Federal Register
Vol. 58, No. 238
Tuesday, December 14, 1993

Presidential Documents

Title 3—

The President

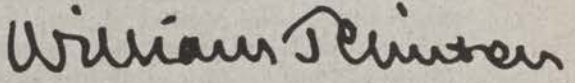
Presidential Determination No. 94–5 of December 3, 1993

Determination Pursuant to Section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as Amended

Memorandum for the Secretary of State

Pursuant to section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as amended, 22 U.S.C. 2601(c)(1), I hereby determine that it is important to the national interest that up to $20,000,000 be made available from the U.S. Emergency Refugee and Migration Assistance Fund to meet the urgent and unexpected needs of certain refugees, conflict victims, and displaced persons in Africa. These funds are to be contributed to the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, and the International Federation of Red Cross and Red Crescent Societies.

You are authorized and directed to inform the appropriate committees of the Congress of this determination and the obligation of funds under this authority and to publish this memorandum in the **Federal Register**.



THE WHITE HOUSE,
Washington, December 3, 1993.

Billing code 3195–01–M

Justification for Presidential Determination Authorizing the Use of $20,000,000 From the United States Emergency Refugee and Migration Assistance Fund

Under section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as amended, 22 U.S.C. 2601(c)(1), the President may authorize the furnishing of assistance from the United States Emergency Refugee and Migration Assistance Fund (the Fund) to meet "unexpected urgent refugee and migration" needs whenever he determines it is "important to the national interest" to do so. A drawdown from the Fund of up to $20,000,000 is required to respond to unexpected urgent needs of certain African refugees, conflict victims and displaced persons. This drawdown furthers the U.S. national interest by providing humanitarian support and reducing the potential for further conflict.

Burundi Refugees **$5,000,000**

The unsuccessful coup d'etat in Burundi in late October sparked renewed ethnic violence between the majority Hutu tribe and the minority Tutsis. Over 675,000 refugees have fled Burundi for safety in Rwanda, Tanzania and Zaire, bringing the total number of Burundi refugees to nearly one million. The new refugees are in dire need of food, medicine, shelter and other assistance. The United Nations High Commissioner for Refugees (UNHCR) has issued an initial appeal for $17,000,000, and the International Federation of Red Cross and Red Crescent Societies (IFRC) has issued an appeal for $3,200,000. These urgent needs could not be foreseen when the FY 1994 budget was prepared. A drawdown of $5,000,000 is proposed to respond to the UNHCR and IFRC appeals.

Sierra Leonean Refugees and Liberian Displaced Persons **$2,500,000**

The signing of the most recent Liberian peace accord has facilitated the extension of relief operations to conflict areas in Liberia previously inaccessible for security reasons, revealing large populations utterly destitute and on the brink of famine. In Lofa County, Liberia, 175,000 Sierra Leonean refugees and displaced Liberians suffer widespread malnutrition and illness. UNHCR has just issued a special appeal for $9,500,000 to bring urgent assistance to these victims. These urgent needs could not be foreseen when the FY 1994 budget was prepared. A drawdown of $2,500,000 is proposed to respond to this appeal.

International Committee of the Red Cross Emergency Appeal for Africa **$12,500,000**

The International Committee of the Red Cross (ICRC) provides vital services to conflict victims in Africa. In addition to its ongoing relief operations, for which the U.S. government has provided funding, new crises and needs in Africa this year have required ICRC responses in Angola, Burundi, Rwanda, Liberia, Sudan, Zaire and Chad. In 1993, the ICRC's emergency needs have exceeded expectations. To date, the ICRC has identified additional funding required for African emergencies in the amount of $54,000,000 and is expected to need further resources for its Burundi and Angolan programs. These additional urgent needs could not be foreseen when the FY 1994 budget was prepared. A drawdown of $12,500,000 is proposed to respond to increased ICRC needs in Africa.

[FR Doc. 93–30602
Filed 12–10–93; 3:14 pm]
Billing code 4710–10–M

Presidential Documents

Proclamation 6635 of December 9, 1993

To Amend the Generalized System of Preferences

By the President of the United States of America

A Proclamation

1. Pursuant to sections 501 and 502 of the Trade Act of 1974, as amended (19 U.S.C. 2461 and 2462) ("Trade Act"), and having due regard for the eligibility criteria set forth therein, I have determined that it is appropriate to designate Kyrgyzstan as a beneficiary developing country for purposes of the Generalized System of Preferences ("GSP").

2. Section 604 of the Trade Act (19 U.S.C. 2483) authorizes the President to embody in the Harmonized Tariff Schedule ("HTS") the substance of the provisions of that Act, and of other acts affecting import treatment, and actions thereunder.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to sections 501 and 604 of the Trade Act, do proclaim that:

(1) General note 3(c)(ii)(A) to the HTS, listing those countries whose products are eligible for benefits of the GSP, is modified by inserting "Kyrgyzstan" in alphabetical order in the enumeration of independent countries.

(2) Any provisions of previous proclamations and Executive orders inconsistent with the provisions of this proclamation are hereby superseded to the extent of such inconsistency.

(3) The modifications to the HTS made by paragraph (1) of this proclamation shall be effective with respect to articles that are: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after 15 days after the date of publication of this proclamation in the **Federal Register**.

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

William J. Clinton

[FR Doc. 93-30627
Filed 12-10-93; 4:27 pm]
Billing code 3195-01-P

Rules and Regulations

Federal Register
Vol. 58, No. 238
Tuesday, December 14, 1993

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

Small Business Size Regulations, Subpart A—Size Eligibility Provisions and Standards; Function and Responsibilities of SBA Offices; Size Policy Board

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: The Small Business Administration (SBA) hereby amends its regulations governing the composition and responsibilities of its Size Policy Board. This final rule reorganizes the membership of the Size Policy Board and places the Board under the direct authority of the Deputy Administrator. This rule abolishes the Technical Size Advisory Board.

DATES: This rule is effective December 14, 1993.

FOR FURTHER INFORMATION CONTACT: Gary M. Jackson, Director, Size Standards Staff, Tel.: (202) 205–6618.

SUPPLEMENTARY INFORMATION: The SBA Size Policy Board considers and makes recommendations to the Administrator relating to improvements in SBA regulations, procedures and directives concerning size matters. Most importantly, the SBA Size Policy Board is responsible for reviewing and approving recommendations to increase the size standard for a particular industry or SBA program. On August 20, 1992, the SBA issued a final rule establishing a new membership of the Size Policy Board.

That rule also established a Technical Size Advisory Board to address technical issues related to size policy. SBA now believes that one board is sufficient to accomplish the desired goals and objectives of the Agency. The SBA believes that with the representation of senior program managers on the Size Policy Board, the intent and function of the Technical Size Advisory Board can be incorporated into one Board. This reorganization is designed to achieve this goal by recomposing the membership of the Board to include, as its voting members, the Deputy Administrator, serving as the Chairperson, two Associate Administrators, two Assistant Administrators, and the Chief Counsel for Advocacy. Four additional non-voting members are also included in the composition of the Board: A Regional Administrator, as designated by the Administrator, General Counsel, Assistant Administrator for Hearings and Appeals, and the Director of the Size Standards Staff. Furthermore, from time to time, with prior approval from the Deputy Administrator, other senior program managers or their respective representatives will be afforded the opportunity to express their views and concerns regarding issues before the Board that may have an effect on their respective programs. The Technical Size Advisory Board no longer exists as a result of the reorganization of the Size Policy Board.

