-PAYMENT>		
2	<PAYOR>		
2	<CIK>	654321	Up to 10 digits
2	<CCC>	PPP8*444	8 characters
4	</PAYOR>		
1	<DOCUMENT>		
1	<TYPE>	PRE13E3	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

TAGS FOR SPECIFIC SUBMISSION TYPES

12. FOR THE FOLLOWING SUBMISSION TYPES:

N-8B-3
N-8B-4

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	N-8B-3	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
5	<FILE-NUMBER>	00-00000-000	Up to 12 characters
4	</FILER>		
2	<PAYOR>		
2	<CIK>	234567	Up to 10 digits
2	<CCC>	ACCC#234	8 characters
4	</PAYOR>		
1	<DOCUMENT>		
1	<TYPE>	N-8B-3	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

TAGS FOR SPECIFIC SUBMISSION TYPES

13. FOR THE FOLLOWING SUBMISSION TYPES:

PRE 14A*
PREA14A
PREM14A** (public document)
PRES14A*
PRE 14C*
PREA14C
PREM14C** (public document)
PRES14C*

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	PRE 14A	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
5	<FILE-NUMBER>	00-00000-000	Up to 12 characters
1	<PERIOD>*	12/12/91	Up to 20 characters
4	</FILER>		
4	<FEE-PAID>	000.00	Up to 15 digits
4	<METHOD>	Lockbox	Fedwire or Lockbox
2	<OFFSET-PAYMENT>		
2	<AMOUNT>	1000.00	Up to 12 characters
2	<CIK>	667788	Up to 10 digits
2	<FORM-TYPE>	10-K	See list Appendix C
2	<FILE-NUMBER>	00-00000-000	Up to 12 characters
4	</OFFSET-PAYMENT>		
2	<PAYOR>		
2	<CIK>	654321	Up to 10 digits
2	<CCC>	PPP8*444	8 characters
4	</PAYOR>		
1	<DOCUMENT>		
1	<TYPE>	PRE 14A	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

*For the submission types shown with an asterisk, the tag with an asterisk is required. For all other submission types shown, the tag does not apply.

**When submission types shown with a double asterisk are filed electronically, they are publicly disseminated. For confidential handling, file on paper.

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

14. FOR THE FOLLOWING SUBMISSION TYPES:

N14AE24
S-6EL24*
N14EL24*

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	N-14AE24	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
5	<FILE-NUMBER>	00-00000-000	Up to 12 characters
4	</FILER>		
2	<DELAYING-AMENDMENT>*		
4	<FEE-PAID>	000.00	Up to 15 digits
4	<METHOD>	Lockbox	Fedwire or Lockbox
2	<REFERENCES-429>*	33-00000	Up to 12 characters
2	<OFFSET-PAYMENT>		
2	<AMOUNT>	1000.00	Up to 12 characters
2	<CIK>	667788	Up to 10 digits
2	<FORM-TYPE>	10-K	See list Appendix C
2	<FILE-NUMBER>	00-00000-000	Up to 12 characters
4	</OFFSET-PAYMENT>		
2	<PAYOR>		
2	<CIK>	654321	Up to 10 digits
2	<CCC>	PPP8*444	8 characters
4	</PAYOR>		
1	<DOCUMENT>		
1	<TYPE>	N14AE24	See list Appendix C
4	<DESCRIPTION		Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

*For the submission type shown with an asterisk, the tags shown with asterisks are required when they apply to the filer's submission. For all other submission types shown, the tags with asterisks are not applicable.

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

15. FOR THE FOLLOWING SUBMISSION TYPES:

F-6EF*
T-3

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	F-6EF	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
5	<FILE-NUMBER>	00-00000-000	Up to 12 characters
4	</FILER>		
4	<FEE-PAID>	000.00	Up to 15 digits
4	<METHOD>	Lockbox	Fedwire or Lockbox
3	<EQUITY>	10000.000	Up to 15 characters
3	<DEBT>	10000.000	Up to 15 characters
3	<CONVERTIBLE>	10000.000	Up to 15 characters
3	<OTHER>	10000.000	Up to 15 characters
4	<EFFECTIVENESS-DATE>*	12/12/93	Up to 20 characters
1	<DOCUMENT>		
1	<TYPE>	F-6EF	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

*For the submission type shown with an asterisk, the tag shown with an asterisk is optional. For all other submission types shown, the tag does not apply.

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

TAGS FOR SPECIFIC SUBMISSION TYPES

16. FOR THE FOLLOWING SUBMISSION TYPES:

2-E/A
AW RW

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	2-E/A	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
1	<FILE-NUMBER>	00-00000-000	Up to 12 characters
4	</FILER>		
2	<PERIOD>	12/12/91	Up to 12 characters
1	<DOCUMENT>		
1	<TYPE>	2-E/A	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

TAGS FOR SPECIFIC SUBMISSION TYPES

17. FOR THE FOLLOWING SUBMISSION TYPES:

485APOS 485BPOS*
486APOS 486BPOS*
POS AMI

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	485APOS	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
1	<FILE-NUMBER>	00-00000-000	Up to 12 characters
4	</FILER>		
1	<ACT>	33	2 digits
4	<EFFECTIVENESS-DATE>*	12/12/93	Up go 20 characters
1	<DOCUMENT>		
1	<TYPE>	485APOS	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

* For the submission types shown with an asterisk, the tag shown with an asterisk is optional. For all other submission types shown, the tag does not apply.

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

18. FOR THE FOLLOWING SUBMISSION TYPES:

N-1

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	N-1	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
5	<FILE-NUMBER>	00-00000-000	Up to 12 characters
4	</FILER>		
2	<DELAYING-AMENDMENT>		
4	<FEE-PAID>	000.00	Up to 15 digits
4	<METHOD>	Lockbox	Fedwire or Lockbox
2	<REFERENCES-429>	33-00000	Up to 12 characters
1	<ACT>	33	2 characters
2	<EQUITY>	10000.000	Up to 15 characters
2	<DEBT>	10000.000	Up to 15 characters
2	<CONVERTIBLE>	10000.000	Up to 15 characters
2	<OTHER>	10000.000	Up to 15 characters
2	<PAYOR>		
2	<CIK>	654321	Up to 10 digits
2	<CCC>	PPP8*444	8 characters
4	</PAYOR>		
1	<DOCUMENT>		
1	<TYPE>	N-1	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

19. FOR THE FOLLOWING SUBMISSION TYPES:

N-1A EL
N-3 EL
N-4 EL

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	N-1A EL	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
5	<FILE-NUMBER>	00-00000-000	Up to 12 characters
4	</FILER>		
2	<DELAYING-AMENDMENT>		
4	<FEE-PAID>	000.00	Up to 15 digits
4	<METHOD>	Lockbox	Fedwire or Lockbox
2	<REFERENCES-429>	33-00000	Up to 12 characters
1	<ACT>	33	2 characters
2	<PAYOR>		
2	<CIK>	654321	Up to 10 digits
2	<CCC>	PPP8*444	8 characters
4	</PAYOR>		
1	<DOCUMENT>		
1	<TYPE>	N-1A EL	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

TAGS FOR SPECIFIC SUBMISSION TYPES

20. FOR THE FOLLOWING SUBMISSION TYPES:

N-1A

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	N-1A	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
5	<FILE-NUMBER>	00-00000-000	Up to 12 characters
4	</FILER>		
4	<FEE-PAID>	000.00	Up to 15 digits
4	<METHOD>	Lockbox	Fedwire or Lockbox
2	<REFERENCES-429>	33-00000	Up to 12 characters
1	<ACT>	33	2 characters
2	<EQUITY>	10000.000	Up to 15 characters
2	<DEBT>	10000.000	Up to 15 characters
2	<CONVERTIBLE>	10000.000	Up to 15 characters
2	<OTHER>	10000.000	Up to 15 characters
2	<PAYOR>		
2	<CIK>	654321	Up to 10 digits
2	<CCC>	PPP8*444	8 characters
4	</PAYOR>		
1	<DOCUMENT>		
1	<TYPE>	N-1A	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

TAGS FOR SPECIFIC SUBMISSION TYPES

21. FOR THE FOLLOWING SUBMISSION TYPES:

N-1/A
N-2/A
N-4/A
N-1A/A
N-3/A

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	N-1/A	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
1	<FILE-NUMBER>	00-00000-000	Up to 12 characters
4	</FILER>		
4	<FEE-PAID>	000.00	Up to 15 digits
4	<METHOD>	Lockbox	Fedwire or Lockbox
1	<ACT>	33	2 characters
2	<EQUITY>	10000.000	Up to 15 characters
2	<DEBT>	10000.000	Up to 15 characters
2	<CONVERTIBLE>	10000.000	Up to 15 characters
2	<OTHER>	10000.000	Up to 15 characters
2	<PAYOR>		
2	<CIK>	654321	Up to 10 digits
2	<CCC>	PPP8*444	8 characters
4	</PAYOR>		
1	<DOCUMENT>		
1	<TYPE>	N-1/A	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

TAGS FOR SPECIFIC SUBMISSION TYPES

22. FOR THE FOLLOWING SUBMISSION TYPES:

S-2/A SB-2/A

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	S-2/A	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
1	<FILE-NUMBER>	00-00000-000	Up to 12 characters
4	</FILER>		
4	<FEE-PAID>	000.00	Up to 15 digits
4	<METHOD>	Lockbox	Fedwire or Lockbox
2	<REFERENCES-429>	33-00000	Up to 12 characters
2	<EQUITY>	10000.000	Up to 15 characters
2	<DEBT>	10000.000	Up to 15 characters
2	<CONVERTIBLE>	10000.000	Up to 15 characters
2	<OTHER>	10000.000	Up to 15 characters
2	<PAYOR>		
2	<CIK>	132435	Up to 10 digits
2	<CCC>	12we#453	8 characters
4	</PAYOR>		
1	<DOCUMENT>		
1	<TYPE>	S-2/A	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

TAGS FOR SPECIFIC SUBMISSION TYPES

23. FOR THE FOLLOWING SUBMISSION TYPES:

N-5/A* N-14/A

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	N-5/A	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
1	<FILE-NUMBER>	00-00000-000	Up to 12 characters
4	</FILER>		
4	<FEE-PAID>	000.00	Up to 15 digits
4	<METHOD>	Lockbox	Fedwire or Lockbox
1	<ACT>*	33	2 digits
2	<EQUITY>	10000.000	Up to 15 characters
2	<DEBT>	10000.000	Up to 15 characters
2	<CONVERTIBLE>	10000.000	Up to 15 characters
2	<OTHER>	10000.000	Up to 15 characters
2	<OFFSET-PAYMENT>		
2	<AMOUNT>	1000.00	Up to 12 characters
2	<CIK>	667788	Up to 10 digits
2	<FORM-TYPE>	10-K	See list Appendix C
2	<FILE-NUMBER>	00-00000-000	Up to 12 characters
4	</OFFSET-PAYMENT>		
2	<PAYOR>		
2	<CIK>	654321	Up to 10 digits
2	<CCC>	PPP8*444	8 characters
4	</PAYOR>		
1	<DOCUMENT>		
1	<TYPE>	N-5/A	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

*For the submission type shown with an asterisk, the tag shown with an asterisk is applicable because the filing may be made under either the 33 or the 40 act.

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

TAGS FOR SPECIFIC SUBMISSION TYPES

24. FOR THE FOLLOWING SUBMISSION TYPES:

N-1A EL/A N-8B-2* N-3 EL/A
N-4 EL/A

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	N-1A EL/A	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
1	<FILE-NUMBER>**	00-00000-000	Up to 12 characters
4	</FILER>		
1	<ACT>*	33	2 digits
4	<FEE-PAID>	000.00	Up to 15 digits
4	<METHOD>	Lockbox	Fedwire or Lockbox
2	<PAYOR>		
2	<CIK>	654321	Up to 10 digits
2	<CCC>	PPP8*444	8 characters
4	</PAYOR>		
1	<DOCUMENT>		
1	<TYPE>	N-1A EL/A	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

*For the submission type shown with an asterisk, the tag shown with an asterisk does not apply. For all other submission types shown, the tag is required.

**For the submission type shown with an asterisk, the tag shown with a double asterisk applies only for a confirming copy. For all other submission types shown the tag is required.

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

TAGS FOR SPECIFIC SUBMISSION TYPES

25. FOR THE FOLLOWING SUBMISSION TYPES:

F-1 N-14AE*
S-4 S-11
S-20

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	F-1	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
5	<FILE-NUMBER>	00-00000-000	Up to 12 characters
4	</FILER>		
2	<DELAYING-AMENDMENT>*		
4	<FEE-PAID>	000.00	Up to 15 digits
4	<METHOD>	Lockbox	Fedwire or Lockbox
2	<REFERENCES-429>*	33-00000	Up to 12 characters
3	<EQUITY>	10000.000	Up to 15 characters
3	<DEBT>	10000.000	Up to 15 characters
3	<CONVERTIBLE>	10000.000	Up to 15 characters
3	<OTHER>	10000.000	Up to 15 characters
4	<OFFSET-PAYMENT>		
2	<AMOUNT>	1000.00	Up to 12 characters
2	<CIK>	667788	Up to 10 digits
2	<FORM-TYPE>	10-K	See list Appendix C
2	<FILE-NUMBER>	00-00000-000	Up to 12 characters
2	</OFFSET-PAYMENT>		
2	<PAYOR>		
2	<CIK>	654321	Up to 10 digits
2	<CCC>	PPP8*444	8 characters
4	</PAYOR>		
1	<DOCUMENT>		
1	<TYPE>	F-1	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

*For the submission type shown with an asterisk, the tags shown with an asterisk do not apply.

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

TAGS FOR SPECIFIC SUBMISSION TYPES

26. FOR THE FOLLOWING SUBMISSION TYPES:

F-2
S-*

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	F-2	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
5	<FILE-NUMBER>	00-00000-000	Up to 12 characters
4	</FILER>		
2	<DELAYING-AMENDMENT>		
4	<FEE-PAID>	000.00	Up to 15 digits
4	<METHOD>	Lockbox	Fedwire or Lockbox
2	<REFERENCES-429>	33-00000	Up to 12 characters
3	<EQUITY>	10000.000	Up to 15 characters
3	<DEBT>	10000.000	Up to 15 characters
3	<CONVERTIBLE>	10000.000	Up to 15 characters
3	<OTHER>	10000.000	Up to 15 characters
2	<PAYOR>		
2	<CIK>	654321	Up to 10 digits
2	<CCC>	PPP8*444	8 characters
4	</PAYOR>		
1	<DOCUMENT>		
1	<TYPE>	F-2	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

TAGS FOR SPECIFIC SUBMISSION TYPES

27. FOR THE FOLLOWING SUBMISSION TYPES:

F-3*
S-3

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	S-3	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
2	<FORM-TYPE>*	S-3	Up to 10 characters
5	<FILE-NUMBER>	00-00000-000	Up to 12 characters
4	</FILER>		
2	<DELAYING-AMENDMENT>		
4	<FEE-PAID>	000.00	Up to 15 digits
4	<METHOD>	Lockbox	Fedwire or Lockbox
2	<REFERENCES-429>	33-00000	Up to 12 characters
3	<EQUITY>	10000.000	Up to 15 characters
3	<DEBT>	10000.000	Up to 15 characters
3	<CONVERTIBLE>	10000.000	Up to 15 characters
3	<OTHER>	10000.000	Up to 15 characters
2	<PAYOR>		
2	<CIK>	654321	Up to 10 digits
2	<CCC>	PPP8*444	8 characters
4	</PAYOR>		
1	<DOCUMENT>		
1	<TYPE>	S-3	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

*For the submission type shown with an asterisk, the tag shown with an asterisk is not applicable. For all other submission types shown, the tag is required when it applies to the filer's submission.

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

TAGS FOR SPECIFIC SUBMISSION TYPES

29. FOR THE FOLLOWING SUBMISSION TYPES:

F-4
S-1

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	F-4	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
5	<FILE-NUMBER>	00-00000-000	Up to 12 characters
4	</FILER>		
2	<DELAYING-AMENDMENT>		
4	<FEE-PAID>	000.00	Up to 15 digits
4	<METHOD>	Lockbox	Fedwire or Lockbox
2	<REFERENCES-429>	33-00000	Up to 12 characters
3	<EQUITY>	10000.000	Up to 15 characters
3	<DEBT>	10000.000	Up to 15 characters
3	<CONVERTIBLE>	10000.000	Up to 15 characters
3	<OTHER>	10000.000	Up to 15 characters
2	<PAYOR>		
2	<CIK>	654321	Up to 10 digits
2	<CCC>	PPP8*444	8 characters
4	</PAYOR>		
2	<OFFSET-PAYMENT>		
2	<AMOUNT>	1000.00	Up to 12 characters
2	<CIK>	667788	Up to 10 digits
2	<FORM-TYPE>	10-K	See list Appendix C
2	<FILE-NUMBER>	00-00000-000	
4	</OFFSET-PAYMENT>		
1	<DOCUMENT>		
1	<TYPE>	F-4	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

TAGS FOR SPECIFIC SUBMISSION TYPES

30. FOR THE FOLLOWING SUBMISSION TYPES:

485A24E
486A24E
485B24E*
486B24E*

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	485A24E	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
1	<FILE-NUMBER>	00-00000-000	Up to 12 characters
4	</FILER>		
4	<FEE-PAID>	000.00	Up to 15 digits
4	<METHOD>	Lockbox	Fedwire or Lockbox
1	<ACT>	33	2 digits
2	<PAYOR>		
2	<CIK>	654321	Up to 10 digits
2	<CCC>	PPP8*444	8 characters
4	</PAYOR>		
1	<SHARES>		
4	<SERIES>	Income series	Up to 40 characters
1	<REGISTERED>	35,000,000	Up to 15 characters
2	<REDEEMED-SHARES>	1,284.632	Up to 15 character
2	<REDEEMED-SHARES-USED>	25	Up to 15 characters
1	<PRICE-PER-SHARE>	$25.125	Up to 15 characters
4	<EFFECTIVENESS-DATE>*	12/12/93	Up to 20 characters
1	<DOCUMENT>		
1	<TYPE>	485A24E	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

*For the submission types shown with an asterisk, the tag shown with an asterisk is optional. For all other submission types shown the tag is not applicable.

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

TAGS FOR SPECIFIC SUBMISSION TYPES

31 FOR THE FOLLOWING SUBMISSION TYPES:

N-14
S-6

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	N-14	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
5	<FILE-NUMBER>	00-00000-000	Up to 12 characters
4	</FILER>		
2	<DELAYING-AMENDMENT>		
4	<FEE-PAID>	000.00	Up to 15 digits
4	<METHOD>	Lockbox	Fedwire or Lockbox
2	<REFERENCES-429>	33-00000	Up to 12 characters
3	<EQUITY>	10000.000	Up to 15 characters
3	<DEBT>	10000.000	Up to 15 characters
3	<CONVERTIBLE>	10000.000	Up to 15 characters
3	<OTHER>	10000.000	Up to 15 characters
2	<OFFSET-PAYMENT>		
2	<AMOUNT>	1000.00	Up to 12 characters
2	<CIK>	667788	Up to 10 digits
2	<FORM-TYPE>	10-K	See list Appendix C
2	<FILE-NUMBER>	00-00000-000	
4	</OFFSET-PAYMENT>		
2	<PAYOR>		
2	<CIK>	654321	Up to 10 digits
2	<CCC>	PPP8*444	8 characters
4	</PAYOR>		
1	<DOCUMENT>		
1	<TYPE>	N-14	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

TAGS FOR SPECIFIC SUBMISSION TYPES

32. FOR THE FOLLOWING SUBMISSION TYPES:

485A24F 485B24F*
486A24F 486B24F*

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	485A24F	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
1	<FILE-NUMBER>	00-00000-000	Up to 12 characters
4	</FILER>		
4	<FEE-PAID>	000.00	Up to 15 digits
4	<METHOD>	Lockbox	Fedwire or Lockbox
1	<ACT>	33	2 digits
4	<EFFECTIVENESS-DATE>*	12/12/93	Up to 20 characters
2	<PAYOR>		
2	<CIK>	654321	Up to 10 digits
2	<CCC>	PPP8*444	8 characters
4	</PAYOR>		
1	<DOCUMENT>		
1	<TYPE>	EX-10.3	See list Appendix C
4	<DESCRIPTION>	Contract #2	Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

*For the submission types shown with an asterisk, the tag shown with an asterisk is optional. For all other submission types shown the tag is not applicable.

KEY TO LEVEL OF REQUIREMENT FOR TAGS

1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

TAGS FOR SPECIFIC SUBMISSION TYPES

33. FOR THE FOLLOWING SUBMISSION TYPES:

24F-1*
24F-2EL 24F-2EL/A
POS AMC**

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	24F-1	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
1	<FILE-NUMBER>	00-00000-000	Up to 12 characters
4	</FILER>		
4	<SERIES>*	Income series	Up to 40 characters
1	<REGISTERED>*	35,000,000	Up to 15 characters
1	<PRICE-PER-SHARE>*	$25.125	Up to 15 characters
4	<FEE-PAID>	000.00	Up to 15 digits
4	<METHOD	Lockbox	Fedwire or Lockbox
2	<PAYOR>**		
2	<CIK>**	654321	Up to 10 digits
2	<CCC>**	PPP8*444	8 characters
4	</PAYOR>**		
1	<DOCUMENT>		
1	<TYPE>	24F-1	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

* For the submission type shown with an asterisk, the tags shown with an asterisk apply. For all other submission types shown, those tags do not apply.

** For the submission type shown with a double asterisk, the tags shown with double asterisks are not recognized. For all other submission types shown, the tags are required when applicable.

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

TAGS FOR SPECIFIC SUBMISSION TYPES

34. FOR THE FOLLOWING SUBMISSION TYPES:

N14AE24/A N14EL24/A
S-6EL24/A*

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	N14AE24/A	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
1	<FILE-NUMBER>	00-00000-00	Up to 12 characters
4	</FILER>		
2	<REFERENCES-429>*		
4	<FEE-PAID>	000.00	Up to 15 digits
4	<METHOD>	Lockbox	Fedwire or Lockbox
2	<OFFSET-PAYMENT>		
2	<AMOUNT>	1000.00	Up to 12 characters
2	<CIK>	667788	Up to 10 digits
2	<FORM-TYPE>	10-K	See list Appendix C
2	<FILE-NUMBER>	00-00000-000	
4	</OFFSET-PAYMENT>		
2	<PAYOR>		
2	<CIK>	654321	Up to 10 digits
2	<CCC>	PPP8*444	8 characters
4	</PAYOR>		
1	<DOCUMENT>		
1	<TYPE>	N14AE24/A	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

*For the submission type shown with an asterisk, the tag shown with an asterisk is required when it applies to the filer's submission. For all other submission types shown the tag is not applicable.

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

35. FOR THE FOLLOWING SUBMISSION TYPES:

U-7D U-7D/A*

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	U-7D	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
4	</FILER>		
1	<SUBJECT-COMPANY>		
1	<NAME>	ABC COMPANY	Up to 60 characters
1	<CIK>	654321	Up to 10 digits
1	<IRS-NUMBER>	22-7777777	9 digits + hyphen
1	<FILE-NUMBER>*	00-00000-000	Up to 12 characters
1	</SUBJECT-COMPANY>		
1	<PERIOD>	12/12/91	Up to 12 characters
4	<FEE-PAID>	000.00	Up to 15 digits
4	<METHOD>	Lockbox	Fedwire or Lockbox
1	<DOCUMENT>		
1	<TYPE>	U-7D	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

* For the submission type shown with an asterisk, the tag shown with an asterisk is required. For all other submission types shown, the tag is required for confirming copies.

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 required for confirming copies

36. FOR THE FOLLOWING SUBMISSION TYPES:

F-2DPOS F-3DPOS

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	F-2DPOS	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
2&5	<FILE-NUMBER>	00-00000-000	Up to 12 characters
4	</FILER>		
2	<REFERENCES-429>	33-00000	Up to 12 characters
4	<EFFECTIVENESS-DATE>	12/12/93	Up to 20 characters
1	<DOCUMENT>		
1	<TYPE>	F-23POS	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

TAGS FOR SPECIFIC SUBMISSION TYPES

37. FOR THE FOLLOWING SUBMISSION TYPES:

F-3D/A
S-3D/A
SB-2/A
S-8/A

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	F-3D/A	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
1	<FILE-NUMBER>	00-00000-000	Up to 12 characters
4	</FILER>		
4	<FEE-PAID>	000.00	Up to 15 digits
4	<METHOD>	Lockbox	Fedwire or Lockbox
2	<REFERENCES-429>	33-00000	Up to 12 characters
2	<EQUITY>	10000.000	Up to 15 characters
2	<DEBT>	10000.000	Up to 15 characters
2	<CONVERTIBLE>	10000.000	Up to 15 characters
2	<OTHER>	10000.000	Up to 15 characters
1	<DOCUMENT>		
1	<TYPE>	F-3D/A	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

TAGS FOR SPECIFIC SUBMISSION TYPES

38. FOR THE FOLLOWING SUBMISSION TYPES:

F-2D
S-3D
F-3D
S-8

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	F-2D	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
5	<FILE-NUMBER>	00-00000-000	Up to 12 characters
4	</FILER>		
4	<FEE-PAID>	000.00	Up to 15 digits
4	<METHOD>	Lockbox	Fedwire or Lockbox
2	<REFERENCES-429>	33-00000	Up to 12 characters
3	<EQUITY>	10000.000	Up to 15 characters
3	<DEBT>	10000.000	Up to 15 characters
3	<CONVERTIBLE>	10000.000	Up to 15 characters
3	<OTHER>	10000.000	Up to 15 characters
4	<EFFECTIVENESS-DATE>	12/12/93	Up to 20 characters
1	<DOCUMENT>		
1	<TYPE>	F-2D	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of set of four required, 4 Optional, 5 Required for confirming copies

39. FOR THE FOLLOWING SUBMISSION TYPES:

P-1/A
S-4/A
S-20/A

S-11/A

USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1 <SUBMISSION>		
1 <TYPE>	F-1/A	See List Above
1 <DOCUMENT-COUNT>	1	Up to 3 digits
5 <CONFIRMING-COPY>		
4 <SUBMISSION-CONTACT>		
4 <NAME>	A. Jones	Up to 30 Characters
4 <PHONE>	202-555-1111	Up to 20 Characters
4 </SUBMISSION-CONTACT>		
4 <NOTIFY>	77777,7777	CompuServe ID
1 <FILER>		
1 <CIK>	123456	Up to 10 digits
1 <CCC>	MYCCC*92	8 characters
1 <FILE-NUMBER>	00-00000-000	Up to 12 characters
4 </FILER>		
4 <FEE-PAID>	000.00	Up to 15 digits
4 <METHOD>	Lockbox	Fedwire or Lockbox
2 <REFERENCES-429>	33-00000	Up to 12 characters
2 <EQUITY>	10000.000	Up to 15 characters
2 <DEBT>	10000.000	Up to 15 characters
2 <CONVERTIBLE>	10000.000	Up to 15 characters
2 <OTHER>	10000.000	Up to 15 characters
2 <OFFSET-PAYMENT>		
2 <AMOUNT>	1000.00	Up to 12 characters
2 <CIK>	667788	Up to 10 digits
2 <FORM-TYPE>	10-K	See list Appendix C
2 <FILE-NUMBER>	00-00000-000	
4 </OFFSET-PAYMENT>		
2 <PAYOR>		
2 <CIK>	654321	Up to 10 digits
2 <CCC>	PPP8*444	8 characters
4 </PAYOR>		
1 <DOCUMENT>		
1 <TYPE>	F-1/A	See list Appendix C
4 <DESCRIPTION>		Up to 50 characters
1 <TEXT>		
4 </DOCUMENT>		
1 </SUBMISSION>		

KEY TO LEVEL OR REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

40. FOR THE FOLLOWING SUBMISSION TYPES:

F-2/A
S-4EF/A*

F-3/A

USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1 <SUBMISSION>		
1 <TYPE>	F-2/A	See List Above
1 <DOCUMENT-COUNT>	1	Up to 3 digits
5 <CONFIRMING-COPY>		
4 <SUBMISSION-CONTACT>		
4 <NAME>	A. Jones	Up to 30 Characters
4 <PHONE>	202-555-1111	Up to 20 Characters
4 </SUBMISSION-CONTACT>		
4 <NOTIFY>	77777,7777	CompuServe ID
1 <FILER>		
1 <CIK>	123456	Up to 10 digits
1 <CCC>	MYCCC*92	8 characters
1 <FILE-NUMBER>	00-00000-000	Up to 12 characters
4 </FILER>		
4 <FEE-PAID>	000.00	Up to 15 digits
4 <METHOD>	Lockbox	Fedwire or Lockbox
2 <REFERENCES-429>	33-00000	Up to 12 characters
2 <EQUITY>	10000.000	Up to 15 characters
2 <DEBT>	10000.000	Up to 15 characters
2 <CONVERTIBLE>	10000.000	Up to 15 characters
2 <OTHER>	10000.000	Up to 15 characters
2 <PAYOR>		
2 <CIK>	654321	Up to 10 digits
2 <CCC>	PPP8*444	8 characters
4 </PAYOR>		
4 <EFFECTIVENESS-DATE>*	12/12/93	Up to 20 characters
1 <DOCUMENT>		
1 <TYPE>	F-2/A	See list Appendix C
4 <DESCRIPTION>		Up to 50 characters
1 <TEXT>		
4 </DOCUMENT>		
1 </SUBMISSION>		

*For the submission type shown with an asterisk, the tag shown with an asterisk is optional. For all other submission types shown the tag is not applicable.

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

TAGS FOR SPECIFIC SUBMISSION TYPES

41. FOR THE FOLLOWING SUBMISSION TYPES:

F-6 POS
S-4 POS*
S-3DPOS*
POS AM* **
S-8 POS

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	F-6 POS	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
1	<FILE-NUMBER>	00-00000-000	Up to 12 characters
4	</FILER>		
2	<REFERENCES-429>*	33-00000	Up to 12 characters
4	<EFFECTIVENESS-DATE>**	12/12/93	Up to 20 characters
1	<DOCUMENT>		
1	<TYPE>	F-6 POS	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

*For the submission types shown with an asterisk, the tags with an asterisk are required when they apply to the filer's submission. For other form types shown, the tags with an asterisk are not applicable.

**For the submission type shown with a double asterisk, the tag shown with a double asterisk is not applicable.

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

TAGS FOR SPECIFIC SUBMISSION TYPES

42. FOR THE FOLLOWING SUBMISSION TYPES:

487*
S-6/A

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	487	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
1	<FILE-NUMBER>	00-00000-000	Up to 12 characters
4	</FILER>		
4	<FEE-PAID>	000.00	Up to 15 digits
4	<METHOD>	Lockbox	Fedwire or Lockbox
2	<EQUITY>	10000.000	Up to 15 characters
2	<DEBT>	10000.000	Up to 15 characters
2	<CONVERTIBLE>	10000.000	Up to 15 characters
2	<OTHER>	10000.000	Up to 15 characters
4	<EFFECTIVENESS-DATE>*	12/12/93	Up to 20 characters
2	<OFFSET-PAYMENT>		
2	<AMOUNT>	1000.00	Up to 12 characters
2	<CIK>	667788	Up to 10 digits
2	<FORM-TYPE>	10-K	See list Appendix C
2	<FILE-NUMBER>	00-00000-000	
4	</OFFSET-PAYMENT>		
2	<PAYOR>		
2	<CIK>	654321	Up to 10 digits
2	<CCC>	PPP8*444	8 characters
4	</PAYOR>		
1	<DOCUMENT>		
1	<TYPE>	487	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

*For the submission type shown with an asterisk, the tag shown with an asterisk is optional. For all other submission types shown, the tag is not applicable.

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

43. FOR THE FOLLOWING SUBMISSION TYPES:

F-4/A

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	F-4/A	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
1	<FILE-NUMBER>	00-00000-000	Up to 12 character
4	</FILER>		
4	<FEE-PAID>	000.00	Up to 15 digits
4	<METHOD>	Lockbox	Fedwire or Lockbox
2	<EQUITY>	10000.000	Up to 15 characters
2	<DEBT>	10000.000	Up to 15 characters
2	<CONVERTIBLE>	10000.000	Up to 15 characters
2	<OTHER>	10000.000	Up to 15 characters
2	<PAYOR>		
2	<CIK>	654321	Up to 10 digits
2	<CCC>	PPP8*444	8 characters
4	</PAYOR>		
2	<OFFSET-PAYMENT>		
2	<AMOUNT>	1000.00	Up to 12 characters
2	<CIK>	667788	Up to 10 digits
2	<FORM-TYPE>	10-K	See list Appendix C
2	<FILE-NUMBER>	00-00000-000	
4	</OFFSET-PAYMENT>		
1	<DOCUMENT>		
1	<TYPE>	F-4/A	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

44. FOR THE FOLLOWING SUBMISSION TYPES:

SC 13G

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	SC 13G	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
4	</FILER>		
1	<SUBJECT-COMPANY>		
1	<NAME>	ABC COMPANY	Up to 60 characters
1	<CIK>	654321	Up to 10 digits
1	<IRS-NUMBER>	22-7777777	9 digits + hyphen
5	<FILE-NUMBER>	00-00000-000	Up to 12 characters
1	</SUBJECT-COMPANY>		
4	<FEE-PAID>	000.00	Up to 15 digits
4	<METHOD>	Lockbox	Pedwire or Lockbox
1	<DOCUMENT>		
1	<TYPE>	SC 13G	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

TAGS FOR SPECIFIC SUBMISSION TYPES

45. FOR THE FOLLOWING SUBMISSION TYPES:

SC 13E1/A, SC 13G/A, SC 14D9, SC 14D9/A, U-12-IA, U-12-IA/A, U-12-IB, U-12-IB/A, U-13E-1, U-13E-1/A

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	SC 13E1/A	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
4	</FILER>		
1	<SUBJECT-COMPANY>		
1	<NAME>	ABC COMPANY	Up to 60 characters
1	<CIK>	654321	Up to 10 digits
1	<IRS-NUMBER>	22-7777777	9 digits + hyphen
5	<FILE-NUMBER>	00-00000-000	Up to 12 characters
1	</SUBJECT-COMPANY>		
1	<DOCUMENT>		
1	<TYPE>	SC 13E1/A	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

TAGS FOR SPECIFIC SUBMISSION TYPES

46. FOR THE FOLLOWING SUBMISSION TYPES:

SC 13E1, SC 13E3, SC 13E3/A, SC 13E4, SC 13E4/A

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	SC 13E1	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
4	</FILER>		
1	<SUBJECT-COMPANY>		
1	<NAME>	ABC COMPANY	Up to 60 characters
1	<CIK>	654321	Up to 10 digits
1	<IRS-NUMBER>	22-7777777	9 digits + hyphen
5	<FILE-NUMBER>	00-00000-000	Up to 12 characters
1	</SUBJECT-COMPANY>		
4	<FEE-PAID>	00.00	Up to 15 characters
4	<METHOD>	Lockbox	Fedwire or Lockbox
2	<OFFSET-PAYMENT>		
2	<AMOUNT>	$4000.00	Up to 12 + decimals
2	<CIK>	555555	Up to 10 digits
2	<FORM-TYPE>	PREM14A	List in Appendix A
2	<FILE-NUMBER>	00-00000-000	Up to 12 characters
4	</OFFSET-PAYMENT>		
2	<PAYOR>		
2	<CIK>	234567	Up to 10 digits
2	<CCC>	ACCC#234	8 characters
4	</PAYOR>		
1	<DOCUMENT>		
1	<TYPE>	SC 13E1	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

TAGS FOR SPECIFIC SUBMISSION TYPES

47. FOR THE FOLLOWING SUBMISSION TYPES:

SC 14D1 SC 14D1/A

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	SC 14D1	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
2	<FORM-TYPE>	SC 13D	See Appendix A
4	</FILER>		
1	<SUBJECT-COMPANY>		
1	<NAME>	ABC COMPANY	Up to 60 characters
1	<CIK>	654321	Up to 10 digits
1	<IRS-NUMBER>	22-7777777	9 digits + hyphen
5	<FILE-NUMBER>		
4	</SUBJECT-COMPANY>		
4	<FEE-PAID>	00.00	Up to 15 characters
4	<METHOD>	Lockbox	Fedwire or Lockbox
2	<OFFSET-PAYMENT>		
2	<AMOUNT>	$4000.00	Up to 12 + decimals
2	<CIK>	555555	Up to 10 digits
2	<FORM-TYPE>	PREM14A	List in Appendix A
2	<FILE-NUMBER>	00-00000-000	
4	</OFFSET-PAYMENT>		
2	<PAYOR>		
2	<CIK>	234567	Up to 10 digits
2	<CCC>	ACCC#234	8 characters
4	</PAYOR>		
1	<DOCUMENT>		
1	<TYPE>	SC 14D1	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

TAGS FOR SPECIFIC SUBMISSION TYPES

48. FOR THE FOLLOWING SUBMISSION TYPES:

24F-2TM* 24F-2TM/A

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	24F-2TM	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
1	<FILE-NUMBER>	00-00000-000	Up to 12 characters
4	</FILER>		
4	<FEE-PAID>	000.00	Up to 15 digits
4	<METHOD>	Lockbox	Fedwire or Lockbox
2	<PAYOR>		
2	<CIK>	234567	Up to 10 digits
2	<CCC>	ACCC#234	8 characters
4	</PAYOR>		
1	<SHARES>		
4	<SERIES>	Income series	Up to 40 characters
1	<SALES-PROCEEDS>*	$2,000,000.00	Up to 15 characters
2	<REDEEMED-VALUE>	$1,000,000.00	Up to 15 character
2	<REDEEMED-VALUE-USED>	$1,000,000,00	Up to 15 characters
1	<DOCUMENT>		
1	<TYPE>	24f-2TM	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

*For the submission type shown with an asterisk, the tag shown with an asterisk is required. For all other submission types shown, the tag is required when it applies to the filer's submission.

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

TAGS FOR SPECIFIC SUBMISSION TYPES

49. FOR THE FOLLOWING SUBMISSION TYPES:

24F-2NT* 24F-2NT/A 24F-3NT* 24F-3NT/A

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	24F-2NT	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
1	<FILE-NUMBER>	00-00000-000	Up to 12 characters
4	</FILER>		
1	<PERIOD>	12/12/91	Up to 20 characters
4	<FEE-PAID>	000.00	Up to 15 digits
4	<METHOD>	Lockbox	Fedwire or Lockbox
2	<PAYOR>		
2	<CIK>	234567	Up to 10 digits
2	<CCC>	ACCC#234	8 characters
4	</PAYOR>		
1	<SHARES>		
4	<SERIES>	Income series	Up to 40 characters
1	<SALE-PROCEEDS>*	$2,000,000.00	Up to 15 characters
2	<REDEEMED-VALUE>	$1,000,000.00	Up to 15 character
2	<REDEEMED-VALUE-USED>	$1,000,000,00	Up to 15 characters
1	<DOCUMENT>		
1	<TYPE>	24F-2NT	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

*For the submission types shown with an asterisk, the tag shown with an asterisk is required. For all other submission types shown, the tag with an asterisk is required when it applies to the filer's submission.

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

TAGS FOR SPECIFIC SUBMISSION TYPES

50. FOR THE FOLLOWING SUBMISSION TYPES:

DEFC14A DEFC14C
DEF13E3 DEF13E3/A
SC 14F1 SC 14F1/A*

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	DEFC14A	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
4	</FILER>		
1	<SUBJECT-COMPANY>*		
1	<NAME>*	ABC COMPANY	Up to 60 characters
1	<CIK>*	654321	Up to 10 digits
1	<IRS>*	22-7777777	9 digits + hyphen
5	<FILE-NUMBER>**	00-00000-000	Up to 12 characters
4	</SUBJECT-COMPANY>		
1	<DOCUMENT>		
1	<TYPE>	DEFC14A	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

* For the submission type shown with an asterisk, the tags shown with an asterisk are required when applicable. For all other submission types shown, the tags shown with an asterisk are required.

**The tag shown with a double asterisk is required for subject company filings that are confirming copies.

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

TAGS FOR SPECIFIC SUBMISSION TYPES

S1. FOR THE FOLLOWING SUBMISSION TYPES:

F-2D/A
F-6EF/A*

F-6/A

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	F-2D/A	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
1	<FILE-NUMBER>	00-00000-000	Up to 12 characters
1	</FILER>		
4	<FEE-PAID>	000.00	Up to 15 digits
4	<METHOD>	Lockbox	Fedwire or Lockbox
2	<EQUITY>	10000.000	Up to 15 characters
2	<DEBT>	10000.000	Up to 15 characters
2	<CONVERTIBLE>	10000.000	Up to 15 characters
2	<OTHER>	10000.000	Up to 15 characters
4	<EFFECTIVENESS-DATE>*	12/12/93	Up to 20 characters
1	<DOCUMENT>		
1	<TYPE>	F-2D/A	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

*For the submission type shown with an asterisk, the tag shown with an asterisk does not apply.

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

TAGS FOR SPECIFIC SUBMISSION TYPES

S2. FOR THE FOLLOWING SUBMISSION TYPES:

S-4EF

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	S-4EF	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
5	<FILE-NUMBER>	00-00000-000	Up to 12 characters
4	</FILER>		
4	<FEE-PAID>	000.00	Up to 15 digits
4	<METHOD>	Lockbox	Fedwire or Lockbox
2	<REFERENCES-429>	33-00000	Up to 12 characters
3	<EQUITY>	10000.000	Up to 15 characters
3	<DEBT>	10000.000	Up to 15 characters
3	<CONVERTIBLE>	10000.000	Up to 15 characters
3	<OTHER>	10000.000	Up to 15 characters
2	<PAYOR>		
2	<CIK>	232323	Up to 10 digits
2	<CCC>	12WE#$RT	8 characters
2	<PAYOR>		
4	<EFFECTIVENESS-DATE>	12/12/93	Up to 20 characters
1	<DOCUMENT>		
1	<TYPE>	S-4EF	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

TAGS FOR SPECIFIC SUBMISSION TYPES

53. FOR THE FOLLOWING SUBMISSION TYPES:

S-1/A S-3/A

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	S-1/A	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
2	<FORM-TYPE>	S-1	Up to 10 characters
1	<FILE-NUMBER>	00-00000-000	Up to 12 characters
4	</FILER>		
4	<FEE-PAID>	000.00	Up to 15 digits
4	<METHOD>	Lockbox	Fedwire or Lockbox
2	<REFERENCES-429>	33-00000	Up to 12 characters
2	<EQUITY>	10000.000	Up to 15 characters
2	<DEBT>	10000.000	Up to 15 characters
2	<CONVERTIBLE>	10000.000	Up to 15 characters
2	<OTHER>	10000.000	Up to 15 characters
1	<DOCUMENT>		
1	<TYPE>	S-1/A	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

TAGS FOR SPECIFIC SUBMISSION TYPES

54. FOR THE FOLLOWING SUBMISSION TYPES:

SC 13D SC 13D/A*

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	SC 13D	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
2	<FORM-TYPE>	SC 13D	See Appendix C
4	</FILER>		
1	<SUBJECT-COMPANY>		
1	<NAME>	ABC COMPANY	Up to 60 characters
1	<CIK>	654321	Up to 10 digits
1	<IRS-NUMBER>	22-7777777	9 digits + hyphen
5	<FILE-NUMBER>	00-00000-000	Up to 12 characters
1	</SUBJECT-COMPANY>		
4	<FEE-PAID>*	00.00	Up to 15 characters
4	<METHOD>*	Lockbox	Fedwire or Lockbox
1	<DOCUMENT>		
1	<TYPE>	SC 13D	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

*For the submission type shown with an asterisk, the tags shown with asterisks are not applicable. For the types shown, the tags are optional.

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

TAGS FOR SPECIFIC SUBMISSION TYPES

55. FOR THE FOLLOWING SUBMISSION TYPES:

PREC14A PREC14C

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	PREC14A	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
4	</FILER>		
4	<FEE-PAID>	000.00	Up to 15 digits
4	<METHOD>	Lockbox	Fedwire or Lockbox
1	<SUBJECT-COMPANY>		
1	<NAME>	ABC COMPANY	Up to 60 characters
1	<CIK>	654321	Up to 10 digits
1	<IRS-NUMBER>	22-7777777	9 digits + hyphen
5	<FILE-NUMBER>	00-00000-000	Up to 12 characters
1	</SUBJECT-COMPANY>		
1	<DOCUMENT>		
1	<TYPE>	PREC14A	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

TAGS FOR SPECIFIC SUBMISSION TYPES

56. FOR THE FOLLOWING SUBMISSION TYPES:

F-6*
SB-2

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	F-6	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
5	<FILE-NUMBER>	00-00000-000	Up to 12 characters
4	</FILER>		
2	<DELAYING-AMENDMENT>		
4	<EFFECTIVENESS-DATE>*	12/12/93	Up to 20 characters
4	<FEE-PAID>	000.00	Up to 15 digits
4	<METHOD>	Lockbox	Fedwire or Lockbox
2	<REFERENCES-429>	33-00000	Up to 12 characters
3	<EQUITY>	10000.000	Up to 15 characters
3	<DEBT>	10000.000	Up to 15 characters
3	<CONVERTIBLE>	10000.000	Up to 15 characters
3	<OTHER>	10000.000	Up to 15 characters
1	<DOCUMENT>		
1	<TYPE>	F-6	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
4	</DOCUMENT>		
1	</SUBMISSION>		

* For the submission type shown with an asterisk, the tag shown with an asterisk is optional. For all other submission types shown, the tag does not apply.

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

TAGS FOR SPECIFIC SUBMISSION TYPES

57. FOR THE FOLLOWING SUBMISSION TYPES:

10-KT 10-KT/A
10-QT 10-QT/A
11-KT 11-KT/A

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	10-KT	See List Above
1	<DOCUMENT-COUNT>	1	Up to 3 digits
5	<CONFIRMING-COPY>		
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	</SUBMISSION-CONTACT>		
4	<NOTIFY>	77777,7777	CompuServe ID
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
5	<FILE-NUMBER>	00-00000-000	Up to 12 characters
4	</FILER>		
1	<NEW-COMPANY-DATA>		
1	<FISCAL-YEAR-END>	06/30	Up to 5 characters
1	</NEW-COMPANY-DATA>		
1	<PERIOD>	12/12/91	Up to 20 characters
1	<DOCUMENT>		
1	<TYPE>	10-KT	See list Appendix C
4	<DESCRIPTION>		Up to 50 characters
1	<TEXT>		
1	</DOCUMENT>		
1	</SUBMISSION>		

* For the submission type shown with an asterisk, the tags shown with an asterisk are required. For all other submission types shown, the tags shown with an asterisk are optional.

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one of this set of four required, 4 Optional, 5 Required for confirming copies

APPENDIX C
ACCEPTABLE VALUES FOR CERTAIN EDGAR TAGS

Values for some EDGAR tags must be presented in a specific "conformed" format. Those values are shown on the following pages.

Tag	Page
<ITEMS>	C-2
<METHOD>	C-2
<REGION> (to be used in a future release)	C-4
<SROS>	C-4
<STATE>	C-3
<STATE-OF-INCORPORATION>	C-3
<TYPE>	C-5

<ITEMS>

The following numbers are used as values for the tag <ITEMS> to represent the items described below. The <ITEMS> tag is acceptable only with the various 8-K filings. (When more than one item is included, the number values must be separated with white space.)

EXAMPLE:
<ITEMS> 1 8
or
<ITEMS> 1
8

DESCRIPTION	VALUE
Changes in control of registrant	1
Acquisition or disposition of assets	2
Bankruptcy or receivership	3
Changes in registrant's certifying accountant	4
Other events	5
Resignations of registrant's directors	6
Financial statements and exhibits	7
Change in fiscal year	8

<METHOD>

FEE PAYMENT METHOD--Values acceptable with the tag <METHOD>

LOCKBOX FEDWIRE

<STATE-OF-INCORPORATION>
<STATE>

U.S. STATES AND POLITICAL DIVISIONS--Values acceptable with tags <STATE> and <STATE-OF-INCORPORATION>

STATE	VALUE	STATE	VALUE
Alabama	AL	Nevada	NV
Alaska	AK	New Hampshire	NH
Arizona	AZ	New Jersey	NJ
Arkansas	AR	New Mexico	NM
California	CA	New York	NY
Colorado	CO	North Carolina	NC
Connecticut	CT	North Dakota	ND
Delaware	DE	Ohio	OH
District of Columbia	DC	Oklahoma	OK
Florida	FL	Oregon	OR
Georgia	GA	Pennsylvania	PA
Hawaii	HI	Puerto Rico	PR
Idaho	ID	Rhode Island	RI
Illinois	IL	South Carolina	SC
Indiana	IN	South Dakota	SD
Iowa	IA	Tennessee	TN
Kansas	KS	Texas	TX
Kentucky	KY	Utah	UT
Louisiana	LA	Vermont	VT
Maine	ME	Virgin Islands, U.S.	VI
Maryland	MD	Virginia	VA
Massachusetts	MA	Washington	WA
Michigan	MI	West Virginia	WV
Minnesota	MN	Wisconsin	WI
Mississippi	MS	Wyoming	WY
Missouri	MO		
Montana	MT		
Nebraska	NE		

CANADIAN PROVINCES--Values acceptable with the tags <STATE> and <STATE-OF-INCORPORATION> when a Canadian province is to be indicated.

PROVINCE	VALUE	PROVINCE	VALUE
Alberta	AO	Ontario	A6
British Columbia	A1	Prince Edward Island	A7
Manitoba	A2		
New Brunswick	A3	Quebec	A8
Newfoundland	A4	Saskatchewan	A9
Nova Scotia	A5	Yukon	BO

OTHER COUNTRIES--Values acceptable with the tags <STATE> and <STATE-OF-INCORPORATION> when a country other than the U.S. or Canada is indicated.

NOTE:
Foreign issuers should call Filer Support for the correct Country Code.

<REGION> TO BE USED IN FUTURE RELEASES

SEC REGIONS-Values acceptable with tag <REGION>

REGION	VALUE	REGION	VALUE
Atlanta	ARO	Los Angeles	LARO
Boston	BRO	New York	NYRO
Chicago	CRO	Philadelphia	PRO
Denver	DRO	Seattle	SRO
Fort Worth	FWRO		

<SROS>

SELF-REGULATORY ORGANIZATIONS--Values acceptable with tag <SROS>

ORGANIZATION	VALUE
American Stock Exchange	AMEX
Boston Stock Exchange	BSE
Chicago Board Options Exchange	CBOE
Cincinnati Stock Exchange	CSE
Midwest Stock Exchange	MSE
National Association of Securities Dealers	NASD
New York Stock Exchange	NYSE
Philadelphia Stock Exchange	PHLX
Pacific Stock Exchange	PSE
Spokane Stock Exchange	SSE

<TYPE>

SUBMISSION AND/OR DOCUMENT TYPES--Values acceptable with the tag <TYPE>

1. The following are acceptable values for the tag <TYPE> in the **submission headers:**

DESCRIPTION	VALUE
EDGAR name of filing required to be made to the SEC	(All submission types listed in Appendix A)
Correspondence Submission	CORRESP
Modular Submission	MODULE
Segment Submission	SEGMENT

2. The following are acceptable values for the <TYPE> tag in the **document headers:**

DESCRIPTION	VALUE
Cover letter	COVER
Correspondence document	CORRESP
Module document	MODULE
NASAA document	EU-1
Segment document	SEGMENT
Name of form type required to be filed with the SEC	(All submission types listed in Appendix A)
Exhibits	(As shown below)

Document headers for Exhibits should be based on the descriptions of values listed below.

Underwriting agreement	EX-1
Plan of acquisition, reorganization, arrangement, liquidation, or succession	EX-2
Articles of incorporation	EX-3.(i)
By-laws	EX-3.(ii)

DESCRIPTION	VALUE
Instruments defining the rights of security holders, including indentures	EX-4
Opinion re legality	EX-5
Opinion re discount on capital shares	EX-6
Opinion re liquidation preference	EX-7
Opinion re tax matters	EX-8
Voting trust agreement	EX-9
Material contracts	EX-10
Statement re computation of per share earnings	EX-11
Statement re computation of ratios	EX-12
Annual report to security holders, Form 10-Q or quarterly report to security holders	EX-13
Material foreign patents	EX-14
Letter re unaudited interim financial information	EX-15
Letter re change of certifying accountant	EX-16
Letter re director resignation	EX-17
Letter re change in accounting principles	EX-18
Report furnished to security holders	EX-19
Other documents or statements to security holders	EX-20
Subsidiaries of the registrant	EX-21

ACCEPTABLE VALUES FOR CERTAIN EDGAR TAGS Continued

DESCRIPTION	VALUE
Published report regarding matters submitted to vote of security holders	EX-22
Consents of experts and counsel	EX-23
Power of attorney	EX-24
Statement of eligibility of trustee (The filer has the option of amending an EX-25 with an amended registration statement. It is submitted as an EX-25/A.)	EX-25
Invitations for competitive bids	EX-26
Financial data schedule	EX-27
Information from reports furnished to state insurance regulatory authorities	EX-28
Additional exhibits (to be used for exhibits not specifically designated by another number)	EX-99

NOTE:

1) When using the values EX-1 through EX-99, the filer may add characters after a decimal point to further define the exhibit being submitted.

   EXAMPLE:
   EX-10.24 Supply contracts

2) EX-27, financial data schedules, are not required at this time.

APPENDIX D
MESSAGES REPORTED BY THE EDGAR SYSTEM

INTRODUCTION

The EDGAR system generates either acceptance or suspension messages that are sent to filers after a filing has been received by the EDGAR system. Either type of message may contain notices of discrepancies or inconsistencies in the submission. Those notices are reported as warnings or errors. Errors cause a submission to be suspended, warnings do not.

After a suspension message is generated by the EDGAR system, the filer must correct or resubmit the submission before it can be accepted by the SEC.

NOTES:

1) In some cases, the EDGAR system may replace an unrecognizable character in the filer's submission with a circumflex(^).
2) Some discrepancies may generate either a warning or an error message depending upon the tag or value involved.
3) Filers who use EDGARLink's CORRECT ERRORS IN FILING option to check a filing before submitting it to the SEC, will receive the same error messages as those received from the EDGAR system.

In this Appendix, the following are included:

* examples of acceptance and suspension messages;
* examples of errors and warnings reported in acceptance and suspension messages, and the accompanying messages that are generated; and
* an alphabetical listing of error/warning messages, with explanations, and suggested solutions.

FOR ASSISTANCE WITH ERROR MESSAGES

Filers who have problems understanding error messages or in creating the required correction, may call the SEC's Filer Support staff for assistance at (202) 272-7171.

NEW LABELS FOR E-MAIL MESSAGES

All accepted and suspended E-Mail messages for Release 3.0 will have a CONFIRMING COPY field added to them. New fields also have been added for CO-REGISTRANT(S), SERIAL COMPANY(S), SUBJECT COMPANY, and FILED BY. See the acceptance messages below for examples of each.

Messages that concern submissions with registrants, serial companies, or subject companies include those CompuServe IDs in the message address.

EXAMPLE OF ACCEPTANCE MESSAGE RETURNED VIA E-MAIL FOR ONE OR MORE REGISTRANTS

```
From:     EDGAR POSTMASTER [75300,1032]
To:       75300,1000
To:       75300,1024
Subj:     ACCEPTED FORM TYPE 10-K
Date:     14-JAN-93  14:45 EST
MSG ID:   97349-56392

THE FOLLOWING FILING HAS BEEN ACCEPTED BY THE U.S. SECURITIES AND
EXCHANGE COMMISSION:

COMPANY:  MUNICIPAL INVESTMENTS TAX EXEMPT FUND
FORM TYPE:  10-K                  NUMBER OF DOCUMENTS: 3
RECEIVED DATE:  14-JAN-93 10:18   ACCEPTED DATE:  14-JAN-93  14:00
TEST FILING: NO                   CONFIRMING COPY: NO

ACCESSION NUMBER:  1010101010-93-010051

FILE NUMBER(S):
1. 33-89023

THE PASSWORD FOR LOGIN CIK 1010101010 WILL EXPIRE 31-DEC-93
00:00

PLEASE REFER TO THE ACCESSION NUMBER LISTED ABOVE FOR FUTURE
INQUIRIES.

REGISTRANT(S):

1.  CIK:           1010101010
    COMPANY:       MUNICIPAL INVESTMENTS TAX EXEMPT FUND
    FORM TYPE:     10-K
    FILE NUMBER(S):
    1.  33-89023

2.  CIK:           1010101012
    COMPANY:       COUNTY INVESTMENTS TAX EXEMPT FUND
    FORM TYPE:     10-K
    FILE NUMBER(S):
    1. 33-89025
```

MESSAGES REPORTED BY THE EDGAR SYSTEM Continued
****

A label, SERIAL COMPANY(S), identifying the Serial Company(s) will be placed before the listing of Serial Company(s) and after a listing of Registrant company(s).

A serial company is a new company which is created by the filing company as a result of the filing. Each serial company will become a separate filing entity.

EXAMPLE OF ACCEPTANCE MESSAGE FOR ONE OR MORE SERIAL COMPANY(S)

From: EDGAR POSTMASTER [75300,1032]
To: 75300,1000
To: 75300,1020
To: 75300,1047
Subj: ACCEPTED FORM TYPE 424B2
Date: 14-JAN-93 14:45 EST
MSG ID: 97349-56392

THE FOLLOWING FILING HAS BEEN ACCEPTED BY THE U.S. SECURITIES AND EXCHANGE COMMISSION:

COMPANY: MUNICIPAL INVESTMENTS TAX EXEMPT FUND
FORM TYPE: 424B2 NUMBER OF DOCUMENTS: 3
RECEIVED DATE: 14-JAN-93 10:18 ACCEPTED DATE: 14-JAN-93 14:00
TEST FILING: NO CONFIRMING COPY: NO

ACCESSION NUMBER: 1010101010-93-333068

FILE NUMBER(S):
1. 33-89023

THE PASSWORD FOR LOGIN CIK 1010101010 WILL EXPIRE 31-DEC-93 00:00

PLEASE REFER TO THE ACCESSION NUMBER LISTED ABOVE FOR FUTURE INQUIRIES.

REGISTRANT(S):

1. CIK: 1010101010
COMPANY: PUTNAM MASSACHUSETTS TAX EXEMPT INCOME FUND
FORM TYPE: 424B2
FILE NUMBER(S):
1. 33-89023

MESSAGES REPORTED BY THE EDGAR SYSTEM Continued
****

THE SERIAL COMPANIES IDENTIFIED IN YOUR ACCEPTED FORM <TYPE> (424B2) HAVE BEEN ASSIGNED THE FOLLOWING CONFORMED NAME(S), CIK(S), AND FILE NUMBER(S). A FORM ID SHOULD BE SUBMITTED WITH RESPECT TO EACH OF THESE SERIAL COMPANIES IN ORDER TO OBTAIN THE EDGAR ACCESS CODES THAT WILL BE NEEDED TO MAKE SUBSEQUENT ELECTRONIC FILINGS ON THEIR BEHALF.

SERIAL COMPANY(S)

1. CIK: 1010101015
COMPANY: PUTNAM MINNESOTA TAX EXEMPT INCOME FUND
FORM TYPE: 424B2
FILE NUMBER(S):
1. 33-89028

2. CIK: 1010101020
COMPANY: PUTNAM OHIO TAX EXEMPT INCOME FUND
FORM TYPE: 424B2
FILE NUMBER(S):
1. 33-89031

MESSAGES FOR SUBJECT COMPANY(S) AND FILED BY COMPANY(S)

Messages for the form types containing subject and filed by companies, have been changed.

A subject company is the registrant about which the filing is made; the company which is the subject of the filing.

A filed by company is the company, registrant or person who made the filing. This filing is made pursuant to a subject company.

NOTE:
While messages which contain the labels REGISTRANT(S), SERIAL COMPANY(S), or SUBJECT COMPANY will also list the company CIK, form type filed and the form file number, only the company CIK and name of the submitting company are listed under the FILED BY label.

EXAMPLE

```
From:     EDGAR POSTMASTER [75300,1032]
To:       75300,1000
To:       75300,1027
To:       75300,1047
Subj:     ACCEPTED FORM TYPE 424B2
Date:     14-JAN-93  14:45 EST
MSG ID:   97349-56392

THE FOLLOWING FILING HAS BEEN ACCEPTED BY THE U.S. SECURITIES AND
EXCHANGE COMMISSION:

COMPANY:  MUNICIPAL INVESTMENTS TAX EXEMPT FUND
FORM TYPE:  10-K                  NUMBER OF DOCUMENTS: 3
RECEIVED DATE:  14-JAN-93 10:18   ACCEPTED DATE:  14-JAN-93  14:00
TEST FILING: NO                   CONFIRMING COPY: NO

ACCESSION NUMBER:  1010101010-93-333068

FILE NUMBER(S):
1. 33-89023

THE PASSWORD FOR LOGIN CIK 1010101010 WILL EXPIRE 31-DEC-93
00:00

PLEASE REFER TO THE ACCESSION NUMBER LISTED ABOVE FOR FUTURE
INQUIRIES.

SUBJECT COMPANY:
1.  CIK:            1010101010
    COMPANY:        PUTNAM MASSACHUSETTS TAX EXEMPT INCOME FUND
    FORM TYPE:      10-K
    FILE NUMBER (S):
    1. 33-89023

2.  CIK:            1010101012
    COMPANY:        PUTNAM MICHIGAN TAX EXEMPT INCOME FUND
    FORM TYPE:      10-K
    FILE NUMBER(S):
    1. 33-89025

FILED BY:
    CIK:            1010101015
    FILER:          PUTNAM MINNESOTA TAX EXEMPT INCOME FUND
```


EXAMPLE OF SUSPENSION MESSAGE RETURNED VIA E-MAIL

```
From:     EDGAR POSTMASTER [75300,1032]
To:       00000,0000
Subj:     SUSPENDED FORM TYPE 485A POS
Date:     16-JAN-92  14:45 EST
MSG ID:   13359-36894

THE FOLLOWING FILING HAS BEEN SUSPENDED BY THE U.S. SECURITIES
AND EXCHANGE COMMISSION:

COMPANY:  MUNICIPAL FUND INVESTMENTS
FORM TYPE:  485APOS               NUMBER OF DOCUMENTS:  1
RECEIVED DATE:  16-JAN-92 10:18   SUSPENDED DATE:  16-JAN-92 14:00
TEST FILING:  NO                  CONFIRMING COPY:  NO

ACCESSION NUMBER:  0000123789-92-006521

FILE NUMBER(S):
1. 2-92893

THE PASSWORD FOR LOGIN CIK 0000123567 WILL EXPIRE 01-FEB-92
00:00.

CORRECTIONS TO THIS FILING MUST BE RECEIVED WITHIN SIX BUSINESS
DAYS OR THE ENTIRE FILING MUST BE RE-SUBMITTED.  PLEASE REFER TO
THE 'ACCESSION NUMBER' LISTED ABOVE WHEN MAKING CORRECTIONS.
NOTE THAT MODULE, SEGMENT, AND CORRECTION SUBMISSION CANNOT BE
CORRECTED; THEY MUST BE RESUBMITTED.

ERR:      INVALID_CHARACTER
MSG1:     Invalid ASCII code, value (156) at location specified.
REF:      (The message that appears here represents the text of
          the filing and approximately five lines prior to the
          error and the error itself. This will show you where the
          error is in context and will make it easier to find the
          invalid character. The error will be repeated but, in
          the case of invalid ASCII codes, may not be printable.)

LOC:      LINE NUMBER: 450 LINE OFFSET: 29 FILE OFFSET: 27000

WRN:      WARNING - UNRECOGNIZED TAG
MSG1:     <DOCUMENT-COUNT> tag is not recognized by EDGAR
LOC:      LINE NUMBER:  3 LINE OFFSET:0  FILE OFFSET:28
```

EXPLANATION OF ERROR MESSAGES

Each error will be listed in the order in which it was encountered in the EDGAR processing. Some error conditions may generate more than one error.

The error message that filers will receive either by E-Mail or U.S. Mail will have the following format:

ERR: SUBMISSION_START_ERROR
(This information is for use only by the EDGAR system)

MSG1: Unrecognized characters precede <SUBMISSION> tag. (A message describing the error.)

NOTE: If the same error occurs repeatedly in a filing, not all of the errors will be reported. For example, if the filing has exceeded the reporting limit for the number of invalid characters in a filing, only the first 10 occurrences will be reported.

MSG2: Text displayed in the "MSG2" section will provide supplemental information related to the error found in the submission. If a MSG2 section is included, the information may be displayed in 8 lines or less.

REF: (When a reference is possible, the reference section will show where an error is located in the filing. If a REF message is included, it will display approximately five lines preceding the error and end with the error condition message.

LOC: (This portion of the message assists the filer in finding the error by indicating the line number of the filing [not the page number], the position in the entire filing. EDGARLink uses this information to move directly to the error so that the filer can observe and repair the error easily.)

For example, the LOC section of the error message could be:

LINE NUMBER: 30 LINE OFFSET: 5 FILE OFFSET: 1234

This appendix lists the Error Message names in alphabetical order.

The "ERR" or "WRN" and "MSG" sections of an error-check message are repeated in the LIST OF ERRORS. Two additional categories of information have been included in this list:

DESCRIPTION OF ERROR: (This is a more detailed description of the problem which caused the error and may explain why the filing was not accepted.)

SOLUTION: (This section of the message makes some suggestions for correcting the error.)

NOTE: Some error messages can be used for more than one tag or error. In each error message that can apply to multiple tags, the term <tag> is used. The error message in EDGARLink and received by E-Mail will indicate the actual tag which caused the error. For example, your error message may be:

ERR: REQUIRED_TAG_MISSING

MSG: Required <CIK> tag is missing.

When you find "REQUIRED_TAG_MISSING" in the LIST OF ERRORS, the message reads:

MSG: Required <tag> tag is missing.

Since there are many tags which are required for acceptance, not all of the possible messages are listed here. The EDGARLink or E-Mail message specifies exactly which required tag is missing.

Similarly, the value of a tag may be noted in the error message received from E-Mail or EDGARLink. In the listing of errors in the manual, however, the message will have the tag value in parentheses (value). The E-Mail error message will show the actual value that was inserted. For example, if the correct CIK is 0000456789 and 0000466789 was entered after the <CIK> tag, the error message will read:

ERR: INCONSISTENT_TAG_VALUE

MSG1: <CCC> value is consistent with <CIK> (0000466789).

Some errors have a "MSG2" which provides more detail about the error.

For the above error the message in this appendix, will look like this:

MSG1: <TAG> value is inconsistent <CIK> (value).

The message ID (MSG ID) at the top of the error or acceptance message is a number generated by the EDGAR software for CompuServe. This is a unique number for CompuServe tracking and accounting purposes. Questions directed to CompuServe about the message delivery, not its contents of the acceptance or suspension message, should refer to this number.

Although the EDGARLink application and EDGAR system have been designed to find as many errors as possible, certain types of errors in a submission will halt processing so that subsequent errors cannot be detected.

For example, when a submission type is not recognizable by the system, the filing requirements cannot be checked. Under such conditions, the filer will receive the message, "May contain other errors."

LIST OF ERRORS AND WARNINGS	(Errors [ERR] will cause a filing to be suspended; warnings [WRN] will not.)
WRN: MSG:	ACCEPT_WITH_ERROR Previous error(s) ignored for continued processing. Submission has been accepted with the listed errors.
DESCRIPTION OF WARNING:	This warning is associated with SEC processing of the filing.
SOLUTION:	Error will not suspend submission. No action is required.

ERR: MSG:	ALREADY_ACCEPTED The original submission has already been accepted.
DESCRIPTION OF ERROR:	This error occurs when a correction script is submitted for a filing that was already accepted by EDGAR. Once a filing has been accepted by EDGAR, no corrections may be made to it.
SOLUTION:	Make sure the accession number of the suspended submission is correct.

WRN: MSG:	BEGIN_TAG_MISSING </tag> has no corresponding <tag> tag.
DESCRIPTION OF WARNING:	An end tag was found for which no corresponding begin tag was found.
SOLUTION:	If the begin tag is missing, insert it. If the begin tag is present, but misspelled, correct it. If the end tag is extraneous, remove it.

LIST OF ERRORS AND WARNINGS — **(Errors [ERR] will cause a filing to be suspended; warnings [WRN] will not.)**

WRN: CHARACTERS_OUT_OF_PLACE
MSG: (value) not permitted after <tag>.

DESCRIPTION OF WARNING: The tag displayed above does not have a value associated with it. The information you entered after the tag is in the wrong place in the submission.

SOLUTION: Relocate or remove the misplaced characters.

ERR: DUPLICATE_FILER
MSG: FILER <CIK> (value) is duplicated.

DESCRIPTION: OF ERROR: The filer <CIK> (value) is duplicated in the set of co-registrant filers.

SOLUTION: Correct or remove the duplicate <CIK> value.

ERR: DUPLICATE_FILING
MSG: Duplicate filing.

DESCRIPTION OF ERROR: Filer has apparently submitted a duplicate filing. This error may require SEC intervention for proper resolution.

SOLUTION: Verify period of report and make correction, if necessary. If a duplicate filing was submitted inadvertently, no further action is needed. A suspended submission is deleted from the EDGAR system after six (6) business days. Or, contact the SEC for additional information needed to resolve this problem.

LIST OF ERRORS AND WARNINGS — **(Errors [ERR] will cause a filing to be suspended; warnings [WRN] will not.)**

ERR: DUPLICATE_MODULE_NAME
MSG: Attempt to re-use module name (value).
MSG2:

DESCRIPTION OF ERROR: Attempt to ADD, DELETE, or REPLACE the module more than once in a single submission, or attempt to add a module that already exists.

SOLUTION: Either rename a module which you wish to add or if this is a second attempt to add or replace a module, check with Filer Support; the module may have already been received and replaced or added, therefore no further action would be required.

ERR: DUPLICATE_SEGMENT_NAME
MSG: Attempt to re-use segment name (value).

DESCRIPTION OF ERROR: Attempt to use duplicate segment names. This error can occur from:

Duplicate segment names within one segment submission.

Attempt to use segment name defined in a previous submission.

***** NOTES:

Segment names expire on use or after six days from entry date.

SOLUTION: Define unique segment name and resubmit.

ERR: DUPLICATE_TAG_VALUE
MSG: <tag> (value) is duplicated.

DESCRIPTION OF ERROR: The same tag value occurs more than once in the list of tag values.

SOLUTION: Eliminate the duplicate value.

LIST OF ERRORS AND WARNINGS	(Errors [ERR] will cause a filing to be suspended; warnings [WRN] will not.)
ERR or WRN:	DUPLICATED_TAG
MSG:	<tag> tag is duplicated.
DESCRIPTION OF ERROR OR WARNING:	Duplicate entries of this tag are not permitted. For example, two <FEE-PAID> tags are not permitted.
SOLUTION:	Remove the duplicate tag and any associated value.

ERR:	EMPTY_SUBMISSION_FILE
MSG:	Empty submission file.
DESCRIPTION OF ERROR:	File submitted contains no text or headers.
SOLUTION:	Make sure that the file transmitted contains the submission.

WRN:	END_TAG_MISSING
MSG:	<tag> has no corresponding </tag>.
DESCRIPTION OF WARNING:	A begin tag was found for which the required end tag was missing.
SOLUTION:	If the end tag is missing, insert it. If the end tag is present, but misspelled, correct it. If the begin tag is extraneous, remove it.

LIST OF ERRORS AND WARNINGS	(Errors [ERR] will cause a filing to be suspended; warnings [WRN] will not.)
ERR:	INCONSISTENT_MULTIPLE_TAG_VALUES
MSG:	<tag1> (value) <tag2> (value) are inconsistent with <tag3> (value).
DESCRIPTION OF ERROR:	There is an inconsistency in the values reported. This error is likely to occur when the <CIK> (number) <FORM> (form type) is not acceptable as a co-registrant form type for the <TYPE> (form type) given for the submission.
SOLUTION:	Make sure that the <FORM> (form type) nested under the <FILER> tag is acceptable as a co-registrant form type when compared to the <TYPE> (form type) given for the entire submission.

WRN:	INCONSISTENT_TAGS
MSG:	<tag1> is inconsistent with <tag2>.
DESCRIPTION OF WARNING:	The submission header contains conflicting information. For instance, the filing must be either <TEST> or <LIVE>, not both.
SOLUTION:	Eliminate the incorrect tag.

ERR:	INCONSISTENT_TAG_VALUE
MSG:	<TAG> value is inconsistent with <TAG> (value).
DESCRIPTION OF ERROR:	Either the CIK or the CCC is invalid.
SOLUTION:	Check your records and correct the inconsistent value.

LIST OF ERRORS AND WARNINGS	(Errors [ERR] will cause a filing to be suspended; warnings [WRN] will not.)
ERR:	INSUFFICIENT_FEE_FUNDS
MSG:	This filing has insufficient fee funds.
DESCRIPTION OF ERROR:	Insufficient funds were sent to pay the fee.
SOLUTION:	Check the amount required. Send additional funds; or, contact Filer Support if your calculations do not agree with the SEC.

ERR:	INVALID_ACCOUNT
MSG:	This filing has an invalid fee account number.
DESCRIPTION OF ERROR:	Incorrect account number
SOLUTION:	Check your account number. Correct it or contact Filer Support.

WRN:	INVALID_ADDRESS_DATA
MSG:	No (value) data accepted; see previous errors for details on invalid data.
DESCRIPTION OF ERROR :	Address grouping is invalid.
SOLUTION:	Submit new grouping.

LIST OF ERRORS AND WARNINGS	(Errors [ERR] will cause a filing to be suspended; warnings [WRN] will not.)
ERR:	INVALID_CHARACTER
MSG:	Invalid ASCII code (value) at location specified.
DESCRIPTION OF ERROR:	The submission contains an invalid character. EDGAR has provided the decimal numeric value of the invalid character because it may not be printable or displayable. The submission is stored in EDGAR with a circumflex (^) in place of the invalid character(s).
SOLUTION:	If you have received many messages about invalid characters, you may have submitted a word processing document without converting it to ASCII first. In this case, convert the filing to ASCII and submit the ASCII version. Receiving such messages after submitting an ASCII version of the filing indicates that your word processing software may have made an incomplete translation to ASCII. The additional codes will need to be removed individually. The software's "search and replace" feature may be of assistance in locating errors in this regard. If there are few such messages, remove the invalid character(s) individually and resubmit the filing. If you can not "see" the error, it may be a code that can not be displayed on your PC screen. You may be able to correct the filing by deleting and inserting a space at the location indicated. If there are only a few such messages and correction of this document would represent an unreasonable burden, call Filer Support to explore whether replacement of the invalid characters with a circumflex (^) destroys the readability of the document.

LIST OF ERRORS AND WARNINGS (Errors [ERR] will cause a filing to be suspended; warnings [WRN] will not.)

ERR: INVALID_CIK_PHASE_IN_GROUP
MSG: CIK (value) has not been phased in.

MSG: The submission has been suspended because <CIK> (value) is not assigned to a group that has been phased-in and the Form <TYPE> (value) is not exempted from the phase-in schedule.

SOLUTION: Submit only test submissions or call Filer Support.

ERR: INVALID_COMPANY_EMAIL_ADDRESS
MSG: Filer or agent must be a CompuServe E-Mail subscriber.

MSG: (value) submissions will not be accepted unless the filer, <CIK> (value), or the filing agent, <CIK> (value) is a CompuServe electronic mail subscriber.

SOLUTION: Correct the E-Mail address if it is in error. If you are attempting to send a module or a segment submission, you must be a CompuServe subscriber.

ERR: INVALID_CORRECTION_SCRIPT
MSG: Correction script created using wrong base file.

DESCRIPTION OF ERROR: The correction script was created using a base file that is not the same as the suspended submission you are trying to correct. The base file used for creating the correction script must be EXACTLY the same as the file originally submitted to the SEC.

SOLUTION: Make sure that you are creating the correction script from the same version of the suspended filing originally submitted to the SEC.

LIST OF ERRORS AND WARNINGS (Errors [ERR] will cause a filing to be suspended; warnings [WRN] will not.)

ERR: INVALID_EFFECTIVENESS_DATE
MSG: Effectiveness date of the submission is outside the range allowed.

DESCRIPTION OF ERROR: The effectiveness date provided is either greater than or less than the allowed range.

SOLUTION: Resubmit with a valid effectiveness date.

ERR: INVALID_FEE_DATA
MSG: This filing has invalid fee data.

DESCRIPTION OF ERROR: Fee data is incomplete. This error may occur as a result of other errors.

SOLUTION: Correct all errors and resubmit.

ERR: INVALID_OFFERING_DATA
MSG: This filing has invalid fee offering data.

DESCRIPTION: Offering data is invalid.

SOLUTION: Check offering data. Correct and resubmit.

ERR or WRN: INVALID_TAG
MSG: <tag> tag is not valid for this submission type.

DESCRIPTION OF ERROR OR WARNING: The submission includes a tag not valid for the submission type. For example, the use of the <PERIOD> tag with a <SUBMISSION><TYPE> S-1, or the use of a <DELAYING-AMENDMENT> tag in a <SUBMISSION><TYPE> 10-K.

SOLUTION: If a filing was suspended, make sure the <SUBMISSION><TYPE> is what you intended, and remove the invalid tag(s). Otherwise, no action is required. Refer to Appendix B for information on tags that may be used with each form type.

LIST OF ERRORS AND WARNINGS	(Errors [ERR] will cause a filing to be suspended; warnings [WRN] will not.)
WRN:	INVALID_TAG
MSG:	TAG is not valid for this document type.
DESCRIPTION OF ERROR:	<tag> is invalid.
SOLUTION:	Remove tag.

WRN:	INVALID_TAG_PAIR_VALUES
MSG:	<tag1> <tag2> (value) is not valid for <tag3> <tag4> (value).
DESCRIPTION OF WARNING:	The filing contains a tag value which conflicts with another tag value. For instance, the <DOCUMENT><TYPE> value in the document header may be inconsistent with the <SUBMISSION><TYPE> value.
SOLUTION:	Correct the inconsistent value.

ERR:	LOGIN_CIKS_DO_NOT_MATCH
MSG:	Login CIKs for the correction script and original submission do not match.
DESCRIPTION OF ERROR:	The CIK used to send the correction script is not the same CIK which was used to submit the original filing.
SOLUTION:	Generate a new correction script. Log on to EDGAR with the same CIK that was used to send the original filing. Resubmit the correction script.

ERR:	MISSING_REQUIRED_FEE_DATA
MSG:	This filing is missing required fee data.
DESCRIPTION OF ERROR:	Data on which the fee is calculated is incomplete.
SOLUTION:	All tags required are present. This error messages usually occurs with other error messages. Correct all errors and resubmit.

LIST OF ERRORS AND WARNINGS	(Errors [ERR] will cause a filing to be suspended; warnings [WRN] will not.)
ERR:	MODULE_NOT_FOUND
MSG:	Referenced module (value) does not exist for <CIK> (value).
DESCRIPTION OF ERROR:	The module that has been referenced is not in the database.
SOLUTION:	Check that the reference has been entered exactly as it was named when submitted. Either correct the module name or resubmit the module.

ERR:	MODULE_REFERENCE_ERROR
MSG:	Improperly formed module response.
DESCRIPTION OF ERROR:	The module reference is not correctly formed. This probably is the result of a missing </MODULE> tag or perhaps spaces or other white space with the characters of the </MODULE> tag.
SOLUTION:	Check for missing or invalid <MODULE> tag and correct as necessary. Resubmit the filing.

