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Presidential Documents

Title 3—

The President

Proclamation 6354 of October 10, 1991

Columbus Day, 1991

By the President of the United States of America

A Proclamation

As we approach the 500th anniversary of Christopher Columbus' first landing in the New World, renewed attention is being focused on this celebrated Admiral of the Ocean Seas in both Europe and the Americas. During our annual observance of Columbus Day, we celebrate all that this master mariner has symbolized to our Nation. For generations, Christopher Columbus has embodied the spirit of exploration and discovery—and the beginning of America itself.

When Columbus began his first bold transatlantic voyage in 1492, he was pursuing both a theory and an opportunity. The journey promised as much risk as reward, and it required substantial courage, initiative, and resolve on the part of Columbus and his crew. These qualities have been shared by virtually every great pioneer. Thus the story of Christopher Columbus reminds us that all fruitful exploration and discovery begins with a willingness to set one's sails higher, to seek new horizons, and to follow wherever one's imagination and experience might lead. It also reminds us that industry and labor are the foundation of learning and progress.

On this occasion, however, we celebrate not only the spirit of learning but also the story of our Nation. The meeting of cultures that was made possible by Christopher Columbus marked the beginning of a new chapter in history. The subsequent exchange of knowledge, resources, and ideas between the Old World and the New led to the development of two entire continents and to the birth of a Nation committed to liberty and opportunity.

Columbus Day has long been a special occasion to Italian Americans and to Americans of Spanish descent. Yet as we remember the brave son of Genoa who, with help from the Spanish monarchs Ferdinand V and Isabella I, linked two hemispheres, we know that this day holds meaning for us all. It is a time to recall the many pioneers who, like Columbus, have challenged the unknown and carried humankind further along the path of progress. It is a time to celebrate the rich heritage of America's native peoples, as well as our strengths as a Nation of immigrants. On this day, we also celebrate the close ties we share with our neighbors in Central and South America and the Caribbean, as fellow heirs of Columbus' voyages. Our Administration is working hard to develop these ties even closer through the Enterprise for the Americas Initiative. Most important, perhaps, Columbus Day is a time for us to do some exploring of our own—to study and learn from the past so that we might appreciate more fully the blessings of freedom and the principles that unite all Americans today.

In tribute to the legacy of Christopher Columbus, the Congress, by joint resolution of April 30, 1934 (48 Stat. 657), as modified by the act of June 28, 1968 (82 Stat. 250), has requested the President to proclaim the second Monday in October of each year as "Columbus Day."

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim October 14, 1991, as Columbus Day. I call on the people of the United States to observe this day with appropriate ceremonies and activities. I also direct that the flag of the United States be displayed on all public buildings on the appointed day in honor of Christopher Columbus.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of October, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and sixteenth.

George Bush

[FR Doc. 91-24919
Filed 10-10-91; 2:33 pm]
Billing code 3195-01-M

Editorial note: For the President's remarks on Columbus Day, see issue 41 of the *Weekly Compilation of Presidential Documents.*

Presidential Documents

Presidential Determination No. 92–2 of October 9, 1991

Determination of FY 1992 Refugee Admissions Numbers and Authorizations of In-Country Refugee Status Pursuant to Sections 207 and 101(a)(42), Respectively, of the Immigration and Nationality Act

Memorandum for the United States Coordinator for Refugee Affairs

In accordance with section 207 of the Immigration and Nationality Act ("the Act") (8 U.S.C. 1157), and after appropriate consultation with the Congress, I hereby make the following determinations and authorize the following actions:

a. The admission of up to 142,000 refugees to the United States during FY 1992 is justified by humanitarian concerns or is otherwise in the national interest; provided, however, that this number shall be understood as including persons admitted to the United States during FY 1992 with Federal refugee resettlement assistance under the Amerasian immigrant admissions program, as provided in paragraph (b) below.

Ten thousand of these admissions numbers shall be set aside for private sector admissions initiatives, and may be used for any region. The admission of refugees using these numbers shall be contingent upon the availability of private sector funding sufficient to cover the reasonable costs (as defined in the Memorandum of Understanding among the interested parties) of such admissions.

b. The 142,000 admissions shall be allocated among refugees of special humanitarian concern to the United States as described in the documentation presented to the Congress during the consultations that preceded this determination and in accordance with the following regional allocations; provided, however, that the number allocated to the East Asia region shall include persons admitted to the United States during FY 1992 with Federal refugee resettlement assistance under section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988, as contained in section 101(e) of Public Law 100–202 (Amerasian immigrants and their family members); provided further that the number allocated to the Soviet Union shall include persons admitted who were nationals of the Soviet Union, or in the case of persons having no nationality, who were habitual residents of the Soviet Union, prior to September 2, 1991:

Africa	6,000
East Asia	52,000
Soviet Union	61,000
Eastern Europe	3,000
Near East/South Asia	6,000
Latin America/Caribbean	3,000
Unallocated (funded)	1,000
Unallocated (funded by the private sector)	10,000

Utilization of the 132,000 federally funded admissions numbers shall be limited by such public and private funds as shall be available for refugee and Amerasian immigrant admissions in FY 1992. You are hereby authorized and directed to so advise the judiciary committees of the Congress.

The 1,000 unallocated federally funded numbers shall be allocated as needed. Unused admissions numbers allocated to a particular region within the 132,000 federally funded ceiling may be transferred to one or more other regions if there is an overriding need for greater numbers for the region or regions to which the numbers are being transferred. You are hereby authorized and directed to consult with the judiciary committees of the Congress prior to any such reallocation.

The 10,000 privately funded admissions not designated for any country or region may be used for refugees of special humanitarian concern to the United States in any region of the world at any time during the fiscal year. You are hereby authorized and directed to notify the judiciary committees of the Congress in advance of the intended use of these numbers.

In 1990, 5,106 aliens were granted asylum in the United States.

c. An additional 10,000 refugee admissions numbers shall be made available during FY 1992 for the adjustment to permanent resident status under section 209(b) of the Act (8 U.S.C. 1159(b)) of aliens who have been granted asylum in the United States under section 208 of the Act (8 U.S.C. 1158), as this is justified by humanitarian concerns or is otherwise in the national interest.

In accordance with section 101(a)(42) of the Act (8 U.S.C. 1101(a)(42)), and after appropriate consultation with the Congress, I also specify that, for FY 1992, the following persons may, if otherwise qualified, be considered refugees for the purpose of admission to the United States while still within their countries of nationality or habitual residence:

a. Persons in Vietnam.

b. Persons in Laos.

c. Persons in the countries of Latin America and the Caribbean.

d. Persons in the Soviet Union.

You are authorized and directed to report this determination to the Congress and to publish it in the **Federal Register.**

George Bush

cc: The Secretary of State

The Attorney General

The Secretary of Health and Human Services

[FR Doc. 91-24952
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Rules and Regulations

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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.
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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1230

[No. LS-91-003]

Pork Promotion, Research, and Consumer Information

AGENCY: Agricultural Marketing Service; USDA.

ACTION: Final rule.

SUMMARY: Pursuant to the Pork Promotion, Research, and Consumer Information Act of 1985 and the Order thereunder, this final rule (1) increases the rate of assessment of 0.25 percent of market value of porcine animals as prescribed in the initial Order to 0.35 percent and (2) increases the amount of assessment per pound due on imported pork and pork products to reflect the 0.10 percent increase in the initial assessment rate. The assessment increases will increase annual funding of the promotion, research, and consumer information program by an estimated $10 to $12 million.

EFFECTIVE DATE: December 1, 1991.

ADDRESSES: Ralph L. Tapp, Chief; Marketing Programs Branch; Livestock and Seed Division; Agricultural Marketing Service; USDA, room 2624–S; P.O. Box 96456; Washington, DC 20090–6456.

FOR FURTHER INFORMATION CONTACT: Ralph L. Tapp, Chief; Marketing Programs Branch at 202/382–1115.

SUPPLEMENTARY INFORMATION: This action was reviewed under USDA procedures established to implement Executive Order No. 12291 and Departmental Regulation 1512–1 and is hereby classified as a nonmajor rule under the criteria contained therein.

This action also was reviewed under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*). The effect of the Order upon small entities was discussed in the September 5, 1986, issue of the **Federal Register** (51 FR 31898), and it was determined that the Order would not have a significant economic impact upon a substantial number of small entities.

Information available to the Department indicates that nearly all of the estimated 278,000 pork producers and many of the estimated 200 importers can be classified as small entities. This final rule increases the initial rate of the assessment from 0.25 percent of the market value of porcine animals to 0.35 percent, and increases the cents per pound and per kilogram of assessments on imported pork and pork products subject to assessment. Adjusting the rate of assessment from 0.25 percent to 0.35 percent and increasing the assessments on imported pork and pork products will result in an estimated increase in assessments of $10 to $12 million over a 12-month period. Of that amount, approximately $750,000 will be attributed to the increase in importer assessments. However, the gross market value of all swine marketed in the United States during 1990 exceeded $11,799,000,000. The economic impact of the proposed assessments will not be a significant portion of the total market value of swine.

Accordingly, the Administrator of the Agricultural Marketing Service (AMS) has determined that this action will not have a significant economic impact on a substantial number of small entities.

The information collection requirements contained in the provisions of the Pork Promotion, Research, and Consumer Information Order which are affected by this action have been previously approved by the Office of Management and Budget (OMB) and have been assigned OMB Control Number 0851–0151.

The Pork Promotion, Research, and Consumer Information Act of 1985 (7 U.S.C. 4801–4819) approved December 23, 1985, authorized the establishment of a national pork promotion, research, and consumer information program. The program is funded by an assessment in the amount of 0.25 percent of the market value of all porcine animals marketed in the United States and an equivalent amount of assessment on imported porcine animals, pork, and pork products. The final Order establishing a pork promotion, research, and consumer information program was published in the September 5, 1986, issue of the **Federal Register** (51 FR 31898; as corrected, at 51 FR 36383 and amended at 53 FR 1909 and 53 FR 30243). Collection of assessments began on November 1, 1986.

The Order requires that producers pay to the Board an assessment of 0.25 percent of the market value of each porcine animal upon sale. However, for purposes of collecting and remitting assessments, porcine animals are divided into three separate categories (1) feeder pigs, (2) slaughter hogs, and (3) breeding stock. The Order specifies that purchasers of feeder pigs, slaughter hogs, and breeding stock shall collect an assessment on these animals if assessments are due. The Order further provides that for the purpose of collecting and remitting assessments, persons engaged as a commission merchant, auction market, or livestock market in the business of receiving such porcine animals for sale on commission for or on behalf of a producer shall be deemed to be a purchaser.

The Order requires importers of porcine animals to pay U.S. Customs Service (USCS), upon importation, the assessment of 0.25 percent of the animal's declared value and importers of pork and pork products to pay to the USCS, upon importation, the assessment of 0.25 percent of the market value of the live porcine animals from which such pork and pork products were produced.

The procedures for collection and remittance of assessments are specified in § 1230.71 of the Order.

Pursuant to section 1620 of the Act, the assessment rate of 0.25 percent of the market value of porcine animals, pork, or pork products sold or imported was established in the initial Order and has remained unchanged since November 1, 1986, when assessment collections began. Based on the assessment rate of 0.25 percent, the total annual assessments collected during 1990 were approximately $31.5 million. Assessments on imported pork and pork products accounted for about $1.7 million of the total.

The Act and § 1230.71 of the Order contain provisions for increasing the initial rate of assessment. Section 1620(b)(2) of the Act provides that the rate of the assessment in the initial Order may be increased by not more

than 0.1 percent per year upon recommendation of the National Pork Producers Delegate Body whose producer and importer members are appointed annually by the Secretary. The Act further provides that the rate of assessment may not be increased by more than 0.1 percent annually nor exceed 0.5 percent of the market value unless the Delegate Body recommends a greater increase and it is approved in a referendum.

The 1991 Delegate Body, at its annual meeting on March 7–9, 1991, in Denver, Colorado, voted overwhelmingly to recommend to the Secretary that the initial rate of assessment of 0.25 percent be increased to 0.35 percent. There were 173 Delegate Body members appointed by the Secretary in 1991. At the Delegate Body meeting, 163 delegates were present during voting and cast 27,767 valid share votes. States and importers are allotted one share per $1,000 of the aggregate amount of assessments collected. There were 23,780 share votes cast in favor of the 0.1 percent increase.

On April 29, 1991, AMS published in the **Federal Register** (56 FR 19619) a proposed rule to (1) increase the rate of assessment of 0.25 percent of market value of porcine animals to 0.35 percent and (2) increase the amount of assessment per pound on imported pork and pork products to reflect the proposed 0.1 percent increase in the assessment rate. The proposed rule was published with a request for comments by May 29, 1991.

The following example will illustrate the effect of the 0.1 percent increase on a per head basis. Based on the 1990 annual average seven market price of $54.55 per hundredweight for barrows and gilts with an average weight of 249 pounds as reported in the USDA's publication "Livestock, Meat, and Wool Weekly Summary and Statistics" published in January 1991, the average assessment per head at the assessment rate of 0.35 percent of market value would be 48 cents. At the initial assessment rate of 0.25 percent, the average per-head assessment would be 34 cents. Based on the Delegate Body's recommendation and in accordance with § 1230.71(d) of the Order, this final rule increases the rate of assessment from 0.25 to 0.35 percent of market value.

This final rule also increases the amount of assessment on all of the imported pork and pork products subject to assessment as published in the **Federal Register** as a final rule on June 10, 1991, and effective on July 10, 1991 (56 FR 26589).

The methodology for determining the per-pound amounts for imported pork and pork products was described in the supplementary information accompanying the Order and published in the September 5, 1986, **Federal Register** at 51 FR 31901. The weight of imported pork and pork products is converted to a carcass weight equivalent by utilizing conversion factors which are published in the USDA Statistical Bulletin No. 616 "Conversion Factors and Weights and Measures." These conversion factors take into account the removal of bone, weight lost in cooking or other processing, and the nonpork components of pork products. Second, the carcass weight equivalent is converted to a live animal equivalent weight by dividing the carcass weight equivalent by 70 percent, which is the average dressing percentage of porcine animals in the United States. Third, the equivalent value of the live porcine animal is determined by multiplying the live animal equivalent weight by an annual average seven market price for barrows and gilts as reported by the USDA, AMS, Livestock and Grain Market News (LGMN) Branch. This average price is published on a yearly basis during the month of January in the LGMN Branch's publication "Livestock, Meat, and Wool Weekly Summary and Statistics." Finally, the equivalent value is multiplied by the applicable assessment rate due on imported pork and pork products. The end result is expressed in an amount per pound for each type of pork or pork product.

To determine the amount per kilogram for pork and pork products subject to assessment under the Act and Order, the cent-per-pound assessments are multiplied by a metric conversion factor 2.2046 and carried to the sixth decimal.

The formula in the preamble for the Order at 51 FR 31901 contemplated that it would be necessary to recalculate the equivalent live animal value of imported pork and pork products to reflect increases in the rate of assessments or changes in the annual average price of domestic barrows and gilts to maintain equity of assessments between domestic porcine animals and imported pork and pork products.

Substituting the assessment rate of 0.35 percent of market value in this final rule in the formula and using the 1990 average annual seven market price for domestic barrows and gilts of $54.55 per hundredweight results in an increase in assessments for all the Harmonized Tariff Systems (HTS) numbers listed in the table in § 1230.110 (55 FR 29340, July 19, 1990).

In the proposed rule, the resulting amount of the increase was stated as eleven- to seventeen-hundredths of a cent per pound or, as expressed in cents per kilogram, twenty-four to thirty-nine hundredths of a cent per kilogram. However, a final rule increasing the per-pound and per-kilogram assessment on all imported pork and pork products to reflect the increase in the average seven market price per hundredweight for domestic barrows and gilts from $43.77 in 1989 to $54.55 in 1990 was published in the June 10, 1991, **Federal Register** (56 FR 26589). This rule increased the per pound and per kilogram assessments for the Harmonized Tariff System (HTS) numbers listed in the table in § 1230.110 by an amount equal to four- to five-hundredths of a cent per pound or nine- to eleven-hundredths of a cent per kilogram. The assessments in § 1230.110 in this final rule also incorporate the higher average seven market price established in the June 10, 1991, final rule.

Based on Department of Commerce, Bureau of Census, data on the volume of pork and pork products imported during the period January 1, 1990, through October 31, 1990, the increase in the assessment amounts would result in an estimated $750,000 increase in importer assessments over a 12-month period.

A review of calculations used to determine the cents-per-pound assessments and to convert the cents-per-pound assessments to cents per kilogram for all HTS numbers listed in § 1230.110 of the proposed rule revealed that (1) the cents-per-pound assessment for three HTS numbers was incorrect because of an error in rounding and (2) that the cents-per-kilogram assessments for all HTS numbers had been incorrectly calculated due to errors in rounding the cents-per-pound assessments prior to the conversion calculations. The cents-per-pound assessment for HTS numbers 1601.00.20105, 1601.00.20908, and 1602.49.20009 contained in the table in section 1230.110 in the proposed rule was listed as ".37." The correct cents-per-pound assessment for these three HTS numbers is .38 cents per pound. The cents-per-kilogram assessments listed for all HTS numbers in the table in § 1230.110 of this final rule have been recalculated using the correct cents-per-pound assessments listed in the table in § 1230.110 for each HTS number.

The Department received 24 comments after the publication of the proposed rule. Twenty-one commenters, including the National Pork Board, the National Pork Producers Council, an importer organization, 11 State pork producer associations, and 3 individuals supported the rate increase stating that it would enhance the purpose of the

checkoff program and improve pork's competitive position in the marketplace. Only two commenters addressed the increase in importer assessments and both supported the increase. Three individual commenters did not support the rate increase, citing disfavor with the program and suggesting that the initial rate of 0.25 was high enough.

The Department carefully considered the comments that were received, the recommendation of the Delegate Body and additional information regarding the usefulness of the proposed assessment rate increase. It has been determined that the additional revenues which will be gained from the increase will be useful in strengthening the position of the pork industry in the marketplace and in maintaining, developing, and expanding markets for pork and pork products.

Accordingly, this final rule adopts the increase in the assessment rate from 0.25 percent of the market value of porcine animals to 0.35 percent as proposed and the increase in the amount of assessments per pound and per kilogram on imported pork and pork products as proposed and corrected herein.

List of Subjects in 7 CFR Part 1230

Administrative practice and procedure, Advertising, Agriculture research, Marketing agreement, Meat and meat products, Pork and pork products.

For the reasons set forth in the preamble, 7 CFR part 1230 is amended as set forth below:

PART 1230—PORK PROMOTION, RESEARCH, AND CONSUMER INFORMATION

1. The authority citation for 7 CFR part 1230 continues to read as follows:

Authority: 7 U.S.C. 4801–4819.

Subpart B—[Amended]

2. Subpart B—Rules and Regulations is amended by revising § 1230.110 to read as follows:

§ 1230.110 Assessments on imported pork and pork products.

The following HTS categories of imported live porcine animals are subject to assessment at the rate specified.

Live porcine animals	Assessment
0103.10.00004	0.35 percent Customs Entered Value.
0103.91.00006	0.35 percent Customs Entered Value.
0103.92.00005	0.35 percent Customs Entered Value.

The following HTS categories of imported pork and pork products are subject to assessment at the rates specified.

Pork and pork products	Assessment	
	cents/lb	cents/kg
0203.11.00002	.27	.595242
0203.12.10107	.27	.595242
0203.12.10205	.27	.595242
0203.12.90100	.27	.595242
0203.12.90208	.27	.595242
0203.19.20108	.32	.705472
0203.19.20901	.32	.705472
0203.19.40104	.27	.595242
0203.19.40907	.27	.595242
0203.21.00000	.27	.595242
0203.22.10007	.27	.595242
0203.22.90000	.27	.595242
0203.29.20008	.32	.705472
0203.29.40004	.27	.595242
0206.30.00006	.27	.595242
0206.41.00003	.27	.595242
0206.49.00005	.27	.595242
0210.11.00101	.27	.595242
0210.11.00209	.27	.595242
0210.12.00208	.27	.595242
0210.12.00404	.27	.595242
0210.19.00103	.32	.705472
0210.19.00906	.32	.705472
1601.00.20105	.38	.837748
1601.00.20908	.38	.837748
1602.41.20203	.41	.903886
1602.41.20409	.41	.903886
1602.41.90002	.27	.595242
1602.42.20202	.41	.903886
1602.42.20408	.41	.903886
1602.42.40002	.27	.595242
1602.49.20009	.38	.837748
1602.49.40005	.32	.705472

3. Section 1230.112 is added to subpart B—Rules and Regulations under the heading "Assessments" to read as follows:

§ 1230.112 Rate of Assessment.

In accordance with § 1230.71(d), the rate of assessment shall be 0.35 percent of market value.

Done at Washington, DC on: October 9, 1991.

Daniel Haley,

Administrator.

[FR Doc. 91–24756 Filed 10–11–91; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 90–ASW–11; Amdt. 39–8044; AD 91–20–10]

Airworthiness Directives; Bell Helicopter Textron, Inc., (BHTI) Model 47G2, 47G2A, 47G2A1, 47G3, 47G3B1, 47G3B2, 47G3B2A, 47G4, 47G4A, 47G5, 47G5A, 47J, 47J2, and 47J2A Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts an airworthiness directive (AD) that requires a one-time visual inspection of the main rotor (M/R) grips on certain BHTI Model 47 helicopters to identify certain M/R grips that were produced and distributed without an FAA-required quality control inspection. The AD is needed to detect and remove potentially unsafe M/R grips from service. The failure of a M/R grip could result in loss of a main rotor blade and subsequent loss of control of the helicopter.