Due to the fact that this final rule governs matters of Agency organization, management, and personnel and makes no substantive change to the current regulation, SBA is not required to determine if this constitutes a major rule for purposes of Executive Order 12866, to determine if it has a significant economic impact on a substantial number of small entities pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, or to do a Federalism Assessment pursuant to Executive Order 12612. For purposes of the Paperwork Reduction Act, 44 U.S.C. ch. 35, SBA certifies that this rule will not impose any new reporting or recordkeeping requirements. Finally, for purposes of Executive Order 12778, SBA certifies that this rule is drafted, to the extent practicable, in accordance with the standards set forth in Section 2 of that Order.

SBA is publishing this rule governing Agency organization, procedure, and practice without prior notice and opportunity for public comment pursuant to authority contained in the Administrative Procedure Act, 5 U.S.C. 553(b)(A).

List of Subjects in 13 CFR Part 121

Administrative practice and procedure, Government procurement, Grant programs—business, Loan programs—business, Small business.

For the reasons set forth above, subpart A of part 121 of title 13, Code of Federal Regulations, is amended as follows:

PART 121—[AMENDED]

1. The Authority citation for part 121 continues to read as follows:

Authority: 15 U.S.C. 632(a), 634(b)(6), 637(a), and 644(c).

2. In § 121.303, The Size Policy Board, is revised to read as follows:

§ 121.303 The Size Policy Board.

(a) The SBA Size Policy Board considers and makes recommendations to the Administrator relating to improvements in SBA regulations, procedures, and policy concerning size matters, including size standards.

(b) The members of the SBA Size Policy Board are as follow:

(1) Deputy Administrator, Chairperson;

(2) Associate Administrator for Procurement Assistance;

(3) Associate Administrator for Minority Small Business and Capital Ownership Development;

(4) Assistant Administrator for Financial Assistance;

(5) Assistant Administrator for Innovation, Research & Technology;

(6) Chief Counsel for Advocacy;

(7) Regional Administrator (designated by the Administrator), non-voting;

(8) General Counsel, non-voting;

(9) Assistant Administrator for Hearings and Appeals, non-voting; and,

(10) Director, Size Standards Staff, non-voting.

(c) In the event that no SBA Deputy Administrator has been appointed, the Administrator may appoint an Acting Chairperson to the SBA Size Policy Board.

(d) In the event the Deputy Administrator is unable to serve as Chairperson, the Deputy Administrator or Administrator may appoint an Acting Chairperson.

(e) In the event a voting or non-voting member is unable to participate in a Board meeting, his or her deputy, or other representative approved by the

Chairperson, may participate in the meeting on his or her behalf.

Date: December 6, 1993.

Erskine B. Bowles,

Administrator.

[FR Doc. 93-30470 Filed 12-13-93; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91-ASW-18; Amendment 39-8724; AD 93-21-10]

Airworthiness Directives; Bell Helicopter Textron, Inc. Model 214B and 214B-1 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Bell Helicopter Textron, Inc. Model 214B and 214B-1 helicopters, that requires a reduction of the retirement life of the main rotor yoke assembly (assembly) from 5,000 to 3,750 hours' time-in-service and requires repetitive inspections of the assembly for straightness at intervals not to exceed 1,200 hours' time-in-service. This amendment is prompted by a recent analysis that revealed a deterioration of residual compressive stresses in the assembly with increased time-in-service. The actions specified by this AD are intended to prevent failure of the assembly, loss of the main rotor, and subsequent loss of control of the helicopter.

EFFECTIVE DATE: January 18, 1994.

ADDRESSES: The service information referenced in this AD may be obtained from Bell Helicopter Textron, Inc., Attention: Customer Support, P.O. Box 482, Fort Worth, Texas 76101. This information may be examined at the Federal Aviation Administration (FAA), Office of the Assistant Chief Counsel, 4400 Blue Mound Road, bldg 3B, room 158, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Mr. Tom K. Henry, Aerospace Engineer, Rotorcraft Certification Office, FAA, Rotorcraft Directorate, Southwest Region, Fort Worth, Texas 76193-0170, telephone (817) 624-5168, fax (817) 740-3394.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to Bell Helicopter Textron, Inc. (BHTI) Model 214B and 214B-1 helicopters was published in the **Federal Register** on July 6, 1992 (57 FR 29683). That action proposed to require a reduction in the retirement life of the main rotor yoke assembly (assembly) from 5,000 to 3,750 hours' time-in-service and to require repetitive inspections of the assembly for straightness at intervals not to exceed 1,200 hours' time-in-service. Additionally, it proposed to require installation of an airspeed versus altitude decal, part number (P/N) 214-075-256-105 for BHTI Model 214B-1 helicopters or P/N 214-075-256-107 for BHTI Model 214B helicopters.

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

The FAA estimates that 54 helicopters of U.S. registry will be affected by this AD, that it will take approximately 17 work hours per helicopter to accomplish the required actions, and that the average labor rate is $55 per work hour. Required parts will cost approximately $13,250 per helicopter. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $765,990.

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

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

List of Subjects in 14 CFR Part 39

Air Transportation, Aircraft, Aviation Safety, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

AD 93-21-10 Bell Helicopter Textron, Inc. (BHTI): Amendment 39-8724. Docket Number 91-ASW-18.

Applicability: Model 214B and 214B-1 helicopters, serial numbers (S/N's) 28001 through 28070, equipped with main rotor yoke assembly (assembly), part number (P/N) 214-010-105-001, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

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

(a) For assemblies that have 3,700 hours' or less time-in-service on the effective date of this airworthiness directive (AD), replace the assembly on or before reaching 3,750 hours' time-in-service. For assemblies that have more than 3,700 hours' time-in-service on the effective date of this AD, replace the assembly within the next 50 hours' time-in-service.

(b) Within 50 hours' time-in-service after the effective date of this AD, install new airspeed versus altitude decals, P/N 214-075-256-105 for BHTI Model 214B-1 and P/N 214-075-256-107 for Model 214B helicopters.

(c) Within 50 hours' time-in-service after the effective date of this AD and thereafter at intervals of 1,200 hours' time-in-service, inspect the yoke for straightness in accordance with the applicable maintenance manual.

Note: BHTI Alert Service Bulletin No. 214-87-37, Revision A, dated September 10, 1987, pertains to this AD.

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

comment and then send it to the Manager, Rotorcraft Certification Office.

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

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

(f) This amendment becomes effective on January 18, 1994.

Issued in Fort Worth, Texas, on October 26, 1993.