LIST OF ERRORS AND WARNINGS	(Errors [ERR] will cause a filing to be suspended; warnings [WRN] will not.)
ERR:	MODULE_REFERENCE_TYPE_ERROR
MSG:	Type 1 module (value) is invalid in context. Type 2 is permissible.
DESCRIPTION OF ERROR:	A module reference was encountered in the wrong context. Modules are of two types: 1. module Type 1 consists of a partial document, 2. module Type 2 consists of one or more whole documents. Modules of Type 1 must be referenced only from within the <TEXT> portion of a document. Modules of Type 2 must be referenced between documents or immediately following the submission header.
SOLUTION:	Check the type of module being referenced and the location of the reference. Correct the reference location.

ERR:	MODULE_TOO_BIG
MSG:	Module (value) is too big.
DESCRIPTION OF ERROR:	You have exceeded the maximum size of a single module currently set to 1 Megabyte.
SOLUTION:	Either resubmit in more than one module or do nothing and the oversized module will be purged from the system.

LIST OF ERRORS AND WARNINGS	(Errors [ERR] will cause a filing to be suspended; warnings [WRN] will not.)
ERR:	MODULES_TOO_BIG
MSG:	Module (value), size (value) bytes will exceed the (value) bytes allowed for CIK (value)
MSG2:	Prior to re-submitting module (value), delete at least one of the following (value) modules (value).
DESCRIPTION OF ERROR:	Modules too big based on modules already on the system. The current maximum is 1 Megabyte total for the CIK.
SOLUTION:	Send the new module as a replacement, or delete seldom used modules

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ERR:	MODULES_TOO_BIG_SUBMISSION
MSG:	Modules taken together are too big.
DESCRIPTION OF ERROR:	Modules too big based on a single MODULE submission. The current maximum is one megabyte total for the CIK.
SOLUTION:	Use a different CIK to store some of the modules or reduce the total module submission size.

WRN or ERR:	NESTED_TAG_ERROR
MSG:	<tag1> should be nested under <tag2>.
DESCRIPTION OF ERROR OR WARNING:	The first tag listed in the message is in the wrong location.
SOLUTION:	Nest the first tag named and its value under the second tag value.

LIST OF ERRORS AND WARNINGS	(Errors [ERR] will cause a filing to be suspended; warnings [WRN] will not.)
ERR:	NEW_COMPANY_NAME
MSG:	Filer (value) attempted to change the company name to (value).
DESCRIPTION OF ERROR	This error is associated with SEC processing of the filing and will require SEC intervention for proper resolution.
SOLUTION:	This message is for SEC action. It is included in an error message because other errors have been found.

ERR:	NO_DOCUMENT/SUBMISSION_MATCH
MSG:	No document type matches the submission type.
DESCRIPTION OF ERROR:	Each submission must include a <DOCUMENT><TYPE> value that matches the <SUBMISSION><TYPE> value. A <DOCUMENT><TYPE> value matching the <SUBMISSION><TYPE> value was not found in the filing. Either the required document is missing or the <DOCUMENT><TYPE> value is incorrect.
SOLUTION:	Add the missing document to the submission or correct a <DOCUMENT><TYPE> value already present. If a document is added, make sure the <DOCUMENT-COUNT> is correct.

ERR:	NSAR_ERROR_CHECK
MSG:	NSARs should be error checked and corrected by the N-SAR PC Application. <NSAR-ERRORS> (value)
DESCRIPTION OF ERROR:	The current value of <NSAR-ERRORS> is not correct. This value is inserted by the PC application at the time of answer file generation based on the error check. "FOUND" and "NOT FOUND" are acceptable values. "NOT CHECKED" is not acceptable.
SOLUTION:	Correct value by running the NSAR error check prior to answer file generation. Use the NSAR application to change values in answer file.

LIST OF ERRORS AND WARNINGS	(Errors [ERR] will cause a filing to be suspended; warnings [WRN] will not.)
ERR:	OFICS_CANCELED_SUBM_REVIEW
MSG:	Bisync submission suspended due to invalid login tag values.
DESCRIPTION OF ERROR:	This error is associated with SEC processing of the filing and will require SEC intervention for proper resolution.
SOLUTION:	Contact the SEC for additional information needed to resolve this problem.

ERR:	OISM_MANUAL_FEE_REVIEW
MSG:	Submission has been blocked for manual fee review.
DESCRIPTION OF ERROR:	This error is associated with SEC processing of the filing and will require SEC intervention for proper resolution.
SOLUTION:	Contact the SEC for additional information needed to resolve this problem.

ERR:	REPLACE/DELETE_MODULE_NOT_FOUND
MSG:	Replace or Delete module <value> not found.
DESCRIPTION OF ERROR:	Module designated to be replaced or deleted is not on the database.
SOLUTION:	Verify module name. If you wanted to delete the module, do nothing further. The module is not on the system. If you wanted to replace a module, add the new module now. Old module has been deleted.

ERR:	REQUIRED_TAG_MISSING
MSG:	Required <tag> tag is missing.
DESCRIPTION OF ERROR:	The indicated tag was not found, but is required for acceptance.
SOLUTION:	Add required tag. Refer to Chapter 4 for information on required tags and Appendix B for information on required tags by form type.

LIST OF ERRORS AND WARNINGS (Errors [ERR] will cause a filing to be suspended; warnings [WRN] will not.)

WRN: SEG_EXPIRATION_NOTICE
MSG: The segment (value) cannot be used after (date).

DESCRIPTION OF ERROR: This is an information message which describes the length of time an unused segment is valid. After the specified time the segment is expired and must be resubmitted to be available.

SOLUTION: No action required.

ERR: SEGMENT_NOT_FOUND
MSG: Referenced segment (value) does not exist for <CIK> (value).

DESCRIPTION OF ERROR: The filing contains a reference to a segment that does not presently exist in the EDGAR system for the referencing CIK.

SOLUTION: Check the name of the segment in reference for accuracy. Correct if necessary or submit the missing segment and then resubmit the filing.

ERR: SEGMENT_REFERENCE_ERROR
MSG: Improperly formed segment reference

DESCRIPTION OF ERROR: The segment reference is not correctly formed. This is most likely the result of a missing tag or perhaps spaces or other white space with the characters of the tag.

SOLUTION: Check for missing or invalid tag, correct and resubmit or submit the missing segment.

LIST OF ERRORS AND WARNINGS (Errors [ERR] will cause a filing to be suspended; warnings [WRN] will not.)

ERR: SEGMENT_REFERENCE_TYPE_ERROR
MSG: Type 1 segment (value) is invalid in context.
Type 2 is permissible.

DESCRIPTION OF ERROR: A segment reference was encountered in the wrong context. Segments are of two types:

1. segment Type 1 consists of a partial document,
2. segment Type 2 consists of one or more whole documents.

Segments of Type 1 must be referenced only from within the <TEXT> portion of a document.

Segments of Type 2 must be referenced between documents or immediately following the submission header.

SOLUTION: Check the type of segment being referenced and the location of the reference. Correct the reference location.

ERR: SEGMENT_USED_ERROR
MSG: Referenced segment (value) previously used by <CIK> (value).

DESCRIPTION OF ERROR: The filing contains a reference to a segment that has already been used by the referencing CIK. A segment may only be used once - even in one filing. Used segments are deleted from the EDGAR system overnight.

SOLUTION: Check the name of the segment in reference for accuracy. Correct if necessary and then resubmit. If the segment name is correct in the reference but the segment was submitted and refused because of the duplicate name, either wait until the next day to resubmit the segment and the filing, or change the name of the segment and submit the segment and then the filing with the reference name changed as well.

LIST OF ERRORS AND WARNINGS	(Errors [ERR] will cause a filing to be suspended; warnings [WRN] will not.)
ERR:	SUBMISSION_ALREADY_CORRECTED
MSG:	Original submission already corrected and replaced by Accession Number (value).
DESCRIPTION OF ERROR:	A submission cannot be corrected twice. If a corrected submission cannot be accepted until further corrections are made, they must be made to the submission as modified and the accession number of the replacement (modified) submission must be used.
SOLUTION:	Do either of the following: (1) Correct and resubmit the entire submission. (2) Create and submit a new correction script. The CORRECTED submission file used for creating the previous correction script should be used as the BASE file, to be compared against a NEW corrected submission file. When the script is submitted, the accession number of the replacement submission (taken from the error message relating to the replacement submission) should be used to identify the suspended submission to be corrected.

ERR:	SUBMISSION_END_ERROR
MSG:	Unrecognized characters follow </SUBMISSION> tag.
DESCRIPTION OF ERROR:	Unrecognized characters were found after the </SUBMISSION> tag.
SOLUTION:	Ensure that the </SUBMISSION> tag ends the file. For multiple submissions on tape and diskette, refer to Sections 7 and 8 in the Filer Manual.

ERR:	SUBMISSION_HEADER_IS_MISSING
MSG:	Submission header is missing.
DESCRIPTION OF ERROR:	Information has been submitted without any submission header information.
SOLUTION:	Create a submission header and place it at the beginning of the file. Resubmit.

LIST OF ERRORS AND WARNINGS	(Errors [ERR] will cause a filing to be suspended; warnings [WRN] will not.)
ERR:	SUBMISSION_NOT_FOUND
MSG:	The suspended submission with Accession Number (value) not found.
DESCRIPTION OF ERROR:	A suspended submission with the accession number designated by your correction script cannot be found, indicating that: (1) You used the wrong accession number to designate the suspended submission; (2) The designated submission has already been repaired and accepted; or (3) The designated submission has been deleted. (A suspended submission is deleted from the EDGAR system after six (6) business days.)
SOLUTION:	(1) If you used the incorrect accession number, resubmit the correction script using the correct number. (2) If the suspended submission has been repaired and accepted, no further action is required. (3) If the suspended submission has been deleted, correct the original submission and resubmit it.

ERR:	SUBMISSION_START_ERROR
MSG:	Unrecognized characters precede <SUBMISSION> tag.
DESCRIPTION OF ERROR:	Unrecognized characters were found ahead of the <SUBMISSION> tag.
SOLUTION:	Ensure that the <SUBMISSION> tag starts the file.

LIST OF ERRORS AND WARNINGS (Errors [ERR] will cause a filing to be suspended; warnings [WRN] will not.)

ERR: SUBMISSION_SUSPEND
MSG: The submission has been suspended due to previously encountered errors.

DESCRIPTION OF ERROR: The filing was suspended due to previously encountered errors that the SEC could not or chose not to fix.

SOLUTION: Refer to each previous error, its associated description, and suggested solution.

ERR: TAG_PAIR_VALUE_MISSING
MSG: Required <tag1> value <tag2> is missing.

DESCRIPTION OF ERROR: The filing is of submission type SC 13D, SC 13D/A, SC 14D1, or SC 14D1/A. For these submission types only, a filer may optionally specify an additional file form-type value from this list within the <filer> group. When the filer elects to use this option, the submission type value must also be identified within the filer group. It was not.

SOLUTION: Ensure that a <FILER><FORM-TYPE> value equivalent to the <SUBMISSION><TYPE> is present in addition to the additional <FILER><FORM-TYPE> value specified. Allowable combinations are:

1. SC 13D and SC 14D1,
2. SC 13D/A and SC 14D1/a,
3. SC 13D/A and SC 14D1.

ERR or WRN: TAG_PAIR_VALUE_MISSING/INVALID
MSG: Value for <tag1> <tag2> is missing or invalid (value).

DESCRIPTION OF ERROR OR WARNING: The value for the second tag is missing or invalid.

SOLUTION: Insert a value or correct the value.

LIST OF ERRORS AND WARNINGS (Errors [ERR] will cause a filing to be suspended; warnings [WRN] will not.)

ERR or WRN: TAG_VALUE_MISSING_OR_INVALID
MSG: Value for <tag> is missing or invalid (value).

DESCRIPTION OF ERROR OR WARNING: The value for the tag specified is incorrect or missing. Common occurrences of this error include incorrect coding or omitting the value for the <TYPE>, <CIK>, <FILE-NUMBER>, <PERIOD>, or <ACT> tags when these tags are required for the filing. This error will appear as a warning if no value is found following either the <CONTACT-NAME> or <CONTACT-PHONE>.

SOLUTION: Insert or correct the required tag value and resubmit the filing. Include <CONTACT-NAME> and <CONTACT-PHONE> information in future filings.

ERR: TAG_VALUE_TOO_LONG
MSG: <tag> value truncated to (parameter) characters as (truncated value).

DESCRIPTION OF ERROR: The tag value submitted either exceeds the permitted length or was not properly separated from other elements of the filing.

SOLUTION: Reported for your information. No action is required.

ERR: TEXT_EXCEEDS_80_CHARACTERS
MSG: Text line exceeds 80 characters.

DESCRIPTION OF ERROR: The text of the submission exceeds 80 characters (including spaces) on the line indicated. Text exceeding 80 characters on a line is not permitted except in tagged tables.

SOLUTION: If the specified line is not in a table, eliminate the excess characters. If the specified line is in a table, insert the correct table tags. See Section 4 for information on table tagging.

LIST OF ERRORS AND WARNINGS	(Errors [ERR] will cause a filing to be suspended; warnings [WRN] will not.)
ERR: MSG:	TEXT_EXCEEDS_132_CHARACTERS Text line exceeds 132 characters.
DESCRIPTION OF ERROR:	The text of the submission exceeds 132 characters (including spaces) on the line indicated. Text exceeding 132 characters on a line cannot be accepted by the EDGAR system.
SOLUTION:	Eliminate the excess characters.

ERR: MSG:	TOO_FEW_DOCUMENTS Too few <value> documents <value> received for <SUBMISSION> <TYPE> <value>.
DESCRIPTION OF WARNING:	Too few documents <value> for submission type <value> were received.
SOLUTION:	Amend the submission or resubmit with the missing document.

WRN: MSG:	TOO_FEW_DOCUMENTS_RECEIVED Number of documents received (value) is less than <DOCUMENT-COUNT> (value).
DESCRIPTION OF WARNING:	This is a warning that fewer documents were received than were specified in the <DOCUMENT-COUNT> value.
SOLUTION:	If all documents intended to be submitted were included in the submission and properly identified by document headers, no further action is required. Otherwise an amendment may be necessary.

ERR: MSG:	TOO_FEW_S_AND/OR_C_TAGS Less than two <S> and/or <C> tags within a <TABLE> section.
DESCRIPTION OF ERROR:	Tables must include two of these tags over columns and or stub; use in any combination.
SOLUTION:	Insert necessary tags and resubmit or send a correction script.

LIST OF ERRORS AND WARNINGS	(Errors [ERR] will cause a filing to be suspended; warnings [WRN] will not.)
ERR: MSG:	TOO_FEW_SUBMISSION_DOCUMENTS <SUBMISSION> <TYPE> (value) was suspended because it lacks a <DOCUMENT> <TYPE> (value).
DESCRIPTION OF ERROR:	<SUBMISSION> <TYPE> (value) was suspended because the <DOCUMENT> <TYPE> (value) was not received. One document type matching the submission type is required.
SOLUTION:	Send a corrected submission containing one document matching the submission type.

WRN: MSG:	TOO_MANY_DOCUMENTS Too many (value) documents (value) for <SUBMISSION> <TYPE> (value).
DESCRIPTION OF WARNING:	Duplicate <DOCUMENT> <TYPE> values were found where not permitted. Duplicate form types are not permitted but duplicate exhibits, and correspondence <DOCUMENT><TYPE> values are permitted.
SOLUTION:	Correct the <DOCUMENT> <TYPE> value or remove the duplicate document. Note, however, that one <DOCUMENT><TYPE> value must be the same as the <SUBMISSION><TYPE> value. Also, make sure the <DOCUMENT-COUNT> value is correct.

ERR: MSG:	TOO_MANY_DOCUMENTS_RECEIVED Number of documents received (value) is greater than <DOCUMENT-COUNT> (value).
DESCRIPTION OF ERROR:	More documents were received than were specified in the <DOCUMENT-COUNT> value. The filing has been suspended for your resolution of this problem because EDGAR cannot assume that you meant to submit all of what was received.
SOLUTION:	Verify the <DOCUMENT-COUNT> value. If it is correct, eliminate the extra document(s) in the submission. If the <DOCUMENT-COUNT> is low, correct the value.

LIST OF ERRORS AND WARNINGS (Errors [ERR] will cause a filing to be suspended; warnings [WRN] will not.)

ERR: TOO_MANY_SUBMISSION_DOCUMENTS
MSG: <SUBMISSION> <TYPE> (value) was suspended for two or more <DOCUMENT> <TYPE> (value).

DESCRIPTION OF ERROR: <SUBMISSION> <TYPE> (value) was suspended because more than one <DOCUMENT> <TYPE> (value) was not received. Only one document type matching the submission type can be accepted.

SOLUTION: Send a corrected submission containing only one document matching the submission type.

ERR: TOO_MANY_MODULES
MSG: Module (value) cannot be accepted because (value) modules for CIK (value) already exist.
MSG2: Prior to re-submitting module (value) delete at least one of the following modules (value).

DESCRIPTION OF ERROR: Too many modules based on modules already on the system. The current maximum is 10 modules/CIK.

ERR: TOO_MANY_MODULES_SUBMISSION
MSG: Too many modules.

DESCRIPTION OF ERROR: Too many modules in a single MODULE submission. The current maximum is 10 modules/CIK.

SOLUTION: Revise your submission and resubmit.

ERR: UNABLE_TO_ASSIGN_FILE_NUM
MSG: The prefix of the reporting file number (value) is invalid; or
No old reporting file number was found for <CIK> (value); or
No reporting file number was found, therefore no file number was assigned.

DESCRIPTION OF ERROR: This error is associated with SEC processing of the filing and will require SEC intervention for proper resolution.

SOLUTION: Contact the SEC for additional information needed to resolve this problem.

LIST OF ERRORS AND WARNINGS (Errors [ERR] will cause a filing to be suspended; warnings [WRN] will not.)

WRN: UNRECOGNIZED_TAG
MSG: <tag> tag is not recognized by EDGAR.

DESCRIPTION OF WARNING: EDGAR was unable to recognize this tag.

SOLUTION: If the tag is applicable for this submission, but has been misspelled or incorrectly formatted, correct it. Otherwise no action is required.

WRN: UNSUPPORTED_TAG
MSG: <tag> tag is not supported by the current EDGAR release.

DESCRIPTION OF WARNING: The tag is not supported in the current release of EDGAR.

SOLUTION: No action required.

APPENDIX E
FUTURE TAGGING FOR EXHIBIT: FINANCIAL DATA SCHEDULES

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* Beginning November 1, 1993, Financial Data Schedules will be required as exhibits in connection with specified electronic filings. See Rules 401 and 402 of Regulation S-T and Item 601(c) of Regulations S-K and S-B. For investment companies, see Rule 483 of Regulation C, and for public utility holding companies, see Forms U5S, U-1, U-13-60, and U-3A-2. The information below will be supplemented by additional information in a later version of the Filer Manual before the effective date of the requirement. *
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FILINGS PROCESSED BY THE DIVISION OF CORPORATION FINANCE

In the future, for registrants whose filings are processed by the Division of Corporation Finance, a Financial Data Schedule will be required as an exhibit to any electronic registration statement, report or other document filed with the Commission that includes updated annual or interim financial statements. After the effective date of this requirement, a phased in electronic filer will be required to furnish the Financial Data Schedule with its first electronic filing that includes financial statements, not incorporated by reference from an earlier filing, with information reflecting the most recent fiscal year and/or interim year to date contained in such financial statements to be included in the Schedule. In most cases, Exchange Act reporting companies that are mandated electronic filers will furnish a Schedule in connection with each Form 10-K and Form 10-Q filing. However, if a filing containing updated financial statements not represented in a previously filed Financial Data Schedule is made before the Form 10-K or 10-Q is filed, that filing will be the one to include the Schedule.

The Financial Data Schedule will require data only for the most recent fiscal year or interim year to date period, or both (if included in a registration statement to which a schedule relates) for which financial statements have not been filed previously.

Foreign private issuers and foreign governments will not be required to furnish Financial Data Schedules, even if they volunteer to file on EDGAR.

Certain registrants include financial information from more than one Article of Regulation S-X in their consolidated

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financial statements. A registrant that presents disaggregated information about non-homogeneous industry operations on the face of its primary financial statements will have the option to file Financial Data Schedule information that is relevant to each industry in which it has significant operations, along with specified aggregated information on Schedule CT. Alternatively, such a registrant may aggregate financial information into a single format prepared in accordance with the Regulation S-X Article relating to the registrant's primary business.

If a Securities Act registration statement does not contain certified financial statements for the registrant's last full fiscal year (or for the life of the registrant if less than a full fiscal year) preceding the fiscal year in which the registration statement became effective, the registrant must file a special report pursuant to Exchange Act Rule 15d-2 furnishing certified financial statements for such last full fiscal year or other period, as appropriate. A special report is required to be filed under cover of the facing sheet of the form appropriate for annual reports, generally Form 10-K. The Financial Data Schedule is required to be furnished with the special report in the same manner as any other filing on a Form 10-K. Thus, the Financial Data Schedule is required to be furnished for the latest fiscal year included in the special report.

FILINGS PROCESSED BY THE DIVISION OF IM:

INVESTMENT COMPANY FORMS

The following forms will require an Article 6 Financial Data Schedule:

N-1		486APOS
N-1/A		486A24E
N-1A	S-6	486A24F
N-1A/A	S-6/A	486BPOS
N-1AEL	S-6EL24	486B24E
N-AEL/A	S-6EL24/A	486B24F
N-2	487	POS AMI
N-2/A	485APOS	NSAR-A
N-3	485A24E	NSAR-AT
N-3/A	485A24F	NSAR-B
N-3EL	485BPOS	NSAR-BT
N-4	485B24E	
N-4EL	485B24F	
N-4EL/A		

The following forms will require an Article 5 Financial Data Schedule when filed by investment companies:

S-3	PREM14A
S-3/A	DEFM14A
10	

The following forms will require either an Article 5 or an Article 6 Financial Data Schedule when filed by investment companies:

S-1	10-K	N-5
S-1/A	10-Q	N-5/A

PUBLIC UTILITY HOLDING COMPANY FORMS

The following forms will require an OPUR1 Financial Data Schedule when filed by public utility companies:

U-1	U5S
	U5S/A
U-1/A	POS AMC

The following form will require an OPUR2 Financial Data Schedule when filed by public utility companies:

U-13-60
U-13-60/A

The following form will require an OPUR3 Financial Data Schedule when filed by public utility companies:

U-3A-2
U-3A-2/A

FORMAT AND INPUT OF FINANCIAL DATA SCHEDULES:

(1) Unless otherwise noted, all Financial Data Schedule tags for a particular article type are required. "RWA" indicates that a tag is required when applicable. "OPT" indicates that a tag is optional. The order in which the tags are supplied must conform to the order shown for a particular article type.

(2) Footnote tags <F1>...<F99> are not explicitly identified in the tag lists. However, they are expressly permitted to annotate data. Placement is at the discretion of the filer and may occur anywhere

between the <TEXT> and </TEXT> tags. Footnote tags may also be placed in the <FN> sub-section(s) of any <TABLE> section. See Section 4 of the Filer Manual for discussion and examples of table tagging.

(3) The allowable values for the <MULTIPLIER> tag are listed below. Commas may be omitted. If the <MULTIPLIER> tag is not used, a default value of 1 will be assumed.

1
1,000
1,000,000
1,000,000,000
1,000,000,000,000

(4) The allowable values for the <PERIOD-TYPE> tag are listed below:

QTR-1	1-MO	7-MOS	YEAR
QTR-2	2-MOS	8-MOS	OTHER
QTR-3	3-MOS	9-MOS	
QTR-4	4-MOS	10-MOS	
	5-MOS	11-MOS	
	6-MOS	12-MOS	

For example, to report nine month year-to-date results, 9-MOS would be used as the <PERIOD-TYPE> value; to report third quarter results, QTR-3 would be used. <PERIOD-TYPE> values must be supplied for each column of each Financial Data Schedule.

(5) If the currency of the Financial Data Schedule is other than U.S. Dollars, the <CURRENCY> tag must be inserted followed by the name of the currency used. In this case, the <EXCHANGE-RATE> multiplier value for converting to U.S. Dollars must also be provided for each data column as required for balance sheets, income statements and guides.

(6) Decimals must not be used to state financial data except for the tag values indicated such as per share information and exchange rate multipliers. Where decimal format is permitted, the number must be limited to three decimal places.

Commercial and Industrial Companies
Article 5 of Regulation S-X

Tag	Item Number	Item Description
<DOCUMENT>		Enclosing tag for all document information.
<TYPE>		MUST BE FIRST TAG FOLLOWING <DOCUMENT>. VALUE MUST BE "EX-27".
<DESCRIPTION>	OPT	Comment field for document.
<TEXT>		Start doc. text. Except for <Table> Section, Text must be <=80 columns.
<ARTICLE>		Value indicates the type of SX schedule. VALUE MUST BE "5".
<RESTATED>	RWA	Indicates that this schedule is restated and is to replace the previously provided schedule for this form type.
<CIK>	RWA	Required for coregistrant filings. Identifies coregistrant CIK.
<NAME>	RWA	Required for coregistrant filings. Identifies coregistrant name.
<MULTIPLIER>	RWA	Identifies units of data. DEFAULT IS 1.
<CURRENCY>	RWA	Identifies currency of financial data. DEFAULT IS US DOLLARS.
<TABLE>	RWA	MUST BE SUPPLIED IF FINANCIAL DATA EXCEEDS 80 COLUMNS. TEXT WITHIN <TABLE> MUST BE <= 132 COLUMNS. EVERY <TABLE> SECTION MUST INCLUDE AT LEAST ONE <S> AND ONE <C> TAG, OR TWO OF EITHER. PLACEMENT OF THESE TAGS IS UP TO THE FILER, BUT THEY ARE INTENDED TO BE PLACED ONE LINE ABOVE THE LEADING CHARACTER IN EACH COLUMN HEADING.

Commercial and Industrial Companies
Article 5 of Regulation S-X (Continued)

Tag	Item Number	Item Description
		<CAPTION> AND <FN> ARE OPTIONAL WITHIN A <TABLE> SECTION. SEE SECTION 4 OF THE FILER MANUAL.
<BALANCE-SHEET>		Identifies beginning of Balance Sheet data.
<FISCAL-YEAR-END>		Identifies fiscal year end for each column. e.g. DEC-31-1991 DEC-31-1990 ...
<PERIOD-START>	RWA	Identifies period start for each column. e.g. JAN-01-1991 JAN-01-1990 ...
<PERIOD-END>		Identifies period end for each column. e.g. DEC-31-1991 DEC-31-1990 ...
<PERIOD-TYPE>		Identifies period type for each column. e.g. YEAR YEAR...
<EXCHANGE-RATE>	RWA	Identifies multiplier for financial data that yields US Dollars. DEFAULT IS 1.000.
<CASH>	5-02(1)	Cash and cash items
<SECURITIES>	5-02(2)	Marketable securities
<RECEIVABLES>	5-02(3)(a)(1)	Notes and accounts receivable-trade
<ALLOWANCES>	5-02(4)	Allowances for doubtful accounts
<INVENTORY>	5-02(6)	Inventory
<CURRENT-ASSETS>	5-02(9)	Total current assets

FUTURE TAGGING FOR EXHIBIT: FINANCIAL DATA SCHEDULES (Continued)

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FUTURE TAGGING FOR EXHIBIT: FINANCIAL DATA SCHEDULES (Continued)

Insurance Companies
Article 7 of Regulation S-X

Tag	Item Number	Item Description
<DOCUMENT>		Enclosing tag for all document information
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<CIK>	RWA	Required for coregistrant filings. Identifies coregistrant CIK.
<NAME>	RWA	Required for coregistrant filings. Identifies coregistrant name.
<MULTIPLIER>	RWA	Identifies units of data. DEFAULT is 1.
<CURRENCY>	RWA	Identifies currency of financial data. DEFAULT IS US DOLLARS.
<TABLE>	RWA	MUST BE SUPPLIED IF FINANCIAL DATA EXCEEDS 80 COLUMNS. TEXT WITHIN <TABLE> MUST BE <= 132 COLUMNS. EVERY <TABLE> SECTION MUST INCLUDE AT LEAST ONE <S> AND ONE <C> TAG, OR TWO OF EITHER. PLACEMENT OF THESE TAGS IS UP TO THE FILER, BUT THEY ARE INTENDED TO BE PLACED ONE LINE ABOVE THE LEADING CHARACTER IN EACH COLUMN HEADING.

FUTURE TAGGING FOR EXHIBIT: FINANCIAL DATA SCHEDULES (Continued)

Insurance Companies
Article 7 of Regulation S-X (Continued)

Tag	Item Number	Item Description
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<FISCAL-YEAR-END>		Identifies fiscal year end for each column. e.g. DEC-31-1991 DEC-31-1990 ...
<PERIOD-START>	RWA	Identifies period start for each column. e.g. JAN-01-1991 JAN-01-1990 ...
<PERIOD-END>		Identifies period end for each column. e.g. DEC-31-1991 DEC-31-1990 ...
<PERIOD-TYPE>		Identifies period type for each column. e.g. YEAR YEAR ...
<EXCHANGE-RATE>	RWA	Identifies multiplier for financial data that yields US Dollars. DEFAULT IS 1.000.
<DEBT-HELD-FOR-SALE>	7-03(1)(a)	Fixed maturities - held for sale
<DEBT-CARRYING-VALUE>	7-03(1)(a)	Fixed maturities - held to maturity - carrying value
<DEBT-MARKET-VALUE>	7-03(1)(a)	Fixed maturities - held to maturity - market value
<EQUITIES>	7-03(1)(b)	Investment in equity securities

FUTURE TAGGING FOR EXHIBIT: FINANCIAL DATA SCHEDULES (Continued)

Insurance Companies
Article 7 of Regulation S-X (Continued)

Tag	Item Number	Item Description
<MORTGAGE>	7-03(1)(c)	Mortgage loans on real estate
<REAL-ESTATE>	7-03(1)(d)	Investment in real estate
<TOTAL-INVEST>	7-03(1)(h)	Total investments
<CASH>	7-03(2)	Cash and cash equivalents
<RECOVER-REINSURE>	7-03(6)	Reinsurance recoverable on paid losses
<DEFERRED-ACQUISITION>	7-03(7)	Deferred policy acquisition costs
<TOTAL-ASSETS>	7-03(12)	Total assets
<POLICY-LOSSES>	7-03(13)(a)(1)	Policy liabilities-future benefits losses claims
<UNEARNED-PREMIUMS>	7-03(13)(a)(2)	Policy liabilities-unearned premiums
<POLICY-OTHER>	7-03(13)(a)(3)	Policy liabilities-other claims and benefits
<POLICYHOLDER-FUNDS>	7-03(14)	Other policyholder funds
<NOTES-PAYABLE>	7-03(16)	Notes payable bonds mortgages and similar debt
<PREFERRED-MANDATORY>	7-03(21)	Preferred stocks mandatory redemption
<PREFERRED>	7-03(22)	Preferred stock-not mandatory
<COMMON>	7-03(23)	Common stock

FUTURE TAGGING FOR EXHIBIT: FINANCIAL DATA SCHEDULES (Continued)

Insurance Companies
Article 7 of Regulation S-X (Continued)

Tag	Item Number	Item Description
<OTHER-SE>	7-03(24)	Other stockholders' equity
<TOTAL-LIABILITY-AND-EQUITY>	7-03(25)	Total liabilities and stockholders' equity
<PREMIUMS>	7-04(1)	Premiums
<INVESTMENT-INCOME>	7-04(2)	Net investment income
<INVESTMENT-GAINS>	7-04(3)	Realized investment gains and losses
<OTHER-INCOME>	7-04(4)	Other income
<BENEFITS>	7-04(5)	Benefits, claims losses and settlement expenses
<UNDERWRITING-AMORTIZATION>	7-04(7)(a)	Underwriting acquisition and insurance expenses - amortization of deferred policy acquisition costs
<UNDERWRITING-OTHER>	7-04(7)(b)	Underwriting acquisition and insurance expense - other
<INCOME-PRETAX>	7-04(8)	Income or loss before income taxes
<INCOME-TAX>	7-04(9)	Income tax expense
<INCOME-CONTINUING>	7-04(12)	Income/loss continuing operations
<DISCONTINUED>	7-04(13)	Discontinued operations
<EXTRAORDINARY>	7-04(15)	Extraordinary items
<CHANGES>	7-04(16)	Cumulative effect - changes in accounting principles

FUTURE TAGGING FOR EXHIBIT: FINANCIAL DATA SCHEDULES (Continued)

Insurance Companies
Article 7 of Regulation S-X (Continued)

Tag	Item Number	Item Description
<NET-INCOME>	7-04(17)	Net income or loss
<EPS-PRIMARY>	7-04(18)	Earnings per share - primary
<EPS-DILUTED>	7 04(18)	Earnings per share -fully diluted

FUTURE TAGGING FOR EXHIBIT: FINANCIAL DATA SCHEDULES (Continued)

Securities Act Industry Guide 6
and Exchange Act Industry Guide 4

Tag	Guide Number	Item Description
<RESERVE-OPEN>	2.B(1)(a)	Reserves for unpaid claims-beginning of year
<PROVISION-CURRENT>	2.B(1)(b)(i)	Provision for insured events current year
<PROVISION-PRIOR>	2.B(1)(b)(ii)	Provision for insured events prior years
<PAYMENTS-CURRENT>	2.B(1)(c)(i)	Payments of claims-current years
<PAYMENTS-PRIOR>	2.B(1)(c)(ii)	Payments of claims-prior years
<RESERVE-CLOSE>	2.B(1)(e)	Reserves for unpaid claims-end of year
<CUMULATIVE-DEFICIENCY>	2.b(2)(d)	Deficiency/redundancy in restated reserve

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Bank Holding Companies and Savings and Loan Holding Companies
Article 9 of Regulation S-X

Tag	Item Number	Item Description
<DOCUMENT>		Enclosing tag for all document information
<TYPE>		MUST BE FIRST TAG FOLLOWING <DOCUMENT>. VALUE MUST BE "EX-27".
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<RESTATED>	RWA	Indicates that this schedule is restated and is to replace the previously provided schedule for this form type
<CIK>	RWA	Required for coregistrant filings. Identifies coregistrant CIK.
<NAME>	RWA	Required for coregistrant filings. Identifies coregistrant name.
<MULTIPLIER>	RWA	Identifies units of data. DEFAULT is 1.
<CURRENCY>	RWA	Identifies currency of financial data. DEFAULT IS US DOLLARS.
<TABLE>	RWA	MUST BE SUPPLIED IF FINANCIAL DATA EXCEEDS 80 COLUMNS. TEXT WITHIN <TABLE> MUST BE <= 132 COLUMNS. EVERY <TABLE> SECTION MUST INCLUDE AT LEAST ONE <S> AND ONE <C> TAG, OR TWO OF EITHER. PLACEMENT OF THESE TAGS IS UP TO THE FILER, BUT THEY ARE INTENDED TO BE PLACED ONE LINE ABOVE THE LEADING CHARACTER IN EACH COLUMN HEADING.

Bank Holding Companies and Savings and Loan Holding Companies
Article 9 of Regulation S-X (Continued)

Tag	Item Number	Item Description
		<CAPTION> AND <FN> ARE OPTIONAL WITHIN A <TABLE> SECTION. SEE SECTION 4 OF THE FILER MANUAL.
<BALANCE-SHEET>		Identifies beginning of Balance Sheet data
<FISCAL-YEAR-END>		Identifies fiscal year end for each column. e.g. DEC-31-1991 DEC-31-1990 ...
<PERIOD-START>	RWA	Identifies period start for each column. e.g. JAN-01-1991 JAN-01-1990 ...
<PERIOD-END>		Identifies period end for each column. e.g. DEC-31-1991 DEC-31-1990 ...
<PERIOD-TYPE>		Identifies period type for each column. e.g. YEAR YEAR...
<EXCHANGE-RATE>	RWA	Identifies multiplier for financial data that yields US Dollars. DEFAULT IS 1.000.
<CASH>	9-03(1)	Cash and due from banks
<INT-BEARING-DEPOSITS>	9-03(2)	Interest-bearing deposits
<FED-FUNDS-SOLD>	9-03(3)	Federal funds sold-purchased securities for resale
<TRADING-ASSETS>	9-03(4)	Trading account assets
<INVESTMENTS-HELD-FOR-SALE>	9-03(6)	Investment and mortgage backed securities held for sale

FUTURE TAGGING FOR EXHIBIT: FINANCIAL DATA SCHEDULES (Continued)

Bank Holding Companies and Savings and Loan Holding Companies Article 9 of Regulation S-X (Continued)

Tag	Item Number	Item Description
<INVESTMENTS-CARRYING>	9-03(6)	Investment and mortgage backed securities held to maturity - carrying value
<INVESTMENTS-MARKET>	9-03(6)	Investment and mortgage backed securities held to maturity - market value
<LOANS>	9-03(7)	Loans
<ALLOWANCE>	9-03(7)(2)	Allowance for losses
<TOTAL-ASSETS>	9-03(11)	Total assets
<DEPOSITS>	9-03(12)	Deposits
<SHORT-TERM>	9-03(13)	Short-term borrowing
<LIABILITIES-OTHER>	9-03(15)	Other liabilities
<LONG-TERM>	9-03(16)	Long-term debt
<PREFERRED-MANDATORY>	9-03(19)	Preferred stock-mandatory redemption
<PREFERRED>	9-03(20)	Preferred stock-no mandatory redemption
<COMMON>	9-03(21)	Common stocks
<OTHER SE>	9-03(22)	Other stockholders' equity
<TOTAL-LIABILITIES-AND-EQUITY>	9-03(23)	Total liabilities and stockholders' equity
<INTEREST-LOAN>	9-04(1)	Interest and fees on loans

FUTURE TAGGING FOR EXHIBIT: FINANCIAL DATA SCHEDULES (Continued)

Bank Holding Companies and Savings and Loan Holding Companies Article 9 of Regulation S-X (Continued)

Tag	Item Number	Item Description
<INTEREST-INVEST>	9-04(2)	Interest and dividends on investments
<INTEREST-OTHER>	9-04(4)	Other interest income
<INTEREST-TOTAL>	9-04(5)	Total interest income
<INTEREST-DEPOSIT>	9-04(6)	Interest on deposits
<INTEREST-EXPENSE>	9-04(9)	Total interest expense
<INTEREST-INCOME-NET>	9-04(10)	Net interest income
<LOAN-LOSSES>	9-04(11)	Provision for loan losses
<SECURITIES-GAINS>	9-04(13)(h)	Investment securities gains/losses
<EXPENSE-OTHER>	9-04(14)	Other expenses
<INCOME-PRETAX>	9-04(15)	Income/loss before income tax
<INCOME-PRE-EXTRAORDINARY>	9-04(17)	Income/loss before extraordinary items
<EXTRAORDINARY>	9-04(18)	Extraordinary items, less tax
<CHANGES>	9-04(19)	Cumulative change in accounting principles
<NET-INCOME>	9-04(20)	Net income or loss
<EPS-PRIMARY>	9-04(21)	Earnings per share - primary
<EPS-DILUTED>	9-04(21)	Earnings per share - fully diluted

FUTURE TAGGING FOR EXHIBIT: FINANCIAL DATA SCHEDULES (Continued)

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Bank Holding Companies and Savings and Loan Holding Companies Industry Guide 3

Tag	Guide Number	Item Description
<YIELD-ACTUAL>	I.B.5	Net yield-interest earning assets - actual
<LOANS-NON>	III.C.1(a)	Loans on non accrual
<LOANS-PAST>	III.C.1(b)	Accruing loans past due 90 days or more
<LOANS-TROUBLED>	III.C.1(c)	Troubled debt restructuring
<LOANS-PROBLEM>	III.C.2	Potential problem loans
<ALLOWANCE-OPEN>	IV.A.1	Allowance for loan loss-beginning of period
<CHARGE-OFFS>	IV.A.2	Total chargeoffs
<RECOVERIES>	IV.A.3	Total recoveries
<ALLOWANCE-CLOSE>	IV.A.4	Allowance for loan loss-end of period
<ALLOWANCE-DOMESTIC>	IV.B.1	Loan loss allowance allocated to domestic loans
<ALLOWANCE-FOREIGN>	IV.B.2	Loan loss allowance allocated to foreign loans
<ALLOWANCE-UNALLOCATED>	IV.B.3	Loan loss allowance-unallocated

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FUTURE TAGGING FOR EXHIBIT: FINANCIAL DATA SCHEDULES (Continued)

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Broker-Dealers and Broker Dealer Holding Companies Financial Data Schedule BD

Tag	Item Number	Item Description
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<TYPE>		MUST BE FIRST TAG FOLLOWING <DOCUMENT>. VALUE MUST BE "EX-27".
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<CIK>	RWA	Required for coregistrant filings. Identifies coregistrant CIK.
<NAME>	RWA	Required for coregistrant filings. Identifies coregistrant name.
<MULTIPLIER>	RWA	Identifies units of data. DEFAULT is 1.
<CURRENCY>	RWA	Identifies currency of financial data. DEFAULT IS US DOLLARS.
<TABLE>	RWA	MUST BE SUPPLIED IF FINANCIAL DATA EXCEEDS 80 COLUMNS. TEXT WITHIN <TABLE> MUST BE <= 132 COLUMNS. EVERY <TABLE> SECTION MUST INCLUDE AT LEAST ONE <S> AND ONE <C> TAG, OR TWO OF EITHER. PLACEMENT OF THESE TAGS IS UP TO THE FILER, BUT THEY ARE INTENDED TO BE PLACED ONE LINE ABOVE THE LEADING CHARACTER IN

FUTURE TAGGING FOR EXHIBIT: FINANCIAL DATA SCHEDULES (Continued)

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Broker-Dealers and Broker-Dealer Holding Companies Financial Data Schedule BD (Continued)

Tag	Item Number	Item Description
		EACH COLUMN HEADING. <CAPTION> AND <FN> ARE OPTIONAL WITHIN A <TABLE> SECTION. SEE SECTION 4 OF THE FILER MANUAL.
<BALANCE-SHEET>		Identifies beginning of Balance Sheet data
<FISCAL-YEAR-END>		Identifies fiscal year end for each column. e.g. DEC-31-1991 DEC-31-1990 ...
<PERIOD-START>	RWA	Identifies period start for each column. e.g. JAN-01-1991 JAN-01-1990 ...
<PERIOD-END>		Identifies period end for each column. e.g. DEC-31-1991 DEC-31-1990 ...
<PERIOD-TYPE>		Identifies period type for each column. e.g. YEAR YEAR...
<EXCHANGE-RATE>	RWA	Identifies multiplier for financial data that yields US Dollars. DEFAULT IS 1.000.
<CASH>	101	Cash and cash items
<RECEIVABLES>	103	Receivables from brokers and dealers customers and others
<SECURITIES-RESALE>	104	Securities purchased under resale agreements
<SECURITIES-BORROWED>	104	Securities borrowed
<INSTRUMENTS-OWNED>	108	Financial instruments owned

FUTURE TAGGING FOR EXHIBIT: FINANCIAL DATA SCHEDULES (Continued)

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Broker-Dealers and Broker-Dealer Holding Companies Financial Data Schedule BD (Continued)

Tag	Item Number	Item Description
<PP&E>	109	Property plant and equipment net of of depreciation
<TOTAL-ASSETS>	112	Total assets
<SHORT-TERM>	201	Short term borrowing including commercial paper
<PAYABLES>	203	Payable to customers brokers/dealers (including clearing brokers) and others
<REPOS-SOLD>	204	Securities sold under agreements to repurchase
<SECURITIES-LOANED>	205	Securities loaned
<INSTRUMENTS-SOLD>	206	Instruments sold, not yet purchased (at market)
<LONG-TERM>	208	Long-term debt
<PREFERRED-MANDATORY>	209	Preferred stock-mandatory redemption
<PREFERRED>	210	Preferred stock-no mandatory redemption
<COMMON>	211	Common stock
<OTHER-SE>	212	Other stockholders' equity
<TOTAL-LIABILITY-AND-EQUITY>	213	Total liabilities and stockholders equity
<TRADING-REVENUE>	301	Revenue from trading activities
<INTEREST-DIVIDENDS>	302	Interest and dividends

Broker-Dealers and Broker-Dealer Holding Companies
Financial Data Schedule BD (Continued)

Tag	Item Number	Item Description
<COMMISSIONS>	303	Commissions
<INVESTMENT-BANKING-REVENUES>	304	Revenues from investment banking activities
<FEE-REVENUE>	305	Revenues from asset management and other services
<INTEREST-EXPENSE>	310	Interest expense
<COMPENSATION>	311	Compensation and employee related expense
<INCOME-PRETAX>	313	Income/loss before income tax
<INCOME-PRE-EXTRAORDINARY>	314	Income/loss before extraordinary items
<EXTRAORDINARY>	315	Extraordinary items less tax
<CHANGES>	316	Cumulative change in accounting principles
<NET-INCOME>	317	Net income or loss
<EPS-PRIMARY>	318	Earnings per share - primary
<EPS-DILUTED>	319	Earnings per share - fully diluted
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Consolidated Totals for Registrants Filing Multiple
Financial Data Schedules
Financial Data Schedule CT

Tag	Item Number	Item Description
<DOCUMENT>		Enclosing tag for all document information
<TYPE>		MUST BE FIRST TAG FOLLOWING <DOCUMENT>. VALUE MUST BE "EX-27".
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<CIK>	RWA	Required for coregistrant filings. Identifies coregistrant CIK.
<NAME>	RWA	Required for coregistrant filings. Identifies coregistrant name.
<MULTIPLIER>	RWA	Identifies units of data. DEFAULT is 1.
<CURRENCY>	RWA	Identifies currency of financial data. DEFAULT IS US DOLLARS.
<TABLE>	RWA	MUST BE SUPPLIED IF FINANCIAL DATA EXCEEDS 80 COLUMNS. TEXT WITHIN <TABLE> MUST BE <= 132 COLUMNS. EVERY <TABLE> SECTION MUST INCLUDE AT LEAST ONE <S> AND ONE <C> TAG, OR TWO OF EITHER. PLACEMENT OF THESE TAGS IS UP TO THE FILER, BUT THEY ARE INTENDED TO BE PLACED ONE LINE ABOVE THE LEADING CHARACTER IN EACH COLUMN HEADING.

FUTURE TAGGING FOR EXHIBIT: FINANCIAL DATA SCHEDULES (Continued)

Consolidated Totals for Registrants Filing Multiple Financial Data Schedule CT (Continued)

Tag	Item Number	Item Description
		<CAPTION> AND <FN> ARE OPTIONAL WITHIN A <TABLE> SECTION. SEE SECTION 4 OF THE FILER MANUAL.
<BALANCE-SHEET>		Identifies beginning of Balance Sheet data.
<FISCAL-YEAR-END>		Identifies fiscal year end for each column. e.g. DEC-31-1991 DEC-31-1990 ...
<PERIOD-START>	RWA	Identifies period start for each column. e.g. JAN-01-1991 JAN-01-1990 ...
<PERIOD-END>		Identifies period end for each column. e.g. DEC-31-1991 DEC-31-1990 ...
<PERIOD-TYPE>		Identifies period type for each column. e.g. YEAR YEAR...
<EXCHANGE-RATE>	RWA	Identifies multiplier for financial data that yields US Dollars. DEFAULT IS 1.000.
<TOTAL-ASSETS>	5-02(18)	Total assets
<PREFERRED-MANDATORY>	5-02(28)	Preferred stock-mandatory redemption
<PREFERRED>	5-02(29)	Preferred stock-no mandatory redemption
<COMMON>	5-02(30)	Common stock
<OTHER-SE>	5-02(31)	Other stockholders' equity
<TOTAL-LIABILITY-AND-EQUITY>	5-02(32)	Total liabilities and stockholders' equity

FUTURE TAGGING FOR EXHIBIT: FINANCIAL DATA SCHEDULES (Continued)

Consolidated Totals for Registrants Filing Multiple Financial Data Schedule CT (Continued)

Tag	Item Number	Item Description
<TOTAL-REVENUES>	5-03(b)1	Total revenues
<INCOME-TAX>	5-03(b)(11)	Income tax expense
<INCOME-CONTINUING>	5-03(b)(14)	Income/loss continuing operations
<DISCONTINUED>	5-03(b)(15)	Discontinued operations
<EXTRAORDINARY>	5-03(b)(17)	Extraordinary items
<CHANGES>	5-03(b)(18)	Cumulative effect-changes in accounting principles
<NET-INCOME>	5-03(b)(19)	Net income or loss
<EPS-PRIMARY>	5-03(b)(20)	Earnings per share - primary
<EPS-DILUTED>	5-03(b)(20)	Earnings per share - fully diluted

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FUTURE TAGGING FOR EXHIBIT: FINANCIAL DATA SCHEDULES (Continued)

Investment Companies
Article 6 of Regulation S-X

Tag	Item Number	Item Description
<DOCUMENT>		Enclosing tag for all document information.
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<RESTATED>	RWA	Indicates that this schedule is restated and is to replace the previously provided schedule for this form type.
<CIK>	RWA	Required for coregistrant filings. Identifies coregistrant CIK.
<NAME>	RWA	Required for coregistrant filings. Identifies coregistrant name.
<SERIES>	RWA	Required if investment company series are identified.
<NAME>	RWA	Identifies series name
<NUMBER>	RWA	Identifies series number
<MULTIPLIER>	RWA	Identifies units of data. DEFAULT IS 1.
<CURRENCY>	RWA	Identifies currency of financial data. DEFAULT IS US DOLLARS.
<TABLE>	RWA	MUST BE SUPPLIED IF FINANCIAL DATA EXCEEDS 80 COLUMNS. TEXT WITHIN <TABLE> MUST BE <= 132 COLUMNS. EVERY <TABLE> SECTION MUST INCLUDE AT LEAST ONE <S> AND ONE <C> TAG,

FUTURE TAGGING FOR EXHIBIT: FINANCIAL DATA SCHEDULES (Continued)

Investment Companies
Article 6 of Regulation S-X (Continued)

Tag	Item Number	Item Description
		OR TWO OF EITHER. PLACEMENT OF THESE TAGS IS UP TO THE FILER, BUT THEY ARE INTENDED TO BE PLACED ONE LINE ABOVE THE LEADING CHARACTER IN EACH COLUMN HEADING. <CAPTION> AND <FN> ARE OPTIONAL WITHIN A <TABLE> SECTION. SEE SECTION 4 OF THE FILER MANUAL.
<FISCAL-YEAR-END>		Identifies fiscal year end for each column. e.g. DEC-31-1991 DEC-31-1990 ...
<PERIOD-START>	RWA	Identifies period start for each column. e.g. JAN-01-1991 JAN-01-1990 ...
<PERIOD-END>		Identifies period end for each column. e.g. DEC-31-1991 DEC-31-1990 ...
<PERIOD-TYPE>		Identifies period type for each column. e.g. YEAR YEAR ...
<EXCHANGE-RATE>	RWA	Identifies multiplier for financial data that yields US Dollars. DEFAULT IS 1.000.
<INVESTMENTS-AT-COST>	6-03	Investments - cost
<INVESTMENTS-AT-VALUE>	6-04-4	Investments
<RECEIVABLES>	6-04-6	Receivables
<ASSETS-OTHER>	6-04-8	Other assets
<OTHER-ITEMS-ASSETS>		Balancing amount to total assets
<TOTAL-ASSETS>	6-04-9	Total assets

FUTURE TAGGING FOR EXHIBIT: FINANCIAL DATA SCHEDULES (Continued)

Investment Companies
Article 6 of Regulation S-X (Continued)

Tag	Item Number	Item Description
<PAYABLE-FOR-SECURITIES>	6-04	Accounts payable for securities
<SENIOR-LONG-TERM-DEBT>	6-04-13	Senior long term debt
<OTHER-ITEMS-LIABILITIES>		Balancing amount to total liabilities
<TOTAL-LIABILITIES>	6-04-14	Total liabilities
<SENIOR-EQUITY>	6-04-16	Senior equity securities
<PAID-IN-CAPITAL-COMMON>	6-04-16	Paid in capital - common shareholders
<SHARES-COMMON-STOCK>	6-04-16	Number of shares or units - current period
<SHARES-PREFERRED-STOCK>	6-04-16	Number of shares or units - prior period
<ACCUMULATED-NII-CURRENT>	6-04-17(a)	Accumulated income - net (current year)
<OVERDISTRIBUTION-NII>		Overdistribution of net investment income
<ACCUMULATED-NET-GAINS>	6-04-17(b)	Accumulated net realized gains (losses)
<OVERDISTRIBUTION-GAINS>		Over distribution of realized gains
<ACCUM-APPREC-OR-DEPREC>	6-04-17(c)	Accumulated net unrealized appreciation (depreciation)

FUTURE TAGGING FOR EXHIBIT: FINANCIAL DATA SCHEDULES (Continued)

Investment Companies
Article 6 of Regulation S-X (Continued)

Tag	Item Number	Item Description
<NET-ASSETS>	6-04-19	Net assets
<DIVIDEND-INCOME>	6-07-1(a)	Dividend income
<INTEREST-INCOME>	6-07-1(b)	Interest income
<OTHER-INCOME>	6-07-1(c)	Other income
<EXPENSES-NET>	6-07-2	Expenses - net
<NET-INVESTMENT-INCOME>	6-07-6	Net investment income (loss)
<REALIZED-GAINS-CURRENT>	6-07-7(a)	Realized gains (losses) on investments
<APPREC-INCREASE-CURRENT>	6-07-7(d)	Net increase (decrease) in appreciation (depreciation)
<NET-GAIN-LOSS>	6-07-8	Net gain (loss) on investments
<EQUALIZATION>	6-09-2	Net equalization charges and credits
<DISTRIBUTIONS-OF-INCOME>	6-09-3(a)	Distributions from net investment income
<DISTRIBUTIONS-OF-GAINS>	6-09-3(b)	Distributions from realized gains
<DISTRIBUTIONS-OTHER>	6-09-3(c)	Distributions from other sources
<SHARES-SOLD>	6-09-4(b)	Number of shares sold
<SHARES-REDEEMED>	6-09-4(b)	Number of shares redeemed
<SHARES-REINVESTED>	6-09-4(b)	Number of shares issued - reinvestment

Investment Companies
Article 6 of Regulation S-X (Continued)

Tag	Item Number	Item Description
<NET-CHANGE-IN-ASSETS>	6-09-5	Total increase (decrease)
<ACCUMULATED-NII-PRIOR>	6-09-7	Accumulated net investment income (prior year)
<ACCUMULATED-GAINS-PRIOR>	6-04-17(b)	Accumulated net gains (prior year)
<GROSS-ADVISORY-FEES>	72F	Gross advisory fees
<INTEREST-EXPENSE>	72P	Interest expense
<GROSS-EXPENSES>	72X	Total expenses (gross)
<AVERAGE-NET-ASSETS>	75	Average net assets
<PER-SHARE-INCOME>	3-1	Investment income per share
<PER-SHARE-EXPENSE>	3-2	Expenses per share
<PER-SHARE-NII>	3-3	Net investment income (loss) per share
<PER-SHARE-DIVIDEND>	3-4	Dividends per share from net investment income
<PER-SHARE-OTHER>		Distributions from other sources
<PER-SHARE-GAIN-APPREC>	3-5	Net realized and unrealized gain (loss)
<PER-SHARE-DISTRIBUTIONS>	3-6	Distributions from realized gains
<NET-ASSET-VALUE-CHANGE>	3-7	Net increase (decrease)
<PER-SHARE-NAV-BEGIN>	3-8	Net asset value per share - beginning of period

Investment Companies
Article 6 of Regulation S-X (Continued)

Tag	Item Number	Item Description
<PER-SHARE-NAV-END>	3-9	Net asset value per share - end of period
<EXPENSE-RATIO>	3-10	Ratio of expenses to average net assets
<AVG-DEBT-OUTSTANDING>	4-3	Average debt outstanding during period
<AVG-DEBT-PER-SHARE>	4-5	Average debt outstanding per share

</TABLE>
</TEXT>
</DOCUMENT>

FUTURE TAGGING FOR EXHIBIT: FINANCIAL DATA SCHEDULES (Continued)

****

Public Utilities Holding Companies - Forms U-1, U5S and Amendments - Article OPUR1

Tag	Item Number	Item Description
<DOCUMENT>		Enclosing tag for all document information
<TYPE>		MUST BE FIRST TAG FOLLOWING <DOCUMENT>. VALUE MUST BE "EX-27".
<DESCRIPTION>	OPT	Comment field for document
<TEXT>		Start doc. text. EXCEPT FOR <TABLE> SECTIONS, TEXT MUST BE <=. 80 COLUMNS.
<ARTICLE>		Value indicates the type of SX schedule. VALUE MUST BE "OPUR1".
<RESTATED>	RWA	Indicates that this schedule is restated and is to replace previously provided schedule for this form type.
<CIK>	RWA	Required for coregistrant filings. Identifies coregistrant CIK.
<NAME>	RWA	Required for coregistrant filings. Identifies coregistrant name.
<SUBSIDIARY>	RWA	Required if subsidiaries are identified.
<NAME>	RWA	Identifies subsidiary name
<NUMBER>	RWA	Identifies subsidiary number
<MULTIPLIER>	RWA	Identifies units of data. DEFAULT IS 1.
<CURRENCY>	RWA	Identifies currency of financial data. DEFAULT IS US DOLLARS.
<TABLE>	RWA	MUST BE SUPPLIED IF FINANCIAL DATA EXCEEDS 80 COLUMNS. TEXT WITHIN <TABLE> MUST BE <= 132 COLUMNS. EVERY <TABLE> SECTION MUST INCLUDE AT LEAST ONE <S> AND ONE <C> TAG, OR TWO OF EITHER. PLACEMENT OF

FUTURE TAGGING FOR EXHIBIT: FINANCIAL DATA SCHEDULES (Continued)

****

Public Utilities Holding Companies - Forms U-1, U5S and Amendments - Article OPUR1 (Continued)

Tag	Item Number	Item Description
		THESE TAGS IS UP TO THE FILER, BUT THEY ARE INTENDED TO BE PLACED ONE LINE ABOVE THE LEADING CHARACTER IN EACH COLUMN HEADING. <CAPTION> AND <FN> ARE OPTIONAL WITHIN A <TABLE> SECTION. SEE SECTION 4 OF THE FILER MANUAL.
<FISCAL-YEAR-END>		Identifies fiscal year end for each column. e.g. DEC-31-1991 DEC-31-1990 ...
<PERIOD-START>	RWA	Identifies period start for each column. e.g. JAN-01-1991 JAN-01-1990 ...
<PERIOD-END>		Identifies period end for each column. e.g. DEC-31-1991 DEC-31-1990 ...
<PERIOD-TYPE>		Identifies period type for each column. e.g. YEAR YEAR ...
<EXCHANGE-RATE>	RWA	Identifies multiplier for financial data that yields US Dollars. DEFAULT IS 1.000.
<BOOK-VALUE>		Value for each column is either "PRO-FORMA" or "PER-BOOK".
<TOTAL-NET-UTILITY-PLANT>		Total net utility plant
<OTHER-PROPERTY-AND-INVESTMENTS>		Other property and investments
<TOTAL-CURRENT-ASSETS>		Total current assets
<TOTAL-DEFERRED-CHARGES>		Total deferred charges
<OTHER-ASSETS>		Balancing amount for total assets

FUTURE TAGGING FOR EXHIBIT: FINANCIAL DATA SCHEDULES (Continued)

Public Utilities Holding Companies - Forms U-1, U5S and Amendments - Article OPUR1 (Continued)

Tag	Item Number	Item Description
<TOTAL-ASSETS>		Total assets
<COMMON>		Common stock
<CAPITAL-SURPLUS-PAID-IN>		Capital surplus, paid in
<RETAINED-EARNINGS>		Retained earnings
<TOTAL-COMMON-STOCKHOLDERS-EQUITY>		Total common stockholders equity
<MANDATORILY-REDEEMABLE-PREFERRED>		Preferred stock subject to mandatory redemption
<PREFERRED>		Preferred stock not subject to mandatory redemption
<LONG-TERM-DEBT-NET>		Long term debt, net
<SHORT-TERM-NOTES>		Short term notes
<LONG-TERM-NOTES-PAYABLE>		Notes payable
<COMMERCIAL-PAPER-OBLIGATIONS>		Commercial paper obligations
<LONG-TERM-DEBT-CURRENT-PORTION>		Long term debt-- current portion
<PREFERRED-STOCK-CURRENT>		Preferred stock-- current portion
<CAPITAL-LEASE-OBLIGATIONS>		Obligations under capital leases
<LEASES-CURRENT>		Obligations under capital leases-- current portion
<OTHER-ITEMS-CAPITAL-AND-LIABILITIES>		Balancing amount for capitalization and liabilities

FUTURE TAGGING FOR EXHIBIT: FINANCIAL DATA SCHEDULES (Continued)

Public Utilities Holding Companies - Forms U-1, U5S and Amendments - Article OPUR1 (Continued)

Tag	Item Number	Item Description
<TOTAL-CAPITALIZATION-AND-LIABILITIES>		Total capitalization and liabilities
<GROSS-OPERATING-REVENUE>		Gross operating revenue
<INCOME-TAX-EXPENSE>		Federal and state income taxes expense
<OTHER-OPERATING-EXPENSES>		Other operating expenses
<TOTAL-OPERATING-EXPENSES>		Total operating expenses
<OPERATING-INCOME-LOSS>		Operating income (loss)
<OTHER-INCOME-NET>		Other income (loss), net
<INCOME-BEFORE-INTEREST-EXPENSE>		Income before interest charges
<TOTAL-INTEREST-EXPENSE>		Total interest charges
<NET-INCOME>		Net income
<PREFERRED-STOCK-DIVIDENDS>		Preferred stock dividends
<EARNINGS-AVAILABLE-FOR-COMMON>		Earnings available for common stock
<COMMON-STOCK-DIVIDENDS>		Common stock dividends
<TOTAL-INTEREST-ON-BONDS>		Total annual interest charges on all bonds
<CASH-FLOW-OPERATIONS>		Cash flow from operations

FUTURE TAGGING FOR EXHIBIT: FINANCIAL DATA SCHEDULES (Continued)

Public Utilities Holding Companies - Forms U-1, U5S and Amendments - Article OPUR1 (Continued)

Tag	Item Number	Item Description
<EPS-PRIMARY>		Earnings per share - primary
<EPS-DILUTED>		Earnings per share - fully diluted
</TABLE>		
</TEXT>		
</DOCUMENT>		

FUTURE TAGGING FOR EXHIBIT: FINANCIAL DATA SCHEDULES (Continued)

Public Utilities Holding Companies - Form U-13-60 Article OPUR2

Tag	Item Number	Item Description
<DOCUMENT>		Enclosing tag for all document information.
<TYPE>		MUST BE FIRST TAG FOLLOWING <DOCUMENT>. VALUE MUST BE "EX-27".
<DESCRIPTION>	OPT	Comment field for document
<TEXT>		Start doc. text. EXCEPT FOR <TABLE> SECTIONS, TEXT MUST BE <= 80 COLUMNS.
<ARTICLE>		Value indicates the type of SX schedule. Value must be "OPUR2".
<RESTATED>	RWA	Indicates that this schedule is restated and is to replace previously provided schedule for this form type.
<CIK>	RWA	Required for coregistrant filings. Identifies coregistrant CIK.
<NAME>	RWA	Required for coregistrant filings. Identifies coregistrant name.
<SUBSIDIARY>	RWA	Required if subsidiaries are identified
<NAME>	RWA	Identifies subsidiary name
<NUMBER>	RWA	Identifies subsidiary number
<MULTIPLIER>	RWA	Identifies units of data. DEFAULT IS 1.
<CURRENCY>	RWA	Identifies currency of financial data. DEFAULT IS US DOLLARS.

Public Utilities Holding Companies - Form U-13-60
Article OPUR2 (Continued)

Tag	Item Number	Item Description
<TABLE>	RWA	MUST BE SUPPLIED IF FINANCIAL DATA EXCEEDS 80 COLUMNS. TEXT WITHIN <TABLE> MUST BE <= 132 COLUMNS. EVERY <TABLE> SECTION MUST INCLUDE AT LEAST ONE <S> AND ONE <C> TAG, OR TWO OF EITHER. PLACEMENT OF THESE TAGS IS UP TO THE FILER, BUT THEY ARE INTENDED TO BE PLACED ONE LINE ABOVE THE LEADING CHARACTER IN EACH COLUMN HEADING. <CAPTION> AND <FN> ARE OPTIONAL WITHIN A <TABLE> SECTION. SEE SECTION 4 OF THE FILER MANUAL.
<FISCAL-YEAR-END>		Identifies fiscal year end for each column. e.g. DEC-31-1991 DEC-31-1990 ...
<PERIOD-START>	RWA	Identifies period start for each column. e.g. JAN-01-1991 JAN-01-1990 ...
<PERIOD-END>		Identifies period end for each column. e.g. DEC-31-1991 DEC-31-1990 ...
<PERIOD-TYPE>		Identifies period type for each column. e.g. YEAR YEAR ...
<EXCHANGE-RATE>	RWA	Identifies multiplier for financial data that yields US Dollars. DEFAULT IS 1.000.
<BOOK-VALUE>		Value for each column is "PER-BOOK".
<NET-SERVICE-COMPANY-PROPERTY>		Net service company property
<TOTAL-INVESTMENTS>		Total investments

FUTURE TAGGING FOR EXHIBIT: FINANCIAL DATA SCHEDULES
(Continued)
****

Public Utilities Holding Companies - Form U-13-60
Article OPUR2 (Continued)

Tag	Item Number	Item Description
<TOTAL-CURRENT-AND-ACCRUED-ASSETS>		Total current and accrued assets
<TOTAL-DEFERRED-DEBITS>		Total deferred debits
<OTHER-ASSETS-AND-DEBITS>		Balancing amount for total assets and other debits
<TOTAL-ASSETS-AND-DEBITS>		Total assets and other debits
<TOTAL-PROPRIETARY-CAPITAL>		Total proprietary capital
<TOTAL-LONG-TERM-DEBT>		Total long-term debt
<NOTES-PAYABLE>		Notes payable
<NOTES-PAYABLE-ASSOCIATE-COMPANIES>		Notes payable to associate companies
<OTHER-CURRENT-AND-ACCRUED-LIABILITIES>		Balancing amount for total current and accrued liabilities
<TOTAL-DEFERRED-DEBITS>		Total deferred debits
<DEFERRED-INCOME-TAX>		Accumulated deferred income taxes
<TOTAL-LIABILITIES-AND-PROPRIETARY-CAP>		Total liabilities and proprietary capital
<SERVICES-ASSOCIATE-COMPANIES>		Services rendered to associate companies
<SERVICES-NON-ASSOCIATE-COMPANIES>		Services rendered to non-associate companies
<MISC-INCOME-OR-LOSS>		Miscellaneous income or loss
<TOTAL-INCOME>		Total income

Public Utilities Holding Companies - Form U-13-60
Article OPUR2 (Continued)

Tag	Item Number	Item Description
<SALARIES-AND-WAGES>		Salaries and wages
<EMPLOYEE-PENSIONS-AND-BENEFITS>		Employee pensions and benefits
<OTHER-EXPENSES>		Balancing amount for total expenses
<TOTAL-EXPENSES>		Total Expenses
<NET-INCOME>		Net income (loss)
<TOTAL-EXPENSES-DIRECT-COST>		Total expenses (direct costs)
<TOTAL-EXPENSES-INDIRECT-COST>		Total expenses (indirect costs)
<TOTAL-EXPENSES-DIRECT-AND-INDIRECT>		Total expenses direct and indirect
<PERSONNEL-END-OF-YEAR>		Number of personnel employed at the end of year
</TABLE>		
</TEXT>		
</DOCUMENT>		

Public Utility Holding Companies - Form U-3A-2
Article OPUR3 (Continued)

Tag	Item Number	Item Description
<DOCUMENT>		Enclosing tag for all document information.
<TYPE>		MUST BE FIRST TAG FOLLOWING <DOCUMENT>. VALUE MUST BE "EX-27".
<DESCRIPTION>	OPT	Comment field for document
<TEXT>		Start doc. text. EXCEPT FOR <TABLE> SECTIONS, TEXT MUST BE <= 80 COLUMNS.
<ARTICLE>		Value indicates the type of SX schedule. Value must be "OPUR3".
<RESTATED>	RWA	Indicates that this schedule is restated and is to replace the previously provided schedule for this form type
<CIK>	RWA	Required for coregistrant filings. Identifies coregistrant CIK.
<NAME>	RWA	Required for coregistrant filings. Identifies coregistrant name.
<SUBSIDIARY>	RWA	Required if subsidiaries are identified
<NAME>	RWA	Identifies subsidiary name
<NUMBER>	RWA	Identifies subsidiary number
<MULTIPLIER>	RWA	Identifies units of data. DEFAULT IS 1.
<CURRENCY>	RWA	Identifies currency of financial data. DEFAULT IS US DOLLARS.
<TABLE>	RWA	MUST BE SUPPLIED IF FINANCIAL DATA EXCEEDS 80 COLUMNS. TEXT WITHIN <TABLE> MUST BE <= 132 COLUMNS. EVERY <TABLE> SECTION MUST INCLUDE

FUTURE TAGGING FOR EXHIBIT: FINANCIAL DATA SCHEDULES (Continued)

****

Public Utility Holding Companies - Form U-3A-2
Article OPUR3 (Continued)

Tag	Item Number	Item Description
		AT LEAST ONE <S> AND ONE <C> TAG, OR TWO OF EITHER. PLACEMENT OF THESE TAGS IS UP TO THE FILER, BUT THEY ARE INTENDED TO BE PLACED ONE LINE ABOVE THE LEADING CHARACTER IN EACH COLUMN HEADING. <CAPTION> AND <FN> ARE OPTIONAL WITHIN A <TABLE> SECTION. SEE SECTION 4 OF THE FILER MANUAL.
<FISCAL-YEAR-END>		Identifies fiscal year end for each column. e.g. DEC-31-1991 DEC-31-1990 ...
<PERIOD-START>	RWA	Identifies period start for each column. e.g. JAN-01-1991 JAN-01-1990 ...
<PERIOD-END>		Identifies period end for each column. e.g. DEC-31-1991 DEC-31-1990 ...
<PERIOD-TYPE>		Identifies period type for each column. e.g. YEAR YEAR ...
<EXCHANGE-RATE>	RWA	Identifies multiplier for financial data that yields US Dollars. DEFAULT IS 1.000.
<BOOK-VALUE>		Value for each column is "PER-BOOK"
<TOTAL-ASSETS>		Total assets
<TOTAL-OPERATING-REVENUES>		Total operating revenues
<NET-INCOME>		Net income

</TABLE>
</TEXT>
</DOCUMENT>

APPENDIX F

PAPER FORMS FOR ELECTRONIC FILING

APPENDIX F
FORM ID NOTES

Applicants for EDGAR access codes are required to indicate whether they are a filer, filing agent, or training agent as defined in Part I of the Form ID General Instructions. If an applicant plans to file on EDGAR in more than one capacity, a separate Form ID must be completed and submitted for each capacity. For example, if the applicant wants to make EDGAR submissions as a filer, a filing agent, and a training agent, the applicant must submit a separate Form ID for each filing capacity and will receive three separate sets of CIKs and access codes.

Filers may submit filings on their own behalf or use a filing agent. Training agents may only submit test filings.

Applicant's CIK (if known)

OMB APPROVAL
OMB Number: 3235-0328 Expires: March 31, 1995 Estimated average burden hours per response 0.15

FORM ID

UNIFORM APPLICATION FOR ACCESS CODES TO FILE ON EDGAR

PART I - APPLICANT INFORMATION (To be completed by all applicants)

Exact Name of Registrant as specified in its charter or individual's name as used for signature purposes

Former Name (if changed since last application)

Mailing Address:
Street Address or Post Office Box No.

City State Zip

Applicant is a (see definitions in the General Instructions):

☐ Filer ☐ Filing Agent ☐ Training Agent

☐ Initial Application for EDGAR Access Codes.

If you are associated with another party which already has access codes to use EDGAR, and if you want to use the same PMAC as the associated party, please write the CIK of the associated party on the following line:

Do you want a Filer Manual?: Yes ☐ No ☐

☐ Amended Application for (see definitions in the General Instructions):

☐ CCC ☐ Password ☐ PMAC

☐ Amended Application to change reported information only (Access codes to remain the same)

PART II - FILER INFORMATION
(To be completed by filers only)

If you currently file with the SEC, check this box ☐ and provide at least one of your SEC file numbers, if known:

1933 Act No.	1934 Act No.	1940 Act No.	Other
2- _____	0- _____	811- _____	___- _____
33- _____	1- _____	814- _____	

Tax Number or Federal Identification Number (Registrants only)	Telephone Number (Include Area Code)

Primary Business Address (if different from mailing address)
Street Address or Post Office Box No.

City State Zip

State of Incorporation/Organization	Fiscal Year End (mm/dd)

PART III CONTACT INFORMATION (To be completed by applicants)

Person to receive EDGAR Information, Inquiries and Access Codes

Telephone Number (Include Area Code) (–)	

Mailing Address (if different from applicant's mailing address)
Street Address or Post Office Box No.

City State Zip

If you are CompuServe subscriber, provide your User ID:

PART IV - ACCOUNT INFORMATION (To be completed by filers and filing agents only)

Person to receive SEC Account Information and Billing Invoices

Telephone Number (Include Area Code) ( )	

Address (if different from applicant's mailing address)
Street Address or Post Office Box No.

City State Zip

PART V - SIGNATURE (To be Completed by all Applicants)

Signature:	Type or Print Name:
Position or Title:	Date:

Section 19 of the Securities Act of 1933 (15 U.S.C. 77s), sections 13(a) and 23 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a) and 78w), section 319 of the Trust Indenture Act of 1939 (15 U.S.C. 77sss), section 20 of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79t) and sections 30 and 38 of the Investment Company Act of 1940 (15 U.S.C. 80a-29 and 80a-37) authorize solicitation of this information. This information will be used to assign system identification to filers, filing agents, and training agents. This will allow the Commission to identify persons sending electronic submissions and grant secure access to the EDGAR system.

FORM ID
GENERAL INSTRUCTIONS

USE AND PREPARATION OF FORM ID

Form ID is used to apply for or to amend the following codes that are necessary to access the SEC's Electronic Data Gathering, Analysis, and Retrieval (EDGAR) system.

* Central Index Key (CIK) - Uniquely identifies each filer, filing agent, and training agent. The CIK is assigned by the SEC at the time of an initial application and may not be changed by the filer, filing agent, or training agent.

* CIK Confirmation Code (CCC) - Used in the header of a filing in conjunction with the filer's CIK to ensure that the filing has been authorized by the filer.

* Password (PW) - allows a filer, filing agent, or training agent to log onto the EDGAR system, submit filings, and change its CCC.
* Password Modification Authorization Code (PMAC) - allows a filer, filing agent, or training agent to change its Password.

Please see the EDGAR Filer Manual for instructions on how to file electronically, including how to use the access codes.

Please refer to the published phase-in schedules for filer phase-in groups and phase-in dates for electronic filing for each group. No electronic filings, other than test filings, may be submitted by or on behalf of a filer not phased in, unless otherwise permitted by Regulation S-T.

Applicants must complete all items in any Parts which are applicable. If any item in any Part is inapplicable, please so indicate. Incomplete Forms may require amendment and cause delays in assigning access codes.

PART I - APPLICANT INFORMATION (To be completed by all applicants)

Indicate whether you will be sending electronic submissions as a filer, filing agent, or training agent. Only one box may be marked on an application. A "filer" is any person or entity on whose behalf an electronic filing is made. A "filing agent" is a financial printer, law firm, or other party which will be using these access codes to send a filing or portion of a filing on behalf of a filer. A "training agent" is any person or entity which will be sending only test filings in conjunction with training other persons.

If you do not already have access codes, please mark the "Initial Application" box, answer the two related questions, (if they apply), and complete all other applicable items in Parts II through V.

If you already have access codes, please provide your CIK in the upper left corner and mark the boxes to indicate the reason for the amendment and any access codes you want to replace. You also should complete Part V - Signature and those items in Parts II through IV which have changed from the previous application. Changes to access codes (except the PMAC) and most other information on Form ID may be made electronically via EDGAR. See the EDGAR Filer Manual for details.

PART II - FILER INFORMATION (To be completed by filers only)

Tax number or federal identification number - the number issued by the Internal Revenue Service. (Not required for individuals.)

State of Incorporation/Organization and Fiscal Year End are not required for individuals. Foreign private issuers are requested to include their country of organization.

PART III - CONTACT INFORMATION (To be completed by all applicants)

This section identifies the individual who should receive the access codes and EDGAR-related information.

Filers, filing agents, and training agents who become CompuServe subscribers will receive acceptance and suspension messages and any requested return copies of their filings via electronic mail at their expense. They will also be able to access and download EDGAR-related information from the CompuServe electronic bulletin board. Filers and filing agents who do not subscribe to CompuServe will receive their acceptance and suspension messages by regular U.S. Mail. They may also request return copies of their filings by U.S. Mail at their option and expense.

PART IV - ACCOUNT INFORMATION (To be completed by filers and filing agents only)

This section identifies the individual who should receive account information and/or billing invoices from the SEC. This information will be used by the SEC to facilitate electronic processing of fee payments and billings.

PART V - SIGNATURE (To be completed by all applicants)

Manually sign and date this form and return it to:

Attn: Filer Support, EDGAR
U.S. Securities and Exchange Commission
Operations Center, Stop 0-7
6432 General Green Way
Alexandria, VA 22312

OMB APPROVAL
OMB Number: 3235-0327 Expires: March 31, 1995 Estimated average burden hours per response 0.15

FORM SE

FORM FOR SUBMISSION OF PAPER FORMAT EXHIBITS

BY ELECTRONIC FILERS

Exact name of registrant as specified in charter	Registrant CIK Number
Electronic report, schedule or registration statement of which the documents are a part (give period of report)	SEC file number, if available

Name of Person Filing the Document
(If Other than the Registrant)

SIGNATURES

Filings Made By the Registrant:

The Registrant has duly caused this form to be signed on its behalf by the undersigned, thereunto duly authorized, in the City of _____, State of _____ _____, 19___.

_____
(Registrant)

By: _____
(Name and Title)

Filings Made by Person Other Than the Registrant:

After reasonable inquiry and to the best of my knowledge and belief, I certify on _____, 19 __, that the information set forth in this statement is true and complete.

By: _____
(Name)

_____
(Title)

GENERAL INSTRUCTIONS TO FORM SE

I. Use of Form SE

A. This form shall be used by an electronic filer for the submission of any required paper format exhibit pursuant to the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, or the Investment Company Act of 1940, provided that submission of such exhibit in paper format is permitted pursuant to Rule 201 or Rule 202 of Regulation S-T (§§232.201 and 232.202 of this chapter). It also may be used for the submission of any other paper format document permitted by Rule 311 of Regulation S-T (§232.311 of this chapter).

B. Attention is directed to the General Rules and Regulations under the Securities Act of 1933, the Securities Exchange Act of 1934, the Trust Indenture Act of 1939, the Public Utility Holding Company Act of 1935 and the Investment Company Act of 1940. Requirements applicable to electronic submission are set forth in Regulation S-T (Part 232 of this chapter) and the EDGAR Filer Manual.

II. Preparation and Filing of the Form

A. Three complete copies of the form and exhibits shall be submitted in paper format.

B. The Form SE shall be submitted in the following manner:

1. If the subject of a temporary hardship exemption is an exhibit only, the exhibit shall be filed under cover of this form no later than one business day after the date on which the exhibit was to be filed electronically.