EFFECTIVE DATE: November 14, 1991.

ADDRESSES: The applicable AD-related material may be examined at the Regional Rules Docket, Office of the Assistant Chief Counsel, FAA, 4400 Blue Mound Road, Bldg. 3B, room 158, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Mr. Gary B. Roach, Rotorcraft Directorate, Rotorcraft Certification Office, ASW–170, FAA, Southwest Region, Fort Worth, Texas 76193–0170, telephone (817) 624–5179.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an AD requiring a one-time visual inspection of the M/R grips on BHTI Model 47G2, 47G2A, 47G2A1, 47G3, 47G3B1, 47G3B2, 47G3B2A, 47G4, 47G4A, 47G5, 47G5A, 47J, 47J2, and 47J2A helicopters was published in the **Federal Register** on March 22, 1990 (55 FR 10624).

The proposal was prompted by reports that Imperial Tool Inc., a vendor to BHTI, produced and directly distributed 156 M/R grips which bypassed the FAA-approved quality control system. As a result, these M/R grips are potentially unsafe and must be removed from service.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No

comments were received. Accordingly, the proposal is adopted without change.

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 implication to warrant the preparation of Federalism Assessment.

The FAA has determined that this regulation involves 1,988 helicopters. The cost for the inspection of these helicopters will be approximately $17,395. If a M/R grip is replaced, the approximate cost for parts and labor will be an additional $3,266 per helicopter. The total fleet cost, including the inspection of all affected helicopters and replacement of the 156 affected M/R grips, will be approximately $526,891. Therefore, 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); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is minimal; and (4) 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.

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—[AMENDED]

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

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new AD: AD 91-20-10

Bell Helicopter Textron, Inc.: Amendment 39-8044.—Docket No. 90-ASW-11.

Applicability: All Model 47G2, 47G2A, 47G2A1, 47G3, 47G3B1, 47G3B2, 47G3B2A, 47G4, 47G4A, 47G5, 47G5A, 47J, 47J2, and 47J2A helicopters, certificated in any category, with main rotor (M/R) grip part number (P/N) 47-120-252-11, installed.

Compliance: Required within the next 50 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent failure of the M/R grip, which could result in loss of control of the helicopter, accomplish the following:

(a) Visually inspect the M/R grip and determine if one of the following serial numbers is installed:

IT—0251, 0253, 0254, 0255, 0256, 0257, 0260, 0261, 0262, 0263, 0264, 0265, 0267, 0268, 0270, 0271, 0272, 0273, 0274, 0275, 0276, 0277, 0278, 0279, 0280, 0281, 0282, 0284, 0285, 0286, 0289, 0290, 0291, 0293, 0294, 0295, 0296, 0297, 0299, 0300, 0302, 0303, 0306, 0308, 0312, 0313, 0315, 0316, 0317, 0319, 0323, 0324, 0326, 0327, 0328, 0329, 0330, 0333, 0334, 0335

ITM—0005, 0007, 0022, 0046, 0077, 0096, 0109, 0112, 0114, 0115, 0125, 0128, 0133, 0155, 0161, 0165, 0166, 0167, 0168, 0170, 0171, 0178, 0182, 0183, 0185, 0187, 0189, 0191, 0192, 0194, 0197, 0198, 0202, 0204, 0211, 0212, 0218, 0234, 0235, 0236, 0237, 0238, 0239, 0240, 0241, 0242, 0243, 0244, 0245, 0246, 0248, 0249, 0250, 0251, 0252, 0253, 0255, 0256, 0257, 0258, 0259, 0261, 0262, 0263, 0264, 0265, 0266, 0267, 0269, 0270, 0271, 0272, 0273, 0274, 0275, 0276, 0277, 0278, 0279, 0280, 0281, 0282, 0283, 0284, 0286, 0287, 0288, 0289, 0290, 0291, 0292, 0293, 0294, 0295, 0296, 0297

(b) If one of the M/R grips listed in paragraph (a) is installed, remove and replace with a serviceable part.

(c) An alternate method of compliance or adjustment of the compliance time, which provides an equivalent level of safety, may be used if approved by the Manager, Rotorcraft Certification Office, Federal Aviation Administration, Fort Worth, Texas 76193-0170, telephone (817) 624-5170.

Note: If any of the M/R grips identified in paragraph (a) are found, either installed or as spares, the FAA recommends that the parts be permanently marked or defaced so that they cannot be misconstrued as airworthy.

This amendment (39-8044, AD 91-20-10) becomes effective November 14, 1991.

Issued in Fort Worth, Texas, on September 11, 1991.

Henry A. Armstrong,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 91-24729 Filed 10-11-91; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 91-NM-196-AD; Amendment 39-8062; AD 91-22-02]

Airworthiness Directives; Boeing Model 767 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Boeing Model 767 series airplanes powered by Rolls Royce RB211-524 series engines and by General Electric CF6-80C2 series engines, which requires inspections, adjustments, and functional checks of the thrust reverser system. This amendment is prompted by an on going design review, resulting from an accident investigation from which it has been determined that, prior to the accident, the airplane apparently experienced an uncommanded in-flight deployment of a thrust reverser. Deployment of a thrust reverser during flight could result in reduced controllability of the airplane. The actions required by this AD are intended to ensure the integrity of the fail safe features of the thrust reverser system by preventing the possible discrepancies in the thrust reverser control system that can result in the inadvertent deployment of a thrust reverser during flight.

DATES: Effective October 15, 1991. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 15, 1991.

ADDRESSES: The applicable service information may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Richard Simonson, Seattle Aircraft Certification Office, Propulsion Branch, ANM-140S; telephone (206) 227-2683. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION: Recently, a Boeing Model 767 series airplane was involved in an accident in which a thrust reverser apparently deployed during flight. While the investigation of this accident has neither revealed the cause of that deployment nor determined that the deployment caused the accident, it has identified a number of possible discrepancies in the thrust reverser control system. Inadvertent deployment of a thrust reverser during flight could result in reduced controllability of the airplane. Boeing and the FAA have conducted a review of the thrust reverser design on airplanes powered by various engine models to determine which sequence of events could result in an uncommanded

thrust reverser deployment. As a result of this review of the affected thrust reverser systems, Boeing and the FAA have identified a series of inspections, tests, and adjustments that, when performed on the thrust reverser system, will ensure that the level of safety inherent in the original type design has not deteriorated in service. The FAA has determined that the accomplishment of these inspections and tests is likely to prevent the possible discrepancies in the thrust reverser control system that can result in the inadvertent deployment of a thrust reverser during flight.

The FAA has reviewed and approved Boeing Service Bulletin 767–78–0048, dated August 15, 1991 (for airplanes powered by Rolls Royce RB211–524 series engines), and Boeing Service Bulletin 767–78–0047, dated August 22, 1991 (for airplanes powered by General Electric CF6–80C2 series engines), which describe procedures for performing functional tests, inspections, and necessary adjustments of the thrust reverser control system.

Since this condition is likely to exist or develop on other airplanes of the same type design, this AD requires repetitive inspection and testing of all Boeing Model 767 airplanes powered by Rolls Royce RB211–524 series engines or General Electric CF6–80C2 series engines, in accordance with the service bulletins previously described. In addition, operators are required to submit a report of their initial inspection findings to the FAA.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

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

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.

The FAA has determined that this regulation is an emergency regulation and that it is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained from the Rules Docket.

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—[AMENDED]

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

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

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

91–22–02. Boeing: Amendment 39–8062. Docket No. 91–NM–196–AD.

Applicability: Model 767 series airplanes equipped with Rolls Royce RB211–524 series engines, and Model 767 series airplanes equipped with General Electric CF6–80C2 series engines, certificated in any category.

Compliance: Required as indicated, unless previously accomplished.

To ensure the integrity of the fail safe features of the thrust reverser system, accomplish the following:

(a) For airplanes equipped with Rolls Royce RB211–524 series engines: Within 30 days after the effective date of this AD, perform the tests, inspections, and adjustments described in Boeing Service Bulletin 767–78–0048, dated August 15, 1991.

(1) Except as provided by paragraph (a)(2) of this AD, repeat all tests and inspections in accordance with the service bulletin at intervals not to exceed 3,000 flight hours.

(2) Repeat the check of the grounding wire for the thrust reverser Selector Sequence Valve (SSV) in accordance with paragraph III.E. of the service bulletin at intervals not to exceed 1,500 flight hours, and whenever maintenance action is taken that would disturb the SSV grounding circuit.

(b) For airplanes equipped with General Electric CF6–80C2 series engines: Within 30 days after the effective date of this AD, perform the tests, inspections, and adjustments described in Boeing Service Bulletin 767–78–0047 dated August 22, 1991.

(1) Except as provided by paragraph (b)(2) of this AD, repeat all tests and inspections in accordance with the service bulletin at intervals not to exceed 3,000 flight hours.

(2) Repeat the check of the grounding wire for the thrust reverser Directional Pilot Valve (DPV) in accordance with paragraph III.E. of the service bulletin at intervals not to exceed 1,500 flight hours, and whenever maintenance action is taken that would disturb the DPV grounding circuit.

(c) If any of the tests and/or inspections required by paragraph (a) or (b) of this AD cannot be successfully performed, or if those tests and/or inspections result in findings that are unacceptable in accordance with Boeing Service Bulletin 767–78–0048, dated August 15, 1991, or Boeing Service Bulletin 767–78–0047 dated August 22, 1991, as applicable, accomplish the following:

(1) Prior to further flight, deactivate the associated thrust reverser in accordance with Section 78–31–1 of Boeing Document D630T002, "Boeing 767 Dispatch Deviation Guide," Revision 9, dated May 1, 1991. No more than one reverser on any airplane may be deactivated under the provisions of this paragraph.

(2) Within 10 days after deactivation of any thrust reverser in accordance with this paragraph, the thrust reverser must be repaired in accordance with Boeing Service Bulletin 767–78–0048, dated August 15, 1991, or Boeing Service Bulletin 767–78–0047 dated August 22, 1991, as applicable; the tests and/or inspections required by paragraph (a) or (b) of this AD must be successfully accomplished; and the thrust reverser must then be reactivated.

(d) Within 45 days after the effective date of this AD, submit a report of the results of the initial tests and inspections required by paragraphs (a) and (b) of this AD, both positive and negative, to the FAA, Seattle Aircraft Certification Office, ANM–100S, 1601 Lind Avenue SW., Renton, Washington 98055–4056. The information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and have been assigned OMB Control Number 2120–0056.

(e) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

(f) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

(g) The test, adjustment, and inspection requirements shall be done in accordance with Boeing Service Bulletin 767–78–0048, dated August 15, 1991, or Boeing Service Bulletin 767–78–0047, dated August 22, 1991,

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 Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. Copies may be inspected at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington, or at the Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C.

This amendment (39-8062, AD 91-22-02) becomes effective October 15, 1991.

Issued in Renton, Washington, on October 7, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91-24841 Filed 10-11-91; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 91-NM-122-AD; Amdt. 39-8053; AD 91-21-06]

Airworthiness Directives; British Aerospace Model BAe 146-100A, 146-200A, and 146-300A Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain British Aerospace Model BAe 146-100A, 146-200A, and 146-300A series airplanes, which requires a one-time visual inspection to detect chafing of extinguisher pipe and clamp assemblies in the engine nose cowls, and repair or replacement of damaged extinguisher pipe or clamp assemblies, if necessary. This proposal is prompted by a recent report of an extinguisher pipe in an engine nose cowl assembly being damaged by chafing. This condition, if not corrected, could result in the engine fire extinguisher medium not being discharged at the proper locations in the event of an engine fire.

DATES: Effective November 19, 1991.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 19, 1991.

ADDRESSES: The applicable service information may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041-0414. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of Federal Register, 1100 L Street NW., room 8401, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. William Schroeder, Standardization Branch, ANM-113; telephone (206) 227-2148. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include a new airworthiness directive, applicable to certain British Aerospace Model BAe 146-100A, 146-200A, and 146-300A series airplanes, which requires a one-time visual inspection to detect chafing of extinguisher pipe and clamp assemblies in the engine nose cowls, and repair or replacement of damaged extinguisher pipe or clamp assemblies, if necessary, was published in the **Federal Register** on July 12, 1991 (56 FR 31883).

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 supported the rule.

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

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

It is estimated that 74 airplanes of U.S. registry would be affected by this AD, that it would take approximately 2 manhours per airplane to accomplish the required actions, and that the average labor cost would be $55 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $8,140.

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 is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket.

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—[AMENDED]

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

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

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

91-21-06. **British Aerospace:** Amendment 39-8053. Docket No. 91-NM-122-AD.

Applicability: Model BAe 146-100A series airplanes Serial Numbers up to and including E1152; Model BAe 146-200A series airplanes Serial Numbers up to and including E2156; Model BAe 146-300A series airplanes Serial Numbers up to and including E3157; certificated in any category.

Compliance: Required as indicated, unless previously accomplished.

To ensure engine fire extinguisher medium is discharged to proper locations in the event of an engine fire, accomplish the following:

(a) Within 30 days after the effective date of this AD, perform a visual inspection to detect chafing of the extinguisher pipe and clamp assemblies between the two fire extinguisher bottles in the engine nose cowls; and ensure that adequate clearance exists between the three pipe assemblies and the adjacent equipment and structure, in accordance with instruction in British Aerospace Inspection Service Bulletin 26-A29, Revision 2, dated January 14, 1991.

(b) Prior to the installation of any nose cowl or engine/nose cowl combination on an operational airplane, perform a visual inspection to detect chafing of the extinguisher pipe and clamp assemblies between the two fire extinguisher bottles in the engine nose cowls; and ensure that adequate clearance exists between the three pipe assemblies and the adjacent equipment and structure; in accordance with the instructions in British Aerospace Inspection Service Bulletin 26-A29, Revision 2, dated January 14, 1991.

(c) If any damaged extinguisher pipe and clamp assembly is identified as a result of the inspection required by paragraph (a) or (b) of this AD, prior to further flight, repair or

replace the damaged assembly in accordance with instructions in British Aerospace Inspection Service Bulletin 26–A29, Revision 2, dated January 14, 1991.

(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, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Standardization Branch, ANM–113.

(e) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

(f) The inspection and repair or replacement requirements shall be done in accordance with British Aerospace Inspection Service Bulletin 26–A29, Revision 2, dated January 14, 1991. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041–0414. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

This amendment (39–8053, AD 91–21–06) becomes effective November 19, 1991.

Issued in Renton, Washington, on September 25, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91–24669 Filed 10–11–91; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 91–NM–26–AD; Amdt. 39–8051; AD 91–21–04]

Airworthiness Directives; British Aerospace Model BAC 1–11 200 and 400 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Model BAC 1–11 series airplanes, which requires repetitive dye penetrant and visual inspections to detect cracks in the machined attachment angles at Frame Station 570 and in the top flange of the longitudinal boom of the outboard auxiliary beam, and repair, if necessary. This AD also requires replacing certain machined attachment angles at specified intervals. This proposal is prompted by reports of recent incidents involving fatigue cracking in transport category airplanes that are approaching or have exceeded their economic design goal. These conditions, if not corrected, will result in degradation in the structural capabilities of the pressure cabin on the affected airplanes.

DATES: Effective November 19, 1991.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 19, 1991.

ADDRESSES: The applicable service information may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. William Schroeder, Standardization Branch, ANM–113; telephone (206) 227–2148. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include a new airworthiness directive, applicable to all British Aerospace Model BAC 1–11 200 and 400 series airplanes, which requires repetitive dye penetrant and visual inspections to detect cracks in the machined attachment angles at Frame Station 570 and in the top flange of the longitudinal boom of the outboard auxiliary beam, and repair, if necessary, and replacement of certain machined attachment angles at specified intervals, was published in the **Federal Register** on April 11, 1991 (56 FR 14664).

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 supported the rule.

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

It is estimated that 70 airplanes of U.S. registry would be affected by this AD, that it would take approximately 2 manhours per airplane to accomplish the required actions, and that the average labor cost would be $55 per manhour. The estimated cost for required parts is $8,000. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $567,700.

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 is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket.

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—[AMENDED]

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

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

39.13 [Amended]

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

91–21–04. British Aerospace: Amendment 39–8051. Docket No. 91–NM–26–AD.

Applicability: Model BAC 1–11 200 and 400 series airplanes, certificated in any category.

Compliance: Required as indicated, unless previously accomplished.

To prevent degradation in the structural capabilities of the pressure cabin on affected airplanes, accomplish the following:

A. For airplanes operating at a maximum cabin differential pressure of 7.5 pounds per square inch (psi), as specified in British Aerospace Alert Service Bulletin 53–A–PM5991, Issue 1, dated September 5, 1990: At or prior to the accumulation of 33,000 landings or within 4,000 landings after the effective date of this AD, whichever occurs later, and thereafter at intervals not exceed 8,000 landings, accomplish the following:

1. Perform a dye penetrant inspection to detect cracks in the left and right machined attachment angles, Part Number AB27–7761/2, in accordance with paragraph 2.1.3 of the service bulletin.

2. Perform a visual inspection to detect cracks in the top flange of the longitudinal boom of the left and right outboard auxiliary beam, in accordance with paragraph 2.1.4 of the service bulletin.

B. For airplanes operating at a cabin pressure in excess of 7.5 psi up to maximum of 8.2 psi, as specified in British Aerospace Alert Service Bulletin 53–A–PM5991, Issue 1, dated September 5, 1990: At or prior to the accumulation of 22,000 landings or within 3,000 landings after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed, 5,000 landings, accomplish the following:

1. Perform a dye penetrant inspection to detect cracks in the left and right machined attachment angles, Part Number AB27–7761/2, in accordance with paragraph 2.2.3 of the service bulletin.

2. Perform a visual inspection to detect cracks in the top flange of the longitudinal boom of the left and right outboard auxiliary beam, in accordance with paragraph 2.2.4 of the service bulletin.

C. If defects are found during the inspections required by this AD, prior to further flight, either replace the cracked structure with serviceable parts of the same part number; or repair in accordance with a method approved by the Manager, Standardization Branch, ANM–113, FAA, Northwest Mountain Region. Following repair or replacement, repeat the inspections required by paragraphs A. and B. of this AD at the specified intervals.

D. All machined attachment angles having Part Number AB27–7761/2 must be replaced with a new part of the same part number prior to the accumulation of 85,000 landings, since new and thereafter at intervals not to exceed 85,000 landings.

E. An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Standardization Branch, ANM–113.

F. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

G. The inspection, repair, and replacement requirements shall be done in accordance with British Aerospace Alert Service bulletin 53–A–PM5991, Issue 1, dated September 5, 1990. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041–0414. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

This amendment (39–8051, AD 91–21–04) become effective November 9, 1991.

Issued in Renton, Washington, on September 25, 1991.

Darrell M. Pederson,

Acting Manager Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91–24664 Filed 10–11–91; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 91–NM–50–AD; Amdt. 39–8055; AD 91–21–08]

Airworthiness Directives; British Aerospace Model BAC 1–11 200 and 400 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain British Aerospace Model BAC 1–11 200 and 400 series airplanes, which currently requires repetitive visual or X-ray inspections to detect corrosion in the tailplane lower skin panel and stringers, and repair, if necessary. This action will require only repetitive visual inspections to detect corrosion and cracks in the tailplane lower skin panel and stringers, and repair, if necessary. This proposal is prompted by a report of a crack found in an integral stringer of the panel, which is of the type that the (optional) X-ray inspection specified in the existing AD is not adequate to detect. This condition, if not corrected, could result in reduced structural integrity of the tailplane.

DATES: Effective November 19, 1991.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 19, 1991.

ADDRESSES: The applicable service information may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. William Schroeder, Standardization Branch, ANM–113; telephone (206) 227–2148. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations by superseding AD 90–08–18, Amendment 39–6578 (55 FR 13756, April 12, 1990), applicable to certain British Aerospace Model BAC 1–11 200 and 400 series airplanes, to require repetitive visual inspections to detect corrosion and cracks in the tailplane lower skin panel and stringers, and repair, if necessary, was published in the **Federal Register** on April 23, 1991 (56 FR 18549).

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received in response to the proposal.

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

It is estimated that 70 airplanes of U.S. registry would be affected by this AD, that would take approximately 52 manhours per airplane to accomplish the required actions, and that the average labor cost would be $55 per manhour.

Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $200,200.

The regulations adopted herein will not have substantial direct 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. 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 fuel evaluation has been prepared for this action and is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket.

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—[AMENDED]

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

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39–6578 and by adding the following new airworthiness directive:

91–21–08. **British Aerospace:** Amendment 39–8055. Docket No. 91–NM–50–AD. Supersedes AD 90–08–18.

Applicability: Model BAC 1–11 200 and 400 series airplanes on which Modification PM1573 has been incorporated, certificated in any category.

Compliance: Required as indicated, unless previously accomplished.