Henry A. Armstrong,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 93–30366 Filed 12–13–93; 8:45 am]

BILLING CODE 4910–13–P

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14 CFR Part 39

[Docket No. 93–CE–36–AD; Amendment 39–8765; AD 93–24–16]

Airworthiness Directives: Puritan Bennett Aero Systems Protective Breathing Equipment, 119003 and 119003–01 Units

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain Puritan Bennett Aero Systems protective breathing equipment (PBE), 119003 and 119003–01 units, that are installed on aircraft. This action requires inspecting the affected PBE unit for existence of a yellow label attached to the red rip tag, and removing from service any unit that does not have this yellow label. Reports of deteriorated neck seals on several of the affected PBE units prompted this action. The actions specified by this AD are intended to prevent this possible reduced protection because of a deteriorated neck seal on a PBE unit.

EFFECTIVE DATE: February 4, 1994.

ADDRESSES: Service information that is referenced in this AD may be obtained from Puritan Bennett Aero Systems Company, Attention: Customer Service Department, 10800 Pflumm Road, Lenexa, Kansas 66215; telephone (913) 469–5400, extension 240; facsimile (913) 469–8419. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Jose Flores, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946–4133; facsimile (316) 946–4407.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an AD that would apply to certain Puritan Bennett Aero Systems PBE, 119003 and 119003–01 units, that are installed on aircraft was published in the **Federal Register** on June 25, 1993 (58 FR 34382). The action proposed to require inspecting the affected PBE units for existence of a yellow label attached to the red rip tag, and removing from service any unit that does not have this yellow label. PBE units that have this yellow labelare not susceptible to neck seal deterioration, and therefore removing these units from service is not required. Figure 1 of Puritan Bennett Aero Systems Service Bulletin No. 119003–35–1, dated February 15, 1993, illustrates the location of this yellow label.

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

One commenter concurs with the proposed requirement of replacing these PBE units. This commenter also recommends examining these PBE units to ensure that the packaging is secure, but yet is not so difficult to open as to cause a new problem when a crewmember puts it on (don). The FAA does not concur that this examination should be mandatory by AD action. The Puritan Bennett PBE 119003 and 119003–01 units are within the requirements of Technical Standard Order (TSO)-C116, Crewmember Protective Breathing Equipment. TSO–C116 requires that crewmembers be able to don and activate these units within 15 seconds. Puritan Bennett has provided test data that shows that units incorporating the proposed action meet TSO–C116 requirements. The original PBE units tested were folded with the potassium superoxide canister and the oral-nasal cone compressed against each other. The PBE hoods manufactured after August 1, 1992 (units with a yellow tag and, therefore not susceptible to neck seal deterioration), are folded with the canister behind the oral-nasal cone. This new configuration prevents the hood from pinching when it is removed from the stowage container, and also improves access to the hood. The proposed AD remains unchanged as a result of the comment.

Two commenters request a change in the compliance time. One recommends 18 calendar months instead of 12 calendar months in order to allow Puritan Bennett enough time to support the affected operators with adequate parts. The other recommends 24 calendar months instead of 12 calendar months in order to allow the airlines and industry the needed scheduling time to accomplish the proposed action. The FAA has determined that both of these recommendations are valid and, because the unsafe condition referenced in the proposed AD is one that is dependent upon the occurrence of another unsafe condition (i.e., an aircraft fire), the proposed compliance time is changed from 12 calendar months to 24 calendar months. The FAA believes that most operators will accomplish the proposed action within 12 calendar months.

One commenter explains that the FAA's determination of the cost impact upon U.S. operators is misleading in that the FAA estimates that 12,000 airplanes are affected, and then bases the total fleet cost based upon 12,000 units (one unit per airplane). In actuality, each airplane is equipped with a minimum of three Puritan Bennett PBE units, which, with the way the proposed AD is worded, would affect at least 36,000 units (12,000 airplanes X 3 units each). The FAA concurs that the cost information is misleading. In actuality, there are 12,000 PBE units affected and not 12,000 airplanes. The cost analysis paragraph of the proposed AD has been revised accordingly.

After careful review of all available information, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for the change in the compliance time and minor editorial corrections. The FAA has determined that this change and the minor corrections will not change the meaning of the AD nor add any additional burden upon the public than was already proposed.

This AD action is presented in calendar time instead of hours time-in-service because the condition occurs regardless of whether the airplane is utilized, and is corrected through a factory modification. For these reasons, the airplane operator will have 24 calendar months to comply with the required action.

The FAA estimates that 12,000 units in the U.S. registry will be affected by this AD, that it will take approximately 1 workhour per unit to accomplish the required action, and that the average labor rate is approximately $55 an hour.

Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $660,000. This figure is based upon the assumption that all units will be removed from service. The FAA believes that many of these units are already removed from service, thus reducing the cost impact upon 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 "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final 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, 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 AD:

93-24-16 Puritan Bennett Aero Systems: Amendment 39-8765; Docket No. 93-CE-36-AD.

Applicability: Crewmember Protective Breathing Equipment (PBE), 119003 and 119003-01 Units, that are installed on, but not limited to the following airplanes (all serial numbers), certificated in any category:

Manufacturer	Models
Airbus Industries	A300, A310, and A320.
Boeing	727, 737, 747, 757, and 767.
McDonnell Douglas	DC8, DC9, DC10, MD11, MD80, MD81, MD82, and MD83.
de Havilland	DHC-8.
British Aerospace	BAe 146 and BAe 31.
Lockheed	L1011.
Fokker	100.
SAAB	SF340.
Aerospatiale	ATR42 and ATR72.
Canadair	RJ.
Shorts	360.

Compliance: Required within the next 24 calendar months after the effective date of this AD, unless already accomplished.

To prevent failure of a PBE unit because of a deteriorated neck seal, accomplish the following:

(a) Inspect the affected PBE unit for existence of a yellow label attached to the red rip tag. Remove from service any unit that does not have this yellow label.

Note 1: Figure 1 of Puritan Bennett Aero Systems SB No. 119003-35-1, dated February 15, 1993, illustrates the location of this yellow label.

Note 2: PBE units not having a yellow tag may be shipped to the manufacturer at the address specified in paragraph (d) of this AD. The unit will then be modified and shipped back with a yellow tag attached to the red rip tag.

(b) 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.

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Room 100, Wichita, Kansas 67209. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and send it to the Manager, Wichita Aircraft Certification Office.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita Aircraft Certification Office.

(d) All persons affected by this directive may obtain copies of the document referred to herein upon request to Puritan Bennett Aero Systems Company, Attention: Customer Service Department, 10800 Pflumm Road, Lenexa, Kansas 66215; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(e) This amendment (39-8765) becomes effective on February 4, 1994.

Issued in Kansas City, Missouri, on December 8, 1993.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 93-30423 Filed 12-13-93; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 176

[Docket No. 90F-0225]

Indirect Food Additives: Paper and Paperboard Components; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a final rule that appeared in the **Federal Register** of October 6, 1993 (58 FR 51994). The document amended the food additive regulations to provide for the safe use of dimethylamine-epichlorohydrin copolymer as a sizing agent in the manufacture of paper and paperboard products intended for use in contact with food. The document was published with errors. This document corrects those errors.