2. An exhibit filed pursuant to a continuing hardship exemption, or any other document filed in paper under cover of Form SE (other than an exhibit filed pursuant to a temporary hardship exemption), as allowed by Rule 311 of Regulation S-T,

may be filed up to six business days prior to, or on the date of filing of, the electronic format document to which it relates but shall not be filed after such filing date. If a paper document is submitted in this manner, requirements that the document be filed with, provided with or accompany the electronic filing shall be satisfied. Any requirements as to delivery or furnishing the information to persons other than the Commission shall not be affected by this Instruction.

C. The registrant, or person other than the registrant, shall identify the documents being filed. Attach any paper format exhibit and an exhibit index as required by Item 601 of Regulation S-K (§229.601 of this chapter).

D. One copy of the form shall be manually signed by each person on whose behalf the form is submitted or by an authorized representative. If the form is signed by the authorized representative of a person (other than an executive officer or general partner), evidence of the authority of the representative to sign on behalf of such person shall be filed with the form, provided, however, that a power of attorney for this purpose that is already on file with the Commission may be incorporated by reference.

E. If the form is submitted in connection with a temporary hardship exemption, signatures may be in typed form rather than manual format.

OMB APPROVAL
OMB Number: 3235-0329 Expires: March 31, 1995 Estimated average burden hours per response 0.25

FORM ET

TRANSMITTAL FORM FOR ELECTRONIC FORMAT DOCUMENTS UNDER THE EDGAR SYSTEM

PART I - SUBMISSION INFORMATION

(Read the instructions before completing the following items.)

1. CIK of Sender of diskette(s) or tape(s) _____
2. Name of Sender of diskette(s) or tape(s) _____
3. Number of diskette(s) or tape(s) in package _____
4. Person to contact in the event of problems regarding the diskette(s) or tape(s)
   a. Name _____
   b. Telephone Number (including Area Code) ( ) _____

PART II - MAGNETIC TAPES

1. Volume ID on internal label: _____
2. Language: _____ASCII _____EBCDIC
3. Density: _____1600 bpi _____6250 bpi

PART III - DISKETTES

1. Sides: _____Single _____Double

2. Density: _____Single _____Double _____High

3. Word Processing data (See the EDGAR Filer Manual for acceptable formats):

Format: _____Word Processing

_____Print Image (ASCII)

If in word processing format, please provide:

Name of word processing software: _____

Version of word processing software: _____

4. Hardware on which the diskette was prepared:

Brand: _____

Model Number: _____

Operating system: _____

FORM ET
GENERAL INSTRUCTIONS

1. Rule as to Use of Form ET

One copy of this form shall accompany all diskette or magnetic tape submissions.

Diskettes or magnetic tapes, regardless of the manner of delivery, should be addressed:

ATTN: DOCUMENT CONTROL-EDGAR
U.S. SECURITIES AND EXCHANGE COMMISSION
450 5TH STREET, N.W.
WASHINGTON, D.C. 20549

2. Preparation of Diskette or Magnetic Tape Submissions

Attention is directed to the EDGAR Filer Manual which contains information and procedures for electronic filing.

A. All files on a diskette must be in the same word processing format.

B. More than one submission may be sent on a diskette or magnetic tape; however, each submission must be contained in a single file. The Commission will assume that each file on a diskette or magnetic tape contains a separate submission and will transfer all such files to the EDGAR system. Therefore, the preparer should recheck all files prior to sending a diskette or magnetic tape to the Commission to ensure that it contains only those files intended to be sent.

C. If more than one diskette or magnetic tape is used, their order of processing should be indicated on the external label of each diskette or magnetic tape, e.g., 1 of 3; 2 of 3, etc.

D. Please write the CIK of the Sender on the external label of each diskette or magnetic tape.

E. To expedite processing of diskettes or magnetic tapes, please write in large, bold letters on the envelope or carton: EDGAR DISKETTE or EDGAR MAGNETIC TAPE, as appropriate.

3. Preparation of Form

A. The form should be completed carefully as this data will be used by the Commission to transfer submissions from the diskette(s) or magnetic tape(s) to the EDGAR system.

B. The CIK and Name of Sender requested in Part I should be that of the filer or filing agent, whichever prepared and sent the diskette(s) or magnetic tape(s) to the Commission.

C. The contact person identified in Part I should be the person who can respond to technical questions concerning the electronic preparation of the diskette(s) or magnetic tape(s).

D. If more than one filer and/or more than one submission is included on the diskette(s) or magnetic tape(s) submitted, it is not necessary to complete a separate form for each filer or submission if the information contained in Parts I, II, and III is identical for all filers and submissions.

4. Signatures

While there are no signature requirements to Form ET, each of the various electronic forms to be filed on diskette or

magnetic tape that accompany Form ET contains certain signature requirements. Such electronic forms and other documents required to be manually signed shall be in typed form. See Rule 302 of Regulation S-T (§232.302 of this chapter).

5. Application of General Rules and Regulations

The electronic filer is subject to Regulation S-T (Part 232 of this chapter) and the EDGAR Filer Manual. Attention is directed to the General Rules and Regulations under the Securities Act of 1933, the Securities Exchange Act of 1934, the Trust Indenture Act of 1939, the Public Utility Holding Company Act of 1935 and the Investment Company Act of 1940, as modified by any electronic filing provisions to such rules and regulations.

OMB APPROVAL	
OMB Number:	Pending
Expires:	March 31, 1995
Estimated average burden hours per response	0.15

U.S. Securities and Exchange Commission

Washington, D.C. 20549

FORM TH

NOTIFICATION OF RELIANCE ON TEMPORARY HARDSHIP EXEMPTION

Report, schedule or registration statement to which the hardship exemption relates (give period of report if applicable).	SEC file number, if available

Name of Person Filing the Document (If Other than the Registrant)

Part I -- Registrant Information

Full Name of Registrant

Address of Principal Executive Office

Street and Number, City, State and Zip Code

Part II -- Information relating to the hardship

Furnish the following information:

1. A description of the nature and extent of the temporary technical difficulties experienced by the electronic

filer in attempting to submit the document in electronic format.

2. A description of the extent to which the electronic filer has successfully submitted documents previously in electronic format with the same hardware and software, in test or required filings.

3. A description of the burden and expense involved to employ alternative means to submit the electronic submission in a timely manner.

4. Any other reasons why an exemption is warranted.

Part III -- Representation of intent to submit confirming electronic copy

The registrant shall include a representation that a confirming electronic copy of the document filed in paper will be filed in accordance with Rule 201(b) of Regulation S-T (§232.201(b)).

Part IV -- Contact person

Name and telephone number of person to contact in regard to this notification;

_____ ( ) _____

Name area code telephone no.

Part V -- Signatures

_____

Name of registrant as appears in charter:

has caused this notification to be signed on its behalf by the undersigned, being duly authorized:

Date: _____ By: _____

Instruction: This form may be signed by an executive officer of the registrant or by any other duly authorized representative. Signatures may be in typed form rather than in manual format.

GENERAL INSTRUCTIONS

1. Rule 201(a) of Regulation S-T requires electronic filers relying on a temporary hardship exemption to file this form in addition to filing a paper copy of a document otherwise required to be filed in electronic format.

2. Three signed copies of this form shall accompany the paper format document and shall be filed within one business day after the date upon which the document filed in paper originally was to be filed electronically.

3. Signatures to the paper format document being filed pursuant to the exemption may be in typed form rather than manual format. See Rule 302 of Regulation S-T (§232.302 of this chapter). All other requirements relating to paper format filings, including number of copies to be filed, shall be satisfied.

APPENDIX G
GLOSSARY OF COMMONLY USED TERMS, ACRONYMS, AND ABBREVIATIONS

ACCEPTANCE MESSAGE: Notification from the SEC that an electronic submission has met the minimum filing requirements and has been accepted. If the submitter or filer have EDGAR CompuServe accounts, the acceptance and suspension messages are sent by electronic mail (E-Mail) instead of by U.S. Mail. Acceptance and suspension messages are also sent to all E-Mail User IDs that follow the <NOTIFY> tag in the submission header.

ACCEPTANCE REVIEW: Procedural checks performed by EDGAR to determine whether a filing meets certain minimum filing requirements. The requirements may relate to the composition and completeness of the submission package, as well as to the particular type of filing being made.

ACCEPTED: The term which describes a filing that has successfully passed acceptance review. A live filing is deemed public at this point.

ACCESSION NUMBER: A unique number generated by the EDGAR system for each electronic submission. Accession numbers are reported to submitters and filers in the acceptance and suspension messages.

ADMINISTRATIVE GROUP:

ASCII: American Standard Code for Information Interchange. The ASCII character code must be used for asynchronous transmissions and may be used for magnetic tape or diskette submissions.

ASYNC: Asynchronous. A method of data transmission.

CCC: CIK Confirmation Code. An eight-character code used with a CIK by the EDGAR system to authenticate a filer.

CENTRAL INDEX KEY (CIK): A unique number assigned by the SEC, distinguishing the company or individual to which it is assigned. Used by EDGAR to identify either a submitter (LOGIN CIK) or filer.

CIK: Central Index Key. Used to identify each entity reporting to the SEC.

CORRESPONDENCE DOCUMENT: A correspondence document is a submission format which may be used by EDGAR participants to submit non-public information, generally correspondence, to the SEC staff.

DIRECT TRANSMISSION: An electronic submission sent via a modem and dial-up telephone or leased line.

DOCUMENT: Document is a generic term for the various forms, reports, schedules, exhibits, items of correspondence, etc., that comprise filings and other submissions. An electronic document originating with a filer or agent can only be sent as part of a submission. A document is a discrete unit of text. One or more documents comprise an electronic submission. Examples of documents include a 1933 Act registration statement, a 1934 Act Form 10-Q, a cover letter. Each exhibit is a separate document in a submission.

DOCUMENT HEADER: A header used within an EDGAR submission to indicate, by the appropriate use of tags and tag values, the beginning of a new document, the document type, and if desired, the description of the document. A document header must be present for each separate document contained within a submission.

DOCUMENT TYPE: Filings received may consist of more than one document; e.g., a Form 10-K, an exhibit, and cover letter constitute three separate documents in one submission. Each document must begin with a document header. A Form 10-K submission must contain, for example, at least one document which is the Form 10-K.

EBCDIC: Extended Binary-Coded Decimal Interchange Code. The EBCDIC character code is used for synchronous submissions and may be used for magnetic tape submissions.

EDGAR: The SEC's Electronic Data Gathering, Analysis, and Retrieval system for electronic filing.

EDGARLink: Filer assistance, prevalidation, and communications software package provided to registered EDGAR filers by the SEC. Designed for use with IBM (or compatible) personal computers.

ELECTRONIC FILER: A person or entity whose required filings must be submitted electronically.

ELECTRONIC FILING: A document or series of documents submitted in electronic format, at least one of which is required to be filed with the SEC pursuant to the federal securities laws.

E-Mail: Electronic mail. A regulated service in the EDGAR system to provide for the delivery of acceptance and suspension messages from the SEC.

FILE NUMBER: A number assigned by the SEC to registrations, applications, and reports.

FORM ET: Form "Electronic Transmission" contains a description of the manner in which a filing has been prepared, the equipment used, information about the diskette/tape, the contact person, the fees, the filer identification, etc. Form ET must accompany all filings submitted on diskette or magnetic tape.

FORM ID: The form used to apply for the access codes to the EDGAR system, namely CIK, Password, CCC, and PMAC.

FORM SE: Form SE, "Separate Exhibit," accompanies all exhibits to a filing which could not be submitted electronically.

FORM TH: The form used to notify the Commission that the filing is being made in paper pursuant to a temporary hardship exemption as specified by Rule 201 of Regulation S-T.

FORM TYPES: A distinct type of document that is required to be filed pursuant to the federal securities laws (e.g., 1934 Act Form 10-K or a preliminary proxy statement).

HEADER: The basic information required to precede each electronic submission and document submitted via EDGAR. Submission headers provide identifying information about the filing; for example, the form type of the principal document, the identity of the filing entity, and any fee data. Document headers precede each document in an electronic submission and serve to identify the document itself.

IBM 3780 BISYNC PROTOCOL: The only synchronous protocol for EDGAR data transmission.

LOCKBOX: The term used to describe the arrangement with the U.S. Treasury-designated depository to collect and deposit checks, money orders, cash and wire transfers to an SEC account at the depository.

MODULAR DOCUMENT: In EDGAR, a modular document is a document intended to be "included," i.e., physically incorporated, into another document in a future submission. Modular documents can be stored on the EDGAR system for up to 12 months and can be included in filings by use of special tags.

NESTED: Some "tags" (defined below) must appear together. "Nested" is used to indicate such a grouping. In the tables beginning with Section 4.6, the lead tags are shown first in nested groupings. The tags that must follow are shown with the same number plus an alpha designation; e.g., 5, 5a, etc. When you use nested tags, not all of the possible nested tags may apply to your situation. Use only the ones that apply. Some sets of nested tags also require an end tag.

PASSWORD: Unique, confidential number assigned to EDGAR participants which must be used in conjunction with the unique CIK number that is also assigned to the participant. These two numbers must be submitted correctly in order to gain access to the EDGAR system. This number must be applied for by using the Form ID.

PDN: Public Data Network.

PMAC: Password Modification Authorization Code. An eight-character code that authenticates a request to change a password.

REGISTRANT: The issuer of securities with respect to which a registration statement, report, proxy, or information statement is filed.

SEGMENTED FILING: A submission comprised of segments submitted separately and later combined at the direction of the filer to make a single complete submission.

SROs: Self-Regulatory Organizations.

EXAMPLES:
NYSE, New York Stock Exchange
BSE, Boston Stock Exchange
NASD, National Association of Securities Dealers

SUBMISSION: A submission is the fundamental unit of information that can be submitted to the EDGAR system for receipt, validation, and acceptance. It is the conveyance of a document or series of documents in electronic format to the SEC via EDGAR.

SUBMISSION MEDIUM: One of the three methods that a filer may use to submit filings via EDGAR: direct transmission, magnetic tape, or diskette.

SUSPENDED FILING: EDGAR filings that have not successfully passed acceptance review are placed in a holding category until such time as the filer can correct the deficiency. Suspended filings, if not corrected, are deleted after six business days.

SUSPENSION MESSAGE: Notification from the SEC that the electronic submission has not met the minimum filing requirements that are checked by the EDGAR system. If the submitter or filer have EDGAR CompuServe accounts, the acceptance and suspension messages are sent by electronic mail (E-Mail) instead of by U.S. Mail. Suspension and acceptance messages are also sent to all E-Mail addresses that follow the <NOTIFY> tag in the submission header.

TAG: Tag is an identifier that labels specific information to EDGAR. Tags are designated by placing angle brackets on either side of a term. An end tag appears nearly the same as a begin tag, but is distinguished by its use of the "/" (virgule/slash) immediately following the opening angle bracket (<). For example, the beginning and end of a table would be signified by <TABLE> and </TABLE>, respectively. (See Section 4.6 for a complete listing of tags established for EDGAR.)

TEST FILING: Submission made to the EDGAR system to test the ability to create an EDGAR acceptable format. Such filings are not publicly available and are not retained on the filing data base. Results of acceptance review of test filings are sent to the filer by acceptance or suspension messages.

USER ID: Synonym for E-Mail address.

VALUE: Information that is supplied by the filer and inserted after a tag; e.g., for the tag <CONTACT-NAME>, the name of a person to be contacted who could answer questions about the filing is the value for the tag.

APPENDIX H
FORM 13F-E SPECIAL ELECTRONIC FILING INSTRUCTIONS

The following instructions relate solely to the requirements for preparing electronic filings of the Form 13F-E for submission to the SEC. For requirements concerning content, please refer to the rules governing the form. For additional help with the preparation of the electronic submission, contact Filer Support at (202) 272-7171.

```
**********************************************
**     For Release 3.0, Form 13F-E may be     **
**          submitted only on tape.           **
**********************************************
```

TAPE SPECIFICATIONS

Tape submissions, in general, are discussed in Chapter 7 of this manual. All tapes submitted to the SEC must meet the following requirements:

* Nine-track, half-inch, open reel FIPS standard or IBM-compatible tapes (Cartridge submissions are not available in the present release of the EDGAR system.)
* Density of 1600 bpi or 6250 bpi
* Tape formatted with standard ANSI or IBM labels
* Maximum record length of 132 bytes
* Blocking factor of 10

STRUCTURE OF A 13F-E ELECTRONIC SUBMISSION

The Form 13F-E is assembled in the following order:

```
 1  SUBMISSION HEADER
 2  DOCUMENT HEADER
   2A STANDARD DOCUMENT HEADER TAGS
   2B SPECIAL FORM 13F-E DOCUMENT HEADER TAGS (AS APPLICABLE)
 3  <TEXT> (begin text marker)
 4  FREE FORMAT TEXT
   4A  FILER'S REPRESENTATION (REQUIRED)
   4B  OPTIONAL TEXT
 5  <TABLE> (begin table marker)
 6  OPTIONAL COLUMN HEADINGS
 7  COLUMN TAGS     (specially formatted)
 8  DATA RECORDS    (specially formatted)
 9  SUMMARY RECORD (specially formatted)
10  <TABLE> (end of table marker)
11  </TEXT> (end of text marker)
12  </DOCUMENT> (end of document marker)
13  </SUBMISSION> (end of submission marker)
```


HEADER FORMATS

The submission and document headers for the 13F-E are formatted like those for any other form submitted to the EDGAR system, using tags common to other submission types.

In addition, a number of special tags, some of which are required, are applicable to the Form 13F-E document header. The required tags identify the reporting institutional investment manager filing the report and the individual submitting the report on behalf of the reporting manager and include information about the location and date of the submission of the report. Other tags, to be provided as applicable, identify other reporting managers for whom the submitting reporting manager is reporting securities holdings and other managers who are reporting holdings of the submitting reporting manager.

Specific tags and values required are specified on pages H-5 and H-6.

TEXT FORMAT

Free format text must include the Filer's Representation, specified below on page H-2 and may include additional textual statements at the option of the filer. All free format text must be included on lines that do not exceed 80 columns.

FIXED FIELD FORMATS

Columnar data records and report summaries must be specially formatted so that they can be properly reformatted and paginated for dissemination after passing through the EDGAR acceptance system. Those special formats are included on pages H-9, H-10, and H-11.

REQUIRED FILER'S REPRESENTATION

Each filing must include a signature statement in the following form:

I represent that I am authorized to submit this form and that all information in this form and the attachments to it is true, correct and complete and I understand that all required items, statements and schedules are integral parts of this form and that the submission of any amendment represents that all unamended items, statements and schedules remain true, correct and complete as previously submitted.

I am signing this report as required by the securities exchange act of 1934.

This statement is required by the Form and shall be inserted immediately after the beginning <TEXT> tag.

If the filer elects to provide additional text, it must be inserted here (after the required Filer's Representation and before the beginning <TABLE> tag). All text included in this area will be subject to the 80 column limit that is imposed on "non-table" text.)

REQUIRED RECORDS

In addition to the submission and document headers, the 13F-E contains the following fixed field records (records which must appear in a fixed column position):

* Column position, or <C>, tags marking the beginning of data columns that may be used as keys for the redisplay of the filing on an 80 column screen.

* Security holdings data records (one record for each holding reported--indicated by a "D" in the first column), and

* Report Summary (one record--indicated by an "S" in the first column).

OPTIONAL RECORDS AND DOCUMENTS

Filers may include in their 13F-E documents optional records such as column headings, data captions, or blank lines, to assist persons reading a printout of the file. These optional records, indicated by a blank in the first column, will not be considered part of the filing and will not be included in the filing on the EDGAR system. However, the EDGAR system will add standardized records of this type when formatting the filing for storage and display on the system. (For example, the system will paginate the filing and add column headings at the top of each page.)

To facilitate reading of printouts, filers are encouraged to include a single set of column heading records (see specifications on page H-9) immediately following the <TABLE> tag in the 13F-E document, especially when it is anticipated that a printout of the file will be made available to others, as in the case of submitting a file printout to another regulatory agency.

While additional documents are not required, filers may at their option include additional documents in their 13F-E

submissions; i.e., exhibits and cover letters. Each such document must include its own document header with a <TYPE> tag and appropriate value and should be inserted in the submission after the 13F-E document.

TEST FILINGS

Filers may submit test filings on Form 13F-E. Test filings should be prepared in accordance with these instructions for preparing Form 13F-E filings and submitted as any other magnetic tape filing, with the following exceptions:

* A <TEST> tag is to be included in the Submission Header;

* The word "TEST" is to be included with the Form type on the Form ET that accompanies the filing

FORM 13F-E SPECIAL ELECTRONIC FILING INSTRUCTIONS Continued

SUBMISSION HEADER FOR THE SUBMISSION TYPES: 13F-E 13F-E/A

	USE THESE TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<SUBMISSION>		
1	<TYPE>	13F-E/A	13F-E or 13F-E/A
1	<PERIOD>	12/12/91	Up to 20 characters
1	<FILER>		
1	<CIK>	123456	Up to 10 digits
1	<CCC>	MYCCC*92	8 characters
1	<DOCUMENT-COUNT>	1	Up to 3 digits
4	<SUBMISSION-CONTACT>		
4	<NAME>	A. Jones	Up to 30 Characters
4	<PHONE>	202-555-1111	Up to 20 Characters
4	<NOTIFY>	77777,7777	CompuServe ID

(For 13F-E Document header tags please refer to the next page.)

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one required, 4 Optional

FORM 13F-E SPECIAL ELECTRONIC FILING INSTRUCTIONS Continued

DOCUMENT HEADER FOR THE SUBMISSION TYPES: 13F-E 13F-E/A

	USE THESE DOCUMENT HEADER TAGS:	EXAMPLE OF VALUE	GUIDE TO VALUE FORMAT
1	<DOCUMENT>		
1	<TYPE>	13F-E/A	13F-E or 13F-E/A
4	<DESCRIPTION>	Form 13F-E/A	Up to 50 characters
2	<AMENDMENT-NUMBER>	1	Up to 2 digits (applies to 13F-E/A only)
1	<REPORTING-MANAGER>		
1	<NAME>	Impressive, Inc.	Up to 60 characters
1	<STREET1>	1111 W ST	Up to 40 characters
4	<STREET2>	Apt. 222	Up to 40 characters
1	<CITY>	New Town	Up to 40 characters
1	<STATE>	NY	See Appendix C
1	<ZIP>	11111	Up to 10 characters
1	<SUBMITTING-OFFICIAL>		
1	<NAME>	John J. Doe	Up to 30 characters
1	<TITLE>	Counsel	Up to 30 characters
1	<PHONE>	202-555-55555	Up to 20 characters
1	<SIGNATURE>		
1	<NAME>	John J. Doe	Up to 30 characters
1	<CITY>	New Town	Up to 20 characters
1	<STATE>	NY	See Appendix C
1	<DATE>	9/25/92	Up to 25 characters
4	<OTHER-INCLUDED-MANAGER>	1	(Repeat for each)
4	<NUMBER>	2	1 character
4	<NAME>	Land & Son	Up to 60 characters
4	<FILE-NUMBER>	00-00000-000	
4	<MANAGER-REPORTING-FOR-FILER>		
4	<NAME>	C. B. Mills	Up to 30 characters
4	<FILE-NUMBER>	00-00000-000	Up to 12 characters
1	<TEXT>		
1	<TABLE>		
1	</TABLE>		
1	</TEXT>		
1	</DOCUMENT>		
1	</SUBMISSION>		

KEY TO LEVEL OF REQUIREMENT FOR TAGS
1 Required, 2 Required when applicable, 3 At least one required, 4 Optional

USE OF SPECIAL TAG GROUPS FOR FORM 13F-E

The following tag groups are used to place certain required information in the document header of Form 13F-3. During EDGAR processing of the form, this information is assembled, with appropriate captions and required and optional text included by the filer, as the first page of the formatted report.

<REPORTING -MANAGER> tag group:
The name and address of the filer of the Form 13F being submitted (this is the "Reporting-Manager).

<SUBMITTING-OFFICIAL> tag group:
The name, title, and phone number of the person authorized to submit the filing on behalf of the Reporting-Manager.

<SIGNATURE> tag group:
The conformed (typed) signature of the person submitting the filing, and the place, and date of signing. The value provided for the <SIGNATURE> tag in this tag group should be identical to that provided for the <NAME> tag in the <SUBMITTING-OFFICIAL> tag group.

The Other-Included-Managers should be listed in alphabetical order and numbers assigned consecutively from "01" through "99" (insert"0" [zero] before the numerals 1 through 9).

<MANAGER-REPORTING-FOR-FILER> tag group:
Used to identify a reporting manager (not the filer of this report) filing a Form 13F report that includes security holdings of the filer of this report that are not included in this report.

If there is more than one such Manager-Reporting-For-Filer, this tag group must be repeated for each one, and the tag groups should be arranged in alphabetical order of the Managers-Reporting-For-Filer.

Suggested format for "other manager" tag groups:

```
<OTHER-INCLUDED-MANAGER><NUMBER>  01
  <NAME>              ABC INVESTMENT MANAGERS, INC.
  <FILE-NUMBER>       28-80011
<MANAGER-REPORTING-FOR-FILER>
  <NAME>              PERFORMANCE ADVISERS, INC.
  <FILE-NUMBER>       28-38901
```


FIXED FIELD RECORDS

The record formats set forth below specify the fields required or allowed in each type of fixed field record, their size and location within the record, and the data types to be entered in the fields. For data in one of these records to be included in a filing, it must be placed in one of the specified field locations for the relevant record type; data not in a specified field location will be ignored.

If a response for a numeric field in a Data Record requires more space than allotted, the data should be divided into two or more records.

Where a response for an alpha field requires more characters than allotted, appropriate abbreviations should be used. Text shown in quotes must be entered as it appears, without the quotation marks.

When entering data into :

Numeric fields (designated as "N"), data must be right justified with leading zeros suppressed (replaced with blanks) and the data must be unpunctuated. If a numeric field requires a zero response, it may be left blank, unless it is the value field in a Data Record or any numeric field in the Summary Record.

Alpha fields (designated as "A"), leading blanks are not permitted.

Data Record Column Headings (Two Records)

These records are optional, but filers are encouraged to include a single set of column heading records immediately following the <TABLE> tag in the 13F-E document to facilitate reading of printouts of the submission.

Record 1

Field	Column	Characters	Description
1	1-61	61	Blank
2	62-66	5	"VALUE' (A)
3	67-70	4	Blank
4	71-77	7	"SHARES/" (A)
5	78	1	Blank
6	79-81	3	"SH/" (A)
7	82	1	Blank
8	83-86	4	"PUT/" (A)
9	87	1	Blank
10	88-94	7	"INVSTMT" (A)
11	95-106	12	Blank
12	107-132	26	"-----VOTING AUTHORITY----- " (A)

Record 2

Field	Column	Characters	Description
1	1-2	2	Blank
2	3-16	14	"NAME OF ISSUER" (A)
3	17-33	17	Blank
4	34-49	16	"-TITLE OF CLASS-" (A)
5	50	1	Blank
6	51-59	9	"--CUSIP--" (A)
7	60	1	Blank
8	61-68	8	"x$1000" (A)
9	69-70	2	Blank
10	71-77	7	"PRN AMT" (A)
11	78	1	Blank
12	79-81	3	"PRN" (A)
13	82	1	Blank
14	83-86	4	"CALL" (A)
15	87	1	Blank
16	88-94	7	"DSCRETN" (A)
17	95	1	Blank
18	96-105	10	"-MANAGERS-" (A)
19	106-110	5	Blank
20	111-114	4	"SOLE" (A)
21	115-117	3	Blank
22	118-123	6	"SHARED" (A)
23	124-128	5	Blank
24	129-132	4	"NONE" (A)

Column Tags <C>

A record including two <C> Tags is to be included immediately prior to the first data record (or, if no data records are included, immediately prior to the summary record).

The record should be constructed as follows:

Field	Column	Characters	Description
1	1-33	33	Blank
2	34-36	3	"<C>"
3	37-82	46	Blank
4	83-85	3	"<C>" (A)
5	86-132	47	Blank

Security Holding Data (D) Records

Field	Column	Characters	Description
1	1	1	"D" (A)
2	2	1	Blank
3	3-32	30	Item 1: Name of Issuer (A)
4	33	1	Blank
5	34-49	16	Item 2: Title of Class (A)
6	50	1	Blank
7	51-59	9	Item 3: CUSIP number (issuer, issue, and check digit) (A)
8	60	1	Blank
9	61-68	8	Item 4: Fair market value in nearest thousands of dollars (000 omitted). If this field requires a zero response, enter a zero; do not leave blank. (N)
10	69	1	Blank
11	70-77	8	Item 5(a): Number of Shares or Principal amount of holdings (N)
12	78	1	Blank
13	79-81	3	Item 5(b): Shares ("SH"); or Principal Amount ("PRN") (A)
14	82	1	Blank
15	83-86	4	Item 5(c): Enter "CALL" or "PUT" if applicable; otherwise leave blank (A)
16	87		Blank
17	88-94	7	Item 6: Investment Discretion: Enter "SOLE", "DEFINED", or "OTHER" (A)
18	95	1	Blank

19	96-105	10	Item 7: Managers (2-digit code(s) designating manager(s) with whom investment discretion is shared with respect to the holding reported in the current record) (A)
20	106	1	Blank
21	107-114	8	Item 8(a): Number of Shares over which Manager has Sole Voting Authority (N)
22	115	1	Blank
23	116-123	8	Item 8(b): Number of Shares over which Manager has Shared Voting Authority (N)
24		1	Blank
25	125-132	8	Item 8(c): Number of Shares over which Manager exercises no voting Authority (N)

Where possible, the data in Field 3 (Item 1: Name of Issuer) and Field 5 (Item 2: Title of Class) should correspond to that supplied in the SEC Official List of 13-F Securities.

The data entered in Field 19 (Item 7: Managers) will consist of the two digit code(s) assigned to the other manager(s). If more than one code is to be included in a response to this item, DO NOT insert spaces or punctuation between codes.

Repeat Security Holdings Data Records as necessary. If no holdings are being reported in this submission, the securities data records may be omitted.

Summary (S) Record

Field	Column	Characters	Description
1	1	1	"S" (A)
2	2	1	Blank
3	3-16	14	"REPORT SUMMARY" (A)
4	17-29	13	Blank
5	30-35	6	Number of Data records in the report (if this field requires a zero response, enter a zero; do not leave blank) (N)
6	36	1	Blank
7	37-48	12	"DATA RECORDS" (A)
8	49-58	10	Blank
9	59-68	10	Total market value for all holdings in the report (if this field requires a zero response, enter a zero; do not leave blank) (N)
10	69-79	11	Blank
11	80-81	2	Total Number of other managers on whose behalf the report is filed (if this field requires a zero response, enter a zero; do not leave blank) (N)
12	82	1	Blank
13	83-128	46	"OTHER MANAGERS ON WHOSE BEHALF REPORT IS FILED" (A)
14	129-132	4	Blank

One Summary record is required in each report on this Form, even if no Security Holdings Data Records are included.

SAMPLE FORM 13F-E

The following pages contain an example of the preparation of Form 13F-E.

The column numbers shown above and below the table are for illustration purposes only and should not be included in a filing.

FORM 13F-E SPECIAL ELECTRONIC FILING INSTRUCTIONS Continued

SAMPLE FORM 13F-E

```
<SUBMISSION>
  <TYPE>                13F-E/A
<PERIOD>                12/12/91
<FILER>
  <CIK>                                 123456
  <CCC>                                 MYCCC*92
<DOCUMENT-COUNT>                        1
<SUBMISSION-CONTACT>
  <NAME>                                A. Jones
  <PHONE>                               202-555-1111
</SUBMISSION-CONTACT>
<NOTIFY>                                77777,7777
<DOCUMENT>
  <TYPE>                                13F-E/A
  <AMENDMENT>                           1
<REPORTING-MANAGER>
  <NAME>                        PERFORMANCE MANAGERS, INC.
  <STREET1>                     7200 MADISON STREET
  <STREET2>                     WASHINGTON INDUSTRIAL PARK
  <CITY>                        ALEXANDRIA
  <STATE>                       VA
  <ZIP>                         22292-1024
<SUBMITTING-OFFICIAL>
  <NAME>                        H. B. SMITH
  <TITLE>                       TREASURER
  <PHONE>                       (703) 555-6654
<SIGNATURE>
  <NAME>                        H. B. SMITH
  <CITY>                        ALEXANDRIA
  <STATE>                       VA
  <DATE>                        08/11/92

<OTHER-INCLUDED-MANAGER><NUMBER>  01
  <NAME>            ABC INVESTMENT MANAGERS, INC.
  <FILE-NUMBER>     28-80011

<OTHER-INCLUDED-MANAGER><NUMBER>  02
  <NAME>            DEF INVESTMENT MANAGERS, INC.
  <FILE-NUMBER>     28-80021

<OTHER-INCLUDED-MANAGER><NUMBER>  03
  <NAME>            GHI INVESTMENT MANAGERS, INC.
  <FILE-NUMBER>     28-80031
<TEXT>
```

FORM 13F-E SPECIAL ELECTRONIC FILING INSTRUCTIONS Continued

I REPRESENT THAT I AM AUTHORIZED TO SUBMIT THIS FORM AND THAT ALL INFORMATION IN THIS FORM AND THE ATTACHMENTS TO IT IS TRUE, CORRECT AND COMPLETE AND I UNDERSTAND THAT ALL REQUIRED ITEMS, STATEMENTS AND SCHEDULES ARE INTEGRAL PARTS OF THIS FORM AND THAT THE SUBMISSION OF ANY AMENDMENT REPRESENTS THAT ALL UNAMENDED ITEMS, STATEMENTS AND SCHEDULES REMAIN TRUE, CORRECT AND COMPLETE AS PREVIOUSLY SUBMITTED.

I AM SIGNING THIS REPORT AS REQUIRED BY THE SECURITIES EXCHANGE ACT OF 1934.

```
        1         2         3         4         5         6         7         8         9         0         1         2         3
12345678901234567890123456789012345678901234567890123456789012345678901234567890123456789012345678901234567890123456789012
<TABLE>
                                                          VALUE    SHARES/ SH/ PUT/ INVSTMT           -----VOTING AUTHORITY-----
  NAME OF ISSUER                -TITLE OF CLASS- --CUSIP-- (x$1000) PRN AMT PRN CALL DSCRETN -MANAGERS-     SOLE    SHARED      NONE
                                <C>                                          <C>
D ADC TELECOMM                  COM              003011144      522    45678 SH       SOLE                   45678
D AMERICAN CAN                  COM              002020000      771    12000 SH       DEFINED 0103                   12000
D BEAR STEARNS                  COM              01174322       533      222 SH       OTHER                    222
D MICROSOFT                     COM              102730004      611    40000 SH       SOLE                   30000              10000
D MCDONNELL DOUGLASS            COM              100222221      811     1200 SH       SOLE                    1200
D MOBIL                         COM              011666663      661     5011 SH       SOLE                    5011
D STRATUS                       COM              011155555      155     9991 SH       SOLE                    9991
S REPORT SUMMARY                 6 DATA-RECORDS                4064           3 OTHER MANAGERS ON WHOSE BEHALF REPORT IS FILED
</TABLE>
</TEXT>
</DOCUMENT>
</SUBMISSION>

12345678901234567890123456789012345678901234567890123456789012345678901234567890123456789012345678901234567890123456789012
        1         2         3         4         5         6         7         8         9         0         1         2         3
```

Note: The column numbers shown above and below the table are for ILLUSTRATION PURPOSES ONLY and should NOT be included in a filing.

MESSAGES REPORTED BY THE EDGAR SYSTEM FOR 13F-E FILINGS

WRN: F13_INVALID_DATA_RECORD
MSG: Invalid information (value) in the data record (value) number (value).

DESCRIPTION OF WARNING: One of the following fields in the 13F-E submission data ("D") record is incorrect or invalid: NAME OF ISSUER, TITLE OF CLASS, CUSIP, VALUE, SHARES/PRN AMT, SH/PRN, PUT/CALL, INVESTMT DSCRETN, MANAGERS.

SOLUTION: Fix data in appropriate field of indicated data record.

WRN: F13_INVALID_MGR_NUMBER
MSG: Invalid manager number (value) assigned.

DESCRIPTION OF WARNING: An other included manager was assigned a duplicate or out of sequence number in the document header.

SOLUTION: Correct numbering of other included managers in document header.

ERR: F13_RECORD_MISSING_OUT_OF_ORDER
MSG: 13F Record type (value) is not present or is out of order.

DESCRIPTION OF ERR: A Summary Record must be included in each 13F-E submission and all data records, if any are included, must precede the Summary Record. Required records are either missing or out of order.

SOLUTION: Include the Summary Record, if missing, and arrange the Data and Summary Records in correct order. (See sample, this appendix.)

ERR: F13_INVALID_SIG_DATE
MSG: 13F Signature date invalid

DESCRIPTION OF ERR: Invalid date; date format should be valid and not in the future.

SOLUTION: Fix date.

ERR: F13_INVALID_SUB_NAME_SIG
MSG: 13F-3 Submitter Name and Signature are inconsistent.

DESCRIPTION OF ERR: 13F Submitter Name and Signature are different.

SOLUTION: Change Name and Signature to be identical.

WRN: F13_INVALID_SUMMARY_CAPTION
MSG: Invalid Summary Record caption (value).

DESCRIPTION OF WARNING: A caption in the Summary Record ("S") is incorrect.

SOLUTION: Use exact Summary Record caption wording and placement from manual.

WRN: F13_INCONSISTENT_SUMMARY_RECORD
MSG: Summary (value) reported total (value) does not equal expected total (value).

DESCRIPTION One of the following fields in the 13F-E submission summary ("S") records is incorrect: number of data records, total value of holdings reported, or number of other managers. The total reported in the Summary Record does not equal the total calculated during 13F processing.

SOLUTION: Correct the value in the appropriate field of the summary record, or fix corresponding errorneous values in the data records.

WRN: F13_INVALID_SUMMARY_CAPTION
MSG: Invalid summary record caption (value)

DESCRIPTION OF WARNING: Summary caption is incorrect.

SOLUTION: Use exact summary caption wording and placement from manual.

APPENDIX I
EDGARLink SCRIPT LANGUAGE

A. INTRODUCTION

The EDGARLink Script Language (ESL) provides the EDGARLink application with primitives, which ease the steps involved in establishing a connection with the EDGAR server. The design of ESL is based on two major concerns. First, ESL will provide all the basic functions needed for establishing a connection between EDGARLink client and EDGARLink server. Second, ESL will be easy to use. The ESL is a free format language and is based on plain English and a couple of special symbols.

A script is comprised of ASCII instructions, defined in this section, which are executed sequentially. Scripts are stored in a flat ASCII text file, and edited using any standard text editor (such as DOS' own EDLIN). Once written, scripts may be used by the EDGARLink client to connect to the EDGARLink server.

As a language, ESL has its own syntax. ESL semantics are discussed in section 2 below.

B. SYMBOLS, IDENTIFIERS, AND COMMANDS

The ESL script consists of sentences separated by a terminator(;). An ESL sentence is comprised of words and symbols. Words can be reserved identifiers or user-defined variable names separated by either blanks or a comment. Comments are surrounded by a pair of brackets. Special symbols and identifiers reserved by ESL are shown in A and B below. The special words or commands defined by ESL are discussed in C below.

a. Reserved Symbols

{ }	comments
:	labels
;	terminator
"	character string

b. Reserved Identifiers

ABORT	ERROR	ODD	SEND
AND	EVEN	OFF	SENDBREAK
BETWEEN	EXIT	ON	SENDLINE
CONNECT	FOR	PARITY	STOPTIMER
COUNT	GOTO	PDNPASSWORD	WAIT
DATABITS	IS	PDNUSERNAME	WAITLINE
DIAL	MARK	RUN	
DELAY	NOT	SECOND	

c. Commands

Following are the commands provided by ESL. Text contained in square brackets is optional.

1) ABORT [<string>];

Allows exiting of script execution with error messages. This command will abort execution of scripts and return the message specified by <string>;

Example:

```
ABORT "Unable to connect";

     WAIT "user name:";

     ON NOT WAIT GOTO fail;

     SENDLINE PDNUSERNAME;
     WAIT "password:";

     ON NOT WAIT GOTO fail;

     SENDLINE PDNPASSWORD;
     WAIT "host PROMPT";
     ON NOT WAIT GOTO;

     EXIT;
fail:
     ABORT "Unable to connect";
```

2) COUNT <interval>

Sets up a master counter to <interval>. The <interval> is in "<how many> MINUTE <how many> SECOND" format. This counter can be reset by another COUNT command or canceled by the "STOP TIMER" command (see STOP TIMER). If the counter expires execution will be transferred to the location specified by the label in the "ON TIMEOUT GOTO <label>" statement. This allows user to set timeouts on any portion of the script or the entire script.
Chapter V illustrates how the "ON TIMEOUT GOTO <label>" is used to handle timeouts.

Example:

```
COUNT 2 MINUTE 30 SECOND;

      RUN BETWEEN 17:00 to 8:00;

      DATABITS IS 7;
      PARITY IS EVEN;
      COUNT 60 SECOND;
      ON TIMEOUT GOTO SecondNumber;

FirstNumber:
      DIAL 1;
      ON CONNECT GOTO continue;
      ON ERROR GOTO Error1;
      GOTO FirstNumber;
```

3) DATABITS IS <n>;

Sets the number of data bits of the communication parameters. Possible values are 7 or 8. The databits is set to 8 initially. If set to 7, the parity will be set to EVEN automatically.

Example:

```
DATABITS IS 7;

      RUN BETWEEN 17:00 to 8:00;

      DATABITS IS 7;
      PARITY IS EVEN;
      COUNT 60 SECOND;
      ON TIMEOUT GOTO SecondNumber;
```

4) DELAY <interval>;

Suspends the execution of the script for a period specified by <interval>. The <interval> is in "<how many> MINUTE <how many> SECOND" format.

Example:

```
DELAY 3 SECOND;

start:
      DELAY 3 Seconds
      DIAL 1;
      ON ERROR GOTO fail;
            ON CONNECT GOTO continue;

      GOTO start;
```



```
continue:
      WAIT "user name:";
      ON NOT WAIT GOTO fail;

      SENDLINE PDNUSERNAME;
```

5) DIAL [n];

Dial the predefined telephone number. Up to 2 predefined numbers are allowed. If supplied without arguments, the current number will be used.

Example:

```
DIAL 2;

start:
      DIAL 2;

      ON ERROR GOTO fail;
      ON CONNECT GOTO continue;

      GOTO start;
```

6) EXIT;

Allows normal exiting of script execution. This command should be used to perform necessary maintenance when there is a connection established.

Example:

```
EXIT;

continue:
      WAIT "user name:";

      ON NOT WAIT GOTO fail;

      SENDLINE PDNUSERNAME;
      WAIT "password:";

      ON NOT WAIT GOTO fail;

      SENDLINE PDNPASSWORD;
                        WAIT "host prompt:";

      ON NOT WAIT GOT
      EXIT;

fail:
      ABORT;
```

7) GOTO <label> ;

This statement causes the script processor to jump to the location in the script pointed to <label>. If the label does not exist, the script aborts.

Example:

```
GOTO LabelOne;

      COUNT 60 SECOND;
      ON TIMEOUT GOTO SecondNumber;
                  FirstNumber:
      DIAL 1;
      ON CONNECT GOTO continue;
      ON ERROR GOTO Error1;
      GOTO FirstNumber;

SecondNumber:
      COUNT 60 SECOND;
      ON TIMEOUT GOTO Error1;

Redial:
      DIAL 2;
      ON CONNECT GOTO continue;
      ON ERROR GOTO Error1;
      GOTO Redial;
```

8) <name> IS <string> ;

This statement assigns a character string to a name. This name can be used later. A maximum of 30 names each comprising of up to 20 characters may be used in a script. The maximum string length that may be assigned to a name is 50 characters. The characters used in a string should be the printable ASCII characters. Strings are bounded by double quotes ("). If double quotes are needed inside a string, two consecutive double quotes should be used.

Example:

```
FirstString IS "ABC";

continue:
      STOP TIMER;

      { set up string variables }
      FirstString IS "ABC";
      SecondString IS "DEF GHI"
      ThirdString IS "XYZ";
      COUNT 2 MINUTE 30 SECOND;
      ON TIMEOUT GOTO Error2;
```


9) <label name>:

A Label is used to mark the Beginning of a series of Script commands. Label name must begin with an alphabet followed by one or more alphanumeric characters. Label name can be up to 30 characters. The reserved identifiers listed above cannot be used as label names. Control can be passed to the location in the script identified by a label using "GOTO <where>;" or "ON <condition> GOTO <where>;" script statement.

Example:

```
LabelOne:

start:
      DIAL 1;

      ON ERROR GOTO fail;

      ON CONNECT GOTO continue;

      GOTO start;

continue:
      WAIT "user name:";
      ON NOT WAIT GOTO fail;

      SENDLINE PDNUSERNAME;
      WAIT "password:";

      ON NOT WAIT GOTO fail;
      SENDLINE PDNPASSWORD;

      WAIT "host prompt:
      ON NOT WAIT GOTO fail;

      EXIT;
fail:
      ABORT;
```

In the example above "start:", "continue:" and "fail:" are label identifiers.

10) ON <condition> GOTO <label>;
ON NOT <condition> GOTO <label> ;

Test the system internal flags. Transfer control to <label> location if <condition> is satisfied, otherwise continue the script on the next statement. ON NOT <condition> is just the reverse logic of ON <condition>. The conditions that can be tested are ERROR, CONNECT, and WAIT. The ERROR flag will set if there is a hardware error. Hardware errors include carrier drop error, modem errors, serial port errors, etc. The CONNECT flag is set when a connection is established. The WAIT flag reflects the result of the last WAIT or WAITLINE command. Refer to Chapter V for the commands and the corresponding conditions that should be tested.

Example:

```
ON CONNECT GOTO LabelOne;

      COUNT 60 SECOND;
      ON TIMEOUT GOTO SecondNumber;
FirstNumber:
      DIAL 1;
      ON CONNECT GOTO continue;
      ON ERROR GOTO Error1;
      GOTO FirstNumber;
SecondNumber:
      COUNT 60 SECOND;
      ON TIMEOUT GOTO Error1;
Redial:
      DIAL 2;
      ON CONNECT GOTO continue;
      ON ERROR GOTO Error1;
      GOTO Redial;
```

11) ON TIMEOUT GOTO <label> ;

Whenever the master counter expires control is transferred to the location specified by <label>. The timeout location may be reset by another "ON TIMEOUT GOTO <label>" statements.

Example:

```
ON TIMEOUT GOTO LabelOne

      RUN BETWEEN 17:00 to 8:00;

      DATABITS IS 7;
      PARITY IS EVEN;
      COUNT 60 SECOND;
      ON TIMEOUT GOTO SecondNumber;

FirstNumber:
      DIAL 1;
      ON CONNECT GOTO continue;
      ON ERROR GOTO Error1;
      GOTO FirstNumber;
```

12) PARITY IS <p>;

Allows setting of the parity of the communication parameters. Possible settings are:

NONE:	parity bit is unused.
ODD:	odd parity.
EVEN:	even parity.
MARK:	parity bit is always 1.
SPACE:	parity bit is always 0.

Example:

```
PARITY IS EVEN;

      RUN BETWEEN 17:00 to 8:00;
      DATABITS IS 7;
      PARITY IS EVEN;
      COUNT 60 SECOND;
      ON TIMEOUT GOTO SecondNumber;
```

13) RUN BETWEEN <start time> AND <stop time>;

Set up an alarm clock for running this script. This statement should be the first statement in the script if used. If current time is between <start time> and <stop time>, the script will be run immediately. If current time is either earlier than <start time> or later than <stop time> , the execution of this script will be delayed until <start time>. The hours can wrap through midnight. For example:

```
RUN BETWEEN 22:00 AND 1:00;
```

In the above statement the start time specified is 22:00 hours, and stop time is 01:00 hours. If the current time is 21:00 hours, execution will be delayed until the start time. If the current time.

is 23:00 hours, execution of the script will commence immediately. If the current time is 02:00 hours, execution of the script will be paused till 22:00 hours.

Example:

```
RUN BETWEEN 8:30 AND 17:00;

      RUN BETWEEN 17:00 AND 8:00;
      DATABITS IS 7;
      PARITY IS EVEN;
      COUNT 60 SECOND;
      ON TIMEOUT GOTO SecondNumber;

FirstNumber:
      DIAL 1;
      ON CONNECT GOTO continue;
      ON ERROR GOTO Error1;
      GOTO FirstNumber;
```

14) SEND <string>;

```
SEND  <name>;
SEND  PDNUSERNAME;
SEND  PDNPASSWORD;
SENDLINE  [<string>];
SENDLINE  [<name>];
SENDLINE  PDNUSERNAME;
SENDLINE  PDNPASSWORD;
```

Send a string to the modem. The string can be a predefined pattern identified by a <name> or <string>. The PDNUSERNAME and PDNPASSWORD are predefined by the system and should be used when dial up EDGAR host through a Public Data Network. The PDNUSERNAME represents the user ID of the PDN account. The PDNPASSWORD is the password used to log onto the PDN. SENDLINE sends out the string followed by a carriage return. The SENDLINE command without an argument causes a carriage return to be transmitted. PDNUSERNAME and PDNPASSWORD are stored in the EDGARLink configuration file EDGAR.CNF.

Example:

```
SEND "Hello";
SEND PDNUSERNAME;
SENDLINE PDNPASSWORD;

WaitLogon:
     SENDLINE;
     WAIT "User Name:" FOR 30 SECOND;
     ON NOT WAIT GOTO WaitLogon;
```



```
     SENDLINE PDNUSERNAME;
     ON ERROR GOTO Error3;
     WAIT "Password:" FOR 30 SECOND;
     ON NOT WAIT GOTO WaitLogon;
     SENDLINE PDNPASSWORD;
     ON ERROR GOTO Error3;
```

15) SEND BREAK ;

This causes a "break" signal to be sent.

Example:

```
SEND BREAK;

continue:
      SEND BREAK;
      WAIT "user name:";

      ON NOT WAIT GOTO fail;
SENDLINE PDNUSERNAME;
      WAIT "password:";
      ON NOT WAIT GOTO fail;

      SENDLINE PDNPASSWORD;
      WAIT "host prompt"
      ON NOT WAIT GOTO fail;
      EXIT;
fail:
      ABORT;
```

16) STOP TIMER ;

Stop the master counter.

Example:

```
STOP TIMER;

SecondNumber:
      COUNT 60 SECOND;
      ON TIMEOUT GOTO Error1;
Redial:
      DIAL 2;
      ON CONNECT GOTO continue;
      ON ERROR GOTO Error1;
      GOTO Redial;
continue:
      STOP TIMER;
      FirstString IS "NetOne";
```

17) **WAIT <name> [FOR <interval>] ;**
WAIT <string> [FOR <interval>];
WAITLINE [<name>] [FOR <interval>];
WAITLINE [<string>] [FOR <interval>];

Wait for a previously set pattern or character str+wg to be matched. The waiting time may be specified by the optional argument "FOR <interval>". If "FOR <interval>" is not specified, the waiting time is 30 seconds. "WAITLINE" waits for the pattern or the string followed by a carriage return. "WAITLINE" without the <string> or <name> argument waits for carriage a return.

Example:

```
WAIT "User Name:";

WaitLogon:
      SENDLINE;
      WAIT "User Name:" FOR 30 SECOND;
      ON NOT WAIT GOTO WaitLogon;
      SENDLINE PDNUSERNAME;
      ON ERROR GOTO Error3;
      WAIT "Password:" FOR 30 SECOND;
      ON NOT WAIT GOTO WaitLogon;
      SENDLINE PDNPASSWORD;
      ON ERROR GOTO Error3;
```

d. Programming Techniques

There are several techniques that can be used in the script in establishing a connection with the EDGARLink host.

Delay:

When dialing up EDGARLink host through Public Data Network, a delay of several seconds may be needed before sending or receiveing any messages.

Test Conditions:

When using the DIAL, SEND, or WAIT commands, the results of the commands should be tested immediately. Otherwise these results will be changed by following commands.

Abort with Message:

When there is an error, aborting the script immediately. Use the message field of the ABORT command to indicate the reason for aborting.

C. SAMPLE SCRIPTS

Following are two sample scripts that demonstrate the usage and features of ESL. The first script illustrates a straightforward way to setup a link to a host network. The second script implements timeout and error controls to set up a link. The line numbers on the left have been added to reference the script in the description.

```
1.{*****************************************************************}
2.
3.                    EDGARLink Script One
4.
5.{*****************************************************************}

6.      start:
7.         DIAL 1;                      {dial the primary number}
8.         ON ERROR GOTO fail;          {if get an error abort the script}
9.         ON CONNECT GOTO continue;    {When connect continue}
10.        GOTO start;                  {probably busy, try again}
11.     continue:
12         WAIT "user name:";           {wait for the "username" prompt"
13.        ON NOT WAIT GOTO fail;       {no prompt, abort the script}
14.        SENDLINE PDNUSERNAME;        {send your PDN user ID}
15.        WAIT "password:";            {wait for the "password" prompt}
16.        ON NOT WAIT GOTO fail;       {No prompt, abort the script}
17.        SENDLINE PDNPASSWORD;        {send your password}
18.        WAIT "host prompt:";         {you are logged on, wait for the
                                        system prompt}
19.        ON NOT WAIT GOTO fail;       {your are logged on, wait for the
                                        system prompt}
20.        EXIT;                        {abort the system}
21.     fail:
22.        ABORT;
```

Description:

Line 1 to 5 : Comments are contained in brackets.
Line 6 : Define label to be used by GOTO statement.
Line 7 : Dial the first system defined number.
Line 8 : If get an error, abort the script.
Line 9 : When connected, continue.
Line 10 : Probably busy, dial again.
Line 11 : Label.
Line 12 : Waits for a specific sequence of characters string for 30 seconds.
Line 13 : Check if the string have arrived?
Line 14 : Send out string and carriage return.
Line 15 to 19 : Keep on exchanging information with host.
Line 20 : Return control back to EDGARLink PC.
Line 21 to 22 : Return control back to EDGARLink PC with error message.


```
1.   {*********************************************************
2.
3.       EDGARLink Script Two
4.
5.       This script shows how to setup a link to EDGARLink Server
         through
6.       Public Data Network
7.
8.      ********************************************************
9.      RUN BETWEEN 17:00 AND 8:00; { running at night to save money
10.     ********************************************************}
11.     set up communication parameters for the PDN
12.     {********************************************************
13.     DATABITS IS 7;
14.     PARITY IS EVEN;
15.     ********************************************************}
16.     dial primary number for 60 seconds
17.     ********************************************************}
18.     COUNT 60 SECOND;
19.     ON TIMEOUT GOTO SecondNumber; { no luck, try secondary
        number }
20.  FirstNumber:
21.     DIAL 1;
22.     ON CONNECT GOTO continue;
23.     ON ERROR GOTO Error1;
24.     GOTO FirstNumber;
25.  {*************************************************************
26.     dial secondary number for 60 seconds
27.  ********************************************************}
28.   SecondNumber:
29.      COUNT 60 SECOND;
30.      ON TIMEOUT GOTO Error1;
31.   Redial:
32.      DIAL 2;
33.      ON CONNECT GOTO continue;
34.      ON ERROR GOTO Error1;
35.      GOTO Redial;
36.      {line should be connected successfully now }
37.   continue:
38.      STOP TIMER;
39.      { set up string variables }
40.      HostID IS "NetOne";
41.      LogOnPrompt IS "User ID:"
42.      PasswordPrompt IS "Password:";
43.   {********************************************************}
44.      select a host
45.   ********************************************************}
46.      COUNT 2 MINUTE 30 SECOND;
47.      ON TIMEOUT GOTO Error2;
48.   WaitHost:
49.      SENDLINE;
50.      WAIT "Host Name:" FOR 30 SECOND;
51.      ON NOT WAIT GOTO WaitHost;
```

```
52.      SENDLINE HostID;
53.      ON ERROR GOTO Error3;
54.  {*********************************************************
55.      log on to the host
56.  *********************************************************}
57.      COUNT 3 MINUTE;
58.      ON TIMEOUT GOTO Error2;
59.   WaitLogon:
60.      SENDLINE;
61.      WAIT LogOnPrompt FOR 30 SECOND;
62.      ON NOT WAIT GOTO WaitLogon;
63.      SENDLINE PDNUSERNAME;
64.      ON ERROR GOTO Error3;
65.      WAIT PasswordPrompt FOR 30 SECOND;
66.      ON NOT WAIT GOTO WaitLogon;
67.      SENDLINE PDNPASSWORD;
68.      ON ERROR GOTO Error3;
69.   {*********************************************************
70.      select EDGARLink
71.   *********************************************************}
72.      COUNT 2 MINUTE 30 SECOND;
73.      ON TIMEOUT GOTO Error2;
74.   WaitSelection:
75.      WAIT "Your Command:" FOR 30 SECOND;
76.      ON NOT WAIT GOTO WaitSelection;
77.      SENDLINE "EDGARLink";
78.      ON ERROR GOTO Error3;
79.      { connect to EDGARLink server successfully }
80.   Finish:
81.      EXIT;
82.   {*********************************************************
83.      error messages
      *********************************************************}
85.   Error1:
86.      ABORT "unable to connect";
87.   Error2:
88.      ABORT "Host not responding";
89.   Error3:
90.      ABORT "unable to send";
```


Description:

Line 1 to 8 : Comments are contained in brackets.
Line 9 : Set up the alarm clock to run at night time. If current time is earlier than the start time ESL processor will wait until the start time. If current time is between the specified interval, execution of this script starts immediately.
Line 10 to 14 :Set up communication parameters.
Line 15 to 17 :Comments.
Line 18 : Set up the global counter to count for 60 seconds and keep on executing following statements until timeout or reset. If timeout, the execution of the script will resume at the position specified by ON TIMEOUT GOTO WHERE statement. The default position for timeout is the statement next to current statement.
Line 19 : Define jump on location for timeout.
Line 20 : Define label to be used by GOTO statement.
Line 21 : Dial the first system defined number.
Line 22 : Check connected or not ?
Line 23 : Is any hardware error ?
Line 24 : If the line is busy, dial again.
Line 25 to 35 :Try the second number if necessary.
Line 36 : Comments.
Line 37 : Label.
Line 38 : Stop the timer to avoid timeout.
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D. ERROR HANDLING

The ESL parser only detects syntax errors. It is not responsible for interpreting the semantics of the script. The ESL processor executes the commands sequentially according to the script. It is the user's responsibility to implement error checking by using the "ON <condition> GOTO <where>" or "ON NOT <condition> GOTO <where>" command to ensure proper executing.

ESL has a master counter that can be set by the user to implement a function similar to an alarm clock. Whenever a timeout occurs control is transferred to the location specified by the user with an "ON TIMEOUT GOTO <label>" command. If a timeout occurred before a location is defined, the next statement will be used by default. Once a timeout location is set, it will remain effect until another "ON TIMEOUT GOTO <label>" command specifies the new location. The master counter is set by the "COUNT <interval>" command. The <interval> is in "<how many> MINUTE <how many> SECOND" format. The counter can be reset by another "COUNT" command or stopped by "STOP TIMER" command.

The "ON <condition> GOTO <where>" should be used to check results of previously executed commands. Following are the commands and the corresponding conditions that should be checked by the user.

Command	Condition
DIAL	CONNECT
	NOT CONNECT
	ERROR
	NOT ERROR
WAIT	WAIT
WAITLINE	NOT WAIT
	ERROR
	NOT ERROR
SEND	ERROR
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U.S. Securities and Exchange Commission
Washington, D.C.

Electronic Data Gathering, Analysis, and Retrieval (EDGAR)

EDGAR FILER MANUAL:
N-SAR Supplement

EDGAR Release 3.0

For use with N-SAR
PC Application Version 3.0

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APRIL 1993

EDGAR
Electronic Data Gathering, Analysis, and Retrieval

EDGAR FILER MANUAL

NOTICE

This EDGAR filer manual is a Rule of the United States Securities and Exchange Commission ("Commission"). Rule 301 of the Commission Regulation S-T adopted by the Commission requires that electronic filings with the Securities and Exchange Commission comply with the requirements of this Filer Manual. Notices of amendments to this Filer Manual will appear in the Federal Register and other sources.

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U.S. Securities and
Exchange Commission
Washington, D.C.

ELECTRONIC DATA GATHERING, ANALYSIS, AND RETRIEVAL (EDGAR)

EDGAR FILER MANUAL N-SAR SUPPLEMENT:

User's Guide for Electronic Filing with the U.S. Securities and Exchange Commission

April 1993

For Use With Release 3.0 of EDGAR
and
N-SAR PC Application Version 3.0

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CHAPTER 1

INTRODUCTION

A. PURPOSE

Registered management investment companies are required to file Form N-SAR semi-annually. The U.S. Securities and Exchange Commission's (SEC) Electronic Data Gathering and Retrieval (EDGAR) system provides the capability to receive, analyze and disseminate filings electronically. The N-SAR PC Application (version 3.0) software provides a means for preparing for transmission to the SEC a file containing the answers to the Form N-SAR using an IBM or IBM compatible personal computer (PC). These answers are transmitted electronically to EDGAR and are made available to the SEC and the public.

EDGARLink software is used to assist in the preparation of electronic submissions of Form N-SAR and in the transmission to EDGAR. EDGARLink is a comprehensive software program that is designed to assist with preparation and transmission of all electronically submitted filings to the SEC's EDGAR system. The software is provided by the SEC to electronic filers.

Refer to the EDGAR Filer Manual for more detailed information about EDGARLink. You may want to refer to section 5.6 for instructions on EDGARLink configuration.

EDGARLink must be installed before the N-SAR PC Application is installed.

This N-SAR PC Application User's Guide should be read in conjunction with the EDGAR Filer Manual to provide the information required for you to prepare semi-annual reports and file them electronically. This manual describes the functions of the N-SAR PC Application (version 3.0) that lessen the work necessary to organize and submit the data required by Form N-SAR and explains how to use the functions.

B. COMPATIBILITY OF N-SAR PC APPLICATION VERSION 3.0 WITH EARLIER VERSIONS OF SOFTWARE

The N-SAR PC Application (Version 3.0) may be used to update a database you created on your PC using N-SAR PC Application Version 3.0. Follow the instructions in Chapter 2 of this manual for replacing an earlier version of the NSAR.EXE file on your hard drive with Version 3.0 and for preparing an N-SAR filing.

C. STRUCTURE OF THE USER'S GUIDE

Chapter 2, "Getting Started", describes the equipment and steps necessary to install EDGARLink and the N-SAR PC Application on your PC and to start creating an N-SAR database.

Chapter 3, "N-SAR PC Application Operation", describes the processes required and functions provided for filing out Form N-SAR on your PC and creating an answer file.

Chapter 4, "Creating and Transmitting the N-SAR Submission", describes in detail the steps that you must take to transmit the N-SAR data to the SEC via modem, using EDGARLink software.

In addition, several appendices are provided that give you additional information useful in preparing Form N-SAR. These include an overview of MS-DOS, a sample Answer File, and an answer key.

D. USER'S GUIDE CONVENTIONS

Certain conventions have been followed in the preparation of this User's Guide. The most important concern instructions for user input. In this User's Guide, any example of direct, single-line, data entry will be centered on the line in which it appears and separated from the text by blank lines above and below it. In cases where several steps of user input are required, the steps will be listed on separate lines. In addition, they will be listed in the order in which you are required to enter them.

Another convention applies to the keyboard keys and how they are represented in this manual. If you are to press a certain key, the name of the key will appear in uppercase, enclosed between two inequality signs. Examples appear below.

<ENTER>	=	the Enter or Return key
<F1>	=	the F1 function key

Text displayed on the screen will appear in Courier font. In certain places, you will be required to enter information (e.g., text, data or a number). In these cases, the data that must be entered will be ***in bold italics in Courier font***. For example:

C:\>***THIS IS AN EXAMPLE <ENTER>***

These conventions are followed so that explanations and examples of user input may be easily differentiated from other text.

CHAPTER 2

GETTING STARTED

A. HARDWARE AND SOFTWARE REQUIREMENTS

In order to support the N-SAR PC Application, and EDGARLink, the following hardware items are minimum requirements:

(1) An IBM PC or XT compatible computer (including keyboard and monitor) with 512 KB of available memory (RAM); NOTE: You may be unable to use the N-SAR PC Application with some monochrome monitors.

(2) For installation, 1 hard disk with 5MB free and 1 floppy 3.5 inch disk drive.

(3) To create and store an N-SAR database, a hard disk drive with sufficient storage capacity or either 3.5 inch or 5.25 inch floppy disk drive(s). (Note: 3.5 inch floppy disks have a higher storage capacity than 5.25 inch floppy disks. Therefore, extremely large data files may not fit on a 5.25 inch floppy disk. See Chapter 2, Section H., for instructions on how to store large databases on floppy disks.)

(4) A modem capable of 1200 Baud or higher.

In addition, the minimum software requirements for filling out Form N-SAR and filing it with the SEC follow:

(1) N-SAR PC Application Version 3.0 diskette;

(2) EDGARLink software release 3.0, on two diskettes;

(3) MS-DOS Version 3.2 or higher.

B. OVERVIEW OF N-SAR/EDGARLINK INTERFACE

The following steps outline the process required for preparation of an N-SAR submission using EDGARLink. Each step is described in detail on the following pages.

1. Install and configure EDGARLink.
2. Install the N-SAR software.
3. Start EDGARLink and prepare a Form N-SAR document.
4. Assemble the N-SAR submission:
   - 4.1 Construct an N-SAR submission header.
   - 4.2 Assemble the submission.
5. Check for errors within the submission.
6. Correct errors, if any.
7. Transmit the submission to the SEC.
9. Exit

C. INSTALLATION OF EDGARLINK AND N-SAR PC APPLICATION

1. INSTALL AND CONFIGURE EDGARLINK

EDGARLink is a comprehensive software program that is designed to assist with the preparation and transmission of electronically submitted filings to the SEC's EDGAR system. The software is provided by the SEC to electronic filers.

Through a custom application, EDGARLink assists in the preparation and correction of Form N-SAR submissions.

EDGARLink also provides, as it does for other submission types, error checking and transmission assistance for Form N-SAR submissions.

Refer to the EDGAR Filer Manual, section 5.5 for instructions for modifying configurations for EDGARLink.

NOTES:

1. To run EDGARLink successfully on your computer, it may be necessary to modify the PATH command in your AUTOEXE.BAT file. EDGARLink requires a search path to the DOS directory (usually "DOS, or C:\DOS"). Typically, the DOS directory is included in the PATH command in the AUTOEXE.BAT file. If it is not, that file must be edited to include it. Refer to a MS/PC DOS Reference Manual for the use of the PATH command in an AUTOEXEC.BAT file.
2. One line must be added to the AUTOEXEC.BAT file which will install the resident part of the DOS print command so that it can be used later in EDGARLink. The following line must be added after the PATH line:

PRINT <C:\ELINK\NEWLINE.DAT

(If ELINK is not the directory where EDGARLink is installed, then the added line should include the name of the EDGARLink directory.) An editor such as MS-DOS editor may be used to make the change. After adding this line to the AUTOEXEC.BAT file, reboot your computer.
3. When decompressed, EDGARLink occupies approximately 3.5 MB of space on the hard drive. NSAR.EXE occupies about 1 MB of space on the hard drive. Additional space will be required for storing the N-SAR database files, the text of filing documents, and session log files created by EDGARLink. It is recommended that you allow at least 1 MB for the latter files. The amount of disk space required for data files will, of course, vary according to a number of factors, the most significant of which is the number of series in a fund. Our recommended minimum of 1 MB should be adequate for a fund with up to three series with no more than one class of shares per series. If you have more funds, or funds with more series or classes, you will need proportionately more disk space in which to write the required files.
4. When installation of the files from the first EDGARLink diskette is complete, EDGARLink prompts for the second diskette.
5. The installation of EDGARLink takes approximately 10 minutes. After the files from the second diskette have been successfully installed, you will be notified to press any key to start EDGARLink.

STEP	ACTION/RESULT

At DOS Prompt C:\>

1. Insert EDGARLink Diskette 1 into your 3.5 inch diskette drive. Depending on whether your drive is A: or B:

— Type: A:\INSTALL, <ENTER>
or
Type B:\INSTALL, <ENTER>
Result: The EDGARLink/N-SAR Installation Menu in Figure 2.1 appears.

—



Figure 2.1: EDGARLink/N-SAR Installation Menu

NOTE:
EDGARLink must be installed before the N-SAR PC Application can be installed.

STEP	ACTION/RESULT
2.	Select: **Install EDGARLink Software**, press <ENTER> Result: The Install EDGARLink Software window appears:

```
----------Install EDGARLink Software----------

        Enter Drive and Directory Path:  C:\ELINK
```

3. The next step in the installation depends on what you name the directory where EDGARLink will be stored.

IF you want to ...	Then you...
accept C:\ELINK as the default drive and directory for EDGARLink	press <ENTER>
Put EDGARLink in another drive and/or directory	type: (PATHNAME), press: <Enter>

Result: You will be prompted to confirm that the entered data is correct.
If you type "Y" (yes) the program files are decompressed and copied to the designated drive and directory. Go to Step 4.
If you type "N" (no) or press <ENTER> you will be returned to the EDGARLink Installation Menu.

STEP	ACTION/RESULT
4.	Press: (ANY KEY) Result: EDGARLink Main Menu in Figure 2.2 appears.


```
                EDGARLink Main Menu

            Create a Submission
            Check\Edit for errors in Filing
            Correct Errors in Filing
            Transmit Test Filing to SEC
            Transmit Live Filing to SEC
            Send Modifications Script
            Change CIK Confirmation Code
            Change Password
            Verify EDGARLink Version
            Modify User's Configurations
            Access E-Mail and Bulletin Board
            Custom Applications
            Exit to DOS
-------------------------------------------------------------
  Version 3.0 |LOG OPEN | PRINT ON |       [F1] for help
  Move Highlight,   [Enter]  Select Option
```

Figure 2.2: EDGARLink Main Menu

NOTE:
The menu choice "Custom Applications" only appears when certain EDGARLink integrated custom software (such as the N-SAR PC Application) has already been installed with EDGARLink.

5. Select: Exit to DOS, press <ENTER>
Result: The DOS prompt C:\ELINK> appears

Type: CD\ to return to C:\>

2. INSTALL THE N-SAR PC APPLICATION

The N-SAR PC Application diskette contains the program, NSAR.EXE, which is required in order to complete the form. You must install NSAR.EXE on the hard drive of your PC. It is best to create the data files on the hard drive as well; the software will run much faster this way.

The following section describes the procedure for installation of the N-SAR software:

Note: EDGARLink MUST be installed before the N-SAR PC Application can be installed.

ACTION	RESULT
Insert the N-SAR PC Application diskette into your 3.5 inch diskette drive.	
Depending on whether your drive is drive A: or drive B: If drive A:, type: A:INSTALL, <ENTER>, or If drive B, type: B:INSTALL, <ENTER>	The EDGARLink/N-SAR Installation Menu in Figure 2.1 appears listing EDGARLink and the N-SAR PC Application software.
Select Install N-SAR PC Application, press <ENTER>	The Install N-SAR PC Application Screen in figure 2.3 appears. You will be prompted to specify a drive and directory into which you would like the N-SAR software installed.

If you want to...	Then you...
accept C:\NSAR as the default drive and directory for the N-SAR software or	press <ENTER>
put the N-SAR software into another drive and/or directory,	type (ALTERNATE PATH NAME), press<ENTER>

NOTE: If you have installed the N-SAR PC Application Version 2.2 on your hard drive, simply replace it with version 3.0 by indicating that you want to install Version 3.0 in the same directory where the earlier version of the NSAR.EXE file resides.

U.S. Securities and Exchange Commission
EDGARLink/N-SAR Installation Program

Your PC Time: June 05, 1992 11:09 am

Install N-SAR PC Application
Enter Drive and directory path of EdgarLink: C:\ELINK
Enter Drive and directory path of N-SAR : C:\NSAR

Press [Esc] for Main Menu Press [F1] for Help
Enter the Disk Drive and Directory Path for the N-SAR Application

Figure 2.3: Install N-SAR PC Application Screen

ACTION	RESULT
After pressing <ENTER>,	The program prompts you to confirm that entered data is correct.

ACTION	RESULT
If you type "Y",	The program files are decompressed and copied to the designated drive and directory.
If you type "N", or press <ENTER>	The program returns you to the Installation Menu.
	After installation, you will be returned to the DOS prompt C:\>.

A batch utility on the disk supplied by the SEC decompresses the NSAR.EXE file and associated files and installs them on the hard disk drive. If installation is successful, the following files will appear in the directory named, or in the default directory:

NSAR.EXE
REBUILD.EXE
COPYDATA.BAT
COPYFILS.BAT
RESTORE.BAT
NSAR.VRS
NSAR.MAP

A directory and a subdirectory will be created on the hard disk. If you accept the directory C:\NSAR for installation of the N-SAR software, a subdirectory C:\NSAR\DATA will be created to hold your data files. You may specify another drive and directory, but the installation process always creates a subdirectory \DATA. The executable program, NSAR.EXE, and related batch utilities will be copied to the default directory or to another directory you specify, and the data files will be created in the subdirectory \DATA or in another subdirectory named in Figure 2.4.

(NOTE: If installation was not successful, repeat the installation process.)

> There are two ways to manage data files if you need to create filings for more than one company:
>
> 1) Use the default subdirectory, \DATA, to create each filing, and then store the data and text files for each company on separate diskettes, using a unique file name for each company; or
>
> 2) After using the INSTALL utility, create additional subdirectories on your hard disk, using the DOS commands outlined in Appendix A, Step 8, to identify each company.

D. START EDGARLINK AND PREPARE A FORM N-SAR

The following sections describe the procedure for starting the N-SAR software through EDGARLink to prepare a Form N-SAR document:

1. START EDGARLink

ACTION	RESULT
At the DOS prompt for the drive where EDGARLink is stored (i.e. C:\>) Type **CD\ELINK** (if a directory other than ELINK was specified during installation, substitute that path name and directory.	ELINK becomes the current directory.
Type **ELINK <ENTER>**	The EDGARLink Main Menu appears. A description of Main Menu choices may be found in the EDGARLink Filer Manual section 5.7.
From the EDGARLink Main Menu Select **Custom Applications**, press **<ENTER>**	The Custom Applications menu appears, listing available applications.
Select **Create/Edit Form N-SAR**, press **<ENTER>**	The Form N-SAR title screen appears.

2. Prepare a Form N-SAR, Using the N-SAR PC Application

The N-SAR program will start and the first screen (See Figure 2.4) will ask you to identify the drive and subdirectory in which you want your databases to be located.

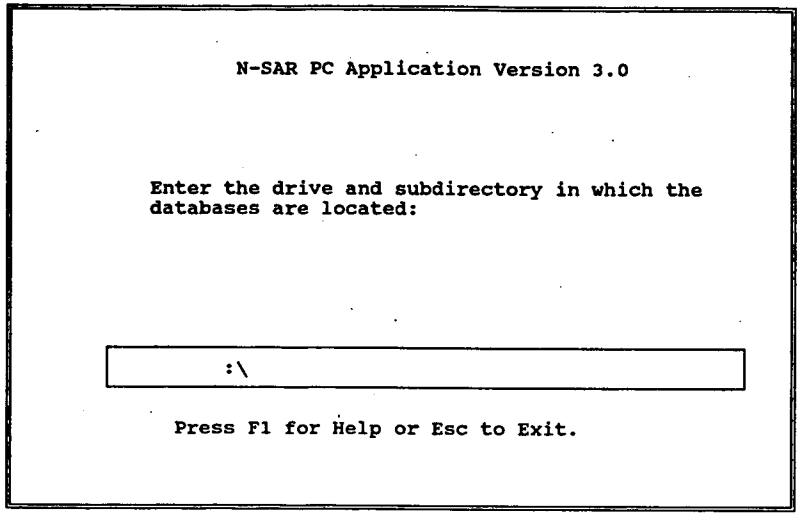


Figure 2.4: First Screen of N-SAR PC Application

The directory, C:\NSAR\, or other directory was created in the installation process described in Chapter 2.C.2. The subdirectory C:\NSAR\DATA was also created for your database. If you want your database to be created in another subdirectory you must go to the DOS prompt and use the DOS command described in Appendix A to make that subdirectory. Type in the name of the drive and directory. For example, type the following information to answer the request:

C:\NSAR\DATA <ENTER>

If the N-SAR program does not find any N-SAR data in that directory it will ask you if you want to have the N-SAR databases created. Responding

"Y"

creates empty N-SAR databases that will fill with data as you fill out the Form N-SAR. Responding

"N"

causes the N-SAR program to end since the databases are necessary for the N-SAR application to run. Once the databases have been created or found, the menu that is shown in Figure 2.5 will appear.

The screen shown in Figure 2.5 is the N-SAR PC Application menu. A typical session would use option #1 "EDIT FORM". (Please refer to Chapter 3 in this instruction manual for an explanation of each menu selection.)

NOTE: If you choose option #1, "Edit Form," you will be asked the following question: "After your most recent form N-SAR editing session did you create AND transmit an answer file to the SEC (Y or N)?". If you answer "Y", the program will create a new Answer File for this filing. If you answer "N", the program will identify the response as a request to edit the current Answer File. See page Chapter 3 for a further discussion of this question.

E. MAKING A TEST FILING

If you are filing electronically for the first time, or if you are using EDGARLink for the first time, you may want to prepare and transmit a "test filing" to the SEC. Test filings give you an opportunity to gain experience with the N-SAR program and with EDGARLink.

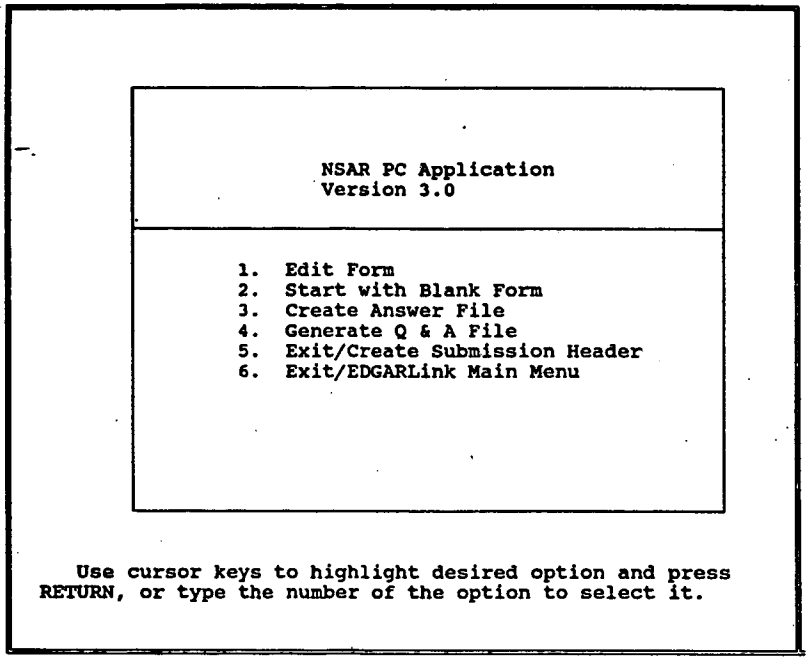


Figure 2.5: NSAR PC Application Menu

Transmit the test filing using the same procedures as those ordinarily used to transmit N-SAR filings. These procedures are described in Chapter 4, "Creating and Transmitting the N-SAR Submission".

You do not need to fill out the entire Form N-SAR when creating a test filing. Only the Header Screen and Screens 1 and 2 need to be completed for a test submission, but you may choose to use a complete filing for a test.

F. ACCESS CODES TO THE EDGAR SYSTEM

To identify filers correctly and to ensure that filings are being sent by entities authorized to make EDGAR submissions, the EDGAR system uses four access codes: a Central Index Key (CIK), a CIK Confirmation Code (CCC) for CIK filer authentication, a Password (PW) for log-in when filing by direct transmission and for modifying the CCC, and a Password Modification Authorization Code (PMAC) for modifying the password.