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

A. Perform the following specified initial inspections to detect corrosion and cracks in the tailplane lower skin panel and stringers:

1. Perform an external visual inspection, in accordance with British Aerospace Alert Service Bulletin 55–A–PM5827, Issue 2, dated September 5, 1990, prior to the latest of the following compliance times:

a. Within 90 days after the effective date of this AD; or

b. Within one year after the most recent external visual inspection to detect corrosion and cracks in the tailplane lower skin panel and stringer that was accomplished in accordance with AD 90–08–18, Amendment 39–6578 (British Aerospace Alert Service Bulletin 55–A–PM5827, Issue 1, dated July 24, 1981); or

c. Within ten years of the date of manufacture of the airplane.

2. Perform a detailed internal visual inspection, in accordance with British Aerospace Alert Service Bulletin 55–A–PM5827, Issue 2, dated September 5, 1990, prior to the latest of the following compliance times:

a. Within 270 days after the effective date of this AD; or

b. Within 3 years after the most recent internal visual inspection to detect corrosion and cracks in the tailplane lower skin panel and stringer that was accomplished in accordance with AD 90–08–18, Amendment 39–6578 (British Aerospace Alert Service Bulletin 55–A–PM5827, Issue 1, dated July 24, 1981); or

c. Within ten years of the date of manufacture of the airplane.

B. Repeat the inspections required by paragraph A. of this AD, at the following intervals:

1. External visual inspections must be repeated at intervals not to exceed one year.

2. Internal visual inspections must be repeated at intervals not to exceed three years.

Note: These inspections can be combined, as long as the repetitive interval indicated for each type is not exceeded.

C. If corrosion is found as a result of the visual inspection required by paragraph A. or B. of this AD, prior to further flight, accomplish the following, in accordance with the Accomplishment Instructions in British Aerospace Alert Service Bulletin 55–A–PM5827, Issue 2, dated September 5, 1990.

1. If corrosion found is within the limits specified in the Structural Repair Manual, Chapter 55–01–0, Table 1, repair the affected area and restore the protective treatment, in accordance with paragraph 2.2.1 of the service bulletin.

2. If corrosion found is outside the limits specified in the Structural Repair Manual, Chapter 55–01–0, Table 1, but has not completely penetrated the skin, repair in a manner approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

3. If corrosion found is outside the limits specified in the Structural Repair Manual, Chapter 55–01–0, Table 1, and one or more areas have completely penetrated the skin, perform an internal visual inspection of the tailplane bottom skin and stringers to establish the extent and depth of corrosion, and repair in a manner approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

D. If cracks are found, prior to further flight, repair in a manner approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

E. An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Standardization Branch, ANM–113.

F. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

G. The inspection and repair requirements shall be done in accordance with British Aerospace Alert Service Bulletin 55–A–PM5827, Issue 2, dated September 5, 1990. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, D.C. 20041–0414. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue S.W., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

This amendment supersedes Amendment 39–6578, AD 90–08–18.

This amendment (39–8055, AD 91–21–08) becomes effective November 19, 1991.

Issued in Renton, Washington, on September 25, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91–24666 Filed 10–11–91; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 91–NM–104–AD; Amdt. 39–8054; AD 91–21–07]

Airworthiness Directives; McDonnell Douglas Model DC–9 and DC–9–80 Series Airplanes, Model MD–88 Airplanes, and C–9 (Military) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes two existing airworthiness directives (AD), applicable to McDonnell Douglas Model DC–9 and DC–9–80 series airplanes, Model MD–88 airplanes, and C–9 (Military) airplanes, which currently require inspection of specific primary longitudinal trim relays for discrepancies, and replacement, if necessary. This amendment requires

replacement of the primary longitudinal trim relay at various intervals. This amendment is prompted by reports of shorting and burning of certain trim relays. This condition, if not corrected, could result in uncontrolled fire in the forward cargo compartment of the airplane.

DATES: Effective November 19, 1991.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 19, 1991.

ADDRESSES: The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. J. Kirk Baker, Aerospace Engineer, ANM–133L, FAA Northwest Mountain Region, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California 90806–2425; telephone (213) 988–5345.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations by superseding AD 90–26–53 [Amendment 39–6894 (56 FR 5342, February 11, 1991)], and AD 91–01–51, (Amendment 39–6893 (56 FR 5341, February 11, 1991)], applicable to McDonnell Douglas Model DC–9 and DC–9–80 series airplanes, Model MD–88 airplanes, and C–9 (Military) series airplanes, to require replacement of the primary longitudinal trim relay with new parts at various intervals, was published in the Federal Register on June 3, 1991 (56 FR 25053).

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 stated that the text of the AD did not specify replacement of the primary trim relays with new parts. The operator requested that if only new, not overhauled, parts can be installed, then the AD should specify that new parts are required. The FAA agrees. The intent of the replacement requirement was that new parts be installed. Paragraphs (d) and (e) of the final rule have been changed to clarify this point.

One commenter indicated that the economic impact of the proposed rule on the affected operators was greater than the estimated amount in the economic analysis paragraph in the preamble to the proposal. This commenter pointed out that the replacement consists of two relays instead of one, and suggested that the removal and installation of the subject relays required more manhours than that which was stated in the preamble. After further review of the data presented, the FAA agrees and has adjusted the economic impact paragraph, below, accordingly.

Several commenters objected to the hard-time replacement requirements for the subject relays. One operator stated that the current reinspection program at 4,500 flight hours provides an adequate solution to the current problem. The FAA disagrees. The requirement for reinspection at 4,500 flight hours was developed as an interim action only, and may not provide the level of safety assurance necessary for continuous operation. The FAA has determined that the replacement times, as proposed, represent the maximum time allowable for the affected airplanes to continue to operate safely until an appropriate design change can be developed and implemented. Furthermore, due to the severe consequences of an in-flight fire in the forward cargo compartment, the FAA has determined that the replacement of the subject relays at specific intervals is appropriate.

Another commenter stated that, due to the similarity of the trim systems on the two types of airplanes, there should be no difference between the requirements for the Model DC–9 series airplanes and those for the Model DC–9–80 series airplanes relative to the number of flight hours accumulated before replacement of the subject relays is required. The FAA does not agree. The replacement requirements were based on utilization, not on similarity. The trim system's greatest utilization occurs in the takeoff and landing phases of flight. Since Model DC–9–80 series airplanes are used for longer duration flights, they are exposed to fewer takeoffs and landings per flight hour. The Model DC–9–80 series airplanes also incorporate a more advanced flight guidance system, resulting in greater use of the autopilot, which more accurately utilizes the airplane's trim system. Therefore, the FAA has determined that the trim system in the Model DC–9–80 series airplanes has a lower utilization rate per flight hour and can accumulate more flight hours before replacement of the subject relays is required.

The referenced McDonnell Douglas Alert Service Bulletin A27–316 was released twice by the manufacturer: Once in telegram form on December 22, 1990, and a second time in the form of a "hard copy" bulletin on January 4, 1991. Since both documents are identical, paragraphs (a), (b), and (c) of the final rule have been revised to include reference to the bulletin as released on January 4, 1991, as an additional appropriate source of service information.

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 with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 1500 McDonnell Douglas Model DC–9 and DC–9–80 series airplanes, Model MD–88 airplanes, and C–9 (Military) airplanes of the affected design in the worldwide fleet. It is estimated that 795 airplanes of U.S. registry will be affected by this AD, that it will take approximately 2.5 manhours per airplane to accomplish the required actions, and that the average labor cost will be $55 per manhour. The cost of the required parts is estimated to be $1,000 per relay. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $1,699,313.

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 is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket.

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—[AMENDED]

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

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39–6893 and Amendment 39–6894, and by adding the following new airworthiness directive:

91–21–07. **McDonnell Douglas:** Amendment 39–8054. Docket No. 91–NM–104–AD. Supersedes AD 90–26–53 and AD 91–01–51.

Applicability: Model DC–9 and DC–9–80 series airplanes, Model MD–88 airplanes, and C–9 (Military) airplanes; equipped with Primary Longitudinal Trim Relays (up and down), Leech (P/N) 9207–8333, –8333–1, –8968, –10101, –10296, and –10166; certificated in any category.

Compliance: Required as indicated, unless previously accomplished.

To eliminate overheating of primary longitudinal trim relays and the possibility of fire in the forward cargo compartment, accomplish the following:

(a) For Model DC–9 series airplanes (other than Model DC–9–80 series airplanes), and C–9 (military) airplanes: Within 17 days after February 27, 1991 (the effective date of Amendment 39–6894, AD 90–26–53; and Amendment 39–6894, AD 91–01–51), or prior to the accumulation of 8,000 flight hours on the subject relays, whichever occurs later, remove the relay cover and inspect the primary longitudinal trim relays for evidence of contact degradation, arcing, carbon build-up, or other evidence of abnormal wear on the contacts; and perform a functional check of the system in accordance with McDonnell Douglas Alert Service Bulletin A27–316, dated December 22, 1990, or January 4, 1991.

(b) For Model DC–9–80 series airplanes and Model MD–88 airplanes: Within 30 days after February 27, 1991, or prior to the accumulation of 16,000 flight hours on the subject relays, whichever occurs later, remove the relay cover and inspect the primary longitudinal trim relays for evidence of contact degradation, arcing, carbon build-up, or other evidence of abnormal wear on the contacts; and perform a functional check of the system in accordance with McDonnell Douglas Alert Service Bulletin A27–316, dated December 22, 1990, or January 4, 1991.

(c) If damage is found during the inspections or functional tests required by paragraphs (a) and (b) of this AD, prior to further flight, remove and replace the relays in accordance with McDonnell Douglas Alert Service Bulletin A27–316, dated December 22, 1990, or January 4, 1991.

(d) For Model DC–9 series airplanes (other than Model DC–9–80 series airplanes) and C–9 (Military) airplanes: Within 90 days after the effective date of this AD or prior to the accumulation of 8,000 flight hours on the subject relays, whichever occurs later; and thereafter at intervals not to exceed 8,000 flight hours; remove and replace the primary longitudinal trim relays with new approved parts in accordance with McDonnell Douglas DC–9 Maintenance Manual, Chapter 27–40–4. This replacement constitutes terminating action for the inspection and functional test required by paragraph (a) of this AD.

(e) For Model DC–9–80 series airplanes and Model MD–88 airplanes: Within 90 days after the effective date of this AD, or prior to the accumulation of 16,000 flight hours on the subject relays, whichever occurs later: and thereafter at intervals not to exceed 16,000 flight hours: remove and replace the primary longitudinal trim relays with new approved parts in accordance with McDonnell Douglas MD–80 Maintenance Manual, Chapter 27–40–4. This replacement constitutes terminating action for the inspection and functional test required by paragraph (b) of this AD.

(f) 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, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Los Angeles ACO.

(g) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

(h) The inspection and replacement requirements shall be done in accordance with McDonnell Douglas Alert Service Bulletin A27–316, dated December 22, 1990, or January 4, 1991. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846. Copies may be inspected at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

This amendment supersedes Amendment 39–6894, AD 90–26–53; and Amendment 39–6893, AD 91–01–51.

This amendment (39–8054, AD 91–21–07) becomes effective November 19, 1991.

Issued in Renton, Washington, on September 25, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91–24665 Filed 10–11–91; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 91–NM–202–AD; Amdt. 39–8058; AD 91–21–11]

Airworthiness Directives; McDonnell Douglas Model DC–9–81, –82, –83, and –87 Series Airplanes (MD–81, –82, –83, and –87); and Model MD–88 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to McDonnell Douglas Model DC–9–80 series and Model MD–88 airplanes, which requires visual or eddy current inspections for cracks of the inboard slat drive mechanism assembly actuator cylinder brackets, and replacement of cracked brackets. This amendment is prompted by reports of failures of the inboard slat drive mechanism. This condition, if not corrected, could result in inadvertent slat retraction in flight.

DATES: Effective October 30, 1991.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 30, 1991.

ADDRESSES: The applicable service information may be obtained from McDonnell Douglas Corporation, Technical Publications-Technical Administrative Support, C1–L5B, 3855 Lakewood Boulevard, Long Beach, California 90846. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Lee, Aerospace Engineer, ANM–122L, FAA, Northwest Mountain Region, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California; telephone (213) 988–5325.

SUPPLEMENTARY INFORMATION: Two operators of McDonnell Douglas Model DC–9–80 series airplanes reported failures of the inboard slat drive mechanism. The failures occurred at the actuator cylinder support brackets, sometimes referred to as "posts," located at each end of the slat drive mechanism. The two failures, which were found on airplanes that had

accumulated 14,384 and 22,339 landings, have been attributed to fatigue. Currently, this part is not inspected during normal maintenance. The failure of both brackets (there are two on the airplane), if undetected, could lead to inadvertent slat retraction in flight.

The FAA has reviewed and approved McDonnell Douglas MD–80 Alert Service Bulletin A27–322, dated August 22, 1991, which describes procedures for visual and eddy current inspections of the slat drive mechanism assembly actuating cylinder support brackets, and replacement of the brackets, if necessary.

Since this situation is likely to exist or develop on other airplanes of the same type design, this AD requires repetitive visual or eddy current inspections for cracks of the slat drive mechanism assembly actuating cylinder support brackets, and replacement of cracked brackets with new parts, in accordance with the service bulletin previously described. Inspections are required to continue after replacement is accomplished.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

This is considered to be interim action. The FAA is considering further rulemaking to require only repetitive eddy current inspections for airplanes that have accumulated 10,000 or more landings. However, the proposed compliance time is sufficiently long so that notice and public comment will not be impracticable.

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.

The FAA has determined that this regulation is an emergency regulation and that it is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained from the Rules Docket.

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—[AMENDED]

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

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

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

91–21–11. **McDonnell Douglas:** Amendment 39–8058. Docket No. 91–NM–202–AD.

Applicability: Model DC–9–81, –82, –83, and –87 series airplanes (MD–81, –82, –83, and –87); and Model MD–88 airplanes; certificated in any category.

Compliance: Required as indicated, unless previously accomplished within last 45 days.

To prevent inadvertent retraction of the slats during flight, accomplish the following:

(a) Prior to the accumulation of 10,000 total landings or within 30 days after the effective date of this AD, whichever occurs later, perform a visual or eddy current inspection to detect cracks of the slat drive mechanism brackets, part numbers 5938836—(any configuration) and 5938887—(any configuration), in accordance with the instructions in McDonnell Douglas MD–80 Alert Service Bulletin A27–322, dated August 22, 1991 (hereinafter referred to as "A27–322").

(b) If no crack is found as a result of the inspections required by paragraph (a) of this AD, repeat the inspections at the following intervals:

(1) If the immediately preceding inspection was accomplished using visual means, conduct the next inspection within 1,000 landings.

(2) If the immediately preceding inspection was accomplished using eddy current means, conduct the next inspection within 3,000 landings.

(c) If a crack is found as a result of the inspections required by paragraph (a) or (b) of this AD, prior to further flight, remove and replace the slat drive mechanism with a new part, part numbers 5938887—(any configuration) and 5938886—(any configuration), in accordance with A27–322.

(d) After replacement is accomplished in accordance with the provisions of paragraph (c) of this AD, prior to the accumulation of 10,000 additional landings, conduct inspections in accordance with A27–322, and reinspect or replace in accordance with the provisions of paragraph (b) and (c) of this AD.

(e) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the inspection requirements of this AD.

(f) An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who may concur or comment and then sent it to the Manager, Los Angeles ACO.

(g) The inspection and replacement requirements shall be done in accordance with McDonnell Douglas MD–80 Alert Service Bulletin A27–322, dated August 22, 1991. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from McDonnell Douglas Corporation, Technical Publications-Technical Administrative Support, C1–L5B, 3855 Lakewood Boulevard, Long Beach, California 90846. Copies may be inspected at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

This amendment (39–8058, AD 91–21–11) becomes effective on October 30, 1991.

Issued in Renton, Washington, on September 27, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91–24667 Filed 10–11–91; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 91–ANE–29; Amdt. 39–8048, AD 91–21–01]

Airworthiness Directives; Textron Lycoming Model TIO–540–S1AD Reciprocating Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that

supersedes an existing AD, applicable to Textron Lycoming reciprocating engines Model TIO–540–S1AD, which currently requires inspection and modification of the engine exhaust system. This amendment requires the upgrade of the engine exhaust system to a new design configuration and also establishes inspection intervals for engines incorporating this new design configuration, for engines incorporating the design configuration required by the existing AD, and for engines not yet incorporating either design configuration. This amendnent is prompted by failures of the exhaust systems which have continued to occur after complying with requirements of the existing AD. This condition, if not corrected. could result in engine compartment fire and smoke entering the cabin with a possible loss of aircraft.

DATES: Effective November 4, 1991.

Comments must be received no later than December 16, 1991.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 4, 1991.

ADDRESSES: The applicable service bulletins (SB) may be obtained from Textron Lycoming/Subsidiary of Textron Inc., Williamsport, Pennsylvania 17701. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, Massachusetts.

FOR FURTHER INFORMATION CONTACT: Pat Perrotta or Nick Minniti, Propulsion Branch, ANE–174, New York Aircraft Certification Office, Engine and Propeller Directorate, Aircraft Certification Service, FAA, 181 South Franklin Avenue, room 202, Valley Stream, New York 11581; telephone (516) 791–7421.

SUPPLEMENTARY INFORMATION: AD 89–12–04, Amendment 39–6214 (54 FR 21418, May 18, 1989), currently requires repetitive inspections until a modified crossover exhaust tube assembly is incorporated on Textron Lycoming Model TIO–540–S1AD reciprocating engines. That AD was prompted by several incidents, accidents and service difficulty reports involving problems with the engine exhaust systems on aircraft equipped with Textron Lycoming Model TIO–540–S1AD reciprocating engines. Those reports noted primarily loose or separated left intermediate exhaust pipes, cracked flanges, loose or broken V-band couplings, and misaligned gaskets. Failures of that nature were determined to be the result of improper alignment during installation of the exhaust pipes or improper installation of the V-band coupling, or both.

Since the issuance of AD 89–12–04, there have been additional failures of exhaust systems on Textron Lycoming Model TIO–540–S1AD reciprocating engines. These failures have been on engines that were modified in accordance with AD 89–12–04. Analysis of two of the failed parts from modified engines involved in accidents shows that exhaust pipes which were mis-aligned and mis-assembled, or both, contributed to the failures. Therefore, further modification of the exhaust system for these engines is required. In order to relieve the existing problem of mis-alignment of the V-band coupling, the new redesigned configuration eliminates the flange connection and coupling by replacing the No. 6 riser, Part No. (P/N) LW15809 and exhaust pipe, P/N LW15811 with one piece, P/N 40B21375.

The FAA has reviewed and approved the technical contents of Textron Lycoming Service Bulletin (SB) 484, dated January 30, 1989, which describes the inspection, alignment and modification of the original exhaust assembly, and Textron Lycoming SB 499 Revision A, dated June 14, 1991, which describes the installation of the redesigned one-piece exhaust pipe configuration.

Since this condition is likely to exist or develop on other engines of this same type design, this AD supersedes AD 89–12–04 to require the modification of all affected Textron Lycoming TIO–540–S1AD reciprocating engines to upgrade the engine exhaust system in accordance with Textron Lycoming SB 499, Revision A, dated June 14, 1991. This AD also requires repetitive inspections of the exhaust system for engines incorporating the new design configuration, for engines incorporating the design configuration required by the existing AD, and for engines not yet incorporating either design configuration.

Since this condition can result in engine compartment fire and smoke entering the cabin with a possible loss of aircraft if the exhaust pipes fail or become disengaged, there is a need to minimize the exposure of engines in service to operation with potential exhaust pipe failure. Therefore, safety in air transportation requires adoption of the regulation without prior notice and public comment. Based on the discussion above and the urgent need to inspect the engine exhaust system and modify it to the new design configuration, a situation exists that requires immediate adoption of this regulation. Therefore, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Although this action is in the form of a final rule, which involves an emergency and, thus, was not preceded by notice and public procedure, interested persons are invited to submit such written data, views, or arguments as they may desire regarding this AD. Communications should identify the docket number and be submitted to the FAA, New England Region, Office of the Assistant Chief Counsel, attention: Rules Docket No. 91–ANE–29, 12 New England Executive Park, Burlington, Massachusetts 01803–5299. All communications received by the deadline date indicated above will be considered by the Administrator, and the AD may be changed in light of the comments received.

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 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.

The FAA has determined that this regulation is an emergency regulation and that it is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator,

the Federal Aviation Administration (FAA) amends 14 CFR part 39 of the Federal Aviation Regulations (FAR) as follows:

PART 39—[AMENDED]

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

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment Number 39–6214 (54 FR 21418, May 18, 1990), and adding the following new airworthiness directive (AD):

91–21–01 Textron Lycoming: (Amendment 39–8048, Docket No. 91–ANE–29)

Applicability: Model TIO–540–S1AD reciprocating engines, installed on but not limited to, Piper Turbo Saratoga and Turbo Saratoga SP aircraft.

Compliance: Required as indicated, unless previously accomplished.

To prevent cracking or distortion of engine exhaust system flanges, V-band coupling, and pipes, which could result in engine compartment fire and smoke entering the cabin with a possible loss of the aircraft, accomplish the following:

(a) For engines which have not complied with AD 89–12–04, paragraph (d), or Textron Lycoming Service Bulletin (SB) 484, Part II, dated January 30, 1989, on the effective date of this AD, accomplish the following:

(1) Within 25 hours time in service (TIS) after the effective date of this AD, install Crossover Exhaust Pipe Kit (05K21125) in accordance with Textron Lycoming SB 484, Part II, dated January 30, 1989, and also install new design One-piece Exhaust Riser Kit (05K21503) and Manifold Retainer Kit (05K19650–S) in accordance with Textron Lycoming SB 499A, dated June 14, 1991.