DATES: Effective October 6, 1993; written objections and requests for a hearing by November 5, 1993.

FOR FURTHER INFORMATION CONTACT: Robin Thomas Johnson, Office of Policy (HF-27), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2994.

In FR Doc. 93-24473, appearing on page 51994 in the **Federal Register** of Wednesday, October 6, 1993, the following correction is made:

On page 51996, in the third column, in the authority for part 176, in the third line, "CFR" is removed and "379(e)" is corrected to read "379e".

Dated: December 6, 1993.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 93-30427 Filed 12-13-93; 8:45 am]

BILLING CODE 4160-01-F

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs; Penicillin G Benzathine and Penicillin G Procaine Sterile Suspension

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Anthony Products Co. The NADA provides for subcutaneous over-the-counter and prescription use of penicillin G benzathine and penicillin G procaine sterile suspension in beef cattle, intramuscular prescription use in horses, and subcutaneous and intramuscular prescription use in dogs for the treatment of bacterial infections due to penicillin susceptible microorganisms.

EFFECTIVE DATE: December 14, 1993.

FOR FURTHER INFORMATION CONTACT: Dianne T. McRae, Center for Veterinary Medicine (HFV–102), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1623.

SUPPLEMENTARY INFORMATION: Anthony Products Co., 5600 Peck Rd., Arcadia, CA 91006, has filed NADA 65–506 which provides for subcutaneous over-the-counter and prescription use of penicillin G benzathine and penicillin G procaine sterile suspension in beef cattle, intramuscular prescription use in horses, and subcutaneous and intramuscular use in dogs for the treatment of bacterial infections due to penicillin susceptible microorganisms. The product is used in cattle and horses for the treatment of bacterial pneumonia caused by *Streptococcus* spp., *Corynebacterium pyogenes*, and *Staphylococcus aureus*, and upper respiratory infections such as rhinitis or pharyngitis caused by *C. pyogenes*; in horses for equine strangles caused by *Streptococcus equi*; in cattle for blackleg caused by *Clostridium chauvoei*; and in dogs for the treatment of bacterial pneumonia caused by *Streptococcus* spp., *C. pyogenes*, *S. aureus*, and upper respiratory infections such as rhinitis or pharyngitis caused by *C. pyogenes*. When labeled for treating horses, beef cattle and dogs, the product is limited to veterinary prescription use. When labeled for treating beef cattle only, the product is for over-the-counter use. The NADA is approved as of November 8, 1993, and the regulations are amended in 21 CFR 522.1696a to reflect the approval. The basis for approval is discussed in the freedom of information summary.

Under section 512(c)(2)(F)(ii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(ii)), this approval does not qualify for marketing exclusivity because no new clinical or field investigations (other than bioequivalence or residue studies) and no new human food safety studies (other than bioequivalence or residue studies) were essential to the approval and conducted or sponsored by the applicant.

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

The agency has determined under 21 CFR 25.24(d)(1)(i) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 522

Animal drugs.

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

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

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

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

§ 522.1696a [Amended]

2. Section 522.1696a *Penicillin G benzathine and penicillin G procaine sterile suspension* is amended in paragraph (b)(1) by revising the phrase "See Nos. 000008, 000029, 000856, and 010515" to read "See Nos. 000008, 000029, 000856, 000864, and 010515" and in paragraph (b)(3) by revising the phrase "See Nos. 000069 and 010515" to read "See Nos. 000069, 000864, and 010515".

Dated: December 3, 1993.

Richard H. Teske,

Acting Director, Center for Veterinary Medicine.

[FR Doc. 93–30430 Filed 12–13–93; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR PART 110

[CGD 09–92–023]

Disestablishing Special Anchorage Area, Lake Erie, Put-In-Bay, OH

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is disestablishing the Special Anchorage Area in Put-In-Bay, Lake Erie. The regulation as it stands, allows vessels to remain in the anchorage area in periods of darkness without displaying anchor lights as required by the Navigational Rules. In the interest of safety and the prevention of marine incidents, the Coast Guard intends to remove the status of "Special Anchorage Area" from Put-In-Bay due to harbor traffic congestion.

DATES: This regulation becomes effective on December 14, 1993.

FOR FURTHER INFORMATION CONTACT: Lieutenant Junior Grade Scott J. Smith, U.S. Coast Guard, Aids to Navigation and Waterways Management Branch, Ninth Coast Guard District, room 2083, 1240 East Ninth Street, Cleveland, Ohio, 44199–2060, (216) 522–3990.

SUPPLEMENTARY INFORMATION: On October 16, 1992, the Coast Guard published a Notice of Proposed Rulemeking in the **Federal Register** (57 FR 47432, October 16, 1992) which considered the disestablishment of the special anchorage area previously in effect at Put-In-Bay, Lake Erie, under 33 CFR 110.84a.

Interested persons were requested to submit comments and no comments were received.

Drafting Information

The drafters of this regulation are Captain Roderick A. Schultz, U.S. Coast Guard, project officer, Chief, Ninth Coast Guard District Aids to Navigation and Waterways Management Branch, and Lieutenant Karen E. Lloyd, U.S. Coast Guard, project attorney, Ninth Coast Guard District Legal Office.

Discussion of Regulations

Maritime recreational use of this area has increased decidedly since the issue

date of the original regulation. Customary anchoring extends well outside the limits of the special anchorage area and consists of transient vessels that use their anchor lights. The regulation as it stands, allows vessels to remain in the anchorage area in periods of darkness without displaying anchor lights as required by the Navigational Rules. In the interest of safety and the prevention of marine incidents due to congestion, the Coast Guard is removing the status of "Special Anchorage Area" from Put-In-Bay.

Federalism Implications

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. These regulations do not impose any new regulatory requirements in an area not heretofore regulated by the Federal Government, and do not impose any requirements or restrictions on State or local authorities.

Environment

The Coast Guard has considered the environmental impact of these regulations and concluded that under section 2.B.2.c of Coast Guard Commandant Instruction M16475.1B, they are categorically excluded from further environmental documentation.

Economic Assessment and Certification

This regulation is not considered a significant regulatory action under Executive Order 12866 and is not significant under Department of Transportation regulatory policies and procedures (44 FR 11034 of February 26, 1979). The impact of these regulations is expected to be minimal, and the Coast Guard therefore certifies that, if adopted, they will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act, 5 U.S.C. 601 et seq.

Collection of Information

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

List of Subjects in 33 CFR Part 110

Anchorage grounds.

Final Regulations

In consideration of the foregoing, the Coast Guard amends part 110 of title 33, Code of Federal Regulations, as follows:

PART 110—ANCHORAGE REGULATIONS

1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 2030, 2035 and 2071; 49 CFR 1.46 and 33 CFR 1.05–1(g). Section 110.1a and each section listed in 110.1a are also issued under 33 U.S.C. 1223 and 1231.

§ 110.84a [Removed]

2. In Part 110, Section 110.84a is removed.

Dated: December 6, 1993.