If the SEC has already assigned a CIK to a filer, the filer should continue to use the same CIK. For a new filer, the SEC will assign a CIK. The CCC, PW and PMAC will be assigned initially by the SEC. These codes are described fully in section 3.3 of the EDGAR Filer Manual. Procedures for applying for or changing the CCC and PW are described in that section, also.

G. DATA ENTRY

Step 1 The first "editing" screen in the N-SAR PC Application program is the Header Screen. The information you supply on this screen is very important. It is unique to you, and is used by the SEC to identify the Answer File that you submit as yours. The entries to be made on the Header Screen are as follows:

(1) Registrant Name - This must match the Registrant Name on the Registration Statement under the Investment Company Act of 1940.

(2) File Number - This is the file number assigned to the Registrant by the SEC for filings under the Investment Company Act of 1940.

(3) Registrant CIK Number - This number is assigned to you by the SEC as a unique registrant identifier. It is also used as one of your EDGAR access codes. (See section 3.3 of the EDGAR Filer Manual.)

Step 2 After the Header Screen has been completed, Screen 1 will be displayed. Screen 1 requests information about the registrant and the filing. The date/period for which the N-SAR report is being filed should be entered at the top of the screen. The field you select to enter a date will depend upon the period that the N-SAR report is covering. Questions 7A and 7B request information about your company's status as a series company. If you indicate that the company is a series company, there will be several multi-series screens within the program that will ask you to enter the series number to which the screen's information applies.

Step 3 Screen 2 requests a list of names of the company's series. Important: Note the series number for each series name you enter. When information is requested on a series basis on other screens, the series will be identified by number.

After all information has been entered on screen 2, print out a hard copy of screen 2 by pressing either the <SHIFT> <PRINT SCREEN> keys or just the <PRINT SCREEN> key, depending on your keyboard. You will find it helpful to have a hard copy of the series names and assigned numbers when series information is requested on later screens.

NOTE: Once a series has been numbered on a Form N-SAR, the series number should never be changed for subsequent filings, even if a lower-numbered series has been eliminated.

Step 4 If your company is a multiple series company, many of the remaining screens (Screens 3 - 44) will have a "Series Information Block" located in the upper right hand corner of the screen. Each Series Information Block will request two types of information. First, if the answers to all items on the screen are the same for ALL series, then type ALL in the designated block.

By typing "ALL", the N-SAR program will assign the same information to all of the series listed on Screen 2.

There are, however, two ways that answers can be entered on Form N-SAR when responses to all questions are not the same for all series. The two methods are: Series-by-Series and Screen-by-Screen.

With the Series-by-Series method, all questions applicable to one series are answered prior to answering questions for other series. For example, if your company has three series, you would answer all of the questions on Form N-SAR that are applicable to the first series before answering questions for the second or third series. On each screen requiring information unique to a series, type the given series number in the Series Information Block and then answer all of the questions that apply to that series. (Note, series numbers must correspond to the assigned series numbers on Screen 2.) After answering all of the questions on the screen, press <ENTER> to advance to the next screen. Follow the same procedure for each screen until all of the questions for the first series have been completed on Form N-SAR. Follow the same procedure for each subsequent series.

For the Screen-by-Screen method, however, questions are answered for each series sequentially, one N-SAR screen at a time. For example, a company with three series would fill out all information for each series on a given screen before moving on to the next screen. Enter one of the company series numbers (e.g. series #1) in the Information Series Block located in the upper right hand corner of the screen. Enter all information that pertains to that series. After you have filled out all of the company information that pertains to series #1, press the <F2> key, not the <ENTER> key. Pressing the <F2> key will serve two functions:

(1) It will save the series #1 data on the current screen, and;

(2) It will allow you to change the current series number located in the upper right corner, thus enabling you to enter company data for the next series on a fresh clean screen.

The <F2> key should be pressed each time you need to change a series number and enter new information for a different series when using the Screen-by-Screen method.

After all information for the last series has been entered on a screen, press the <ENTER> key, not the <F2> key, to advance to the next screen in the program. Repeat this step whenever the Series Information Block appears in the upper right hand corner of a screen.

In addition to following **Step 4**, Screens 3 through 44 should be filled out as required, using the instructions outlined in Chapter 3. In some cases, there will be a limited set of responses that will be accepted by the program for a given answer field. For example, you may be prompted to enter a dollar amount

in an answer field. In this case, non-numeric characters (except for a minus sign to indicate negative numbers in some fields) will not be accepted. Entry of invalid data will prevent the program from proceeding to the next answer block.

There may be some answers, however, that will represent a correct type of data but an incorrect response. (For example, supplying a numeric response where indicated although a mathematical error is present in relation to other answers on the same screen.) When this type of error occurs, an error message will pop up in the center of the screen. Pressing any key will cause the error message to disappear and the cursor to be positioned at the first data field on the screen.

In another instance, the numeric response might also be a valid type of data but the answer may be inconsistent with responses that were entered on other screens. In this case, an error message will not be displayed until the error check routine is run at the end of the program. These errors will be listed in an Error File called "ERROR.FIL". The ERROR.FIL can be viewed and/or printed from within the system. (See Chapter 3, Section F. for a discussion of ERROR.FIL.)

Step 5 After answering all of the questions on Form N-SAR, you can generate an Answer File. (The Answer File is the basic Form N-SAR document. You must use EDGALink to combine the Answer File with appropriate header data into a submission that can be transmitted to the SEC.) The instructions in Chapter 3, Section E, "Generating an Answer File," should be used to create your Answer File.

H. MANAGING YOUR N-SAR FILES

The N-SAR PC Application diskette contains the N-SAR application program file, NSAR.EXE. In order to run properly and store your N-SAR responses the program needs to create and use other N-SAR files.

1. THE N-SAR FILES

For each company that will complete and submit Form N-SAR, there will be three types of files created by the N-SAR PC Application: database, index, and text files. Each file category contains the following collection of files:

Database File	Index File	Text File
NSAR.DBF	NSAR.NTX	ANSWER.FIL
HEADER.DBF	NSAR2.NTX	Q&A.FIL
READER.DBF		ERROR.FIL

The most important of these files are the database and index files, which store and allow access to your N-SAR responses. (NOTE: Since the database and index files play a role in organizing and listing your N-SAR responses, both file categories must be kept together on the same disk and in the same subdirectory at all times.)

The N-SAR program also creates, at your option, three text files, ANSWER.FIL, Q&A.FIL, and ERROR.FIL. ANSWER.FIL is the Answer File (the basic Form N-SAR document) containing your latest responses to be included in a submission file. The submission file is transmitted to the SEC. The Q&A.FIL is the Question and Answer File which contains the questions on Form N-SAR and all of your answers as they appear on the screen. The ERROR.FIL contains a listing of any errors found when the error check program is run. The N-SAR program creates both the Q&A.FIL and the ERROR.FIL but does not need to use them after they are created. You may save or delete them as you see fit. These text files are discussed in greater detail in Chapter 3.

2. BACKING UP YOUR FILES

After completing and transmitting each filing, you should back up the data files used for that filing. If you do this you will be able to retrieve your Form N-SAR responses from any previous filing by restoring back up files located on the floppy disk to the hard drive and then running the N-SAR application program. (NOTE: The database and index files are dependent on one another and must be kept together in the same subdirectory on the hard disk and on the same back-up floppy disk).

The best way to back up the data files is to copy all of the database and index files onto one floppy disk and all of the text files onto a separate floppy disk. Remember to label each floppy disk with the list of the contents, and date them.

A back-up of the database, index, and text files can be performed by using either the COPYDATA and COPYFILS batch utilities or by using a series of DOS commands. Instructions for making a back-up using the COPYDATA and COPYFILS batch utilities will be described in this section. (Please refer to Appendix A

for instructions on how to back up the N-SAR files from your hard disk to a floppy disk using DOS commands.

The following set of instructions should be used to create a back-up of your database and index files that are stored on your hard disk onto a floppy disk. Assuming you are using floppy drive A: and hard drive C:, place a formatted disk into floppy drive A: and type the following:

C:\>CD\NSAR <ENTER>
C:\NSAR>COPYDATA A: <ENTER>

The COPYDATA batch utility will copy the N-SAR database and index files from the default subdirectory, \NSAR\DATA, to the floppy disk in drive A: for storage. A list of the database and index files can be found in Section 2.H.1.

Use the following instructions to copy the text files that are stored on your hard disk onto a floppy diskette. If you are going to use floppy drive A: and hard drive C:, place another formatted disk (not the same disk containing the database and index files) into floppy drive A: and type the following:

C:\>CD\NSAR <ENTER>
C:\NSAR>COPYFILS A: <ENTER>

The COPYFILS batch utility will copy the N-SAR text files from the default subdirectory, \NSAR\DATA, to the floppy disk in drive A: for storage. A list of text files can be found in section 2G.1. herein.

If you are processing filings for a number of different companies, the COPYDATA and COPYFILS utilities can only be used to back up data files located in the \NSAR\DATA subdirectory. Any additional subdirectories that were created using the DOS commands in Appendix A will have to be backed up using the back-up instructions found in Appendix A. However, these utilities can be used to back up database, index, and text files from the \NSAR\DATA subdirectory to any other existing subdirectory on the hard disk, if that subdirectory is correctly specified when typing the back up command. For example, if you want to back up the database and index files from the \NSAR\DATA subdirectory to a subdirectory called \NSAR\FUND, type the following:

C:\NSAR>COPYDATA C:\NSAR\FUND <ENTER>

3. SUBSEQUENT FILINGS

Since you will have already filed Form N-SAR electronically, you should have a back-up diskette containing the

data files from your most recent filing. Restoring the back-up data files onto your hard drive will enable you to update answers on the previous Form N-SAR that has already been submitted to the SEC. Restoring the most recent back-up data files and updating the answers on the back-up data files will eliminate the necessity of having to set up a brand new Form N-SAR each time you file the form with the SEC.

Back-up files can be restored onto your hard drive by using either the RESTORE batch utility or a series of DOS commands. Instructions for restoring the N-SAR backup data files using the RESTORE utility will be described in this section. (Please refer to Appendix A for instructions on how to restore the back-up data files using DOS commands.

The following set of instructions should be used to restore the N-SAR backup data files to your hard drive. (NOTE: if you removed the N-SAR PC Application program from your hard disk since your last filing or you have removed the \NSAR\DATA subdirectory, repeat the installation instructions in Chapter 2.B. before proceeding.) Assuming you are using floppy drive A: and hard drive C:, place the floppy disk containing the back-up data files into your floppy drive and type the following:

C:\NSAR>RESTORE A: C: <ENTER>

This RESTORE utility will copy the N-SAR data files from the floppy disk to the \NSAR\DATA subdirectory located on your designated hard disk.

NOTE: If you restore data files from a floppy disk to a subdirectory on the hard drive, any database and index files in that subdirectory will be overwritten. Be sure that any needed data and index files on the hard disk have been backed up before executing the restore batch utility.

Once the data files are restored on your hard drive, you are ready to start preparation of another filing. After completing the new filing, back up the new set of data files on a blank diskette and label it accordingly (see above).

4. ARCHIVING YOUR ANSWER FILE

You could use a different diskette to save the Form N-SAR information filed with the SEC for each period. For each new filing, use the most recent data files (on the most recent back-up diskette) as a starting point for the new filing. Use of a different data diskette for every filing is optional, however, since your most recent data diskette will contain all previously filed data up to, and including, the most recent filing.

Instead, you may choose to archive just the Answer Files as a record of your transmissions to the SEC. These files do not have to be on separate diskettes, but each Answer File must have a unique name if you want to store more than one in the same directory on the same diskette. See Chapter 3, Section E for further discussion of the Answer File.

An Answer File can be saved (archived) using DOS commands. Archive instructions can be found in Appendix A, "Archiving Your Answer File".

CHAPTER 3

N-SAR PC APPLICATION OPERATION

A. N-SAR FUNCTIONS

There are six N-SAR functions which may be chosen from the N-SAR PC Application Menu (See Figure 2.5). These functions are selected either by highlighting the desired selection and pressing <ENTER> or by typing the number of the selection.

(1) The first selection, "Edit Form", allows you to edit Form N-SAR. Once this selection has been made, you will be asked, "After your most recent Form N-SAR editing session did you create AND transmit an answer file to the SEC (Y or N)?". This is an important question. Since you have the option of transmitting an Answer File containing only new or changed responses to the SEC, (though you may also generate Answer Files containing all of your new and old responses), the program must know if an Answer File has been generated and actually transmitted since the last editing session in order to establish the difference between old and new responses for future filings. If you answer "Y", the program will consider the information in the databases "current" and identical to the answers on file with the SEC.

To illustrate, let us assume that after your most recent editing session you did generate and transmit an N-SAR filing. You would answer "Y" to this question, and if you generate a new Answer File (to contain only changed responses) before changing any answers, the new Answer File would be essentially empty.

In general, you would answer "Y" to begin a new Answer File and "N" to edit or add to an Answer File already started. If you are uncertain of how to answer this question, answer "N". At worst, the Answer File will contain more answers than necessary, and they will all be valid. Regardless of your response, the first data entry screen that you see will be the Header Screen. From there you can jump to any screen that you wish.

Selection #1, "Edit Form" should be used for the following situations:

a) To prepare a first time filing;

b) To edit, add, or remove answers on a Form N-SAR that has not already been transmitted to the SEC;

c) To edit a subsequent filing. For example, if you use the backup data files from your most recent filing as a basis for setting up a subsequent filing, the "Edit Form" selection can be used to edit, add, or remove answers on your backup N-SAR data file.

(2) The second selection, "Start with Blank Form" allows you to **delete all** information previously entered into the databases and fill out Form N-SAR from scratch. This is discouraged because the program will display screens with blank answer fields. If you create and transmit an Answer File after starting with a blank form, you may overwrite valid answers. Once the selection has been made, you are asked, "Your choice will delete all information in the databases. Are you sure you want to do this (Y or N)?". If you respond "Y" all of your answers will be deleted and you will be presented with a blank Form N-SAR. If you respond "N" your answers will not be deleted and each screen will display the most recent information in the answer fields.

Selection #2 "Start with Blank Form" should only be used if a situation arises where the operations of your investment company are altered to such a degree that the new operations would change all of the answers originally reported to the SEC on the company's previous filing. In this case, you would be better off generating a brand new Form N-SAR for your company.

(3) The third option, "Create Answer File" should be selected once you have completed the entries that you wish to include in this submission. A detailed discussion on creating an Answer File is located in Section E.

(4) The "Create Q & A File" option allows you to print or display the Form N-SAR screens. All questions and corresponding answers to the questions on Form N-SAR will be included.

(5) Selecting the option "Exit/Create Submission Header" takes you to the required submission information screen to start the process of header building described in Chapter 4.

(6) Selecting the option, "Exit/EDGARLink Main Menu" exits the N-SAR program and returns you to the EDGARLink Main Menu, where you may select "Exit to DOS," if you desire.

B.SCREEN FEATURES

There are certain characteristics and features that are common to some, or all, N-SAR screens. A typical N-SAR screen is shown in Figures 3.1. On a color monitor, the following colors are used to represent these specific types of information on N-SAR screens:

White - Text of questions and directions,
Highlighted Red or White - Notes, special text, and Answer field text,
Black on White Background - Current answer field,
Highlighted White on Red Background - Error message text and special prompts.

The highlight scheme for a monochrome monitor is as follows:

White - Text of questions and directions,
Highlighted White - Notes and special text (may be amber, green etc. depending upon monitor),
Underlined - Answer field text.

IN SOME CASES, YOU WILL NOT BE ABLE TO USE THE N-SAR PROGRAM ON A MONOCHROME MONITOR

A blinking cursor with highlighted text indicates the current answer field. Within the N-SAR PC Application there are 45 screens for data entry. They consist of one screen for Header Information and screens numbered 1 through 44.

There are three different types of data screens, shown in Figures 3.1 - 3.4.

Figure 3.1 shows a Registrant level screen. Whether or not the Registrant is a multi-series company, the data entered on this type of screen pertains to the entire company. In some cases, this will require you to total figures for all series of the company.

Figure 3.2 shows a repeatable screen. It allows you to make as many entries for the given question as required, even if they exceed the number of answer blanks shown on the screen. An additional function is provided with this screen that allows you to save the current data and redisplay the same screen and questions so that more entries can be made.

Figure 3.3 shows a Series level screen. If you are filing for a multi-series company, these screens will ask you to enter a series number for which data is to be entered. Series

numbers range from 1 to 99, or, if the same information applies to all series, "ALL" may be entered at this prompt to avoid typing in the same information many times. The series that is being edited will be displayed in the upper-right corner of the screen. Data on the screen is then applicable only to the series that was selected. You may switch from one series to another, if desired. If the company is not a series company, the same questions will be asked, but you will not be prompted for a series number, and series number "0" will be displayed automatically on the screen.

22. Registrants portfolio transactions with entities acting as principals:

List the 10 entities acting as principals with whom Registrant did the largest amount of portfolio transactions (include all short-term obligations, and U.S. Gov't & tax-free securities) in both the secondary market & in underwritten offerings set forth in order of size based upon total value of principal transactions during the current reporting period:

(TO BE ANSWERED IN TOTAL FOR ALL SERIES)

Name of Entity	IRS Number	Registrant Purchases	Sales by Registrant
		(000's omitted)	
		0	0
		0	0
		0	0
		0	0
		0	0
		0	0
		0	0
		0	0
		0	0
		0	0

23. Aggregate principal purchase/sale transactions of Registrant during current reporting period.
C. Total Purchases OD.Total Sales: 0 (000's omitted)

SCREEN NUMBER 12

Figure 3.1: Registrant Level Screen

AFFILIATED BROKER/DEALER

This page is being filed for series 1.

14. A) Broker/Dealer Name (if any):
B) File number: 8-

14. A) Broker/Dealer Name (if any):
B) FIle number: 8-

14. A) Broker/Dealer Name (if any):
B) File Number: 8-

14. A) Broker/Dealer Name (if any):
B) File Number: 8-

14 A) Broker/Dealer Name (if any):
B) File Number: 8-

Press Ctrl-Left Arrow for previous,
Ctrl-Right Arrow for next/more.
SCREEN NUMBER: 8

Figure 3.2 Multiple Entry Screen

This page being filed for series 1.
As of the end of current reporting period (000's omitted except for per share amounts)

74. Condensed balance sheet data:

A) Cash	$	0
B) Repurchase agreements	$	0
C) Short-term debt securities other than repurchase agreements	$	0
D) Long-term debt securities including convertible debt	$	0
E) Preferred, convertible preferred, and adjustable rate preferred, stock	$	0
F) Common stock	$	0
G) Options on equities	$	0
H) Options on all futures	$	0
I) Other investments	$	0
J) Receivables from portfolio instruments sold	$	0
K) Receivables from affiliated persons	$	0
L) Other receivables	$	0
M) All other assets	$	0
N) Total assets	$	0

SCREEN NUMBER 3.5

Figure 3.3: Series Level Screen

On all N-SAR screens, the number of the currently displayed screen is shown at the bottom of the screen. The series number, if applicable, is shown in the top right-hand corner of the screen. Error messages applicable to the current screen will appear in a window that pops up in the middle of the screen. To continue after having received an error message, press any key, and the error message will disappear, leaving the cursor in the first field on the screen, so that you can correct the error.

C. SCREEN OPERATION

The N-SAR PC Application allows you to move among the screens in a variety of different ways. You may proceed sequentially from one screen to the next screen (or to the previous screen) or you may "jump" to a particular screen that you specify. Moving between screens is called "jumping". The method used to move between screens differs depending upon the type of move being made and the type of screen on which you are currently located. The keys required to move between screens and the operations that they perform are as follows:

(1) <PgDn> — Pressing the page down key saves data on the current screen and displays the next screen (e.g., from Screen 7 to Screen 8).

(2) <PgUp> — Pressing the page up key saves the data on the current screen and displays the previous screen (e.g., from Screen 8 to Screen 7).

(3) <Ctrl><PgDn> — Pressing the control key while pressing the page down key does not save the data on the current screen and displays the next screen (e.g., from Screen 7 to Screen 8).

(4) <Ctrl><PgUp> — Pressing the control and page up key simultaneously displays the previous screen (e.g., from Screen 8 to Screen 7) without saving the data on the current screen.

(5) <Ctrl> <Right Arrow> — Holding down the control key while pressing the right arrow key may be done from those screens on which more than one screen full of entries may be made for the same question. This causes the current entries to be saved and the same screen to be redisplayed with either different answers, if you had previously entered more than one screen full of entries, or blank answer fields, if not. You can then add, edit, or delete responses to the same question.

(6) <Ctrl> <Left Arrow> — Holding down the control key while pressing down the left arrow key may also be done from only those screens on which more than one screen full of entries can be made for the same question. This causes the current entries to be saved and the previous screen full of entries to be redisplayed for the same question.

(7) <F1> — **Help.** Pressing this key from any data entry screen (any screen on which the cursor is blinking) will cause a general help screen to be displayed. This screen will contain all of the information in this section in an abbreviated form. To exit the help screen, press any key. (See Figure 3.4)

(8) <F2> — Pressing this key allows you to change the series being edited. The data on the current series is saved and the same number screen is displayed for the new series.

(9) <F3> — Pressing this key allows you to delete the information displayed on the current screen for the series being edited. (The number of the series for which you want to delete information must be displayed in the upper right corner of the screen before the information can be deleted.) The program will then prompt you for confirmation. You may either go ahead and delete the information for the series or return to edit the screen. Although the F3 key can be used to delete information on the series screen, it cannot be used to delete the entire series.

(10) <F4> — Pressing this key allows you to assign a new series number to the information

N-SAR PC Application Help Screen

Editing Functions:	Keys (s):	
Move within and between fields on a screen.		
Page Changing Functions:	**Keys(s)**	**Saves Data?:**
Display and edit previous /next screen.	PgUp/PgDn	Yes
Display and edit previous /next screen.	Ctrl-PGUP/Ctrl-PgDn	No
Jump to a different screen	F5	Yes
Jump to a different screen	Ctrl-F5	No
Multiple Series or Repetition Functions:	**Key (s):**	**Saves Data?:**
Edit a different series for the same screen.	F2	Yes
Delete current series for a screen.	F3	No
Assign current responses to a different series.	F4	Yes
Display and edit previous/ next set of answers to the same screen of questions.	Ctrl/Ctrl	Yes
Exiting Functions:	**Key(s):**	**Saves Data?:**
Exit data entry and save screen.	Ctrl-End	Yes
Exit data entry without saving screen	Esc	No

Press any key to continue.

Figure 3.4: NSAR PC Application Help Screen

being edited on the screen. (The existing series number of the series you want to renumber must be displayed in the upper right corner of the screen before you press <F4>.) The program will ask you to specify a new series number for the information on the screen (one that does not exist already for the current screen). It will then renumber the responses and redisplay the current screen with the new series.

(11) <F5> **Jump.** Pressing this key allows you to jump to a different screen. The data on the current screen is saved, and a pop-up window is displayed prompting you for a screen number (1 to 44). Once the number is entered, the requested screen is displayed.

(12) <Ctrl><F5> **Jump (without saving).** Pressing the Ctrl key and the F5 key simultaneously, allows you to jump to a different screen. The data on the current screen is not saved, and a pop-up window is displayed prompting you for a screen number (1 to 44). Once the number is entered, the requested screen is displayed.

(13) <Ctrl><End> Holding down the control key and pressing the end key saves the data on the current screen and returns you to the main menu.

(14) <Esc> The escape key is used to exit the current screen without saving the entries. The program will ask you if you want to exit the screen or the editing session or return to the current screen Pressing "S" (for Screen) will take you out of the current screen and bring you back to Screen 1. Pressing "E" (for Exiting "program") will cause the N-SAR Menu to be displayed. Pressing any other key will redisplay the current screen.

Unless the Esc key, Ctrl-PgUp, Ctrl-PgDn, or Ctrl-F5 combinations are used, the entries that currently appear on the screen are saved to the N-SAR database when that screen is exited.

D. CURSOR MOVEMENT AND FIELD EDITING

There are several keys that are used when editing the answer fields within the N-SAR PC Application. These keys and their function are as follows:

(1) <Enter> — Ordinarily, pressing the return key confirms the entry in the current answer field and advances to the next answer field. However, striking the enter key when the current field is the last answer field on the current screen will cause the program to save the displayed data and show the next screen (e.g., from Screen 7 to Screen 8).

(2) <Arrow> — The up and down arrow keys may be used to move the cursor from one answer field to another, and the left and right arrow keys may be used to move the cursor within the cursor's present answer field.

(3) <Del> — The delete key is used to delete the character positioned at the current cursor location.

(4) <Backspace> — The backspace key is used to delete the character just left of the cursor. All characters to the right of the deleted character will be moved one character to the left as well.

(5) <Ins> — The insert key toggles between Insert Mode and Overwrite Mode. If Insert mode characters are inserted into the current field at the present cursor location, all characters in that location and to the right, are moved to the right. Overwrite Mode allows you to over-write any text that is currently in the

cursor's present position. The default is Insert Mode.

(6) <Home> — The home key moves the cursor to the first position in the present answer field.

(7) <End> — The end key moves the cursor to the last position in the current answer field.

E. GENERATING AN ANSWER FILE

The answers that you provide to the questions on Form N-SAR are transmitted to the SEC in a submission file you create using EDGARLink. The submission file incorporates the Answer File and certain header information. Each time you file Form N-SAR, you must create a new Answer File containing certain required information and those answers that have changed or have been added since your last filing. (You also have the option of creating and transmitting an Answer File containing all of your answers, both new and old.) You will need to enter the Name, and Title of a person who is authorized to submit the filing.

The Answer File should be created after you have completed the entries you wish to include on Form N-SAR. (NOTE: If you are not already at the N-SAR PC Application Menu, you can get to it by either pressing the control and end keys simultaneously or by pressing the escape key. Pressing the control and end keys will save the data on the current screen and return you to the main menu while pressing the escape key will exit the current screen without saving the entries.) Select option #3, "Create Answer File", to generate the Answer File. A message will pop-up on the center of your screen asking if you want the answers on your Form N-SAR checked for errors before generating the Answer File. (NOTE: A discussion of the error checking function is listed below in Section F.)

Once this question has been answered, you will see a screen asking for the name and title of the person authorized to submit the filing to the Commission. Then, you will be asked whether you want the Answer File to contain all of your Form N-SAR responses or just new and changed responses. If you elect to create an Answer file with just your new and changed responses, the N-SAR program will determine which answers have been changed or added and will write only these answers to the new Answer File called ANSWER.FIL. **SINCE THE ANSWER FILE IS ALWAYS GIVEN THIS FILENAME, IF THERE IS AN EXISTING ANSWER FILE IN THE DATA DIRECTORY THAT YOU DESIGNATE AT THE BEGINNING OF THE CURRENT SESSION, IT WILL BE OVERWRITTEN.**

An Answer File can be saved (archived) using either the COPYFILS batch utility command or a series of DOS commands. Instructions for archiving the Answer File using the COPYFILS command will be described in this section. (Please refer to Appendix A for instructions on how to archive the Answer File onto a floppy disk using DOS commands.

The Answer File is a text file. It contains either those answers to the questions on the Form N-SAR that have changed or been added since your last submission, or all of your Form N-SAR responses, at your option. It also contains some of your Header Screen information. This Header Screen data allows the SEC to identify the origin of the Answer File. Finally, it contains information identifying the end of the Answer File. A sample Answer File is displayed in Figure 3.5.

After the Answer File is created, you will have an opportunity to elect to print "P" or display "D" a list of the answers that are located in the ANSWER.FIL by following the instructions given on the screen.

The Answer File can also be printed using the DOS "Print" command after exiting the N-SAR program. To print the Answer File using the DOS "Print" command, type the following from the DOS prompt:

C:\>PRINT [DRIVE AND DIRECTORY]ANSWER.FIL

For example:

C:\>PRINT C:\NSAR\DATA\ANSWER.FIL <ENTER>

or

C:\>CD\NSAR\DATA <ENTER>
C:\NSAR\DATA>PRINT ANSWER.FIL <ENTER>

F. THE ERROR FILE

The answers that you provide to the questions in Form N-SAR should be checked for accuracy before you use EDGARLink to incorporate these in a submission for transmission to the SEC. Your answer file will indicate whether errors have been checked. A filing that says errors have not been checked will not be accepted by the SEC. Certain inaccuracies in the answers given in Form N-SAR will be listed in an Error File called ERROR.FIL. Since the error checking program is built into the "Create Answer File" routine, you will have an opportunity to check for errors in your answers when you generate your Answer File. **You must check for errors on the Answer File you use to create a submission and transmit to the SEC. A submission on which the Header says errors were not checked will not be accepted by the SEC.**

After selecting the "Create Answer File" choice from the main menu, you will be asked if you want your responses to be checked for errors. Each answer file will indicate whether errors have been checked, and if so, whether errors have been found. If errors are present in your Form N-SAR, you will be given an opportunity to elect print "P" or display "D" a list of the errors that are located in the ERROR.FIL by following the simple instructions given on the screen. You may then return to the NSAR PC Application Menu in Figure 2.5, select Edit Form, and correct the errors.

The Error File can also be viewed and printed using the DOS "Type" and "Print" commands after exiting the N-SAR program. To view an Error File using the DOS "Type" command, type the following from the DOS prompt:

C:\>TYPE [DRIVE AND DIRECTORY]ERROR.FIL

For example:

C:\>TYPE C:\NSAR\DATA\ERROR.FIL <ENTER>

or

C:\>CD\NSAR\DATA <ENTER>
C:\NSAR\DATA>TYPE ERROR.FIL <ENTER>

To print an Error File using the DOS "Print" command, type the following:

C:\>PRINT [DRIVE AND DIRECTORY]ERROR.FIL

For example:

C:\>PRINT C:\NSAR\DATA\ERROR.FIL <ENTER>

or

C:\>CD\NSAR\DATA <ENTER>
C:\NSAR\DATA>PRINT ERROR.FIL <ENTER>

```
<SUBMISSION-TAGS>
   <TYPE>          NSAR-B
   <CIK>           123456
```

```
   <PERIOD>       12/31/92

</SUBMISSION-TAGS>

<DISPLAY>
   <FILER-NAME>   ABC INVESTMENT COMPANY
   <FILE-NUMBER>  811-1111
</DISPLAY>

<DOCUMENT>
   <TYPE>         NSAR-B
   <DESCRIPTION>  N-SAR (3.0)
   <NSAR-VERSION> 3.0
   <NSAR-ERRORS>  FOUND
<TEXT>
<PAGE>       PAGE  1
000 B000000 12/31/92
000 C000000 123456
000 D000000 N
000 E000000 F
000 F000000 Y
000 G000000 N
000 H000000 N
000 I000000 3.0
000 J000000 A
001 A000000 ABC INVESTMENT COMPANY
001 B000000 811-1111
001 C000000 2022722200
002 A000000 A STREET
002 B000000 CITY
002 C000000 VA
002 D010000 22314
003  000000 N
004  000000 N
005  000000 N
006  000000 N
007 A000000 N
007 B000000  0
SIGNATURE   JOSEPH JONES
TITLE       PRESIDENT

</TEXT>
</DOCUMENT>
```

See Appendix B for an explanation of the Answer Key

Figure 3.5: Sample Answer File

CHAPTER 4

CREATING AND TRANSMITTING THE N-SAR SUBMISSION

A. CREATING THE N-SAR SUBMISSION

The following sections describe the procedure for assembling an N-SAR submission. There are two parts to this procedure; header building and the actual assembly of the submission file.

1. Header Building Assistance Options

The required and additional header data elements for N-SAR submissions must be created using the EDGARLink software. (Headers are blocks of identifying information at the beginning of a submission and again at the beginning of each document included within that submission.)

There are two ways to utilize EDGARLink's header building assistance in the construction of a Form N-SAR submission:

1) Direct access from the N-SAR PC Application

2) Access from the EDGARLink Main Menu

---

1) For direct access to the header building process from the N-SAR after using the option "Create Answer File" on the N-SAR PC Application menu to create an answer file you want to transmit to the SEC, you may proceed directly to the EDGARLink Required Submission Information screen.

ACTION	RESULT
After generating an answer file, follow the directions on the screen to return to the N-SAR PC Application Menu in Figure 2.5. Select **Exit\Create Submission Header.**	Required Submission Information screen appears
When the Required Submission Information screen appears, fill in the missing information in the Required Information fields. Note: Some information will be completed by EDGARLink from the information in the Form N-SAR. Press <PGDN> to access the Additional Fields screen.	Directions for completing both required and additional fields may be found in the EDGAR Filer Manual, section 5.8.
When the required and additional fields are complete, press <END> to save.	The Assemble a Submission File screen appears.

2) To Enter Header Building Assistance from the EDGARLink Main Menu:

ACTION	RESULT
Select **Create/Edit a Submission,** press <ENTER>	The Create/Edit a Submission menu appears.
Select **Create or Edit a Submission Header,** press <ENTER>	The Create or Edit a Submission Header screen appears.
Type in the name of the desired **Form N-SAR** form type selected from the list in Appendix A of the EDGAR Filer Manual.	You will be prompted for the name of the interface file.
Type **"ANSWER.FIL",** the **file name** of the interface file produced with the N-SAR PC Application.	The Required Submission Information screen appears.
When the Required Submission Information screen appears, fill in the missing information in the Required Information fields. Note: Some information will be completed by EDGARLink from the information in the Form N-SAR. Press <PGDN> to access the Additional Fields screen.	Directions for completing both required and additional fields may be found in the Filer Manual, section 5.8.

When the required and additional fields are complete, press <END> to save.	The Create/Edit a Submission menu appears.
Select **Assemble a Submission File**, press <ENTER>	The Assemble a Submission File screen appears.

2. Assembly of the Submission

Assembling a submission automatically adds headers to documents, and combines documents into a single submission file; that is, an ASCII text file is created that contains all the documents of the submission, with the appropriate headers and header tags required for electronic filing.

The following sections describe the procedures for assembling an N-SAR submission using EDGARLink.

There are two ways to access the EDGARLink Assemble a Submission File capability:

1) Direct access from the N-SAR PC Application

2) Access from the EDGARLink Main Menu

1) After you exit the N-SAR PC Application and complete the required and additional header information fields, you will be taken directly to the Assemble a Submission File screen.

ACTION	RESULT
When the Assemble a Submission screen appears, you will be prompted for the name of the submission file. Enter a file name and press <ENTER>. Note: The submission file is the DOS file that EDGARLink will create in the directory \ELINK\FILING to hold the complete submission for later transmission to the SEC. The Answer File (ANSWER.FIL) you created using the NSAR PC Application and the header information you added will be incorporated into the submission file. You must provide a name for this submission file. You may want to give the file a unique name representing the name of the Registrant and period of the report (e.g., XFND9112.SUB, representing the filing for X FUND for the period ending December 1991) or a generic name (e.g., SUBMIT.FIL).	The Display Section File screen appears. The Display Section will present you with information, relevant to the Form N-SAR submission, for your review.
After reviewing the Display text, if the information is correct, press <ENTER>.	The Assemble a Submission File screen appears again with information in the message area. The output file has been created containing an N-SAR submission header, an N-SAR document header, and your N-SAR Answer File document.
If there are no other documents to be added to the submission, press <END> to save the submission file.	The EDGARLink Main Menu appears.

ACTION	RESULT
Refer to section 5.8 of the EDGAR Filer Manual for complete instructions on assembling a submission.	

2) To Enter Assemble a Submission File from the EDGARLink Main Menu:

ACTION	RESULT
Select **Create/Edit a Submission**, press <ENTER>	The Create/Edit a Submission menu appears.
Select **Assemble a Submission**, press <ENTER>	The Assemble a Submission File screen appears.
When the Assemble a Submission File screen appears, you will be prompted for the name of the submission file. Enter a **file name** and press <ENTER>. Note: The submission file is the DOS file that EDGARLink will create in the directory \ELINK\FILING to hold the complete submission for later transmission to the SEC. The answer file (ANSWER.FIL) you created using the NSAR PC Application and the header information you added will be incorporated into the submission file. You must provide a name for this submission file. You may want to give the file a unique name representing the name of the Registrant and period of the report (e.g., XFND9112.SUB, representing the filing for X FUND for the period ending December 1991) or a generic name (e.g., SUBMIT.FIL).	You will be prompted for the desired submission type.
Type in the name of the desired N-SAR form type in Appendix A of the EDGAR Filer Manual or press <ENTER> and select the N-SAR submission type from the list of submission types.	As indicated in the message area, the submission file will be created with the submission header appended.

In the Document File Name field, enter the path and name of the answer file created with the N-SAR PC Application, **ANSWER.FIL**, press <ENTER>	The Display Section screen appears. The Display Section will present you with information, relevant to the Form N-SAR submission, for your review.

For example, if ANSWER.FIL is in the default directory \NSAR\DATA, on the C: drive, enter:

C:\NSAR\DATA\ANSWER.FIL <ENTER>

ACTION	RESULT
After reviewing the Display text, press <ENTER>.	The Assemble a Submission File screen appears again with information in the message area. The submission file has been created containing an N-SAR submission header, an N-SAR document header, and your N-SAR answer file document.
If there are no other documents to be added to the submission, press <END> to save the submission file.	The Create or Edit a Submission menu appears.
Select **Return to Main Menu**, press <ENTER>	The EDGARLink Main Menu appears.
Refer to section 5.8 of the EDGAR Filer Manual for complete instructions on assembling a submission, and how to include additional documents in the N-SAR submission.	

B. EDGARLink ERROR CHECKING

EDGARLink error-checking is intended to identify most of the factors that may cause a filing to be suspended by the SEC. Error-checking with EDGARLink is performed on a completed submission. EDGARLink will check for required header tags, verify internal document tags, identify text greater than 132 characters, and look for invalid characters.

NOTE: EDGARLink error-checking does not duplicate or replace the error-checking process within the N-SAR PC Application. You should use both processes.

EDGARLink creates a new file that identifies and locates the errors in the submission file. This file is named with the same file name as the submission file, but with an .ERR extension, and is used in the error-correction process.

To check for EDGARLink errors, select "Check for Errors in Filing" on the EDGARLink Main Menu and press <ENTER>.

Enter the name of the submission file you want to check, and press <ENTER>. The message area of the Error Check Filing screen will display information about errors found and warnings about the submission. Press any key to return to the Main Menu.

To view the contents of the error file, select Correct Errors in Filing, and press <ENTER>. Enter the Submission File name on the EDGARLink Correction Editor screen and press <ENTER>. The Error File name will automatically be displayed. Press <ENTER> to get to a screen displaying errors.

To correct errors on a Form N-SAR submission, you must return to the N-SAR Menu and select Edit Form or return to the EDGARLink Main Menu and repeat the Header Building and Submission Assembly processes, depending on whether you want to correct an error in an answer to an item of the form or an error in the header information you entered using EDGARLink.

C. TRANSMIT THE SUBMISSION

EDGARLink contains the communications software for transmitting filings electronically to the SEC. Complete instructions for electronic submission may be found in the EDGAR Filer Manual, sections 5.12.

D. EXIT FROM EDGARLINK

ACTION	RESULT
Select Exit to DOS from the EDGARLink Main menu.	You will be returned to a DOS prompt.

E. EXHIBITS

The N-SAR application produces a report in a standardized format. The application does not currently provide for incorporation of exhibits into the electronic format; therefore, electronic filers of Form N-SAR will need to file any required exhibits on paper.

Form SE provides a means for filing exhibits on paper when they relate to electronic filings. In the case of exhibits attached to an electronically filed Form N-SAR, the Commission must receive form SE no later than the date on which the electronic filing of the form to which Form SE relates is made. The exhibit index required by Form SE should clearly identify the filing to which the exhibit relates.

APPENDIX A
SOME MS-DOS BASICS

SOME MS-DOS BASICS

The N-SAR PC Application runs on IBM compatible personal computers that use MS-DOS. When using the N-SAR PC Application you may need to know something about the Disk Operating System (DOS). Every time you turn on a PC it loads DOS into memory from system files which are stored on either the A: or C: drive. A floppy disk containing these system files is commonly referred to as a system disk. DOS tells the machine how to operate and interact with the keyboard, screen, disk drives, etc., at a most basic level. A few moments after turning on the PC you should see the "DOS prompt". This will usually look like "C:>" or "A:>". At this point you are "in DOS" or "at the DOS prompt".

The letters A and C (among others) represent disk drives that can be addressed by your computer. Each disk drive that is part of your PC will have a drive letter associated with it. Each disk drive may be thought of as a drawer of a filing cabinet. The prompt on your computer must be set to show a directory as well as a drive. If the DOS prompt looks like "C:>" or "C:\>", this means that the C: drive is the default, or current, disk drive.

To change default drives, place a floppy diskette into a floppy drive, then type the letter of the new default drive followed by a colon and press return. For example, to change from C: to A:, type:

C:\>A: <ENTER>

The prompt may also show the current directory as well as the current drive. If so, the prompt will include a backslash (\). For example:

C:\>

or

C:\NSAR

If the backslash does not appear in the prompt, you should change the prompt so that it includes the directory. Do this by typing:

C:>PROMPT PG <ENTER>

FILINGS FOR MORE THAN ONE COMPANY

If you are creating filings for more than one company on the same computer, you may wish to create a different subdirectory in which to store data for each company. Therefore, in addition to, (or instead of) creating a subdirectory called "\NSAR\DATA" you could create (as examples) "\NSAR\DATA1", "\NSAR\DATA2", et cetera. Consult your DOS user's guide for information about creating directories using DOS commands.

FILE NAMES AND EXTENSIONS

There are several different types of files that may reside on a disk drive. Files have names up to eight characters long, followed by an optional extension up to three characters long. If used, the extension is separated from the file name by a period. It does not matter whether you use upper or lower case to specify a file or directory name; DOS will handle the conversion. Some examples of file names are: NSAR.EXE, NSAR.DBF, ANSWER.FIL. The first file is the name of the N-SAR PC Application. This is an "executable file", which means it is a program that can be run from within DOS, and it has the ending ".EXE" to indicate this.

The other two files (NSAR.DBF and ANSWER.FIL), listed above, could be anything; DOS attaches no significance to the ".DBF" and ".FIL" extensions as it does with ".EXE". The N-SAR PC Application does, however, attach special significance to these two file names. NSAR.DBF is the name of the dBASE III database file which contains all of your Form N-SAR responses, and ANSWER.FIL is the name of the Answer File, which contains Form N-SAR responses that are in NSAR.DBF.

To display the contents of a file, you can use the DOS "TYPE" command and specify the drive and subdirectory where the database file is stored and the file name and its extension, if any. For example:

C:\NSAR\DATA>**TYPE ANSWER.FIL <ENTER>**

While the "TYPE" command will work on any kind of file, only text files are suitable for viewing in this manner. Other files will usually display a lot of unintelligible symbols in addition to any plain text that they contain. Files look very peculiar when viewed this way. Each of the files with ".FIL" extensions created by the N-SAR PC Application is a text file and may be viewed this way. (NOTE: To stop the scrolling of text

files to the screen, press <Ctrl-S>. To restart, press any key (or <Ctrl-S>).

Text files (for example ANSWER.FIL) can also be printed using the DOS "PRINT" command and can be printed from either your directory or subdirectory.

To print the Answer File from the directory, \NSAR, type the PRINT command and preface the filename with the subdirectory in which the file is located. For example:

C:\NSAR>**PRINT \NSAR\DATA\ANSWER.FIL <ENTER>**

The Answer File can also be printed from the subdirectory \NSAR\DATA, in which case you would simply type the PRINT command followed by the filename. For example:

C:\NSAR\DATA>**PRINT ANSWER.FIL <ENTER>**

You can also print the Answer File which is located on your hard disk from a floppy disk drive by typing the PRINT command and prefacing the filename with the drive and subdirectory in which the file is located. For example, if you are in drive A: and you want to print the Answer File located on the C: hard disk, type the following:

A:\>**PRINT C:\NSAR\DATA\ANSWER.FIL <ENTER>**

After typing one of the print options above and pressing <ENTER>, the PC may ask something like:

Name of list device [PRN]:

Just press <ENTER> again, and the file should start printing (make sure your printer is turned on!).

BACKING UP YOUR FILES

The following set of instructions should be used to create a backup of your database, index, and text files that are stored on your hard disk onto a floppy disk. A list of these data files can be found in Chapter 2. (NOTE: The database and index files are dependent on one another and must be kept together on the hard disk and copied onto the same floppy disk during a back up. Therefore, if the index files are erased from the hard disk or they are not copied onto the floppy disk that contains the database files, you will not be able to use the database files for a subsequent filing.) Assuming you are using floppy drive A: and hard drive C:, place a floppy disk into floppy drive A: and type the following:

[DATA DRIVE\DATA DIRECTORY] COPY *.DBF A:

Some examples: C:\NSAR\DATA>COPY *.DBF A: <ENTER>
C:\NSAR\DATA>COPY *.NTX A: <ENTER>

This will copy all of your N-SAR files having extensions .DBF and .NTX to the floppy disk in drive A:

If you also wish to back up the text files, type the following:

[DATA DRIVE\DATA DIRECTORY] COPY *.FIL A:

For example: C:\NSAR\DATA>COPY *.FIL A: <ENTER>

If your N-SAR filing is quite large, the text files Q&A.FIL and ANSWER.FIL may not fit on the same floppy diskette with the other data files. If this happens you will get a message on the screen indicating which N-SAR files were copied. Depending on which file did not fit on the floppy diskette with the other data files, type either of the following commands after placing a blank formatted diskette into floppy drive A:

C:\NSAR\DATA>COPY Q&A.FIL A: <ENTER>

or

C:\NSAR\DATA>COPY ANSWER.FIL A: <ENTER>

After all of the data files have been backed up you may want to delete the data files on the hard drive (to free up space). If you are processing filings for a number of different companies on the same computer you will want to keep a different set of data files for each company. The easiest way to do this is to follow these steps:

(1) Create files for one company;
(2) Copy the data files for that company onto a floppy diskette. The data files can then be deleted from your hard disk, if applicable;
(3) Repeat steps (1) and (2) for each company, using a different floppy diskette for each company;
(4) Back up the files on each floppy disk by copying them onto another floppy disk.

By doing this you will keep the data files for each company separate while maintaining backup files for each company. Remember to label each back up diskette by listing what files are on it and when it was created!

DUPLICATE COPIES

You may also wish to have duplicate copies of your data files (one working copy and one file copy). To make duplicate copies, use the same copy procedures described in "Backing Up Your Files" in this appendix.

SUBSEQUENT FILINGS

If your PC has a hard drive, you may want to restore the back up data files onto your hard disk prior to preparing your next filing. To restore the backup files, insert the backup diskette into the A: drive then type the data files to the hard drive categories in the following manner:

C:\>COPY A:*.DBF [DATA DRIVE][DATA DIRECTORY] <ENTER>
C:\>COPY A:*.NTX [DATA DRIVE][DATA DIRECTORY] <ENTER>

For example, to copy the data files from A: drive to C:\NSAR\DATA type the following:

C:\>COPY A:*.DBF C:\NSAR\DATA <ENTER>
C:\>COPY A:*.NTX C:\NSAR\DATA <ENTER>

Once the data files are copied onto your hard disk, you are ready to start work on another filing. After completing this filing, back up the data files onto a blank diskette and label it accordingly (see above).

Over time you could acquire a different diskette containing the Form N-SAR information filed with the SEC for each period. For each new filing, use the most recent data files (on the most recent back up diskette) as a starting point for the new filing. It is optional to save a data diskette for every filing since your most recent data diskette will contain all previously filed data up to, and including, the most recent filing.

ARCHIVING YOUR ANSWER FILE

There are two ways to save (or archive) an old Answer File: 1) Archive each Answer File on a separate diskette using the same filename, and; 2) Archive Answer Files on the same diskette using different filenames.

To archive Answer Files on separate diskettes, simply copy each ANSWER.FIL to separate blank formatted diskettes. Assuming you are using floppy drive A: and hard drive C:, place a formatted disk into floppy drive A: and type the following:

C:\NSAR\DATA>COPY ANSWER.FIL A: <ENTER>

(NOTE: If you plan to archive your Answer Files this way, you must label and date your floppy diskettes carefully since each floppy diskette will contain the same filename called "ANSWER.FIL".)

Unlike the previous method where each Answer File is archived on separate floppy disks using the same filename, this method allows you to archive Answer Files on the same floppy diskette using a unique filename to identify each Answer File. (NOTE: SINCE THE N-SAR PROGRAM ALWAYS GENERATES AN ANSWER FILE USING THE SAME FILENAME, ANSWER.FIL, ANY EXISTING ANSWER FILE IN THE DATA DIRECTORY THAT YOU DESIGNATE AT THE BEGINNING OF THE CURRENT SESSION WILL BE OVERWRITTEN.) To archive Answer Files using different filenames, place the formatted diskette you intend to archive all Answer Files to and type the following:

COPY ANSWER.FIL [DESTINATION DRIVE AND FILENAME]

For example, you could create the filenames (as examples) "FND01-90", "FND02-90", et cetera. Assuming you are using floppy drive A: and hard drive C:, type:

C:\NSAR\DATA>COPY ANSWER.FIL A:FND01-90.FIL <ENTER>

to identify the Answer File for your first semi-annual filing in 1990, and

C:\NSAR\DATA>COPY ANSWER.FIL A:FND02-90.FIL <ENTER>

to identify the Answer File for your second semi-annual filing in 1990.

APPENDIX B
CONTENTS OF THE ANSWER FILE

APPENDIX B
CONTENTS OF THE ANSWER FILE

The N-SAR PC Application produces a formatted text file called the Answer File. It's DOS filename is "ANSWER.FIL". The format of the file is as follows:

(1) File header information
(2) Answers to the Form N-SAR items (answer key and answer)
(3) Signature block (signature and title lines)
(4) End-of-text and end-of-document tags

A sample of an abbreviated Answer File is shown in Figure B.1.


```
<SUBMISSION-TAGS>
   <TYPE>           NSAR-B
   <CIK>            123456
   <PERIOD>         12/31/92

</SUBMISSION-TAGS>

<DISPLAY>
   <FILER-NAME>     ABC INVESTMENT COMPANY
   <FILE-NUMBER>    811-1111
</DISPLAY>

<DOCUMENT>
   <TYPE>           NSAR-B
   <DESCRIPTION>    N-SAR (3.0)
   <NSAR-VERSION>   3.0
   <NSAR-ERRORS>    FOUND
<TEXT>
<PAGE>       PAGE  1
000 B000000 12/31/92
000 C000000 123456
000 D000000 N
000 E000000 F
000 F000000 Y
000 G000000 N
000 H000000 N
000 I000000 3.0
000 J000000 A
001 A000000 ABC INVESTMENT COMPANY
001 B000000 811-1111
001 C000000 2022722200
002 A000000 A STREET
002 B000000 CITY
002 C000000 VA
002 D010000 22314
003  000000 N
004  000000 N
005  000000 N
006  000000 N
007 A000000 N
007 B000000  0
SIGNATURE    JOSEPH JONES
TITLE        PRESIDENT

</TEXT>
</DOCUMENT>
```

See Appendix C for an explanation of the Answer Key

Figure B.1: Sample Answer File

APPENDIX C
ANSWER KEY

In the Answer File, each answer is preceded by an eleven column answer key, a series of letters and numbers that represent the Form N-SAR question for which the answer was provided.

Columns	Meaning	
1-3	Item number	
4-5	Item letter	(blank if no letter is applicable)
6-7	Item subnumber	("00" if no subnumber is applicable)
8-9	Series	("00" for registrant level answers "AA" for "ALL" series answers)
10-11	Repetition	(When there may be more than one answer for a given item/number/letter/subname and series, each answer is given a unique repetition number)

A typical answer line might be "008D020403 NY". This identifies the answer as belonging to item 8.D.2. (state in which the investment adviser is located). It also shows that the answer was provided for the fund's fourth series, and relates to the third investment adviser named.

APPENDIX D

N-SAR DATABASE RECONSTRUCTION UTILITY

Repairing Damaged Files with the Reconstruction Utility

In rare instances, performing certain operations using the N-SAR PC Application may cause the database and/or index files created by the Application to be corrupted. We have included the N-SAR Database Reconstruction Utility in the electronic filing package for Form N-SAR as a safeguard. If you experience any of the problems described below while using Version 3.0, please try the Reconstruction Utility, using the following instructions. Also, please contact Carolyn Miller, at (202) 272-3784, to report the problems.

You may have corrupted database and/or index files if an error message appears on your screen while you are using the N-SAR PC Application, and the error message does NOT appear inside a red block, or if you find some erroneous, misaligned, or duplicate entries on your Q&A or Answer Files that cannot be corrected or deleted by normal procedures. If you find this condition, you have damaged database and/or index files, and you need to use the enclosed Reconstruction Utility. The utility is designed to restore the structural integrity of the database and index files used by the N-SAR PC Application.

None of the answers you have entered on the database are lost if the database files become corrupted, but those few that have been corrupted must be removed. The Reconstruction Utility extracts from the database the answers that have been corrupted and lists them in a separate file called "DELETED.TXT". The Reconstruction Utility then re-indexes the database files. After using the utility, you can print out this file and reenter information as necessary.

Instructions for Using N-SAR Database Reconstruction Utility Version 1.0

If you need to use the Reconstruction Utility, change to the drive and directory where REBUILD.EXE resides and type:

REBUILD

Your computer will display the screen shown in Attachment A. In response to the prompt, enter the drive and subdirectory in which the database files are located, just as you do at the start of the N-SAR PC Application. Press **<ENTER>**. The Reconstruction Utility will examine the databases. If there are no corrupted records, you will see the screen in Attachment B.

If the Reconstruction Utility finds corrupted records on your database, it will extract the corrupted records, write them to a DELETED.TXT file, and rebuild the database and index files. At this point, you should print out the file showing the deleted answers so the data can be re-entered. To do this, change to the subdirectory where your database files are located. If, for example, the database files are in NSAR\DATA, at C:>, type:

CD\NSAR\DATA <ENTER>.

At C:\NSAR\DATA>, type:

DIR *.TXT <ENTER>.

A file called DELETED.TXT should appear in the same subdirectory as your database files. If it does, make sure your printer is turned on and type:

PRINT DELETED.TXT <ENTER>

You should get a printout that lists N-SAR answers that have been deleted from your database. You should create a Q&A file to check all answers for any item listed on the DELETED.TXT file (the Reconstruction Utility will delete duplicate answers as well as corrupted answers). Re-enter the answers as necessary, using the menu entry "Edit Form" on the N-SAR PC Application Menu.

[FR Doc. 93-8094 Filed 4-8-93; 8:45 am]
BILLING CODE 6010-01-C

```
N-SAR Database Reconstruction Utility  Version 1.00

Enter the drive and subdirectory in which the databases
                are located:

   :\
```

Figure D.1: First Screen of Reconstruction Utility


```
N-SAR Database Reconstruction Utility   Version 1.00

Total number of records:  1025
Total number of series:   3
Location of N-SAR database:  C:\NSAR\DATA\

No inconsistent records were found.
No database reconstruction is necessary.
Records retained:  1025          Records deleted: 0


Database reconstruction operation complete.

C:\REBUILD>
```

Figure D.2: Second Screen of Reconstruction Utility

federal register

Friday
April 9, 1993

Part III

Department of Transportation

Federal Aviation Administration

14 CFR Part 23

Small Airplane Airworthiness Review Program Amendment No. 3; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No. 26344; Amendment No. 23–43]

RIN 2120–AD30

Small Airplane Airworthiness Review Program Amendment No. 3

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This final rule amends the powerplant and equipment airworthiness standards for normal, utility, acrobatic, and commuter category airplanes. This amendment is based on certain proposals and recommendations discussed at the Small Airplane Airworthiness Review Conference held on October 22–26, 1984, in St. Louis, Missouri, and arises from the recognition by both government and industry, that upgraded standards are needed to maintain an acceptable level of safety for small airplanes.

EFFECTIVE DATE: May 10, 1993.

FOR FURTHER INFORMATION CONTACT: Norman R. Vetter, Aerospace Engineer, Standards Office (ACE–112), Small Airplane Directorate, Aircraft Certification Service, Federal Aviation Administration, room 1544, 601 East 12th Street, Kansas City, Missouri 64106; telephone (816) 426–5688.

SUPPLEMENTARY INFORMATION:

Background

Regulatory History

This amendment is based on Notice of Proposed Rulemaking (NPRM), Notice No. 90–23, which was published on October 3, 1990 (55 FR 40598). Comments to the NPRM were requested with a closing date of April 1, 1991. On two subsequent occasions, the comment period was reopened by Notice Nos. 90–23A (56 FR 23813, May 24, 1991) and 90–23B (56 FR 33688, July 22, 1991). All comments received have been considered in adopting this amendment.

Discussion of Comments

General

Interested persons were invited to participate in the development of these final rules by submitting written data, views, or arguments. Eleven commenters responded to Notice Nos. 90–23, 90–23A, and 90–23B. Changes, both substantive and editorial, have been made on the basis of relevant comments and on further review by the FAA.

Two commenters support the adoption of these proposals and commend the FAA for proposing to upgrade the regulations.

One commenter states "The rules you are trying to work up into a master plan are getting too complex" and "The cost to the aviation industry has skyrocketed out of sight for the common flyer. These changes you are proposing (are) just putting the price even higher." The commenter further states "The greatest concern in the aviation industry is not these rules and regulations but with the liability insurance issue * * *. There must be a cap put on insurance claims and stop these large claims."

Several general comments ranged from indicating concurrence with all proposals to a concern that the proposed changes will result in increased costs to design and manufacture small airplanes. One commenter questions why the NPRM is entitled "Small Airplane" instead of "Small Aircraft" as defined in § 1.1. The difference lies in the definitions of "airplane" and "aircraft"; also included in § 1.1.

Discussion of Comments to Specific Sections of Part 23.

The following comments and discussions are keyed to like-numbered proposals in Notice No. 90–23. Comments of an editorial nature are not discussed.

In preparing this final rule, the FAA has not adopted a total of 10 proposals from the NPRM. This results in a mismatch between the proposal numbers as discussed in this preamble and the amendment numbers included in the amendatory portion of this final rule. The following table provides the necessary cross reference:

Cross Reference Table

Proposal No.	Amendment No.	Proposal No.	Amendment No.
1	1	45	36
2	2	46	37
3	3	47	38
4	4	48	39
5	5	49	40
6	6	50	41
7	not adopted	51	42
8	not adopted	52	43
9	not adopted	53	not adopted
10	not adopted	54	44

Cross Reference Table—Continued

Proposal No.	Amendment No.	Proposal No.	Amendment No.
11	not adopted	55	45
12	not adopted	56	46
13	7	57	47
14	8	58	48
15	9	59	49
16	10	60	50
17	11	61	51
18	12	62	52
19	13	63	53
20	14	64	54
21	15	65	55
22	16	66	56
23	17	67	57
24	18	68	58
25	19	69	59
26	20	70	60
27	21	71	61
28	22	72	62
29	23	73	63
30	24	74	64
31	25	75	65
32	not adopted	76	66
33	26	77	67
34	27	78	68
35	28	79	69
36	29	80	70
37	30	81	71
38	not adopted	82	72
39	31	83	73
40	32	84	74
41	not adopted	85	75
42	33	86	76
43	34	87	77
44	35	88	78

Proposal 1. An updated authority citation is required for each regulatory amendment. The authority citation is adopted as proposed.

Proposal 2. This proposes to amend § 23.901(b) to clarify the intent of the section.

Two commenters note that vibration limits are not specified for reciprocating engines. The FAA agrees and limits the vibration approval to turbine engine installations by moving proposed § 23.901(b)(3) to § 23.901(d)(1).

Proposal 2 also proposes to amend § 23.901(d) to clarify that, when the engine power is derated for the airplane installation, water ingestion capability must be demonstrated for the derated conditions. Once commenter states that the FAA has no justification for the increased rain ingestion proposal and believes that the FAA should withdraw the requirement. The FAA disagrees. The requirement ensures that when the

engine has been substantiated for water ingestion at rated power, it will continue to operate in rain conditions at the derated power as installed in an airplane.

Proposal 2 also proposes to amend § 23.901(e) to allow installation of engines and propellers approved under other than part 33. One commenter suggest that, for propellers that are equivalent, a type certificate be allowed since a propeller type certificate is not required in all cases in Europe, for example. The FAA disagrees; this suggestion is beyond the scope of the NPRM.

Proposal 2 also proposes to add § 23.901(f) to accommodate installation of auxiliary power units (APUs) in small airplanes. One commenter suggests that APUs standards be collected into a separate subpart similar to JAR 25, Subpart J. The FAA disagrees. The comment is beyond the scope of the NPRM. The proposal is adopted with the aforementioned changes.

Proposal 3. This proposes to amend § 23.903(d)(1) to require a means for restarting any engine in flight and to allow continued rotation of any engine after failure if continued rotation does not create a hazard to the airplane.

Two commenters question whether justification is presented to require in-flight restart means for single-engine airplanes. One commenter believes that the proposal should be withdrawn. According to the commenter, wooden propellers installed on small airplanes do not windmill at moderate flight speeds. Further, airplanes of this class do not normally have electrical systems, precluding starting in flight.

One commenter supports this portion of the proposal.

The FAA has re-evaluated this proposal and agrees that in-flight restart requirements for single reciprocating engine airplanes are not justified. This re-evaluation has shown that it was not the intent of amendment 23–26 to require in-flight restart capability for single reciprocating engine airplanes. The words "* * * required to have an in-flight restart capability * * *" were proposed in Notice No. 75–31 (40 FR 29410) but were inadvertently omitted from § 23.903(f) of amendment 23–26 (45 FR 60154). The proposal to require in-flight restart capability for single reciprocating engine airplanes is withdrawn.

Proposal 3 also proposes to amend § 23.903(e)(2) to clarify the stopping and starting system fire resistance requirements. One commenter questions the need to restart an engine that has experienced an engine fire and one commenter wonders if a safety benefit is derived by requiring engine restart systems located in fire zones to be fire resistant.

The FAA has re-evaluated this proposal. A requirement to make engine starting system components in a fire zone fire resistant cannot be justified because of the very limited use of an engine following an in-flight fire. This portion of the proposal is withdrawn. This proposal is adopted with the aforementioned changes.

Proposal 4. This proposes to add a new § 23.904 to allow installation of an automatic power reserve system. One commenter stated that these requirements should clearly be limited to commuter category airplanes only but offers no justification. The FAA does not agree that this proposal should be restricted to commuter category airplanes only but notes that automatic power reserve systems are optional. This proposal is adopted as proposed.

Proposal 5. This proposes to add a new § 23.905(e) to require that ice shed from the airplane not damage a pusher propeller.

One commenter believes the words "* * * for which the airplane is certificated * * *" diminish the intent of the proposal in that their inclusion would not account for ice shed during an inadvertent ice encounter. The FAA agrees. The words are withdrawn.

Proposal 5 also proposes to add a new § 23.905(f) to require that each pusher propeller be marked so that the propeller disc is conspicuous under normal daylight ground conditions. No adverse comments were received on this portion of the proposal.

Proposal 5 also proposes to add a new § 23.905(g) to require that exhaust gases that discharge into a pusher propeller disc not adversely affect the propeller. No adverse comments were received on this portion of the proposal.

Proposal 5 also proposes to add a new § 23.905(h) to require that all engine cowling, access doors, or other removable items, not separate and contact a pusher propeller. One commenter advises that the text of this requirement should include such removable items on all configurations and not be restricted to pusher propellers. The FAA considers this suggestion beyond the scope of the NPRM. One commenter states that proposed § 23.905(h) requires a design solution to a problem of maintenance neglect and, if enacted, would create a rule with which it is not possible to show compliance. The commenter believes that proposed § 23.905(h) should be withdrawn. The FAA disagrees. The proposal addresses a design standard and not a maintenance item. This proposal is adopted with the aforementioned change.

Proposal 6. This proposes to amend § 23.909(a), to require that a turbocharger be tested on the engine as a unit and be shown to comply with the rule in the environment in which it is expected to operate. One commenter requests clarification whether the intent is to ensure that turbochargers and intercoolers are approved as part of the engine "system," as required by part 33. The FAA in the NPRM proposes that turbochargers be compatible with the engine environment in which turbochargers will be expected to operate. This requires that the turbocharger be tested with the engine under the provisions of part 33.

Proposal 6 also proposes to amend § 23.909(d) to require that each intercooler installation be substantiated with the engine and engine installation. No adverse comments were received on this portion of the proposal.

Proposal 6 also proposes to amend § 23.909(e), to require that engine power, cooling characteristics, operating limits, and procedures attributable to the turbocharger system be evaluated and documented in the Airplane Flight Manual. No adverse comments were received on this portion of the proposal. This proposal is adopted as proposed.

Proposals 7 through 12. These are proposed to add new §§ 23.911, 23.913, 23.915, 23.917, 23.919, and 23.921 that provide propulsion drive system design standards. One commenter supports the proposals. Two commenters indicate that while these proposals are appropriate for a specific innovative design, experience does not yet warrant adoption of these general requirements. The FAA agrees. Since no airplanes have been approved to these design standards, there is limited experience and these proposals are withdrawn.

Proposal 13. This proposes to amend § 23.925 to add propeller clearance requirements for aft-mounted propellers. One commenter states that it is not clear whether proposed paragraph (b) is imposing a different standard for pusher propellers than for other configurations. The commenter suggests that the requirements applicable to pusher propellers have the same intent as existing propeller clearance requirements. The FAA agrees and adds to the beginning of proposed § 23.925(b) the following statement, "In addition to the clearances specified in (a)." The proposal is adopted with the aforementioned change.

Proposal 14. This proposes to clarify the reversing system requirements in § 23.933 by separating the propeller reversing systems from the turbojet/

turbofan reversing systems and by amending the requirements for propeller reversing systems to allow incorporation of a "beta range" of propeller blade pitch angles.

One commenter indicates that the design aims for such systems are the same in both part 23 and part 25 of the FAR and that the text of this section should be aligned with that of part 25, amendment 25–72. The FAA disagrees; such a recommendation is beyond the scope of the NPRM. This commenter than proceeds to "* * * question why the applicability of the proposed (b)(3) is now limited to turbojet reversing systems." The commenter has apparently overlooked the fact that precisely this same limitation is included in part 25, amendment 25–72.

In this amendment, the sequence of standards for propeller and turbojet/turbofan reversing systems is arranged to be consistent with part 25. The words "extremely improbable" are replaced with "extremely remote" for consistency with Part 25. The proposal is adopted with the aforementioned changes.

Proposal 15. This proposes to incorporate a new § 23.934, a rule similar to § 25.934, to establish the engine/reverser compatibility testing requirements for thrust reversing systems on turbojet and turbofan engines. One commenter indicates that the thrust reverser should meet the appropriate engine certification requirements but that acceptance by tests in accordance with this proposed paragraph needs further consideration. The FAA disagrees that other means of approving an engine thrust reverser should not be used. A 150 hour test with the thrust reverser in the stored position provides little useful information. When a thrust reverser is added or retrofitted, the reverser installation must demonstrate that the engine operation and vibratory levels are not affected. Sufficient test instrumentation is required to provide substantiating data that the operation and vibratory characteristics of the engine are not adversely affected. This proposal is adopted as proposed.

Proposal 16. This proposes to add to § 23.937 a definition of drag limiting systems. One commenter suggests that it would be more appropriate to include this definition in part 1 instead of part 23 of the FAR. The FAA disagrees. Such action would be beyond the scope of the NPRM. This proposal is adopted as proposed.

Proposal 17. This proposes to clarify the requirements of § 23.943. One commenter suggests that further clarification of this section would occur if the section is amended to read "or auxiliary power unit may occur when the airplane is operated at the greatest value and duration of the negative acceleration expected in service." This commenter also points out that the current FAA policy of applying negative acceleration of −.5g for 5 seconds is acceptable for a normal or utility category airplane; however, a different value for negative acceleration and duration is appropriate for an acrobatic category airplane. The FAA concurs with the proposed clarification of § 23.943 and the proposal is revised accordingly. The proposal is adopted with the aforementioned change.

Proposal 18. This proposes to amend the general fuel system rules in § 23.951 to make them applicable to APUs fuel systems. No adverse comments were received. This proposal is adopted as proposed.

Proposal 19. This proposes to clarify § 23.953(b)(1). One commenter suggests that the term "drain" has been used without misunderstanding in part 23 and 25 for many years; therefore, there is no benefit from the proposed use of "escape". The FAA disagrees. The commenter states that the phrase "after valve shut off" is redundant, as the amount of fuel in the line between the valve and engine compartment is independent of valve position. The FAA disagrees and deletes those words in this final rule. The proposal is adopted with the aforementioned change.

Proposal 20. This proposes to clarify the requirements of § 23.955 and incorporate change relative to single turbine engine powered airplane fuel systems that allow in-flight fuel management and ensure uninterrupted fuel to the engine until all usable fuel has been consumed. One commenter notes that the explanation in the NPRM implies that changes to the rules for single-engine, turbine-powered airplanes provide crossflow prevention between tanks when the airplane is not being operated and questions why crossflow prevention should be treated differently between turbine-engine and piston-engine airplanes. The commenter then observes that the proposal includes no provision for crossflow prevention despite the implication in the explanation. The FAA agrees with this observation and states that the implication is not intended.

One commenter advises that § 23.955(c)(3), concerning prohibition on exceeding the inlet pressure limit of the engine with both pumps on, limits the allowable auxiliary pump output and is likely to prevent accomplishing the purpose of the auxiliary pump. The commenter recommends revising § 23.955(c)(3) to read, "Auxiliary fuel pumps are not required; only emergency pumps are required." The FAA agrees that, in some cases, to ensure proper engine functioning, the auxiliary or emergency fuel pump may need to exceed the limits of the engine driven fuel pump; therefore, the proposal is revised to allow overboost of the main fuel pump if it can be shown that no adverse effect will occur.

One commenter suggests that maximum continuous power be used in § 23.955(d)(2) instead of engine "cruise" power. The FAA agrees. Since engine cruise power is not defined in the regulation, the proposal has been revised to read engine "maximum continuous" power instead of "cruise" power.

One commenter suggests that proposed § 23.955(f)(3) be revised by deleting the phrase "compliance with this paragraph must" to make it clear that all of § 23.955(f) is still applicable. The FAA agrees. The proposal is adopted with the aforementioned changes.

Proposal 21. This proposes to incorporate a limitation on fuel transfer to prevent damage to the airplane due to overpressuring any fuel tanks under § 23.957. No adverse comments were received. This proposal is adopted as proposed.

Proposal 22. This proposes to clarify and expand § 23.961 to include fuels of different volatility levels. One commenter suggests that this regulation be more specific concerning the conditions to be tested and the potentially critical conditions. This commenter also suggests avoiding the use of heated fuel since this implies that the fuel must be artificially heated to obtain compliance. The FAA has evaluated several suggestions for changes to this regulation. The proposed change is intended to be more objective. The word "heated" is removed from the proposal.

Another commenter suggests that the present rule has been shown to be adequate for Avgas and should be retained without change. Motor (highway) gasoline has shown some serious problems according to the commenter. The commenter believes that special rules should be written for fuels other than Avgas, and not mixed in with the current, fully satisfactory rule. The FAA disagrees. Standards for fuel should be complete without resorting to "special rules."

One commenter is concerned whether the proposal would produce an inconsistency between part 23 and part 25 and believes that this subject deserves wider, more detailed

consideration. Hot weather testing for small airplanes is usually quite different from that for large transport (part 25) airplanes; therefore, the regulations need to be unique. Testing for several years on small airplanes indicates that some revision of this regulation is warranted. The current proposal allows flexibility in the regulation, yet retains the critical conditions of testing that are warranted; therefore, the words "heated to" in the first sentence are removed and replace with the word "at". In addition, the NPRM was in error and the final rule has been revised by changing 100 °F to 110 °F. This proposal is adopted with the aforementioned changes.

Proposal 23. This proposes to delete § 23.963(f), since this requirement, which is applicable to only commuter airplanes, is similar to the requirements in § 23.967(e) that are applicable to all part 23 airplanes. No adverse comments were received and this proposal is adopted as proposed.

Proposal 24. This proposes to clarify § 23.965. No adverse comments were received and this proposal is adopted as proposed.

Proposal 25. This proposes to amend § 23.967 to permit the installation of fuel tanks in the fuselage of airplanes and to delete the restriction against fuel tanks in the personnel compartments of multiengine airplanes. One commenter indicates that this would require a fireproof and fuel-proof enclosure that is vented and drained to the exterior of the airplanes, which would be expensive and impractical for small airplanes. The FAA disagrees. The protection that these standards provide for this type fuel tank design is necessary for protection of the airplane occupants. One commenter supports the proposal. This proposal is adopted as proposed.

Proposal 26. This proposes to amend § 23.971 to require both fuel tank sumps and sediment bowl/chambers for reciprocating engine fuel systems. It also proposes that hazardous quantities of water be allowed to drain to a sump with the airplane in the normal ground attitude. No adverse comments were received and this proposal is adopted as proposed.

Proposal 27. This proposes to clarify § 23.973 requirements for vented fuel filler caps and to establish specific fuel filler opening dimensions as an aid in preventing fueling errors. One commenter supports the intent of the proposal but indicates concern whether the proposed fuel filler opening sizes were covered by an international standard. The FAA reviewed the standards accepted by U.S. manufacturers and no international standard for fuel filler openings was located. The proposal is adopted as proposed.

Proposal 28. This proposes to clarify § 23.975 on fuel tank vent line termination points and to specify the requirements applicable to vent line drains. One commenter does not agree that this proposal to replace "of the expansion space" with "of the fuel tank" is acceptable since an expansion space must be provided under the environmental rules. The FAA agrees that the vent must connect with the airspace located in the top of the tank or else fuel could discharge overboard and it is not the intent to do away with an expansion space. Using the words "the top part of the fuel tank" would imply that the vent is connected to the fuel tank airspace. Since the current regulation is understood, the proposed change will not be made to paragraph (a).

Two commenters disagree with proposed § 23.975(a)(5), which requires drain valves installed in the vent lines to meet the requirements of § 23.999. The FAA agrees and proposed § 23.975(a)(5) is revised by adding the following sentence, "Any drain valves installed in the vent lines must discharge clear of the airplane and be accessible for drainage." The proposal is adopted with the aforementioned changes.

Proposal 29. This proposes to amend § 23.977 to require that all strainers be accessible for inspection and cleaning. No adverse comments were received and this proposal is adopted as proposed.

Proposal 30. This proposes to amend § 23.991 to standardize fuel pump terminology. No adverse comments were received and this proposal is adopted as proposed.

Proposal 31. This proposes to delete inappropriate terminology in § 23.993. No adverse comments were received and this proposal is adopted as proposed.

Proposal 32. This proposes to amend § 23.995 to require all fuel valves to incorporate provisions to preclude incorrect assembly or connection. One commenter supports the proposal. One commenter advises that the FAA has not provided justification to "Murphy-proof" all fuel valves. Furthermore, the commenter notes that a large quantity of fuel valves that are not subject to such a provision have been in production for 25 years and they have not caused any problem. The FAA agrees that the service history of fuel selector valves shows that they have not experienced improper installation. This proposal is withdrawn.

Proposal 33. This proposes to clarify the intent of § 23.997. No adverse comments were received and this proposal is adopted as proposed.

Proposal 34. This proposes to clarify the § 23.999 requirement that fuel systems must have drain valves and to add the requirements that the valve operator must be able to catch the fuel and must be able to observe the valve for proper closing without excessive effort. No adverse comments were received and this proposal is adopted as proposed.

Proposal 35. This proposes to standardize the terminology used in § 23.1001. No adverse comment was received and this proposal is adopted as proposed.

Proposal 36. This proposes to add a new paragraph (a) to § 23.1011 to allow oil systems and components approved during engine type certification to be accepted without further substantiation when the standards previously met are equal to or more severe than those in this subpart. No adverse comments were received and this proposal is adopted as proposed.

Proposal 37. This proposes to amend § 23.1013 to clarify the regulation. No adverse comments were received and this proposal is adopted as proposed.

Proposal 38. This proposes to add a new § 23.1017(b)(6) to require that, for reciprocating-engine airplanes, breather line blockage due to ice be prevented. Three commenters advise that this regulation is not needed and that a pressure relief valve will increase the red tape and cost of the type certification. Also, § 23.1017(b)(5) already covers this requirement. The FAA has re-evaluated this proposal. It is true that § 23.1017(b)(5) requires that the breather outlet be protected against ice or foreign matter. Furthermore, the number of service problems has not been such that the additional cost of a pressure relief valve is warranted. Therefore, the proposal is withdrawn.

Proposal 39. This proposes to revise incorrect references in § 23.1019 and clarify paragraph (a)(3). No adverse comments were received and this proposal is adopted as proposed.

Proposal 40. This proposes to clarify § 23.1021 and to add a requirement for protection against inadvertent operation. No adverse comments were received and this proposal is adopted as proposed.

Proposal 41. This proposes to add a new § 23.1024 to define the function of the oil-air separator. Four commenters indicate that a new requirement for the oil-air separator is not justified. Furthermore, two commenters indicate that they are unable to determine how

to separate oil and water and return only oil to the engine. In addition, the consensus is that any water vapor in the vent discharge passes through the system as vapor and does not return to the oil system. Furthermore, one engine manufacturer does not consider water returned to the engine oil a serious airworthiness problem. The FAA concurs with the comments. This proposal is withdrawn.

Proposal 42. This proposes to amend § 23.1027 to allow that amount of engine oil dedicated to the propeller feathering system to be stored in a reservoir other than the oil tank and to replace the word "trapped" with the word "reserve" since it is more appropriate. No adverse comments were received and this proposal is adopted as proposed.

Proposal 43. This proposes to incorporate into § 23.1041 the cooling provisions for APUs and for temperature control of components and fluids on both the propulsion powerplant and the APUs after normal shutdown.

One commenter supports the proposal. The FAA has reviewed this proposal further and determined that some minor changes will improve the content. Accordingly, the words "the most adverse" are inserted between the words "under" and "ground." This proposal is adopted with the aforementioned change.

Proposal 44. This proposes to amend § 23.1047 to revise the current incorrect reference. No adverse comments were received and this proposal is adopted as proposed.

Proposal 45. This proposes to amend § 23.1061 to allow means other than pads to prevent chafing between the coolant tanks and their supports and to clarify the reference to the coolant tank expansion space. No adverse comments were received and this proposal is adopted as proposed.

Proposal 46. This proposes to amend § 23.1091 to incorporate air induction system requirements for APUs, a flight crew accessible override means for automatic alternate air door systems, a cockpit located position indicator for each alternate air door, and a clarification of the water ingestion and foreign material ingestion requirements. One commenter advises that, rather than using the position of the actuating handle to indicate a position of the alternate air door, the rule apparently requires a separate cockpit indicator, another cost item. The FAA agrees that, for an automatic alternate air door, a separate cockpit control is required to operate the alternate air door in the event it is blocked. In addition, some type of indicator is required to indicate that the alternate air door is in the open position. No changes to the proposal are made as a result of this comment.

One commenter advises that the FAA has not presented safety justification for this proposal and that the proposed changes would not resolve any current hazards. The commenter believes that, for proposed § 23.1091(b)(5), in the case of a mechanical override for an automatic alternate air door, the position should be the position of the knob or handle of the override control. The FAA does not agree with this comment in that an automatic alternate air door can be open without moving an override mechanical control. The pilot should have knowledge that the alternate air door is open.