Note: Instructions and notes relating to marking the slip joints, rotating the exhaust pipes for alignment, and maintaining clearances at critical locations during the above installation are contained in Textron Lycoming SB 499A, dated June 14, 1991.

(2) Thereafter, at intervals not to exceed 100–hours time in service, accomplish the following:

(i) Inspect the exhaust system for heat damage, distortion, cracks or excessive wear in accordance with SB 484, Part II, dated January 30, 1989.

(ii) Inspect the exhaust system for clearance dimensions, proper fastener torque and slip joint engagement in accordance with paragraphs 10, 11, and 12 of Textron Lycoming SB No. 499A, dated June 14, 1991.

(iii) Repair or replace damaged parts with serviceable parts prior to further flight.

(b) For engines which have complied with all portions of AD 89–12–04, or Textron Lycoming SB 484, dated January 30, 1989, on the effective date of this AD, accomplish the following:

(1) Within 25 hours time in service, after the effective date of this AD, and thereafter, at intervals not to exceed 25 hours time in service until the new design One Piece Riser Kit (05K21503) has been installed in accordance with paragraph (b)(2)(i) of this AD, accomplish the following;

(i) Inspect all exhaust system joints, flanges, couplings and brackets for heat damage, distortion, cracks or excessive wear, in accordance with Textron Lycoming SB 484, dated January 30, 1989.

(ii) Inspect the exhaust system for proper slip joint engagement by measuring distances between pipe end points in accordance with appendix 1 of this AD.

(iii) If damage is observed in the exhaust system or measurements exceed allowable dimensions, repair or replace parts with serviceable parts, as necessary prior, to further flight.

(iv) Reassemble and align exhaust system in accordance with Textron Lycoming SB 484, dated January 30, 1989, and appendix 1 of this AD.

(2) Within 75 hours time in service, after the effective date of this AD, accomplish the following:

(i) Install new design One Piece Riser Kit (05K21503) and manifold retainer kit (05K19650–S) in accordance with Textron Lycoming SB 499A, dated June 14, 1991.

(ii) Thereafter, at intervals not to exceed 100 hours time in service, perform exhaust system inspections specified in paragraph (a)(2)(i) and (a)(2)(ii) of this AD.

(iii) The repetitive inspections required by paragraph (b)(1) of this AD are not required after installation of the new design One Piece Riser Kit (05K21503) in accordance with paragraph (b)(2)(i) of this AD.

(c) Aircraft may be ferried in accordance with the provisions of FAR §§ 21.197 and 21.199 to a base where the AD can be accomplished.

(d) Upon submission of substantiating data by an owner or operator through an FAA Inspector (maintenance, avionics, or operations as appropriate), an alternate method of compliance with the requirements of this AD or adjustments to the compliance times specified in this AD may be approved by the Manager, New York Aircraft Certification Office, Engine & Propeller Directorate, Aircraft Certification Service, FAA, New England Region, room 202, 181 South Franklin Avenue Valley Stream, New York 11581.

(e) The installations and inspections shall be done in accordance with the following Textron Lycoming SB's:

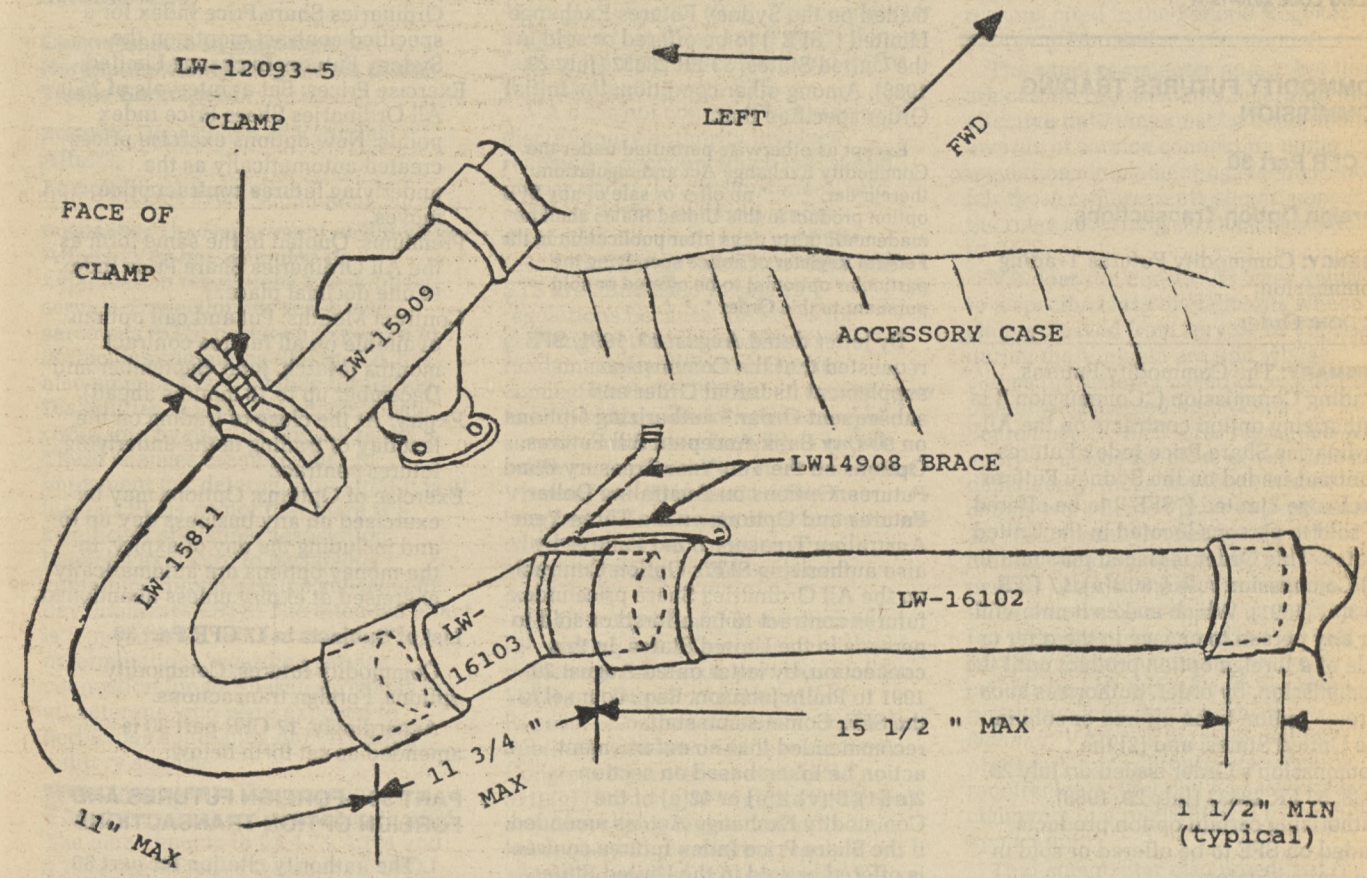
Document No.	Page No.	Issue/revision	Date
484	1–4	Original	1/30/89
Total: 4			
499A	1–4	Original	6/14/91
Total: 4			

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 Textron Lycoming/ Subsidiary of Textron Inc., Williamsport, Pennsylvania 17701. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, Massachusetts, or at the Office of the Federal Register, 1100 L Street, NW., room 8401, Washington, DC.

BILLING CODE 4910–13–M

APPENDIX 1

VIEW-AFT LOOKING FORWARD ON TOP OF ENGINE



NOTE: ALL DIMENSIONS TAKEN ON OUTSIDE OF TUBE BENDS.

BILLING CODE 4910-13-C

This amendment (39–8048, Docket No. 91–ANE–29) supersedes Amendment 39–6214, AD 89–12–04.

This amendment becomes effective November 4, 1991.

Issued in Burlington, Massachusetts, on September 18, 1991.

Mark C. Fulmer,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 91–24668 Filed 10–11–91; 8:45 am]

BILLING CODE 4910–13–M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 30

Foreign Option Transactions

AGENCY: Commodity Futures Trading Commission.

ACTION: Order.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is authorizing option contracts on the All-Ordinaries Share Price Index Futures Contract traded on the Sydney Futures Exchange Limited ("SFE") to be offered or sold to persons located in the United States. This Order is issued pursuant to: (1) Commission rule § 30.3(a), 17 CFR 30.3(a) (1991), Which makes it unlawful for any person to engage in the offer or sale of a foreign option product until the Commission, by order, authorizes such foreign option to be offered or sold in the United States; and (2) the Commission's Order issued on July 20, 1988, 53 FR 28832 (July 29, 1988), authorizing certain option products traded on SFE to be offered or sold in the United States.

EFFECTIVE DATE: November 14, 1991.

FOR FURTHER INFORMATION CONTACT: Jane C. Kang, Esq., Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Telephone (202) 254–8955.

SUPPLEMENTARY INFORMATION: The Commission has issued the following Order:

Order Under Commission Rule § 30.3(a) Permitting Option Contracts on the All-Ordinaries Share Price Index Futures Contract Traded on the Sydney Futures Exchange Limited to be Offered or sold in the United States Thirty Days after publication of this Notice in the Federal Register

By Order issued on July 20, 1988 ("initial order"), the Commission authorized, pursuant to Commission rule § 30.3(a),[1] certain option products traded on the Sydney Futures Exchange Limited ("SFE") to be offered or sold in the United States. 53 FR 28832 (July 29, 1988). Among other condition, the Initial Order specified that:

> Except as otherwise permitted under the Commodity Exchange Act and regulations thereunder, * * * no offer or sale of any SFE option product in this United States shall be made until thirty days after publication in the **Federal Register** of notice specifying the particular option(s) to be offered or sold pursuant to this Order * * *

By letter dated August 13, 1991, SFE requested that the Commission supplement its Initial Order and subsequent Order [2] authorizing Options on 90-Day Bank Accepted Bill Futures, Options on the Ten-Year Treasury Bond Futures, Options on Australian Dollar Futures and Options on the Three-Year Australian Treasury Bond Futures by also authorizing SFE's Option Contract on the All Ordinaries Share price index futures contract to be offered or sold to persons in the United States. In this connection, by letter dated August 29, 1991 to Philip Johnson, Esq., counsel to the SFE, Commission staff recommended that no enforcement action be taken based on section 2(a)(1)(B)(v), 4(a) or 12(e) of the Commodity Exchange Act, as amended, if the Share Price Index futures contract is offered or sold in the United States. Upon due consideration, and for the reasons previously discussed in the Initial Order and the August 29, 1991 letter, the Commission believes that such authorization should be granted.

Accordingly, pursuant to Commission rule 30.3(a) and the Commission's Initial Order issued on July 20, 1988 and the August 39, 1991 letter, and subject to the terms and conditions specified therein, the Commission hereby authorizes SFE's Option Contract on the All-Ordinaries Share Price Index futures contract to be offered or sold to persons located in the United States thirty days after publication of this Order in the **Federal Register.**

Contract Specifications

Options on the All-Ordinaries Share Price Index Futures Contract

Contract Unit: One All Ordinaries share price index futures contract with a value of $100 times the ASX All Ordinaries Share Price Index for a specified contract month on the Sydney Futures Exchange Limited.

Exercise Prices: Set at intervals of 25.0 All Ordinaries Share Price Index points. New options exercise prices created automatically as the underlying futures contract price moves.

Premiums: Quoted in the same form as the All Ordinaries Share Price Index to one decimal place.

Contract Months: Put and call options available on all futures contract months (March, June, September and December up to 18 months ahead).

Expiry: At the close of trading on the last day of trading in the underlying futures contract.

Exercise of Options: Options may be exercised on any business day up to and including the day of expiry. In-the-money options are automatically exercised at expiry unless abandoned.

List of Subjects in 17 CFR Part 30

Commodity futures, Commodity options, Foreign transactions.

Accordingly, 17 CFR part 30 is amended as set forth below:

PART 30—FOREIGN FUTURES AND FOREIGN OPTION TRANSACTIONS

1. The authority citation for part 30 continues to read as follows:

Authority: Secs. 2(a)(1)(A), 4, 4c, and 8a of the Commodity Exchange Act, 7 U.S.C. 2, 6, 6c and 12a.

2. Appendix B to part 30 is amended by adding the following entry after the existing entries for "Sydney Futures Exchange" to read as follow:

Appendix B to Part 30—Option Contracts Permitted To Be Offered or Sold in the U.S. Pursuant to [6] 30.3(a)

Exchange	Type of contract	FR date and citation
. . . . .	. . . . .	. . . . .
Sydney Futures Exchange	Options on All-Ordinaries Share Price Index futures contract	October 15, 1991; 56 FR _____
. . . . .	. . . . .	. . . . .

[1] Commission rule § 30.3(a), 17 CFR 30.3(a) (1991), makes it unlawful for any person to engage in the offer or sale of a foreign option product until the Commission, by order, authorizes such foreign option to be offered or sold in the United States. See 53 FR 28832, 28834 No. 10.

[2] See 53 FR 30673 (August 15, 1988).

Issued in Washington, DC, on October 8, 1991.

Lynn K. Gilbert,

Deputy Secretary to the Commission.

[FR Doc. 91-24674 Filed 10-11-91; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Parts 3 and 4

RIN 2900-AE09

Claims Based on Exposure to Herbicides Containing Dioxin (Soft-Tissue Sarcomas)

AGENCY: Department of Veterans Affairs.

ACTION: Final Regulation.

SUMMARY: The Department of Veterans Affairs (VA) has amended its adjudication regulations to establish service connection for soft-tissue sarcomas (STS) based on exposure to herbicides containing dioxin. VA has also amended its Schedule for Rating Disabilities to add specific diagnostic codes and evaluation criteria for STS. These changes are necessary to implement our determination that it is at least as likely as not that there is a significant statistical association between exposure to herbicides containing dioxin and the subsequent development of STS. The intended effect is to establish a rule for making determinations regarding service connection for soft-tissue sarcomas for all veterans who were exposed to herbicides containing dioxin during military service.

EFFECTIVE DATES: The amendment to § 3.311a is effective September 25, 1985. The amendments to §§ 4.73, 4.104 and 4.124a are effective October 15, 1991.

FOR FURTHER INFORMATION CONTACT: Don England, Chief, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 233-3005.

SUPPLEMENTARY INFORMATION: VA published a proposal to establish service connection for STS by amending 38 CFR 3.311a, 4.73, 4.104 and 4.124a in the **Federal Register** of February 25, 1991 (56 FR 7632-7634). Interested persons were invited to submit written comments, suggestions or objections on or before March 27, 1991. We received comments from the American Legion and from the National Veterans Legal Services Project on behalf of Vietnam Veterans of America.

One commenter noted that VA had assigned an effective date of August 5, 1964, to the rules establishing service connection for non-Hodgkin's lymphoma (NHL) for veterans who served in Vietnam during the Vietnam era and that VA had cited discretionary factors to justify that decision. See 55 FR 43123-43124 (October 26, 1990). The commenter suggested that those same discretionary factors justify a 1964 effective date for this rule dealing with STS.

VA does not concur. The exercise of discretionary authority involves reaching a decision which is just and proper under the circumstances, and exercise of that authority under dissimilar circumstances may often result in different decisions. NHL and STS are addressed in separate regulations because the bases for granting service connection are fundamentally different. Service connection for STS is based on exposure to herbicides containing dioxin, while service connection for NHL is based solely on service in Vietnam during the Vietnam era. That basic difference imposed different sets of circumstances which VA had to consider when assigning effective dates for each regulation.

38 CFR 3.311a, which the current rulemaking amends, was established to implement the dioxin provisions of the Veterans' Dioxin and Radiation Exposure Compensation Standards Act, Public Law 98-542 (October 25, 1984). Congress has codified at 38 U.S.C. 5110(g) (formerly 3010(g)) its intent that any liberalizing legislation and subsequent implementing regulations should be applied prospectively. VA's initial regulatory response to the mandate in section 5(a)(1) of Public Law 98-542 was published in the **Federal Register** on August 26, 1985, (50 FR 34458) with an effective date of September 25, 1985. Because in *Nehmer* v. *United States Veterans Administration*, 712 F. Supp. 1404 (N.D. Cal. 1989) the court invalidated VA's original service connection determinations under 38 CFR 3.311a *ab initio*, and because the current rulemaking establishes a substitute for the voided regulations, the September 25, 1985, effective date is appropriate.

38 CFR 3.313, on the other hand, was the initial publication of a rule implementing a determination by the Secretary of Veterans Affairs that there is a relationship between NHL and service in Vietnam during the Vietnam era. It was not published to implement specific legislation or to replace an existing or invalidated regulation with a previously established effective date. Presented with a unique set of circumstances, VA assigned that regulation a 1964 effective date for the reasons cited in the **Federal Register** of February 25, 1991.

The same commenter noted that there are certain requirements regarding the effective date that must be accorded to awards of service connection under regulations implementing *Nehmer* and felt those requirements should appear in the rules governing service connection for STS.

VA does not concur. *Nehmer* applies to a specific class of claimants whose claims derived from service in Vietnam during the Vietnam era and whose claims for benefits based on exposure to dioxin were denied on or after September 25, 1985. This regulation will apply to a broader class of veterans and dependents, including those whose claims were denied prior to September 25, 1985, those who served elsewhere than in Vietnam, those who served in periods other than the Vietnam era, and those who will file claims in the future. For these reasons, as well as the fact that the effective date requirements established by this rule are not more restrictive than those required by *Nehmer*, VA finds that it is neither necessary nor appropriate to include requirements affecting a specific class of claimants in a rule which is for broader application.

That commenter also urged that the effective date be included within the terms of the regulation itself, suggesting that to do otherwise would deprive claimants and others of adequate notice of the date.

VA does not concur. Publication in the **Federal Register** has certain legal effects and constitutes official notice of the existence and content of a regulation. Observance of these procedures constitutes adequate notice to the public of vital information about the rule, including its effective date. When published in the Code of Federal Regulations, regulations are followed by

citations of pertinent Federal Register publications in order to assist researchers in finding additional information about the regulation and its history. We believe that these considerations ensure that no one will be deprived of adequate notice of the rule's effective date.

The same commenter urged VA to amend the proposed rules to implement the provisions of the Agent Orange Act of 1991, Public Law 102–4, 105 Stat. 11 (1991) and to include an explanation of how the rules are consistent with both the Act and *Nehmer*.

VA does not concur. The Agent Orange Act of 1991 establishes statutory service connection for veterans who served in Vietnam during the Vietnam era and subsequently develop NHL, STS or chloracne. 38 CFR 3.311a implements the provisions of Public Law 98–542, which requires that determinations as to whether conditions are related to dioxin exposure be made after receiving the advice of the Veterans Advisory Committee on Environmental Hazards (VACEH) based on its reviews of scientific and medical studies. Since there are significant differences in the eligibility requirements for service connection under the provisions of 38 CFR 3.311a and the presumptions of service connection established under Public Law 102–4, regulations implementing the new statute will be published separately. This arrangement is similar to that whereby regulations addressing service connection for exposure to ionizing radiation are found separately at 38 CFR 3.311b, to implement the provisions of Public Law 98–542, and 38 CFR 3.309(d), to implement the presumptive service connection established for specific conditions by Public Law 100–321.

Another commenter expressed concern that the regulatory list of conditions which VA considers to be soft-tissue sarcomas does not include all soft-tissue tumors and speculated that not all cancers which may be related to dioxin exposure are currently known. The commenter submitted a histological classification of soft tissue tumors compiled by Dr. Franz Enzinger and Dr. Sharon W. Weiss which is contained in a manuscript entitled Soft Tissue Tumors, Second Edition, published by C. V. Mosby Co., 1988, and recommended that a special panel be established to determine which of those soft tissue tumors should be included in this regulation.

VA does not concur. The terms "tumor," a broad general term, and "sarcoma," a histologic classification of certain tumors, are not synonymous. With the assistance of the Chief Medical Director and the VACEH, VA developed and published in the preamble to the proposed regulation (See 56 FR 7632–7634) criteria for defining the term "soft-tissue sarcomas" for compensation purposes. The list of conditions satisfying those criteria is contained in the regulation. Many of the tumors on the list submitted by the commenter do not meet the criteria announced by VA. A large percentage of them, for example, are classified as benign conditions and are thus outside the parameters established by VA for inclusion in the list of compensable conditions. The commenter has not objected to VA's criteria or indicated specific conditions which he believes meet those criteria but are not included in the regulation. Based on advice from the VACEH, however, the Secretary has concluded that the announced criteria are appropriate and that inclusion of additional conditions from commenter's list is not warranted. Should we learn of additional conditions satisfying those criteria, 38 CFR 3.311a(c) will be amended accordingly. As to the suggestion that a special panel review the list of conditions submitted by the commenter, we note that VACEH is, in fact, a special committee established by Congress to advise the Secretary on dioxin-related issues. Appointment of an additional special panel would serve no purpose and would actually do a disservice to claimants entitled to benefits by unnecessarily delaying publication of the final rule.