Rudy K. Peschel,

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

[FR Doc. 93–30490 Filed 12–13–93; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OH–13–1–5175; FRL–4813–7]

Approval and Promulgation of Air Quality Implementation Plans; Ohio

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Final rule.

SUMMARY: USEPA is disapproving a requested revision to the Ohio State Implementation Plan (SIP) for particulate matter (PM) and nitrogen oxides (NO_x) for sources within specified source categories that require continuous emission monitoring (CEM) and recording. USEPA's action is based upon a revision request submitted by the State to satisfy the requirements of the Clean Air Act.

EFFECTIVE DATES: This action will be effective February 14, 1994, unless notice is received by January 13, 1994, that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the **Federal Register.**

ADDRESSES: Written comments should be addressed to: William L. MacDowell, Chief, Regulation Development Section, Air Enforcement Branch (AE–17J), United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the State's submittal and USEPA's technical support document are available for inspection during normal business hours at the following location: United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard (AE–17J), Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Maggie Greene, Air Enforcement Branch, Regulation Development Section (AE–17J), United States Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 886–6088.

SUPPLEMENTARY INFORMATION:

On January 5, 1987, the State of Ohio submitted to the USEPA a revision to the Ohio State Implementation Plan (SIP) for particulate matter and nitrogen oxides for sources within specified source categories that require continuous emission monitoring (CEM) and recording. The revision request consists of CEM requirements contained in operating permits for 116 associated sources, at 37 facilities.

The requirements at issue are necessary to meet the general guidelines established in section 110(a)(2)(F)(i), (ii), and (iii) of the Clean Air Act and the specific provisions described in 40 CFR part 51, appendix P. Section 110(a)(2)(F) provides that the SIP must require the installation of equipment to monitor emissions from stationary sources, periodic reporting of such emissions and correlation of such reports with any emission limitations established in the SIP for these source categories. In appendix P, USEPA described specific minimum requirements for CEM that each SIP must include in order to be approved under the provisions of 40 CFR 51.214. CEM plans are required by 40 CFR 51.214 to provide, as a minimum, legally enforceable procedures for requiring the stationary sources to install and operate CEM equipment.

The source categories and the respective monitoring requirements identified in 40 CFR part 51, appendix P are listed below:

1. Fossil fuel-fired steam generators. This category shall be monitored for opacity, nitrogen oxide emissions, sulfur dioxide emissions, and oxygen or carbon dioxide.

2. Fluid bed catalytic cracking unit catalyst regenerators. This category shall be monitored for opacity.

3. Sulfuric acid plants. This category shall be monitored for sulfur dioxide emissions.

4. Nitric acid plants with greater than 300 tons per day production capacity shall be monitored for nitrogen oxide emissions.

This revision request applies to the source categories of fossil fuel-fired steam generators (except for sulfur dioxide (SO_2) emissions), fluid bed catalytic cracking unit catalyst generators, and nitric acid plants. This revision request does not apply to the

monitoring of SO_2 emissions at fossil fuel-fired steam generators and sulfuric acid plants. These two emission sources are covered in a separate **Federal Register** rulemaking (54 FR 1693), dated January 17, 1989. The State indicated that there are no nitric acid plants in Ohio with a production capacity greater than 300 tons per day.

Following is a list of the 37 facilities in Ohio that are subject to the CEM requirements in the SIP revision request:

Cincinnati Gas and Electric (CG&E) Company–W.C. Beckjord Station
CG&E Miami Fort Station
Cleveland Electric Illuminating (CEI) Company (Centerior Energy) Ashtabula Plant "A"
CEI Ashtabula Plant "C"
CEI Avon Lake Plant
CEI Eastlake Plant
CEI Lakeshore Plant
Columbus and Southern Ohio Electric (C&SOE) Company–Conesville Station
C&SOE Poston Station
C&SOE Pickaway Station
Dayton Power and Light (DP&L) Company–Longworth Station
DP&L J.M. Stuart Station
DP&L Hutchings Station
Mead Paper-Chillicothe Facility
Ohio Edison (OE) Company Niles Station
OE R.E. Burger Station
OE Toronto Station
OE W.H. Sammis Station
OE Edgewater Station
OE Gorge Station
Ohio Power (OP) Company–Gavin Plant
OP Cardinal Operating Company
OP Buckeye Power, Inc.
OP Muskingum River Plant
Ohio Valley Electric (OVE) Company–Kyger Creek Station
Orrville Municipal Power Plant
Toledo Edison (TE) Company (Centerior Energy)–Acme Station
TE Bay Shore Station
Piqua Municipal Power Plant
Elkem Metals Company
Goodyear Tire and Rubber Company–Akron Plant II
Procter and Gamble Company
The Standard Oil Company–Lima Refinery
The Standard Oil Company–Oregon
Sun Refining and Marketing Company–Toledo Refinery
Champion International, Hamilton Mill Champion Papers
Hamilton Municipal Electric Plant

The opacity CEM requirements apply to 34 of the above facilities with fossil fuel-fired steam generators, and 3 of the above facilities with petroleum refinery fluid bed catalytic cracking unit catalyst regenerators.

The State of Ohio furnished USEPA with the following supplemental information regarding these facilities subsequent to submittal of the SIP revision request. The Columbus and Southern Ohio Electric Company has changed its name to the Columbus Southern Power Company (CSPC). CSPC's Poston Station was permanently shut down on October 27, 1987. The Standard Oil Company of Ohio is now owned and operated by the British Petroleum Oil Company. On September 1, 1988, the American Municipal Power-Ohio, Inc. (AMP-Ohio) took over the ownership and operation of the Elkem Metals Company boilerhouse.

Final Action

USEPA is disapproving the requested revision to the Ohio SIP for particulate matter for the sources listed above that require CEM and recording. CEM plans are required by 40 CFR 51.214 to contain legally enforceable procedures for requiring stationary sources listed in 40 CFR part 51, appendix P, to install and operate CEM equipment. Ohio's CEM requirements for monitoring and reporting are contained in operating permits that have expired and are, therefore, no longer enforceable.

Because USEPA considers this action noncontroversial and routine, we are disapproving it without prior proposal. The action will become effective on February 14, 1994. However, if we receive notice by January 13, 1994, that someone wishes to submit critical comments, then USEPA will publish: (1) A notice that withdraws the action; and (2) a notice that begins a new rulemaking by proposing the action and establishing a comment period.

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

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and Table 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of 2 years. The USEPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. The Office of Management and Budget has agreed to continue the temporary waiver until such time as it rules on USEPA's request. This request continues in effect under Executive Order 12866 which superseded Executive Order 12291 on September 30, 1993.

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

USEPA's disapproval of the State request under section 110 and subchapter I, part D of the Clean Air Act does not affect any existing requirements applicable to small entities. Any pre-existing Federal requirements remain in place after this disapproval. Federal disapproval of the State submittal does not affect its State-enforceability. Moreover, USEPA's disapproval of the submittal does not impose any new Federal requirements. Therefore, USEPA certifies that this disapproval action does not have a significant impact on a substantial number of small entities because it does not remove existing requirements nor does it impose any new Federal requirements.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 14, 1994. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Particulate matter.