One commenter indicates that a partially open alternate air door is not a safety item and should not be required to be indicated. The critical aspect is that the door is open when alternate air is required. The FAA agrees that a partially open alternate air door is not a safety item when the primary induction path is not blocked; however, the pilot should know when a malfunctioning system is causing the alternate air door to open in flight. One commenter notes that it is not clear from § 23.1091(b)(5) whether the FAA perceives that a need for a position indicator on all alternate air doors arises out of accident or incident statistics. The commenter suggests that this proposal represents an unnecessary burden on the smaller airplane manufacturers and that alternate air doors manually controlled by a direct linkage can be excluded from this requirement for position indication. With regard to automatic alternate air doors, it is suggested that the requirement be restricted to a means to indicate to the flight crew when it is not closed. The FAA agrees and rewords the proposal accordingly.

The FAA agrees that the control shaft position on a manually controlled alternate air valve is an acceptable indication of the valve position. For an automatic alternate air door, the pilot does not know the position of the alternate air door; therefore, the proposed change to § 23.1091(b)(5) is adopted. One commenter advises that proposed § 23.1091(b)(4), as written, would require manual override to both open and close the alternate air door. This is not in the interest of safety. The rule should be rewritten to require an override only to open the alternate air door. The FAA agrees that the door override should only be required to open the door. The proposal has been revised. This proposal is adopted with the aforementioned changes.

Proposal 47. This proposes to amend § 23.1093 to add specific ice protection requirements for fuel injection system designs with and without metering components on which impact ice may accumulate and to clarify the section by replacing the term "carburetors" with the term "fuel metering device," where appropriate.

In addition, proposal 47 eliminates the differences in requirements that are based on the number of engines or on the method of cooling. One commenter recommends that the proposal to modify to § 23.1093, paragraphs (a) and (c), be withdrawn. The proposed construction and wording are confusing and appear to the commenter to add a requirement for heated alternate air for all fuel injected engines. A long history of satisfactory service experience shows the commenter that such a requirement is unwarranted.

The FAA has required an alternate heat rise equivalent to downstream cooling air for fuel injected engines since they were introduced. Due to the variation in designs, the heat rise was unknown. The proposal would make the regulation more specific by specifying a minimum temperature that has been the design practice for many years.

One commenter feels that the proposed change to paragraph (a) needs further investigation, discussion, and clarification. The need to provide a preheater with fuel injection systems that have previously functioned adequately with an alternate source of air is of particular concern. The same FAA response applies to this comment as noted above.

Proposal 47 is adopted as proposed.

Proposal 48. This proposes to amend § 23.1101 to provide clarification. No adverse comments were received and this proposal is adopted as proposed.

Proposal 49. This proposes to amend § 23.1103 to add standards for flexible inlet ducts, backfire strength and fire resistance requirements for reciprocating engine inlet ducts, requirements for APUs inlet ducts, and requirements for cabin pressurization supply ducts in conjunction with induction system ducts. Two commenters believe that "normal" backfire conditions referenced in § 23.1103(d)(1) must be defined or explained. The FAA disagrees. "Normal" backfire conditions for a given engine can be established during certification of that engine.

One commenter believes that the proposal is excessively wordy and that the changes are unnecessary. The commenter notes that these ducts have been used for many years and have been certified by FAA so the commenter

wonders why they are being changed now. The FAA considers that induction system requirements have been incomplete as related to system ducting and numerous service problems have been experienced in the past. This change will improve the design standards and is warranted.

One commenter believes that the proposal represents an unnecessary constraint on design. The commenter suggests that an alternative means, such as a cabin air shutoff valve, could offer equivalent safety. The FAA agrees that § 23.1103(f) needs to be objective and revises the proposal as follows: "Induction system ducts that supply air to a cabin pressurization system must be suitably constructed of material that will not produce hazardous quantities of toxic gases or isolated to prevent hazardous quantities of toxic gases from entering the cabin during a powerplant fire." The proposal has been revised to provide an alternative means of compliance. This proposal is adopted with the aforementioned change.

Proposal 50. This proposes to amend § 23.1107 to add design requirements for reciprocating-engine induction air filters. One commenter suggests that the text of § 23.1107(b) should be expressed in objective terms and should not constrain the airplane manufacturers' design options. The FAA agrees. The proposal is revised to read: "Each air filter shall have a design feature to prevent material separated from the filter media from interfering with proper fuel metering operation." The proposal has been revised to remove a design constraint. This proposal is adopted with the aforementioned change.

Proposal 51. This proposes to amend § 23.1121 to incorporate requirements for APUs exhaust systems and a requirement for exhaust system materials and workmanship. One commenter suggests a new § 23.1121(i) to read as follows:

(i) For the purposes of compliance with § 23.603, it is accepted that failure of any part of the exhaust system will adversely affect safety.

The FAA understands that the purpose of this comment is to make it clear that any exhaust system failure is critical to flight safety. The FAA agrees that any exhaust system failure has a potential to cause an unsafe condition; therefore, proposed § 23.1121(i) is amended to read, "For the purpose of compliance with § 23.603, the failure of any part of the exhaust system will be considered to adversely affect safety." This proposal is adopted with the aforementioned changes.

Proposal 52. This proposes to amend § 23.1123 to make this section applicable to the total exhaust system rather than to the exhaust manifold only. No adverse comments were received and this proposal is adopted as proposed.

Proposal 53. This proposes to amend § 23.1141 to make the powerplant control system requirements of this paragraph applicable to all part 23 airplanes. One commenter suggests that further exploration of the design consequences of this proposed requirement and its relationship to § 23.1309 is necessary. One commenter finds no guidance offered by the FAA as to what type of engine controls are acceptable. The commenter believes the proposed rule would require redundant design solutions to obviate inadequacies in maintenance and the lack of an adequate standard for engine controls. The "Rube Goldberg" type mechanisms that the commenter feels would be required to comply with the proposed rule would cause more safety problems than they would cure. The commenter points out that one company's review of service difficulty reports for the last five years shows 20 powerplant control cable failures and 6 disconnects on a fleet of 90,000 airplanes which resulted in four accidents. The reports indicate that high time and improper maintenance are the predominant causes. The commenter recommends that the proposal be withdrawn. The FAA has re-evaluated this proposal and determined that it should be withdrawn for further study. This proposed change is withdrawn.

Proposal 54. This proposes to amend § 23.1142 to add a requirement that the controls and monitoring provisions for any APUs be installed on the flight deck. One commenter supports the proposal. One commenter believes that this proposal should be limited to ground APUs operation only; thus, it would eliminate the need for the APUs to be monitored from the cockpit.

The FAA does not agree. Regardless of whether the APUs is to be used on the ground only or in flight, it is necessary to have control and monitoring provisions of the APUs available to the flight crew in the cockpit. This proposal is adopted as proposed.

Proposal 55. This proposes to amend § 23.1143 to require a back-up system or automatic positioning of the fuel metering device to ensure that the engine continues to furnish adequate power if the pilot's control installation fails.

One commenter believes that if engine control systems are properly maintained and inspected no back-up system is necessary.

One commenter understands FAA's objective but seriously doubts if such a system can be made to work reliably. If a separation of the control at the fuel metering device is considered, spring backup could position the throttle to full open. If a separation anywhere in the pilot's control installation is considered, the spring force required to move the throttle open could be too high for normal operation. The commenter believes that the FAA needs to clarify this proposal. The commenter notes that the addition of springs to the fuel metering device would be the responsibility of the engine manufacturer and should be addressed in part 33. As no way is known to comply with the last phrase in proposed § 23.1143(g), "from any point in the flight envelope of the airplane", the commenter recommends that the proposal be deleted.

The FAA agrees that special designs will be necessary to comply with this regulation. Manufacturers have the talent to design a system that will comply with the intent of this regulation. To make the regulation more objective, the FAA has retained only the first sentence with the word "from" changed to "at" and deleted the remaining portion of the proposal. This proposal is adopted with the aforementioned change.

Proposal 56. This proposes to amend § 23.1145 to clarify the requirement for ignition system control by the flight crew on all types of airplane engines.

One commenter suggests that the following text changes be adopted: "Ignition switches must control and shut off each ignition circuit on each engine." The FAA agrees. This suggested clarification to paragraph (a) will be adopted.

Proposal 57. This proposes to amend § 23.1147 to add a rule to require the mixture control go to a full-rich setting if the pilot control system linkage becomes separated.

One commenter believes that if engine control systems are properly maintained and inspected no back-up system is necessary.

One commenter suggests that a full-rich mixture does not always represent a safe condition and that the objectives are better expressed by the following text: "Each engine mixture control must be designed so that, if the control separates from the engine fuel metering device, the airplane is capable of continued safe flight." The FAA agrees and the final rule is worded accordingly.

Two commenters advise that requiring a spring loaded mixture control to move the mixture into the

full-rich position does not, in all cases, result in a safe condition. They point out that the proposed rule change would degrade safety by requiring the mixture control to go to full rich upon failure. One commenter notes that industry experience concerning problems with single wire controls support this and that known service problems with control end terminations and attachments should be covered by a new TSO standard for engine controls. The FAA disagrees. A new TSO is beyond the scope of the NPRM.

One commenter made a study of the accidents associated with the mixture control and, in most cases, found that the mixture control was a single strand wire. The commenter suggests that the FAA study those accidents and the Malfunction and Defects Reports to determine the actual cause of failure. The FAA agrees that a single strand control has resulted in control separation in service; however, the suggestion is beyond the scope of the NPRM. This proposal is adopted with the aforementioned change.

Proposal 58. This proposes to amend § 23.1181 to add a new section identifying designated fire zones.

One commenter agrees with the intent of the proposal but notes that the text is substantially different from that already adopted for JAR/FAR 25 and would benefit from further review. The FAA has reviewed the difference between part 25 and that proposed for part 23. Substantial differences exist between small and large airplanes. For this reason, the proposals for part 23 are different. One commenter proposed to clarify the rule by providing that the designated fire zones be separated with respect to the type of engine installations involved. The FAA agrees. This final rule is worded accordingly. The FAA has reevaluated this proposal and removed paragraph 23.1181(b) as being redundant. Sections 23.1195 through 23.1203 are already applicable to commuter category airplanes.

This proposal is adopted with the aforementioned change.

Proposal 59. This proposes to amend § 23.1189 to change applicability to all multiengine airplanes and to quantify the hazardous amount of flammable fluid.

One commenter notes that § 23.1189 should be updated to include commuter category and turbine-powered airplanes. The commenter believes that the reason for reference to § 23.67 was to exclude airplanes below 6,000 pounds with stall speeds of 61 knots or less and that this exclusion is still justified and should be retained.

The FAA does not agree with this position. As noted in the NPRM, the reference to § 23.67 in § 23.1189 is being deleted so that § 23.1189 will be applicable to all multiengine airplanes, as originally intended.

One commenter notes that the wider applicability of this text in § 23.1189(a) to all twin engine airplanes is supported. The commenter believes that allowing one quart of flammable fluid to escape is hazardous and is in conflict with environmental requirements. The FAA disagrees for the reason noted in the NPRM. This proposal is adopted as proposed.

Proposal 60. This proposes to amend § 23.1191 to remove a rule that allows fire resistant seals in fireproof firewalls, to add a new firewall material, and to require that all heat producing devices be separated from the airframe by firewalls or shrouds. No adverse comments were received and this proposal is adopted as proposed.

Proposal 61. This proposes to amend § 23.1193 to clarify the rule. One commenter believes that the existing text of part 23 is adequate and that these proposals represent an unnecessary burden on manufacturers. The commenter offers no substantiation for his position.

One commenter notes that this proposal would require an expensive, complex flight survey of the cowl pressure fields. The commenter believes that the need to prove drain operation "under the most adverse aerodynamic pressure distribution expected in service," is not compatible with the requirement that only normal ground flight attitudes need be considered. The commenter also says that the most adverse aerodynamic pressure could occur in other than normal attitudes. This commenter feels this phrase should be deleted and that the FAA should accomplish this safety objective without requiring such a potentially expensive compliance program.

The FAA agrees that the proposal is not consistent in that the first part indicates drainage is required for normal ground and flight attitudes; however, the second sentence would require an evaluation during the most adverse aerodynamic pressure distribution. The intent is that the drainage be effective during normal ground and flight attitudes. The second sentence of this proposal will reflect normal flight attitude only. This proposal is adopted with the aforementioned change.

Proposal 62. This proposes to amend § 23.1195 to adopt requirements for APUs compartment fire extinguishing systems. One commenter is undecided whether such a small potential fire source as an APUs requires an extinguishing system. No adverse comments were received and this proposal is adopted as proposed.

Proposal 63. This proposes to amend § 23.1203 to incorporate new requirements for fire detector systems in APUs compartments and in the engine compartments on those airplanes where the engine(s) are not readily visible from the cockpit.

One commenter notes that the requirement for fire detection on turbocharged reciprocating multi-engine airplanes is laudable, but asks why single engine airplanes are excluded. The commenter suggests that the FAA look at the data base and that some airplanes (Turbo Lance/Saratoga) can have a turbocharger/exhaust failure go undetected directly in front of the pilot. The commenter states that most turbochargers are mounted low in the zone and take advantage of the flow of cooling air from the engine compartment, and that wing mounted engines are more visible from the cockpit than single engines. The commenter suggests that the proposal be amended to include any turbocharged installation. While the comment may have merit, such a proposal is beyond the scope of the NPRM.

One commenter notes that the text clarifications in this section are supported and are proposed for JAR 23. This proposal is adopted as proposed.

Proposal 64. This proposes to clarify the type of magnetic direction indicator that is required to meet the requirement of § 23.1303(c). No adverse comments were received and this proposal is adopted as proposed.

Proposal 65. This proposes to amend § 23.1305 to clarify the powerplant instrument requirements by reorganizing the section and by defining the additional instruments that are required for the particular type of engine that is installed. Two commenters submitted comments on various paragraphs of this proposal.

One commenter suggests that the proposal for § 23.1305(a)(1) cross-reference § 23.1337(b)(5). The FAA does not agree that the suggested § 23.1337(b)(5) is the proper reference but does agree with the intent of this suggestion. In reviewing this comment, it is noted that the intent of the words, "or for each assembly of interconnected tanks that function as one tank" in proposed § 23.1305(a)(1) is provided by current § 23.1337(b)(4), and that other provisions of § 23.1337(b) address other applicable fuel quantity indicator requirements, such as their marking. To clarify the fuel quantity indicator

requirement of part 23, the above quoted words from the proposal for § 23.1305(a)(1) are removed and replaced by the words "installed in accordance with § 23.1337(b)." By this change, § 23.1305 will make it clear that a fuel indicator is required for each tank and § 23.1337 will provide the installation requirements for those indicators.

Both commenters requested that the FAA make it clear that a dipstick is an acceptable oil quantity measuring device for meeting the requirement of proposed § 23.1305(a)(4). The FAA notes that § 23.1337(d) identifies an acceptable means of measuring the oil quantity and identifies a stick gauge as being one acceptable means. To provide the clarification requested by these commenters, the proposal for § 23.1305(a)(4) is revised by adding the words, "which meets the requirements of § 23.1337(d)" to the end of the proposal.

One commenter proposes a revision to "controllable propeller" in the proposal for § 23.1305(b)(5), which the commenter believes would be clarifying. The FAA has reviewed this suggested change and finds that it could be interpreted to be more restrictive than the proposal. Therefore, this suggestion is not incorporated.

One commenter asks the FAA to make it clear that N_1 is an acceptable parameter that can be related to the thrust indication required by proposed § 23.1305(d)(1). The FAA has reviewed this request and finds that the indication of the N_1 speed is an acceptable means. For some installations, however, the applicant may be required to demonstrate that N_1 is acceptable. By the discussion of this comment, the requested clarification is provided and proposed § 23.1305(d)(1) is not revised.

Both commenters oppose the proposal for § 23.1305(e)(3), which would require a chip detector indicator light for each gearbox or transmission. Their comments identify the lack of requirement for a chip detector and state that this requirement for a detector indicator light should be deleted pending the introduction of chip detector requirements. Other comments note the difference in the value of chip detectors that have been installed in different engines and point out that, because of erroneous indications such detectors have resulted in the shutdown of a properly operating engine. Accordingly, such detectors may actually lower the level of safety. The FAA has reviewed this subject and the information provided by the comments and agrees that the requirement of proposed § 23.1305(e)(3) should be withdrawn, given that proposals 7 through 12 have been withdrawn. This proposal is adopted with the aforementioned changes.

Proposal 66. This proposes to remove the words "an approved" from § 23.1307(a) and add a new paragraph that would require the airplane type design to include all of the equipment necessary for operation in accordance with the limitations required by § 23.1559. Two commenters responded to this proposal. One commenter contends that this proposal would preclude alternative configurations for different operating rules and require recertification of the airplane if the operating rules change. The FAA agrees that if amended operating rules require different equipment the airplane's type certificate would require amending. This commenter also points out that many airplanes are exported to countries where U.S. operating rules do not apply. Both commenters suggest revising the proposed new paragraph to read: "Additional miscellaneous equipment may be required by the operating rules." The FAA disagrees because the suggested revision would not make it clear that such equipment must be included in the type design.

In consideration of the comments, the FAA revised the proposed paragraph by removing the word "All" and using the word "The" in its place. The word "All" could imply that all of the equipment "identified" in the operating rule must be installed. Also, the words "in the National Airspace System (NAS)" are removed. The words "for which * * *" are revised to read "for which certification is requested and is approved in accordance * * *" This proposal is adopted with the aforementioned changes.

Proposal 67. This proposes to amend § 23.1322 to require the warning, caution, and advisory lights to be effective under all probable cockpit lighting conditions. One commenter recommended the words "all probable cockpit lighting conditions" be revised to "all normal cockpit illumination." The reason given for the recommendation is that the proposed words could include the need to consider a blinding lightning flash.

The FAA disagrees. If conditions exist where a "blinding" lightning flash occurs, none of the lights will be visible while the pilot(s) are blinded and this would not be considered to be a probable light condition. The lights should be evaluated for the lighting conditions that will occur immediately after that flash to ensure that, as quickly as vision is restored after the exposure to the blinding flash, they will provide effective warnings, cautions, and advisories. As noted in the NPRM, these lights need to be consistent over a full range of ambient light conditions. The words used in this proposal describe the need to evaluate the lights over this range of light conditions. One commenter supports the proposal. This proposal is adopted as proposed.

Proposal 68. This proposes to amend § 23.1329 to require an automatic pilot quick release (emergency) control to be located so that it can be operated without moving the pilot(s) hand from the airplane controls. No adverse comments were received and this proposal is adopted as proposed.

Proposal 69. This proposes to amend § 23.1331 concerning the requirements for instruments using a power source by requiring a visual indicator to advise the pilot that the instrument power is not adequate and by requiring two independent sources of instrument power for all airplanes. This proposal would also remove current § 23.1331, paragraphs (a)(1) and (a)(2).

Several comments were received on this proposal. One commenter supports the proposal but notes that it does not address non-gyroscopic instruments, and would result in power supply requirements for such instruments being omitted from regulations. This commenter also believes the word "adjacent" in proposed § 23.1331(a) is too restrictive and requests the meaning of the word "independent" in proposed § 23.1331(c) in context of sources of power for single-engine airplanes. Finally, this commenter identifies support for the provisions of proposed § 23.1331(b)(2).

The FAA has reviewed this proposal and agrees that by inserting the word "gyroscopic" in the introductory text of this proposal, other types of instruments that use a power source for their function would be omitted from the regulations. To correct this omission and retain the current provision of the regulations that addresses all instruments, the word "gyroscopic" is being removed from the introductory text. To further clarify the applicability of these requirements, the words "that uses a power source" are being added between the words "instrument" and "the".

The FAA also reviewed this commenter's position on the word "adjacent" and agrees that its application could be too restrictive. The intent of this proposal is to require any installed separate power indicator to be located so that a pilot who is using that instrument will notice the loss of that instrument's power. To clarify and

preclude restrictive application of this requirement, the word "adjacent" is removed and replaced with words similar to those used in § 23.1321(a).

In regard to the commenter's question on the word "independent" in context of sources of power for single-engine airplanes, this word has the same meaning for all airplanes, except that on single-engine airplanes the second source cannot be driven by a separate engine.

Adverse service experience that has resulted from power source failures and the subsequent loss of flight information has shown that it is necessary to provide a backup power source for the flight instruments. In the case of instruments that use a vacuum power source, the second source has been provided by installing a smaller electric driven vacuum pump and by arranging the vacuum system so that this pump is isolated from the normal vacuum system and so that it provides power to the instruments only after the normal engine driven pump fails.

Another commenter indicates support for the proposal and recommends the addition of § 23.1303(f), which would require independent power sources for pneumatic attitude and direction indicators in single-engine airplanes having pneumatic deicing, cabin pressurization, or autopilot equipment. The FAA disagrees because the proposal in the NPRM provides the level of safety that would be provided by this comment.

Another commenter states that this proposal for more complex systems, such as added warnings, "is getting carried away." This commenter does not recommend any revision to the proposal. No action will be taken on this comment.

Another commenter notes the same items identified by the first commenter and believes that this section needs to be redone to retain its original intent and to make it applicable to currently available instruments. This commenter includes and recommended changes that have merit but are beyond the scope of the NPRM because they would address provisions that have not been previously proposed in rulemaking actions. The changes made in response to the first commenter also respond to this commenter. This proposal is adopted with the aforementioned changes.

Proposal 70. This proposes to amend § 23.1337 by adding APUs installation requirements and by clarifying the fuel quantity indicator requirements. No adverse comments were received and this proposal is adopted as proposed.

Proposal 71. This proposes to amend § 23.1351 to allow a generator to operate below its continuous rating when it has a rating higher than necessary, to allow methods other than reverse current cutouts for protecting against reverse current, and to require the airplane to operate safely for 5 minutes without normal electrical power.

One comment was received on the proposal for § 23.1351(c)(3) that suggests the beginning of this paragraph be revised from "Means must be provided * * *" to "Automatic means must be provided." Many of the means for disconnecting generators from a reverse current source are automatic; therefore, the suggested change should have a small impact on the systems that may be installed. The FAA disagrees because this change would make automatic systems mandatory. It would defeat the purpose of this proposal, which is "to relieve the burden to install a specific type of reverse current control."

It has been brought to the FAA's attention that many electrical generating devices that are used on part 23 are now referred to as "alternators" and that there is some confusion about such units acceptability because § 23.1351(c) continues to address "generators." To provide clarifications, ten locations in § 23.1351, paragraphs (c), (c)(1), (c)(2), (c)(3), (c)(4), and (c)(5), are being revised by changing the word "generator" to "generator/alternator." This proposal is adopted with the aforementioned change.

Proposal 72. This proposes to clarify § 23.1357(a)(1) by more specifically identifying the type of starter motor whose main circuits may be installed without circuit protection devices. This also proposes to make it clear that spare fuses are only required for installed fuses that are replaceable in flight. One comment received does not address the proposal but suggests the addition of an amendment that would require that all circuit breakers be the pull-to-disconnect type. This suggested amendment is beyond the scope of the NPRM. One commenter supports the proposal. This proposal is adopted as proposed.

Proposal 73. This proposes to amend § 23.1361 to clarify the requirement for the master switch arrangement and to permit new generations of engines to operate with the master switch turned off. No comments were received; however, an editorial revision has been made that revises the text of the last sentence from one that permits the master switch arrangement to use separate switches to text that provides requirements for the master switch arrangement if separate switches are installed. This proposal is adopted with the aforementioned change.

Proposal 74. This proposes to amend § 23.1365 to provide crashworthiness standards for electrical cables by requiring that they be designed to allow a reasonable degree of deformation or stretching without failure and by requiring that they be isolated from flammable fluid or be shrouded in insulated flexible conduit, or equivalent. One commenter states that this proposal has been recommended for adoption by the Joint Airworthiness Authorities (JAA) but with applicability to all parts of the airplane, not just cables in the fuselage. One commenter believes the word "isolated" used in proposed § 23.1365(c)(1) is not compatible with current practices and suggests the word "separated" be used in its place. The FAA reviewed this recommended change and agrees that "separated" better describes the current practice of keeping electrical cables and flammable fuel lines spaced apart. This proposal is adopted with the aforementioned change.

Proposal 75. This proposes to amend § 23.1385 to clarify location requirements for position lights, to delete the requirement that position lights make a single electrical circuit, and to remove the statement that each light must be approved. No adverse comments were received and this proposal is adopted as proposed.

Proposals 76, 77, 78, 79, and 80. These proposals would clarify the location of the position lights addressed in §§ 23.1387 through 23.1395, and would keep each section compatible with the revisions adopted by proposal 75 above. No adverse comments were received on these proposals and they are adopted as proposed.

Proposal 81. This proposes to amend § 23.1419 to continue the current minimum ice protection requirements that have been found necessary for safe operation in icing conditions, to remove the provision that has permitted showing compliance by similarity of design, to provide specific test requirements, to clarify the requirement for information that must be provided to the pilot, and to add a reference for compliance with other applicable sections of part 23.

Two comments were received on the proposal. One commenter suggests that the introductory text could be clarified by revising the phrase, "If certification with ice protection provisions is desired," to read "If certification for flight in icing conditions is desired." The FAA considered this suggestion and reviewed the current airworthiness requirements. The review shows that

§§ 23.1419 and 25.1419, as well as § 23.1416, use the words in the proposal. This suggested revision is not incorporated.

One commenter states that the NPRM contains several additions that the commenter objects to because they were not submitted for debate at the 1984 public meeting. The FAA is not obligated to limit the contents of the NPRM to the material that was discussed at the public meeting. In the case of this proposal, the discussion of conference proposal 467, which recommended replacing § 23.1419 with § 25.1419, resulted in the need for FAA to review the icing protection requirements in total. This review identified certain items that were not discussed in the public meeting but needed to be addressed in the NPRM.

Both commenters provided comments on proposed § 23.1419(a). One commenter supports the paragraph but believes that additional interpretation needs to be considered. The FAA will provide advisory material as necessary.

The other commenter does not believe that the FAA has shown justification for compliance with appendix C for all items of subpart B and states that meeting performance requirements with ice accumulation is also completely unjustified. The commenter further states that the interpretation of "capable of operating safely" goes beyond the requirements of part 25. Finally, this commenter cites that it is unreasonable that takeoff performance, for example, be demonstrated with ice shapes attached because takeoff with ice is prohibited by regulation.

In the NPRM, the FAA notes that subpart B does not differentiate levels of safety by types of operation or by the environment in which the airplane is operated. The FAA does not agree with the commenter that this interpretation exceeds the requirements of part 25. The FAA agrees with the final point of this commenter that it is unreasonable for takeoff performance to be demonstrated with ice shapes attached. This is consistent with current paragraph 10.d.(1)(i) in AC 23.1419–1, because the airplane should not be departing with residual ice on the airplane. Because the interpretive statement in the proposal clarifies the current airworthiness requirements, it is adopted as proposed.

Both commenters submitted comments on proposed § 23.1419(b). One commenter supports the proposal and suggests that the FAA review the AC interpretative material for completeness.

The other commenter does not believe that the ability to show compliance based on similarity should be deleted and contends that the current Advisory Circular, AC 23.1419, provides adequate guidance to determine when certification by similarity is acceptable. A portion of this comment states, "A requirement to demonstrate each modified airplane in natural icing is extremely costly, burdensome, and unnecessary for safety." A list of items, such as stall warning systems and windshield heating systems, that have been approved on the basis of similarity and have demonstrated satisfactory service history is included in this comment.

The FAA has considered the basis for this proposal and the information provided by these comments. The FAA is aware that the provisions of current § 23.1419(a) have been used to approve components that have demonstrated satisfactory service history. There have also been approvals under this provision based solely on the component having been tested and approved on an airplane in service. In such cases, the differences in the installations that could affect ice accumulation and the components ability to function are not considered. To prevent future approvals of this type, the NPRM proposed to delete the provisions of § 23.1419(c).

In consideration of the impact of this proposed deletion, action should be taken to restore provision for approving a component that has been previously tested and approved and that has demonstrated satisfactory service; however, the restoration of that provision should also include provisions that ensure that the subsequent approval considers any differences in the installation of this component. To provide this change, current § 23.1419(c) has been revised to clarify the items that must be considered for this type of approval and it has been included in this final rule as paragraph (c).

One commenter recommends that the last sentence of proposed § 23.1419(c) be placed in subpart G. The FAA disagrees. This requirement for specific icing information to be placed in the AFM is more appropriate for § 23.1419. This section is only applicable if the applicant wishes to obtain an icing approval; therefore, the items that should be accomplished for that approval should be contained in this optional requirement. It would not be proper for subpart G to require icing information in the AFM of an airplane that does not comply with § 23.1419. This recommended change has not been accepted and the provisions of proposed paragraph (c) are adopted as paragraph (d). This proposal is adopted with the aforementioned change.

Proposal 82. This proposes to amend § 23.1431 to revise the current rule that addresses radio equipment only by including other electronic equipment that is installed in a part 23 airplane. Two comments were received. One commenter asks for a definition of the words, "critical environmental conditions" used in proposed § 23.1431(a). Critical environmental conditions are those environmental conditions under which a piece of equipment will not perform its intended function. By including this requirement, conditions that may be critical to the operation of a piece of equipment must be considered. Consideration of such conditions would include, but not be limited to, temperature extremes, vibration levels, and humidity.

The other commenter agrees with the proposal and suggests that § 23.1431 be expanded to cover communications between pilots, radio transmission switches, and the effectiveness of aural warnings when headsets are being worn. Because these suggested expansion items were not included in the notice, their addition would be beyond the scope of the NPRM. This proposal is adopted as proposed.

Proposal 83. This proposes to amend § 23.1435 to permit propeller unfeathering accumulators that are an integral part of the engine, and small accumulators to be installed on the engine side of the firewall. No adverse comments were received and this proposal is adopted as proposed.

Proposal 84. This proposes to amend § 23.1441 to clarify the type design requirements in relation to the operating rules, to require installation of demand or pressure demand crewmember oxygen equipment predicated on the airplane's maximum certificated operating altitude, to clarify the requirements relative to portable equipment, and to require a means for crewmembers to shut off the oxygen supply at the source during flight.

One commenter states that, in the interest of harmonization, this proposal will be recommended for adoption by the FAA even though "* * * there is a feeling that the burden of compliance outweighs the safety benefit derived from such requirements."

One comment was received that notes the smaller volume of the cabins of part 23 airplanes would increase the possibility of the flight crew being exposed to pressure altitudes of more than 34,000 feet if decompressions occur at flight altitudes of 34,000 feet or more. To provide better protection against crew hypoxia, this commenter

recommends that part 23 be amended to require flight crew dispensing units to be pressure demand with mask mounted regulators if the airplane is approved for flights above 34,000 feet. This commenter also recommends that the Airplane Flight Manual require one flight crewmember to use 100 percent oxygen for flights above 34,000 feet. The FAA agrees that the comment has merit; however, it is beyond the scope of this rulemaking action. This proposal is adopted as proposed.

Proposal 85. This proposes to amend § 23.1443 to modify the oxygen flow rates for part 23 airplanes by providing alternate procedures that may be used to substantiate satisfactory continuous flow oxygen equipment. One commenter requested that the FAA make it clear that the 40,000 foot altitude limit in this proposal is not an absolute altitude limit for part 23 airplanes. The FAA agrees. The altitude limit in this proposal does not constitute an absolute altitude limit for the approval of part 23 airplanes; however, the approval of individual airplanes would be limited to those altitudes where safe occupant protection is provided.

Another commenter supports the proposal but recommends moving the definitions that are provided in § 23.1443(d) of this proposal to part 1. The comment is beyond the scope of the NPRM. This proposal is adopted as proposed.

Proposal 86. This proposes to add a new § 23.1445 regarding oxygen line requirements that provide appropriate restrictions on the use of flexible plastic hoses. No adverse comments were received and this proposal is adopted as proposed.

Proposal 87. This proposes to amend § 23.1447 to add requirements for passenger dispensing units to be automatically presented and allows the option of quick-donning type oxygen dispensing units for the crewmembers. No adverse comments were received and this proposal is adopted as proposed.

Proposal 88. This proposes to add a new appendix H to part 23 containing standards for automatic power reserve systems. See proposal 4 for applicable comment and FAA response. The proposal is adopted as proposed.

Regulatory Evaluation Summary

This section summarizes the full regulatory evaluation prepared by the FAA that provides more detailed estimates of the economic consequences of this regulatory action. This summary and the full evaluation quantify, to the extent practicable, estimated costs to the private sector, consumers, Federal, State, and local governments, as well as anticipated benefits.

Executive Order 12291, dated February 17, 1981, directs Federal agencies to promulgate new regulations or modify existing regulations only if potential benefits to society for each regulatory change outweigh potential costs. The order also requires the preparation of a Regulatory Impact Analysis of all "major" rules except those responding to emergency situations or other narrowly defined exigencies. A "major" rule is one that is likely to result in an annual effect on the economy of $100 million or more, a major increase in consumer costs, or a significant adverse effect on competition.

The FAA had determined that this rule is not "major" as defined in the executive order; therefore, a full Regulatory Impact Analysis, which includes the identification and evaluation of cost-reducing alternatives to this rule, has not been prepared. Instead, the agency has prepared a more concise document termed a regulatory evaluation that analyzes only this rule without identifying alternatives. In addition to a summary of the regulatory evaluation, this section also contains the Regulatory Flexibility Determination required by the Regulatory Flexibility Act and an International Trade Impact Analysis. If more detailed economic information is desired, the reader may refer to the full regulatory evaluation contained in the docket.

Comments to the NPRM were received from eleven commenters. Three commenters addressed the economics of the proposed rule. One commenter, an aviation association, disagreed with the statement in the regulatory evaluation for the NPRM that, because of the depressed state of the general aviation industry, fewer designs are expected to appear on the market and this reduces the costs that industry must bear. The commenter advised that reduced numbers of new designs result in increased costs of each new design. Likewise, the cost of new models requiring compliance with some of the changed rules is higher and the cost of each airplane rises as the number of units falls. The FAA agrees with this position. The subject statement and its implications have been removed from the evaluation.

Another comment addressed the cost estimation for the proposed changes to §§ 23.1143 and 23.1147. These amendments require that the throttle and mixture controls, respectively, be designed so that if a control cable separates at the fuel metering device, the airplane will be capable of continued safe flight and landing. The commeter, an engine manufacturer, disagreed with the position expressed in the regulatory evaluation that the estimated $52,000 to $104,000 impact of these proposed changes would be small in relation to the total cost of designing a newly type certificated piston engine ($21 million). The commenter advised that these provisions would require the redesign and recertification of the fuel metering device of any existing certificated engine that would be installed in new airplanes designed after the effective date of the rule. As such, the commenter noted that the $52,000 to $104,000 design and certification cost would be an added cost necessary to continue production of a currently certificated engine for use in a new aircraft and, that under these circumstances, these costs would not be an insignificant consideration.

The FAA agrees with this comment and the regulatory evaluation for the final rule reflects this position. By placing these amendments in part 23 rather than part 33, currently approved engines that continue to be produced must have the safety features required by these two amendments if the engines are installed on newly certificated small airplanes.

A third commenter, also an aviation association, expressed general concern over the costs of making aviation safer and questioned whether the costs were justified by the results. Since no specific recommendation was expressed, no consequent changes have been made to the regulatory evaluation.

Economic Evaluation

Most of the amendments will impose negligible costs. A number of the provisions clarify the intent of current regulations and were requested by the manufacturers themselves. Other amendments in this rule add new sections pertaining to new-technology equipment not previously addressed in the regulations. Such changes will actually benefit manufacturers by eliminating the need for special conditions.

Some amendments will require manufacturers to incorporate changes in the way they design or manufacture their products. Most of these amendments involve minor changes that will impose negligible costs. Several amendments will benefit manufacturers by allowing alternative methods of compliance.

An unquantified, but substantial, benefit of this final rule will result from its harmonization with the Joint Aviation Authorities (JAA) Differences

between FAA regulations and the requirements of other nations impose a heavy burden on U.S. airplane manufacturers. This rule is part of the FAA's effort to harmonize the various regulations currently existing throughout the world. While it is impossible to give an accurate estimate of all the cost savings that can be achieved through regulatory harmonization, industry sources have estimated that savings of over $100 million can be achieved. Of the 77 airworthiness proposals retained in this final rule, 59 of them are fully harmonized with the JAA. In addition, several of the provisions that were not harmonized in this rule are scheduled for harmonization in later rulemaking.

Only two of the amendments in this final rule are expected to have costs that are not negligible. The amendment to § 23.1143 requires that, for reciprocating single-engine airplanes, each power or thrust control system must be designed so that if the control separates at the fuel metering device, the airplane will be capable of continued safe flight and landing. The amendment to § 23.1147 contains a parallel requirement for manual engine mixture controls.

As originally proposed, these amendments would have required a backup or other means to overcome a separation at any point in the control rather than specifically at the fuel metering device. The less restrictive requirements retained in the final rule result from concerns over the potential cost and technical feasibility of a mechanism with a spring force adequate to overcome a separation at any point in the control. As written, the amendments will not present a major design problem for manufacturers.

Costs

The design costs for § 23.1143 Engine Controls, and § 23.1147 Mixture Controls cannot be separated. The combined design and certification cost of these two requirements is estimated to range between $52,000 and $104,000 per engine model certificated for use in newly type certificated airplanes. This estimate is based on discussions with airplane engine manufacturers and the General Aviation Manufacturers Association. The expected hardware costs per engine will be minimal and are estimated to be $5.00 per individual engine for springs and fasteners.

The expected $52,000 to $104,000 design costs will be distributed over each engine that is sold. If these costs are distributed over 1,000 engines during a ten-year period, the attributable design cost per engine would range between $52 and $104. Lower or higher production schedules would have a proportional impact on the attributable unit costs. Using the midpoint of the range estimate, design and certification costs are expected to be $78 per engine. Combining this with the expected $5 hardware cost per airplane produces a total unit cost estimate of $83 per affected airplane.

Benefits

The expected benefit of these provisions is a reduction in the risk of accidents related to throttle and fuel mixture control separations. According to data compiled by the National Transportation Safety Board (NTSB) for the years 1982 through 1987, there were 71 accidents in part 23 airplanes attributable to throttle and mixture control separations. These accidents resulted in 1 fatality, 10 serious injuries, and 31 minor injuries.

The subject amendments are in fact a result of NTSB recommendations to the Small Airplane Airworthiness Review Program. In support of its recommendations, the Board cited the fact that between 1964 and 1979 there were 148 reports of single-engine aircraft accidents initiated by throttle linkage failures, resulting in 5 deaths, 250 injuries, 15 destroyed aircraft, and 133 substantially damaged aircraft.

The NTSB further reported that from 1970 to 1981, at least 54 accidents occurred from engine failures or malfunctions that were caused by problems in the mixture control assembly. It was determined that the majority of these accidents were caused by a slippage or breakage of the mixture control linkage at the carburetor.

Taken together, these data show that throttle and mixture control separation is and has been a significant safety problem for single-engine airplanes. The expected reduction in accidents that will result from these standards can be examined on a rate basis.

As noted above, the expected unit cost of compliance for these amendments is $83 per affected airplane. By comparison, the FAA has determined that the average economic cost to society of a single serious injury is $640,000. If follows that over 7,700 airplanes ($640,000/$83) could be equipped to the higher standards of this rule at the same expense that would be avoided by preventing a single serious injury. Based on the related historical accident rates and the safety recommendations of the NTSB, the FAA has determined that the potential benefits of these amendments will exceed the expected costs.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily or disproportionately burdened by government regulations. The RFA requires agencies to review rules which may have "a significant economic impact on a substantial number of small entities." The FAA has established criteria and guidelines for determining whether a rule has a significant economic impact on a substantial number of small entities. Based on these criteria, the threshold annualized cost constituting significant impact is $18,200 in 1992 dollars. The expected annual costs of this rule for any manufacturer will be well below the threshold. Accordingly, the FAA has determined that this rule will not have a significant economic impact on a substantial number of small entities.

International Trade Impact Assessment

The amendments in this rule will not constitute a barrier to international trade, including the export of American goods and services to foreign countries and the import of foreign goods and services into the United States. The small airplane airworthiness standards in this rule have been harmonized with those of foreign aviation authorities and will, in fact, lessen the restraints on trade.

Federalism Implications

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

Conclusion

The FAA is revising the airworthiness standards for normal, utility, acrobatic, and commuter category airplanes as a result of comments received in reply to the Small Airplane Airworthiness Review Program Notice No. 3 dated October 3, 1990. The notice, which addresses powerplant and equipment items, was published as a result of recommendations discussed at the Small Airplane Airworthiness Review Conference held on October 22–26, 1984, in St. Louis, Missouri. Originally, the proposals reflected updated safety standards and advancements in technology while reducing the regulatory burden for some

requirements and maintaining an acceptable level of safety. Harmonization with the European JAA Joint Airworthiness Requirements became a dominant factor after the close of the reopened NPRM comment period on August 21, 1991. Considerable effort was invested to harmonize these airworthiness standards because aircraft industry estimates indicate reduced overall certification costs. These airworthiness standards will continue to provide adequate levels of safety for small airplanes used in both private and commercial operations.

For the reasons discussed in the preamble, and based on the findings in the Regulatory Flexibility Determination and the International Trade Impact Analysis, the FAA has determined that this regulation is not major under Executive Order 12291. In addition, the FAA certifies that this regulation will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. This regulation is considered significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A regulatory evaluation of the regulation, including a Regulatory Flexibility Determination and International Trade Impact Analysis, has been placed in the docket. A copy may be obtained by contacting the person identified under "**FOR FURTHER INFORMATION CONTACT.**"

List of Subjects in 14 CFR Part 23

Aircraft, Air transportation, Aviation safety, Safety.

The Amendment

Accordingly, the Federal Aviation Administration amends part 23 of the Federal Aviation Regulations (14 CFR part 23), as follows:

PART 23—AIRWORTHINESS STANDARDS: NORMAL, UTILITY, ACROBATIC, AND COMMUTER CATEGORY AIRPLANES

1. The authority citation for part 23 continues to read as follows:

Authority: 49 U.S.C. 1344, 1354(a), 1355, 1421, 1423, 1425, 1428, 1429, and 1430; 49 U.S.C. 106(g).

2. Section 23.901 is amended by revising paragraphs (b), (d), and (e), and adding a new paragraph (f) to read as follows:

§ 23.901 Installation.

* * * * *

(b) Each powerplant installation must be constructed and arranged to—

(1) Ensure safe operation to the maximum altitude for which approval is requested.

(2) Be accessible for necessary inspections and maintenance.

* * * * *

(d) Each turbine engine installation must be constructed and arranged to—

(1) Result in vibration characteristics that do not exceed those established during the type certification of the engine.

(2) Provide continued safe operation without a hazardous loss of power or thrust while being operated in rain for at least 3 minutes with the rate of water ingestion being not less than 4 percent by weight, of the engine induction airflow rate at the maximum installed power or thrust approved for takeoff and at flight idle. The engine must accelerate and decelerate safely following stabilized operation under these rain conditions.

(e) The installation must comply with—

(1) The instructions provided under the engine type certificate and the propeller type certificate.

(2) The applicable provisions of this subpart.

(f) Each auxiliary power unit installation must meet the applicable portions of this part.

3. Section 23.903 is amended by revising paragraphs (d)(1) and (e)(2) to read as follows:

§ 23.903 Engines.

* * * * *

(d) * * *

(1) The design of the installation must be such that risk of fire or mechanical damage to the engine or airplane, as a result of starting the engine in any conditions in which starting is to be permitted, is reduced to a minimum. Any techniques and associated limitations for engine starting must be established and included in the Airplane Flight Manual, approved manual material, or applicable operating placards. Means must be provided for—

(i) Restarting any engine of a multiengine airplane in flight, and

(ii) Stopping any engine in flight, after engine failure, if continued engine rotation would cause a hazard to the airplane.

* * * * *

(e) * * *

(2) There must be means for stopping combustion within any engine and for stopping the rotation of any engine if continued rotation would cause a hazard to the airplane. Each component of the engine stopping system located in any fire zone must be fire resistant. If hydraulic propeller feathering systems are used for stopping the engine, the hydraulic feathering lines or hoses must be fire resistant.

* * * * *

4. Part 23 is amended by adding a new § 23.904 to read as follows:

§ 23.904 Automatic power reserve system.

If installed, an automatic power reserve (APR) system that automatically advances the power or thrust on the operating engine(s), when any engine fails during takeoff, must comply with appendix H of this part.

5. Section 23.905 is amended by adding paragraphs (e), (f), (g), and (h) to read as follows:

§ 23.905 Propellers.

* * * * *

(e) All areas of the airplane forward of the pusher propeller that are likely to accumulate and shed ice into the propeller disc during any operating condition must be suitably protected to prevent ice formation, or it must be shown that any ice shed into the propeller disc will not create a hazardous condition.

(f) Each pusher propeller must be marked so that the disc is conspicuous under normal daylight ground conditions.

(g) If the engine exhaust gases are discharged into the pusher propeller disc, it must be shown by tests, or analysis supported by tests, that the propeller is capable of continuous safe operation.

(h) All engine cowling, access doors, and other removable items must be designed to ensure that they will not separate from the airplane and contact the pusher propeller.

6. Section 23.909 is amended by revising the heading; by removing the word "turbosupercharger" and replacing it with the word "turbocharger" each time it appears in paragraphs (b) and (c); by revising paragraph (a) introductory text; and by adding new paragraphs (d) and (e) to read as follows:

§ 23.909 Turbocharger systems.

(a) Each turbocharger must be approved under the engine type certificate or it must be shown that the turbocharger system, while in its normal engine installation and operating in the engine environment—

* * * * *

(d) Each intercooler installation, where provided, must comply with the following—

(1) The mounting provisions of the intercooler must be designed to

withstand the loads imposed on the system;

(2) It must be shown that, under the installed vibration environment, the intercooler will not fail in a manner allowing portions of the intercooler to be ingested by the engine; and

(3) Airflow through the intercooler must not discharge directly on any airplane component (e.g., windshield) unless such discharge is shown to cause no hazard to the airplane under all operating conditions.

(e) Engine power, cooling characteristics, operating limits, and procedures affected by the turbocharger system installations must be evaluated. Turbocharger operating procedures and limitations must be included in the Airplane Flight Manual in accordance with § 23.1581.

7. Section 23.925 is amended by redesignating paragraphs (b) and (c) as (c) and (d), respectively, and by adding a new paragraph (b) to read as follows:

§ 23.925 Propeller clearance.

* * * * *

(b) *Aft-mounted propellers.* In addition to the clearances specified in paragraph (a) of this section, the airplane must be designed such that the propeller will not contact the runway surface when the airplane is in the maximum pitch attitude attainable during normal takeoff and landings. If a tail wheel, bumper, or an energy absorption device is provided to show compliance with this paragraph, the following apply:

(1) Suitable design loads must be established for the tail wheel, bumper, or energy absorption device; and

(2) The supporting structure of the tail wheel, bumper, or energy absorption device must be designed to withstand the loads established in paragraph (b)(1) of this section and inspection/replacement criteria must be established for the tail wheel, bumper, or energy absorption device and provided as part of the information required by § 23.1529.

* * * * *

8. Section 23.933 is revised to read as follows:

§ 23.933 Reversing systems.

(a) *For turbojet and turbofan reversing systems.* (1) Each system intended for ground operation only must be designed so that no single failure or malfunction of the system will result in unwanted reverse thrust under any expected operating condition. Failure of structural elements need not be considered if the probability of this type of failure is extremely remote.

(2) Each system intended for in-flight use must be designed so that no unsafe condition will result during normal operation of the system, or from any failure, or likely combination of failures, of the reversing system under any operating condition including ground operation. Failure of structural elements need not be considered if the probability of this type of failure is extremely remote.

(3) Each system must have a means to prevent the engine from producing more than idle forward thrust when the reversing system malfunctions; except that it may produce any greater forward thrust that is shown to allow directional control to be maintained, with aerodynamic means alone, under the most critical reversing condition expected in operation.

(b) *For propeller reversing systems.* (1) Each system must be designed so that no single failure, likely combination of failures or malfunction of the system will result in unwanted reverse thrust under any operating condition. Failure of structural elements need not be considered if the probability of this type of failure is extremely remote.

(2) Compliance with paragraph (a)(1) of this section must be shown by failure analysis, or testing, or both, for propeller systems that allow the propeller blades to move from the flight low-pitch position to a position that is substantially less than the normal flight, low-pitch position. The analysis may include or be supported by the analysis made to show compliance with § 35.21 for the type certification of the propeller and associated installation components. Credit will be given for pertinent analysis and testing completed by the engine and propeller manufacturers.

9. Part 23 is amended by adding a new § 23.934 to read as follows:

§ 23.934 Turbojet and turbofan engine thrust reverser systems tests.

Thrust reverser systems of turbojet or turbofan engines must meet the requirements of § 33.97 of this chapter or it must be demonstrated by tests that engine operation and vibratory levels are not affected.

10. Section 23.937 is amended by designating the current text as paragraph (a) and adding a new paragraph (b) to read as follows:

§ 23.937 Turbopropeller-drag limiting systems.

* * * * *

(b) As used in this section, drag limiting systems include manual or automatic devices that, when actuated after engine power loss, can move the propeller blades toward the feather position to reduce windmilling drag to a safe level.

§ 23.943 [Amended]

11. Section 23.943 is amended by revising the last sentence to read, "This must be shown for the greatest value and duration of the acceleration expected in service."

12. Section 23.951 is amended by revising paragraph (a) to read as follows:

§ 23.951 General.

(a) Each fuel system must be constructed and arranged to ensure fuel flow at a rate and pressure established for proper engine and auxiliary power unit functioning under each likely operating condition, including any maneuver for which certification is requested and during which the engine or auxiliary power unit is permitted to be in operation.

* * * * *

§ 23.953 [Amended]

13. Section 23.953 is amended by removing the word "drain" in paragraph (b)(1) and inserting in its place the word "escape".

14. Section 23.955 is amended by removing the word "carburetor" and inserting in its place the word "engine" in paragraph (a); by inserting the words "or its" before the word "bypass" and by removing the period and adding in its place "; and" in paragraph (a)(2); by adding new paragraphs (a)(3), (a)(4), (c)(3) and (f)(3); and by revising paragraphs (c) introductory text, (c)(1), (d)(2), (e), and (f)(2) to read as follows:

§ 23.955 Fuel flow.

(a) * * *

(3) If there is a flowmeter without a bypass, it must not have any failure mode that would restrict fuel flow below the level required in this fuel flow demonstration; and

(4) The fuel flow must include that flow needed for vapor return flow, jet pump drive flow, and for all other purposes for which fuel is used.

* * * * *

(c) *Pump systems.* The fuel flow rate for each pump system (main and reserve supply) for each reciprocating engine must be 125 percent of the fuel flow required by the engine at the maximum takeoff power approved under this part.

(1) This flow rate is required for each main pump and each emergency pump, and must be available when the pump is operating as it would during takeoff;

* * * * *

(3) The fuel pressure, with main and emergency pumps operating simultaneously, must not exceed the fuel inlet pressure limits of the engine

unless it can be shown that no adverse effect occurs.

(d) * * *

(2) If there is a placard providing operating instructions, a lesser flow rate may be used for transferring fuel from any auxiliary tank into a larger main tank. This lesser flow rate must be adequate to maintain engine maximum continuous power but the flow rate must not overfill the main tank at lower engine powers.

(e) *Multiple fuel tanks.* For reciprocating engines that are supplied with fuel from more than one tank, if engine power loss becomes apparent due to fuel depletion from the tank selected, it must be possible after switching to any full tank, in level flight, to obtain 75 percent maximum continuous power on that engine in not more than—

(1) 10 seconds for naturally aspirated single-engine airplanes;

(2) 20 seconds for turbocharged single-engine airplanes, provided that 75 percent maximum continuous naturally aspirated power is regained within 10 seconds; or

(3) 20 seconds for multiengine airplanes.

(f) * * *

(2) For multiengine airplanes, notwithstanding the lower flow rate allowed by paragraph (d) of this section, be automatically uninterrupted with respect to any engine until all the fuel scheduled for use by that engine has been consumed. In addition—

(i) For the purposes of this section, "fuel scheduled for use by that engine" means all fuel in any tank intended for use by a specific engine.

(ii) The fuel system design must clearly indicate the engine for which fuel in any tank is scheduled.

(iii) Compliance with this paragraph must require no pilot action after completion of the engine starting phase of operations.

(3) For single-engine airplanes, require no pilot action after completion of the engine starting phase of operations unless means are provided that unmistakenly alert the pilot to take any needed action at least five minutes prior to the needed action; such pilot action must not cause any change in engine operation; and such pilot action must not distract pilot attention from essential flight duties during any phase of operations for which the airplane is approved.

15. Section 23.957 is amended by designating the current paragraph as "(a)"; and by adding a new paragraph (b) to read as follows:

§ 23.957 Flow between interconnected tanks.

* * * * *

(b) If fuel can be pumped from one tank to another in flight, the fuel tank vents and the fuel transfer system must be designed so that no structural damage to any airplane component can occur because of overfilling of any tank.

16. Section 23.961 is revised to read as follows:

§ 23.961 Fuel system hot weather operation.

Each fuel system must be free from vapor lock when using fuel at its critical temperature, with respect to vapor formation, when operating the airplane in all critical operating and environmental conditions for which approval is requested. For turbine fuel, the initial temperature must be 100 °F, −0 °, +5 °F or the maximum outside air temperature for which approval is requested, whichever is more critical.

§ 23.963 [Amended]

17. Section 23.963 is amended by removing paragraph (f).

18. Section 23.965 is amended by revising paragraph (b) to read as follows:

§ 23.965 Fuel tank tests.

* * * * *

(b) Each fuel tank with large, unsupported, or unstiffened flat surfaces,whose failure or deformation could cause fuel leakage, must be able to withstand the following test without leakage, failure, or excessive deformation of the tank walls:

(1) Each complete tank assembly and its support must be vibration tested while mounted to simulate the actual installation.

(2) Except as specified in paragraph (b)(4) of this section, the tank assembly must be vibrated for 25 hours at a total displacement of not less than 1/32 of an inch (unless another displacement is substantiated) while 2/3 filled with water or other suitable test fluid.

(3) The test frequency of vibration must be as follows:

(i) If no frequency of vibration resulting from any rpm within the normal operating range of engine or propeller speeds is critical, the test frequency of vibration cycles per minute is obtained by multiplying the maximum continuous propeller speed in rpm by 0.9 for propeller-driven airplanes, and for non-propeller-driven airplanes, 2,000 cycles per minute.

(ii) If only one frequency of vibration resulting from any rpm within the normal operating range of engine or propeller speeds is critical, that frequency of vibration must be the test frequency.

(iii) If more than one frequency of vibration resulting from any rpm within the normal operating range of engine or propeller speeds is critical, the most critical of these frequencies must be the test frequency.

* * * * *

19. Section 23.967 is amended by revising paragraph (d) to read as follows:

§ 23.967 Fuel tank installation.

* * * * *

(d) Each fuel tank must be isolated from personnel compartments by a fume-proof and fuel-proof enclosure that is vented and drained to the exterior of the airplane. The required enclosure must sustain any personnel compartment pressurization loads without permanent deformation or failure under the conditions of §§ 23.365 and 23.843 of this part. A bladder-type fuel cell, if used, must have a retaining shell at least equivalent to a metal fuel tank in structural integrity.

* * * * *

20. Section 23.971 is revised to read as follows:

§ 23.971 Fuel tank sump.

(a) Each fuel tank must have a drainable sump with an effective capacity in the normal ground and flight attitudes, of 0.25 percent of the tank capacity, or 1/16 gallon, whichever is greater.

(b) Each fuel tank must allow drainage of any hazardous quantity of water from any part of the tank to its sump with the airplane in the normal ground attitude.

(c) Each reciprocating engine fuel system must have a sediment bowl or chamber that is accessible for drainage; has a capacity of 1 ounce for every 20 gallons of fuel tank capacity; and each fuel tank outlet is located so that, in the normal flight attitude, water will drain from all parts of the tank except the sump to the sediment bowl or chamber.

(d) Each sump, sediment bowl, and sediment chamber drain required by paragraphs (a), (b), and (c) of this section must comply with the drain provisions of § 23.999 (b)(1) and (b)(2).

21. Section 23.973 is amended in paragraph (c) by adding to the end of the second sentence the phrase "provided such openings comply with the requirements of § 23.975(a)"; and by adding new paragraphs (e) and (f) to read as follows:

§ 23.973 Fuel tank filler connection.

* * * * *

(e) For airplanes with engines requiring gasoline as the only permissible fuel, the inside diameter of

the fuel filler opening must be no larger than 2.36 inches.

(f) For airplanes with turbine engines, and not equipped with pressure fueling provisions, the inside diameter of the fuel filler opening must be no smaller than 2.95 inches.

§ 23.975 [Amended]

22. Section 23.975 is amended in paragraph (a)(5) by replacing the semicolon with a period and adding a new sentence "Any drain valves installed in the vent lines must discharge clear of the airplane and be accessible for drainage;".

§ 23.977 [Amended]

23. Section 23.977 is amended in paragraph (d) by removing the word "finger".

§ 23.991 [Amended]

24. Section 23.991 is amended in paragraph (c) by removing the word "normal" and inserting in its place the word "main".

§ 23.993 [Amended]

25. Section 23.993 is amended in paragraph (d) by removing the words "must be approved or".

§ 23.997 [Amended]

26. Section 23.997 is amended in paragraph (d) by removing the phrase "in part 33 of this chapter" and inserting in its place the phrase "during its type certification".

27. Section 23.999 is amended by removing paragraph (b)(3) and by revising paragraph (b)(2) to read as follows:

§ 23.999 Fuel system drains.

* * * * *

(b) * * *

(2) Have a drain valve—

(i) That has manual or automatic means for positive locking in the closed position;

(ii) That is readily accessible;

(iii) That can be easily opened and closed;

(iv) That allows the fuel to be caught for examination;

(v) That can be observed for proper closing; and

(vi) That is either located or protected to prevent fuel spillage in the event of a landing with landing gear retracted.

§ 23.1001 [Amended]

28. Section 23.1001 is amended in paragraph (f) by removing the word "personnel" and inserting in its place the word "crewmembers".

29. Section 23.1011 is amended by redesignating paragraphs (a), (b), (c), and (d) as (b), (c), (d), and (e), respectively; and by adding a new paragraph (a) to read as follows:

§ 23.1011 General.

(a) For oil systems and components that have been approved under the engine airworthiness requirements and where those requirements are equal to or more severe than the corresponding requirements of subpart E of this part, that approval need not be duplicated. Where the requirements of subpart E of this part are more severe, substantiation must be shown to the requirements of subpart E of this part.

* * * * *

§ 23.1013 [Amended]

30. Section 23.1013 is amended in paragraph (g) by removing the words "a turbine" and inserting in their place the word "an".

§ 23.1019 [Amended]

31. Section 23.1019 is amended in paragraph (a)(2) by removing the words "under part 33 of this chapter" and inserting in their place the words "for its type certification"; in paragraph (a)(3) by removing the words "an indicator that will" and inserting in their place the words "a means to"; and in paragraph (a)(5) by removing "§ 23.1305(u)" and inserting in its place "§ 23.1305(c)(9)".

32. Section 23.1021 is amended by revising paragraphs (a) and (b) and adding a new paragraph (c) to read as follows:

§ 23.1021 Oil system drains.

* * * * *

(a) Be accessible;

(b) Have drain valves, or other closures, employing manual or automatic shut-off means for positive locking in the closed position; and

(c) Be located or protected to prevent inadvertent operation.

33. Section 23.1027 is amended in paragraphs (b) and (c) by removing the word "trapped" and inserting in its place the word "reserved", and by revising paragraph (a) to read as follows:

§ 23.1027 Propeller feathering system.

(a) If the propeller feathering system uses engine oil and that oil supply can become depleted due to failure of any part of the oil system, a means must be incorporated to reserve enough oil to operate the feathering system.

* * * * *

34. Section 23.1041 is revised to read as follows:

§ 23.1041 General.

The powerplant and auxiliary power unit cooling provisions must maintain the temperatures of powerplant components and engine fluids, and auxiliary power unit components and fluids within the limits established for those components and fluids under the most adverse ground, water, and flight operations to the maximum altitude for which approval is requested, and after normal engine and auxiliary power unit shutdown.

§ 23.1047 [Amended]

35. Section 23.1047 is amended in paragraph (b)(2) by removing the phrase "in § 23.1337(e)" and inserting in its place the phrase "in § 23.1305(b)(3)".

35. Section 23.1061 is amended by redesignating paragraph (a)(3) as (a)(4); in newly redesignated paragraph (a)(4) by removing the words "expansion tank" and inserting in their place the words "coolant tank expansion space"; by removing the concluding text of paragraph (a); by revising paragraph (a)(2); and by adding a new paragraph (a)(3) to read as follows:

§ 23.1061 Installation.

(a) * * *

(2) There are pads or other isolation means between the tank and its supports to prevent chafing.

(3) Pads or any other isolation means that is used must be nonabsorbent or must be treated to prevent absorption of flammable fluids; and

* * * * *

37. Section 23.1091 is amended by revising the section heading; in paragraph (a) by inserting the phrase "and auxiliary power unit and their accessories" after the word "engine" in two places; in paragraph (c)(1) by inserting the phrase "or auxiliary power unit and their accessories" after the word "engine"; by adding two new paragraphs (b)(4) and (b)(5); and by revising paragraph (c)(2) to read as follows:

§ 23.109 Air induction system.

* * * * *

(b) * * *

(4) Each automatic alternate air door must have an override means accessible to the flight crew.

(5) Each automatic alternate air door must have a means to indicate to the flight crew when it is not closed.

(c) * * *

(2) The airplane must be designed to prevent water, slush or other foreign material on the runway, taxiway, or other airport operating surface from being directed into the engine or auxiliary power with air inlet ducts in hazardous quantities during takeoff, landing, and taxiing.

38. Section 23.1093 is amended in paragraph (a) by adding the heading

"Reciprocating engines" and in paragraphs (a)(3) introductory text and (c) by removing the word "carburetors" and inserting in its place the words "fuel metering device"; by revising paragraphs (a)(4), (a)(5), and (b)(1); and by adding new paragraph (a)(6) to read as follows:

§ 23.1093 Induction system icing protection.

(a) * * *

(4) Each airplane with sea level engine(s) using fuel metering device tending to prevent icing has a sheltered alternate source of air with a preheat of not less than 60 °F with the engines at 75 percent of maximum continuous power;

(5) Each airplane with sea level or altitude engine(s) using fuel injection systems having metering components on which impact ice may accumulate has a preheater capable of providing a heat rise of 75 °F when the engine is operating at 75 percent of its maximum continuous power; and

(6) Each airplane with sea level or altitude engine(s) using fuel injection systems not having fuel metering components projecting into the airstream on which ice may form, and introducing fuel into the air induction system downstream of any components or other obstruction on which ice produced by fuel evaporation may form, has a sheltered alternate source of air with a preheat of not less than 60 °F with the engines at 75 percent of its maximum continuous power.

(b) *Turbine engines.*

(1) Each turbine engine and its air inlet system must operate throughout the flight power range of the engine (including idling), without the accumulation of ice on engine or inlet system components that would adversely affect engine operation or cause a serious loss of power or thrust—

(i) Under the icing conditions specified in appendix C of part 25 of this chapter; and

(ii) In snow, both falling and blowing, within the limitations established for the airplane for such operation.

* * * * *

39. Section 23.1101 is amended by revising the section heading, the introductory text of the section, and paragraph (a) to read as follows:

§ 23.1101 Induction air preheater design.

Each exhaust-heated, induction air preheater must be designed and constructed to—

(a) Ensure ventilation of the preheater when the induction air preheater is not being used during engine operation;

* * * * *

40. Section 23.1103 is amended by adding new paragraphs (c), (d), (e), and (f) to read as follows:

§ 23.1103 Induction system ducts.

* * * * *

(c) Each flexible induction system duct must be capable of withstanding the effects of temperature extremes, fuel, oil, water, and solvents to which it is expected to be exposed in service and maintenance without hazardous deterioration or delamination.

(d) For reciprocating engine installations, each induction system duct must be—

(1) Strong enough to prevent induction system failures resulting from normal backfire conditions; and

(2) Fire resistant in any compartment for which a fire extinguishing system is required.

(e) Each inlet system duct for an auxiliary power unit must be—

(1) Fireproof within the auxiliary power unit compartment;

(2) Fireproof for a sufficient distance upstream of the auxiliary power unit compartment to prevent hot gas reverse flow from burning through the duct and entering any other compartment of the airplane in which a hazard would be created by the entry of the hot gases;

(3) Constructed of materials suitable to the environmental conditions expected in service, except in those areas requiring fireproof or fire resistant materials; and

(4) Constructed of materials that will not absorb or trap hazardous quantities of flammable fluids that could be ignited by a surge or reverse-flow condition.

(f) Induction system ducts that supply air to a cabin pressurization system must be suitably constructed of material that will not produce hazardous quantities of toxic gases or isolated to prevent hazardous quantities of toxic gases from entering the cabin during a powerplant fire.

41. Part 23 is amended by adding a new § 23.1107 to read as follows:

§ 23.1107 Induction system filters.

On reciprocating-engine installations, if an air filter is used to protect the engine against foreign material particles in the induction air supply—

(a) Each air filter must be capable of withstanding the effects of temperature extremes, rain, fuel, oil, and solvents to which it is expected to be exposed in service and maintenance; and

(b) Each air filter shall have a design feature to prevent material separated from the filter media from interfering with proper fuel metering operation.

42. Section 23.1121 is amended by adding introductory text to the section, by revising paragraph (c), and by adding a new paragraph (i) to read as follows:

§ 23.1121 General.

For powerplant and auxiliary power unit installations, the following apply—

* * * * *

(c) Each exhaust system must be separated by fireproof shields from adjacent flammable parts of the airplane that are outside of the engine and auxiliary power unit compartments.

* * * * *

(i) For the purpose of compliance with § 23.603, the failure of any part of the exhaust system will be considered to adversely affect safety.

§ 23.1123 [Amended]

43. Section 23.1123 is amended in the section heading and paragraphs (a), (b), and (c) by removing the word "manifold" and inserting in its place the word "system."

44. Part 23 is amended by adding a new § 23.1142 to read as follows:

§ 23.1142 Auxiliary power unit controls.

Means must be provided on the flight deck for the starting, stopping, monitoring, and emergency shutdown of each installed auxiliary power unit.

45. Section 23.1143 is amended by adding a new paragraph (g) to read as follows:

§ 23.1143 Engine controls.

* * * * *

(g) For reciprocating single-engine airplanes, each power or thrust control must be designed so that if the control separates at the engine fuel metering device, the airplane is capable of continued safe flight and landing.

§ 23.1145 [Amended]

46. Section 23.1145 is amended in paragraph (a) by adding the phrase "and shut off" between the words "must control" and "each ignition".

47. Section 23.1147 is amended by redesignating the introductory text of paragraph (a) and paragraphs (a)(1) and (a)(2) as paragraphs (a)(1) introductory text, (a)(1)(i) and (a)(1)(ii) respectively; by redesignating the introductory text to the section as the introductory text of paragraph (a); by redesignating paragraph (b) as paragraph (a)(2); and by adding a new paragraph (b) to read as follows:

§ 23.1147 Mixture controls.

* * * * *

(b) For reciprocating single-engine airplanes, each manual engine mixture control must be designed so that, if the control separates at the engine fuel metering device, the airplane is capable of continued safe flight and landing.

48. Part 23 is amended by adding a new § 23.1181 under the undesignated center heading "Powerplant Fire Protection" to read as follows:

§ 23.1181 Designated fire zones; regions included.

Designated fire zones are—

(a) For reciprocating engines—

(1) The power section;

(2) The accessory section;

(3) Any complete powerplant compartment in which there is no isolation between the power section and the accessory section.

(b) For turbine engines—

(1) The compressor and accessory sections;

(2) The combustor, turbine and tailpipe sections that contain lines or components carrying flammable fluids or gases.

(c) Any auxiliary power unit compartment; and

(d) Any fuel-burning heater, and other combustion equipment installation described in § 23.859;

49. Section 23.1189 is amended in paragraph (a) by removing the words "subject to § 23.67(a) and § 23.67(b)(1)" and by revising paragraph (a)(5) to read as follows:

§ 23.1189 Shutoff means.

(a) * * *

(5) Not more than one quart of flammable fluid may escape into the engine compartment after engine shutoff. For those installations where the flammable fluid that escapes after shutdown cannot be limited to one quart, it must be demonstrated that this greater amount can be safely contained or drained overboard.

* * * * *

50. Section 23.1191 is amended in paragraph (a) by removing the words "intended for operation in flight,"; in paragraph (b) by removing the word "engine" and inserting in its place the word "isolated"; by removing and reserving paragraph (d); in paragraph (f)(1) by removing the term "2000 ± 50 °F" and inserting in its place the term "2000 ± 50 °F"; and by adding a new paragraph (h)(6) to read as follows:

§ 23.1191 Firewalls.

* * * * *

(h) * * *

(6) Titanium sheet, 0.016 inch thick.

51. Section 23.1193 is amended by revising paragraph (b) to read as follows:

§ 23.1193 Cowling and nacelle.

* * * * *

(b) There must be means for rapid and complete drainage of each part of the cowling in the normal ground and flight attitudes. Drain operation may be shown by test, analysis, or both, to ensure that under normal aerodynamic pressure distribution expected in service each drain will operate as designed. No drain may discharge where it will cause a fire hazard.

* * * * *

52. Section 23.1195 is amended by redesignating paragraphs (a), (b), and (c) as paragraphs (a)(1), (a)(2), and (a)(3), respectively; by designating the introductory text of the section as paragraph (a) introductory text; and by adding a new paragraph (b) to read as follows:

§ 23.1195 Fire extinguishing systems.

* * * * *

(b) If an auxiliary power unit is installed in any airplane certificated to this part, that auxiliary power unit compartment must be served by a fire extinguishing system meeting the requirements of paragraph (a)(2) of this section.

53. Section 23.1203 is amended in paragraph (e) by removing the words "an engine compartment" and inserting in their place the words "a fire zone"; by removing the introductory text to the section; and by revising paragraph (a) to read as follows:

§ 23.1203 Fire detector system.

(a) There must be means that ensure the prompt detection of a fire in—

(1) An engine compartment of—

(i) Multiengine turbine powered airplanes;

(ii) Multiengine reciprocating engine powered airplanes incorporating turbochargers;

(iii) Airplanes with engine(s) located where they are not readily visible from the cockpit; and

(iv) All commuter category airplanes.

(2) The auxiliary power unit compartment of any airplane incorporating an auxiliary power unit.

* * * * *

54. Section 23.1303 is amended by revising paragraph (c) to read as follows:

§ 23.1303 Flight and navigation instruments.

* * * * *

(c) A direction indicator (nonstabilized magnetic compass).

* * * * *

55. Section 23.1305 is revised to read as follows:

§ 23.1305 Powerplant instruments.

The following are required powerplant instruments:

(a) *For all airplanes.*

(1) A fuel quantity indicator for each fuel tank, installed in accordance with § 23.1337(b).

(2) An oil pressure indicator for each engine.

(3) An oil temperature indicator for each engine.

(4) An oil quantity measuring device for each oil tank which meets the requirements of § 23.1337(d).

(5) A fire warning means for those airplanes required to comply with § 23.1203.

(b) *For reciprocating engine-powered airplanes.* In addition to the powerplant instruments required by paragraph (a) of this section, the following powerplant instruments are required:

(1) An induction system air temperature indicator for each engine equipped with a preheater and having induction air temperature limitations that can be exceeded with preheat.

(2) A tachometer indicator for each engine.

(3) A cylinder head temperature indicator for—

(i) Each air-cooled engine with cowl flaps;

(ii) Each airplane for which compliance with § 23.1041 is shown at a speed higher than V_y; and

(iii) Each commuter category airplane.

(4) A fuel pressure indicator for each pump fed engine.

(5) A manifold pressure indicator for each altitude engine and for each engine with a controllable propeller.

(6) For each turbocharger installation:

(i) If limitations are established for either carburetor (or manifold) air inlet temperature or exhaust gas or turbocharger turbine inlet temperature, indicators must be furnished for each temperature for which the limitation is established unless it is shown that the limitation will not be exceeded in all intended operations.

(ii) If its oil system is separate from the engine oil system, oil pressure and oil temperature indicators must be provided.

(7) A coolant temperature indicator for each liquid-cooled engine.

(c) *For turbine engine-powered airplanes.* In addition to the powerplant instruments required by paragraph (a) of this section, the following powerplant instruments are required:

(1) A gas temperature indicator for each engine.

(2) A fuel flowmeter indicator for each engine.

(3) A fuel low pressure warning means for each engine.

(4) A fuel low level warning means for any fuel tank that should not be depleted of fuel in normal operations.

(5) A tachometer indicator (to indicate the speed of the rotors with established limiting speeds) for each engine.

(6) An oil low pressure warning means for each engine.

(7) An indicating means to indicate the functioning of the powerplant ice protection system for each engine.

(8) For each engine, an indicating means for the fuel strainer or filter required by § 23.997 to indicate the occurrence of contamination of the strainer or filter before it reaches the capacity established in accordance with § 23.997(d).

(9) For each engine, a warning means for the oil strainer or filter required by § 23.1019, if it has no bypass, to warn the pilot of the occurrence of contamination of the strainer or filter screen before it reaches the capacity established in accordance with § 23.1019(a)(5).

(10) An indicating means to indicate the functioning of any heater used to prevent ice clogging of fuel system components.

(d) *For turbojet/turbofan engine-powered airplanes.* In addition to the powerplant instruments required by paragraphs (a) and (c) of this section, the following powerplant instruments are required:

(1) For each engine, an indicator to indicate thrust or to indicate a parameter than can be related to thrust, including a free air temperature indicator if needed for this purpose.

(2) For each engine, a position indicating means to indicate to the flight crew when the thrust reverser, if installed, is in the reverse thrust position.

(e) *For turbopropeller-powered airplanes.* In addition to the powerplant instruments required by paragraphs (a) and (c) of this section, the following powerplant instruments are required:

(1) A torque indicator for each engine.

(2) A position indicating means to indicate to the flight crew when the propeller blade angle is below the flight low pitch position, for each propeller, unless it can be shown that such occurrence is highly improbable.

56. Section 23.1307 is amended in paragraph (a) by removing the words "an approved" and inserting in their place the word "a"; and by adding a new paragraph (c) to read as follows:

§ 23.1307 Miscellaneous equipment.

* * * * *

(c) The equipment necessary for an airplane to operate at the maximum operating altitude and in the kinds of operations and meteorological conditions for which certification is requested and is approved in accordance with § 23.1559 must be included in the type design.

57. Section 23.1322 is amended by adding a new paragraph (e) to read as follows:

§ 23.1322 Warning, caution, and advisory lights.

* * * * *

(e) Effective under all probable cockpit lighting conditions.

58. Section 23.1329 is amended by redesignating paragraphs (b), (c), (d), (e), (f), and (g) as (c), (d), (e), (f), (g), and (h), respectively; and adding a new paragraph (b) to read as follows:

§ 23.1329 Automatic pilot system.

* * * * *

(b) If the provisions of paragraph (a)(1) of this section are applied, the quick release (emergency) control must be located on the control wheel (both control wheels if the airplane can be operated from either pilot seat) on the side opposite the throttles, or on the stick control, such that it can be operated without moving the hand from its normal position on the control.

* * * * *

59. Section 23.1331 is revised to read as follows:

§ 23.1331 Instruments using a power source.

For each instrument that uses a power source, the following apply:

(a) Each instrument must have an integral visual power annunciator or separate power indicator to indicate when power is not adequate to sustain proper instrument performance. If a separate indicator is used, it must be located so that the pilot using the instruments can monitor the indicator with minimum head and eye movement. The power must be sensed at or near the point where it enters the instrument. For electric and vacuum/pressure instruments, the power is considered to be adequate when the voltage or the vacuum/pressure, respectively, is within approved limits.

(b) The installation and power supply systems must be designed so that—

(1) The failure of one instrument will not interfere with the proper supply of energy to the remaining instrument; and

(2) The failure of the energy supply from one source will not interfere with the proper supply of energy from any other source.

(c) There must be at least two independent sources of power (not driven by the same engine on multiengine airplanes), and a manual or an automatic means to select each power source.

§ 23.1337 [Amended]

60. Section 23.1337 is amended in paragraphs (a)(1) and (a)(3) by inserting the words "and auxiliary power unit" after the word "powerplant" and in paragraph (b)(5) by removing the words "a small" and inserting the word "an".

61. Section 23.1351 is amended by revising paragraph (c) and by adding a new paragraph (g) to read as follows:

§ 23.1351 General.

* * * * *

(c) *Generating System.* There must be at least one generator/alternator if the electrical system supplies power to load circuits essential for safe operation. In addition—

(1) Each generator/alternator must be able to deliver its continuous rated power, or such power as is limited by its regulation system.

(2) Generator/alternator voltage control equipment must be able to dependably regulate the generator/alternator output within rated limits.

(3) Means must be provided to disconnect each generator/alternator from the battery and other generators/alternators when enough reverse current exists that might damage the generator/alternator, or will adversely affect the airplane electrical system.

(4) There must be a means to give immediate warning to the flight crew of a failure of any generator/alternator.

(5) Each generator/alternator must have an overvoltage control designed and installed to prevent damage to the electrical system, or to equipment supplied by the electrical system that could result if that generator/alternator were to develop an overvoltage condition.

* * * * *

(g) It must be shown by analysis, tests, or both, that the airplane can be operated safely in VFR conditions, for a period of not less than five minutes, with the normal electrical power (electrical power sources excluding the battery and any other standby electrical sources) inoperative, with critical type fuel (from the standpoint of flameout and restart capability), and with the airplane initially at the maximum certificated altitude. Parts of the electrical system may remain on if—

(1) A single malfunction, including a wire bundle or junction box fire, cannot result in loss of the part turned off and the part turned on; and

(2) The parts turned on are electrically and mechanically isolated from the parts turned off.

62. Section 23.1357 is amended by revising paragraphs (a)(1) and (e) to read as follows:

§ 23.1357 Circuit protective devices.

(a) * * *

(1) Main circuits of starter motors used during starting only; and

* * * * *

(e) For fuses identified as replaceable in flight—

(1) There must be one spare of each rating or 50 percent spare fuses of each rating, whichever is greater; and

(2) The spare fuse(s) must be readily accessible to any required pilot.

63. Section 23.1361 is amended by revising paragraphs (a) and (b) to read as follows:

§ 23.1361 Master switch arrangement.

(a) There must be a master switch arrangement to allow ready disconnection of each electric power source from power distribution systems, except as provided in paragraph (b) of this section. The point of disconnection must be adjacent to the sources controlled by the switch arrangement. If separate switches are incorporated into the master switch arrangement, a means must be provided for the switch arrangement to be operated by one hand with a single movement.

(b) Load circuits may be connected so that they remain energized when the master switch is open, if the circuits are isolated, or physically shielded, to prevent their igniting flammable fluids or vapors that might be liberated by the leakage or rupture of any flammable fluid system; and

(1) The circuits are required for continued operation of the engine; or

(2) The circuits are protected by circuit protective devices with a rating of five amperes or less adjacent to the electric power source.

(3) In addition, two or more circuits installed in accordance with the requirements of paragraph (b)(2) of this section must not be used to supply a load of more than five amperes.

* * * * *

64. Section 23.1365 is amended by adding a new paragraph (c) to read as follows:

§ 23.1365 Electric cables and equipment.

* * * * *

(c) Main power cables (including generator cables) in the fuselage must be designed to allow a reasonable degree of deformation and stretching without failure and must—

(1) Be separated from flammable fluid lines; or

(2) Be shrouded by means of electrically insulated flexible conduit, or equivalent, which is in addition to the normal cable insulation.