In reviewing the proposed list of soft-tissue sarcomas, VACEH noted that hemangiosarcoma of the liver has been linked to exposure to polyvinyl chloride and suggested that the issue be researched before publication of the final regulation. The provisions of 38 CFR 3.311a(e), however, would preclude establishment of service connection for this condition in any individual case in which there is affirmative evidence establishing a nonservice-related supervening condition or event, such as polyvinyl chloride exposure, as the cause of the disease. The time required to conduct the suggested research on this extremely rare condition would delay payment to claimants who will be entitled to benefits for other conditions based upon this regulation while the potential benefit to the government is negligible. Having considered these issues, VA believes that the public interest would best be served by publishing the final regulation without further restriction or delay.

This commenter also suggested that VA issue regulations allowing appellate review by appropriate scientific experts for veterans whose claims are denied because their tumors are not considered to be STS under VA regulations.

VA does not concur. 38 U.S.C. 7104 (formerly 4004) states unequivocally that VA decisions are subject to one review on appeal, that that review will be by the Board of Veterans Appeals (BVA), and that BVA is bound in its decisions by VA regulations. It is beyond the Secretary's authority to establish a different vehicle for appellate review and beyond BVA's authority to make decisions which do not conform to VA regulations.

VA appreciates the comments and suggestions submitted in response to the proposed rule which is now adopted with minor technical amendments, including a correction to the amendatory instruction to § 3.311a to add that the section heading is being revised.

The Secretary hereby certifies that this regulatory amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. The reason for this certification is that this amendment would not directly affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), this amendment is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

In accordance with Executive Order 12291, Federal Regulation, the Secretary has determined that this regulatory amendment is non-major for the following reasons:

(1) It will not have an annual effect on the economy of $100 million or more.

(2) It will not cause a major increase in costs or prices.

(3) It will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Catalog of Federal Domestic Assistance program numbers are 64.101, 64.109 and 64.110.

List of Subjects

38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pension, Veterans.

38 CFR Part 4

Handicapped, Pensions, Veterans.

Approved: September 16, 1991.

Edward J. Derwinski,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR parts 3 and 4 are amended as set forth below:

PART 3—ADJUDICATION

Subpart A—Pension Compensation, and Dependency and Indemnity Compensation

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

Authority: 72 Stat. 1114; 38 U.S.C. 210, unless otherwise noted.

2. In § 3.311a, paragraph (d) is removed and reserved; and the section heading, paragraph (c), and the authority at the end of the section are revised to read as follows:

§ 3.311a Claims based on exposure to herbicides containing dioxin.

* * * * *

(c) *Service connection based on exposure to herbicides containing dioxin.* Except as provided in paragraph (e) of this section, exposure to herbicides containing dioxin together with the development of the following diseases within the periods specified is sufficient to establish service connection for resulting disability:

(1) Chloracne manifested not later than three months from the date of exposure.

(2) A soft-tissue sarcoma manifested at any time after service.

Note: The term "soft-tissue sarcoma" includes the following:

Adult fibrosarcoma.
Dermatofibrosarcoma protuberans.
Malignant fibrous histiocytoma.
Liposarcoma.
Leiomyosarcoma.
Epithelioid leiomyosarcoma (malignant leiomyoblastoma).
Rhabdomyosarcoma.
Ectomesenchymoma.
Angiosarcoma (hemangiosarcoma and lymphangiosarcoma).
Proliferating (systemic) angioendotheliomatosis.
Malignant glomus tumor.
Malignant hemangiopericytoma.
Synovial sarcoma (malignant synovioma).
Malignant giant cell tumor of tendon sheath.
Malignant schwannoma, including malignant schwannoma with rhabdomyoblastic differentiation (malignant Triton tumor), glandular and epithelioid malignant schwannomas.
Malignant mesenchymoma.
Malignant granular cell tumor.
Alveolar soft part sarcoma.
Epithelioid sarcoma.
Clear cell sarcoma of tendons and aponeuroses.

(See paragraph (g) of this section with regard to service connection on other grounds and § 3.307(c) in cases where chloracne is initially misdiagnosed)

* * * * *

(Authority: Sec. 5, Pub. L. 98–542, 98 Stat. 2725; 38 U.S.C. 501(a))

PART 4—SCHEDULE FOR RATING DISABILITIES

Subpart B—Disability Ratings

3. The authority citation for part 4, subpart B, continues to read as follows:

Authority: 72 Stat. 1125; 38 U.S.C. 355.

4. In § 4.73, diagnostic code 5327 is revised and diagnostic code 5329 is added following diagnostic code 5328 to read as follows:

§ 4.73 Schedule of ratings—muscle injuries.

* * * * *

	The torso and neck	Rating
*	* * * *	*
5327	Muscle, new growth of, malignant (excluding soft-tissue sarcoma).	100

Note: The 100 percent rating will be continued for 6 months following the cessation of surgical, X-ray, antineoplastic chemotherapy or other therapeutic procedure. At this point, if there has been no local recurrence or metastases, the rating will be made on residuals.

* * * * *

5329	Soft-tissue sarcoma (of muscle, fat, or fibrous connective tissue).	100

Note: The 100 percent rating will be continued for 6 months following the cessation of surgical, X-ray, antineoplastic chemotherapy or other therapeutic procedure. At this point, if there has been no local recurrence or metastases, the rating will be made on residuals.

5. In § 4.104, diagnostic code 7123 is added following diagnostic code 7122 to read as follows:

§ 4.104 Schedule of ratings—cardiovascular system.

* * * * *

	Diseases of the arteries and veins	Rating
*	* * * *	*
7123	Soft-tissue sarcoma (of vascular origin).	100

Note: The 100 percent rating will be continued for 6 months following the cessation of surgical, X-ray, antineoplastic chemotherapy or other therapeutic procedure. At this point, if there has been no local recurrence or metastases, the rating will be made on residuals.

6. In § 4.124a, diagnostic code 8540 is added following diagnostic code 8730 and an authority citation is added at the end of the section to read as follows:

§ 4.124a Schedule of ratings—neurological conditions and convulsive disorders.

* * * * *

	Diseases of the peripheral nerves	Rating
*	* * * *	*
8540	Soft-tissue sarcoma (of neurogenic origin).	100

Note: The 100 percent rating will be continued for 6 months following the cessation of surgical, X-ray, antineoplastic chemotherapy or other therapeutic procedure. At this point, if there has been no local recurrence or metastases, the rating will be made on residuals.

* * * * *

(Authority: 38 U.S.C. 1155)

[FR Doc. 91–24585 Filed 10–11–91; 8:45 am]

BILLING CODE 8320–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 67

[CGD 91–039]

Closure of Vessel Documentation Office, Marine Safety Office Honolulu

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: After a review of its field organization for vessel documentation, the Coast Guard is closing the documentation office at Marine Safety Office (MSO) Honolulu, Hawaii, and will transfer the duties of that office to the one at MSO Puget Sound in Seattle, Washington. Closure of the documentation office in Honolulu is necessary because an evaluation of the workload in the Pacific Area indicates that the Coast Guard can serve the public more quickly and efficiently by combining the workload and staff of the Seattle and Honolulu offices. This final rule publishes that closure, which will allow the Coast Guard to serve the public more effectively. It also reflects the realignment of Coast Guard districts four years ago.

EFFECTIVE DATE: January 1, 1992.

ADDRESSES: The Executive Secretary, Marine Safety Council (G–LRA–2, 3406) [CGD 91–039], U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001, maintains the public docket for this rulemaking. This docket will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267–1477.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas L. Willis, Chief, Vessel Documentation and Tonnage Survey Branch, Office of Marine Safety, Security and Environmental Protection, (202) 267–1492.

SUPPLEMENTARY INFORMATION:

Notice and Comment

The Coast Guard has issued this rule as a final rule, without issuing a Notice of Proposed Rulemaking. Because this final rule affects only the internal organization of the Coast Guard, it is not subject to notice and comment under 5 U.S.C. 553, and does not require a Notice of Proposed Rulemaking.

Drafting Information

The principal persons involved in drafting this document are LCDR Charles E. Lahey, Project Manager, Office of Marine Safety, Security and Environmental Protection; and Patrick J. Murray, Project Counsel, Office of Chief Counsel.

Background and Purpose

(a) The Coast Guard has evaluated its field organization for vessel documentation, taking into account system efficiency, training and supervision of personnel, administrative issues, and the current and future workload. It has determined that consolidation of the documentation offices in Honolulu, Hawaii, and Seattle, Washington, will allow it to serve vessel owners more quickly and accurately. Accordingly, the Coast Guard will shift the workload, records, and personnel positions currently assigned to the documentation office at MSO Honolulu to the documentation office at MSO Puget Sound.

(b) The Coast Guard reorganized its districts on July 1, 1987. It eliminated its Third and Twelfth Coast Guard districts, but has not until now made certain editorial changes to the Code of Federal Regulations necessary to reflect the new structure.

Discussion of Amendments

Section 67.13–3 is amended to reflect the elimination of the Third and Twelfth Coast Guard Districts, and to reflect the closure of the documentation office at MSO Honolulu and the shift of its duties, records, and personnel position to MSO Puget Sound.

Section 67.13–7 is amended to let vessels in the Fourteenth District continue using Honolulu as a hailing port, as if it were the home port, rather than to make those vessels begin using either Seattle or the address of the owner as the hailing port.

Appendix D is amended to reflect the changes made in § 67.13–3.

Regulatory Evaluation

This final rule is not major under Executive Order 12291 and not significant under the Regulatory Policies and Procedures of the Department of Transportation [44 FR 11040 (February 26, 1979)].

This rule makes administrative changes to the organization of the Coast Guard. While persons wishing to document their vessels in the Fourteenth District will now have to send applications and other documents to Seattle instead of Honolulu, they will not have to travel to the mainland. There are no economic impacts. A Regulatory Evaluation is therefore unnecessary.

Small Entities

Under the Regulatory Flexibility Act [5 U.S.C. 601 *et seq.*], the Coast Guard must consider whether this final rule will have a significant economic impact on a substantial number of small entities. Because this rule is only an administrative change to the organization of the Coast Guard, it will not have significant economic impacts. Most vessel documentation transactions are already processed by mail. Owners of vessels, and documentation agents, will have to send their documents to Seattle instead of Honolulu, and some delay in receipt of the documents may result. But reductions in processing time should more than offset any delay in the mail. The Coast Guard certifies under 5 U.S.C. 605(b) that this action will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This final rule contains no collection-of-information requirements under the Paperwork Reduction Act [44 U.S.C. 3501 *et seq.*].

Federalism

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

Environment

The Coast Guard considered the environmental impact of this final rule and concluded that, under section 2.B.2 of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation. This rule makes an administrative change to the organization of the Coast Guard, with no environmental impact. A Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under **ADDRESSES.**

List of Subjects in 46 CFR Part 67

Vessels.

For the reasons set out in the preamble, the Coast Guard amends 46 CFR part 67 as follows:

PART 67—[AMENDED]

1. The authority citation for 46 CFR part 67 continues to read as follows:

Authority: 31 U.S.C. 9701; 42 U.S.C. 9118; 46 U.S.C. 2103; 46 U.S.C. App. 841a, 876; 49 U.S.C. 322; 49 CFR 1.46.

2. In § 67.13–3, paragraphs (c) through (g) are redesignated as paragraphs (d) through (h); paragraph (b) is revised; and a new paragraph (c) is added to read as follows:

§ 67.13–3 Home port designations.

* * * * *

(b) The owner of a vessel shall designate the home port of the vessel as follows:

(1) Boston, Massachusetts, if the address of the owner is within the Boston Marine Inspection Zone, the Portland (Maine) Marine Inspection Zone, or the Providence Marine Inspection Zone.

(2) New York, New York, if the address of the owner is within the New York Marine Inspection Zone.

(3) Saint Louis, Missouri, if the address of the owner is within the Second Coast Guard District.

(4) Philadelphia, Pennsylvania, if the address of the owner is within the Philadelphia Marine Inspection Zone.

(5) Norfolk, Virginia, if the address of the owner is within the Hampton Roads Marine Inspection Zone, the Baltimore Marine Inspection Zone, or the Wilmington (North Carolina) Marine Inspection Zone.

(6) Miami, Florida, if the address of the owner is within the Seventh Coast Guard District.

(7) New Orleans, Louisiana, if the address of the owner is in a State other

than Texas or New Mexico, within the Eighth Coast Guard District.

(8) Houston, Texas, if the address of the owner is in the State of Texas or New Mexico within the Eighth Coast Guard District.

(9) Cleveland, Ohio, if the address of the owner is within the Ninth Coast Guard District.

(10) Los Angeles, California, if the address of the owner is within the Los Angeles—Long Beach Marine Inspection Zone or the San Diego Marine Inspection Zone.

(11) San Francisco, California, if the address of the owner is within the San Francisco Marine Inspection Zone.

(12) Portland, Oregon, if the address of the owner is in the State of Oregon or Idaho.

(13) Seattle, Washington, if the address of the owner is in the State of Washington or Montana, or is within the Fourteenth Coast Guard District.

(14) Juneau, Alaska, if the address of the owner is within the Seventeenth Coast Guard District.

(c) The owner of a vessel shall designate the home port according to the following rules:

(1) When two or more persons with different domiciles own the vessel, the owners shall designate the home port under paragraph (b) of this section using the address of any one of them.

(2) When a partnership owns the vessel, the partnership shall designate the home port under paragraph (b) of this section using the business address of the partnership.

(3) When a corporation owns the vessel, the corporation shall designate the home port under paragraph (b) of this section using either its address in the State of incorporation or its principal business address.

(4) When a trust owns the vessel, the trust shall designate the home port under paragraph (b) of this section using the address of one of the trustees.

(5) When the vessel owner has no domicile or permanent address in the United States, the home port must be any port of documentation.

(6) When the Federal government or any Federal agency owns the vessel, the home port must be Norfolk, Virginia.

(7) When a State, territory, possession, or any agency or political subdivision of any of these owns the vessel, the home port must be the port of documentation that serves the capital of the State, territory, or possession.

(8) When the vessel will be operated under a bareboat charter for five years or more, the home port must be the port of documentation that serves the address of either the owner or the charterer.

* * * * *

3. Paragraph (b) of § 67.13–7 is revised to read as follows:

§ 67.13–7 Hailing port designation.

* * * * *

(b) Except as provided in paragraph (c) of this section, the hailing port must be—(1) The home port of the vessel;

(2) The place the owner used to determine the home port of the vessel; or

(3) Honolulu, Hawaii, when the place the owner used to determine the home port of the vessel is within the Fourteenth Coast Guard District.

* * * * *

4. Appendix D to 46 CFR part 67 is revised to read as follows:

Appendix D to 46 CFR Part 67—Ports of Documentation

Regional port of documentation	Location	Districts and zones served
Boston, MA	USCG Marine Safety Office, Boston, MA	First: Boston, Portland (ME), Providence Marine Inspection Zones.
New York, NY	USCG Marine Inspection Office, New York, NY	First: New York Marine Inspection Zone.
St. Louis, MO	USCG Marine Safety Office, St. Louis, MO	Second.
Norfolk, VA	USCG Marine Safety Office, Hampton Roads, Norfolk, VA.	Fifth: Hampton Roads, Baltimore; Wilmington (NC) Marine Inspection Zones.
Philadelphia, PA	USCG Marine Safety Office, Philadelphia, PA	Fifth: Philadelphia Marine Inspection Zone.
Miami, FL	USCG Marine Safety Office, Miami, FL	Seventh.
New Orleans, LA	USCG Marine Safety Office, New Orleans, LA	Eighth, except Texas and New Mexico.
Houston, TX	USCG Marine Safety Office, Houston, TX	Eighth: Texas and New Mexico.
Cleveland, OH	Commander, Ninth Coast Guard District (m)	Ninth.
Los Angeles, CA	USCG Marine Safety Office, Long Beach, CA	Eleventh: Los Angeles—Long Beach Marine Inspection Zone.
San Francisco, CA	USCG Marine Safety Office, San Francisco, CA	Eleventh: San Francisco Marine Inspection Zone.
Portland, OR	USCG Marine Safety Office, Portland, OR	Thirteenth: Oregon or Idaho.
Seattle, WA	USCG Marine Safety Office, Seattle, WA	Thirteenth: Montana or Washington Fourteenth.
Juneau, AK	USCG Marine Safety Office, Juneau, AK	Seventeenth.

Dated: September 27, 1991.

A.E. Henn,

Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 91–24591 Filed 10–11–91; 8:45 am]

BILLING CODE 4910–14–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 87

[FCC 91–279]

Authorize use of 143.75 MHz to the Civil Air Patrol

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This Order amends §§ 2.106 and 87.173 of the Rules to reallocate the frequency, 143.75 MHz, for use by the Civil Air Patrol (CAP), a voluntary, civilian auxiliary of the U.S. Air Force. This will allow the CAP additional flexibility to support communications for various ongoing efforts.

EFFECTIVE DATE: November 14, 1991.

FOR FURTHER INFORMATION CONTACT: Raymond LaForge, telephone (202) 653–8117.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order, adopted September 10, 1991, and released September 20, 1991.

Summary

1. The Commission received a request from the National Telecommunication and Information Administration (NTIA) and the U.S. Air Force (USAF) through the Interdepartment Radio Advisory Committee (IRAC) indicating that the Civil Air Patrol (CAP) needs additional spectrum to support communications for disaster, emergency, search and rescue, and training. NTIA indicates that 143.75 MHz is available for this purpose.

2. The Commission is amending §§ 2.106 and 87.173 of its Rules to reallocate 143.75 MHz for use by CAP. It finds good cause to dispense with the notice and comment provisions of the Administrative Procedure Act (5 U.S.C. 553). This amendment reflects NTIA concurrence to allocate the frequency 143.75 MHz for use by the CAP. It will not adversely affect existing licensees because this frequency is at present allocated solely for use by agencies of the Federal Government, and therefore we do not expect that a Notice would generate adverse comments. Consequently, delaying this allocation to issue a Notice appears to be unnecessary.

Ordering Clause

3. *It is Ordered,* That §§ 2.106 and 87.173 are amended as set forth below. Authority for this action is contained in section 4(i), 301, 302, and 303 of the Communications Act of 1934, as amended. These amendments are effective November 14, 1991.

List of Subjects

47 CFR Part 2

Frequency allocations, General rules and regulations, Radio.

47 CFR Part 87

Aviation services, Communications equipment.

Rule Change

Parts 2 and 87 of chapter I to title 47 of the Code of Federal Regulations are amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. The authority citation in part 2 continues to read as follows:

Authority: Sec. 4, 302, 303, and 307 of the Communications Act of 1934, as amended, 47 U.S.C. 154, 302, 303, and 307, unless otherwise noted.

2. Section 2.106, the Table of Frequency Allocations, is amended by revising US10 to read as follows:

§ 2.106 Table of frequency allocations.

* * * * *

United States (US) Footnotes

* * * * *

US10 The use of the frequencies 26.62, 143.75, 143.90 and 148.15 MHz may be authorized to Civil Air Patrol land stations and Civil Air Patrol mobile stations.

* * * * *

PART 87—AVIATION SERVICES

1. The authority citation in part 87 continues to read as follows:

Authority: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–156, 301–609.

2. Section 87.173(b) is amended by adding an entry for 143.75 MHz to read as follows:

§ 87.173 Frequencies.

* * * * *

	Frequency or frequency band	Subpart Class of station	Remarks
*	*	*	* *
143.75 MHz..	R	MA,FAP.....	Civil Air Patrol.
*	*	*	* *

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 91–24777 Filed 10–11–91; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 69

[CC Docket No. 86–10; FCC 91–249]

Provision of Access for 800 Service

AGENCY: Federal Communications Commission.

ACTION: Final rule; order on reconsideration.

SUMMARY: The Commission adopted a Memorandum Opinion and Order on Reconsideration of the Commission's earlier decision in a Report and Order in CC Docket 86–10, 54 FR 18643, May 2, 1989 and Second Supplemental Notice of Proposed Rulemaking (published elsewhere in this issue) regarding 800 data base access service. This action will accelerate the portability of 800 numbers. The Commission modified and clarified its earlier decision. The Commission also denied certain aspects of petitions for reconsideration of its earlier decision. The Commission concluded that these actions are in the public interest and will provide heightened 800 service competition and increased choices for consumers.

EFFECTIVE DATE: October 15, 1991.

FOR FURTHER INFORMATION CONTACT: Gary Phillips, (202) 632–4047, Policy and Program Planning Division, Common Carrier Bureau.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Memorandum Opinion and Order on Reconsideration and Second Supplemental Notice of Proposed Rulemaking in CC Docket No. 86–10, adopted August 1, 1991, and released September 4, 1991 (FCC 91–249). The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 239), 191 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, 1114 21st Street, NW., Washington, DC 20037, (202) 452–1422.

Memorandum Opinion and Order on Reconsideration

1. On March 30, 1989, the Commission adopted a Report and Order, CC Docket 86–10, 54 FR 18654 (May 2, 1989), concerning the provision of 800 access service by local exchange carriers (LECs). This action modifies that order, in part, on reconsideration and initiates a Second Supplemental Notice of Proposed Rulemaking.