Authority: 42 U.S.C. 7401–7671q.

Dated: December 2, 1993.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 93–30462 Filed 12–13–93; 8:45 am]

BILLING CODE 6560–50–F

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 101–38 and 101–39

[FPMR Amendment G–105]

Motor Vehicles

AGENCY: Federal Supply Service, GSA.

ACTION: Final rule.

SUMMARY: This regulation updates fuel economy objectives, deletes motor vehicle acquisition procedures, and implements the revised Standard Form (SF) 91, Motor Vehicle Accident Report. This regulation is issued to reflect new fuel economy standards issued by the Secretary of Transportation, to delete sections that are duplicative to GSA procurement programs regulations, and to reflect the revision of SF 91 and the cancellation of SF 91A, Investigation Report of Motor Vehicle Accident, and Optional Form 26, Data Bearing Upon Scope of Employment of Motor Vehicle Operator. The intended result is to provide updated fuel economy standards, delete repetitive language in the regulation, and prescribe updated forms for use in reporting motor vehicle accidents.

EFFECTIVE DATE: December 14, 1993.

FOR FURTHER INFORMATION CONTACT: Michael W. Moses, Fleet Management Division (703–305–6273).

SUPPLEMENTARY INFORMATION: The General Services Administration (GSA) has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for and consequences of this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

On October 20, 1992, FPMR Amendment E–272, Purchase of new motor vehicles, was published in the **Federal Register**. Many of the policies and procedures contained in that amendment are also covered in 41 CFR part 101–38. In light of the cost associated with updating duplicative sections, 41 CFR 101–38.103–1 through 101–38.104–8 are deleted.

The Secretary of Transportation establishes yearly fleet average fuel economy objectives for passenger automobiles and light trucks. Prior to this amendment, 41 CFR 101–38.101–3 provided fuel economy objectives through fiscal year 1992 for the combined average and for passenger automobiles, and through fiscal year 1991 for light trucks. The Secretary of Transportation has established fuel economy objectives for the combined average and passenger automobiles through fiscal year 1995, and for light trucks through fiscal year 1994. Accordingly, the FPMR is updated by this amendment to reflect these additional objectives.

In accordance with 41 CFR 101–38.601 and 101–39.4 all motor vehicle operators are required to complete Standard Form (SF) 91, (previously titled Operator's Report of Motor Vehicle Accident) and SF 91–A, Investigation Report of Motor Vehicle Accident, whenever they are involved in an accident. Prior to this amendment, operators of GSA Interagency Fleet Management System (IFMS) motor vehicles were also required to complete Optional Form (OF) 26, Data Bearing Upon Scope of Employment of Motor Vehicle Operator, whenever they were involved in an accident. Some of the entries on the SF 91, SF 91–A, and OF 26 are duplicative and require a burdensome amount of time to report an accident. Items which are duplicated on two or more forms include vehicle operator names, addresses, and telephone numbers; vehicle descriptions; vehicle ownership; location of accident; and a narrative of the accident. Significant data elements have been taken from each of the three forms and consolidated on the revised SF 91, Motor Vehicle Accident Report. GSA has added third party insurance information (company name, address, telephone number, and policy number) to the revised SF 91. Operators of GSA IFMS motor vehicles are already required to obtain insurance company information using regionally prescribed forms.

On January 23, 1992, GSA published a notice of intent to revise SF 91 in the **Federal Register**. The notice asked for comments from all interested parties concerning the revised SF 91 illustrated therein. GSA received comments from seven Federal agencies. Six of the agencies agreed with the proposed form with minor changes. The seventh agency, the Department of the Treasury, requested that blocks 12–22 of the SF 91–A be retained. Those blocks provided a "check-the-correct-block" format giving insight into weather and road conditions at the accident scene. GSA did not adopt that suggestion as it would have been redundant to other sections of the revised form. The proposed form has been revised to include all suggestions received as a result of the **Federal Register** notice with the exception of the Department of the Treasury comments concerning blocks 12–22.

Regulatory Flexibility Act

This amendment is not required to be published in the **Federal Register** for notice and comment. Therefore, the Regulatory Flexibility Act does not apply.

List of Subjects

41 CFR Part 101–38

Energy conservation, Government property management, Motor vehicles, Reporting and recordkeeping requirements.

41 CFR Part 101–39

Claims, Government property management, Motor vehicles, Reporting and recordkeeping requirements, Safety.

For the reasons set forth in the preamble, 41 CFR parts 101–38 and 101–39 are amended as follows:

1. The authority citation for parts 101–38 and 101–39 continues to read as follows:

Authority: Sec 205(c), 63 Stat. 390; (40 U.S.C. 486(c)).

PART 101–38—MOTOR EQUIPMENT MANAGEMENT

2. The heading for subpart 101–38.1 is revised to read as follows:

Subpart 101–38.1—Fuel Efficient Motor Vehicles

3. Section 101–38.100 is amended by revising paragraph (a) to read as follows:

§ 101–38.100 Scope and applicability.

(a) This subpart prescribes policies and procedures relating to energy conservation in motor vehicles used for official purposes by the Federal Government.

* * * * *

4. Section 101–38.101 is revised to read as follows:

§ 101–38.101 Acquisition of motor vehicles.

Motor vehicles shall be acquired in accordance with 41 CFR part 101–26, subpart 101–26.5.

§§ 101–38.103–1, 101–38.104, and 101–38.104–1—101–38.104–8 [Removed]

5. Sections 101–38.103–1, 101–38.104, and 101–38.104–1 through 101–38.104–8 are removed.

Subpart 101–38.1—[Amended]

6. Subpart 101–38.1 is amended by redesignating certain sections as set out in the following table:

Old section	New section
101–38.101–1	101–38.102
101–38.101–2	101–38.103
101–38.101–3	101–38.104
101–38.102	101–38.105
101–38.103	101–38.106

7. Newly designated § 101–38.103 is revised to read as follows:

§ 101–38.103 Mandatory provisions affecting the acquisition and use of motor vehicles.

(a) Except for those vehicles exempted under the provisions of § 101–38.104(b)(6), all motor vehicles acquired for official purposes by executive agencies shall be selected to achieve maximum fuel efficiency and limited to the minimum body size, engine size, and optional equipment necessary to meet agencies' requirements.

(b) Use of Government limousines (class V) and large (class IV) sedans shall be eliminated. Exceptions shall be made only for the President and Vice President and for security and highly essential needs. Executive agencies shall certify all exceptions to the Administrator of General Services.

(c) All class IV and V sedans shall be replaced by class II or smaller sedans unless a class III is absolutely essential to the agency's mission and certified accordingly to the Administrator of General Services.

(d) Executive agencies are governed by the provisions of 31 U.S.C. 1344 and 1349 and 18 U.S.C. 641 which define and govern the use of motor vehicles for official purposes.

8. Newly designated § 101–38.104 is revised to read as follows:

§ 101–38.104 Fuel efficient passenger automobiles and light trucks.