65. Section 23.1385 is amended in paragraph (c) by removing the phrase ", and must be approved"; by removing paragraph (d); and by redesignating paragraph (e) as paragraph (d); and by revising paragraph (b) to read as follows:

§ 23.1385 Position light system installation.

* * * * *

(b) *Left and right position lights.* Left and right position lights must consist of a red and a green light spaced laterally as far apart as practicable and installed on the airplane such that, with the airplane in the normal flying position, the red light is on the left side and the green light is on the right side.

* * * * *

§ 23.1387 [Amended]

66. Section 23.1387 is amended in paragraph (a) by removing the words "forward and rear".

§ 23.1389 [Amended]

67. Section 23.1389 is amended in paragraph (b) by removing the words "Forward and rear" from the heading, by revising the word "position" in the heading to read "Position", and by removing the words "forward and rear" from the first sentence; in paragraph (b)(3) by removing the word "forward" in the last sentence and inserting in its place the words "left and right".

§ 23.1391 [Amended]

68. Section 23.1391 is amended in the section heading by removing the words "forward and rear" and in the table by removing the words "(forward red and green)" and inserting in their place "(red and green)".

§ 23.1393 [Amended]

69. Section 23.1393 is amended in the section heading by removing the words "forward and rear".

§ 23.1395 [Amended]

70. Section 23.1395 is amended in the section heading by removing the words "forward and rear".

71. Section 23.1419 is revised to read as follows:

§ 23.1419 Ice protection.

If certification with ice protection provisions is desired, compliance with the requirements of this section and other applicable sections of this part must be shown:

(a) An analysis must be performed to establish, on the basis of the airplane's operational needs, the adequacy of the ice protection system for the various components of the airplane. In addition, tests of the ice protection system must be conducted to demonstrate that the airplane is capable of operating safely in continuous maximum and intermittent maximum icing conditions, as described in appendix C of part 25 of this chapter. As used in this section, "Capable of operating safely," means that airplane performance, controllability, maneuverability, and stability must not be less than that required in part 23, subpart B.

(b) Except as provided by paragraph (c) of this section, in addition to the analysis and physical evaluation prescribed in paragraph (a) of this section, the effectiveness of the ice protection system and its components must be shown by flight tests of the airplane or its components in measured natural atmospheric icing conditions and by one or more of the following tests, as found necessary to determine the adequacy of the ice protection system—

(1) Laboratory dry air or simulated icing tests, or a combination of both, of the components or models of the components.

(2) Flight dry air tests of the ice protection system as a whole, or its individual components.

(3) Flight test of the airplane or its components in measured simulated icing conditions.

(c) If certification with ice protection has been accomplished on prior type certificated airplanes whose designs include components that are thermodynamically and aerodynamically equivalent to those used on a new airplane design, certification of these equivalent components may be accomplished by reference to previously accomplished tests, required in § 23.1419 (a) and (b), provided that the applicant accounts for any differences in installation of these components.

(d) A means must be identified or provided for determining the formation of ice on the critical parts of the airplane. Adequate lighting must be provided for the use of this means during night operation. Also, when monitoring of the external surfaces of the airplane by the flight crew is required for operation of the ice protection equipment, external lighting must be provided that is adequate to enable the monitoring to be done at night. Any illumination that is used must be of a type that will not cause glare or reflection that would handicap crewmembers in the performance of their duties. The Airplane Flight Manual or other approved manual material must describe the means of determining ice formation and must contain information for the safe operation of the airplane in icing conditions.

72. Section 23.1431 is revised to read as follows:

§ 23.1431 Electronic equipment.

(a) In showing compliance with § 23.1309(b) (1) and (2) with respect to radio and electronic equipment and their installations, critical

environmental conditions must be considered.

(b) Radio and electronic equipment, controls, and wiring must be installed so that operation of any unit or system of units will not adversely affect the simultaneous operation of any other radio or electronic unit, or system of units, required by this chapter.

73. Section 23.1435 is amended by revising paragraph (c) to read as follows:

§ 23.1435 Hydraulic systems.

* * * * *

(c) *Accumulators.* A hydraulic accumulator or pressurized reservoir must not be installed on the engine side of any firewall unless—

(1) It is an integral part of an engine or propeller, or

(2) It is a nonpressurized reservoir and the total capacity of all such nonpressurized reservoirs is one quart or less.

74. Section 23.1441 is amended by revising paragraphs (a) and (d); and by adding a new paragraph (e) to read as follows:

§ 23.1441 Oxygen equipment and supply.

(a) If certification with supplemental oxygen equipment is requested, or the airplane is approved for operations at or above altitudes where oxygen is required to be used by the operating rules, oxygen equipment must be provided that meets the requirements of this section and §§ 23.1443 through 23.1449. Portable oxygen equipment may be used to meet the requirements of this part if the portable equipment is shown to comply with the applicable requirements, is identified in the airplane type design, and its stowage provisions are found to be in compliance with the requirements of § 23.561.

* * * * *

(d) Each required flight crewmember must be provided with—

(1) Demand oxygen equipment if the airplane is to be certificated for operation above 25,000 feet.

(2) Pressure demand oxygen equipment if the airplane is to be certificated for operation above 40,000 feet.

(e) There must be a means, readily available to the crew in flight, to turn on and to shut off the oxygen supply at the high pressure source. This shutoff requirement does not apply to chemical oxygen generators.

75. Section 23.1443 is revised to read as follows:

§ 23.1443 Minimum mass flow of supplemental oxygen.

(a) If continuous flow oxygen equipment is installed, an applicant must show compliance with the requirements of either paragraphs (a)(1) and (a)(2) or paragraph (a)(3) of this section:

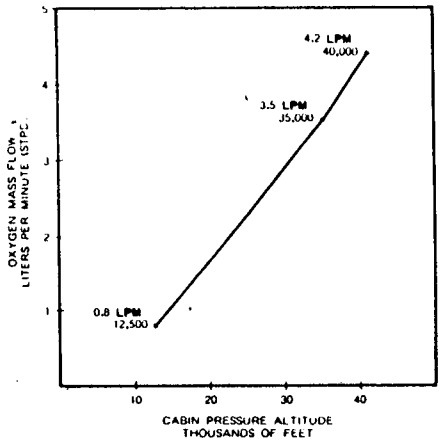
(1) For each passenger, the minimum mass flow of supplemental oxygen required at various cabin pressure altitudes may not be less than the flow required to maintain, during inspiration and while using the oxygen equipment (including masks) provided, the following mean tracheal oxygen partial pressures:

(i) At cabin pressure altitudes above 10,000 feet up to and including 18,500 feet, a mean tracheal oxygen partial pressure of 100 mm. Hg when breathing 15 liters per minute, Body Temperature, Pressure, Saturated (BTPS) and with a tidal volume of 700 cc. with a constant time interval between respirations.

(ii) At cabin pressure altitudes above 18,500 feet up to and including 40,000 feet, a mean tracheal oxygen partial pressure of 83.8 mm. Hg when breathing 30 liters per minute, BTPS, and with a tidal volume of 1,100 cc. with a constant time interval between respirations.

(2) For each flight crewmember, the minimum mass flow may not be less than the flow required to maintain, during inspiration, a mean tracheal oxygen partial pressure of 149 mm. Hg when breathing 15 liters per minute, BTPS, and with a maximum tidal volume of 700 cc. with a constant time interval between respirations.

(3) The minimum mass flow of supplemental oxygen supplied for each user must be at a rate not less than that shown in the following figure for each altitude up to and including the maximum operating altitude of the airplane.



(b) If demand equipment is installed for use by flight crewmembers, the minimum mass flow of supplemental oxygen required for each flight crewmember may not be less than the flow required to maintain, during inspiration, a mean tracheal oxygen partial pressure of 122 mm. Hg up to and including a cabin pressure altitude of 35,000 feet, and 95 percent oxygen between cabin pressure altitudes of 35,000 and 40,000 feet, when breathing 20 liters per minute BTPS. In addition, there must be means to allow the crew to use undiluted oxygen at their discretion.

(c) If first-aid oxygen equipment is installed, the minimum mass flow of oxygen to each user may not be less than 4 liters per minute, STPD. However, there may be a means to decrease this flow to not less than 2 liters per minute, STPD, at any cabin altitude. The quantity of oxygen required is based upon an average flow rate of 3 liters per minute per person for whom first-aid oxygen is required.

(d) As used in this section:

(1) BTPS means Body Temperature, and Pressure, Saturated (which is, 37 °C, and the ambient pressure to which the body is exposed, minus 47 mm. Hg, which is the tracheal pressure displaced by water vapor pressure when the breathed air becomes saturated with water vapor at 37 °C).

(2) STPD means Standard, Temperature, and Pressure, Dry (which is, 0 °C at 760 mm. Hg with no water vapor).

76. Part 23 is amended by adding a new § 23.1445 to read as follows:

§ 23.1445 Oxygen distribution system.

(a) Except for flexible lines from oxygen outlets to the dispensing units, or where shown to be otherwise suitable to the installation, nonmetallic tubing must not be used for any oxygen line that is normally pressurized during flight.

(b) Nonmetallic oxygen distribution lines must not be routed where they may be subjected to elevated temperatures, electrical arcing, and released flammable fluids that might result from any probable failure.

77. Section 23.1447 is amended by revising paragraph (e) to read as follows:

§ 23.1447 Equipment standards for oxygen dispensing units.

* * * * *

(e) If certification for operation above 30,000 feet is requested, the dispensing units must meet the following requirements:

(1) The dispensing units for passengers must be automatically presented to each occupant before the cabin pressure altitude exceeds 15,000 feet.

(2) The dispensing units for flight crewmembers must be automatically presented to each flight crewmember before the cabin pressure altitude exceeds 15,000 feet, or the units must be of the quick-donning type, connected to an oxygen supply terminal that is immediately available to flight crewmembers at their station.

* * * * *

78. Part 23 is amended by adding a new appendix H to read as follows:

Appendix H to Part 23—Installation of An Automatic Power Reserve (APR) System

H23.1, *General.*

(a) This appendix specifies requirements for installation of an APR engine power control system that automatically advances power or thrust on the operating engine(s) in the event any engine fails during takeoff.

(b) With the APR system and associated systems functioning normally, all applicable requirements (except as provided in this appendix) must be met without requiring any action by the crew to increase power or thrust.

H23.2, *Definitions.*

(a) *Automatic power reserve system* means the entire automatic system used only during takeoff, including all devices both mechanical and electrical that sense engine failure, transmit signals, actuate fuel controls or power levers on operating engines, including power sources, to achieve the scheduled power increase and furnish cockpit information on system operation.

(b) *Selected takeoff power,* notwithstanding the definition of "Takeoff Power" in part 1 of the Federal Aviation Regulations, means the power obtained from each initial power setting approved for takeoff.

(c) *Critical Time Interval,* as illustrated in figure H1, means that period starting at V_1 minus one second and ending at the intersection of the engine and APR failure flight path line with the minimum performance all engine flight path line. The engine and APR failure flight path line intersects the one-engine-inoperative flight path line at 400 feet above the takeoff surface. The engine and APR failure flight path is based on the airplane's performance and must have a positive gradient of at least 0.5 percent at 400 feet above the takeoff surface.

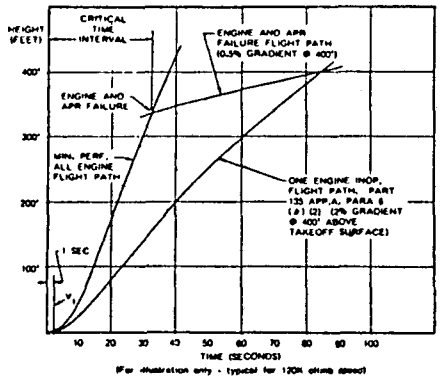


Figure H1—Critical Time Interval Illustration

H23.3, *Reliability and performance requirements.*

(a) It must be shown that, during the critical time interval, an APR failure that increases or does not affect power on either engine will not create a hazard to the airplane, or it must be shown that such failures are improbable.

(b) It must be shown that, during the critical time interval, there are no failure modes of the APR system that would result in a failure that will decrease the power on either engine or it must be shown that such failures are extremely improbable.

(c) It must be shown that, during the critical time interval, there will be no failure of the APR system in combination with an engine failure or it must be shown that such failures are extremely improbable.

(d) All applicable performance requirements must be met with an engine failure occurring at the most critical point during takeoff with the APR system functioning normally.

H23.4, *Power setting.*

The selected takeoff power set on each engine at the beginning of the takeoff roll may not be less than—

(a) The power necessary to attain, at V_1, 90 percent of the maximum takeoff power approved for the airplane for the existing conditions;

(b) That required to permit normal operation of all safety-related systems and equipment that are dependent upon engine power or power lever position; and

(c) That shown to be free of hazardous engine response characteristics when power is advanced from the selected takeoff power level to the maximum approved takeoff power.

H23.5, *Powerplant controls—general.*

(a) In addition to the requirements of § 23.1141, no single failure or malfunction (or probable combination thereof) of the APR, including associated systems, may cause the failure of any powerplant function necessary for safety.

(b) The APR must be designed to—

(1) Provide a means to verify to the flight crew before takeoff that the APR is in an operating condition to perform its intended function;

(2) Automatically advance power on the operating engines following an engine failure during takeoff to achieve the maximum attainable takeoff power without exceeding engine operating limits;

(3) Prevent deactivation of the APR by manual adjustment of the power levers following an engine failure;

(4) Provide a means for the flight crew to deactivate the automatic function. This means must be designed to prevent inadvertent deactivation; and

(5) Allow normal manual decrease or increase in power up to the maximum takeoff power approved for the airplane under the existing conditions through the use of power levers, as stated in § 23.1141(c), except as provided under paragraph (c) of H23.5 of this appendix.

(c) For airplanes equipped with limiters that automatically prevent engine operating limits from being exceeded, other means may be used to increase the maximum level of power controlled by the power levers in the event of an APR failure. The means must be located on or forward of the power levers, must be easily identified and operated under all operating conditions by a single action of any pilot with the hand that is normally used to actuate the power levers, and must meet the requirements of § 23.777 (a), (b), and (c).

H23.6, *Powerplant instruments.*

In addition to the requirements of § 23.1305:

(a) A means must be provided to indicate when the APR is in the armed or ready condition.

(b) If the inherent flight characteristics of the airplane do not provide warning that an engine has failed, a warning system independent of the APR must be provided to give the pilot a clear warning of any engine failure during takeoff.

(c) Following an engine failure at V_1 or above, there must be means for the crew to readily and quickly verify that the APR has operated satisfactorily.

Issued in Washington, DC on March 29, 1993.

Joseph M. Del Balzo,

Acting Administrator.

[FR Doc. 93-7737 Filed 4-8-93; 8:45 am]

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Friday
April 9, 1993

Part IV

Department of Transportation

Federal Railroad Administration

49 CFR Part 240

Locomotive Engineers; Qualifications; Interim Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 240

[FRA Docket No. RSOR-9, Notice 8]

RIN 2130-AA74

Qualifications for Locomotive Engineers

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Interim final rule.

SUMMARY: FRA is amending its minimum qualifications for locomotive engineers in response to petitions for reconsideration and requests for clarification. The amendments involve minor changes to the basic rule, which requires railroads to have a formal process for evaluating prospective operators of locomotives and determining that they are competent before permitting them to operate a locomotive or train. The amendments primarily clarify the procedures that require railroads to make a series of four determinations about a person's competency; devise and adhere to an FRA-approved training program for locomotive engineers; and employ standard methods for identifying qualified locomotive engineers and monitoring their performance. FRA is adopting these changes to improve its regulation, which minimizes the potentially grave risks posed when unqualified people operate trains.

EFFECTIVE DATE: The amendments to the rule are effective on May 10, 1993.

ADDRESSES: Any communication concerning this rulemaking should be submitted to the Docket Clerk, Office of Chief Counsel, FRA, 400 Seventh Street, SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Thomas A. Murphy, Operating Practices Specialist, Office of Safety Enforcement, Office of Safety, FRA, 400 Seventh Street, SW., Washington, DC 20590 (Telephone: 202–366–6594); or Richard M. McCord, Regional Director for Safety, FRA, Chicago, Illinois (Telephone: 312–353–6203); or Lawrence I. Wagner, Trial Attorney, Office of Chief Counsel, FRA, 400 Seventh Street, SW., Washington, DC 20590 (Telephone: 202–366–0443).

SUPPLEMENTARY INFORMATION: FRA issued a final rule establishing qualification standards for locomotive engineers that was published in the **Federal Register** on June 19, 1991 (56 FR 28228). The final rule permitted any person to seek reconsideration of the rule by filing a petition for reconsideration no later than August 19, 1991. FRA received five timely filed petitions for reconsideration. Those seeking reconsideration included the Association of American Railroads (AAR), the American Short Line Railroad Association (ASLRA), the Brotherhood of Locomotive Engineers (BLE), Sperry Rail Services Incorporated (Sperry), and a concerned citizen. In addition, FRA received multiple requests for clarification of certain aspects of the rule, including those made during a series of public meetings (see the September 10, 1991 and October 25, 1991 issues of the **Federal Register** (56 FR 46126, 55240) for the announcements concerning those meetings).

Summary of Petitions

The AAR petition identified eight issues where either a change in rule language is desired or interpretive guidance that might involve a change in the rule is sought. The AAR issues may be summarized as follows: (1) Better identification of what "service" vehicles are considered locomotives for the purposes of this rule; (2) latitude to electronically store the records required by this rule; (3) addition of a duty, for persons seeking certification, to initiate retrieval of motor vehicle operation data early in the 180-day interval within which railroads must act; (4) certification of Mexican and "contractor" engineers similar to that provided for Canadian engineers; (5) qualified immunity from defamation for railroads that supply prior work history concerning an engineer; (6) whether to explain or modify how substance abuse data will be used, since it appears mandatory that a railroad suspend the certificate of a person with adverse motor vehicle driving history data (DMV data), and whether to provide for hearings in connection with revocation of certification which, under some circumstances, could impinge on employee assistance program counselor (EAP) confidentiality; (7) whether the 9-month loss of eligibility for in-service substance abuse was intended to effectively remove EAP counselor discretion and whether to expand such disqualification to preclude all safety-sensitive service; and (8) an explanation of how FRA expects railroads to integrate the wording of the rule that requires hearings for revocation of certification with medical disqualification procedures that are significantly different under some existing contractual arrangements.

The BLE petition also addresses eight issues where either a change in rule language is desired or interpretive guidance that might involve a change in the rule is sought. The BLE requests may be summarized as follows: (1) Improve the criteria for selection of designated supervisors; (2) relieve a certification candidate from responsibility for providing data in the event that data (either prior motor vehicle operation or railroad employment) are not delivered or are not delivered in a timely fashion; (3) reduce the severity of the punishment for second and third operating rule offenses; (4) decrease the stringency of the return-to-service testing for those with an active substance abuse disorder; (5) specify the duration of the operational monitoring effort to avoid favoritism by supervisors; (6) modify the penalty for failing knowledge or skill exams; (7) clarify the application of FRA's revocation sections; and (8) alter the rule to preclude one railroad from revoking certification based on a revocation action of another railroad.

The ASLRA petition seeks a result similar to that requested by AAR and BLE for three issues. The ASLRA requests may be summarized as follows: (1) Permit some interchange operations to occur without triggering compliance with the joint operations requirements; (2) clarify the duty of small railroads to have EAP counselor evaluations; and (3) permit an alternative to written knowledge testing.

The Sperry petition requests either a change in rule language or interpretive guidance because Sperry does not believe that its self-propelled rail testing cars are properly classified as "locomotives" or that its operators need to be certified engineers.

Finally, a concerned citizen seeks changes or guidance which he styled a petition for reconsideration. The concerned citizen's issues may be summarized as follows: (1) How an individual finds out what educational effort is going to be provided by his or her certifying railroad; (2) whether FRA can provide explanation of or further action about the establishment of safeguards for assuring that supervisors are knowledgeable and have reasonable test criteria; (3) moderate the harshness of the periods of ineligibility as well as the civil penalty dollar amounts for rule noncompliance; and (4) require railroads to provide reliable data on train make-up and maximum speeds.

FRA's Overall Response to the Petitions

Many of the issues raised by the petitions for reconsideration can be resolved by providing interpretive guidance. To the degree that it can, FRA is providing the requested explanations in this notice. These issues that can be resolved in this manner are addressed

below under the heading "Interpretive Guidance."

Several issues unequivocally involve matters of substantive change to the rule. As to the substantive change issues, after reviewing the petitions, FRA decided to grant them in part; deny them in part; and defer action on them in part, and so informed the petitioners. Final resolution of the deferred portions will occur after FRA conducts a supplemental proceeding permitting full discussion of the relevant issues.

In FRA's view, the various petitions for reconsideration raised the following six basic topics that involve questions of substantive regulatory change: (1) Application of the rule to certain service vehicles; (2) application of the rule to certain types of joint operations; (3) application of the rule to certain specific events involving operational misconduct; (4) compatibility of the rule with current railroad practices for electronic data storage; (5) application of the rule to certain events involving testing and evaluation of a locomotive engineer; (6) application of the procedural provisions of the rule to certain events involving denial of certification or suspension and revocation of certification. FRA's resolution of these substantive rule matters is described below.

1. Application of the Rule to Certain Service Vehicles

In § 240.7, FRA defines the vehicles which are required to have a certified operator at the controls. That definition employs wording that is nearly identical to the definition employed in 49 CFR part 229, which prescribes the minimum safety standards for locomotives. In the preambles to both the proposed rule and the final rule, FRA noted that the definition of a locomotive was similar under both rules and was an expansive one. That definition easily encompasses the thousands of vehicles produced by Electro-Motive Division of General Motors and General Electric which are typically used to haul trains and are routinely thought of as locomotives. It also encompasses vehicles, such as self-propelled commuter cars, which are not universally recognized as locomotives. In its preambles, FRA provided specific illustrations of some of the less typical types of equipment that would be encompassed under the rule to ensure that interested parties were alert to the broad reach of the definition.

Two of the petitions for reconsideration and several of the requests for interpretive guidance question whether certain "service vehicles" are or should be considered locomotives for the purposes of this rule. The following small group of vehicle types have been identified by FRA as being problematic: (1) Rubber-tired vehicles outfitted with standard couplers and frequently with retractable rail wheels (including such multi-modal vehicles denominated as trackmobiles) which are routinely used to move freight or passenger cars in car shop areas; (2) self-propelled cranes frequently called locomotive or burro cranes capable of hauling multiple cars; (3) self-propelled equipment such as weed sprayer equipment or rail grinding equipment, particularly consists that have traditional products from Electro-Motive Division of General Motors or General Electric semi-permanently attached to provide motive power; and (4) rail bound, self-propelled detection equipment including vehicles such as those operated by FRA, Sperry Rail Services, and various railroads for measuring track geometry and detecting the presence of metallurgical flaws in rails.

In drafting its proposed and final rules, FRA's basic premise was that Congress contemplated an all-encompassing regulatory scheme. Thus, FRA's responsibility was to construct a regulatory scheme broad enough to encompass the operation of all vehicles that can be legitimately thought of as "locomotives." Interested parties clearly did not fully recognize the potential application of these qualification standards to the operators of such service vehicles despite preamble discussion of this issue. Consequently, they did not comment at all or provided only limited expression of their views on this aspect of the rule. Prior to taking action to resolve this issue, FRA believes that interested parties should be given another opportunity to comment. Therefore, FRA is deferring a decision on whether to consider these four types of vehicles to be locomotives for the purposes of this rule and issuing a notice of proposed rulemaking to solicit views on this issue. That notice of proposed rulemaking will appear in a future issue of the **Federal Register** and contains a more expansive discussion of this issue. Until that supplemental proceeding is completed, FRA will not enforce the rule as applying to the operators of these four types of vehicles identified above.

It should be noted that in FRA's view, application of the rule to a number of other types of service vehicles that the AAR petition also identified does not require substantive rule change. Application of the rule to these vehicles can be resolved through interpretation, and they are discussed in the section on interpretive guidance below.

2. Application of the Rule to Specific Types of Joint Operations

As the result of contractual arrangements or legally binding directives issued by governmental institutions, a locomotive being operated by one entity may be authorized to traverse the railroad track of another entity. Section 240.7 defines all arrangements as "joint operations." To facilitate implementation of joint operation arrangements, FRA permits (see § 240.225 and § 240.227) one railroad to rely on the qualification determinations reached by another railroad, including determinations rendered in compliance with provisions of the law of a foreign country. Two of the petitions for reconsideration and several requests for interpretive guidance have identified the following three distinct matters related to these provisions: (a) Minimally overlapping operations; (b) certification of locomotive engineers by non-railroad corporations; and (c) qualifications requirements of other countries.

(a) Minimal Joint Operations

The issue here is the degree to which FRA will permit the conduct of minimal movements over "foreign" line track without deeming such activity to be "joint operations." Large railroads are concerned about situations in which two railroad companies are involved in overlapping operations only to the extent of delivering or retrieving cars from a track designated as the location for placing cars intended to be transferred from one railroad to another. The concern involves the need for data exchanges and dual certifications being triggered by use of the same track for the simple interchange of freight cars.

The second variant of the minimal overlap problem involves small railroads. For small railroads that venture onto the tracks of a large railroad, the data exchange problem is overshadowed by the fear that some of the large railroads will hold the small railroad's engineers to excessively high standards, including possible demands for attendance at costly educational sessions. Small railroads also seem concerned that considering such movements as "joint operations" under this rule will serve to negate the partial exclusion from the requirements of FRA's alcohol and drug control program contained in part 219. In that rule, FRA devised a limited exclusion from its testing requirements for railroads with 15 or less employees provided that the small railroad does not operate on the

track of another railroad or otherwise engage in joint operations, except as necessary for the purpose of interchange (see 49 CFR 219.3(b)(2)).

As discussed below, the issue of minimally overlapping joint operations is confined to situations involving operations by certified engineers of two different railroads. It does not extend to situations involving operations by non-certified locomotive operators such as those working for industries or contracting companies.

FRA's Response

FRA's current provision concerning "joint operations" starts with the premise that whenever two railroads are using the same general system track both the visitor and the host need to know that the certified locomotive engineers from the visiting entity are knowledgeable about the operating rules of the host railroad. As the scope of the overlapping operations expands, the more critical that need becomes. On further reflection, FRA agreed that it should revisit the question of evaluating whether any particular overlapping operation can be deemed sufficiently minimal that the movement should not trigger compliance with the "joint operations" provisions of this rule.

FRA agrees with the proposition that there can be some situations that present a very low risk of a human-factor-caused accident attributable to lack of knowledge of another railroad's operating rules on the part of locomotive engineers. In such settings, the safety risk being attenuated by compliance with the provisions of this regulation does not warrant the imposition of the attendant burdens. Rather than provide guidance to railroads about how it views particular operations, as contemplated under its initial rule, FRA is revising the rule to provide a regulatory description of the factual settings that FRA considers the types of operations with limited accident risk that justify exclusion.

The critical attributes of such a factual setting are that the operations occur at low speed on an auxiliary track; the operations on the auxiliary track involve limited potential for conflicting movements; and the distances traveled are short. FRA notes that the simultaneous presence of all of these factors does not have any bearing on FRA's jurisdiction over such general system operations. Rather, these factors indicate only a situation where safety does not require the application of a particular regulatory provision. A more detailed explanation of FRA's views on this subject is contained in the section-by-section analysis below.

(b) Certification by Incidental Train Operators

The second matter involves the ability of business entities that are not traditional railroads to qualify their own employees under this rule. Although it is not entirely clear from the AAR petition, it appears that FRA is being asked to explicitly permit business entities that have contractual relationships with traditional railroads to perform their own certification activities.

In part, the issue appears to involve activities at industrial facilities in which industrial plant locomotives briefly exit the confines of their facility. Merely exiting the plant, which is generally being done for interchange purposes, triggers the need to have otherwise exempt engineers comply with this regulation. Self-certification by such businesses could be used to reduce railroad responsibilities to certify industry employees who operate over the railroad's trackage under a variety of contractual arrangements.

To the degree that a business' rail operations are conducted exclusively within a self-contained plant or industrial facility, those operations have not been the subject of FRA's exercise of its full statutory authority (see Appendix A, 49 CFR part 209 for an extended discussion of this topic). However, when that industrial operator performs routine operations on track that is part of the general system, those general system operations are subject to FRA's exercise of its safety jurisdiction.

Although such general system operations are usually incidental, the degree to which such industrial operations traverse the general system can cover a wide spectrum. Most of the situations that FRA is aware of entail operations in which an industry locomotive will venture beyond the confines of the facility for distances as short as 100 feet and at infrequent intervals such as less than one time per week. The purpose of such isolated movement normally is to place or retrieve one or more freight cars from a single auxiliary track.

Although it has not frequently encountered such settings, FRA believes that, in some instances, an industry might send its locomotive beyond the confines of the facility for distances of several miles and will venture that far several times on the same day and repeat that activity with some frequency. Generally, the purpose of such movements tends to be to place or retrieve freight cars from various tracks.

The second situation in which business self-certification could be useful are instances in which railroads routinely contract with companies to operate company "service vehicles" (while providing inspection or maintenance activities) and instances in which railroads contract for the operation of special ventures like excursion or dinner train service. If sanctioned, contractor self-certifications would enable contractor engineers to operate on multiple railroads with only a pilot to provide localized information. In addition to the benefits of reduced railroad responsibilities and operational freedom for contractors, there may be other reasons why railroads and contractors would want to have business self-certification. For example, the design of control devices for some contractor equipment could be significantly different from that of a typical locomotive and thus the contractor would be better prepared to discharge the responsibilities of determining the knowledge and skill of its operators.

FRA's Response

FRA denied the portion of reconsideration request seeking modification of the rule to permit certification of locomotive engineers by contractors or other entities that incidently conduct rail operations on the general system. No modification of the rule is necessary. A recent clarifying amendment to the Federal Railroad Safety Act of 1970 (see 45 U.S.C. 209, as amended by Pub. L. No. 102–365) makes clear that FRA has statutory jurisdiction over all entities that may affect railroad safety. Moreover, any contractor or business entity that conducts rail operations on the general system is included within the current rule's applicability provision. Thus, such entities can simply accept their status as a railroad and proceed to comply with this regulation. If, because of the limited nature of its operations, one of these incidental train operator railroads believes there are circumstances that warrant the granting of a waiver of compliance with these qualification standards, an exemption may be sought as provided for under FRA's procedural regulations (see 49 CFR part 211). Of course, any waiver petition would have to be decided on its own merits and a determination made as to whether granting a waiver of compliance would be consistent with rail safety and in the public interest.

Any business entity that is troubled by the prospect of having to comply with this rule or to seek a waiver of compliance still has several options. The entity can elect to cease operations on the general system and thereby avoid

the application of this rule. Even if the business entity elects to continue general system operations, compliance with this rule can be achieved by having the host railroad certify any of the industry's locomotive operators who will perform service on the railroad's tracks.

(c) Qualifications Requirements of Other Countries

The final aspect of this set of issues involves requests to alleviate problems associated with certification for operations conducted in proximity to the border with Mexico and the wisdom of devising a scheme analogous to that afforded for the operations proximate to the border with Canada. FRA's rules provide in § 240.227 for recognition of qualification determinations made in accordance with directives enacted by foreign countries. As discussed in the preambles to its proposed and final rules, the provision is directly applicable to the qualification determinations made in accordance with a Canadian regulatory scheme previously adopted by the Canadian Transport Commission and now administered by Transport Canada. FRA did not include a preamble discussion about recognition of Mexican qualification determinations because, at present, there is no analogous governmental scheme for regulating the qualifications of Mexican locomotive engineers. One petition for reconsideration, however, requests that FRA devise an analogous provision for evaluating the qualifications of Mexican engineers.

FRA's Response

FRA denied this aspect of the AAR's reconsideration request since no rule change is required. The existing provision allows for recognition of qualification decisions made by Mexican railroads if those decisions are reached in accordance with a standard governmental licensing system sponsored by the Mexican government. FRA data show that, at present, there are no significant operations conducted in the United States by Mexican railroads. If there is a need for qualified Mexican railroad engineers at the limited number of locations where the minimal cross-border operations do occur, a railroad can comply with this rule by electing to certify such locomotive engineers in accordance with this rule.

3. Application of the Rule to Events Involving Operational Misconduct by a Locomotive Engineer

Effective January 1, 1992, railroads were required to issue and operators of locomotives to possess, certificates which identify operators as individuals deemed qualified to be locomotive engineers under the grandfathering provisions of § 240.201. Once the date for a railroad's implementation of its formal, FRA-approved certification program has passed, candidates for certification or recertification are required under § 240.111 and § 240.113 to seek data concerning their prior safety conduct as operators of motor vehicles and, if they have changed railroads, as operators of locomotives. Those prior safety data must then be evaluated by the railroad from which the person is seeking certification. Section 240.217 precludes a railroad from relying on safety conduct data that are untimely and specifies the currency requirements for different types of data. Section 240.117 contains the criteria for how a railroad will handle several kinds of operational misconduct by a locomotive engineer and provides for mandatory loss of eligibility to hold certification if an engineer is found to have engaged in such misconduct. Section 240.119 contains an analogous set of provisions that contain criteria for how a railroad will consider data indicating substance abuse disorders and noncompliance with FRA's alcohol and drug control regulations.

Four of the petitions for reconsideration address the following related areas: (a) The responsibility of certification candidates and railroads when data concerning prior conduct are being sought; and (b) railroad response to data concerning operational misconduct, including compliance with FRA's alcohol and drug rules.

(a) Responsibilities in Connection With Prior Safety Conduct Data

The first issue involves difficulties that may arise during the process of obtaining data concerning prior conduct. The initial problem posed to FRA is the need for a time limit within which a candidate for certification or recertification must initiate his or her request to the appropriate motor vehicle licensing agencies and to a prior railroad employer for data concerning prior safety conduct. FRA imposes a duty on railroads to look at current data and so has established time constraints within which a railroad must make all aspects of its formal determinations. For example, a railroad cannot rely on a skill or knowledge examination administered more than a year before the date of its certification decision. Railroads appear to be concerned that the absence of any time constraint within which the locomotive engineer must initiate his or her request for prior safety conduct data could result in untimely receipt of that information. Thus, a railroad would be confronted with several difficult choices. It could proceed to make a determination in the absence of data by treating the missing data as presumptively prejudicial or presumptively favorable or it could wait for delivery and possibly have to start the evaluation process over to cure problems with the timeliness of other data.

AAR suggests that FRA revise the rule to establish a deadline by which a certification candidate shall initiate the relevant requests for data. BLE has a related concern since certification candidates cannot compel either motor vehicle licensing agencies or former railroad employers to act in a timely fashion. Thus, a certification candidate could be confronted with an inability to comply with the requirements of the rule either because a former employer or a state agency failed to act in a timely fashion or failed to respond at all. BLE suggests FRA modify the rule to excuse the certification candidate in such instances. Finally, AAR is concerned that the duty of a railroad, which previously employed a certification candidate, to supply data concerning the candidate presents questions of whether a railroad has been placed in an untenable position. Arguably, a railroad that fails to furnish data opens itself to civil penalty liability while a railroad that does furnish data opens itself to potential liability for defaming an engineer when that railroad submits adverse data. Thus, to AAR it appears that FRA should act to absolve railroads from at least one of these potential liability exposures.

FRA's Response

Sections 240.111 and 240.113 obligate certification candidates to seek data concerning their prior conduct from motor vehicle licensing agencies and prior railroad employers. FRA denied AAR's request that FRA modify those provisions to include a time constraint within which the candidate must initiate action to fulfill his or her responsibility under the rule. FRA does not see the necessity for establishing such a provision. In FRA's view a certification candidate has no clearly discernible motive for attempting to frustrate timely receipt of the data. A certification candidate who fails to seek the data risks being denied the very status being sought. Even a railroad that holds a contrary view on candidate motivation is capable of designing its implementation program to guard against such a contingency. Thus, FRA has concluded there is no need for

Federal regulatory intervention on the railroads' behalf.

Similarly, FRA denied the BLE's request that these sections be modified to include a provision exonerating a certification candidate who complies with the section but fails to elicit the desired data. The apparent assumption of BLE is that individual certification candidates are being held responsible for assuring that state licensing agencies or prior employers respond in a timely fashion. Moreover, BLE apparently fears that locomotive engineers are at risk that FRA will seek to impose civil penalties against individuals as a way to hold certification candidates accountable for the inaction of the sources with the data.

The regulation does not obligate the candidate to obtain the data. It requires that the candidate take the steps necessary to assure that the data will, in the ordinary course of events, be transferred to the evaluating railroad. Thus, FRA does not see any need for exculpatory wording. For reasons discussed later in the section-by-section analysis, FRA is making a technical change to the relevant sections to help clarify this point.

Finally, FRA denied the AAR's request that railroads be absolved from responsibility for supplying data concerning prior employees or, if obligated to furnish data, be relieved of responsibility for any resulting libelous material supplied to another railroad. FRA believes that AAR, in raising this issue, has identified a weakness in the current formulation of the rule. In the NPRM, FRA noted that it was starting from the premise that locomotive engineers rarely change employers and that, when such change occurs, railroads routinely share the desired information. Thus, FRA saw no need to explicitly require railroads to furnish the data. Although FRA's NPRM raised this issue about the need for explicit regulatory requirements to supply data and adopted modified provisions in the final rule that appear to start with the proposition that railroads have a duty to supply such data when requested, FRA did not clearly resolve whether the final rule imposes that duty. Thus, FRA is making a technical amendment to make that duty explicit. The technical change to clarify this point is described in the section-by-section analysis below.

However, FRA does not think the change being requested—insulating railroads from tort liability for defamation—is appropriate. Locomotive engineers with a history of unsafe train operation should not be allowed to take the controls simply because of reluctance by one railroad to share its data with another. FRA has rejected the second prong of the AAR's request because, regardless of the existence of an FRA-imposed duty to furnish data under this rule, FRA wants true information provided. Truth is a complete defense in defamation actions. If a railroad provides false information under the rule, what safety purpose is served and why should FRA try to shield the railroad from the consequences of its action? Moreover, if railroads merely provide the required factual information in an accurate manner, there would seem to be no actionable offense that could lead to a tort action.

(b) Railroad Response to Data Concerning Operational Misconduct

The second issue involves possible clarification or modification of the manner in which a railroad must respond to data concerning operational misconduct, including compliance with FRA's alcohol and drug rules. This issue includes the following series of topics: (i) How to respond to the perceived harshness of the one and five-year loss of eligibility consequences for repeated instances of operational misconduct; (ii) how to respond to the perceived harshness of the return-to-service testing; and (iii) whether to clarify or revise the duty to perform, and the nature of, EAP evaluations in certain circumstances.

(i) *Harshness of the one and five-year loss of eligibility consequences for repeated instances of operational misconduct.* The first topic, the perceived harshness of the loss of eligibility for repeated operational misconduct, involves the issue of whether FRA has selected an inappropriate level of remedial response to such incidents. The topic includes the issues of whether the one and five-year loss of eligibility intervals are too lengthy; whether the practice of not crediting the interval of time the certificate is suspended prior to the § 240.307 hearing is just; and whether the dollar amounts reflected in Appendix A—Schedule of Civil Penalties are too severe.

FRA's Response

FRA denied the BLE and concerned citizen requests to alter the ineligibility periods imposed for operational misconduct. FRA is not convinced that these periods of ineligibility or the potential civil penalty amounts are inappropriate or harsh. The safety significance of these operating rules is indisputable. Noncompliance with the operating rules incorporated within § 240.117 has been the reported cause of nearly 5,000 train accidents reported to FRA over a ten-year period. The flagrant violators of these rules are the persons most likely to be affected by these provisions. Moreover, the provisions accommodate the possible need to temper the consequences of this section when the root cause of the noncompliance is a lack of education or skill. In these limited situations in which civil penalties are applicable to an engineer's behavior, FRA has the discretion both to forgo an enforcement action entirely or adjust the penalty to fit the offense; the penalty schedules are statements of policy from which FRA can vary when appropriate.

Implicit in the request that FRA ameliorate the perceived harshness of the rule by altering the duration of the loss of eligibility interval is a concern over the events which can trigger the imposition of such ineligibility consequences. That is a concern which FRA shares and is responding to in an interim manner in this final rule.

The implicit concern has its roots in the way in which FRA designed the provisions of § 240.117(e). In formulating this regulation, one of FRA's objectives is to reduce accidents attributable to having unqualified persons operating locomotives. In FRA's view, individuals can be unqualified because they lack knowledge, skill, or ability or because they fail to employ the knowledge, skill, and ability which they possess. While other parts of the rule are focused on assuring that those who lack knowledge, skill, and ability are not authorized to operate locomotives, § 240.117 is directed towards preventing persons who are unqualified by virtue of their failure to employ their knowledge, skill, or ability when operating locomotives. Section 240.117 imposes loss of eligibility for an interval on those who show a lack of qualification by failing to comply with certain operating rules.

In selecting the misconduct which could result in loss of eligibility, FRA began by reviewing its accident data base. Since FRA seeks to prevent future human-factor-caused accidents, FRA examined its data concerning such accidents. When it reviewed the relevant data that had been reported over a ten-year interval, FRA identified five types of safety rules that, when locomotive engineers failed to comply with them, were identified as either the primary or contributing cause for some 5,000 reported train accidents. Those five types of operational misconduct (failure to comply with signals; failure to observe train speed constraints; failure to adhere to procedures for safe use of brake systems; occupancy of track

without authority; and nullification of safety devices) were therefore selected as the events that demonstrated lack of qualification and would result in loss of eligibility under this regulation.

By attaching certification consequences to these types of operational misconduct, FRA's regulation in essence superimposed a new system on the preexisting industry practices concerning the administration of the principles of industrial discipline. To some degree, the preexisting industrial discipline system seeks to achieve objectives similar to FRA's regulatory program since the preexisting system is intended to achieve worker compliance with a variety of safety and efficiency rules. In the process of superimposing its certification system, FRA made a number of policy choices that tended to emphasize the similarities between the two systems.

However, it has become clear that, with respect to certain types of operating rule violations, the current rule does not clearly distinguish serious from negligible offenses. Railroads, believing themselves to be under a regulatory mandate to take action even for offenses that might not previously have been the subject of disciplinary action, have in some cases decertified employees where FRA had not anticipated such actions. For the most part, these railroad actions have been within the letter of the current law. However, given the experience FRA now has acquired and the need to prevent further revocations for offenses so minor that FRA had not anticipated their being the basis for revocation, FRA has decided to act quickly to correct the situation.

To eliminate this confusion, FRA is amending the provisions of § 240.117(e). These amendments will bring § 240.117 into greater conformity with more detailed provision of § 240.305 which establishes the types of operational misconduct events that can potentially result in the imposition of civil penalties or disqualification from all safety sensitive service. The changes being made primarily affect the proscriptions concerning responding to signal indications; controlling train speed; and use of train brakes. The details of the changes are discussed in the section-by-section analysis below.

The changes being made to § 240.117(e) are only an interim measure. In the proposed rule that will appear in a future issue of the **Federal Register**, FRA describes more extensive alterations that it contemplates making to this section. FRA believes that it is possible to improve its approach to this issue and, to facilitate possible improvement, FRA has incorporated this topic in its supplemental proceeding thereby ensuring further public discussion of this matter.

(ii) *Harshness of the return-to-service testing.* The second topic, the perceived harshness of the return-to-service testing, involves the question of whether the requirement that no fewer than six alcohol and six drug tests be conducted within the first 12 months after a locomotive engineer is returned to service is appropriate. Arguably, the less stringent return-to-service provisions of FRA's alcohol and drug rules that apply to other rail workers should be adequate for locomotive engineers.

FRA's Response

FRA denied the BLE request to remove what the BLE perceives to be unnecessarily stringent aspects of the return-to-service testing of locomotive engineers with an active substance disorder. Section 240.119 provides for a minimum of 6 alcohol and 6 drug tests during the first 12 months after a locomotive engineer is returned to service. Unquestionably, these provisions are more stringent than those contained in § 219.104 of FRA rules to control alcohol and substance abuse. The provisions of this rule reflect FRA's maturing views about the appropriate criteria for return-to-service testing and FRA has proposed revision of the analogous criteria in part 219 to bring that rule into conformity with the approach taken in this rule (see December 15, 1992 issue of **Federal Register** (57 FR 59588)).

(iii) *The duty to perform, and the nature of, EAP evaluations in certain circumstances.* The third topic involves questions concerning the duty to perform and nature of EAP evaluations. Apparently because FRA did not propose to include a definition for the phrase "active substance abuse disorder," the BLE perceived this definition as both a surprising new concept and a confusing one. The ASLRA was concerned that FRA was requiring the performance of an EAP evaluation each time a locomotive engineer is certified or recertified.

FRA's Response

FRA granted the ASLRA petition concerning clarification of whether FRA was requiring the performance of an EAP evaluation each time a locomotive engineer is certified or recertified. FRA is not requiring EAP evaluations unless there is some reason to think that the certification candidate may have a substance abuse disorder. Typically, that concern will be triggered by receipt, during the certification eligibility review process, of motor vehicle driving records showing detection of potential substance abuse incidents. FRA agrees that the current wording of § 240.119 is not a model of clarity on that point. Thus, FRA granted the ASLRA request and is changing the provisions of this section to clarify its intent.

Finally, FRA denied the BLE petition for reconsideration concerning the nature of the EAP evaluation. BLE objected to FRA's use of the term "active substance abuse disorder" in the final rule on the grounds that the phrase was not in the proposed rule and is subject to interpretation.

Use of the term in the final rule is clearly within the scope of the issues raised in FRA's proposed rule. The proposed rule addressed the various issues concerning substance abuse disorders and their relevance to permitting a person to be deemed qualified to operate a locomotive. For example, proposed § 240.59 contained a formulation that is very similar to FRA's alcohol and drug control regulation which expresses this idea in terms of a person being affected by a psychological or chemical dependence or by some other identifiable and treatable mental or physical disorder involving the abuse of alcohol or drugs as a primary manifestation. The use of the term "active substance abuse disorder" is essentially a reformulation of the FRA's proposed qualification criteria that better captures the essence of the problem and FRA's provisions for resolving the matter. Indeed, the primary difference between the § 240.7 definition and other FRA regulatory descriptors reflects the effort to differentiate between whether a disease such as alcoholism is currently having an adverse effect, is dormant, or is under control. Moreover, the use of the phrase maintains the compatibility of this rule and the provisions of part 219.

4. Application of the Rule to Current Railroad Practices for Storing Data Electronically

In § 240.215, FRA requires railroads to retain the relevant information that supports their certification determinations. Railroads with sizable numbers of locomotive engineers will have an extensive amount of information to retain since the rules covers medical data, educational data, knowledge and skill testing data, prior safety conduct data, and data covering various program administration details.

The AAR's petition for reconsideration requests that FRA revise or clarify the rule to authorize the use of electronic formats to store required data. The issue here is the ability of

railroads to substitute an electronic format for written or paper records. Such electronic formats permit computerized handling of data with all of the attendant benefits rather continuing reliance on traditional recordation of information on paper. Many railroads apparently infer, from the fact that the rules only give explicit authority to keep their lists of certified locomotive engineers electronically, that FRA has precluded them from keeping the other data in the same electronic medium. Some railroads have read the rule as permitting broad scale electronic data storage provided FRA had given its approval.

FRA agrees with the petitioner's basic premise that storage of data in an electronic format should be permitted under this rule. Although the existing provisions do not necessarily preclude the use of that methodology, the wording of the rule focuses its only discussion of electronic formatting of data on the keeping of lists and requires FRA approval before it can be implemented. As noted, this has generated some confusion. In part, the confusion involves the fact that this rule did not fully confront several aspects of the distinct problems posed by electronic data storage.

In sanctioning use of electronic storage of data FRA needs to assure that use of electronic data formats does not become an obstacle to performance of its monitoring and compliance activities. Related to this is FRA's need to have some control over the location where the lists of certified locomotive engineers will be on file.

FRA's approval process is one way to address both aspects of the problems just discussed. However, in reviewing requests for guidance from several railroads that have already sought FRA approval for broad scale electronic data storage, FRA has concluded that the widespread use of smaller computers could lead to approval requests from virtually all railroads so as to assure literal compliance with the rule.

FRA granted this portion of the petition for reconsideration and is making an interim modification of the rule to explicitly permit the use of electronic data storage. In granting reconsideration, FRA is revising the provisions of § 240.215 to assure that railroads will employ electronic storage systems that do not hinder or frustrate FRA's compliance and enforcement activities. The revised section specifically requires that the data storage systems meet a relatively simple set of performance criteria. This is discussed further in the section-by-section analysis below. Since the approval process remains relevant to access to some railroads' lists of certified locomotive engineers, that aspect of this provision has been retained.

FRA's change to § 240.115 is only an interim solution. In the proposed rule to be published elsewhere in a future issue of the **Federal Register**, FRA solicits comments on a more detailed and structured approach to this issue.

5. Application of the Rule to Events Involving Testing and Evaluation of a Locomotive Engineer's Knowledge or Skills

In § 240.105, FRA established criteria for the selection of individuals who would be designated as supervisors of locomotive engineers. A railroad is required to examine a certified engineer who is a candidate for supervisor to determine that the person: Knows the requirements of these rules; can appropriately test and evaluate the knowledge and skills of locomotive engineers; and has the necessary supervisory experience to prescribe appropriate remedial action for noted deficiencies. In § 240.127, FRA requires that certification candidates demonstrate to a designated supervisor of locomotive engineers the skills necessary to operate a locomotive or train by successful passage of a skills performance test. In that section, the test criteria include a requirement that the duration of the test be of sufficient length to permit effective evaluation of the person's ability to operate trains. In § 240.209 and § 240.211, FRA prohibits railroads from permitting those who fail either knowledge or skills certification tests from serving as a locomotive or train service engineer until the person has achieved a passing score.

Four of the petitions for reconsideration address the following subject areas: (a) FRA's exercise of a greater degree of control over the designated supervisor's skill level and the duration of skills tests such a person will administer; (b) railroad latitude to orally conduct knowledge exams for those with literacy problems; and (c) the need to rethink the perceived harsh consequences prescribed for failing a knowledge or skill test.

(a) Supervisory Skill Levels and Skills Test Duration

The first issue, whether FRA should exercise a greater degree of control over the designated supervisor's skill level and establish a minimum duration for the skills performance test, involves a basic concern over the competency of those who will sit in judgement of locomotive engineers' skill levels. The fear is that railroads, having been given a degree of discretion when selecting persons as supervisors instead of being compelled to choose among individuals who had acquired extensive field experience, will select unqualified individuals. The other aspect of this fear is that, regardless of the competency of the supervisor, there is a need to have specified uniform minimum duration for skill tests to minimize the risks of improper testing.

FRA's Response

FRA denied the BLE request to establish a minimum experience level for supervisors. The rule establishes a framework for assuring that persons selected to be supervisors of locomotive engineers will be competent. FRA requires that candidates for supervisor must be certified engineers, thereby assuring that these individuals possess an equivalent degree of knowledge, skill, and ability before they can even be considered eligible to be a supervisor. In addition, the candidate must demonstrate that he or she has the knowledge, skill, and ability to be an effective supervisor of engineers which includes the capacity to effectively test, evaluate, and prescribe appropriate remedial action for noted deficiencies. The mechanics of how each railroad will evaluate its candidates for supervisor is to be explained in each railroad's program and those programs must be submitted to FRA for review. Thus, if a railroad has inadequate criteria for evaluating candidates or if the railroad selects a person to be a supervisor who fails to meet those criteria, the rules currently provide an adequate basis for instituting remedial action.

When FRA received the BLE's petition, data directly supporting the proposition that railroads will designate unqualified persons as supervisors were inconclusive. Thus, FRA denied this aspect of the petition.

Since that time, FRA has investigated several instances in which there is some evidence that railroads are abusing their discretion. FRA now believes that this issue warrants further exploration. As noted above, the rule gave railroads discretion to formulate their selection criteria based on the proposition that railroads would, for reasons of enlightened self-interest, exercise their discretion wisely. Although the current information is inconclusive, recent FRA investigatory efforts and review of the implementation programs submitted by some railroads appear to support the petitioners' concern that railroads may abuse such discretion. FRA is sufficiently troubled that it has included

a possible change to § 240.105 in its proposed supplemental rule. The proposed change would limit railroad discretion on this issue. The preamble to the proposed rule contains additional discussion of this issue.

As to the concern that the skills performance test must have some specified minimum duration a similar basic analysis applies; railroads have been given the discretion to select the minimum duration that will be needed to meet the rules requirements for sufficient length. Their selections will be included in their submissions and are subject to review. FRA believes that the rules currently contain an adequate basis for initiating remedial action if railroads employ inappropriate skill performance tests and therefore denied this aspect of the BLE petition.

In reviewing the implementation programs already received it appears that the railroads intend to employ testing of adequate duration. For example, a two-hour minimum duration is commonly called for in the implementation programs of major railroads. Absent data directly supporting the proposition that the railroads will attempt to conduct unduly brief skill performance tests, FRA does not see any need to alter the existing rule.

(b) Oral Examinations

The second issue, the desire for railroads to have greater testing latitude so as to orally conduct knowledge examinations, involves concern that some locomotive engineers do not have sufficient literacy to pass a standard written examination. The belief is that such persons have the knowledge, skill, and ability to successfully perform as an engineer, particularly on small railroads, but will be unable to effectively demonstrate their knowledge on a standardized test and become ineligible to serve as a locomotive engineer.

FRA's Response

The ASLRA petition expresses concern that some knowledgeable locomotive engineers will be unable to successfully pass a written examination concerning their knowledge of the railroad's operating practices. Thus, it is suggested, there is a need to permit all railroads to administer oral examinations under this rule.

These rules are designed to apply to all persons who operate locomotives. As far as FRA has been able to ascertain virtually all of those affected by this rule have the capacity to successfully take written examinations. Indeed the safe performance of the job of being an engineer literally demands that locomotive engineers have effective reading and writing skills. Thus, testing the knowledge of such individuals through use of a written examination, which does much to ensure effective and standardized evaluations, is the appropriate course of action in FRA's judgement. Rather than alter the rule which will appropriately address nearly all testing of locomotive engineers' knowledge, FRA believes that the waiver process is the logical way to resolve any instances in which written testing can be demonstrated to be inappropriate. Consequently, FRA denied this aspect of the ASLRA petition for reconsideration.

(c) Test Failure Consequences

The third issue, the perceived harshness of consequences prescribed for failing either a knowledge or performance skills test, involves a concern that locomotive engineers will routinely fail to achieve a passing grade on their initial examinations. It is believed that such engineers will successfully pass a reexamination and, therefore, really do not present a safety hazard if allowed to continue to operate trains prior to the successful passage of that reexamination. Under such circumstances the rule's prohibition against service is characterized as an unduly harsh response to the failure of the initial examination.

FRA's Response

These rules demand periodic testing of a locomotive engineer's knowledge and skill. In proposing these rules, FRA indicated its concern over some existing practices that permitted repeated examination failures with little or no consequence and lauded the use of stringent restrictive practices of other railroads. After reviewing the comments on that proposal, which questioned the safety justification for allowing a person who has just demonstrated either a lack of basic knowledge or skills to continue operating a locomotive, FRA concluded that there was no valid safety rational for such a practice. Thus, the final rule, rather than remaining primarily oriented towards tightening lax industry practices concerning retesting, is focused exclusively on the safety aspects of the situation. The rule now permits a person who has failed an examination to continue operating only when accompanied by qualified locomotive engineer. These final rules leave to others the responsibility of prescribing reexamination protocols through collective bargaining agreements or otherwise. Precluding a locomotive engineer who has just demonstrated a deficiency in his or knowledge or skill, from placing others at risk is, in FRA's judgement, the only appropriate response. Although FRA may be viewed as having placed a premium on successful test passage, these rules require continuing education programs designed to assure that locomotive engineers can, if they apply themselves, pass such examinations. Indeed, several railroads have offered concerned locomotive engineers the opportunity to attend comprehensive refresher training courses to improve their knowledge and skills. Consequently, FRA denied this portion of the BLE petition for reconsideration.

6. Application of the Procedural Provisions of the Rule to Events Involving Denial, Suspension and Revocation of Certification

Certification or recertification can be denied by railroads based on a determination that the certification candidate lacks visual or auditory qualifications, the requisite knowledge, the requisite skills, or eligibility. Certification can be revoked because of a determination that the locomotive engineer lacks eligibility due to operational misconduct or violation of FRA's rules controlling alcohol and drug use by railroad workers.

Candidates for certification or recertification must be given "reasonable opportunity" to rebut data that can provide a basis for denial prior to railroad action to deny certification. A candidate denied certification (recertification) must be told the basis for the railroad's action (in writing) and that information must be given to the candidate within 10 days of the railroad's adverse decision.

Revocation of an existing certificate can occur after the locomotive engineer has been given a hearing that complies with the procedures contained in the rule. This includes the concept of accepting a railroad's adherence to Railway Labor Act (RLA) procedures as a way to satisfy compliance with this section. Revocation of certification can occur when the locomotive engineer in question is found to have violated one of the five cardinal safety rules or the rules controlling alcohol and drug use. Since some locomotive engineers operate on more than one railroad, revocation by multiple railroads can occur even though a single investigatory hearing was conducted.

The dispute resolution provisions of the rule also address FRA review of initial railroad decisions. Requests for review of the railroad's adverse decision must be made to FRA within 180 days. FRA's initial review is conducted by its

internal Locomotive Engineer Review Board (Board). Subsequent appeals of the Board's decisions go to a hearing officer and finally to the Administrator.

Two of the petitions for reconsideration address the following general subject areas: (a) Clarification and possible modification of the FRA denial and revocation procedures to better integrate them with existing collectively bargained agreements that address related issues; and (b) the wisdom of allowing a revocation decision by one railroad to affect the person's eligibility to operate on another railroad.

(a) Integration of Denial and Revocation Procedures With Existing Collective Bargaining Agreements

The first subject area involves a number of issues stemming from confusion about the intent and design of the rule provisions under which persons can be deprived of certification. To some parties, § 240.307 appears critically flawed because the section does not fully address all of the possible permutations for denial and revocation issues in a concise way. For example, assume that the railroad learns of physical problems with a locomotive engineer. In the petitioners' views, the rule is not explicit about whether the engineer is entitled to a hearing under § 240.307 prior to loss of certification. If the engineer is entitled to a § 240.307 hearing in such instances, then answers to questions about the procedural constraints of § 240.307 need to be provided.

There is particular concern for how to proceed in instances in which a collective bargaining agreement calls for a specialized dispute resolution practice. The section is not explicit about what types of alternative methods, if any, are acceptable to FRA, and who is responsible for selecting among the possible courses of action. Similarly, when the loss of certification involves operational safety compliance issues, the rule is not perceived as precise about the course of action required. For example, if a collective bargaining agreement sanctions use of a waiver of a hearing for disciplinary purposes, the rule is silent on whether the terms of such an agreement will apply to a decision to dispense with a § 240.307 hearing. If that agreement is applicable, the procedural safeguards that need to be observed by the parties, to assure that FRA will rely on such waivers, are not identified. Implicit in this discussion is the question of how to proceed when no collective bargaining agreement exists to control instances in which the railroad and locomotive engineer mutually desire to dispense with a formal § 240.307 hearing.

The portion of § 240.307 that provides for "suspension" of a certificate, pending the conduct of an investigatory hearing, is viewed as particularly troubling. Interested parties are not clear about how FRA intends that concept to work. For example, assume that a person is observed disobeying one of the operational safety rules identified in § 240.117. Under existing collective bargaining agreements, a railroad's freedom to hold the person out of service (prior to convening an investigatory hearing) is limited to instances where the alleged rule infraction is a "serious" transgression. Not all of the events covered by the provisions of § 240.117 are universally deemed to meet some of the preexisting industry concepts of what should constitute a "serious" offense warranting withholding an engineer from service. In addition to the issue of whether FRA intended that a certificate would be forfeited for what are arguably minor events, questions arise concerning the person's status pending the § 240.307 hearing. Arguably, the section can be read to demand that in all instances a railroad must "suspend" the certificate (thereby preventing the person from operating a locomotive) pending the § 240.307 investigatory hearing. If this provision of § 240.307 is intended to generate that result, FRA has not provided guidance on how the provisions of § 240.5 are intended to be integrated with collective bargaining agreements that allow some engineers to perform interim service in other operational capacities. Additionally, if it is assumed that the concept of certificate suspension (prior to the conduct of a revocation hearing) is mandatory, clarification is requested on whether this concept is intended to be the functional equivalent of current practices whereby railroads hold a person out of service pending the conduct of a disciplinary hearing. If the two concepts are similar, FRA needs to explain what controls FRA will employ to preclude railroads from arbitrarily opting to suspend a person's certificate and then elect to forgo a revocation hearing.

Finally, the rule does not appear to contemplate the period of "suspension" as affecting the duration of the loss of eligibility interval post hearing. Since delays in scheduling such a hearing can be lengthy and the locomotive engineer is not performing service as the consequence of the railroad's duty to suspend prior to decision making, BLE questions whether FRA intended to preclude crediting such suspension time towards the loss of eligibility interval prescribed by § 240.117. Collective bargaining agreement provisions that address imposition of industrial disciplinary action, based on a person's responsibility for noncompliance with its operating rules, routinely provide for things such as specific time intervals within which actions involving disciplinary proceedings must be taken and include sanctioning of the use of waivers to avoid the use of formalized hearings. In some instances, the agreements provide a procedural framework that is more comprehensive than that contained in FRA's rules. Again the petitioners are concerned with the ability of a railroad to elect, in whole or in part, to follow FRA's procedures.

Although roughly eighty percent of the locomotive engineers that work for railroads are covered by collective bargaining arrangements, a significant number of railroads and their engineers may not have defined formal processes for conducting a hearing. In such instances, the parties question whether § 240.307 provides a workable model for conducting such a proceeding. As previously noted, the present wording of § 240.307 provides no guidance on issues such as evidentiary standards or availability of witnesses.

Additional confusion arises from the fact that collective bargaining agreements currently address qualification issues, other than that of eligibility for certification, which are related to those addressed by FRA's rules. For example, the agreements may include provisions for how to resolve questions of a person's medical qualification to serve as a locomotive engineer. In some instances, those provisions contemplate the use of multiple medical opinions about the person's medical condition prior to reaching a final qualification determination. In other instances, no formal written mechanism exists but a practice has developed that allows a locomotive engineer to obtain further medical review, if the locomotive engineer can convince a non-railroad doctor of the engineer's medical fitness. Whether FRA intends recourse to formalized hearing procedures of § 240.307 in such instances has been questioned. Procedures such as those employed in disputes about a locomotive engineer's failure to comply with railroad operating rules are virtually an unknown practice for resolving such medical issues. Thus, clarification is sought concerning whether a railroad can substitute its alternative dispute resolution methodology for the § 240.307 hearing,

recognizing that the type of record developed under the alternative procedures may be difficult for FRA to review.

The parties want guidance on how FRA will respond if the railroad, asserting it is acting in compliance with these rules, determines that a person lacks the required vision or hearing and then the locomotive engineer obtains an RLA decision saying the railroad acted improperly under the RLA. Related to this is the question of proper implementation of this rule in instances where a locomotive engineer with a known substance abuse disorder fails to adhere to the conditions imposed for his or her return to service (for example, situations in which the troubled engineer fails to take or fails to successfully pass return-to-service testing or fails to adhere to a required course of treatment). Questions have been raised about whether a § 240.307 hearing must precede railroad revocation action even where substance abuse is involved. If such a hearing is required, concern has been expressed about the possible impingement on EAP confidentiality protocols implicit in having a revocation hearing in such situations.

FRA's Response

FRA granted the AAR and BLE reconsideration petitions because they highlighted several aspects of the design of the denial and revocation provisions of this rule which are generating a degree of confusion. FRA is curing these problems by providing a better explanation about the design of the regulation. That explanation is found in a subsequent segment of this document entitled Interpretive Guidance.

Granting the petitions also entails adopting a rewording of the provisions of § 240.307. FRA is modifying the provisions of § 240.307 because the procedures warrant refinement to the degree that they do not directly create a mechanism for waiving a person's rights to an investigatory hearing; fail to explicitly provide for modifications of the typical adversarial investigatory procedure to better facilitate the use of medical personnel when confronting disputes about a person's medical qualification under this rule; and need to establish a detailed mechanism for hearings when there are no collective bargaining criteria available for ready reference. The details of FRA's approach to this matter are discussed further in the section-by-section analysis below.

(b) The Universal Import of Revocation Decisions

The second general subject area involves the degree to which one railrcad's decision to revoke a locomotive engineer's certification should control another railroad's ability to certify that person. The concern centers on the potential for an engineer to have his or her certification revoked by one railroad for noncompliance with its operating rule resulting in that person also losing certification from a different railroad. This situation could occur when an engineer, holding concurrent employment on more than one railroad, has the contractual ability to periodically select employment between two or more railroads and when the person holds dual certifications because he or she is engaged in joint operations. Clarification of FRA's intent is sought because, except in the case of joint operations, the rules appear to permit, rather than require, a railroad to revoke its certification of a locomotive engineer based on the findings of noncompliance and loss of eligibility reached by another railroad. In the joint operations situation, a railroad that relied on the qualification determination made by the employing railroad must revoke its certification for joint operations when it learns that the locomotive engineer no longer meets the qualification requirements of these rules. One petition requests that FRA resolve this by precluding any revocations based on reliance on another railroad's investigatory proceeding.

FRA's Response

FRA granted the BLE request that FRA clarify, and if necessary, amend the rule provisions as they apply to revocations of a locomotive engineer's certification by two or more railroads. FRA believes that the decision by a railroad to revoke certification is essentially a determination that the person no longer meets the minimum eligibility qualifications required to operate a railroad locomotive. Revocation decisions cannot occur until a railroad has provided the locomotive engineer with an investigatory hearing and determined on the record that the person was culpable for noncompliance with one of the limited number of critical operational safety rules. FRA believes that when a locomotive engineer has multiple certifications as the result of multiple discrete employment arrangements, contractual agreements that permit periodic shifts between railroad employers, or is performing service on joint operations trackage, all railroads should rely on the single hearing provided and be bound by the decision made by the railroad conducting the hearing. In the absence of the FRA's intended approach, railroads would be free to replicate the kind of decision making revealed in the National Transportation Safety Board's investigation into a recent passenger train accident which revealed that one railroad had elected to ignore the safety record of one of its engineers that was compiled while the engineer was operating on another railroad's trackage.

The portion of the existing rule, particularly the provisions of § 240.307, that appear to have been the source of the confusion will be reworded to help prevent further difficulties in determining FRA's intent. In making those changes, FRA is modifying the rule to better accord with its original intent, rather than impose a duty to hold separate hearings as BLE suggested. This issue is discussed further in the section-by-section analysis below.

7. Rule Changes Not Directly Related to the Reconsideration Petitions

This final rule also contains certain technical changes which either reflect events that have occurred after the adoption of the initial rule or correct minor errors in the rule text. These changes involve action such as inclusion in § 240.13 of the approval number for the information collection requirements supplied by the Office of Management and Budget (OMB); and insertion of cross references in §§ 240.07 and 240.115. Each of these changes is identified and described in the section-by-section analysis below.

Section-By-Section Analysis of Regulatory Changes

Section 240.5

FRA is making an editorial change to paragraph (a) of this section. FRA is clarifying its expression concerning the preemptive effect that section 205 of Federal Railroad Safety Act of 1970 (45 U.S.C. 434) produces when FRA issues a rule under the authority granted by that statute.

Section 240.7

FRA is making a change to this section to correct a technical problem with the regulatory cross reference to FRA's blue signal rules for the protection of rail workers. The cross reference is contained in the description of who can operate locomotives without necessarily meeting the qualification requirements of this rule. FRA permits individuals working within the confines of locomotive servicing areas to operate

locomotives without requiring them to meet the qualification criteria of this rule. Although FRA identified the regulation (49 CFR part 218) which establishes the mechanisms for controlling operations at such facilities, FRA omitted one of the two cross references to the relevant provisions of that part. The revision to this section inserts the omitted cross reference to § 218.29.

FRA also is revising this section to include a definition of main track. Inclusion of this definition will resolve interpretive questions that had arisen in connection with FRA's intent in formulating §§ 240.117(e)(4) and 240.305(a)(3). It also will assist in interpreting the changes for minimal joint operations discussed below in connection with § 240.229.

FRA's definition of what will constitute main track for the purposes of this regulation is slightly different from that which is employed in other regulations and in railroad operating rule books. (FRA's definition in this rule is focused on the railroad's determination that the safety of operations demands relatively direct supervisory control of train movements on a given track.)

Section 240.13

FRA is changing this section to insert the OMB approval number for the information collection requirements of this rule.

Section 240.117

FRA is amending this section to clarify the provisions of §§ 240.117(d), 240.117(e), and 240.117(h). In § 240.117(e), FRA is changing the description of four of the operational misconduct events proscribed by this provision.

In § 240.117(e)(1), FRA is revising the language to explicitly provide that only noncompliance with a signal indication which requires a complete stop prior to passage can result in a loss of eligibility. This will eliminate confusion over whether failure to respond to signals requiring speed reduction have certification consequences under this section. FRA intends this section to apply to both active stop signals (e.g., wayside automatic block or cab signal indications) and passive stop signals (e.g., stop boards, flags or gates).

In § 240.117(e)(2), FRA is revising the language so that it explicitly provides that only instances in which the maximum speed is exceeded by the lesser of one-half the maximum authorized or ten miles per hour will have certification consequences. This change will eliminate confusion that is predicated on the fact that FRA's locomotive safety regulations permit a variance of three to five miles per hour between the speed depicted on a locomotive's speed indicator and the unit's actual rate of speed (see 49 CFR 229.117). It will also promote greater uniformity in how railroads respond, for certification purposes, to more limited and inadvertent overspeed incidents ascribable to factors such as variations in topography.

In § 240.117(e)(3), FRA is revising the language so that it explicitly provides that only failure to comply with procedures for safe use of train and engine brakes when testing a train's air brakes at initial and intermediate terminals will have certification consequences. The revised provision limits the procedures which will have certification consequences to those required for achieving compliance with Federal regulations in 49 CFR part 232. This change will eliminate confusion about which railroad procedures should be viewed as sufficiently safety related to warrant revocation under this provision.

The confusion over this provision apparently is widespread since a number of railroad procedures concerning proper use of train and engine brakes arguably are intended to achieve multiple purposes. Disagreement over whether to consider a particular procedure strictly safety related was compounded by a fair degree of imprecision in some formulations of the procedures on individual railroads. Confusion was further heightened by the perception that even when confronted with a precise safety oriented procedure, formulated in an ostensibly mandatory verbiage, locomotive engineers are sometimes permitted to employ discretion in how they operate train and locomotive brakes.

FRA is changing the wording of § 240.117(e)(4) (concerning unauthorized track use) to more accurately reflect its intent that this provision only applies to main track. FRA has had multiple questions about how to integrate existing railroad operating rules concerning non-main track with the initial wording of this provision. FRA's intent is that the provision apply only to main track and FRA's revision explicitly limits the application of this provision to such track.

Subsection 240.117(h) is being changed by deleting the word "suspended." The concept of suspension in this rule is limited to describing the interval during which a locomotive engineer is withheld from service pending the completion of an investigatory hearing to determine whether he or she failed to comply with a railroad safety operating rule. The provisions of this subsection, which involve restoration of eligibility to perform service, only apply to instances in which the engineer is subject to a one year loss of eligibility to serve and the inadvertent insertion of the word "suspend" is erroneous surplusage.

FRA is adding § 240.117(i) to resolve questions concerning the validity of railroad decisions made in conformity with the provisions of this section prior to its revisions by this amendment. Railroad decisions made in conformity with the initial wording of this section were valid at the time they were rendered and it is not FRA's intent to retroactively invalidate those decisions

Although FRA believes that the prior decisions should not be rendered invalid by this amendment, as a matter of fairness to those who violated the underlying railroad-rule under the previous wording of this provision, those incidents should not have further prospective effect on the certification status of those locomotive engineers. Under § 240.117(d) prior incidents of operational misconduct result in progressively longer periods of ineligibility. FRA is adding new § 240.117(i) to preclude railroads from considering these incidents. Not all prior railroad decisions are affected. Only operational misconduct incidents that would not be a violation under the amended rule are affected. Subsection 240.117(i) identifies those events. In general, this subsection precludes future use of signal violations that involved something other than a failure to halt at a signal requiring an absolute stop; overspeeds that involve exceeding the maximum speed by less than 10 miles per hour; and failures to adhere to procedures for the safe use of train brakes other than failures to make federally required tests. In drafting new subsection (i), FRA was attempting to be fair to both the railroads and employees. The railroads should not be penalized for complying with the rule as it previously read. Moreover, any economic consequences suffered by employees came as a result of the railroad's operation of its disciplinary authority. If the exercise of that authority was proper at the time, a change in the federal rule does not alter that determination. However, because FRA has now determined that, henceforth, certain types of incidents are too minor to warrant decertification, further reliance on such lesser violations would be unfair to the employee. Even though such violations

were appropriately handled at the time, giving them a cumulative effect in the certification process no longer makes sense in terms of FRA's new perception of their importance to the Federal scheme.

Section 240.215

FRA is amending this section to respond to the request, discussed earlier, for clarification about the authority to use electronic data processing systems to store the information required concerning individual locomotive engineers. FRA is inserting clarifying language by adding a new subsection (j) to this section.

In permitting railroads to use electronic data formats, FRA needs to assure that the electronic format does not become an obstacle to performance of its monitoring and compliance activities. This could happen for one or more of the following reasons: (i) Railroad practices for controlling who has access to data are imprudent; (ii) design of the program for storing the data is so complex that difficulties arise, particularly for those not fully conversant with the railroad's computer system, when trying to retrieve data or comprehend the information retrieved; or (iii) the computer system design precludes readily obtaining hard copy of the relevant data in a usable format which can be authenticated by a designated person.

Subsection (j) addresses each of these aspects of FRA's concerns in terms of performance criteria. To meet those criteria the system must be secure and permit FRA ready access to data, including prompt production of hard copy; the data formats employed in the system must make the information easily comprehensible when retrieved and produced in hard copy; and the railroad must designate who will be authorized to authenticate the hard copy. FRA intends that adequate railroad practices for controlling access to data will entail prescribing who can create, modify, or delete data from the data base. Although the section does not require the existence of a capacity to identify which authorized source made changes to a data base, for accountability purposes such a capacity is desirable. FRA's intent is that the person who performs the authentication and the railroad itself be able to assure FRA that the data have not been tampered with.

Section 240.217

FRA is making a change in this section to add an unintentionally omitted cross reference. This section addresses time limitations for railroad decision making and is intended to ensure that railroads are relying on contemporaneous data. Subsection (b) of this section addresses time limits for determinations that involve reliance on decisions made by other railroads. Paragraph (b) as drafted fails to reflect that the time limits contained in subparagraph (c)(2) of this section also are not applicable to reliance decisions involving joint operations or decisions reached in a foreign country. That omission is being corrected by inserting the missing cross reference to subparagraph (c)(2) in paragraph (b).

Section 240.223

Subsection (a)(7) of this provision currently requires that the wallet-sized certificate contain the date of the engineer's last annual operational performance test required by § 240.129. FRA is making a technical change in this section to modify the location where periodic changes in data can be recorded.

Several large railroads have expressed two concerns about this aspect of the section. The first concern is that since they conduct more frequent operational tests than FRA mandates, it will not be practical to record the desired data on a document of very limited size. The second concern is that some railroads believe that documenting the annual operational check ride was of greater concern to FRA than recording operational tests (traditionally referred to as "efficiency tests") and questioned whether FRA had inserted a wrong sectional cross reference.

It was not FRA's intent that railroads record each operational compliance test administered to an individual engineer. This could become a significant problem for railroads that intend to conduct and record frequent periodic "efficiency" testing results. FRA's concern was to be able to promptly verify that annual observational check rides were being given each engineer. Moreover, FRA agrees that requiring railroads to capture even the smaller number of FRA required skill monitoring tests on such a diminutive document will prove problematic. Since paragraph (c) of this section already allows railroads to use supplementary documents in connection with this regulatory provision, FRA has decided to modify this section to alter the location and the degree to which railroads will be required to document the currency of the engineer's testing.

Under the revised provision railroads can routinely record such information in whatever supplementary documents the engineer is required by company practice to have in his or her possession when operating a locomotive. For example, it would be permissible to record this supplementary data in the person's book of rules where analogous data have traditionally been recorded by some railroads. The section also has been changed to reflect that the railroad must only show annual observational check ride data, not operational compliance or "efficiency" test results. Railroads are free to also record periodic "efficiency" test data on that supplemental document if the railroad so desires.

Section 240.229

As noted above, FRA is revising this section, which contains requirements for joint operations territory, to add exclusionary language for minimally overlapping operations. FRA agrees with the petitioner's argument that some limited overlapping operations present such a minimal safety risk that they do not warrant triggering compliance with the joint operations provisions of this rule. FRA also is providing responses to requests for interpretive guidance concerning this section.

The first aspect of the change involves providing a definition of what factual settings constitute minimal "joint operations" for the purposes of this rule. FRA is proceeding on the assumption that certain factors lessen the usual need in joint operations to assure that the visiting engineer will be conversant with the host railroad's operating rules and practices. Thus, FRA's definition of minimal joint operations requires the presence of those factors that minimize the risk ordinarily posed by joint operations: the visiting locomotive engineer is operating on an auxiliary track and not a main track of the host railroad; the maximum authorized speed for operations over the host railroad's auxiliary track does not exceed 20 miles per hour; and the distances traveled on the host railroad's tracks do not exceed one mile. These factors are critical because railroads devise extensive and detailed operating rules to assure the safety of movements on their main track or through tracks due to the frequency and speed of their trains on such tracks. Conversely, operations on auxiliary or other than main tracks, normally entail more minimal operating rules constraints. By confining this exclusion to auxiliary tracks, FRA reduces the scope of information a visiting engineer needs to know and the risk attendant to lack of knowledge. By restricting the speed and distance of operations that can be conducted on the auxiliary track, FRA reduces the potential for and possible severity of any accident that might

occur as the result of lack of knowledge about the controlling railroad's operating practices.

Section 240.305

FRA has made two technical changes involving amendments to the heading and text of this section. FRA's change to the section's heading and rewording of the provisions in subsection (c) are intended to more precisely reflect the fact that failure to comply with the train operation constraints prescribed in this section can serve as basis for FRA initiating civil penalty action against a railroad as well as against the person operating the train. FRA also is modifying the provision of subsection (a)(3) to reflect the fact that this provision only applies to main track.

Section 240.307

As noted above, FRA is making a number of changes to this section, which contains the critical provisions concerning the procedures a railroad must use to provide the opportunity for a fair hearing prior to revoking certification. The changes are designed to clarify the section and to improve its integration with existing collective bargaining agreements where that is appropriate.

The changes to this section make clear that a locomotive engineer is entitled to a hearing within ten days of the date of the suspension of his or her certificate and that the opportunity for a hearing can be waived by the locomotive engineer. Such waivers must be in writing and reflect that the person understands his or her rights under this regulation and is voluntarily relinquishing the opportunity to exercise those rights in this instance.

The section also is being modified to provide in paragraph (h) that the period of suspension shall be credited toward any period of loss of eligibility imposed under this rule. In addition, FRA is including in this section a more detailed set of procedures for conducting hearings. These procedures, based on the provisions of § 240.409, provide explicit criteria for the conduct of such hearings where there is no collective bargaining agreement available to specify the details for the conduct of such proceedings.

The section as originally drafted was not explicit about the appropriateness of reliance on collectively bargained procedures when the only purpose of holding the hearing was to investigate the issue of certificate revocation. FRA is modifying this section to clarify that the bargained for procedures suffice even in such a context.