2. 800 Service is an interchange service in which subscribers agree in advance to pay for all calls made to them using a predesignated 800 number. Currently, local exchange carriers (LECs) provide 800 access service to interexchange carriers (IXCs) via the "NXX" access methodology. Under the NXX access system, the NXX digits (the three digits following the 800 prefix) of the dialed 800 number identify the IXC to which the 800 call should be routed. Consequently, under this system, 800 numbers are not portable—that is, 800 service subscribers cannot change IXCs without changing their 800 number, and if they seek a particular 800 number, they must take their 800 service from the IXC to which the NXX digits in that number have been assigned. The Bell Operating Companies (BOCs) and some independent LECs have proposed to substitute a new "data base" system of 800 access that will permit 800 number portability. Until common channel signaling system #7 (SS7) is more widely deployed in LEC networks, however, the data base access system

would significantly increase access times for 800 calls. Currently, access times under the NXX system are either 1.9 seconds or 3.5 seconds, depending upon whether IXC interconnection occurs at the LEC end office or access tandem.

3. In the March, 1989, which the Commission now modifies, the Commission held that LECs may implement the "data base" system of 800 access, but prohibited LECs from withdrawing the "NXX" access system until access times under data base access were substantially reduced. The Commission stated that its expectation was that LECs would be permitted to withdraw NXX access when SS7 was deployed at LEC access tandems and end offices accounting for eighty percent of originating 800 traffic.

4. The Memorandum Opinion and Order on Reconsideration revises this access time standard on the ground that it places too much weight on access time vis-a-vis number portability. In particular, the Commission noted that the 1989 access time standard would preclude LECs from implementing mandatory data base access until they had achieved faster overall 800 access times than were available under the NXX system. The Commission concluded that, in light of the benefits of 800 number portability, a better standard is one that tolerates at the outset of 800 data base access a temporary and limited increase in access times, while requiring shortly thereafter that access times are reduced to levels at least as good as they are today. The Commission therefore held that a LEC may substitute data base access for NXX access when it has reduced access times for 97% of its originating 800 data base access traffic to five seconds or less, *provided that*, within two years therefore: (a) None of its data base 800 traffic experiences an access time of greater than 5 seconds, and (b) the mean access time for all of its 800 data base traffic is 2.5 seconds or less.

5. The Commission required the BOCs and GTE to meet this access time standard within eighteen months—that is, by March 4, 1992. While the BOCs had argued that the Commission should permit them to reduce data base access times at their own pace, the Commission found that the BOCs would not likely reduce access times on their own to acceptable levels before perhaps the mid-1990s. It concluded, in light of the importance of number portability, and its finding that the costs of meeting the revised access time standards were not unreasonable, that the BOCs and GTE should be given approximately eighteen months to meet these standards. In addition, to ensure a nondisruptive, operationally sound implementation of 800 data base access, the Commission required the BOCs and GTE to file by March 1, 1992, a detailed plan describing the steps that have been, and will be, taken to ensure a timely and operationally sound implementation of 800 data base access.

6. The Commission declined to mandate participation in the data base system by independent telephone companies (ITCs) other than GTE since data indicated that LECs representing 98.7% of the nation's access lines will voluntarily participate in the data base plan and that they have a variety of low-cost options available to them for doing so. The Commission stated, however, that if it appears that ITCs are not moving forward with plans for participating in data base access, the Commission would revisit this issue. The Commission also declined to require LECs to continue offering a limited "NXX" option after the implementation of mandatory data base access.

7. The Commission affirmed its earlier decision to permitting LECs to sell 800 data base vertical features, but prohibiting LECs from selling such features directly to IXCs' 800 service subscribers for use in connection with interLATA 800 service.

8. The Commission was not persuaded by the petitioners that the introduction of SS7 requires any change in existing accounting or separation rules.

9. The Commission modified its initial decision by eliminating the requirement therein that IXCs provide LECs with the POTS numbers of IXC customers that use a LEC for intraLATA 800 service. The Commission, however, did not preempt the states from imposing such a requirement.

10. The Commission denied the Bell Atlantic and Pactel petitions for reconsideration of the requirements that vertical services be unbundled from basic 800 access service. The Commission stated that LECs offering 800 data base access services would be required to create a separate part 69 access element, with separate subelements for each vertical feature. The Commission did not adopt specific part 69 rules at this time, however, pending the resolution of the remaining pricing and rate structure issues described in the Second Supplemental Notice of Proposed Rulemaking.

11. The Commission denied MCI's request to require the tariffing of 800 number administration guidelines since industry forums have, to date, successfully resolved many of the issues that have been referred to them, including issues related to 800 service and to number administration.

12. The Commission declined to require IXCs to provide LECs with a jurisdictional indicator identifying the location at which each 800 number terminates. While the BOCs claimed that they needed this information so that they could bill access charges more accurately than with percentage of interstate use (PIU) reports, the Commission found that the record did not support this assertion. It stated, however, that if superior methods for measuring access are developed in the future, the Commission will consider the merits of such methods vis-a-vis PIU reports.

Ordering Clauses

1. *It is Hereby Ordered*, That Alascom's Motion to Accept Late-Filed Comments is *Granted*, and

2. *It is Further Ordered*, That pursuant to 47 U.S.C. 151, 154 (i) and (j), 201, 202, 203, 218, 303(r), and 405, and 4 U.S.C. 553, the petitions for reconsideration, partial reconsideration and/or clarification are *Granted in Part* and *Denied in Part*, as provided herein.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 91-24643 Filed 10-11-91; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 88-491; RM-6371 and RM-6650]

Radio Broadcasting Services; Vacaville and Middletown, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission grants the request of Joe L. and L. Ann Gross, made in a counterproposal in this proceeding, that a Class A channel be allotted to Middletown, California, as its first local service. In response to that request, the Commission proposed alternatively in a further notice of proposed rulemaking, 54 FR 50628, December 8, 1989, that Channel 254A be allotted to Middletown. Channel 254A can be allotted to Middletown in compliance with the Commission's requirements for minimum interstation distance separations using a site located at coordinates North Latitude 38-45-12 and

West Longitude 122–36–54. With this action, the proceeding is terminated.

DATES: Effective November 25, 1991; the window period for filing applications for Channel 254A at Middletown, California, will open a November 26, 1991 and close on December 26, 1991.

FOR FURTHER INFORMATION CONTACT: J. Bertron Withers, Jr., Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Second Report and Order, MM Docket No. 88–491, adopted September 30, 1991 and released October 9, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452–1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California, is amended by adding Channel 254A, Middletown.

Federal Communications Commission.

Andrew J. Rhodes,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91–24779 Filed 10–11–91; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 91–149; RM–7716]

Radio Broadcasting Services; Needles, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 250C1 for Channel 250C2 at Needles, California, and modifies the license for Station KWAZ(FM) to specify operation on the higher powered channel, as requested by Calnevar Broadcasting, Inc. See FR 26367, June 7, 1991. Coordinates for Channel 250C1 at Needles are 35–02–06 and 114–22–09. Since Needles is located within 320 kilometers (199 miles) of the United States-Mexico border, concurrence of the Mexican government to this proposal was obtained. With this action, the proceeding is terminated.

EFFECTIVE DATE: November 25, 1991.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 91–149, adopted September 30, 1991, and released October 9, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452–1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California, is amended by removing Channel 250C2 and adding Channel 250C1 at Needles.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91–24778 Filed 10–11–91; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 90–530; RM–7472]

Radio Broadcasting Services; Baker, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots FM Channel 235B1 to Baker, California, in lieu of previously proposed Channel 261B, as that community's second local FM broadcast service, in response to a petition for rule making filed on behalf of Althea Bauers. See 55 FR 47494, November 14, 1990. KRVX, Inc., licensee of Station KXVR(FM), Channel 258B, Mountain Pass, California, objected to the proposed Class B allotment, based upon alleged technical deficiencies. As a result of the technical data presented, petitioner amended her request by proposing the allotment of Channel 235B1 to Baker instead. Coordinates for Channel 235B1 at Baker are 35–15–54 and 116–04–25. Since Baker is located within 320 kilometers (199 miles) of the U.S.-Mexico border, concurrence of the Mexican government to this proposal was obtained. With this action the proceeding is terminated.

DATES: *Effective Date:* November 25, 1991.

The window period for filing applications for Channel 235B1 at Baker, California, will open on November 26, 1991, and close on December 26, 1991.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634–6530. Questions related to the window application filing process should be addressed to the Audio Services Division, Mass Media Bureau, (202) 632–0394.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 90–530, adopted September 27, 1991 and released October 9, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452–1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California, is amended by adding Channel 235B1 at Baker.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91–24780 Filed 10–11–91; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 89-126; RM-6669]

Radio Broadcasting Services; Miramar Beach, FL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 292A to Miramar Beach, Florida, as that community's first local FM service at the request of Carol Renee Carter. See 54 FR 25483, June 15, 1989. Channel 292A can be allotted to Miramar Beach in compliance with the Commission's minimum distance separation requirements with a site restriction of 2.4 kilometers (1.5 miles) east to avoid a short spacing to Station WKNU(FM), Channel 292A, Brewton, Alabama. The coordinates are North Latitude 30-22-30 and West Longitude 86-20-00. With this action, this proceeding is terminated.

DATES: November 25, 1991. The window period for filing applications will open on November 26, 1991, and close on December 26, 1991.

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-126, adopted September 27, 1991, and released October 9, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Florida, is amended by adding Channel 292A, Miramar Beach.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91-24783 Filed 10-11-91; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-548; RM-7017]

Radio Broadcasting Services; Clintonville, New Holstein, and Wautoma, WI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document grants a Petition for Reconsideration filed by Sail Communications Corporation, thereby substituting Channel 222C3 for Channel 221A, Clintonville, Wisconsin, and modifying the license for Station WJMQ(FM) accordingly. To accommodate the upgrade at Clintonville, we shall substitute Channel 225A for Channel 226A, New Holstein, Wisconsin, and modify the construction permit for Station KFKG(FM) to specify operation on the new channel, and substitute Channel 226A for vacant but applied for Channel 222A, Wautoma, Wisconsin. See 55 FR 52187, December 20, 1990. The coordinates for Channel 222C3, Clintonville, are 44-43-07 and 88-34-32. The coordinates for Channel 225A, New Holstein, are 44-02-18 and 88-09-06. The coordinates for Channel 226A, Wautoma, are 44-04-18 and 89-17-30. With this action, this proceeding is terminated.

EFFECTIVE DATE: November 25, 1991.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Memorandum Opinion and Order, MM Docket No. 89-548, adopted September 27, 1991, and released October 9, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, 1714 21st Street, NW., Washington, DC 20036, (202) 452-1422.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Wisconsin, is amended by removing Channel 221A and adding Channel 222C3 at Clintonville, by removing Channel 226A and adding Channel 225A at New Holstein, and by removing Channel 222A and adding Channel 226A at Wautoma.

Federal Communications Commission.

Douglas W. Webbink,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91-24781 Filed 10-11-91; 8:45 am]

BILLING CODE 6712-01-M

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 509 and 552

[APD 2800.12A CHGE 29]

General Services Administration Acquisition Regulation; Implement FAC-90-5

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Final rule.

SUMMARY: The General Services Administration Acquisition Regulation (GSAR) is revised to amend section 509.405 by deleting paragraph (b), which is duplicative of material in FAR 9.405(d) and to remove the designation of paragraph (a), and to revise section 552.238-70 to clarify the definition of "electronic office equipment accessibility." The intended effect is to improve the regulatory coverage and provide uniform procedures for contracting under the regulatory system.

EFFECTIVE DATE: October 14, 1991.

FOR FURTHER INFORMATION CONTACT: John Joyner, Office of GSA Acquisition Policy (202) 501-1224.

SUPPLEMENTARY INFORMATION:

A. Public Comments

This rule was not published in the **Federal Register** for public comment because it merely revises the GSAR to conform to the Federal Acquisition Regulation (FAR) as amended by FAC 90-5, which had already undergone the public comment process.

B. Executive Order 12291

The Director, Office of Management and Budget (OMB), by memorandum dated September 14, 1984, exempted certain agency procurement regulations from Executive Order 12291. The exemption applies to this rule.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act does not apply to this rule because the

proposed policy was not required to be published in the Federal Register.

D. Paperwork Reduction Act

This rule does not contain information collection requirements that require the approval of OMB under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

List of Subjects in 48 CFR Parts 509 and 552

Government procurement.

Accordingly, 48 CFR parts 509 and 552 are amended to read as follows:

1. The authority citation for 48 CFR parts 509 and 552 continues to read as follows:

Authority: 40 U.S.C. 486(c).

PART 509—CONTRACTOR QUALIFICATIONS

2. Section 509.405 is revised to read as follows:

509.405 Effect of listing.

Before initiating a pre-award survey or any procurement or disposal action, the contracting officer shall review the List of Parties Excluded from Federal Procurement or Nonprocurement Programs. Any contractor listed in the section entitled "Parties Excluded from Procurement Programs" must receive the treatment specified therein. The contracting officer shall also review the "Parties Excluded from Nonprocurement Programs" section of the list and, if appropriate, contact the listing agency for further information in order to determine whether the listed party is responsible.

3. Section 552.238–70 is amended by revising the definition of "Electronic office equipment accessibility" in paragraph (a) to read as follows:

552.238–70 Identification of electronic office equipment providing accessibility for the handicapped.

* * * * *

Identification of Electronic Office Equipment Providing Accessibility for the Handicapped (Sept 1991)

(a) *Definitions. Electronic office equipment accessibility* means the application/configuration of electronic office equipment (includes hardware, software and firmware) in a manner that accommodates the functional limitations of individuals with disabilities (i.e., handicapped individuals) so as to promote productivity and provide access to work related and/or public information resources.

* * * * *

Dated: September 26, 1991.

Richard H. Hopf III,

Associate Administrator for Acquisition Policy.

[FR Doc. 91–24688 Filed 10–11–91; 8:45 am]

BILLING CODE 6820–61–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

[Docket No. 910498–1098]

Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California

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

ACTION: Notice of inseason adjustment.

SUMMARY: NOAA announces the rescission of the area closure inside the 100 fathom line for the commercial salmon fishery in the exclusive economic zone (EEZ) from the U.S.-Canada border to Carroll Island, Washington, beginning September 13, 1991. The Director, Northwest Region, NMFS (Regional Director), determined that commercial fishermen should be provided additional opportunity to harvest the fish remaining in the subarea guidelines during the last three days of the fishing season in this subarea. This action was intended to maximize the harvest of salmon without exceeding the ocean share allocated to the commercial fishery in this subarea.

DATES: *Effective:* Rescission of the area closure for the commercial fishery from the U.S.-Canada border to Carroll Island, Washington, was effective at 0001 hours local time, September 13, 1991. Actual notice to affected fishermen was given prior to this time through a special telephone hotline and U.S. Coast Guard Notice to Mariners broadcasts as provided by 50 CFR 661.23. *Comments:* Public comments are invited until October 28, 1991.

ADDRESSES: Comments may be mailed to Rolland A. Schmitten, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE., BIN C15700, Seattle, WA 98115–0070. Information relevant to this notice has been compiled in aggregate form and is available for public review during business hours at the office of the NMFS Northwest Regional Director.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at 206–526–6140.

SUPPLEMENTARY INFORMATION: In its emergency interim rule and preseason notice of 1991 management measures (56 FR 21311, May 8, 1991), NOAA announced that the commercial fishery from the U.S.-Canada border to Carroll Island, Washington, would be open only outside the 100 fathom line (note D.2 at 56 FR 21321). This fishery opened on August 16, 1991, for a period of 4 days and was scheduled to continue under a cycle of 4 days open and 3 days closed until September 15 or attainment of a guideline of 35,000 coho, 5,000 chinook, or 160,000 pink salmon (56 FR 36111, July 31, 1991).

Based on the best available information on September 11, 1991, the commercial fishery in the subarea from the U.S.-Canada border to Carroll Island, Washington, was not expected to catch all of the fish remaining in the guidelines during the last opening on September 13–15. Therefore, additional opportunity to harvest these fish was provided by rescinding the area closure inside the 100 fathom line. To prevent harvest levels from exceeding the guidelines, the possession and landing restriction of 80 coho salmon per opening and the gear restrictions remained in effect. Modification of boundaries is authorized by regulations at 50 CFR 661.21(b)(1)(v).

In accordance with the inseason notice procedures at 50 CFR 661.23, actual notice to fishermen of this action was given prior to the time listed above by telephone hotline number (206) 526–6667 and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF-FM and 2182 KHz.

The Regional Director consulted with representatives of the Pacific Fishery Management Council, the Washington Department of Fisheries, and the Oregon Department of Fish and Wildlife regarding this action affecting the commercial fishery from the U.S.-Canada border to Carroll Island, Washington. The State of Washington managed the commercial fishery in State waters adjacent to this area of the EEZ in accordance with this Federal action. This notice does not apply to other fisheries which may be operating in other areas.

Because of the need for immediate action, the Secretary of Commerce has determined that good cause exists for this notice to be issued without affording a prior opportunity for public comment. Therefore, public comments on this notice will be accepted for 15 days after filing with the Office of the Federal Register, through October 28, 1991.

Other Matters

This action is authorized by 50 CFR 661.23 and is in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 661

Fisheries, Fishing, Indians, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: October 8, 1991.

David S. Crestin,

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

[FR Doc. 91-24685 Filed 10-11-91; 8:45 am]

BILLING CODE 3510-22-M

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50 CFR Part 661

[Docket No. 910498-1098]

Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California

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

ACTION: Notice of inseason adjustments and closure.

SUMMARY: NOAA announces that the commercial salmon fishery for all salmon species in the exclusive economic zone (EEZ) from Copalis Head, Washington, to Cape Falcon, Oregon opened for two days on September 1–2, with a modified subarea quota for coho salmon and a modified possession and landing limit for coho salmon. The Director, Northwest Region, NMFS (Regional Director), determined that the modified quota of 22,900 coho salmon for the commercial fishery in this subarea would be caught within 2 days of the scheduled opening on September 1, and the possession and landing limit should be 75 coho salmon for the opening. The subarea coho quota was reduced by the number of fish harvested in excess of the guideline governing the August 10–11, 1991, commercial fishery from Leadbetter Point, Washington, to Cape Falcon, Oregon. The modified landing limit was intended to dampen catch rates on coho salmon to avoid exceeding the coho quota. The September 2 closure is necessary to conform to the preseason notice of 1991 management measures and is intended to ensure conservation of coho salmon.

DATES: *Effective:* Modification of the subarea coho salmon quota and coho salmon possession and landing limit for the commercial fishery from Copalis Head, Washington, to Cape Falcon, Oregon, was effective at 0001 hours local time, September 1, 1991. Closure of the EEZ in this subarea to commercial fishing was effective at 2400 hours local time, September 2, 1991. Actual notice to affected fishermen was given prior to those times through a special telephone hotline and U.S. Coast Guard Notice to Mariners broadcasts as provided by 50 CFR 661.23. *Comments:* Public comments are invited until October 28, 1991.

ADDRESSES: Comments may be mailed to Rolland A. Schmitten, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE., BIN C15700, Seattle, WA 98115–0070. Information relevant to this notice has been compiled in aggregate form and is available for public review during business hours at the office of the NMFS Northwest Regional Director.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at 206–526–6140.

SUPPLEMENTARY INFORMATION: In its emergency interim rule and preseason notice of 1991 management measures (56 FR 21311, May 8, 1991), NOAA announced that the commercial fishery from Copalis Head, Washington, to Cape Falcon, Oregon, would open on September 1, 1991, for a period of 4 days and would continue under a cycle of 4 days open, 3 days closed until October 31, 1991, or the attainment of a quota of either 32,500 coho salmon or 3,300 chinook salmon. Also, preseason possession and landing limit of 200 coho salmon per opening was established.

Regulations governing the ocean salmon fisheries at 50 CFR 661.21(a)(1) specify that "When a quota for the commercial or recreational fishery, or both, for any salmon species in any portion of the fishery management area is projected by the Regional Director to be reached on or by a certain date, the Secretary will, by notice issued under § 661.23, close the commercial or recreational fishery, or both, for all salmon species in the portion of the fishery management area to which the quota applies as of the date the quota is projected to be reached."

Based on the best available information on August 28, 1991, the August 10–11 commercial fishery in the subarea from Leadbetter Point, Washington, to Cape Falcon, Oregon, harvested 29,100 coho salmon which is 9,600 fish over the guideline of 19,500 coho salmon. Therefore, to ensure that the overall commercial coho salmon quota north of Cape Falcon of 87,000 fish is not exceeded, the coho quota for the commercial fishery opening on September 1 in the subarea from Copalis Head, Washington, to Cape Falcon, Oregon, was reduced from 32,500 to 22,900 fish. Based on the projected catch and effort rates, this fishery was expected to catch the 22,900 coho quota within 2 days of the September 1 opening. To minimize the risk of exceeding this quota, the possession and landing limit for coho salmon was reduced from 200 to 75 fish per opening effective 0001 hours local time, September 1, 1991, and the commercial fishery in this subarea was closed effective 2400 hours local time, September 2, 1991. Inseason modification of quotas and limited retention regulations is authorized by regulations at § 661.21(b)(1)(i)–(ii). Closure of this fishery is authorized by regulations at § 662.21(a)(1).

In accordance with the inseason notice procedures of 50 CFR 661.23, actual notice to fishermen of these actions was given prior to the times listed above by telephone hotline number (206) 526–6667 and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 6 VHF–FM and 2182 KHz.

The Regional Director consulted with representatives of the Pacific Fishery Management Council, the Washington Department of Fisheries, and the Oregon Department of Fish and Wildlife regarding these actions affecting the commercial fishery from Copalis Head, Washington, to Cape Falcon, Oregon. The states of Washington and Oregon managed the commercial fishery in State waters adjacent to this area of the EEZ in accordance with this federal action. This notice does not apply to other fisheries which may be operating in other areas.