(a) This section provides policy governing the acquisition of fuel-efficient passenger automobiles and light trucks by executive agencies and provides for the administration of a consolidated Federal fleet plan for use in monitoring those acquisitions. This authority is derived from Executive Order 11912, dated April 13, 1976, 3 CFR, 1976 Comp., p. 114), and Executive Order 12375, dated August 4, 1982, 3 CFR, 1982 Comp., p. 202), which designated and empower the Administrator of General Services to perform, without approval, ratification, or other action by the President the functions vested in the President by section 510 of the Motor Vehicle Information and Cost Savings Act, as amended (89 Stat. 915, 15 U.S.C. 2010).

(b) The acquisition of passenger automobiles by an executive agency shall be limited to class IA, IB, or II (small, subcompact, or compact) unless the agency certifies to the Administrator of General Services that a larger class vehicle is essential to the agency's mission. The certification shall include the reasons for requiring a vehicle larger than a class II, compact.

(1) In compliance with Executive Orders 11912 and 12375, GSA administers a consolidated Federal fleet program to monitor passenger automobiles and light trucks acquired by executive agencies. The program is based upon the actual vehicle leases and purchases of passenger automobiles and light trucks, reported by vehicle class, by executive agencies to GSA. GSA administers the program by maintaining a master record of the miles per gallon ratings for passenger automobiles and light trucks actually acquired by each agency during the fiscal year. The GSA program will be used to verify that each agency's vehicle leases and purchases conform with Executive Order 12375; i.e., the agency will achieve the fleet average fuel economy for the applicable fiscal year.

(2) The Federal fleet program enables GSA to determine the total fleet average fuel economy achieved by all executive agencies at the end of each fiscal year and to provide management assistance to agencies to ensure compliance with Executive Order 12375. Copies or synopses of actual vehicle leases and vehicle purchases not procured through the GSA Automotive Commodity Center shall be forwarded to the General Services Administration, ATTN: FBF, Washington, DC 20406, not later than December 1st of each year, in accordance with the requirements set forth in § 101–38.105.

(3) Passenger automobiles and light trucks acquired by executive agencies must meet the fleet average fuel economy objectives set forth below for the appropriate fiscal year:

Fiscal year	Miles per gallon			
			Light trucks	
	Average fuel[1] economy standard	Passenger automobiles	Fleet average fuel[2] economy 4×2	Fleet average fuel[2] economy 4×4
1977	18.0	18.0	.....	.....
1978	18.0	20.0	.....	.....
1979	19.0	22.0	17.2	15.8
1980	20.0	24.0	16.0	14.0
1981	22.0	26.0	16.7	15.0
1982	24.0	24.0	18.0	16.0
1983	26.0	26.0	19.5	17.5
1984	27.0	27.0	20.3	18.5
1985	27.5	27.5	19.7	18.9
1986	26.0	26.0	20.5	19.5
1987	26.0	26.0	21.0	19.5
1988	26.0	26.0	21.0	19.5
1989	26.5	26.5	21.5	19.0
1990	27.5	27.5	20.5	19.0
1991	27.5	27.5	[1]20.7	[1]19.1
1992	27.5	27.5	[3]20.2	[3]20.2
1993	27.5	27.5	[3]20.4	[3]20.4
1994	27.5	27.5	[3]20.5	[3]20.5

Fiscal year	Miles per gallon			
	Average fuel[1] economy standard	Passenger automobiles	Light trucks	
			Fleet average fuel[2] economy 4x2	Fleet average fuel[2] economy 4x4
1995 and beyond	27.5	27.5	(4)	(4)

[1] Established by section 502 of the Motor Vehicle Information and Cost Savings Act (89 Stat. 902, 15 U.S.C. 2002) and the Secretary of Transportation.
[2] Established by the Secretary of Transportation and mandated by Executive Order 12003 through fiscal year 1981 and by Executive Order 12375 beginning in fiscal year 1982.
[3] Fleet average fuel economy for light trucks is the combined fleet average fuel economy for all 4x2 and 4x4 light trucks.
[4] Requirements not yet established by the Secretary of Transportation.

(4)(i) The method of calculating the fleet average fuel economy uses harmonic averaging and is specifically required by section 510 of the Motor Vehicle Information and Cost Savings Act (89 Stat. 915; 15 U.S.C. 2010) and applies to the calculations for passenger automobiles and light trucks. A sample of the method used to calculate the fleet average fuel economy is shown in paragraph (b)(4)(ii) of this section. This information is derived from the total number of vehicles to be acquired by an agency and the Environmental Protection Agency (EPA) miles per gallon rating provided by GSA in accordance with § 101–105(a).

(ii) Light trucks: 4×2, total number (600) divided by:

(A) Six-cylinder automatic transmission van-wagons and van-panels (200) divided by 17 mpg; plus

(B) Eight-cylinder automatic transmission van-wagons and van-panels (75) divided by 16 mpg; plus

(C) Six-cylinder manual transmission pick-ups (100) divided by 24 mpg; plus

(D) Six-cylinder automatic transmission pick-ups (200) divided by 20 mpg; plus

(E) Six-cylinder automatic transmission sedan deliveries (25) divided by 21 mpg.

$$= \frac{600}{\frac{200}{17} + \frac{75}{16} + \frac{100}{24} + \frac{200}{20} + \frac{25}{21}}$$

$$= \frac{600}{11.765 + 4.688 + 4.167 + 10.0 + 1.190}$$

$$= \frac{600}{31.810} = 18.9 \text{ (Rounded to nearest 0.1 mpg}$$

(5) An agency may request exemptions from paragraph (b)(4) of this section for light trucks or categories of light trucks if they are determined to be appropriate in terms of energy conservation, economy, efficiency, or service. Agencies shall submit these requests in writing to the Administrator of General Services, Washington, DC 20405, and shall state the reasons supporting the request for exemption. The Administrator will review the request, determine if the request is appropriate, and advise the requesting agency of the determination. Light trucks exempted under the provisions of this paragraph shall not be included in the calculation of an agency's fleet average fuel economy.

(6) This subpart does not apply to passenger automobiles and light trucks designed to perform combat-related missions for the U.S. Armed Forces or designed for use in law enforcement or emergency rescue work.

9. Newly designated § 101–38.105 is revised to read as follows:

§ 101–38.105 Agency purchase and lease of motor vehicles.

(a) Executive agencies that comply with the provisions of § 101–26.501–1 (b) and (c) of this chapter may acquire vehicles without using the services of the GSA Automotive Commodity Center. Copies of actual vehicle leases and purchases acquired for domestic fleets which are not procured through the GSA Automotive Commodity Center will be furnished to the General Services Administration, ATTN: FBF, Washington, DC 20406. Each submission shall use the unadjusted combined city/highway mileage ratings for passenger automobiles and light trucks developed by the Environmental Protection Agency (EPA) for each fiscal year. The submissions shall be forwarded to GSA as soon as possible after the purchase or effective date of the lease. All submissions for the previous fiscal year shall reach GSA by December 1st of each year. GSA issues information concerning the EPA mileage ratings and miles per gallon rating guidance to assist agencies in the timely planning of their acquisitions. Agencies not intending to purchase or lease vehicles or agencies that satisfy their total motor vehicle requirements through the GSA Interagency Fleet Management System shall so inform GSA.