Section 240.401

This section is being changed to delete reference to possible interim review of a railroad's decision to suspend a certificate. Certificate suspension is employed in instances where there is reason to think the certificate should be revoked but time is needed to resolve the situation (for example, instances where a person is awaiting an investigatory hearing to determine whether that person violated certain provisions of FRA's alcohol and drug control rules or engaged in operational misconduct). Interim review of such decisions prior to completion of the investigation into the facts involved in such situations is neither practical nor prudent. It was never FRA's intent to conduct such reviews and thus FRA is deleting the confusing reference to suspension review.

Interpretive Guidance

As noted above, many of the issues raised by the petitions for reconsideration could be resolved by clarifying the existing regulation. This section contains those clarifications as well as other explanations that respond to requests for guidance in interpreting the regulation. For organizational purposes, FRA is presenting this discussion by reference to the sections of the rule that are relevant.

Section 240.5 Effect of the Rule on Collective Bargaining Agreements

FRA has received multiple requests for clarification of § 240.5(e). The clarification requests primarily have involved issues of whether an individual who loses the authority to serve as a locomotive engineer because his or her certificate is suspended, revoked or denied is prevented by this section from exercising his or her seniority to serve in some other capacity, typically as a trainman or conductor, for the railroad. Paragraph (e) simply reflects FRA's intent that loss of certification is not intended to create an eligibility or entitlement to employment in other service for the railroad. It does not prevent railroads from recognizing such an eligibility or entitlement or otherwise agreeing to allow a person to provide such service.

In the factual settings presented to FRA concerning alleged railroad assertions to the effect that the section precludes such alternative service, investigation has indicated that the contractual agreements describing the person's rights to perform alternative service are conditional. One of the contractual conditions is that persons seeking to validly exercise their seniority rights to perform alternate service can do so only while they are still entitled to perform service as an engineer. This issue has been raised in the context of what will happen to a certified locomotive engineer who has his or her certificate revoked because of finding that the person failed to comply with one of the critical operating rules referenced in § 240.117. Under circumstances in which a person has had his or her certificate revoked for an operating rules violation, it is the contractual provisions making alternative service conditional on eligibility to serve as an engineer, and not the provisions of this section that preclude the person from validly exercising the alternative service option.

Section 240.7 Explaining Definitions

FRA has received several requests for guidance about the responsibilities that attach to a person when he or she is deemed to meet the definition of "instructor engineer". The particular focus of concern is the certification implications for an instructor engineer of an operational mistake made by a student engineer. It is important to remember that only operational mistakes involving noncompliance with one of five critical rules can trigger potential revocation of certification. In addition, operational mistakes can involve a wide variety of factual settings. Thus, FRA gave railroads the discretion to evaluate each situation and determine what the appropriate response should be to that particular incident. An example may help to illustrate this point. Assume that a railroad has an operating rule requiring an engineer to halt the train before proceeding past a wayside signal displaying a stop indication. FRA recognizes that the noncompliance with such a rule can take different forms. In one instance a student engineer could be operating a heavy train, descending a significant grade under adverse weather conditions and bring the train to a halt with one axle of the lead locomotive beyond the wayside signal despite the advice of the instructor to initiate more effective braking action. In another instance a student engineer with a moderate weight train, on level terrain with good weather could bring the train to a halt after the locomotive and several cars had passed the signal because of the inattention or lack of adequate guidance on the part of the instructor. The railroad must evaluate the action or inaction by the student and the instructor engineer supervising the student. When it evaluates the conduct of both persons under the FRA rule, FRA intends that only an individual

who is actually culpable for the noncompliance will be held accountable for his or her conduct for the purposes of § 240.117. In some settings culpability could belong to the student alone, the instructor alone, or be assigned to both engineers.

Several requests for interpretive guidance questioned whether certain vehicles are or should be considered locomotives for the purposes of this rule. The requests identified the following group of large self-propelled vehicles designed or adapted for maintaining the railroad's right-of-way: Excavators, in-track welders, tampers, undercutters, ballast shoulder cleaners, ditchers, and crosstie installation machines.

FRA does not view these vehicles as locomotives for the purposes of this regulation. The vehicles are not traditionally viewed as locomotives and are not operationally similar to traditional locomotives. They do not have standard freight cars attached when performing their maintenance function and are not capable of high speed operation when transiting to or from work site locations.

Questions have also been raised about whether a person who is controlling a locomotive from a remote location, through the use of radio signals, must be deemed a locomotive engineer for the purposes of this rule. The fact that a person is controlling a locomotive from a remote location is not sufficient to remove that individual from the application of this rule. FRA considers such persons to be locomotive engineers covered by this regulation.

Section 240.101 The "Grandfathering" Process

A number of small railroads and several individuals involved in starting up new rail operations have evidenced confusion about the requirements of subsections (a) and (b) of this section. The confusion involves the effort to reconcile the need for having a written program that complies with subsections (a) and (b) and the requirements for the program that must be submitted to FRA under subsection (c). The provisions of subsections (a) and (b) are applicable to railroads involved in the process of making grandfathering decisions during the period of conversion to the certification system and full implementation of the formal evaluation processes required under this rule. Subsections (a) and (b) require railroads that have not yet reached the deadline for making formal submissions to FRA to have an informal system for evaluating those it contemplates certifying as locomotive engineers. Such informal programs do not need to be filed with FRA.

Section 240.107 Class of Service Decisions

Several railroads have questioned the proper way to proceed under this section when they have a qualified locomotive service engineer and desire to upgrade that person's skills so that the person will be capable of becoming a train service engineer. To accomplish the transition, the person needs to function as a student on some occasions and as a servicing engineer on others. The railroads are reluctant to issue the person two certification cards to reflect the duality of the person's status and are fearful that even if such action is taken the fact that the servicing engineer is hauling cars could be viewed as a violation of this section.

It is not FRA's intent that a railroad be required to issue two certification documents in this setting. An endorsement to the locomotive servicing certificate or its supplementary documents will be sufficient to reflect the person's status as a student train service engineer. The intent of the provision is being met when the locomotive servicing engineer, with the documentation just described, functions as student and operates under the immediate supervision of an instructor engineer.

A second set of interpretive questions has been generated by the desire of some railroads to certify a person as a train service engineer but then impose significant limits or constraints on the operational authority of that person. This section permits railroads to take such action and can be employed by them to address issues such as utilizing persons who have sufficient skills to perform in terminal or yard service but lack the knowledge or skill to operate trains beyond terminal areas. Railroads that elect to follow this approach will of course need to structure their implementation program submissions to reflect any differences in the training or testing of these engineers that would flow from their more limited operating responsibilities.

A third set of interpretive questions involves the propriety of granting student certification status to certain individuals to facilitate the operation of steam locomotives on general system trackage. A number of railroads permit the movement of excursion trains hauled by vintage steam locomotives. The pool of individuals who have mastered the intricacies of properly running steam locomotives is limited and includes a significant number of persons who are not currently certified as train service engineers. In order to utilize the talents of such persons, railroads have asked whether they can certify a member of this pool as a student engineer for the limited purpose of operating such steam excursions. When operating a locomotive the student engineer would be accompanied by a supervisor of locomotive engineers so as to comply with FRA's requirement to have an instructor engineer oversee the student's activities and assure adherence to the railroad's operating rules.

This section does not prohibit a railroad from proceeding in this manner. A railroad that elects to follow this course of action must comply with the provisions of § 240.203(b) which require a determination be made concerning the visual and auditory acuity of the student.

Section 240.113 Records From Former Railroad Employers

FRA has received inquiries from railroads about whether their record searches, as a prior employer of a certification candidate, can be confined to instances where the candidate was serving as a locomotive engineer for the railroad. The examination of prior railroad employment records cannot be so limited. Although that approach would work for examination of incidents of operational misconduct, such as failing to stop at a signal, the approach does not cover all relevant information since it is possible that the records will reveal instances of noncompliance with FRA rules for controlling alcohol and drug use. Data concerning such incidents can affect a person's eligibility for certification.

Section 240.117 Operational Misconduct

In one of the reconsideration petitions and several requests for guidance, FRA has been asked to clarify the following issues concerning this section: (a) Operational misconduct occurring prior to January 1, 1992; (b) communal culpability; and (c) identification of the events covered by § 240.117(e).

(a) *Operational misconduct occurring prior to January 1, 1992.* This issue involves the significance to be attached to operational misconduct events that occurred during the interval between September 17, 1991, (the rule's effective date) and January 1, 1992, (the date the first implementation programs were in effect). Assume, for example, that a locomotive engineer was held responsible for noncompliance with one of the cardinal operating rules listed in § 240.117 for an incident that occurred during this interval such as a failure to

stop at a signal that requires a complete stop prior to passing it. Interested parties want guidance on whether such an incident constitutes a first offense for the possible imposition of a mandatory 1-year loss of eligibility if that person is involved in a subsequent incident in the next 36-months. Finally, the question has been raised about whether the engineer is entitled to seek FRA review of the validity of the railroad's adverse finding for an incident occurring during that interval.

This rule became effective on September 17, 1991. During initial implementation of this rule, FRA allowed railroads to select their own criteria for evaluating those individuals who would be deemed eligible for certification under the provisions of § 240.201. Once selected for initial certification under this informal process, persons deemed qualified were to be "certified" and issued certificates no later than January 1, 1992. This so called "grandfathering" approach was taken to ease the transition to the new system under which FRA would establish the qualification standards against which all locomotive engineers will be measured.

During the interval from September 17 through December 31, 1991, no "certified" locomotive engineers existed. Railroads were using that period to informally evaluate their personnel and accomplish the administrative tasks associated with issuance of the actual certificates. Thus, there was no certification status for railroads to be concerned about during that interval.

Although not yet "certified," many persons operated locomotives during that interval and some of those individuals failed to comply with the portions of railroad operating rules referenced in § 240.117. Section 240.117 provides that a person who is found to have failed to comply with one of the listed operating rules shall be ineligible for certification for a specified period of time. The period of revocation or ineligibility is longer when there are repeated instances of noncompliance.

Since no "certified" locomotive engineers were in service, parties have urged that no event occurring before January 1, 1992 should be considered for the purposes of this rule. In particular, the more extended ineligibility periods provided for in § 240.117 (for repeat offenders) should not apply to a certified locomotive engineer who violates one of the operating rules and practices listed in this section after January 1, 1992.

FRA disagrees with this argument since there is no persuasive logical or equitable basis for proceeding in that manner. The operating rules and practices listed in this section are longstanding provisions of railroad company rules designed to assure the safety of train operations. Noncompliance with these rules and practices needs to be discouraged. As FRA has repeatedly stated, noncompliance with the cardinal safety rules referenced in § 240.117 routinely produces a significant number of reportable train accidents each year.

Locomotive engineers have been extensively educated about these rules and have long been obligated to comply with them as a condition of continued employment. Moreover, FRA provided a period of some three months after publication of this rule before attaching certification implications to such incidents of noncompliance. This was ample time for all operators of locomotives to be conversant with the fact that beginning September 17, 1991, a failure to comply with these rules took on certification implications in addition to the preexisting employment implications.

The same process for investigating the factual predicates into individual allegations of noncompliance existed both before and after January 1, 1992. Thus, the rights of such individuals to an impartial hearing have not been altered by the passage of time. For these reasons, FRA believes that railroads should consider incidents of noncompliance covered by § 240.117 when making evaluations of grandfathered locomotive engineers.

Such incidents will influence the duration of a revocation interval for a subsequent incident of noncompliance. For example, assume that in July of 1993 a locomotive engineer is found to have violated § 240.117 by failing to comply with a stop signal. Investigation reveals that the same engineer was found to have had a prior incident of noncompliance in which he or she operated in a train in excess of the maximum authorized speed on November 13, 1991. The July event thereby constitutes a second incident within 36-months and the one year loss of eligibility consequence of § 240.117 applies to set the duration of the revocation interval. However, not all prior incidents will trigger such a consequence. A railroad that is confronting such a situation, may only consider prior incidents that were the subject of formal industrial disciplinary proceedings. Informal railroad response to handling such incidents preclude the event from being considered as a prior incident for the purposes of § 240.117.

(b) *Communal culpability.* The concern here is over situations in which a locomotive engineer is found to have engaged in operational misconduct, while serving in the capacity of conductor or brakeman, by virtue of being the member of a crew involved in a rule violation. Parties have asked FRA to clarify whether such noncompliance incidents should be considered as events with § 240.117 implications for the certification status of the conductor or brakeman. The events listed in § 240.117 are intended to hold locomotive engineers accountable for their conduct as engineers. It was not FRA's intent that they be held accountable, for certification purposes, for operational noncompliance incidents when they were not serving as a locomotive engineer. In FRA's judgement there are too many potential instances in which it is difficult for other train crew members to effectively intervene to prevent operational misconduct by the person at the controls of the locomotive.

(c) *Identification of the events covered by section 240.117(e).* FRA's revisions to the provisions of subsection 240.117(e) do not fully resolve several questions about the proper interpretation to be accorded one aspect of the provisions of subsection (e). The questions involve which circumstances FRA intended to cover by the words "signal indication" in paragraph (1) of § 240.117(e).

FRA intended that the individual railroad operating rules and practices would control what devices or methods would be deemed signal indications. FRA did not intend to limit the term to wayside signals which are subject to FRA's signal and train control regulations but to take an expansive view. In FRA's view a mandatory directive communicated by radio; a dragging equipment detector message; clearly visible flagging devices, both lighted and unlighted, would all be encompassed within the words "signal indication."

Section 240.119 Alcohol and Drug Use Related Topics

Several aspects of the petitions for reconsideration and multiple requests for clarification have involved several different aspects of the rule provisions relating to control of alcohol and drug abuse by locomotive engineers. The following five issues have been identified: (a) Service in other safety-sensitive service by engineers who violate FRA's alcohol and drug control rules; (b) the impact of self or co-worker referral on mandatory 9-month loss of eligibility; (c) EAP discretion to control the loss of eligibility interval in certain

instances; (d) stringency of return-to-service testing; and (e) periodic physical detection of substance abuse.

(a) *Service in other safety-sensitive positions by engineers who violate FRA's alcohol and drug control rules.* The initial topic in this group essentially involves the willingness of FRA to have an engineer continue to serve in some other safety-sensitive position after being found to have violated § 219.101 and thereby losing for nine months the eligibility to serve as an engineer. The AAR petition requested a two-pronged reexamination of the policy of removing the discretion of EAP counselors to set the duration during which an engineer with an active substance abuse disorder would be precluded from performing service.

Section 240.119 provides that a mandatory 9-month loss of eligibility occur when a locomotive engineer is found to have violated the prohibitions against reporting for or being on duty while under the influence of alcohol or a controlled substance. Since, elsewhere in § 240.119, FRA permits EAP counselors to have discretion when confronting detected substance abuse in contravention of § 219.102, AAR questioned whether FRA intended to fully remove that discretion when confronting substance abuse in contravention of § 219.101. If that was FRA's intent, then AAR suggested that FRA make the mandatory loss of eligibility applicable to the performance of duty in any safety-sensitive functions.

FRA did intend to eliminate EAP counselor discretion when confronting a locomotive engineer who is involved in any incident of substance abuse that contravenes § 219.101. Locomotive engineers play a particularly critical role in train operation safety and at this stage of the extensive efforts to control alcohol and substance abuse by rail workers, FRA is unwilling to countenance the possibility that despite such reprehensible behavior a locomotive engineer could return to the controls of a locomotive in less than 9 months. FRA believes that the more consistent handling of alcohol and drug cases dictated under this rule is appropriate where Federally required certification is at issue.

(b) *The impact of self- or co-worker referral on mandatory 9-month loss of eligibility.* The next topic involves clarification of whether the mandatory 9-month loss of eligibility period applicable to a § 219.101 violation dictates a railroad's response to substance abuse data surfacing in a self-referral or co-worker referral context. Several parties have questioned whether § 240.119 has inadvertently undermined the workings of voluntary substance abuse intervention programs, such as self-referral or co-worker referral, for locomotive engineers.

FRA fully supports voluntary prevention programs such as Operation Red Block and recognizes that such peer prevention programs can provide an excellent means of promoting an alcohol and drug free workplace. Section § 240.119 does not disrupt the functioning of prevention programs and in subparagraph (c)(4)(iii) the rule specifically exempts, from the nine month ineligibility consequence, transgressions of § 219.101 that are brought to the railroad's attention through formal co-worker reports. However, where individuals have not availed themselves of the options and counter measures currently in place, FRA believes that a standard period of revocation is the appropriate response.

Examples may help to illustrate this point. If a locomotive engineer seeks help on his own initiative or is referred by a co-worker, prior to detection that he or she is not in compliance with § 219.101, the EAP counselor has discretion to set the duration of the engineer's period of ineligibility; however, approval to return to service following successful completion of primary treatment may not be unreasonably withheld. Absent prior invocation of the mechanisms of an intervention program, once detected by the railroad a violation of § 219.101 by a certified locomotive engineer results in the mandatory 9-month loss of eligibility provided in § 240.119. FRA recognizes that this approach contravenes some collective bargaining agreements that permit a person to return to service after a comparatively short time despite the fact that the person was detected by the railroad as being in violation of § 219.101.

A variant of that fact pattern also generated requests for guidance. Assume that a person performing covered service, typically as a conductor or brakeman is found to be in violation of either § 219.101 or § 219.102 of FRA's alcohol and drug control rules and upon investigation, it is learned that the person is certified to serve as locomotive engineer. Several parties wanted to know whether that violation of § 219.101 or § 219.102 should be considered as effecting the person's certification eligibility.

FRA did not intend to create any exemption for violations of part 219 detected while the engineer is serving in some other capacity. If a certified locomotive engineer is found to be in noncompliance with § 219.101 while performing in any service, that person renders himself ineligible for the mandatory nine-month interval provided in § 240.119. The critical safety functions performed by an engineer demand that locomotive engineers be held to the highest levels of accountability in this context. In contrast to basic premise for FRA's position concerning the communal responsibility for operational violations under § 240.117, the person must exercise direct and immediate control over his or her own use of drugs and alcohol.

(c) *EAP discretion to control the loss of eligibility interval in certain instances.* The next topic involves the logic of allowing a person, detected as having violated § 219.102, to return to service after a comparatively short interval. Several parties have questioned whether FRA intended to allow a locomotive engineer to be returned to service in an interval that could possibly be less than 60-days for a violation of § 219.102.

FRA did intend to allow EAP counselors to have discretion in setting the duration of the loss of eligibility in these cases. In these instances, the facts do not routinely demonstrate the same level of immediate danger to the safety of train operations. Detection of substance abuse in this context does not involve specific evidence of on-duty use or impairment by the engineer and hence does not present the same level of safety risk that a § 219.101 violation does. FRA expects EAP counselors to employ reasonable judgement about an individual's condition and recognizes that this could, under appropriate circumstances, result in a locomotive engineer being withheld from service for a only short interval.

(d) *Stringency of return-to-service testing.* The next topic involves the provisions of § 240.119 that prescribe the return-to-service testing of locomotive engineers with an active substance disorder. The BLE petition requested revision of the provisions to remove what it perceives to be unnecessarily stringent aspects of the return-to-service testing in this rule. Section 240.119 provides for a minimum of 6 alcohol and 6 drug tests during the first 12 months after a locomotive engineer is returned to service. Unquestionably, these provisions are more stringent than those contained in § 219.104 of FRA's rules to control alcohol and substance abuse. The provisions of this rule reflect FRA's maturing views about the appropriate criteria for return-to-service testing. Thus, FRA denied the request to amend this rule to mirror the existing provisions of part 219. In the context of

return-to-service testing, questions have been raised about whether compliance with testing provisions is achieved when a person is given both the mandated alcohol and drug test on the same day. Testing for both alcohol and drugs on the same day is permissible and, if performed properly, deemed in compliance with this section.

In a separate notice of proposed rulemaking, published in the **Federal Register** on December 15, 1992 (57 FR 59588), FRA requested comment on extending minimum requirements for follow-up tests to the other safety sensitive employees. Safety is best assured and substance abusers are best helped by clear, strict rules applied firmly and consistently.

(e) *Periodic physical detection of substance abuse.* The final topic involves clarification concerning the proper way to proceed under this section when a qualified locomotive engineer takes a periodic physical examination that provides a basis to think that the person has an active substance abuse disorder. Internal corporate policy, developed in conjunction with the provisions of FRA's rules for controlling alcohol and drug abuse and the industry's own Rule G programs, currently dictate a railroad's response to physical examination data. This qualification rule does not alter existing company policies for responding to such information.

Section 240.125 Knowledge Testing

FRA has received inquires about the proper conduct of knowledge testing under this rule. Several larger railroads were concerned about whether the rule permitted them to divide the conduct of knowledge testing into segments administered at different times. FRA recognizes that a railroad may have some need to administer portions of its testing activities at different points in time and the rule does not prohibit this. These railroads were also concerned about the need for specificity when questioning a person to determine knowledge about physical characteristics. Physical characteristic knowledge questions need to be route-specific, and limiting such a test to generic questioning will not be sufficient. Moreover, when testing a person who is authorized to operate over multiple routes, the person's knowledge concerning each route needs to be examined.

Section 240.207 Acuity Testing

FRA has received inquiries about the absence of detailed procedures to be followed when conducting the visual and auditory testing required under this rule. FRA did not include required testing protocols because it did not deem them necessary. FRA recognizes that there are multiple ways to perform the required testing and that some medical protocols are held in higher esteem than others. Although FRA has confidence in and commends the use of the protocols employed by the Federal Aviation Administration in connection with that agency's medical examination requirements for aviators, FRA is allowing railroads to make their own informed judgment about which methodology will be employed.

Similarly, FRA has not dictated the minimum criteria for the skill levels of the individuals who may be performing ministerial functions under the supervision of a medical doctor. Instead, FRA's rule relies on the medical community to properly discharge its medical, moral and legal obligations to properly provide health care when administering such tests.

Section 240.215 Data for Joint Operation Certifications

FRA has been asked to clarify the level of detail required for the information that must reside in a railroad's files when the railroad authorizes a person from another railroad to operate on joint operations trackage for which it is operationally responsible. The level of data will vary depending on the method or methods selected by the railroad for making the decision that a visiting engineer is qualified to operate on the joint operations trackage.

The rule provides two options: The controlling railroad can conduct the necessary testing or it can rely on the visiting railroad to conduct the testing on its behalf. If the controlling railroad elects to do its own testing, then it will be responsible for being able to identify the particulars of that testing. For example, if the controlling railroad were a large railroad that uses standardized tests, it would be sufficient to be able to show that the person was given standard written test type A on a given date and achieved a passing score of "x" percent.

If the controlling railroad elects to rely on the visiting railroad, then the host railroad will be responsible only for documenting that it has relied on an agreement with the visiting railroad whereby the visiting railroad was authorized by the controlling railroad to perform the testing on behalf of the controlling railroad and to maintain the appropriate records concerning that testing.

Railroads typically will employ both approaches. In some instances a middle ground will be selected in which the controlling railroad allows the visitor to sit in judgment of its employees only when selected members of the visitor railroad's staff are administering the tests. These approaches to testing prior to sanctioning operation on the joint territory by the engineers working for the visiting railroad predate the existence of FRA's rule.

The significant difference under FRA's rule is that the arrangements for such decision making must be known, adhered to, and documented because the controlling railroad will bear the ultimate responsibility under this rule for all locomotive engineers it authorizes to operate on its lines. A controlling railroad can anticipate that under appropriate circumstances FRA will be prepared to hold the controlling railroad responsible for enforcement purposes despite being confronted with the argument that the visiting railroad was the culprit and that the controlling railroad should be exhonorated because it was totally dependent on the visiting railroad to prevent an unqualified engineer from operating on the controlling railroad's lines.

Section 240.303 Conducting Annual Monitoring of Engineers

FRA has been asked to clarify two details about the conduct of annual monitoring efforts. Under relatively routine circumstances, such as illness, it is foreseeable that a person might not be given his or her annual check ride or operational compliance test. Although the rules do not appear to provide that a failure to administer an annual check ride or operational compliance test will serve to invalidate a person's certification status, there is concern that FRA might interpret the rules to dictate that response. The certification rule does not provide that a failure to administer an annual check ride or operational compliance test will serve to invalidate a person's certification status. If FRA discovers that a railroad has not conducted these annual events, FRA will inquire into the reasons behind that failure. When there are valid reasons for not conducting these events, such as illness, absence, or some similar legitimate explanation, FRA will take no further action. If a railroad lacks valid reasons for such failures then FRA will consider the need for remedial action to preclude recurrence of such failures by the railroad.

A related concern involves the administration of an unannounced compliance test as part of an annual check ride particularly if a railroad uses

a simulator to conduct such operations. Some railroads plan to use their simulators to assure that some locomotive engineers, who do not routinely operate a locomotive in the course of their normal duties, maintain their skill performance levels by annually operating on a simulator. If that simulator can reasonably be expected to be the only scheduled operating experience the person will have in a year, several parties have questioned whether a railroad can fulfill its duty to conduct an annual operational compliance test by including the test as part of that simulator program. The concern is, that by including the test in the simulator program, the railroad's test will no longer be completely unannounced.

FRA will consider these simulator tests to be valid compliance tests so long as such testing retains its basic integrity. While FRA recognizes that to some degree permitting such a simulator test means that the test loses some of its unanticipated quality, FRA sees that as tolerable provided railroads not attempt to subvert this authority by employing testing procedures that lose their element of surprise through constant repetition.

Section 240.307 Procedures Controlling Revocation of Certification

In adopting this regulation FRA did not attempt to provide an in-depth explanation of its regulatory design concepts. Lack of understanding about those concepts appears to be a source for the reconsideration petition requests for clarification or regulatory change and many of the interpretive questions concerning the procedures that control revocation of certificates. Lack of understanding about FRA's conceptual approach, compounded by confusion that has resulted from imprecise use of language in connection with adverse certification decisions appear to be the cause for many of the concerns over how to integrate this rule with collective bargaining arrangements.

Regulatory Design

FRA commenced its regulatory design with the basic idea that an adverse decision concerning certification under this rule involves either a decision to deny certification, including recertification, or a decision to revoke certification. When addressing denials, FRA's regulatory design was predicated principally on the theory that decisions to deny certification or recertification would come at the conclusion of a prescribed evaluation process which would be conducted in accordance with the provisions set forth in subpart C. FRA therefore structured various individual sections in subpart C, as well as the provisions of § 240.219 of subpart C, so that the subpart contains specific procedures designed to assure that a person, in jeopardy of being denied certification or recertification, would be given a reasonable opportunity to explore and respond to the negative information that might serve as the basis for being denied certification or recertification.

When considering revocation, FRA's design theory contemplated that decisions to revoke certification would only be based on noncompliance with an operational safety directive or a violation of FRA's rules controlling alcohol and drug use by railroad workers. Since revocation decisions by their very nature would involve a clear potential for factual disagreement, FRA's design for subpart D was structured to ensure that such decisions would come only after the certified locomotive engineer had been afforded an opportunity for an investigatory hearing at which the hearing officer would determine whether there was sufficient evidence to establish that the engineer's conduct warranted revocation of his or her certification.

FRA's design also includes the concept of certificate suspension. Certificate suspension is employed in instances where there is reason to think the certificate should be revoked or made conditional but time is needed to resolve the situation. Certificate suspension is applicable to instances where a person is awaiting an investigatory hearing to determine whether that person violated certain provisions of FRA's alcohol and drug control rules or engaged in operational misconduct and situations in which the person is being evaluated or treated for an active substance abuse disorder.

In executing its basic theoretical design, FRA also was guided by the concept that, to the degree that it was appropriate, FRA's regulatory approach should strive to accommodate existing collective bargaining agreements whenever possible. FRA's design precepts also included attempting to ensure that a workable framework was provided in instances where the existing agreement approach was deemed inappropriate for the purposes of this rule or where such agreements simply did not exist. In this context, FRA's design concept sought to recognize that these agreements had been fabricated to permit resolution of similar issues and are the result of many years of effort by representatives of the railroads and labor organizations. In addition, they are relatively well known to the people who operate locomotives which would assist people in making the transition to the certification process.

Denial of Certification Process—Integrating Collective Bargaining Arrangements

A focus of several requests for guidance has been the question of how, under the design structure of the rule, FRA intends railroads to respond to data concerning a person's failure to meet the acuity criteria for certification. A variant of that question has been the degree to which FRA procedures have displaced collective bargaining arrangements for resolving disputes about medical qualification.

Sections 240.207 and 240.219 establish the minimum procedures that must be accorded the certification candidate before a railroad renders a potentially adverse decision. Section 240.219 explicitly gives the certification candidate a reasonable opportunity to explain or rebut the adverse information. Those provisions can readily be integrated with collective bargaining arrangements. For example, conforming with a collective bargaining agreement that calls for the use of multiple medical opinions about the person's medical condition prior to reaching a final qualification determination would satisfy this provision.

In other instances, where no formal written mechanism exists but a practice has developed that allows a locomotive engineer to obtain further medical review, if the certification candidate can convince a doctor of the engineer's medical fitness, reliance on that process would satisfy the rule. Since there are multiple ways to effectively achieve this goal of according the candidate a reasonable response opportunity, the section does not explicitly limit the types of alternate methods response mechanisms that are acceptable to FRA. In short, no change to the rule is necessary because the rule permits reliance on multiple medical opinion methodology.

As to the related question of the deference FRA will give a railroad's adverse decision, when the railroad determines that a person lacks the required vision or hearing without adhering to the collective bargaining agreement procedures, FRA's response is provided below as part of the larger discussion concerning FRA's review of adverse certification decisions. As noted earlier, the rule is designed to resolve questions concerning physical qualifications in the context of initial and periodic certification procedures. If a railroad has reason to think that a

certified engineer's physical qualifications require reexamination, the rule contemplates that the railroad would schedule that person for a new certification evaluation.

Certification Revocation Process—Integrating Collective Bargaining Arrangements

As noted above, FRA contemplated that decisions to revoke certification would be based on noncompliance with the operational safety directives contained in § 240.117 and § 240.119. Since revocation decisions by their very nature would involve a clear potential for factual disagreement, FRA's design for subpart D was structured to ensure that such decisions would come only after the certified locomotive engineer had been afforded an opportunity for a hearing at which the hearing officer would determine whether there was sufficient evidence to establish that the engineer's conduct warranted revocation of his or her certification.

This section provides that adherence to the procedural arrangements for conducting company disciplinary proceedings will be deemed to satisfy the requirements of this rule. The rule also provides that the hearing officer will be limited to reaching findings based on the record of the hearing, a feature not necessarily found in the agreement approach. In this way FRA sought to permit the positive and familiar aspects of the existing company disciplinary process to continue in service but guard against hearing officers who might be tempted to make decisions based on data not fully examined at the hearing. Similarly, the section sets forth the procedural criteria for conducting such proceedings when reference to collective bargaining agreements is not available as a way to establish the needed procedural criteria.

FRA proceeded from the perspective that when confronted by an incident of noncompliance involving events covered by this rule a railroad would have to decide how to respond to that event both in terms of the imposition of company disciplinary action and in terms of loss of eligibility under this rule. The rule left railroads the option of treating the event as having safety significance and warranting initiation of an investigatory hearing with the possible imposition of (a) revocation of FRA certification, or (b) two types of sanctions; company disciplinary sanctions and revocation. While railroads have the option of treating an incident as warranting the initiation of a investigatory hearing with either single or multiple purposes, FRA anticipated that in most instances a dual purpose hearing would be preferred and it would be desirable to conduct such a hearing in accordance with the familiar procedural terms of the collectively bargained arrangements. The existence of a separate set of procedural arrangements was primarily intended to be utilized in settings where no agreements were in effect or where an existing agreement was incomplete. These provisions were not intended to establish a procedural process to be utilized when the sole focus of the investigatory hearing was on the possibility of the person's certification being revoked. In short, FRA did not intend the rule to produce a result contrary to prevailing practices in this regard.

The overall effect is that, unless the rule provides for a contrary result, when a railroad is contemplating revoking a locomotive engineer's certification, the railroad will follow the same course of action it would traditionally employ if the railroad were contemplating the imposition of industrial disciplinary sanctions. Such contrary results however do occur under this rule.

One contrary result will occur during the initial phases of an incident in which a railroad is confronted with an act of noncompliance involving one of the operating rules or practices identified in § 240.117. As noted earlier, failure to comply with the § 240.117(e) operating rules annually results in dramatic safety consequences. FRA has imposed a duty to suspend an engineer's certification once the railroad has reliable information indicating such noncompliance. In so doing FRA is not following prevailing industry practices with respect to whether a particular event should cause a person to be removed from service. In FRA's view there are serious drawbacks to current industry practices about when removal will and will not occur, including the tendency to view the severity of the consequences of rule noncompliance as the critical determination in whether incidents are "serious" enough to warrant removal from service; and the need to enhance railroad efforts to obtain better compliance with these critical rules.

A second contrary result will occur if an investigatory hearing concludes that culpable noncompliance occurred. Under existing industry practices, the nature of the company disciplinary sanction will tend to follow certain prior practices or norms. But such norms may vary tremendously based on prevailing attitudes. The factors that tend to influence such prevailing attitudes frequently appear to have no safety relevance. This rule does not give the railroad that same latitude. Under the rule, the period of revocation commences when the hearing officer reaches the adverse finding on the hearing record and railroads have been given no discretion to vary that consequence.

A possible contrary result concerning the period of suspension prior to the hearing not being counted towards the revocation interval has been eliminated as previously discussed. Thus, periods of certificate suspension will be treated for revocation purposes in a manner analogous to that used by some railroads which allow the time a person was held out of service pending a disciplinary hearing to count towards satisfaction of a disciplinary sanction that precludes service for some specified period.

Certification Revocation Process—Detection of Alcohol and Drug Use

The AAR petition for reconsideration questioned how to comply with this rule in two situations involving detection of alcohol and drug use. The first situation involves instances in which a locomotive engineer with a known substance abuse disorder fails to adhere to the conditions imposed for his or her return to service. The primary concern has been for guidance on what response is required to situations in which the troubled engineer fails to take or fails to successfully pass follow-up testing after being returned to service. Questions have been raised about whether the railroad must treat this as a revocation decision and provide a § 240.307 hearing before altering the person's certification status and, if such a hearing is required, concern has been expressed about the possible impingement on EAP confidentiality protocols implicit in having a revocation hearing in such situations.

A locomotive engineer with an active substance abuse disorder can be conditionally certified under terms that subject the person to periodic follow-up testing after being returned to service according to the provisions of § 240.119. Failure of such follow-up testing would be tantamount to a violation either of § 219.102 or § 219.101. Consequently, a railroad would be required under FRA's alcohol and drug rule to hold the person out of covered service.

A railroad that intends to withdraw its conditional certification must afford the locomotive engineer the formalized trial type investigatory hearing procedures provided by § 240.307 if the engineer so requests. Concern over possible impingement on EAP confidentiality protocols implicit in having a revocation hearing in such situations appears to FRA to be

misplaced since § 240.119(e) provides that confidentiality is waived under these circumstances and, in any event, release of treatment records would not be required.

The second situation involves instances in which a locomotive engineer's motor vehicle driving history shows evidence of substance abuse. The question here is whether, upon receipt of such data, the rule requires that the locomotive engineer's certificate be suspended and an investigatory hearing held. The rule does not require a railroad to suspend a person's certification under these circumstances. The intent of § 240.115 is that motor vehicle driving records indicating substance abuse on the highway which could be relevant to the person's certification status be evaluated and that evaluation be conducted by EAP counselors, not investigatory hearing officers.

FRA Review of Certification Denials and Revocations

This subject involves the nature of FRA's review of a railroad's decision to deny or revoke a locomotive engineer's certification. Three basic issues have surfaced: delineating the scope of review; the standards applied during review; and the nature of relief available. The scope of FRA's review needs to be clarified since theoretically can be expected to review factual, procedural, and legal disputes. Resolution of the standard of proof issue entails response to questions about what significance FRA will attach to various issues that can be expected to routinely arise during revocation proceedings. For example, the petitioners seek guidance on the consequences that FRA will attach to refusals to provide witnesses; failures to adhere to prescribed time limits; or challenges to the impartiality of the hearing officer and credibility of witnesses. Finally, the nature of the relief that FRA will afford petitioners is not clear. For example, the advisability of reducing a given period of ineligibility because of a conviction that strong mitigating factors warrant such action.

FRA's intent is to provide an initial review mechanism that is simple, inexpensive, expeditious and effective. For those cases that demand more detailed inquiry, FRA intends to provide a more sophisticated procedural vehicle analogous to judicial review. In keeping with those goals the rule provides that in the event of denial or revocation, every person has a right to review of the railroad's decision by FRA. Initiation of that review only requires a simple letter to FRA setting forth what has occurred and an explanation of why the person believes the railroad acted wrongfully. The letter needs to contain the information the person thinks supports his or her position and be supplemented with a copy of all written documents in the person's possession that explain the railroad's decision. FRA's rule requires that a railroad provide written explanation of its denial decision and reach the revocation findings on the record of the investigatory hearing conducted prior to issuance of the revocation decision. Thus, each person will possess such supplemental written material.

Section 240.403 provides the details of how a person can obtain FRA review. These details include the need to seek review in a timely fashion once the adverse decision is rendered by the railroad. Upon receipt of the petition, FRA provides the person written acknowledgement of the filing and provides a copy of the filing to the railroad. The railroad has thirty days from its date of receipt to respond, if it desires to comment on the matter. If the railroad comments on the matter, any material must be submitted in writing and a copy sent to the petitioner.

Based on the written record, FRA staff will analyze the railroad decision and make a recommendation to the Locomotive Engineer Review Board (Board). The Board is comprised of three senior FRA staff members with pertinent experience. The Board will determine whether the denial or revocation of certification was proper under the regulation.

In reviewing each petition, the Board is responsible for considering factual and procedural disputes. Factual disputes could involve questions of whether the information relied on by the railroad was correct. For example, the Board will consider assertions that, despite a contrary finding by the railroad, the person did pass the knowledge examination; or that the person did operate the train within the prescribed speed limits. Factual disputes could also involve whether certain equitable considerations warrant reversal of the railroad's decision on the grounds that, due to certain peculiar underlying facts, the railroad's decision would produce an unjust result not intended by FRA's rules. For example, the Board will consider assertions that a person failed to operate the train within the prescribed speed limits because of defective equipment. Finally, the Board will consider procedural disputes, which involve questions of whether the process followed by the railroad, such as correct adherence to time limits prescribed in FRA's rule or a governing agreement, was appropriate and fair.

When considering factual issues, the Board will determine whether there is substantial evidence to support the railroad's decision, and a negative finding is grounds for reversal. When considering procedural issues, the Board's standard for review will be to determine whether substantial harm was caused the petitioner by virtue of the failure to adhere to the dictated procedures for making the railroad's decision. A finding of substantial harm is grounds for reversing the railroad's decision. As to legal issues involving interpretation of regulations or statutes administered by FRA, the Board will provide "*de novo*" review, which means that the Board will not be bound by legal interpretations reached by the railroad in making its decision.

The decision-making power of the Board is limited to approving the railroad decision, overturning the railroad decision, or returning the case to the railroad for additional fact finding. The Board is not empowered to mitigate the consequences of the railroad decision, if that decision is valid under this regulation. The Board is only empowered to make determinations concerning qualifications under this regulation. The contractual consequences, if any, of those determinations must be resolved under dispute resolution mechanisms that do not directly involve FRA. For example, FRA cannot order a railroad to alter its seniority rosters or make an award of back pay to accommodate a finding that a railroad wrongfully denied certification.

In reviewing petitions, FRA's role is to assure that the qualification determinations are performed in compliance with the rule and to take appropriate remedial action if it detects noncompliance. FRA recognizes that this rule signals a major change in the *status quo*. Previously, railroads and their employees could anticipate that a single review decision would serve to resolve all aspects of the relationship between the locomotive engineer and the railroad.

All Board decisions are provided in writing to both the petitioner and the relevant railroad and contain an explanation of the Board's findings. The Board's decision is subject to appeal by either adversely affected party. That appeal is potentially a three-stage process. If a party is adversely affected by the Board decision, that party may elect to request review of the Board's decision by a hearing officer who will conduct a trial-type proceeding.

It is FRA's responsibility to convince the hearing officer that the Board's decision was the correct decision by establishing that the facts are supported by substantial evidence and the decision is in accordance with the law. FRA currently contemplates using administrative law judges to serve as hearing officers to conduct these proceedings. Administrative law judges are not FRA employees, although they may be Department of Transportation employees. The procedures for initiating and conducting such proceedings are contained in §§ 240.407 and 240.409. Appeal from a hearing officer's decision can be taken to the FRA Administrator and, once the Administrator has acted, the final agency decision is subject to judicial review in Federal court.

Regulatory Impact

E.O. 12291 and DOT Regulatory Policies and Procedures

This rule has been evaluated in accordance with existing regulatory policies and is considered to be non-major under Executive Order 12291 but significant under the DOT policies and procedures (44 FR 11034; February 26, 1979) since it effects a substantial regulatory program.

Regulatory Flexibility Act

FRA certifies that this rule will not have a significant economic impact on a substantial number of small entities. These rules will apply to railroads. Although a substantial number of small railroads are subject to this regulation, the economic impact of this amendment to the rule will not be significant since it only clarifies existing provisions and makes technical changes that will not have any adverse economic impact.

These amendments to the basic rule will have no direct impact on small units of government, businesses, or other organizations. State rail agencies continue to be free to participate in the administration of this program but are not required to do so.

Paperwork Reduction Act

There are no new collection of information requirements contained in this rule and, in accordance with the Paperwork Reduction Act of 1980, the record keeping and reporting requirements already contained in this rule have been approved by the Office of Management and Budget. The OMB approval number is being added to the text of the rule by one of the technical changes being made by this amendment. The information collection requirements of this rule became effective when they were approved by OMB.

Environmental Impact

FRA has evaluated this regulation in accordance with its procedures for ensuring full consideration of the environmental impacts of FRA actions as required by the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), other environmental statutes, Executive Orders, and related directives. This regulation meets the criteria that establish this as a non-major action for environmental purposes.

Federalism Implications

This rule will not have a substantial effect 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. Thus in accordance with Executive Order 12612, preparation of a Federalism Assessment is not warranted.

Public Proceedings

FRA has not provided additional notice and request for public comment prior to making the amendments contained in this rule. FRA concluded that such notice and comment were impractical, unnecessary and contrary to the public interest since FRA is, for the most part, only making minor technical changes in response to requests for reconsideration of issues that were previously the subject of detailed notice and extensive comment in the development of the initial final rule in this proceeding.

Certain of the amendments are so critical to the effective implementation of this rule that the delay that a notice and comment period would cause would clearly be contrary to the public interest—in railroad safety. For example, the amendments concerning which types of operational misconduct warrant decertification will prevent further decertification proceedings for relatively less serious misconduct. Such proceedings have begun to proliferate, which is causing railroads, employees, and FRA (as the reviewer of railroad decisions) to expend large amounts of time and money on these less serious matters, thereby diverting resources (including FRA's) from more important safety concerns. In the time it would take (several months to a year or more) to complete a comment period, public hearing, rule revision and review within the government of an eventual final rule, scores, if not hundreds of these incidents will occur and lead to decertification. The interim final rule approach permits a nearby immediate resolution of this problem but guarantees a full opportunity to comment on the amendments. In addition, large portions of this rule are purely interpretive and accordingly, public proceedings are not necessary prior to issuance of those portions.

List of Subjects in 49 CFR Part 240

Railroad safety, railroad operating procedures.

The Rule

Therefore, in consideration of the foregoing, FRA amends part 240, chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 240—[Amended]

1. The authority citation for part 240 continues to read as follows:

Authority: 45 U.S.C. 431 and 438, as amended; Pub. L. 100–342; and 49 CFR 1.49(m).

2. Section 240.5 is amended by revising paragraph (a) to read as follows:

§ 240.5 Construction.

(a) By issuance of these regulations, FRA intends to preempt any State law, rule, regulation, order, or standard covering the same subject matter in accordance with the provisions of section 205 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 434).

* * * * *

3. Section 240.7 is amended by revising the definition of "Locomotive engineer" and adding the definition of "Main track" to read as follows:

§ 240.7 Definitions.

* * * * *

Locomotive engineer means any person who moves a locomotive or group of locomotives regardless of whether they are coupled to other rolling equipment except:

(1) a person who moves a locomotive or group of locomotives within the confines of a locomotive repair or servicing area as provided for in 49 CFR 218.5(f) and 218.29(a)(1); or

(2) a person who moves a locomotive or group of locomotives for distances of less than 100 feet and this incidental movement of a locomotive or locomotives is for inspection or maintenance purposes.

Main track means a track upon which the operation of trains is governed by one or more of the following methods of operation: timetable; mandatory directive; signal indication; or any form of absolute or manual block system.

* * * * *

4. Section 240.13 is amended by revising paragraph (a) to read as follows:

§ 240.13 Information collection requirements.

(a) The information collection requirements of this Part were reviewed by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and are assigned OMB control number 2130–0533.

* * * * *

5. Section 240.117 is amended by revising paragraphs (d), (e), and (h) and adding new paragraph (i) to read as follows:

§ 240.117 Criteria for consideration of operating rules compliance data.

* * * * *

(d) *Limitations on consideration of prior operating rule compliance data.* Except as provided for in paragraph (i) of this section, in determining whether a person may be or remain certified as a locomotive engineer, a railroad shall consider as operating rule compliance data only conduct described in paragraph (e) of this section that occurred within a period of 60 consecutive months prior to the determination. A review of an existing certification shall be initiated promptly upon the occurrence and documentation of any conduct described in this paragraph.

(e) A railroad shall consider violations of its operating rules and practices that involve:

(1) Failure to control a locomotive or train in accordance with a signal indication that requires a complete stop before passing it;

(2) Failure to adhere to limitations concerning train speed when the speed at which the train was operated exceeds the maximum authorized limit by at least 10 miles per hour or by more than one half of the authorized speed, whichever is less;

(3) Failure to adhere to procedures for the safe use of train or engine brakes when the procedures are required for compliance with the transfer, initial, or intermediate terminal test provisions of 49 CFR part 232 (see 49 CFR 232.12 and 232.13);

(4) Occupying main track without proper authority;

(5) Failure to comply with prohibitions against tampering with locomotive mounted safety devices; and

(6) Incidents of noncompliance with § 219.101 of this chapter; however such incidents shall be considered as a violation only for the purposes of paragraphs (g)(2) and (3) of this section.

* * * * *

(h) *Future eligibility to hold certificate.* Only a person whose certification has been denied or revoked for a period of one year in accordance with the provisions of paragraph (g)(2) of this section for reasons other than noncompliance with § 219.101 of this Chapter shall be eligible for grant or reinstatement of the certificate prior to the expiration of the initial period of ineligibility. Such a person shall not be eligible for grant or reinstatement unless and until—

(1) The person has been evaluated by a designated supervisor of locomotive engineers and determined to have received adequate remedial training;

(2) The person has successfully completed any mandatory program of training or retraining, if that was determined to be necessary by the railroad prior to return to service; and

(3) At least one half the pertinent period of ineligibility specified in paragraph (g)(2) of this section has elapsed.

(i) In no event shall incidents that meet the criteria of paragraphs (i)(1) through (4) of this section be considered as prior incidents for the purposes of paragraph (g)(3) of this section even though such incidents could have been or were validly determined to be violations at the time they occurred. Incidents that shall not be considered under paragraph (g)(3) of this section are those that:

(1) Occurred prior to (effective date of this amendment);

(2) Involved violations of one or more of the following operating rules or practices:

(i) Failure to control a locomotive or train in accordance with a signal indication;

(ii) Failure to adhere to limitations concerning train speed;

(iii) Failure to adhere to procedures for the safe use of train or engine brakes; or

(iv) Entering track segment without proper authority;

(3) Were or could have been found to be violations under this section as it read prior to May 10, 1993; and

(4) Would not be a violation of paragraph (e) of this section as amended.

6. Section 240.215 is amended by adding paragraph (j) to read as follows:

§ 240.215 Retaining information supporting determinations.

* * * * *

(j) Nothing in this section precludes a railroad from maintaining the information required to be retained under this section in an electronic format provided that:

(1) The railroad adequately limits and controls those who have access to such information;

(2) The railroad employs a system for data storage that permits reasonable access and retrieval of the information in usable format when requested to furnish data by FRA representatives; and

(3) Information retrieved from the system can be easily produced in a printed format which can be readily provided to FRA representatives and authenticated by a designated representative of the railroad as a true and accurate copy of the railroad's records if requested to do so by FRA representatives.

7. Section 240.217 is amended by revising paragraph (b) to read as follows:

§ 240.217 Time limitations for making determinations.

* * * * *

(b) The time limitations of paragraph (a) of this section do not apply to a railroad that is making a certification decision in reliance on determinations made by another railroad in accordance with paragraph (c)(2) of this section, § 240.227, or § 240.229.

* * * * *

8. Section 240.223 is amended by revising paragraph (a)(7) to read as follows:

§ 240.223 Criteria for the certificate.

(a) * * *

(7) Show the date of the person's last operational monitoring event as required by § 240.129(c) and § 240.303(b), unless that information is reflected on supplementary documents which the locomotive engineer has in his or her possession when operating a locomotive; and

* * * * *

9. Section 240.229 is amended by revising paragraph (a) and adding paragraph (f) to read as follows:

§ 240.229 Requirements for joint operations territory.

(a) Except for minimal joint operations provided for in paragraph (f) of this section, no railroad that is responsible for controlling the conduct of joint operations with another railroad shall permit or require any person to operate a locomotive in any class of train or engine service unless that person has been certified as a qualified locomotive engineer for the purposes of joint operations and issued a certificate that complies with § 240.223.

* * * * *

(f) A railroad that is responsible for controlling the conduct of joint operations with another railroad may permit a certified locomotive engineer to operate a locomotive in any class of train or engine service without

determining that the person has been certified as a qualified locomotive engineer for the purposes of joint operations when a minimal joint operation is involved. For the purposes of this section a minimal joint operation exists when a locomotive or train belonging to one railroad is being operated on the same track on which operations are conducted by the railroad controlling operations, under the following conditions:

(1) The maximum authorized speed for operations on the track does not exceed 20 miles per hour;

(2) The track is other than a main track;

(3) Operations are conducted under operating rules that require every locomotive and train to proceed at a speed that permits stopping within one half the range of vision of the locomotive engineer; and

(4) The maximum distance for joint operations on the track does not exceed one mile.

10. Section 240.305 is amended to revising the section heading and paragraphs (a) and (c) to read as follows:

§ 240.305 Prohibited conduct.

After December 31, 1991,

(a) It shall be unlawful to:

(1) Operate a locomotive or train at a speed that exceeds the maximum authorized limit by at least 10 miles per hour or by more than one half of the authorized speed, whichever is less;

(2) Operate a locomotive or train past any signal, without completely stopping the locomotive or train, when that signal requires a complete stop before passing it; or

(3) Fail to comply with any mandatory directive concerning the movement of a locomotive or train by occupying a segment of main track without authority.

* * * * *

(c) Any locomotive engineer who is notified or called to operate a locomotive or train and such operation would cause the locomotive engineer to exceed certificate limitations, set forth in accordance with subpart B of this part, shall immediately notify the railroad that he or she is not qualified to perform that anticipated service and it shall be unlawful for the railroad to require such service.

* * * * *

11. Section 240.307 is revised to read as follows;

§ 240.307 Revocation of certification.

(a) Except as provided for in § 240.119(f), a railroad that issues a person certification or recertification as a qualified locomotive engineer and, during that certification interval, acquires information which convinces the railroad that the person no longer meets the qualification requirements of this part, shall revoke the person's certificate as a qualified locomotive engineer.

(b) Pending a revocation determination under this section, the railroad shall:

(1) Upon receipt of reliable information indicating the person's lack of qualification under this part, immediately suspend the person's certificate;

(2) Prior to or upon suspending the person, provide notice of the reason for this suspension, the pending revocation, and an opportunity for hearing before a presiding officer other than the charging official;

(3) Convene the hearing within the deadline prescribed by either paragraph (c)(1) of this section or the applicable collective bargaining agreement as permitted under paragraph (d) of this section;

(4) Determine, on the record of the hearing, whether the person no longer meets the qualification requirements of this part stating explicitly the basis for the conclusion reached;

(5) When appropriate, impose the pertinent period of revocation provided for in § 240.117 or § 240.119; and

(6) Retain the record of the hearing for 3 years after the date the decision is rendered.

(c) Except as provided for in paragraphs (d) and (f) of this section, a hearing required by this section shall be conducted in accordance with the following procedures:

(1) The hearing shall be convened within 10 days of the date the certificate is suspended unless the locomotive engineer requests or consents to delay in the start of the hearing.

(2) The hearing shall be conducted by a presiding officer, who can be any qualified person authorized by the railroad other than the charging officer.

(3) The presiding officer will exercise the powers necessary to regulate the conduct of the hearing for the purpose of achieving a prompt and fair determination of all material issues in controversy.

(4) The presiding officer shall convene and preside over the hearing.

(5) Testimony by witnesses at the hearing shall be recorded verbatim.

(6) All relevant and probative evidence shall be received unless the presiding officer determines the evidence to be unduly repetitive or so extensive and lacking in relevancy that its admission would impair the prompt, orderly, and fair resolution of the proceeding.

(7) The presiding officer may:

(i) Adopt any needed procedures for the submission of evidence in written form;

(ii) Examine witnesses at the hearing;

(iii) Convene, recess, adjourn or otherwise regulate the course of the hearing; and

(iv) Take any other action authorized by or consistent with the provisions of this part and permitted by law that may expedite the hearing or aid in the disposition of the proceeding.

(8) Parties may appear and be heard on their own behalf or through designated representatives. Parties may offer relevant evidence including testimony and may conduct such examination of witnesses as may be required for a full disclosure of the relevant facts.

(9) The record in the proceeding shall be closed at conclusion of the hearing unless the presiding officer allows additional time for the submission of information. In such instances the record shall be left open for such time as the presiding officer grants for that purpose.

(10) At the close of the record, the presiding officer shall prepare a written decision in the proceeding.

(11) The decision shall:

(i) Contain the findings of fact as well as the basis therefor, concerning all material issues of fact presented on the record; and

(ii) Be served on the employee.

(12) The railroad shall have the burden of proving that the locomotive engineer's conduct was not in compliance with the applicable railroad operating rule or practice or Part 219 of this chapter.

(d) A hearing required by this section which is conducted in a manner that conforms procedurally to the applicable collective bargaining agreement shall be deemed to satisfy the procedural requirements of this section.

(e) A hearing required under this section may be consolidated with any disciplinary or other hearing arising from the same facts, but in all instances the presiding officer for the hearing shall make separate findings as to the revocation required under this section.

(f) A person may waive the right to the hearing provided under this section. That waiver shall:

(1) Be made in writing;

(2) Reflect the fact that the person has knowledge and understanding of these rights and voluntarily surrenders them; and

(3) Be signed by the person making the waiver.

(g) A railroad that has relied on the certification by another railroad under the provisions of § 240.227 or § 240.229, shall revoke its certification if, during the period that certification is valid, the railroad acquires information which convinces it that another railroad has revoked its certification after determining, in accordance with the provisions of this section, that the person no longer meets the qualification requirements of this part. The requirement to provide a hearing under this section is satisfied when any single railroad holds a hearing and no additional hearing is required prior to a revocation by more than one railroad arising from the same facts.

(h) The period of certificate suspension prior to the commencement of a hearing required under this section shall be credited towards satisfying any applicable revocation period imposed in accordance with the provisions of § 240.117.

12. Section 240.401 is amended by revising paragraph (a) to read as follows:

§ 240.401 Review board established.

(a) Any person who has been denied certification, denied recertification, or has had his or her certification revoked and believes that a railroad incorrectly determined that he or she failed to meet the qualification requirements of this regulation when making the decision to deny or revoke certification, may petition the Federal Railroad Administrator to review the railroad's decision.

* * * * *

Issued in Washington, DC, on March 30, 1993.

S. Mark Lindsey,

Acting Administrator.

[FR Doc. 93-7796 Filed 4-8-93; 8:45 am]

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federal register

Friday
April 9, 1993

Part V

Department of the Interior

Fish and Wildlife Service

50 CFR Part 20

Proposed 1993–1994 Migratory Game Bird Hunting Regulations; Proposed Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

RIN 1018-AA24

Migratory Bird Hunting; Proposed 1993–1994 Migratory Game Bird Hunting Regulations (Preliminary)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rulemaking.

SUMMARY: The U.S. Fish and Wildlife Service (hereinafter the Service) proposes to establish annual hunting regulations for certain migratory game birds. The taking of migratory birds is prohibited unless specifically provided for by regulation. These regulations will permit the taking of the designated species during the 1993–94 season. The Service annually prescribes outside limits (frameworks) within which States may select hunting seasons. These seasons provide recreational hunting opportunities to the public and aid Federal and State governments in the management of migratory game birds, and are designed to maintain harvests at levels compatible with migratory bird population and habitat conditions.

DATES: The comment period for proposed early-season regulations frameworks will end on July 22, 1993; and for late-season proposals on September 1, 1993. The public hearing for early-season regulations will be held on June 24, 1993, at 9 a.m. The public hearing for late-season regulations will be held on August 5, 1993, at 9 a.m.

ADDRESSES: Both public hearings will be held in the Auditorium, Department of the Interior Building, 1849 C Street NW., Washington, DC. Written comments on the proposals and notice of intention to testify at either hearing may be mailed to the Director, (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, room 634—Arlington Square, Washington, DC 20240. Comments received will be available for public inspection during normal business hours in room 634, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Marshall A. Howe, Acting Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, room 634—Arlington Square, Washington, DC 20240 (703) 358–1714.

SUPPLEMENTARY INFORMATION:

Notice of Intention to Establish Open Seasons

This notice announces the intention of the Director, U.S. Fish and Wildlife Service, to establish open hunting seasons and daily bag and possession limits for certain designated groups or species of migratory game birds for 1993–1994 in the contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands, under §§ 20.101 through 20.107, 20.109, and 20.110 of subpart K of 50 CFR part 20.

"Migratory game birds" are those migratory birds so designated in conventions between the United States and several foreign nations for the protection and management of these birds. For the 1993–94 hunting season, regulations will be proposed for certain designated members of the avian families Anatidae (ducks, geese, brant, and swans); Columbidae (doves and pigeons); Gruidae (cranes); Rallidae (rails, coots, and moorhens and gallinules); and Scolopacidae (woodcock and snipe). These proposals are described under Proposed 1993–94 Migratory Game Bird Hunting Regulations (Preliminary) in this document. Definitions of waterfowl flyways and mourning dove management units, as well as a description of the data used in and the factors affecting the regulatory process, were published in the March 14, 1990, **Federal Register** (55 FR 9618).

Regulatory Schedule for 1993–1994

This is the first in a series of proposed and final rulemaking documents for migratory game bird hunting regulations. Proposed season frameworks are set forth for various groups of migratory game birds for which these regulations ordinarily do not vary significantly from year to year. Proposals relating to the harvest of migratory game birds that may be initiated after publication of this proposed rulemaking will be made available for public review in supplemental proposed rulemakings to be published in the **Federal Register**. Also, additional supplemental proposals will be published for public comment in the **Federal Register** as population, habitat, harvest, and other information becomes available.

Because of the late dates when certain portions of these data become available, it is anticipated that comment periods on some proposals will necessarily be abbreviated. Special circumstances that limit the amount of time which the Service can allow for public comment are involved in the establishment of these regulations. Specifically, two considerations compress the time in which the rulemaking process must operate: the need, on one hand, to establish final rules at a time early enough in the summer to allow State agencies to select and publish season dates and bag limits prior to the hunting seasons and, on the other hand, the lack of current data on the status of most waterfowl before late July.

Because the process is strongly influenced by the times when information is available for consideration, the overall regulations process is divided into two segments. Early seasons are those seasons that generally open prior to October 1, and include seasons in Alaska, Hawaii, Puerto Rico, and the Virgin Islands. Late seasons are those seasons opening in the remainder of the United States about October 1 and later, and include most of the waterfowl seasons.

Major steps in the 1993–1994 regulatory cycle relating to public hearings and **Federal Register** notifications are illustrated in the accompanying diagram. Dates shown relative to publication of **Federal Register** documents are target dates.

Sections of this and subsequent documents outline hunting frameworks and guidelines that are organized under numbered headings. These headings are:

1. Ducks
2. Sea Ducks
3. Mergansers
4. Canada Geese
5. White-fronted Geese
6. Brant
7. Snow and Ross's Geese
8. Tundra Swans
9. Sandhill Cranes
10. Coots
11. Moorhens and Gallinules
12. Rails
13. Snipe
14. Woodcock
15. Band-tailed Pigeons
16. Mourning Doves
17. White-winged and White-tipped Doves
18. Alaska
19. Hawaii
20. Puerto Rico
21. Virgin Islands
22. Falconry
23. Other

Later sections of this and subsequent documents will refer only to numbered items requiring attention. Therefore, items requiring no attention will be omitted and the remaining numbered items will be discontinuous and appear incomplete.

Hearings

Two public hearings pertaining to 1993–1994 migratory game bird hunting

regulations are scheduled. Both hearings will be conducted in accordance with 455 DM 1 of the Departmental Manual. On June 24, a public hearing will be held at 9 a.m. in the Auditorium of the Department of the Interior Building, 1849 C Street NW., Washington, DC. This hearing is for the purpose of reviewing the status of migratory shore and upland game birds. Proposed hunting regulations will be discussed for these species plus regulations for migratory game birds in Alaska, Puerto Rico, and the Virgin Islands; special September waterfowl seasons in designated States; special sea duck seasons in the Atlantic Flyway, and extended falconry seasons. On August 5, a public hearing will be held at 9 a.m. in the Auditorium of the Department of the Interior Building, address above. This hearing is for the purpose of reviewing the status and proposed regulations for waterfowl not previously discussed at the June 24 public hearing. The public is invited to participate in both hearings.

Persons wishing to make a statement at these hearings should write the Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, room 634—Arlington Square, Washington, DC 20240. Copies of statements should be filed with the Director before or during each hearing.

Public Comments Solicited

The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons are invited to submit written comments, suggestions, or recommendations regarding the proposed amendments. Final promulgation of migratory game bird hunting regulations will take into consideration all comments received by the Service. Such comments, and any additional information received, may lead to final regulations that differ from these proposals. Interested persons are invited to participate in this rulemaking by submitting written comments to the address indicated under the caption **ADDRESSES.**

Comments received on the proposed annual regulations will be available for public inspection during normal business hours at the Service's office in room 634, 4401 North Fairfax Drive, Arlington, Virginia. Specific comment periods will be established for each series of proposed rulemakings. All relevant comments will be accepted through the closing date of the comment period on the particular proposal under consideration. The Service will consider, but possibly may not respond in detail to, each comment. As in the past, the Service will summarize all comments received during the comment period and respond to them after the closing date.

Flyway Council Meetings

Departmental representatives will be present at the following winter meetings of the various Flyway Councils:

DATE: March 21, 1993

—Atlantic Flyway Council, 8:30 a.m.
—Mississippi Flyway Council, 8:30 a.m.
—Central Flyway Council, 8:00 a.m.
—Pacific Flyway Council, 8:30 a.m.
—National Waterfowl Council, 3:30 p.m.

The Council meetings will be held at the Omni Shoreham Hotel, 2500 Calvert Street NW., Washington, DC 20008.

NEPA Consideration

NEPA considerations are covered by the programmatic document, "Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FSES 88-14)", filed with the Environmental Protection Agency on June 9, 1988. Notice of Availability was published in the **Federal Register** on June 16, 1988 (53 FR 22582). The Service's Record of Decision was published on August 18, 1988 (53 FR 31341).

Endangered Species Act Consideration

Prior to issuance of the 1993–94 migratory game bird hunting regulations, consideration will be given to provisions of the Endangered Species Act of 1973, as amended, (16 U.S.C. 1531-1543; hereinafter the Act) to ensure that hunting is not likely to jeopardize the continued existence of any species designated as endangered or threatened or modify or destroy its critical habitat and is consistent with conservation programs for those species. Consultations under section 7 of this Act may cause changes to be made to proposals in this and future supplemental proposed rulemaking documents.

Regulatory Flexibility Act; Executive Orders (E.O.) 12291, 12612, 12630, and 12778; and the Paperwork Reduction Act

A Determination of Effects concluded that the hunting frameworks being proposed for 1993–94 were "major" rules, subject to regulatory analysis. In accordance with Office of Management and Budget instructions, a Final Regulatory Impact Analysis (FRIA) was prepared in 1990. This analysis was updated for 1993. The 1993 FRIA update included waterfowl hunter and harvest information from the 1991–92 season. The summary of the 1993 update follows:

"New information which can be compared to that appearing in the 1990 Final Regulatory Impact Analysis (FRIA) includes estimates of the 1991 fall flight of ducks from surveyed areas, and hunter activity and harvest information from the 1991–92 hunting season. The total 1991 fall flight of ducks (+7%) and the fall flights in each flyway were predicted to be only slightly better from those of 1990. Because the status of ducks has not yet fully recovered from the drought of the 1980's, hunting regulations were developed that maintained the reduced hunting opportunity established in the 1988-89 season. Hunter numbers decreased by 5%, but waterfowl hunters spent an average of 6% more days hunting, resulting in no change for the total number of hunting days. Many nonregulatory factors influence hunter participation. There was no change in the total duck harvest between the 1990-91 and the 1991-92 seasons."

Copies of the updated FRIA are available upon request from the Office of Migratory Bird Management. The address is indicated under the caption **ADDRESSES.**

These regulations have been determined to be major under Executive Order 12291 and they have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). It has been determined that these rules will not involve the taking of any constitutionally protected property rights, under Executive Order 12630, and will not have any significant federalism effects, under Executive Order 12612. The Department of the Interior has certified to the Office of Management and Budget that these proposed regulations meet the applicable standards provided in sections 2(a) and 2(b)(2) of Executive Order 12778. These determinations are detailed in the aforementioned documents which are available upon request from the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, room 634-Arlington Square, Department of the Interior, Washington, DC 20240. These regulations contain no information collections subject to Office of Management and Budget review under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

The Service plans to issue its Memorandum of Law for the migratory game bird hunting regulations at the time the first of these rules is finalized.

Authorship

The primary authors of this proposed rule are William O. Vogel and Robert J. Blohm, Office of Migratory Bird Management, (703) 358–1838.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

The rules that eventually will be promulgated for the 1993-94 hunting season are authorized under the Migratory Bird Treaty Act (July 3, 1918), as amended, (16 U.S.C. 703-711); the Fish and Wildlife Improvement Act (November 8, 1978), as amended, (16 U.S.C. 712); and the Fish and Wildlife Act of 1956 (August 8, 1956), as amended, (16 U.S.C. 742 a-d and e-j).

Dated: March 10, 1993.

Bruce Blanchard,

Acting Director.

Proposed 1993–1994 Migratory Game Bird Hunting Regulations (Preliminary)

Pending current information on populations, harvest, and habitat conditions, and receipt of recommendations from the four Flyway Councils; specific framework proposals (including opening and closing dates, seasons lengths, and bag limits) may be deferred. Unless otherwise specified, no change from the final 1992-93 frameworks of August 21 and September 22, 1992, (57 FR 38202 and 43856) is proposed. Specific preliminary proposals that vary from the 1992-93 frameworks and issues requiring early discussion or action are contained below:

1. Ducks.

E. Bag Limits.

High Plains Extra Drake Mallard. Although no change is proposed at this time, the Service reiterates that the additional drake mallard allowed in the High Plains Mallard Management Unit in 1992 is contingent upon the Central Flyway Council completing the requested review of the High Plains Mallard Management Unit in time for use during the 1993-94 regulations-development cycle. The Service believes that this report will provide an opportunity to cooperatively examine the recent biological information necessary to assess historical intra-flyway bag-limit differences for drake mallards.

F. Zones and Splits.

Temporary Zone in the Southern San Joaquin Valley of California. A temporary exception to duck-zoning criteria was allowed in 1991 in the southern San Joaquin Valley of California. This exception was granted based on severe drought conditions that prevailed in this area. In 1992, this temporary exception was allowed to continue for the 1992-93 season only. This zone will not be continued during the 1993-94 season.

G. Special Seasons/Species Management.

i. Canvasback Management.

The Service has recently reviewed the basis for canvasback management prescribed in the 1983 environmental assessment on hunting regulations for canvasbacks. As a result of that review, the Service proposes the following 3-part plan of action as an interim harvest strategy for canvasbacks:

1. Canvasbacks should be managed as a single, continental population, because data currently available are insufficient to clearly delineate separate populations.

2. Estimates of population size, production, habitat abundance, and survival should be used annually to predict the level of allowable harvest.

3. A conservative and adaptive strategy should be used initially to maintain the total harvest below the predicted allowable harvest, because of limited information regarding how season lengths and bag limits affect hunter participation and magnitude of the harvest.

Information derived from this interim harvest strategy would be used to develop a long-term harvest strategy for canvasbacks. The Service requests that the Flyway Councils assist in developing and refining this interim strategy; specifically, we must identify the objective methods that will be used to determine a goal for the size of the breeding population, the annual allowable harvest, and the allocation of the harvest among countries and flyways, and the harvest management tools most appropriate to achieve harvest goals.

ii. September Teal Seasons.

Consistent with the strategy for the use of shooting hours developed by the Service in 1990, shooting hours will begin at sunrise unless States can demonstrate that the impact of presunrise shooting hours on nontarget duck species is negligible. States will be allowed to continue presunrise shooting hours during their September seasons under the condition that they conduct studies or provide information that demonstrate a negligible impact on nontarget duck species during the one-half hour prior to sunrise.

iii. September Wood Duck/Teal Seasons.

A cooperative Wood Duck Initiative undertaken by the Service and the Atlantic and Mississippi Flyway Councils in 1991 is designed to improve banding programs and evaluate techniques for obtaining estimates of breeding population size and production. The Service does not propose to discontinue or expand September wood duck seasons at least until the first phase of this initiative has been completed.

The Service has published a strategy concerning shooting hours (September 21, 1990, **Federal Register**, 55 FR 33843) which states that during species-specific duck seasons shooting hours will begin at sunrise unless States can demonstrate that the impact of presunrise shooting hours on nontarget duck species is negligible. However, the Service has no information from Kentucky or Tennessee regarding the effect of presunrise shooting hours on nontarget duck species during seasons directed at both teal and wood ducks.

Kentucky and Tennessee will be allowed to continue presunrise shooting hours during their September seasons under the condition that they conduct studies or provide information that demonstrates a negligible impact on nontarget duck species during the one-half hour prior to sunrise.

iv. Mottled Ducks.

Although no specific change is proposed at this time, the Service is concerned that harvest strategies for mottled ducks inhabiting the Gulf Coast differ among Flyways. Because of the species' limited numbers and distribution, the Service believes that it would be appropriate for the three affected Flyway Councils to cooperatively develop a strategy to address harvest and other management issues. The Service looks forward to working with the Flyway Councils to develop such a strategy prior to the 1994 regulations-development cycle.

2. Sea Ducks.

The Service remains concerned about the status of sea ducks and the potential impact that increased hunting activity could have on these species. Additional data and a management plan are needed to guide future management efforts for these species. In 1992, the Service asked that the Flyway Councils make substantial progress to address these concerns prior to the 1993-94 regulations-development cycle. The Service requests that the Atlantic and Pacific Flyway Councils review the

status of sea ducks before recommending frameworks for 1993-94 hunting seasons. Without more complete information on population status and harvest, the Service may be forced to restrict these special seasons.

4. Canada Geese.

Although no change is proposed for the 1993-94 season, concerns have been raised regarding the administrative procedures necessary to open seasons prior to October 1 or the Saturday nearest October 1 using the late-season regulations-development cycle. The Service herein proposes to limit season dates handled during the late-season regulations-development cycle to the period after October 1 or the Saturday nearest October 1. The administrative process for setting hunting seasons does not permit the setting of seasons that open prior to the Saturday nearest October 1 during the late-season regulations-development cycle. Seasons that open earlier must be established during the early-season regulations-development cycle in June, at which time annual status information for most Canada goose populations is not yet available. The Service is concerned about setting seasons in the absence of current status information. Because of this, requests for regular Canada goose seasons that open earlier than the Saturday nearest October 1 must include full justification of the need for the early opening, which will be weighed against the risk of establishing seasons prior to the time status information is available. The Service does not propose to implement these procedures until the 1994-95 hunting season in order to allow those States desiring early-season dates for Canada goose seasons sufficient time to prepare their proposals and to provide an opportunity for Flyway Council review.

In the September 26, 1991, **Federal Register** (at 56 FR 49112), The Service stated that possession limits which exceed twice the daily bag limit should be limited to quota zones where tags are used. The Service recognized that the Canada goose possession limits for the Southern Illinois Quota Zone and the Rend Lake Quota Zone did not conform with this policy because tags are not utlilized in these zones. The Service further recognized that a change in the frameworks for Illinois was necessary. However, in 1992, the frameworks continued to provide for the larger possession limit in those portions of Illinois. The Service herein proposes that, beginning in 1993, all possession limits, including those for Illinois, will conform with the Service policy.

8. Tundra Swans.

Although no specific change is proposed at this time, the Service believes that it is appropriate to reassess and examine the cooperative management plan approved in 1982, including the sport hunt plan amended in 1988, for the Eastern Population of Tundra Swans. The Service acknowledges that the Central Flyway Council has contacted the Mississippi and Atlantic Flyways and expressed an interest in the establishment of a Tundra Swan Ad Hoc Committee to initiate the revision process. The Service supports this effort, and recommends that this committee be composed of representatives from all four flyways, the Canadian Wildlife Service, and the U.S. Fish and Wildlife Service. The Service believes that initial efforts of this committee should be directed at updating the cooperative management plan, including recognition of the need for research on harvest, survival rates, and other population parameters. Additional efforts could then be focused on efforts to update the sport hunt plan, which could be incorporated into the revised cooperative management plan for this population of tundra swans.

10. Coots.

The Service is proposing to establish frameworks for coots in the Pacific Flyway that are consistent with those established in other flyways. Available data do not suggest that coots should be managed at a level other than as a single, continental population. The season frameworks for coots in the Pacific Flyway would be changed to correspond with the frameworks offered to the other 3 flyways. States may select seasons that are concurrent with the regular duck season, with daily bag limits not to exceed 15 coots.

11. Moorhens and Gallinules.

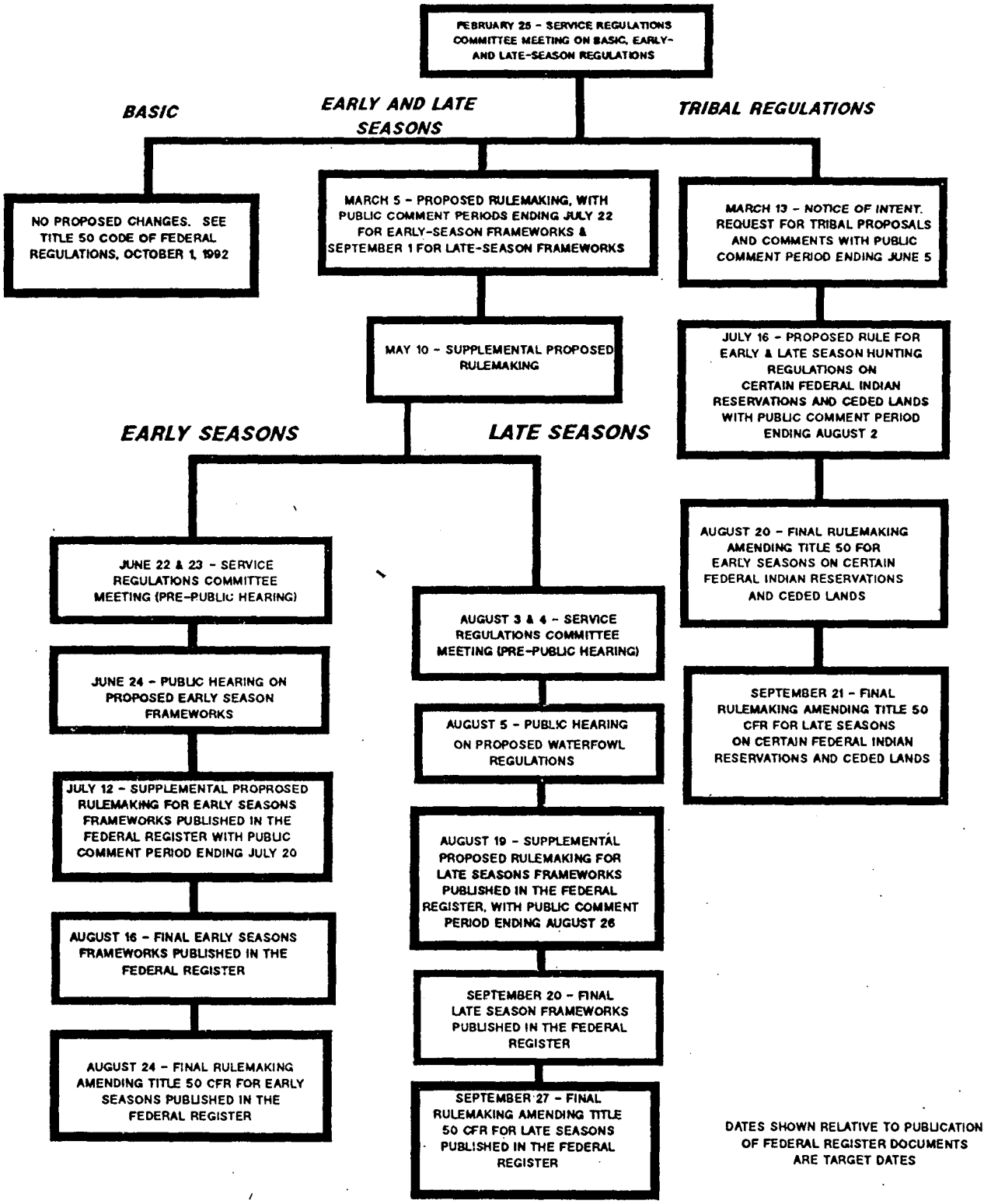
The Service is proposing to establish frameworks for common moorhens in the Pacific Flyway that are consistent with those established in other flyways. Available data do not suggest that moorhens should be managed at a level other than as a single, continental population. The season frameworks for moorhens in the Pacific Flyway would be changed to be the same as the frameworks offered to the other 3 flyways. States may select seasons of not more than 70 days between September 1 and January 20 and may split their seasons into two segments. Daily bag limits may not exceed 15 common moorhens and purple gallinules, singly or in the aggregate.

15. Band-tailed Pigeons.

The Service remains concerned about the long-term decline of the Coastal Population of band-tailed pigeons (in Washington, Oregon, Nevada, and California) and will carefully evaluate all population and harvest data by June 15 to determine whether a hunting-season closure is warranted. In addition, the status of the Interior Population of band-tailed pigeons (in Utah, Colorado, Arizona, and New Mexico) is not well understood. Efforts to gather more information on this population are under way. In 1992, the Service required that all States having band-tailed pigeon hunting seasons conduct some type of harvest survey and provide the information to the Service by June 1. It is anticipated, if the season is permitted, that this requirement in 1993 will include the provision that each State require band-tailed pigeon hunters to obtain mandatory State permits (or participate in the nationwide Migratory Bird Harvest Information Program) to provide a sampling frame for obtaining more precise estimates of band-tailed pigeon harvest. Furthermore, all population status information will be required for Service review by June 1.