Because of the need for immediate action, the Secretary of Commerce has determined that good cause exists for this notice to be issued without affording a prior opportunity for public comment. Therefore, public comments on this notice will be accepted for 15 days after filing with the Office of the Federal Register, through October 28, 1991.

Other Matters

This action is authorized by 50 CFR 661.21 and 661.23 and is in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 661

Fisheries, Fishing, Indians, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq*

Dated: October 8, 1991.

David S. Crestin,

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

[FR Doc. 91-24686 Filed 10-11-91; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Part 661

[Docket No. 910498-1098]

Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California

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

ACTION: Notice of closure.

SUMMARY: NOAA announces the closure of the treaty Indian ocean salmon fishery in the exclusive economic zone (EEZ) from the U.S.-Canada border to Point Chehalis, Washington, at 1800 hours local time, August 19, 1991. The Director, Northwest Region, NMFS (Regional Director), determined that the overall treaty Indian ocean quota of 80,000 coho salmon would be reached and the fishery should be closed at 1800 hours local time, August 19, 1991. This action is necessary to conform to the preseason notice of 1991 management measures and is intended to ensure conservation of coho salmon.

DATES: *Effective:* Closure of the EEZ from the U.S.-Canada border to Point Chehalis, Washington, to treaty Indian fishing was effective at 1800 hours local time, August 19, 1991. Actual notice to affected treaty Indian fishermen was provided by the treaty tribes and by tribal regulations. *Comments:* Public comments are invited until October 28, 1991.

ADDRESSES: Comments may be mailed to Rolland A. Schmitten, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE., BIN C15700, Seattle, WA 98115-0070. Information relevant to this notice has been compiled in aggregate form and is available for public review during business hours at the office of the NMFS Northwest Regional Director.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at 206-526-6140.

SUPPLEMENTARY INFORMATION: Regulations governing the ocean salmon fisheries at 50 CFR part 661 specify at § 661.10 that "Except as otherwise provided in this part, treaty Indian fishing in any part of the fishery management area is subject to the provisions of this part, the Magnuson Act, and any other regulations issued under the Magnuson Act." Treaty Indian fishing is subject to the ocean salmon regulations at § 661.21(a)(1) which state that "When a quota for the commercial or the recreational fishery, or both, for any salmon species in any portion of the fishery management area is projected by the Regional Director to be reached on or by a certain date, the Secretary will, by notice issued under § 661.23, close the commercial or recreational fishery, or both, for all salmon species in the portion of the fishery management area to which the quota applies as of the date the quota is projected to be reached."

In its emergency interim rule and preseason notice of 1991 management measures (56 FR 21311, May 8, 1991), NOAA announced that the treaty Indian ocean fishery for all salmon species except coho salmon would begin May 1 and continue through the earlier of June 30 or the attainment of the chinook quota, and the treaty Indian ocean fishery for all salmon species would begin July 1 and continue through the earliest of September 30 or the attainment of either the chinook or coho salmon quota. The overall treaty Indian ocean quotas are 33,000 chinook and 80,000 coho salmon. Inseason adjustments during the season were imposed by treaty Indian tribal regulations.

Based on the best available information, the treaty Indian ocean fishery was projected to reach the overall quota of 80,000 coho salmon by 1800 hours local time, August 19, 1991. Therefore, the treaty Indian ocean salmon fishery between the U.S.-Canada border and Point Chehalis (46°53'18" N. latitude), Washington, was closed to further treaty Indian fishing effective 1800 hours local time, August 19, 1991. Actual notice to affected treaty Indian fishermen of this closure was provided by the treaty tribes and by tribal regulations.

The Regional Director consulted with representatives of the Pacific Fishery Management Council, the Washington Department of Fisheries, and the affected treaty Indian tribes regarding this closure. This notice does not apply to other fisheries which may be operating in other areas.

Because of the need for immediate action, the Secretary of Commerce has determined that good cause exists for this notice to be issued without affording a prior opportunity for public comment. Therefore, public comments on this notice will be accepted for 15 days after filing with the Office of the Federal Register, through October 28, 1991.

Other Matters

This action is authorized by 50 CFR 661.23 and is in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 661

Fisheries, Fishing, Indians, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: October 8, 1991.

David S. Crestin,

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

[FR Doc. 91-24687 Filed 10-11-91; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 56, No. 199
Tuesday, October 15, 1991

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 VETERANS AFFAIRS

38 CFR Part 21

RIN 2900-AE44

Veterans Benefits; Veterans Education and Employment Amendments of 1989 and the Montgomery GI Bill—Active Duty

AGENCY: Department of Veterans Affairs.

ACTION: Proposed regulations.

SUMMARY: The Veterans Education and Employment Amendments of 1989 contain several provisions which affect the Montgomery GI Bill—Active Duty. These include establishing flight training under this GI Bill; amendments to the work-study program; changes in the method for determining the end of a veteran's eligibility period; and the elimination of absence accounting. This proposal will acquaint the public with the way in which the Department of Veterans Affairs (VA) intends to implement these provisions of law.

DATES: Comments must be received on or before November 14, 1991. Comments will be available for public inspection until November 25, 1991.

VA proposes making these amended regulations effective retroactively on the same date as the provisions of law they implement. Consequently it is proposed to make the amendments to § 21.7145 retroactively effective on May 1, 1990. It is proposed to make the amendments to §§ 21.7020(b)(25), 21.7076, 21.7120, 21.7135(e), 21.7220 and 21.7222 retroactively effective on September 30, 1990. It is proposed to make the amendments to all other amended regulations included in this proposal retroactively effective on December 19, 1989.

ADDRESSES: Send written comments to: Secretary of Veterans Affairs (271A), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420. All written comments received will be available for public inspection only in the Veterans Services Unit, room 170 of the above address between the hours of 8 a.m. to 4:30 p.m., Monday through Friday (except holidays) until November 25, 1991.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for Education Policy and Program Administration, Vocational Rehabilitation and Education Service, Veterans Benefits Administration, (202) 233-2092.

SUPPLEMENTARY INFORMATION: The Veterans Education and Employment Amendments of 1989 (Pub. L. 101-237) contain provisions which affect the Montgomery GI Bill—Active Duty. These include establishing flight training under this GI bill; changes in the method for determining the end of a veteran's eligibility period; amendments to the work-study program; and the elimination of absence accounting. The regulations governing these portions of the Montgomery GI Bill—Active Duty must be amended accordingly.

The Department of Veterans Affairs has determined that these amended regulations do not contain a major rule as that term is defined by E.O. 12291, entitled Federal Regulation. The regulations will not have a $100 million annual effect on the economy, and will not cause a major increase in costs or prices for anyone. They will have no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Secretary of Veterans Affairs has certified that these amended regulations, if promulgated, will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b), the amended regulations, therefore, are exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

This certification can be made because the regulations affect only individuals. They will have no significant economic impact on small entities, i.e., small businesses, small private and nonprofit organizations, and small governmental jurisdictions. VA finds that good cause exists for making the amendments to § 21.7145, like the provisions of law they implement, retroactively effective on May 1, 1990. VA finds that good cause exists for making the amendments to §§ 21.7020, 21.7076, 21.7120, 21.7135(e), 21.7220, and 21.7222, like the provisions of law they implement, retroactively effective on September 30, 1990. VA also finds that good cause exists for making the amendments to the remainder of the regulations, like the provisions of law they implement, retroactively effective on December 18, 1989. It is necessary to implement these provisions of law as soon as possible for two reasons. For those provisions which are intended to achieve a benefit for the individual, the maximum benefits intended in the legislation will be achieved through prompt implementation. For those provisions which are restrictive, prompt implementation will properly achieve the intent of the law. Hence, a delayed effective date would be contrary to statutory design; would complicate administration of these provisions of law; might result in the denial of a benefit to someone who is entitled to it; or might result in the awarding of a benefit to someone who is not entitled to it.

The Catalog of Federal Domestic Assistance number for the program affected by this regulation is 64.124.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs-education, Loan programs-education, Reporting and recordkeeping requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: June 13, 1991.

Edward J. Derwinski,

Secretary of Veterans Affairs.

For the reasons set forth in the preamble, 38 CFR part 21 is proposed to be amended as follows:

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

1. The authority citation for part 21, subpart K is revised to read as follows:

Authority: 38 U.S.C. 30, 210(c).

1A. In § 21.7020, paragraphs (b)(25)(i)(E) and (F) are revised and paragraph (b)(25)(i)(G) is added;

paragraph (b)(26)(ii) and its authority citation are revised to read as follows:

§ 21.7020 Definitions.

* * * * *

(b) *Other definitions.* * * *

(25) *Pursuit.* (i) * * *

(E) A graduate program of research in absentia,

(F) Medical-dental internships and residencies, nursing courses and other medical-dental specialty course, or

(G) A flight training course during the period beginning on September 30, 1990, and ending on September 30, 1994.

(26) *Refresher course.* * * *

(ii) A course which permits an individual to update knowledge and skills or be instructed in the technological advances which have occurred in the individual's field of employment during and since the period of the individual's active military service.

(Authority: 38 U.S.C. 1434(a))

* * * * *

2. In § 21.7042, paragraph (a)(3) and its authority citation are revised; paragraph (b)(2) is revised and an authority citation is added; paragraph (e)(2)(iii) is revised and its authority citation is added to read as follows:

§ 21.7042 Basic eligibility requirements.

* * * * *

(a) *Eligibility based solely on active duty.* * * *

(3) The individual before completing the service requirements of this paragraph must either—

(i) Complete the requirements of a secondary school diploma (or an equivalency certificate) before completing the service requirements of this paragraph, or

(ii) Successfully complete the equivalent of 12 semester hours or the equivalent in a program of education leading to a standard college degree; and

(Authority: 38 U.S.C. 1411, 1412, 1416)

* * * * *

(b) *Eligibility based on active duty service and service in the Selected Reserve.* * * *

(2) The individual before completing the service requirements of this paragraph must either—

(i) Complete the requirements of a high school diploma (or an equivalency certificate),

(ii) Successfully complete the equivalent of 12 semester hours or the equivalent in a program of education leading to a standard college degree.

(Authority: 38 U.S.C. 1411, 1412, 1416)

* * * * *

(e) *Eligibility to receive educational assistance while serving a qualifying period of active duty.* * * *

(2) * * *

(iii) Before beginning the training for which he or she wishes to receive educational assistance—

(A) Has completed the requirements of a high school diploma (or equivalency certificate), or

(B) Has successfully completed the equivalent of 12 semester hours or the equivalent in a program of education leading to a standard college degree.

(Authority: 38 U.S.C. 1411, 1412, 1416)

* * * * *

3. In § 21.7050, paragraphs (a) and (b) and their authority citations are revised to read as follows:

§ 21.7050 Ending dates of eligibility.

* * * * *

(a) *Ten-year time limitation.* (1) Except as in paragraph (b) of this section and in § 21.7051, VA will not provide basic educational assistance or supplemental educational assistance to a veteran or servicemember beyond 10 years from the later of—

(i) The date of the veteran's last discharge or release from a period of active duty of 90 days or more of continuous service;

(ii) The date of the veteran's last discharge or release from a shorter period of active duty if the discharge or release is—

(A) For a service-connected disability, or

(B) For a medical condition which preexisted such service and which VA determines is not service-connected, or

(C) For hardship, or

(D) Involuntary, for the convenience of the government after October 1, 1987, as a result of a reduction in force, as determined by the Secretary of the military department concerned, in accordance with regulations prescribed by the Secretary of Defense or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy; or

(iii) The date on which the veteran meets the requirement for four years service in the Selected Reserve found in § 21.7042(b) and § 21.7044(b).

(2) In determining whether a veteran was discharged or released from active duty for a medical condition which preexisted that active duty, VA will be bound by a decision made by a competent military authority.

(Authority: 38 U.S.C. 1431(a), 1431(g))

(b) *Reduction of 10-year eligibility period.* (1) Except as provided in paragraph (b)(2) of this section, a veteran who had eligibility for educational assistance under 38 U.S.C. ch. 34 and who is eligible for educational assistance under 38 U.S.C. ch. 30 as provided in § 21.7044 shall have his or her 10-year period of eligibility reduced by the number of days he or she was not on active duty during the period beginning on January 1, 1977, and ending on October 18, 1984.

(2) A veteran's 10-year period of eligibility shall not be reduced by any period in 1977 before the veteran began serving on active duty when the veteran qualified for educational assistance under 38 U.S.C. ch. 34 through service on active duty which—

(i) Commenced within 12 months of January 1, 1977, and

(ii) Resulted from a contract with the Armed Forces in a program such as the DEP (Delayed Enlistment Program) or an ROTC (Reserve Officers' Training Corps) program for which a person enlisted in, or was assigned to, a reserve component before January 1, 1977.

(Authority: 38 U.S.C. 1431(e))

* * * * *

4. In § 21.7076, paragraph (a) and its authority citation is revised; paragraph (b)(1) introductory text is revised; paragraph (b)(9) and its authority citation are added to read as follows:

§ 21.7076 Entitlement charges.

(a) *Overview.* VA will make charges against entitlement as stated in this section. Charges will be made against the entitlement the veteran or servicemember has to educational assistance under 38 U.S.C. ch. 30 as the assistance is paid. After December 31, 1989, there will be a charge (for record purposes only) against the remaining entitlement, under 38 U.S.C. ch. 34 of an individual who is receiving educational assistance under § 21.7137. The record-purpose charges against entitlement under 38 U.S.C. ch. 34 will not count against the 48 months of total entitlement under both 38 U.S.C. chs. 30 and 34 to which the veteran or servicemember may be entitled. (See § 21.4020(a).) Except for those pursuing correspondence training, flight training, or apprenticeship or other on-job training, charges are based upon the principle that a veteran or servicemember who trains full time for one day should be charged one day of entitlement. The provisions of this section apply to—

(1) Veterans and servicemembers training under 38 U.S.C. ch. 30, and

(2) Veterans training under 38 U.S.C. ch. 31 who make a valid election under § 21.21 to receive educational assistance

equivalent to that paid to veterans under 38 U.S.C. ch. 30.

(Authority: 38 U.S.C. 1413)

(b) *Determining entitlement charge.* (1) Except for those pursuing correspondence training, cooperative training, flight training, or apprenticeship or other on-job training, and those receiving tutorial assistance, VA will make a charge against entitlement—

* * * * *

(9) When a veteran or servicemember is pursuing a program of education through flight training, VA will make a charge against entitlement for each payment made to him or her. The charge—

(i) Will be made in months and decimal fractions of a month, and

(ii) Will be determined by dividing the amount of the payment by an amount equal to the rate of basic educational assistance otherwise applicable to him or her for full-time institutional training.

(Authority: 38 U.S.C. 1431(f))

* * * * *

5. In § 21.7120, paragraph (c) and its authority citation are revised to read as follows:

§ 21.7120 Courses included in programs of education.

* * * * *

(c) *Flight training.* (1) VA may pay educational assistance for an enrollment in a flight training course—

(i) When an institution of higher learning offers the course for credit toward the standard college degree the veteran or servicemember is pursuing; or

(ii) When—

(A) A flight school is offering the course,

(B) The State approving agency and the Federal Aviation Administration have approved the course,

(C) The course of flight training is generally accepted as necessary to attain a recognized vocational objective in the field of aviation which the veteran or servicemember is pursuing, and

(D) The training for which payment is made occurred after September 29, 1990, and before October 1, 1994.

(2) VA will not pay educational assistance for an enrollment in a flight training course which the veteran or servicemember is pursuing as ancillary training for a vocation other than aviation.

(Authority: 38 U.S.C. 1434(f))

6. In § 21.7135, paragraph (e)(5) and its authority citation are added; paragraphs (l) and (q) and their authority citations are revised to read as follows:

§ 21.7135 Discontinuance dates.

* * * * *

(e) *Course discontinued, course interrupted, course terminated, course not satisfactorily completed or withdrawn from.* * * *

(5) When a veteran or servicemember withdraws from a flight course, VA will terminate educational assistance effective the date of last instruction.

(Authority: 38 U.S.C. 1434(f))

* * * * *

(l) *Unsatisfactory progress, conduct or attendance.* If a veteran's or servicemember's progress, conduct or attendance is unsatisfactory, his or her educational assistance shall be discontinued effective the earlier of the following:

(1) The date the educational institution discontinues the veteran's or servicemember's enrollment; or

(2) The date on which the veteran's or servicemember's progress, conduct or attendance becomes unsatisfactory according to the educational institution's regularly established standards of progress, conduct or attendance.

(Authority: 38 U.S.C. 1434, 1674)

* * * * *

(q) *Active duty.* If a veteran reenters on active duty, the effective date of reduction of his or her award of educational assistance shall be the day before the veteran's entrance on active duty. (This reduction does not apply to brief periods of active duty for training if the educational institution permits absence for active duty for training without considering the veteran's pursuit of a program of education to be interrupted).

(Authority: 38 U.S.C. 1432)

* * * * *

7. In § 21.7139, the introductory text of paragraph (a) is revised and its authority citation is added to read as follows:

§ 21.7139 Conditions which result in reduced rates.

* * * * *

(a) *Absences.* A veteran or servicemember enrolled in a course not leading to a standard college degree (other than one to which § 21.4270(a), footnote 6 applies) will have his or her educational assistance reduced for any day of absence which occurred before December 18, 1989, and which exceeds the maximum allowable absences permitted in this paragraph.

(Authority: 38 U.S.C. 1434, 1780)

* * * * *

8. In § 21.7140, paragraph (c)(1)(iii) is revised and an authority citation is added to read as follows:

§ 21.7140 Certifications and release of payments.

* * * * *

(c) *Other payments.* * * *

(1) * * *

(iii) In the case of a veteran or servicemember pursuing a course not leading to a standard college degree, other than one to which § 21.4270(a), footnote 6 applies, a report from the veteran or servicemember of each day of absence from scheduled attendance which occurred before December 18, 1989. If the veteran is enrolled concurrently in more than one educational institution, the primary educational institution will endorse the report. For a discussion of each of these certifications see § 21.7152 and § 21.7154.

(Authority: 38 U.S.C. 1434, 1780(a)(2))

* * * * *

9. In § 21.7142, paragraphs (a) (5) and (6) and the authority citation to paragraph (a) are revised; paragraph (a)(7) is added to read as follows:

§ 21.7142 Nonduplication of educational assistance.

(a) * * *

(5) 10 U.S.C. chapter 107,

(6) The Hostage Relief Act of 1980 (Pub. L. 96–449, 94 Stat. 1967–1974 (5 U.S.C. 5561 note)), and

(7) The Omnibus Diplomatic Security and Antiterrorism Act of 1986 (Pub. L. 99–399, 100 Stat. 887–889 (10 U.S.C. 2181–2185).

(Authority: 38 U.S.C. 1433, 1781)

* * * * *

10. In § 21.7145, the section heading and paragraphs (a), (d) and (f) and their authority citations are revised to read as follows:

§ 21.7145 Work-study allowance.

(a) *Eligibility.* Veterans pursuing programs of education or training at a rate of three-quarter-time or full-time are eligible to receive a work-study allowance.

(Authority: 38 U.S.C. 1434, 1685)

* * * * *

(d) *Rate of payment.* In return for the veteran's agreement to perform services for VA totaling not more than 25 hours times the number of weeks contained in an enrollment period, VA will pay an allowance in an amount equal to the higher of—

(1) The hourly minimum wage in effect under section 6(a) of the Fair Labor Standards Act of 1938 times the number of hours the veteran has agreed to work, or

(2) The hourly minimum wage under comparable law of the State in which

the services are to be performed times the number of hours the veteran has agreed to work.

(Authority: 38 U.S.C. 1434, 1685)

* * * * *

(f) *Veteran reduces rate of training.* In the event the veteran reduces his or her training to less than three-quarter time before completing an agreement, the veteran, with the approval of the Director of the VA field station, or designee, may be permitted to complete the portions of an agreement in the same or immediately following term, quarter or semester in which the veteran ceases to be a three-quarter-time student.

(Authority: 38 U.S.C. 1434, 1685)

* * * * *

11. In § 21.7153, paragraph (c) and its authority citation are revised and paragraph (d) and its authority citation are added to read as follows:

§ 21.7153 Progress and conduct.

* * * * *

(c) *Satisfactory attendance.* In order to receive educational assistance for pursuit of a program of education, an individual must maintain satisfactory attendance. VA will discontinue educational assistance if the individual does not maintain satisfactory attendance. Attendance is unsatisfactory if the individual does not attend according to the regularly prescribed standards of the educational institution in which he or she is enrolled.

(Authority: 38 U.S.C. 1434, 1674)

(d) *Reentrance after discontinuance.* (1) An individual may be reentered following discontinuance because of unsatisfactory attendance, conduct or progress when either of the following sets of conditions exists:

(i) The individual resumes enrollment at the same educational institution in the same program of education and the educational institution has both approved the individual's reenrollment and certified it to VA; or

(ii) VA determines that—

(A) The cause of the unsatisfactory attendance, conduct or progress has been removed, and

(B) The program which the individual now proposes to pursue is suitable to his or her aptitudes, interests and abilities.

(2) Reentrance may be for the same program, for a revised program, or for an entirely different program depending on the cause of the discontinuance and the removal of that cause.