(b) The submission of actual vehicle leases and agency purchases or synopses for passenger automobiles and light trucks acquired during the fiscal year includes vehicles which were procured or leased for use in any State or Commonwealth of the United States and the District of Columbia. Agencies shall not include passenger automobiles and light trucks which are:

(1) Procured or leased for use outside the foregoing areas;

(2) Designed to perform combat-related missions for the U.S. Armed Forces; or

(3) Designed for use in law enforcement or emergency rescue work.

(c) Requisitions for passenger automobiles and light trucks sent to GSA for procurement action, but for which a contract is not awarded during the same fiscal year the requisitions are submitted, shall be included in the agency's vehicle lease and purchase record for the fiscal year in which the contract is awarded.

(d) When a vehicle lease contains an option to renew and the option is exercised, that renewal action shall not be included as a new acquisition. However, before the exercise of the renewal option, an agency must submit its requirements to GSA in accordance with § 101–39.204 of this chapter to determine if the requirement can be satisfied through the Interagency Fleet Management System.

(e) In order to maintain a master record of all leased passenger vehicles and light trucks under 8,500 pounds (GVWR), agencies shall forward to the General Services Administration, ATTN: FBF, Washington, DC 20406, copies of lease agreements for those vehicles leased for a period of 60 continuous days or more, or they may submit the following information:

(1) Number of vehicles, by category;

(2) Year;

(3) Make;

(4) Model;

(5) Transmission type (if manual, number of forward speeds);

(6) Cubic inch displacement;

(7) Fuel system (fuel injection or carburetor (number of barrels));

(8) Monthly lease cost;

(9) Duration of lease (include option to renew);

(10) Vehicle type (4×2 or 4×4—light trucks only);

(11) Gross vehicle weight rating (GVWR): Light trucks only; and

(12) Lessor's name and address.

(f) Submission of requisitions for procurement or requests for authority to lease vehicles, which in the judgment of GSA will result in noncompliance with the fleet average fuel economy by the end of the fiscal year, may result in requisitions being held in abeyance pending adjustment to the agency's acquisition plan to ensure compliance with fuel economy requirements.

(g) Requisitions submitted to GSA for vehicles shall conform to the requirements of § 101–25.501 of this chapter.

(h) Agencies may request GSA assistance when planning their acquisitions by contacting the General Services Administration, ATTN: FBF, Washington, DC 20406.

(i) Information concerning vehicles purchased for agencies by the GSA Automotive Commodity Center is provided internally; therefore, vehicles procured by GSA are not required to be reported.

10. Newly designated § 101–38.106 is revised to read as follows:

§ 101–38.106 Leasing for motor vehicles.

(a) Under the provisions of §§ 101–38.103 and 101–38.105(d), all requirements for leased motor vehicles that are needed by Federal executive agencies for 60 consecutive days or more, shall be submitted to General Services Administration, ATTN: FBF, Washington, DC 20406, for a determination of whether the requirements can be satisfied through the Interagency Fleet Management System. The request shall be prepared in accordance with the requirements of § 101–39.204 of this chapter.

(b) All charter services are exempted from the provisions of this section.

Subpart 101–38.6—Reporting Motor Vehicle Accidents

11. Section 101–38.601 is revised to read as follows:

§ 101–38.601 Accident reporting forms and their use.

The Standard forms available to all executive agencies for use in reporting motor vehicle accidents are listed below. Accident reports pertaining to agency-owned or -leased vehicles shall be processed in accordance with applicable agency directives. Accident reports pertaining to GSA Interagency Fleet Management System vehicles shall be processed in accordance with 41 CFR part 101–39, subpart 101–39.4.

(a) Standard Form 91, Motor Vehicle Accident Report, should be completed at the time and on the scene of the accident, insofar as possible, regardless of the extent of damage to the vehicle. A Standard Form 91 should be carried at all times in Government-owned and -leased motor vehicles.

(b) Standard Form 94, Statement of Witness, should be carried at all times in Government-owned and -leased vehicles and should be completed by persons who witness an accident. Standard Form 94 has been approved by the Office of Management and Budget under OMB control number 3090–0033.

PART 101–39—INTERAGENCY FLEET MANAGEMENT SYSTEMS

Subpart 101–39.3—Use and Care of GSA Interagency Fleet Management System Vehicles

12. Section 101–39.306 is amended by revising paragraph (g) to read as follows:

§ 101–39.306 Operator's packet

* * * * *

(g) Accident reporting kit which contains:

(1) Standard Form 91, Motor Vehicle Accident Report; and

(2) Standard Form 94, Statement of Witness.

* * * * *

Subpart 101–39.4—Accidents and Claims

13. Section 101–39.401 is amended by revising paragraphs (b) and (c) to read as follows:

§ 101–39.401 Reporting of accidents.

* * * * *

(b) In addition, the vehicle operator shall obtain and record information pertaining to the accident on Standard Form 91, Motor Vehicle Accident Report. Only one copy of the Standard Form 91 is required. When completed, the Standard Form 91 shall be given to the vehicle operator's supervisor. The vehicle operator shall also obtain the names, addresses, and telephone numbers of any witnesses and, wherever possible, have witnesses complete Standard Form 94, Statement of Witness, and give the completed Standard Form 94 and other related information to his or her supervisor. The vehicle operator shall make no statements as to the responsibility for the accident except to his or her supervisor or to a Government investigating officer.

(c) Whenever a vehicle operator is injured and cannot comply with the above requirements, the agency to which the vehicle is issued shall report the accident to the State, county, or municipal authorities as required by law, notify the GSA IFMS fleet manager of the center issuing the vehicle as soon as possible after the accident, and complete and process Standard Form 91. A complete copy of the accident report shall be forwarded to the appropriate GSA office as outlined in the vehicle operator's packet.

14. Section 101–39.403 is amended by removing paragraph (b) and redesignating paragraphs (c) and (d) as paragraphs (b) and (c), respectively, and revising them to read as follows:

§ 101–39.403 Investigation.

* * * * *

(b) The agency employing the vehicle operator shall investigate the accident within 48 hours after the actual time of occurrence. Also, GSA may investigate any accident involving an IFMS vehicle when deemed necessary. Should such investigation develop additional information, the additional data or facts will be furnished to the using agency for its information.

(c) Two copies of the complete report of the investigation, including (when available) photographs, measurements, doctor's certificate of bodily injuries, police investigation reports, operator's statement, agency's investigation reports, witnesses' statements, the Motor Vehicle Accident Report (SF 91), and any other pertinent data shall be furnished to the manager of the GSA IFMS fleet management center issuing the vehicle.

Dated: September 28, 1993.

Julia M. Stasch,

Acting Administrator of General Services.

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LEGAL SERVICES CORPORATION

45 CFR Part 1602

Procedures for Disclosure of Information Under the Freedom of Information Act

AGENCY: Legal Services Corporation.

ACTION: Final rule; delay of effective date.