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1993 SCHEDULE OF REGULATIONS MEETINGS AND FEDERAL REGISTER PUBLICATIONS



[FR Doc. 93-8334 Filed 4-8-93; 8:45 am]
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federal register

Friday
April 9, 1993

Part VI

Department of Agriculture

Agricultural Marketing Service

7 CFR Part 110

Recordkeeping Requirements for Certified Applicators of Federally Restricted Use Pesticides; Final Rule

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 110

[CS-91-007]

RIN 0581-AA39

Recordkeeping Requirements for Certified Applicators of Federally Restricted Use Pesticides

AGENCY: Agricultural Marketing Service (AMS), USDA.

ACTION: Final rule.

SUMMARY: The Agricultural Marketing Service, United States Department of Agriculture, is amending its regulations by adding new requirements for recordkeeping by certified applicators of federally restricted use pesticides. The regulations have been developed for the purpose of implementing section 1491 of the Food, Agriculture, Conservation, and Trade Act of 1990 (FACT Act), which requires such recordkeeping. The records are needed to develop and maintain a comprehensive data base to provide accurate Federal restricted use pesticide data, which can be utilized by State and Federal agencies and for annual reporting to Congress by the U.S. Department of Agriculture and the Environmental Protection Agency on the use of agricultural and nonagricultural federally restricted use pesticides. The proposed regulations include provision for protecting the identity of individual producers in such surveys and reports and do not include any requirement for reporting by certified applicators.

EFFECTIVE DATE: May 10, 1993.

FOR FURTHER INFORMATION CONTACT: Bonnie Poli, Chief, Pesticide Records Branch, Science Division, AMS, 8700 Centreville Road, suite 200, Manassas, VA 22110, 703-330-7826.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Regulatory Flexibility Act

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

This regulation has also been reviewed under the Regulatory Flexibility Act (5 U.S.C. 601 *et. seq.*). The Administrator of the Agricultural Marketing Service has determined that the maximum number of small entities affected by this rule will be less than 1.3 million certified pesticide applicators (980,000 private and 300,000 commercial applicators).

The economic impact on certified private applicators will, however, amount to no more than $0.70 per application of federally restricted use pesticides (RUP's) based on the amount of time necessary to complete a record. It has been estimated that the time required to complete a record will be less than 5 minutes per application.

This regulation also requires commercial applicators, approximately 300,000, to provide a copy of the RUP application record to their clients. Commercial applicators currently must complete RUP records under State or Federal regulations, therefore, no cost would be incurred for production of the RUP record. However, commercial applicators would incur the cost to duplicate a record, which is estimated to be $0.08 per record. Most commercial applicators bill on a monthly or more frequent basis, and it is assumed a copy of the record would be provided at the time of billing. If a commercial applicator does not include a copy of the record with the monthly statement, the cost would also include postage and an envelope. The cost to commercial applicators will vary considerably depending on the number of customers and the number of RUP applications. It is estimated that on an average, a commercial applicator would be required to duplicate approximately 616 records per year at a cost of $0.08 per copy or $49 per year.

Therefore, this regulation will not have a significant economic impact on either the private or commercial applicators affected by this rule or any other small entity.

Executive Order 12778

This regulation has been reviewed under Executive Order 12778, Civil Justice Reform. This regulation (1) will not preempt any State or local laws, regulations, or policies, unless they conflict with this rule; (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

As part of the Food, Agriculture, Conservation, and Trade Act of 1990, (Pub. L. 101-624; 7 U.S.C. 136i-1), hereinafter referred to as the FACT Act, Congress mandated the establishment, by the Secretary of Agriculture (USDA) in consultation with the Administrator of the Environmental Protection Agency (EPA), of requirements for recordkeeping by all certified applicators of federally restricted use pesticides. A certified applicator is an individual who is certified by EPA or a State under cooperative agreement with EPA to use or supervise the use of restricted use pesticides.

Applicator certification programs are administered by EPA, other Federal Agencies, and States. A restricted use pesticide, as distinguished from a general use pesticide, is one that has been classified as such under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, at 7 U.S.C. 136a(d)(1)(C)). EPA regulations issued under FIFRA, further provide that restricted use pesticides may be applied only by, or under the supervision of, a certified applicator. Applicator certification requirements are provided in the EPA regulations (40 CFR part 171).

A certified applicator may be a commercial applicator or a private applicator. A private applicator is one who uses or supervises the use of any restricted use pesticide for purposes of producing any agricultural commodity: (1) On property that is owned or rented by the applicator, or the employer of the applicator; or (2) if applied without compensation other than trading of personal services between producers of agricultural commodities, on the property of another person. A commercial applicator is one who uses or supervises the use of a restricted use pesticide for any purpose or on any property other than as provided under the definition of a private applicator. Some private applicators may be commercial applicators in some situations, and *vice versa.*

Under regulations implementing FIFRA, EPA approves State programs for certification of applicators and administers such certification programs in States or on Indian lands not having approved certification programs. State certification programs approved by EPA for private and commercial applicators are operated in every State except Colorado and Nebraska. In Colorado, EPA certifies private applicators, with commercial applicators certified by the Colorado Department of Agriculture. In Nebraska, EPA certifies both

commercial and private applicators. EPA has also approved four Federal agency plans to certify their employees as applicators of restricted use pesticides: USDA, the Department of Defense, the Department of Energy, and the Department of the Interior. EPA has also approved the Shoshone-Bannock Tribes certification program, and is assisting other Indian tribes in the development of certification programs.

Currently, under rules promulgated by EPA or the States, commercial applicators are required to keep records of restricted use pesticide applications. Section 11 of FIFRA explicitly prohibits EPA from requiring, through regulations, private applicators to maintain records. Current and proposed EPA rules on recordkeeping do not apply to private applicators. However, States may, on their own authority, require private applicator recordkeeping.

Summary of Final Rule

The FACT Act obligates the Secretary of Agriculture, in consultation with the Administrator of EPA, to require certified applicators to maintain certain records regarding use of restricted use pesticides. The Secretary of Agriculture and the Administrator of EPA are required under section 1491(f) of the FACT Act to survey the records and develop and maintain a comprehensive data base to provide accurate pesticide use data.

Pesticides play a major role in successfully producing abundant agricultural commodities for numerous consumer goods such as food, clothing, plastics, ethanol, etc. With increased awareness of pesticide safety, the public has become very concerned about the adverse effects of pesticides on food, worker safety and the environment. However, some of these concerns are based on misinformation or insufficient information.

One benefit derived from pesticide recordkeeping will be the availability of factual data that will help to reduce consumer anxieties about food safety and environmental concerns. This information may help reinforce the image of the farmer as the steward of the environment.

In addition, there are many direct benefits to the agricultural industry in keeping and maintaining accurate pesticide use records. Through good recordkeeping, the farmer can keep track of which treatments do or do not work and experiment with different application rates, products, techniques, and growing conditions which will enable the grower to more effectively and efficiently monitor pesticide use. This can ultimately increase farm profits through better pesticide use planning.

Pesticide recordkeeping is one of the major tools of Integrated Pest Management (IPM). IPM involves pest monitoring, and the selection, integration, and implementation of various control tactics based on thresholds derived from economic, ecological and social impacts. By selecting the most efficient combination of control tactics, the quantity of chemicals used can be reduced. In order to accomplish this, pesticide recordkeeping is required as a critical factor in evaluating the effectiveness of spraying programs.

Another benefit of recordkeeping involves reregistration of pesticides by the chemical manufacturers. Currently, it is not cost effective for some chemical companies to produce the type of data base necessary for re-registering certain minor use pesticides by the EPA, due to the small market for such pesticides. Information from such records could assist the Environmental Protection Agency's evaluations of these pesticides and help in the process to preserve registrations for minor use pesticides.

In the case of medical treatment, the ability to provide information on the use of restricted use pesticides is another important benefit of maintaining records, which benefits both agriculture producers and workers.

Provisions and Comments to the Proposed Regulation

In response to the notice of proposed rulemaking published in the **Federal Register** on May 12, 1992, with the comment period ending on August 10, 1992, the Department received 143 comments totaling 458 pages. The Department carefully reviewed and analyzed all of the comments. This final rule reflects changes deemed appropriate and based on the comments. The following is a summary of the comments received and the USDA response to those comments.

Comments Supporting the Recordkeeping Requirements

Numerous comments were received in support of the proposed pesticide recordkeeping requirements. Several comments indicated the benefits of recordkeeping, such as the more efficient tracking of expenditures for better fiscal management of farm operations and providing planning resources for next season's crops based on past records. One comment expressed strong support for the recordkeeping requirements because "* * * some years ago I rented land and the owners wanted it sowed * * * the land was loaded with a pesticide that killed the oats I had planted, had to replant to corn because nobody knew what was going on." Another comment stated that "* * * there is a real national need for improved application techniques and better record keeping of the insecticides, herbicides and other chemical products farmers depend upon for efficient, economical agricultural production." Numerous comments expressed a major reason for keeping good pesticide use records concerns lawsuits alleging liability as the result of pesticide use. Other comments were received indicating that farmers already use less than the rate allowed on the pesticide label. A benefit from the pesticide usage survey developed from the records required by this regulations will be statistical data on actual pesticide use that could support this claim.

Comments Opposing the Regulations

Numerous comments opposed the overall pesticide recordkeeping regulation. Some comments expressed concern that the benefits to society would not outweigh the stress and costs to the farmer. They stated that the farmer is concerned about pesticide safety and the environment, that the regulations would provide no benefit, and that the records would not help ease environmental concerns. Many restated this with the comment that farmers "* * * are not enemies of the environment * * *." Others indicated that the time spent on recordkeeping would reduce their available production time during the heavy spring farm work load and would only add frustration from filling in forms.

USDA recognizes the many concerns certified applicators may have regarding the legislation. However, pesticide recordkeeping legislation can be utilized as a means to document the belief that farmers use less pesticides than the label allows. This belief cannot be documented without complete and accurate records on pesticide usage. This evidence could also assist the EPA in evaluating pesticides and preserving registrations for minor use pesticides.

USDA is obligated by law to establish regulations implementing the pesticide recordkeeping requirements established in the 1990 FACT Act. The many comments received during this rulemaking procedure, both for and against the proposed regulations, have proved invaluable in drafting a final rule which accomplishes the intent of Congress with the least amount of burden.

Comments on Section 110.1, Scope

This section sets forth the requirements for recordkeeping on restricted use pesticides by all certified applicators, both private and commercial. Some comments expressed concern over the overlap between USDA and EPA in the implementation of the proposed rule. The FACT Act obligates the Secretary of Agriculture, in consultation with the Administrator of EPA, to require all certified applicators to maintain records on restricted use pesticides. EPA, in accordance with the statutory provisions of FIFRA, also requires commercial certified applicators to maintain records of RUP applications. As a result, this regulation does overlap some of the requirements imposed by EPA on commercial certified applicators of restricted use pesticides. In order to avoid duplication of regulatory effort and promote efficiency of the Federal Government, the Department intends to enter into a Memorandum of Understanding (MOU) with EPA to define their respective responsibilities concerning the recordkeeping rules. The concern regarding overlap between USDA and EPA is absent regarding private applicators since EPA is explicitly prohibited under section 11 of FIFRA from requiring them to maintain records, as some of the comments indicated. In addition, EPA has indicated that it may revise its requirements for commercial applicators under FIFRA, including those required in State plans, to more closely reflect the requirements in this rulemaking document. This will assure closer alignment of the recordkeeping requirements imposed under FIFRA and the FACT Act.

Although the scope of this final regulation covers both commercial and private applicators, the responsibilities of the applicators differ. Several comments questioned whether applicators of non-agricultural applications for commercial categories such as structural, wood treatment, and experimental uses, are required to keep records under this Act. All commercial applicators, whether agricultural or non-agricultural, will continue to maintain records under FIFRA or State regulations and shall, within 30 days of a restricted use pesticide application, provide a copy of those records or a copy of records maintained under this rule to the person for whom the restricted use pesticide was applied.

Certified private applicators, who are currently keeping records under State regulations which are deemed comparable by the Agricultural Marketing Service (AMS) to those States certified commercial applicator record requirements or to this Federal rule, will continue to maintain records as required by their State law. Certified private applicators in States having no requirement for recordkeeping of restricted use pesticides, must comply with the Federal regulations as set out in this rule.

Comments on Section 110.2, Definitions

Definitions are included (at 7 CFR 110.2) to clarify many of the terms and words used in these regulations. A number of these definitions, such as those for "certified applicator," "private applicator," and "commercial applicator," are substantially similar to the definitions in FIFRA. A "restricted use pesticide" under FIFRA is a pesticide which has been classified as such in accordance with the criteria in 7 U.S.C. 136a(d)(1)(c). This regulation shall be applied to the application of these pesticides; it does not apply to the application of other pesticides, such as general use pesticides or State restricted use pesticides.

Other definitions, such as those for "comparable," "supervise," "certification number," and "EPA registration number," are meant to be similar to existing EPA or State regulations. The definitions for "authorized representative," "record," "recordkeeping," and "State lead agency," are intended to clarify terms used in these regulations. Finally, the definitions for "respondent," "parties," "person," "presiding officer," and "complainant" are provided to clarify certain terms used in the rules of practice (7 CFR 110.8) provided for in these regulations.

Several comments were received requesting that the definition of "complainant" be expanded to include "any health professional whose request for pesticide records or label information was denied and the patient(s) on whose behalf such a request was made." However, the statute does not provide for citizen suits, and the Federal law allows for actions on civil penalties to be discharged only through USDA or a cooperating State agency. Therefore the definition will not be changed. However, USDA would encourage that information concerning the inability to obtain restricted use pesticide information for medical treatment be provided to USDA or the appropriate cooperating State agency. Comments were received pointing out the need to clarify the term "parties" as referenced in section 110.8, Rules of Practice, in the proposed regulations. USDA recognizes there could be some misunderstanding as to use of the term "parties" and, therefore, has added a definition for "parties." The term includes officials of USDA or State agencies who institute proceedings, and the person(s) against whom such proceedings are instituted, under § 110.8 of this rule.

USDA has also added a definition for "medical emergency," which is used in the regulation to provide guidelines on the time frame in which a holder of records must provide the record information to licensed health care professionals. The statute clearly describes two standards, "promptly" and "immediately," for providing access to record information to licensed health care professionals. Several comments were received which pointed out that USDA had failed to make a distinction in these two time frames in the proposed regulations. USDA recognized this oversight, and has changed the regulations to reflect the intent of the statute. A "medical emergency" is defined as "injuries or illnesses which require immediate medical attention to prevent life-threatening or disabling conditions."

Comments on Section 110.3, Records, Retention and Access to Records

Records. Several comments expressed the need to clarify what constitutes a record. A record shall be the legible recording of all required elements under § 110.3(a) (1)–(6) for the application of a restricted use pesticide. Records can be handwritten on individual notes or forms, consist of invoices, be computerized, and/or be maintained in recordkeeping books. Any format is appropriate as long as all the required elements are legible and recorded appropriately.

Keep Regulation Simple. Several comments requested that the regulations be kept user friendly and that a format be adopted that is easy to use. One comment stated that USDA should try to "* * * make this procedure as practical and as painless as possible." USDA is aware of the need to provide certified applicators the flexibility to develop a format suitable to their current management scheme, and therefore, has not mandated the use of a Federal form for the recordkeeping procedure. USDA will be working with the Cooperative Extension Service, farm organizations, State agencies, and others to assist private applicators with suggested formats and methods to record the information easily and accurately.

One suggestion was that the private applicator retain invoices from the purchase of the restricted use pesticide

and mark the field to which the pesticide was applied. The commentor felt that information would be all that's needed to answer 90 percent of the questions. An invoice could be an acceptable record provided it furnishes all the required elements set out in § 110.3(a) (1)–(6). However, USDA does not believe most retail invoices will provide all the required information, and additional information would need to be added to an invoice to make it a complete record.

Required Data Elements. In response to comments concerning the number of data elements required in the proposed regulations, USDA, honing in on the essential elements for valid reporting of RUP use, deleted or changed some data elements. Additionally, one commentor felt the Department was limited to requiring the four elements as outlined in the FACT Act, that is, product name, amount, approximate date of application, and location of the application. USDA interprets the statute as requiring all applicators in a State to maintain records comparable to commercial applicator records in the State. In drafting the proposed rule, USDA conducted a study of the commercial applicator requirements in the States. USDA is satisfied that the data elements required in the rule are consistent and comparable to commercial applicator record requirements nationally. USDA does not believe the data elements required in these regulations fall outside of the intent or authority of the statute.

The following is a review and explanation of the proposed data elements in § 110.3(a) (1)–(6).

The proposed regulation, § 110.3(a) (1)–(5), specified the content or data elements of the records to be kept. These elements included, for each record:

(1) The brand or product name, formulation, and the EPA registration number of the restricted use pesticide that was applied.

Many comments were received concerning the use of all three elements: Brand or product name, EPA registration number and formulation, and correctly identifying the RUP. Some commentors stated that the brand or product name sufficiently identified the pesticide, and could, therefore, stand alone. Numerous commentors wanted to delete the EPA registration number to avoid searching for it on the label and eliminate duplication of effort for the applicator. After careful review, USDA has determined that the brand or product name and the EPA registration number are necessary data elements. These data elements will increase the accuracy of the data, and increase the value of the data base as they will provide the capability to cross-reference information. Comments concerning "formulation" raised questions about the prominence of formulation statements on the label and questioned the need to require it as a data element. One commentor summarized the majority of the comments with the statement, "Formulation statements on the label are not consistently placed near the brand name and the meaning of formulation abbreviations are not always clear." After careful consideration USDA agrees and has dropped the requirement for "formulation" as a data element.

(2) The total amount and the rate of application of the restricted use pesticide applied.

A few commentors expressed the belief that both the total amount and the application rate of the restricted use pesticide were not necessary, along with the recording of total area treated, since one of these entries could be calculated from the other two. Other commentors indicated that "* * * [application] rates used will, in our experience, lead to misleading information. Without information regarding the type of application, brand, broadcast, spot treatment, tree size, weed growth, etc., the rate offers little information about the amount used per surface area which we believe to be the number you want." After reviewing these and similar comments, USDA has removed "application rate" as a required data element. Therefore, the total amount of restricted use pesticide applied and the total area treated by the application will be required.

Several commentors sought clarification as to what was to be recorded for "amount." USDA requires the following to be recorded: The total amount of the restricted use pesticide applied, with the total amount referring to the total quantity of product used, with each restricted use pesticide listed separately. Amount does not refer to percent of active ingredient nor does it include the quantity of water or other substance used as a carrying agent.

The pesticide label should be the reference point used when recording the amount applied. The amount should be recorded in quantities similar to label language. For example, if the label states that the pesticide is to be measured as pints, ounces or pounds, then the amount should be recorded in that measurement.

(3) The address or location of the application, the size of area treated, the target pest, and the crop, commodity, or stored product or site to which a restricted use pesticide was applied.

Location of Treatment Area. Comments were received indicating the specific location of an application needs to be recorded and not the address of the farm. One comment indicated "Many fields located on the same farm will have the same address." The comments emphasized the misunderstanding or confusion concerning "address or location of the application." It is USDA's intent to collect information concerning the actual location of the treated area, not the address of the applicator, farm or business. USDA has decided to simplify the recordkeeping process and eliminate possible confusion concerning "location" and "address" of the application, by deleting the word "address" from the rule, leaving the entry requirement as "location." The statute clearly states that the records should contain the specific location of the application. Many comments expressed ideas on how to record the "location" of application and a need to provide flexibility in the recording methods to reflect different areas of the country. The western area of the country commonly utilizes county, range, township and section as a method to identify specific field locations. However, in the northeastern area of the country, locations are recorded in a completely different manner. After reviewing these comments, USDA has decided to provide several options for recording "location." These options include: (1) County, range, township, and section; (2) an identification system utilizing maps and or written descriptions which accurately identify location; (3) an identification system established by a USDA agency such as the Agricultural Stabilization Conservation Service (ASCS) or the Soil Conservation Service (SCS), which utilizes maps and a numbering system to identify field locations; and (4) the legal property description.

Size of Area Treated. Reporting "size of area treated" and how it should be recorded was of concern to some commentors. "Size of area treated" relates to a unit of measure such as acre, linear feet, bushel, cubic feet, square feet, number of animals, etc., which is normally expressed on the pesticide label in reference to the application being made. For the special applications such as alternate middles (commonly used in orchards or groves), weed wicks or band applications, the "size of area treated" should be recorded as the total area covered. For example, if an 80-acre grove is treated using an alternate middle approach, the entire 80 acres

would be recorded as the "size of the area treated."

Target Pest. Comments from several State agencies that require certified applicators to keep pesticide records indicated that "target pest" information has not proven to be useful due to the varied ways applicators record the information. This comment reflects the concern for useful data: "Although we currently require this information [target pest] * * * we have not used the information and are proposing to drop the requirement." After reviewing the comments, USDA has determined that this requirement would not produce relevant, consistent and accurate data. Therefore, USDA is eliminating "target pest" as a required data element.

Crop, Commodity, Stored Product. The majority of the comments received concerning the requirement for "crop, commodity, or stored product" information were supportive of this requirement. Some comments expressed that simply reporting "crop" or "commodity" should be sufficient. The regulation covers all restricted use pesticide applications, therefore, USDA feels that "crop, commodity, or stored product" are essential to provide the necessary flexibility to the certified applicator to record this information correctly. In addition, USDA has added "site" to the data elements. This will address comments which expressed concern as to how livestock treatments should be reported, and also the need to report in general terms, such as "nursery stock," and "shade trees." Although one comment suggested that the use of "site" should be utilized in place of "crop, commodity, or stored product," USDA believes the regulations will be more workable for applicators through the addition of the term "site." The final regulation reads, "The location of the application, size of area treated and the crop, commodity, stored product or site to which a restricted use pesticide was applied." One comment referred to the label as the guidance document for recording this information. USDA agrees with this comment and suggests that the certified applicator use the label information when recording "crop, commodity, stored product or site" to which the restricted use pesticide was applied.

One comment was received concerning USDA expansion of the data elements to require "crop, commodity, or stored product" and questioned the need for this information for the purpose of collecting statistical data. USDA interprets the intent of the statute to provide accurate restricted use pesticide use data. One key component of accurate use data is the "crop, commodity, stored product or site" to which the restricted use pesticide is applied. This type of data can be utilized in risk/benefit analyses work and for other issues such as food safety and environmental impacts.

(4) The month, day, and year, on which the restricted use pesticide application occurred.

Numerous comments were received indicating the date is essential to the recordkeeping requirement. USDA is in agreement, and will maintain the requirement in the final rule.

Other comments stated that requiring month, day and year was too specific, referring to the statute wording of "approximate date" which would be more appropriate. However, the FACT Act also requires the pesticide record be kept for 2 years from the date of the restricted use pesticide application. In order to enforce the 2-year retention period, the exact date of the restricted use pesticide application must be recorded.

Other comments were received stating the requirement for month, day, and year as not specific enough, and USDA should require an exact time of application for the purpose of medical treatment. USDA believes requiring an exact time of application would not be consistent with the statute, and therefore, will not require exact time of application.

(5) The name, address, and certification number (if applicable) of the certified applicator who applied or who supervised the application of the restricted use pesticide.

Several comments expressed confusion between "address" pertaining to the certified applicator and "location" pertaining to the treated area. These comments prompted USDA to contact a sample of the State pesticide regulatory agencies concerning how information is maintained on certified applicators. As a result of information gathered, USDA believes certified applicators' addresses can be obtained through these agencies and accurate data collection can be accomplished without requiring "address" of the certified applicators. Therefore, USDA will require only the name and certification number (if applicable) of the applicator, and has eliminated the requirement for "address" of the applicator.

One comment indicated that "* * * applicators name, address, and certification number would need to be entered only once in a permanent record book." USDA concurs with this statement, as long as this information is clearly associated with each record, therefore, the name of the applicator and certification number need only be recorded once.

Recording Spot Applications. Several comments were received concerning the method for which spot applications for noxious weeds were to be recorded. The statute clearly mandates that all restricted use pesticide applications be recorded, however, USDA does not believe significant data can be acquired from an occasional spot application made to noxious weeds or a small segment of fence row, for example. Therefore, an additional § 110.3(a)(6) has been added to accommodate this type of spot application. USDA considers a spot application to be a treatment directed at specific plants or areas (rather than a general application) which consists of an application of a restricted use pesticide in a total area less than one-tenth (1/10) of an acre.

Section 110.3(a)(6) provides for some flexibility in the items to be recorded in the case of a spot application, by only requiring that the brand or product name, EPA registration number, total amount applied, date of application and for location designated as "spot application" be recorded as a record. This is only applicable to application of restricted use pesticides made in the same day.

Section 110.3(a)(6) does not apply to greenhouse and nursery operations. Since the greenhouse and nursery industries conduct most pesticide applications as general applications over small areas, USDA believes allowing them to follow 1/10th acre rule for recording the use of federally restricted use pesticides (RUPs) would eliminate the recording of essential elements of the majority of pesticide applications made in these industries. USDA believes these industries use RUPs regularly, and complete and accurate application records are needed. In addition, the concentration of RUP applications in confined and restricted areas for greenhouse and nursery production presents a special need for complete recording of all the essential data elements. Therefore, in order to have an accurate and complete information base on the total use of federally restricted use pesticide, greenhouse and nursery operations are excluded from § 110.3(a)(6) and are required to complete the application records of federally restricted use pesticides under § 110.3(a) (1)–(5).

Comments on Additional Elements for Section 110.3((a) (1)–(6)

A number of comments suggested that additional data elements such as climate factors, exact hour of application or method of application should be

recorded. In reviewing the requirements of the individual States for commercial applicators and determining the essential data elements required to fulfill the intent of the FACT Act, the additional elements were determined not to be comparable to most commercial applicator requirements or to be beyond the intent of the FACT Act.

Recording Information in a Timely Manner. Many comments were received concerning the requirement that the recording of the data on the application of a restricted use pesticide be done in a "timely manner." The comments indicated that "timely manner" is too vague and unenforceable. Some comments wanted to require that "timely manner" be changed to 24 hours. After reviewing the comments, USDA has determined a time period must be specified to record the restricted use pesticide application. Since under certain circumstances the FACT Act requires certified applicators to promptly provide record and available label information to health care professionals upon request, it is important that the information be recorded as soon after the application as possible. Section 110.3(b) will require that the information be recorded within 30 days of the restricted use pesticide application.

Record Retention Period. Many comments were received requesting that the retention period for the pesticide records be maintained at 2 years. One comment suggested a longer retention period of 3 years or longer. Another comment suggested long term monitoring of pesticide use with a 30-year retention period. The 1990 FACT Act states that the records would be retained for a 2-year period, therefore, the final rule will remain consistent with the 2-year retention period.

Access to Records. Several comments were received regarding access to RUP records. Some comments wanted to increase and others to decrease the accessibility of the records. The law specifically states that:

"Records maintained under subsection (a) shall be made available to any Federal or State agency that deals with pesticide use or any health or environmental issue related to the use of pesticides, on the request of such agency. Each such Federal Agency shall conduct surveys * * *, but in no case may a government agency release data, including the location from which the data was derived, that would directly or indirectly reveal the identity of individual producers. In the case of Federal agencies, such access to records shall be through the Secretary of Agriculture, or the Secretary's designee. State agency requests for access to records shall be through the lead State agency so designated by the State."

Access to pesticide data by government agencies will be provided for in two ways. First, the National Agricultural Statistics Service (NASS) of USDA will conduct voluntary pesticide use surveys for acquiring federally restricted pesticide use data. Second, both USDA and State lead agencies will conduct compliance inspections.

Several commentors felt that inspections should be made only if there is just cause to look at records and that the inspections should be made at reasonable times. USDA is aware of the agricultural production cycle, and recognizes peak periods in production when there are intense labor demands. It is our intent to make the inspections during reasonable time periods and with a minimum of stress to the certified applicator. Federal or State employees working under a cooperative agreement with AMS would identify themselves and show proper credentials before requesting access to records.

Several comments also suggested that a warrant be obtained before records should be made accessible for inspection. The statute provides for access to records upon the request of an appropriate Federal or State agency, and does not contemplate the use of warrants.

The purpose of compliance inspections is to review applicator records to determine compliance/noncompliance. During compliance inspections, the inspector may review and/or copy the restricted pesticide use record(s). However, the original restricted use pesticide records will remain with the record holder.

Commercial Applicator's 30-Day Time Period for Providing Records. One comment raised a concern that the 30-day time period for a commercial applicator to provide a copy of the application record to the person for whom such application was provided was too short. The request was to increase the 30-day time period stated in the proposed regulations to a 60-day time period. The comment noted that the primary workload for commercial applicators is during the peak of the growing season and that during that season, a 4-week period would be insufficient to do the paperwork.

The statute specifically states that, "* * * within 30 days of a pesticide application, a commercial certified applicator shall provide a copy of records maintained under paragraph (1) to the person for whom such application was provided." USDA is aware of the industry's concern over the lack of time during the commercial applicator's "busy season." However, USDA is mandated by statute to adhere to the 30-day time period.

There were several comments questioning who actually should receive the copy of the record provided by a commercial applicator in the case of a tenant or lessee. The comments expressed concern that the absentee landowner would receive the copy. The statute states the copy should be provided to the person for whom such application was provided. USDA is interpreting this to mean the copy should be provided to the person who contacts the commercial applicator to apply the restricted use pesticide.

Comments on Section 110.4, Demonstration of Compliance

Comments were received concerning recordkeeping compliance and what would constitute a violation. Compliance means that all the required elements shall be recorded within 30 days of application in a legible manner, that commercial applicators provide copies of the records within the allotted time, and that access to records be permitted.

Comments of Section 110.5, Availability of Records To Facilitate Medical Treatment

Several comments were submitted pointing out the proposed regulations had failed to address the need to provide record information "immediately" in the case of a medical emergency. USDA agrees that the proposed regulations did fail to make a distinction in gaining access to information in a "prompt" manner versus "immediately." The FACT Act states that "* * * upon request persons required to maintain records under subsection (a) shall promptly provide records and available label information to that health professional. In case of an emergency, such record information shall be provided immediately." In order to make a distinction between "promptly" and "immediately," USDA believes it is necessary to provide guidance on what constitutes a medical emergency requiring record information to be provided immediately. Therefore, USDA has added a definition for "medical emergency" in § 110.2, Definitions.

Several comments were provided questioning the use of the definition "licensed health care professional" in the proposed regulations, pointing out that the FACT Act had used the term "health care professional." The comments pointed out that many migrant clinics are staffed by trained, but not necessarily licensed, health care professionals and that the proposed

limitations would hinder access to record information for medical treatment. It is not the intent of USDA to hinder information for the purpose of medical treatment, however, because it is our understanding that only licensed health care professionals are qualified to treat patients beyond giving first aid, there is no reason for others to receive this information. Additionally, USDA's limitation of access only to licensed health care professionals sets a criteria for record holders to identify legitimate requests for information for medical treatment or first aid. USDA recognizes the actual request for the record information may be made by staff working in a migrant clinic, however, the request should be made on behalf of a licensed health care professional. Trained staff may be able to recognize signs and symptoms of pesticide poisoning, however, a licensed health care professional must administer medical treatment or supervise such treatment. USDA does not believe the requirement that a licensed health care professional be responsible for requesting, or instructing a staff member to request, the record information limits medical treatment to individuals who may have been exposed to a restricted use pesticide.

Numerous comments were received concerning the proposed regulations limiting the release of record information obtained by licensed health care professionals. The statute states that the information is to be used for medical treatment or first aid. USDA does not intend to limit the use of the information as it pertains to medical treatment or first aid for an individual who may have been exposed to the restricted use pesticide. Information may be shared by the licensed health care professional as long as it pertains to medical treatment or first aid to the individual. However, the information should be treated with the same confidentiality accorded all medical records and information maintained by the licensed health care professionals on individual patients.

Other comments expressed concern that the proposed regulations did not provide enough guidance on what constituted an individual's exposure to a restricted use pesticide. USDA believes the regulations provide adequate guidance, and therefore, will not add additional guidance to what warrants exposure to a restricted use pesticide.

Comments on Section 110.6, Federal Cooperation With States

Comments were received concerning the States' involvement in surveying RUP records and enforcing the regulations. The 1990 FACT Act contemplates cooperative efforts between USDA and State lead agencies. The Department will enter into cooperative agreements with States pursuant to the Talmadge-Aiken Act of 1962 (7 U.S.C. 450). These cooperative agreements would be for the purpose of utilizing employees and facilities of the State in administering and enforcing the pesticide recordkeeping statute and rule. The cooperative agreement would not include tasks involved with surveying the pesticide records. USDA's National Agricultural Statistics Service (NASS) will conduct the survey. NASS may request cooperation from the State lead agencies in planning its survey, but NASS personnel and interviewers employed by NASS through a cooperative agreement will conduct the survey. Participation in the survey by producers or private applicators will be voluntary. Therefore, the enforcement and surveying of the restricted use pesticide records will be two separate events.

A comment was received concerning § 110.6(b)(3) which requires State personnel to meet qualification standards established by USDA if entering into a cooperative agreement with USDA. The comment reflected on the fact that State personnel had been conducting pesticide enforcement, recordkeeping and related enforcement agreements for years with EPA. In response, USDA acknowledges that the States have qualified personnel to conduct this program. This is one reason USDA suggested cooperative agreements with State pesticide regulatory agencies. USDA would recognize existing qualifications of State agency personnel and would specify this in the cooperative agreement.

Comments on Section 110.7, Penalties

Many comments question the harshness of the civil penalties authorized for violations of the regulations. In addition, several comments stated that the penalties were inconsistent with section 14 of FIFRA which provides pesticide misapplication penalties for private applicators of only a warning for the first offense and then not more than $1000 for subsequent violations. Their concern was that under the USDA proposal, a person could knowingly misuse pesticides and receive a written warning from EPA, while another person could follow all label instructions but inadvertently forget to keep the required records and be fined up to $500. The FACT Act explicitly sets forth penalties for violations of its provisions: "A violation of such subsection shall: (1) In the case of the first offense, be subject to a fine not more than $500; and (2) in the case of subsequent offenses, be subject to a fine of not less than $1,000 for each violation, except that the penalty shall be less than $1,000 if the Secretary determines that the person made a good faith effort to comply with such subsection. Therefore, USDA is mandated by law to follow the required penalties established by the FACT Act.

Several of the comments questioned the apparent emphasis on the penalties, noting the large amount of text dedicated to the rules of practice. They stated that more than two-thirds of the proposed pesticide recordkeeping regulation contains text on the rules of practice. The rules of practice are fairly standard for any administrative proceeding, and need to be detailed for clarity and to reduce possible confusion if violations do occur.

A number of comments pointed out the failure of the proposed regulations to provide for penalties against health care professionals or record holders other than certified applicators that violate the law. USDA has carefully reviewed this issue and has determined that the statute provides authority under 7 U.S.C. 136i–1(d) to impose penalties only on certified applicators.

Comments on Section 110.8, Rules of Practice

One comment raised a concern that the time period to respond to a notice of violation was too short. The request was for an increase to a 60-day time period from the 30 days stated in the proposed regulations. The comment noted that the time period in which a notice of violation may be issued is the peak workload season for many in the agricultural industry. The additional time would allow for adequate preparation for a response to the notice of violation. USDA will adhere to the 30-day time period for responding to a notice of violation as stated in the proposed regulations, as this is deemed a standard response time, and is consistent with other AMS enforcement procedures.

Several comments were received stating the procedure "should allow for the subpoena of witnesses by respondents." USDA is aware of the concern regarding the lack of subpoena authority, however, the power to issue a subpoena must be provided through statute. The FACT Act did not provide the authorization to issue a subpoena either by the agency or a respondent. However, as in the case of other administrative proceedings conducted

by USDA, subpoena authority is not essential in providing due process, including opportunity for a fair hearing.

One comment pointed out that "Each regulatory hearing has a separate hearing officer. According to these proposed rules, an individual request to the Administrator for approval of this person is necessary. This is too complex." USDA agrees the rules of practice are complex, however, these are standard procedures for AMS which are utilized by AMS in many of its programs. The Administrator does have the authority to designate a presiding officer by delegation. For those States that wish to enter into a cooperative agreement with AMS and assist in administering and enforcing the regulations, the Administrator could designate in writing an individual from the State lead agency to preside at a proceeding conducted pursuant to § 110.8 of this regulation.

Adequate Funding

Numerous comments were made questioning the insufficient amount of funds appropriated to implement section 1491 of the FACT Act. The comments were concerned with the accuracy of the data collected and the effectiveness of the program. Existing funds will be used to develop a national model for educational programming and to assist the States in administering and enforcing the program. To reduce costs, States will be encouraged to conduct compliance inspections on a statistically correct representative sample of certified private applicators to be randomly selected. With EPA and the National Agricultural Statistics Service of USDA, conducting the federally restricted pesticide usage surveys on existing resources, the amount and quality of data collected in the surveys will not be affected to any great degree.

Other Comments

Comments were received requesting the rationale for locating the pesticide recordkeeping program within AMS. The comments indicated the Agricultural Stabilization and Conservation Service (ASCS) might be better suited to manage the program. The Agricultural Marketing Service (AMS) was designated by the Secretary as the lead agency in implementing and administering section 1491 of the FACT Act. One of the major objectives of this program is to enter into a Federal-State cooperative program to implement and carry out the mandates of the recordkeeping program. AMS has the authority to establish cooperative programs through the Talmadge-Aiken Act, which authorizes the Secretary (or his or her designee) to utilize employees and facilities of any State in carrying out Federal regulatory, marketing, inspection and other functions. AMS has extensive experience in regulatory programs and cooperative agreements with State agencies through its many regulatory programs.

Implementation of Pesticide Recordkeeping Program

The effective date for the pesticide recordkeeping regulation is 30 days after publication of this final rule. USDA will implement the final rule in three facets: education and awareness; compliance; and restricted use pesticide data surveys. USDA intends to emphasize education and awareness of the new regulations throughout the implementation process with a strong focus on educational programs for certified applicators, State lead agencies, State Extension agencies, and other interested groups.

Early in the implementation period, USDA will begin negotiations on cooperative agreements with State pesticide lead agencies for the enforcement of the regulations. These cooperative agreements will allow for the inspection of records through State agencies already in place to reduce duplicative efforts and increase efficiency.

Pesticide use data surveys will be conducted jointly by USDA and EPA. Participation in the surveys by certified applicators or producers will be on a voluntary basis.

USDA–AMS believes that implementing the final pesticide recordkeeping regulations through education, compliance and national pesticide use surveys, will fulfill the pesticide recordkeeping mandate set out in the 1990 FACT Act in the most efficient and appropriate method.

Education

USDA–AMS will be working with the Extension Service to produce and distribute educational materials on the benefits of recordkeeping and the requirements of the final pesticide recordkeeping regulations. The educational materials will be developed in a variety of formats, such as videos, slide programs, and printed brochures. The materials will be tailored to specific audiences, such as certified applicators, trainers, state inspectors, and organizations.

In addition, programs to inform and train Extension and State Department of Agriculture agents on the final regulations will be conducted. USDA–AMS will continue to work with agricultural organizations, associations, farm worker organizations and related industries to distribute and provide information and educational materials on the regulation and the pesticide recordkeeping program.

Compliance

AMS will begin negotiations on cooperative agreements with State pesticide lead agencies to implement the compliance programs for the pesticide recordkeeping regulations early in the implementation process. Developing the cooperative agreements will allow the use of existing State inspection systems to conduct compliance inspections. If a State elects not to enter into a cooperative agreement for the implementation of the compliance program, AMS will establish a Federal program in that State. It is the hope of USDA that cooperative programs can be established in an effort to achieve the most efficient implementation method.

Survey

The 1990 FACT Act requires that RUP application records be surveyed to develop a pesticide use data base and an annual report to Congress on the usage of restricted use pesticides. The data will assist in the development of agricultural and pesticide related policies. The survey of record information will be conducted on a voluntary basis. The survey will be of the recorded information and not of the identities of the applicators, nor the collection of the records themselves. USDA and EPA will enter into a Memorandum of Understanding (MOU) to delineate the appropriate tasks for each agency in conducting the survey of certified applicators. EPA will be responsible for surveying the non-agricultural commercial applicators. USDA's National Agricultural Statistics Service (NASS) will be responsible for surveying the record information for agricultural use of restricted use pesticides.

NASS has the responsibility to develop and maintain a comprehensive pesticide data base under the 1989 Water Quality and Food Safety Initiative, and will combine its surveys under the pesticide recordkeeping regulations to reduce respondent burden and minimize the use of resources. The survey will be conducted on a sample basis in the form of personal interviews. In order to develop a more comprehensive pesticide use data base, NASS will ask applicators to provide both general and restricted use pesticide data. The results of the survey will be published, usually 6 months after the collection of the data, and will include

amount of active ingredient by commodity, by State, number of applications, and acres treated.

List of Subjects in 7 CFR Part 110

Pesticide and pests, Reporting and recordkeeping requirements.

Therefore, 7 CFR is amended by adding part 110, to read as follows:

PART 110—RECORDKEEPING ON RESTRICTED USE PESTICIDES BY CERTIFIED APPLICATORS; SURVEYS AND REPORTS

Sec.
110.1 Scope.
110.2 Definitions.
110.3 Records, retention, and access to records.
110.4 Demonstration of compliance.
110.5 Availability of records to facilitate medical treatment.
110.6 Federal cooperation with States.
110.7 Penalties.
110.8 Rules of practice.
110.9 Miscellaneous.

Authority: 7 U.S.C. 136a(d)(1)(c); 7 U.S.C. 136i–1; 7 U.S.C. 450; 7 CFR 2.17, 2.50.

§ 110.1 Scope.

This part sets forth the requirements for recordkeeping on restricted use pesticides by all certified applicators, both private applicators and commercial applicators.

§ 110.2 Definitions.

As used in this part, the following terms shall be construed, respectively, to mean:

Administrator. The Administrator of the Agricultural Marketing Service, United States Department of Agriculture, or any individual to whom the Administrator delegates authority to act in his or her behalf.

Authorized representative. Any person who is authorized to act on behalf of the Secretary or a State lead agency for the purpose of surveying records required to be kept under this part and enforcing this part.

Certification number. A number issued by EPA or a State to an individual who is authorized by EPA or the State to use or supervise the use of any restricted use pesticide.

Certified applicator. Any individual who is certified by EPA or the State to use or supervise the use of any restricted use pesticide covered by that individual's certification.

Commercial applicator. A certified applicator, whether or not the individual is a private applicator with respect to some uses, who uses or supervises the use of any restricted use pesticide for any purpose on any property other than as provided by the definition of private applicator.

Comparable. With respect to the records required to be kept under this part, similar to those required under EPA-approved State certification programs.

Complainant. The Administrator or an official of a cooperating State that deals with pesticide use or health or environmental issues related to the pesticide use, who institutes a proceeding pursuant to § 110.8 of this part.

EPA. The United States Environmental Protection Agency.

EPA registration number. The number assigned to a product registered with EPA in accordance with sections 3 or 24c of the Federal Insecticide, Fungicide, and Rodenticide Act and implementing regulations, and borne on the label of the product.

Indian governing body. The governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

Licensed health care professional. A physician, nurse, emergency medical technician, or other qualified individual, licensed by a State to provide medical treatment.

Medical Emergency. A medical emergency shall be defined as injuries or illnesses which require immediate medical attention to prevent life-threatening or disabling conditions.

Parties. Includes the Administrator or cooperating State agencies who institute proceedings against whom such proceedings are instituted, under § 110.8 of this part.

Person. Any individual, corporation, company, association, firm, partnership, society, or other legal entity.

Presiding officer. Any individual designated in writing by the Administrator to preside at a proceeding conducted pursuant to § 110.8 of this part.

Private applicator. A certified applicator who uses or supervises the use of any restricted use pesticide for purposes of producing any agricultural commodity:

(1) On property owned or rented by the applicator or the employer of the applicator; or

(2) If applied without compensation, other than trading of personal services between producers of agricultural commodities, on the property of another person.

Record. The legible recording of all required elements under section 110.3(a) (1) through (6) for the application of a federally restricted use pesticide.[1]

Recordkeeping. The recording by the certified applicator, or the agent of the certified applicator, of the information required by § 110.3(a) (1) through (6) of this part concerning each restricted use pesticide application, either electronically or manually in writing, and the maintenance of such records in a manner accessible to authorized representatives.

Respondent. The party proceeded against pursuant to § 110.8 of this part, restricted use pesticide. A pesticide that is federally classified for restricted use under section 3(d)(1)(c) of the Federal Insecticide, Fungicide, and Rodenticide Act.

Secretary. The Secretary of Agriculture, United States Department of Agriculture, or any individual to whom the Secretary delegates authority to act in his or her behalf.

State. A State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States, or an Indian governing body.

State lead agency. The agency designated by a State to have access to the records required to be maintained under this part.

Supervise. To provide instruction and guidance in the application of restricted use pesticides and exercise control over an applicator of restricted use pesticides in accordance with standards prescribed by the EPA in 40 CFR part 171.

§ 110.3 Records, retention, and access to records.

(a) Certified applicators of restricted use pesticides shall maintain records of the application of restricted use pesticides. These records shall include the following information for each application:

(1) The brand or product name, and the EPA registration number of the restricted use pesticide that was applied.

(2) The total amount of the restricted use pesticide applied.

(3) The location of the application, the size of area treated, and the crop, commodity, stored product, or site to which a restricted use pesticide was applied. The location of the application may be recorded using any of the following designations:

(i) County, range, township, and section;

[1] Records can be handwritten on individual notes or forms, consist of invoices, be computerized, and or be maintained in recordkeeping books.

(ii) An identification system utilizing maps and/or written descriptions which accurately identify location;

(iii) An identification system established by a USDA agency such as the Agricultural Stabilization Conservation Service or the Soil Conservation Service, which utilizes maps and numbering system to identify field locations; and

(iv) The legal property description.

(4) The month, day, and year on which the restricted use pesticide application occurred.

(5) The name and certification number (if applicable) of the certified applicator who applied or who supervised the application of the restricted use pesticide.

(6) Applications of restricted use pesticides made on the same day in a total area of less than one-tenth (1/10) of an acre require the following elements be recorded:

(i) Brand or product name and EPA registration number;

(ii) Total amount applied;

(iii) Location must be designated as "spot application"; and

(iv) The date of application.

This provision does not apply to records maintained for greenhouse and nursery applications, which are required to include all data elements listed in § 110.3(a) (1) through (5).

(b) The information required in this section shall be recorded within 30 days following the pesticide application.

(c) The records required in this section shall be retained for a period of 2 years from the date of the restricted use pesticide application and be maintained in a manner that is accessible by authorized representatives.

(d) A commercial applicator shall, within 30 days of a restricted use pesticide application, provide a copy of records required under this section or under State or Federal regulations (whichever is applicable) under which the commercial applicator is holding certification, to the person for whom the restricted use pesticide was applied.

(e) A certified applicator shall, upon oral request and presentation of credentials by an authorized representative, make available to the authorized representative the records required to be maintained under this section and permit the authorized representative to copy any of the records. The original of the records required to be maintained under this section shall be retained by the certified pesticide applicators.

(f) No Federal or State agency shall release information obtained under this part that would directly or indirectly reveal the identity of producers of commodities to which restricted use pesticides have been applied.

(g) Certified applicators who apply restricted use pesticides in States where they are required to maintain records on applications of restricted use pesticides, comparable to those for commercial applicators in that State, and such records are maintained in accordance with State requirements, are not subject to paragraphs (a), (b), and (c) of this section.

§ 110.4 Demonstration of compliance.

The Secretary is authorized to inspect and copy any record required to be maintained by this part in order to determine whether a certified applicator is complying with this part.

§ 110.5 Availability of records to facilitate medical treatment.

(a) When a licensed health care professional determines that any record of the application of restricted use pesticide required to be maintained under § 110.3 of this part is necessary to provide medical treatment or first aid to an individual who may have been exposed to the restricted use pesticide for which the record is maintained, the certified applicator required to maintain the record shall provide the record information and any available label information promptly to the licensed health care professional. If it is determined by a licensed health care professional to be a medical emergency, the record information of the restricted use pesticide relating to the medical emergency shall be provided immediately.

(b) No licensed health care professional shall release any record or information from the record obtained under paragraph (a) of this section except as necessary to provide medical treatment or first aid to an individual who may have been exposed to the restricted use pesticide for which the record is maintained.

§ 110.6 Federal cooperation with States.

(a) For the purpose of carrying out this part, the Administrator may enter into agreements with States.

(b) The Administrator may, after entering a State-Federal cooperative agreement with a State, utilize employees and facilities of the State to carry out any provisions of this part in that State. This State-Federal cooperative agreement shall specify:

(1) The agency of the State that is designated as the State lead agency;

(2) The responsibilities of State agencies for the enforcement of this part and the imposition of penalties under this part;

(3) The qualifications required of the State employees administering and enforcing this part;

(4) That the State-Federal cooperative agreement may be terminated at any time by the mutual agreement of the parties to the agreement;

(5) That the State-Federal cooperative agreement may be terminated by either party by giving written notice to the other party at least 90 days before a specified date of termination; and

(6) The provisions for liaison between the State and the Administrator concerning the administration and enforcement of this part as may be agreed by the Administrator and the State.

(c) If at any time the Administrator shall determine that the State lead agency or other State agencies charged with carrying out the terms of the State-Federal cooperative agreement are unable or unwilling to carry out the terms of the agreement, or, if for any reason the Administrator or State shall determine that the agreement is no longer in effect, the Administrator shall administer and enforce this part in the State.

(d) If a State shall notify the Administrator of its readiness to enter into a State-Federal cooperative agreement prior to passage of State legislation and regulations governing recordkeeping by certified applicators of restricted use pesticides, the Administrator may enter into a State-Federal cooperative agreement with the State on an annual basis.

(e) For a State to be eligible for Federal technical or financial assistance under a State-Federal cooperative agreement, the State requirements for recordkeeping by all certified applicators of restricted use pesticides must be comparable to the recordkeeping requirements under this part.

§ 110.7 Penalties.

Section 1491(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 provides that the Secretary shall be responsible for enforcement of section 1491 (a), (b), and (c) of the Food, Agriculture, Conservation, and Trade Act of 1990. Therefore, as provided in section 1491(d) of the Food, Agriculture, Conservation, and Trade Act of 1990, any certified applicator who violates the requirements of 7 U.S.C. 136i-1 (a), (b), or (c) shall be liable for a civil penalty of not more than $500 in the case of the first offense, and of not less than $1000 in the case of each subsequent offense, except that the penalty shall be less than $1000 for a second offense if the Administrator determines that the

certified applicator made a good faith effort to comply with this part.

§110.8 Rules of practice.

(a) *Notice of violation.* If there is reason to believe that a person has violated or is violating any provision of this part, the complainant may file with the Presiding Officer a notice of violation signed by the complainant. The notice of violation shall state:

(1) The date of issuance of the notice of violation;

(2) The nature of the proceeding;

(3) The identification of the complainant and respondent;

(4) The legal authority under which the proceeding is instituted;

(5) The allegations of fact and provisions of law which constitute the basis for the proceeding;

(6) The amount of the proposed civil penalty; and

(7) The name, mailing address, and telephone number of the Presiding Officer.

(b) *Answer.* Within 30 days after the service of the notice of violation, the respondent shall file with the Presiding Officer an answer signed by the respondent or by the attorney of record in the proceeding. The answer shall:

(1) Admit, deny, or explain each of the allegations in the notice of violation and set forth any defense asserted by the respondent; or

(2) State that the respondent admits all the facts alleged in the notice of violation; or

(3) State that the respondent admits the jurisdictional allegations in the notice of violation and neither admits nor denies the remaining allegations and consents to the issuance of an order without further procedure.

(c) *Default.* Failure to file an answer within 30 days after service of the notice of violation shall be deemed, for purposes of the proceeding, an admission of the allegations in the notice of violation, and failure to deny or otherwise respond to an allegation in the notice of violation shall be deemed, for purposes of the proceeding, an admission of the allegation, unless the complainant and respondent have agreed to a consent decision pursuant to paragraph (e) of this section.

(d) *Amendment of notice of violation or answer.* At any time prior to the filing of a motion for a hearing, the notice of violation or answer may be amended with the consent of the complainant and respondent or as authorized by the Presiding Officer upon a showing of good cause.

(e) *Consent decision.* At any time before the Presiding Officer files the decision, the complainant and respondent may agree to the entry of a consent decision. The agreement shall be in the form of a decision signed by the complainant and respondent with appropriate space for signature by the Presiding Officer, and shall contain an admission of at least the jurisdictional facts, consent to the issuance of the agreed decision without further procedure, and such other admissions or statements as may be agreed to by the complainant and respondent. The Presiding Officer shall enter such decision without further procedure, unless an error is apparent on the face of the document. The consent decision shall have the same force and effect as a decision issued after a full hearing, shall become final upon issuance, and shall become effective in accordance with the terms of the decision.

(f) *Procedure upon failure to file an answer or admission of facts.* The failure to file an answer with the Presiding Officer, or the admission by the answer of all the material allegations of fact contained in the notice of violation, shall constitute a waiver of hearing. Upon such admission or failure to submit an answer, complainant shall file with the Presiding Officer a proposed decision, along with a motion for the adoption of the proposed decision both of which shall be served upon the respondent by the Presiding Officer. Within 20 days after service of the motion and proposed decision, the respondent may file with the Presiding Officer objections to the motion and proposed decision. If the Presiding Officer finds that meritorious objections have been filed, complainant's motion shall be denied with supporting reasons. If meritorious objections are not filed, the Presiding Officer shall issue a decision without further procedure or hearing. Copies of the decision or denial of complainant's motion shall be served by the Presiding Officer upon the respondent and the complainant and may be appealed pursuant to paragraph (l) of this section. Where the decision as proposed by complainant is entered, such decision shall become final and effective without further proceedings 35 days after the date of service of the decision upon the respondent, unless there is an appeal to the Administrator by the complainant or respondent, pursuant to paragraph (l) of this section.

(g) *Conferences.* (1) Upon motion of the complainant or respondent, the Presiding Officer may direct the complainant and respondent or their counsel to attend a conference at any reasonable time, prior to or during the course of the hearing, when the Presiding Officer finds that the proceeding would be expedited by a conference. Reasonable notice of the time and place of the conference shall be given. The Presiding Officer may order the complainant or respondent to furnish at or subsequent to the conference any or all of the following:

(i) An outline of the case or defense;

(ii) The legal theories upon which the party will rely;

(iii) A list of documents which the party anticipates introducing at the hearing; and

(iv) A list of anticipated witnesses who will testify on behalf of the party. At the discretion of the party furnishing such list of witnesses, the names of the witnesses need not be furnished if they are otherwise identified in some meaningful way such as a short statement of the type of evidence they will offer.

(2) The Presiding Officer shall not order a party to furnish the information or documents listed in paragraph (g)(1)(i) through (iv) of this section if the party can show that providing the particular information or document is inappropriate or unwarranted under the circumstances of the particular case.

(3) At the conference, the following matters may be considered:

(i) The simplification of issues;

(ii) The necessity of amendments to the notice of violation or answer;

(iii) The possibility of obtaining stipulations of facts and of the authenticity, accuracy, and admissibility of documents, which will avoid unnecessary proof;

(iv) The limitation of the number of expert or other witnesses;

(v) Negotiation, compromise, or settlement of issues;

(vi) The exchange of copies of proposed exhibits;

(vii) The identification of documents or matters of which official notice may be requested;

(viii) A schedule to be followed by the parties for completion of the actions decided at the conference; and

(ix) Such other matters as may expedite and aid in the disposition of the proceeding.

(4) A conference will not be stenographically reported unless so directed by the Presiding Officer.

(5) In the event the Presiding Officer concludes that personal attendance by the Presiding Officer and the parties or counsel at a conference is unwarranted or impractical, but determines that a conference would expedite the proceeding, the Presiding Officer may conduct the conference by telephone or correspondence.

(6) Actions taken as a result of a conference shall be reduced to a written appropriate order, unless the Presiding

Officer concludes that a stenographic report shall suffice, or, the Presiding Officer elects to make a statement on the record at the hearing summarizing the actions taken.

(h) *Procedure for hearing.* (1) *Request for hearing.* The complainant or respondent may request a hearing on the facts by including such a request in the notice of violation or answer, or by a separate request, in writing, filed with the Presiding Officer within the time in which an answer may be filed. Failure to request a hearing within the time allowed for the filing of the answer shall constitute a waiver of a hearing. In the event the respondent denies any material fact and fails to file a timely request for a hearing, the matter may be set down for hearing on motion of the complainant filed with the Presiding Officer or upon the Presiding Officer's own motion.

(2) *Time and place.* If any material issue of fact is joined by the pleading, the Presiding Officer, upon motion of any of the parties stating that the matter is at issue and is ready for hearing, shall set a time and place for hearing as soon as feasible with due regard for the public interest and the convenience and necessity of the parties. The Presiding Officer shall issue a notice stating the time and place of hearing. If any change in the time or place of the hearing is made, the Presiding Officer shall issue a notice of this change, which notice shall be served upon the complainant and respondent, unless it is made during the course of an oral hearing and made a part of the transcript, or actual notice is given to the parties.

(3) *Appearances.* The parties may appear in person or by attorney of record in the proceeding. Any individual who appears as an attorney must conform to the standard of ethical conduct required of practitioners before the courts of the United States.

(4) *Debarment of attorney.* Whenever a Presiding Officer finds that an individual acting as attorney for any party to the proceeding is guilty of unethical or contumacious conduct, in or in connection with a proceeding, the Presiding Officer may order that the individual be precluded from further acting as attorney in the proceeding. An appeal to the Administrator may be taken from any such order, but no proceeding shall be delayed or suspended pending disposition of the appeal: *Provided,* That the Presiding Officer shall suspend the proceeding for a reasonable time for the purpose of enabling the party to obtain another attorney.

(5) *Failure to appear.* A respondent who, after being duly notified, fails to appear at the hearing without good cause, shall be deemed to have waived the right to an oral hearing in the proceeding and to have admitted any facts which may be presented at the hearing. The failure by the respondent to appear at the hearing shall also constitute an admission of all the material allegations of fact contained in the notice of violation. The complainant shall have an election whether to follow the procedure set forth in paragraph (f) of this section or whether to present evidence, in whole or in part, in the form of affidavits, exhibits, or by oral testimony before the Presiding Officer. Failure to appear at a hearing shall not be deemed to be a waiver of the right to be served with a copy of the Presiding Officer's decision and to appeal to the Administrator pursuant to paragraph (l) of this section.

(6) *Order of proceeding.* Except as may be determined otherwise by the Presiding Officer, the complainant shall proceed first at the hearing.

(7) *Evidence.* (i) The testimony of witnesses at a hearing shall be on oath or affirmation and subject to cross-examination.

(ii) Upon a finding of good cause, the Presiding Officer may order that any witness be examined separately and apart from all other witnesses except those who are parties to the proceeding.

(iii) Evidence which is immaterial, irrelevant, or unduly repetitious, or which is not of the sort upon which responsible persons are accustomed to rely, shall be excluded insofar as practicable.

(8) *Objections.* (i) If a party objects to the admission of any evidence or to the limitation of the scope of any examination or cross-examination or to any other ruling of the Presiding Officer, the party shall state briefly the grounds of such objection, whereupon an automatic exception will follow if the objection is overruled by the Presiding Officer.

(ii) Only objections made before the Presiding Officer may subsequently be relied upon in the proceeding.

(9) *Exhibits.* Unless the Presiding Officer finds that the furnishing of copies is impracticable, four copies of each exhibit shall be filed with the Presiding Officer: *Provided,* That, where there are more than two parties in the proceeding, an additional copy shall be filed for each additional party. A true copy of an exhibit may be substituted for the original.

(10) *Official records or documents.* An official government record or document or entry in such a record or document, if admissible for any purpose, shall be admissible in evidence without the production of the individual who made or prepared the same, and shall be prima facie evidence of the relevant facts stated in the record or document. Such record or document shall be evidenced by an official publication of the record or document or by a copy certified by an individual having legal authority to make such certification.

(11) *Official notice.* Official notice shall be taken of such matters as are judicially noticed by the courts of the United States and of any other matter of technical, scientific, or commercial fact of established character: *Provided,* That the parties shall be given adequate notice of matters so noticed, and shall be given adequate opportunity to show that such facts are erroneously noticed.

(12) *Offer of proof.* Whenever evidence is excluded by the Presiding Officer, the party offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof shall consist of a brief statement describing the evidence excluded. If the evidence consists of a brief oral statement, the statement shall be included in the transcript in its entirety. If the evidence consists of an exhibit, it shall be marked for identification and inserted in the hearing record. In either event, the evidence shall be considered a part of the transcript and hearing record if the Administrator, upon appeal, decides the Presiding Officer's ruling excluding the evidence was erroneous and prejudicial. If the Administrator, upon appeal, decides the Presiding Officer's ruling excluding the evidence was erroneous and prejudicial and that it would be appropriate to have such evidence considered a part of the hearing record, the Administrator may direct that the hearing be reopened to permit the taking of such evidence or for any purpose in connection with the excluded evidence.

(13) *Transcript.* Hearings shall be recorded and transcribed verbatim.

(i) *Post-hearing procedure.*—(1) *Corrections to transcript.* (i) Within the period of time fixed by the Presiding Officer, any party may file a motion proposing corrections to the transcript.

(ii) Unless a party files a motion proposing corrections to the transcript in the time fixed by the Presiding Officer, the transcript shall be presumed, except for obvious typographical errors, to be a true, correct, and complete transcript of the testimony given at the hearing and to contain an accurate description or reference to all exhibits received in evidence and made part of the hearing record and shall be deemed to be certified without further action by the Presiding Officer.

(iii) As soon as practicable after the close of the hearing and after consideration of any timely objection filed as to the transcript, the Presiding Officer shall issue an order making any corrections to the transcript which the Presiding Officer finds are warranted, which corrections shall be entered on to the original transcript by the Presiding Officer without obscuring the original text.

(2) *Proposed finding of fact, conclusions, order, and briefs.* Prior to the Presiding Officer's decision, each party shall be afforded a reasonable opportunity to submit for consideration proposed findings of fact, conclusions, order, and brief in support of the proposed findings of fact, conclusions and order. A copy of each such document filed by a party shall be served upon each of the other parties.

(3) *Presiding Officer's decision.* (i) The Presiding Officer shall issue a decision within 30 days after the hearing, or, if any party submits proposed findings of fact, conclusions, order, and a brief in support thereof in accordance with paragraph (i)(2) of this section, 30 days after the last such submission. The Presiding Officer's decision shall include the Presiding Officer's findings of the fact, conclusions of law, and the reasons or basis for the findings of fact and conclusions of law.

(ii) The Presiding Officer's decision shall become effective without further proceedings 35 days after the date of service of the decision upon the respondent, unless there is an appeal to the Administrator by a party to the proceeding pursuant to paragraph (l) of this section.

(j) *Motions and requests.*—(1) *General.* All motions and requests shall be filed with the Presiding Officer, and served upon all the parties, except:

(i) requests for extensions of time pursuant to paragraph (m)(3) of this section; and

(ii) motions and requests made on the record during the oral hearing. The Presiding Officer shall rule upon all motions and requests filed or made prior to the filing of an appeal of the Presiding Officer's decision pursuant to paragraph (l) of this section except motions directly relating to the appeal. Thereafter, the Administrator will rule on any motions and requests, as well as the motions directly relating to the appeal.

(2) *Motions entertained.* (i) Any motion will be entertained other than a motion to dismiss on the pleading. (A motion by the complainant seeking the voluntary dismissal of the notice of violation may be entertained by the Presiding Officer or the Administrator.)

(ii) All motions and requests concerning the notice of violation must be made within the time allowed for filing an answer, except motions by the complainant seeking voluntary dismissal of the notice of violation.

(3) *Contents.* All written motions and requests shall state the particular order, ruling, or action desired and the grounds for the order, ruling, or action desired.

(4) *Response to motions and requests.* Within 10 days after service of any written motion or request, or within a shorter or longer period as may be fixed by the Presiding Officer or the Administrator, an opposing party may file a response to the motion or request. The other party shall have no right to reply to the response; however, the Presiding Officer or the Administrator, in their discretion, may order that a reply be filed.

(k) *Presiding Officer.*—(1) *Assignment.* No Presiding Officer shall be assigned to serve in any proceeding who:

(i) Has any pecuniary interest in any matter or business involved in the proceeding;

(ii) Is related within the third degree by blood or marriage to any party to the proceeding; or

(iii) Has any conflict of interest which might impair the Presiding Officer's objectivity in the proceeding.

(2) *Disqualification of Presiding Officer.* (i) Any party to the proceeding may, by motion made to the Presiding Officer, request that the Presiding Officer withdraw from the proceeding because of an alleged disqualifying reason. Such motion shall set forth with particularity the grounds of alleged disqualification. The Presiding Officer may then either rule upon or certify the motion to the Administrator, but not both.

(ii) A Presiding Officer shall withdraw from any proceeding for any reason deemed by the Presiding Officer to be disqualifying.

(3) *Powers.* The Presiding Officer, in any assigned proceeding, shall have power to:

(i) Rule upon motions and requests;

(ii) Set the time and place of a conference and the hearing, adjourn the hearing from time to time, and change the time and place of hearing;

(iii) Administer oaths and affirmations;

(iv) Summon and examine witnesses and receive evidence at the hearing;

(v) Admit or exclude evidence;

(vi) Hear oral argument on facts or law;

(vii) Do all acts and take all measures necessary for maintenance or order, including the exclusion of contumacious counsel or other persons; and

(viii) Take all other actions authorized under this section.

(l) *Appeal to the Administrator.*—(1) *Filing of petition.* Within 30 days after receiving notice of the Presiding Officer's decision, a party who disagrees with the decision, or any part of the Presiding Officer's decision, or any ruling by the Presiding Officer or a party who alleges a deprivation of rights, may appeal the Presiding Officer's decision or rulings to the Administrator by filing an appeal petition with the Administrator. As provided in paragraph (h)(8) of this section, objections regarding evidence or a limitation regarding examination or cross examination or other ruling made before the Presiding Officer may be relied upon in an appeal. The appeal petition shall state the name and address of the person filing the appeal petition. Each issue set forth in the appeal petition, and the arguments on each issue, shall be separately numbered; shall be plainly and concisely stated; and shall contain detailed citations of the record, statutes, regulations, or authorities being relied upon in support of the argument. A brief may be filed in support of the appeal simultaneously with the appeal petition.

(2) *Response to appeal petition.* Within 20 days after the service of a copy of an appeal petition and any brief in support of the appeal petition, filed by a party to the proceeding, any other party may file with the Administrator a response in support of or in opposition to the appeal petition and, in such response any relevant issue, not presented in the appeal petition, may be raised.

(3) *Transmittal of record.* Whenever an appeal to the Presiding Officer's decision is filed and a response to the appeal has been filed or time for filing a response has expired, the Presiding Officer shall transmit to the Administrator the record of the proceeding. The record shall include: the pleading; motions and requests filed and rulings on such motions and requests; the transcript of the testimony taken at the hearing, together with the exhibits filed in connection with the hearing; any documents or papers filed in connection with a conference; such proposed findings of fact, conclusions, and orders, and briefs in support thereof, as may have been filed in connection with the proceeding; the Presiding Officer's decision; and such exceptions, statements of objections and briefs in support thereof as may have been filed in the proceeding.

(4) *Decision of the Administrator on appeal.* As soon as practicable after the receipt of the record from the Presiding Officer, the Administrator, upon the basis of and after due consideration of the record and any matter of which official notice is taken, shall rule on the appeal. If the Administrator decides that no change or modification of the Presiding Officer's decision is warranted, the Administrator may adopt the Presiding Officer's decision as the final order in the proceeding, preserving any right of the party bringing the appeal to seek judicial review of such decision in the proper forum.

(m) *Filing; service; extensions of time; and computation of time.*—(1) *Filing; number of copies.* Except as otherwise provided in this section, all documents or papers required or authorized by this section to be filed with the Presiding Officer or Administrator shall be filed in quadruplicate: *Provided,* That where there are more than two parties in the proceeding, an additional copy shall be filed for each additional party.

(2) *Service; proof of service.* Copies of all documents or papers required or authorized by this section to be filed with the Presiding Officer or Administrator shall be served upon the parties by the person with whom such documents or papers are filed. Service shall be made either:

(i) By delivering a copy of the document or paper to the individual to be served or to a member of the partnership to be served, or to the president, secretary, or other executive officer or any director of the corporation or association to be served, or to the attorney of record representing such person; or

(ii) By leaving a copy of the document or paper at the principal office or place of business or residence of such individual, partnership, corporation, organization, or association, or of the attorney of record representing such person and mailing by regular mail another copy to such person at such address; or

(iii) By registering or certifying and mailing a copy of the document or paper, addressed to such individual, partnership, corporation, organization, or association, or to the attorney of record representing such person, at the last known residence or principal office or place of business of such person: *Provided,* That if the registered or certified document or paper is returned undelivered because the addressee refused or failed to accept delivery, the document or paper shall be served by remailing it by regular mail. Proof of service under this paragraph shall be made by the certificate of the person who actually made the service: *Provided,* That if the service be made by mail, under paragraph (m)(2)(iii) of this section, proof of service shall be made by the return post-office receipt, in the case of registered or certified mail, or by the certificate of the person who mailed the matter by regular mail. Any certificate or post-office receipt returned to the Presiding Officer or Administrator shall be filed by the Presiding Officer or Administrator, and made a part of the record of the proceeding.

(3) *Extensions of time.* The time for the filing of any document or paper required or authorized under this section to be filed may be extended by the Presiding Officer or the Administrator as provided in paragraph (j) of this section, if in the judgment of the Presiding Officer or the Administrator, as the case may be, there is good reason for the extension. In all instances in which time permits, notice of the request for extension of the time shall be given to the other party with opportunity to submit views concerning the request.

(4) *Effective date of filing.* Any document or paper required or authorized under this section to be filed shall be deemed to be filed at the time when it reaches the person with whom the document or paper must be filed.

(5) *Computation of time.* Saturdays, Sundays, and holidays shall be included in computing the time allowed for the filing of any document or paper: *Provided,* That, when such time expires on a Saturday, Sunday, or holiday, such period shall be extended to include the next following business day.

(n) *Ex parte communications.* (1) At no stage of the proceeding between its institution and the issuance of the final decision shall the Presiding Officer or Administrator discuss ex parte the merits of the proceeding with any person who is connected with the proceeding in an advocative or in an investigative capacity, or with any representative of such person: *Provided,* That the Presiding Officer or Administrator may discuss the merits of the case with such a person if all parties to the proceeding, or their attorneys have been given notice and an opportunity to participate. A memorandum of such discussion shall be included in the record.

(2) No interested person shall make or knowingly cause to be made to the Presiding Officer or Administrator an ex parte communication relevant to the merits of the proceeding.

(3) If the Presiding Officer of the Administrator receives an ex parte communication in violation of this paragraph (n), the individual who receives the communication shall place in the public record of the proceeding:

(i) Any such written communication;

(ii) Memoranda stating the substance of such oral communication; and

(iii) Any written response, and memoranda stating the substance of any oral response to the ex parte communication.

(4) For purposes of this section "ex parte communication" means an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given, but it shall not include requests for status reports on any matter or the proceeding.

§ 110.9 Miscellaneous.

In accordance with Section 3507 of the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the recordkeeping provisions in this rule have been approved by the Office of Management and Budget (OMB) and there are no new requirements. The assigned OMB control number is 0581–AA39.

Dated: April 6, 1993.

Kenneth C. Clayton,

Acting Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93–8423 Filed 4–8–93; 8:45 am]

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federal register

Friday
April 9, 1993

Part VII

Environmental Protection Agency

40 CFR Part 112
Oil Pollution Prevention; Correction; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 112

[SW H–FRL 4612–7]

RIN 2050–AD 30

Oil Pollution Prevention; Non-Transportation-Related Onshore Facilities; Correction

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Proposed rule; corrections.

SUMMARY: To ensure consistency with the regulatory text, EPA is correcting errors in the technical appendices to the proposed rule for facility response plans required by the Oil Pollution Act (OPA) of 1990, which appeared in the Federal Register on February 17, 1993.

DATES: Comments on the February 17, 1993, proposed rule (58 FR 8824), as corrected by this notice, must be submitted on or before April 19, 1993.

FOR FURTHER INFORMATION CONTACT: Bobbie Lively-Diebold, Response Standards and Criteria Branch, Emergency Response Division (5202G), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460 at 703–356–8774; the ERNS/SPCC Information line at 202–260–2342; or the RCRA/Superfund Hotline at 800–424–9346 (in the Washington, DC metropolitan area, 703–920–9810). The Telecommunications Device for the Deaf (TDD) Hotline number is 800–553–7672 (in the Washington, DC metropolitan area, 703–486–3323).

SUPPLEMENTARY INFORMATION:

Background

EPA published a proposed rule in the Federal Register on February 17, 1993 (58 FR 8824), that would revise the Oil Pollution Prevention regulation, 40 CFR part 112, originally promulgated under the authority of section 311(j) of the Clean Water Act. The proposed revision would incorporate new requirements added by section 4202(a) of the OPA, Public Law 101–380, 104 Stat. 484, subtitle B that directs facility owners and operators to prepare plans for responding to a worst case discharge of oil and to a substantial threat of such a discharge. The proposed rule would affect owners and operators of non-transportation-related onshore facilities.

Need for Correction

The proposed rule contained minor errors that may be misleading and should be corrected. In addition, although referenced in the preamble and regulatory text and available in the public docket, appendix H was inadvertently omitted from the proposed rule.

Correction of Publication

Accordingly, the proposed rule is corrected as follows:

1. On page 8851, in the first column, Amendment 7 which reads, "7. Part 112, as proposed to be revised at 56 FR 54630, is amended by adding appendices C through G to read as follows:" is corrected to read as follows:

"7. Part 112, as proposed to be revised at 56 FR 54630, is amended by adding appendices C through H to read as follows:"

2. On page 8851, in the second column, in the first full paragraph under section 2.1, the text which reads, "(1) *Transportation-Related Facilities Greater Than or Equal to 42,000 Gallons Where Operations Include Over-Water Transfer of Oil*—A transportation-related facility with a total storage capacity greater than 42,000 gallons that transfers oil over water to or from vessels must submit a response plan to EPA." is corrected to read as follows:

"(1) *Facilities Greater Than or Equal to 42,000 Gallons Where Operations Include Over-Water Transfers of Oil*—A facility with a total storage capacity greater than 42,000 gallons that transfers oil over water to or from vessels must submit a response plan to EPA."

3. On page 8851, in the second column, in the second full paragraph under section 2.1, in line 8, "each" is corrected to read "any".

4. On page 8852, within the second box down on the right side of the page that contains the substantial harm criterion for secondary containment, "each" is corrected to read "any".

5. On page 8853, in the first column, in paragraph number "2", in line 5, "each" is corrected to read "any".

6. On page 8854, in the second column, in Table 2, under item (1), "State Department of Naval Resources" is corrected to read "State Department of Natural Resources".

7. On page 8858, in the second column, in Attachment D-I, the entry in the first column "Areas" which reads "Habitat used by designated or proposed endangered/threatened species or marine mammals defined as depleted" is corrected to read "Habitat used by designated or proposed endangered/threatened species or marine mammals".

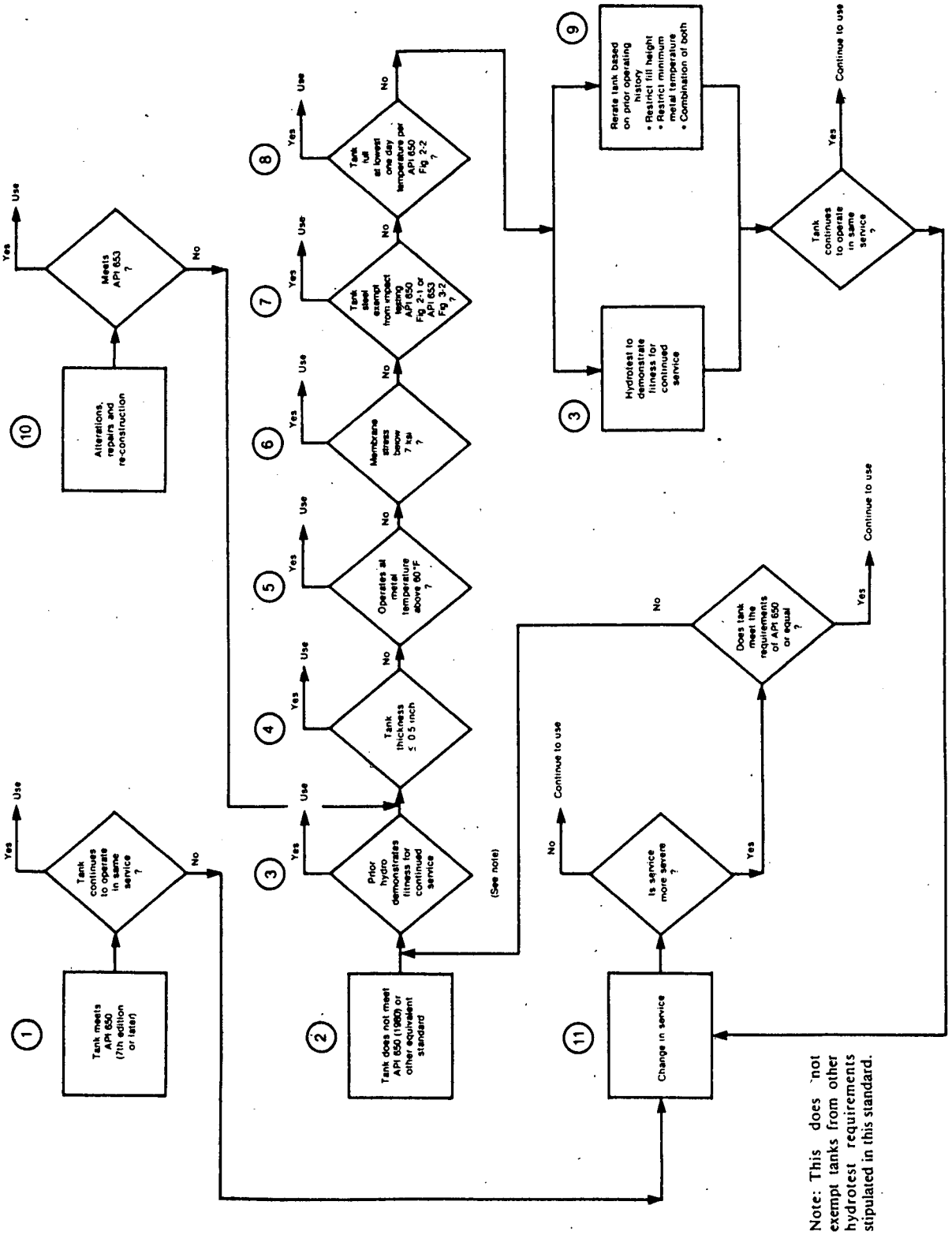
8. On page 8878, within the second question on the left side of the page that addresses the substantial harm criterion for secondary containment, "each" is corrected to read "any".

9. On page 8879, following appendix G, appendix H is added as follows:

BILLING CODE 6560-50-M

APPENDIX H TO PART 112 --

BRITTLE FRACTURE CONSIDERATIONS IN API STANDARD 653



Note: This does not exempt tanks from other hydrotest requirements stipulated in this standard.

BILLING CODE 6560-50-C

Authority: 33 U.S.C. 1321 and 1361; E.O. 12777 (3 CFR, 1991 Comp., p. 351).

Dated: March 31, 1993.

Walter W. Kovalick, Jr.,

Acting Assistant Administrator.

[FR Doc. 93-8393 Filed 4-8-93; 8:45 am]

BILLING CODE 6560-50-P

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H.R. 1430/P.L. 103–12

To provide for a temporary increase in the public debt limit. (Apr. 6, 1993; 107 Stat. 42; 1 page)

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