(Authority: 38 U.S.C. 1434, 1674)

12. In § 21.7154, paragraph (b)(1)(ii) is revised; paragraph (b)(1)(iii) and an authority citation for paragraph (b)(1) are added to read as follows:

§ 21.7154 Pursuit and absences.

* * * * *

(b) *Additional requirements when the course does not lead to a standard college degree.* (1) * * *

(ii) The course does not qualify for measurement on a credit-hour basis as provided in § 21.4270(a), footnote 6; and

(iii) The absences occurred before December 18, 1989.

(Authority: 38 U.S.C. 1434, 1780(a))

* * * * *

13. In § 21.7156, paragraph (a)(2) is revised and its authority citation is added to read as follows:

§ 21.7156 Other required reports from educational institutions.

* * * * *

(a) *Interruptions, terminations and changes in hours of credit or attendance.* * * *

(2) If the educational institution has certified the veteran's or servicemember's enrollment for more than one term, quarter, or semester and the veteran or servicemember interrupts his or her training at the end of a term, quarter, or semester within the certified enrollment period, the educational institution shall report the change in status to VA in time for VA to receive the report within 30 days of the last officially scheduled registration date for the next term, quarter or semester.

(Authority: 38 U.S.C. 1434, 1780(a), 1784)

* * * * *

14. In § 21.7172, paragraphs (a) (1) and (2) are revised to read as follows:

§ 21.7172 Measurement of concurrent enrollments.

(a) *Conversion of units of measurement required.* * * *

(1) If VA measures the course at the primary institution on a credit-hour basis (including a course which does not lead to a standard college degree, which is being measured on a credit-hour basis as provided in footnote 6 to § 21.4270(a)), and VA measures the courses at the second school on a clock-hour basis (including equivalent clock hours), the clock hours will be converted to credit hours.

(2) If VA measures the courses pursued at the primary institution on a clock-hour basis (including equivalent clock hours), and VA measures the courses pursued at the second school on a credit-hour basis, including courses which qualify for credit-hour measurement on the basis of footnote 6 to § 21.4270(a), VA will convert the credit hours to clock hours to determine the veteran's training time.

* * * * *

15. In § 21.7220, paragraph (c) and its authority citation are added to read as follows:

§ 21.7220 Course approval.

* * * * *

(c) *Flight training.* VA and the State approving agencies shall apply the provisions of § 21.4263 Flight training when administering flight training under 38 U.S.C. ch. 30.

(Authority: 38 U.S.C. 1434)

16. In § 21.7222, paragraph (b) is revised and its authority citation is added to read as follows:

§ 21.7222 Courses and enrollments which may not be approved.

* * * * *

(b) a flight training course unless the course meets the requirements of § 21.4263.

(Authority: 38 U.S.C. 1434(d))

* * * * *

17. In § 21.7280, paragraph (b)(3)(ii) and its authority citation are revised to read as follows:

§ 21.7280 Death benefit.

* * * * *

(b) *Necessary criteria for death benefit.* * * *

(3) * * *

(ii) At the time of the individual's death he or she is on active duty with the Armed Forces and but for the minimum service requirements of § 21.7042(a)(2) or § 21.7042(b) (3) or (4) or the educational requirements of § 21.7042(a)(3) or § 21.7042(b)(2) or both would be entitled to basic educational assistance through having met the eligibility requirements of § 21.7042.

(Authority: 38 U.S.C. 1417(a))

* * * * *

[FR Doc. 91-24267 Filed 10-11-91; 8:45 am]

BILLING CODE 8320-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 69

[CC Docket No. 86-10; FCC 91-249]

Provision of Access for 800 Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission adopted a Second Supplemental Notice of Proposed Rulemaking and a Memorandum Opinion and Order on Reconsideration of the Commission's earlier decision in a Report and Order in

CC Docket 86–10, 54 FR 18654, May 2, 1989 regarding 800 data base access services. The Commission initiated the Notice to consider the proposed rate structure and pricing of 800 data base access services. The Commission concludes that further comment is necessary, particularly in light of the recent implementation of price cap regulation. The Commission concludes that this action is in the public interest and will provide heightened 800 service competition and increased choices.

DATES: Comments are to be filed by October 21, 1991, and replies are to be filed by November 20, 1991.

ADDRESSES: Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Gary Phillips, (202) 632–4047, Policy and Program Planning Division, Common Carrier Bureau.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Second Supplemental Notice of Proposed Rulemaking in CC Docket No. 86–10, adopted August 1, 1991, and released September 4, 1991 (FCC 91–249). The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, 1114 21st Street, NW., Washington, DC, 20037, (202) 452–1422.

Second Supplemental Notice of Proposed Rulemaking

1. On March 30, 1989, the Commission adopted a Report and Order in CC Docket 86–10, 54 FR 18654 (May 2, 1989), on the provision of 800 access service. 800 Service is an interexchange service in which subscribers agree in advance to pay for all calls made to them using a predesignated 800 number. A number of parties petitioned for reconsideration of the Commission's decision in this proceeding. Thus, on August 1, 1991, the Commission adopted a Memorandum Opinion and Order on Reconsideration and a Second Supplemental Notice of Proposed Rulemaking.

2. In the Memorandum Opinion and Order on Reconsideration (Reconsideration Order) the Commission modified its earlier decision addressing the obligations of local exchange carriers (LECs) in furnishing 800 access service to interexchange carriers (IXCs). The Commission adopted a revised access time standard for the implementation of mandatory data base access and required the seven Bell Operating Companies (BOCs) and GTE to meet that standard within eighteen months from September 4, 1991. The Commission eliminated the requirement that IXCs provide LECs with the plain old telephone service number of each 800 service subscriber that uses a LEC for its intraLATA 800 service. The Commission also clarified the Order in certain respects, and its denied certain aspects of petitions for reconsideration.

3. In addition, the Commission required LECs to offer 800 data base access through separate subelements for carrier identification and the various vertical features. The Commission concluded, particularly in view of the recent implementation of price cap regulation, that it is necessary to seek further comment on the appropriate rate structure and pricing rules for 800 data base access services. Thus, the Commission also initiated the Second Supplemental Notice of Proposed Rulemaking.

4. The Commission seeks comment on the pricing structure LECs should use for basic 800 service data base access and any vertical features they offer. The Commission tentatively concludes that LECs should price basic 800 data base access on a per query basis. If commenters suggest alternatives to a per query change, parties should explain how such a pricing structure relates to the way that the costs of providing 800 access services are incurred. The Commission also seeks comment on how LECs should price vertical features. Commenters should explain how any proposed pricing structure relates to the way in which the costs of providing such features are incurred.

5. The Commission also seeks comment on the pricing of 800 data base access services by both price cap and rate-of-return LECs. For price cap carriers, the Commission must establish rules for initial prices and for subsequent price changes. The Commission seeks comment on whether the pricing rules for restructured services are appropriate for setting the initial rates for the carrier identification service. Commenters advocating the use of a different test for the carrier identification service should provide specific proposals in their initial comments.

6. The Commission tentatively concludes that the new services pricing rules are appropriate for setting the initial rates for vertical services because vertical features would be new services under price cap regulation, subject to the flexible cost-based pricing approach recently established by the Commission.

7. The Commission proposes that 800 data base access services should be in the traffic sensitive switched services basket, and that a new service category, with five percent upper and lower bands, should be created for the 800 data base elements. In addition, the Commission tentatively concludes that creating a subindex for vertical features is necessary to ensure appropriate pricing of these services. The Commission proposes that this subindex limit both upward and downward pricing flexibility for vertical features.

8. For rate-of-return carriers, the Commission seeks comment on what rule changes are necessary to implement its decision to amend the Part 69 rules to add a new rate element and subelements for 800 data base access services. Commenters are requested to describe the changes in the Part 69 cost allocation rules needed to ensure that 800 data base costs are allocated to the 800 data base elements.

Ex Parte Rules

9. This is a non-restricted notice and comment rulemaking proceeding. See generally § 1.1206(a) of the Commission's Rules, 47 CFR 1.1206(a), for rules governing permissible *ex parte* contacts.

Regulatory Flexibility Requirements

10. Pursuant to the Regulatory Flexibility Act, the Commission certifies that the proposals made in this proceeding will not have a significant economic impact on a substantial number of small entities, and that the Regulatory Flexibility Act is, therefore, not applicable to this proceeding.

1. *It is ordered and Notice is Hereby Given* of the proposed rate structure and pricing of 800 data base access services. *Comment is invited* on these proposals.

List of Subjects for 47 CFR Part 69

Telephone.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 91–24644 Filed 10–11–91; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 91–296, RM–6090]

Radio Broadcasting Services; Christiansted, VI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by St. Croix Wireless Co., permittee of Channel 228A at Christiansted, Virgin Islands, proposing the substitution of Channel 228B for Channel 228A and modification of its construction permit to specify operation on the higher class channel. The reference coordinates for the proposed Channel 228B allotment at Christiansted, Virgin Islands, are 17–44–07 and 64–40–12.

DATES: Comments must be filed on or before December 2, 1991, and reply comments on or before December 17, 1991.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: John T. Galanses, President, 90 Key Haven Road, Key West, FL 33040 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Robert Hayne, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 91–296, adopted September 27, 1991, and released October 9, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452–1422, 1714 21st Street, NW., Suite 140, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Douglas W. Webbink,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91–24782 Filed 10–11–91; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Notice of Reopening of Comment Period on Proposed Designation of Critical Habitat for Six Endangered Forest Species From Guam

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of reopening of public comment period on proposed designation of critical habitat.

SUMMARY: The U.S. Fish and Wildlife Service (Service) gives notice that the comment period for the proposed designation of critical habitat for six endangered forest species from Guam is reopened. The proposed rule was published on June 14, 1991 (56 FR 27486). The Service believes the comment period should be reopened to obtain additional information on the economic impacts of the proposed designation. The request to reopen the comment period was made by the Guam Urunao Resort Corporation (GURC).

DATES: Comments on the proposed designation of critical habitat for six endangered forest species from Guam must be submitted by October 31, 1991.

ADDRESSES: Information, comments or questions on the designation of critical habitat on Guam should be submitted to the Field Supervisor, Pacific Islands Office, U.S. Fish and Wildlife Service, 300 Ala Moana Boulevard, room 6307, P.O. Box 50167, Honolulu, Hawaii 96850. Materials pertaining to the proposed designation of critical habitat will be available for public inspection during normal business hours, by appointment, at the above address.

FOR FURTHER INFORMATION CONTACT: Robert F. Smith, Field Supervisor, at the above Honolulu address (telephone 808/541–2749 or FTS 551–2749).

SUPPLEMENTARY INFORMATION:

Background

On June 14, 1991 (56 FR 27486), the Service proposed to designate critical habitat for six endangered forest species from Guam, and, on July 12, 1991 (56 FR 31902), announced the scheduling of public hearing on subject proposal. The public hearing was held in Agana, Guam, on July 31. The public was asked to submit written comments and materials by August 13, 1991. Subsequent to that date, the GURC requested the opportunity to submit additional information on the economic impacts of the proposed designation of critical habitat for consideration by the Service.

The designation of critical habitat applies to the following six species: the little Mariana fruit bat (*Pteropus tokudae*), Mariana fruit bat (*Pteropus mariannus mariannus*), Guam broadbill (*Myiagra freycineti*), Mariana crow (*Corvus kubaryi*), Guam Micronesian kingfisher (*Halcyon cinnamomina cinnamomina*), and Guam bridled white-eye (*Zosterops conspicillatus conspicillatus*). All of these species are found in the Mariana Islands in the western Pacific in the Territory of Guam, two species, the Mariana fruit bat and the Mariana crow, are also found on the island of Rota in the Commonwealth of the Northern Mariana Islands. All were listed as endangered on August 27, 1984 (49 FR 33881), due to one or more of the following activities: Poaching, predation by the introduced brown tree snake, and habitat loss.

The proposed rule to designate critical habitat includes a total of 16,893 acres in northern Guam and 7,669 acres in southern Guam. The land is primarily under Federal ownership, with a smaller percentage owned by the Government of Guam and private landowners. Section 4 of the Act requires the Service to consider economic impacts prior to making a final decision on the designation of critical habitat.

Additional information and comments may be submitted through October 31, 1991 to the Service office in the **ADDRESSES** section.

Author

This notice was prepared by Ms. Karen Rosa, U.S. Fish and Wildlife Service, Pacific Islands Office, P.O. Box 50167, Honolulu, Hawaii 96850 (808/541–2749 or FTS 551–2749).

Authority: The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.)

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Dated: October 4, 1991.

William E. Martin,

Acting Regional Director, U.S. Fish and Wildlife Service, Region 1.

[FR Doc. 91–24715 Filed 10–11–91; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 672 and 675

[Docket No. 910783-1183]

RIN 0648-AE44

Groundfish of the Gulf of Alaska; Groundfish of the Bering Sea and Aleutian Islands Area

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

ACTION: Proposed rule; request for comments.

SUMMARY: NOAA proposes to prohibit the use of pot-and-longline gear in the groundfish fisheries of the Bering Sea and Aleutian Islands (BSAI), except the Aleutian Islands subarea, and all groundfish fisheries of the Gulf of Alaska (GOA). This action is necessary to prevent gear conflicts and preemption of fishing grounds that will otherwise occur if the use of pot-and-longline gear increases in the groundfish fisheries. It is intended to promote the goals and objectives of the North Pacific Fishery Management Council (Council) with respect to groundfish management off Alaska.

DATES: Comments are invited until November 8, 1991.

ADDRESSES: Comments may be sent to Dale R. Evans, Chief, Fishery Management Division, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802. Copies of the environmental assessment/regulatory impact review/initial regulatory flexibility analysis (EA/RIR/IRFA) may be obtained from the same address. Comments on the environmental assessment are particularly requested.

FOR FURTHER INFORMATION CONTACT: Ronald J. Berg (Fishery Management Biologist, NMFS), 907-586-7230.

SUPPLEMENTARY INFORMATION:

Background

The domestic and foreign groundfish fisheries in the exclusive economic zone (EEZ) of the GOA and BSAI are managed by the Secretary of Commerce (Secretary) under the Fishery Management Plans for Groundfish of the Gulf of Alaska (GOA FMP) and the Groundfish Fishery of the Bering Sea and Aleutian Islands (BSAI FMP). The FMPs were prepared by the Council under the Magnuson Fishery Conservation and Management Act (Magnuson Act) and are implemented by regulations for the foreign fisheries appearing at 50 CFR 611.92 and 611.93 and for the U.S. fisheries at 50 CFR parts 672 and 675.

At times, amendments to the FMPs and/or their implementing regulations are necessary to resolve problems pertaining to management of the groundfish fisheries. The structure of both groundfish FMPs provides for changes to gear restrictions by amending regulations (regulatory amendments) without accompanying amendments to the FMPs (sections 4.3.1.2.3 in the GOA FMP and 14.4.4 in the BSAI FMP). This action contains a regulatory amendment that proposes to prohibit the use of pot-and-longline gear in the groundfish fisheries. A description of, and reasons for, the proposed restrictions follows.

Fishing gear primarily used in the groundfish fishery in the GOA and in the BSAI includes trawl, hook-and-line, jig, and pot gear. However, fishermen are prohibited from using pot gear to harvest sablefish in the GOA.

Various gear types can cause gear conflicts and preemption of fishing grounds when used in the same area and at the same time. Pots primarily are used when fishing for Pacific cod in the GOA and the BSAI. They may be deployed either as pot-and-line gear (a stationary, buoyed line with a single pot attached) or as pot-and-longline gear (a stationary, buoyed, and anchored line with two or more pots attached). Pot-and-longline gear is set in a string on the sea bed.

Hook-and-line gear also may be set with one or more hooks attached to a single line, or as a longline, or string, deployed on the sea bed. Both hook-and-line and pot-and-longline gear can be deployed in strings that may be 2 to 4 miles in length. The strings are laid on the sea bed with their ends connected to float lines for identification and retrieval. Each pot may weigh 100–125 pounds, and as many as 24 pots may be fished on a string. The groundline used to secure a pot string is much thicker (¾ inch in diameter) and stronger (breaking strength = 10,400 pounds) than the groundline used for a hook-and-line string (5/16 inch in diameter; breaking strength 3,000 pounds). The pot gangion (the cord between the pot and the groundline) also is thicker and stronger (5/16 inch; breaking strength = 3,000 pounds) than the hook gangion (#36, #43, or #48 cord; breaking strength about 288–300 pounds).

Pot-and-longline gear is usually laid parallel to depth contours, because pot gear is used primarily to fish for Pacific cod, which occur along well-defined depth contours. Conversely, hook-and-line strings are laid obliquely across depth contours, particularly when fishing for sablefish and Pacific halibut. Because pot-and-longline gear is much heavier than hook-and-line gear, its use is incompatible with hook-and-line gear when deployed on the same fishing grounds. Hook-and-line gear usually cannot be retrieved if it is overlaid by pot-and-longline gear. Furthermore, if a hook-and-line string has been placed over a pot-and-longline gear, and it snags the pot-and-longline gear, it often cannot be retrieved. Pot-and-longline gear can be retrieved even when overlaid with hook-and-line strings, but, when retrieved, usually will lift or break the groundline used in the hook-and-line string. Pot-and-longline gear may be lost on fishing grounds, forcing out hook-and-line gear. Thus, pot-and-longline gear effectively preempt the common fishing grounds, forcing out hook-and-line gear. To avoid entanglement, hook-and-line fishermen must avoid such areas.

The use of pot-and-longline gear also may be incompatible with trawl gear. A moving trawl, which encounters a single pot attached to a longline, could pick up the entire pot-and-longline string. Also, if a string of pot-and-longline gear has been abandoned at sea, it can continue to be encountered by trawl gear for several years.

According to the NMFS permit database, 47 vessels were permitted to use pot gear in 1990. Of these, 40 were catcher vessels and 7 were catcher/processor vessels. The number of vessels permitted to use pot gear in 1991 is 75, representing a 60 percent increase. Of these, 65 are catcher vessels and 10 are catcher/processor vessels.

Information received from the fishery indicates that only three vessels used pot-and-longline gear to fish for groundfish in 1990. Based on public testimony to the Council and conversations with industry representatives, NMFS expects, if it were not for these regulations, the use of pot-and-longline gear could increase. The increase in use could also occur because a contributing factor to this expectation is that pot gear currently is exempt from closures required by halibut bycatch measures in both the GOA and BSAI.

In 1990, total domestic processing (DAP) catches of Pacific cod in the Gulf of Alaska and Bering Sea/Aleutians were 70,770 metric tons (mt) and 167,283 mt, respectively (Table 1). These harvests represent increases of 65 percent and 22 percent over 1989 DAP harvests. The 1990 Pacific cod catch by vessels using pot gear was 3 percent of the total cod catch, or 7,046 mt. The

number of vessels using pot gear is presently small, as is the amount of Pacific cod being harvested by pot gear. However, increased fishing effort by vessels using pot-and-longline gear for Pacific cod could cause increased gear conflicts and ground preemptions.

TABLE 1.—SUMMARY OF 1990 PACIFIC COD CATCHES (MT) BY GEAR TYPE IN THE BSAI AND GOA (SOURCE: NMFS 1990 DAP GROUNDFISH REPORT THROUGH 12/31/90).

	Gulf of Alaska	Bering Sea	Aleutians	Total
Gear Pot	5,660	1,385	1	7,046
Trawl	59,188	111,511	6,904	177,603
H&L	5,922	46,906	576	53,404
Total	70,770	159,802	7,481	238,053

Representatives of vessels using trawl and hook-and-line gear requested the Council to prohibit the use of pot-and-longline gear to prevent gear conflicts and ground preemptions. The Council determined that prohibiting pot-and-longline gear was the most effective means to solve this problem. Therefore, the Council recommended that a regulatory amendment be implemented by the Secretary of Commerce to prohibit pot-and-longline gear in all the GOA and BSAI management areas except the Aleutian Islands subarea as defined at § 675.2.

The Council recommended that pot-and-longline gear be permitted in the Aleutian Islands subarea for several reasons. A fishery for brown king crab is conducted in the Aleutian Islands subarea, with up to 15 vessels participating in this fishery. This fishery is conducted in deep water (400 fathoms) along the precipitous continental slope. Individually fished pots that are lost in such deep water are difficult, if not impossible, to retrieve. Fishermen are better able to retrieve pots set in very deep water if pot-and-longline gear is used. Fishermen also use pot-and-longline gear to catch Pacific cod for crab bait, which could not be done if pot-and-longline gear were prohibited in this area. Futhermore, effective enforcement against the use of pot-and-longline gear in the groundfish fishery would be difficult in the presence of legal crab gear of similar type.

For the above reasons, the Secretary concurs in the Council's recommendations, and proposes to prohibit pot-and-longline gear in the management units off Alaska except in the Aleutian Islands subarea. In proposing this restriction, the Secretary recognizes that some fishing efficiency in the groundfish pot fishery will be lost as fishermen use pot-and-line gear (i.e., single line pots) rather than pot-and-longline gear. Because some groundfish fishermen already are using single line pot gear, the Secretary believes the prohibition on the use of pot-and-longline gear will not be overly burdensome. This prohibition will produce benefits from reduced gear conflicts and fishing ground preemptions compared to costs imposed on the industry.

Other Changes

In addition to changes in the regulatory text regarding pot-and-longline gear, regulations at § 672.24(c)(2) are simplified by removing the reference to restrictions after 1988, because they serve no purpose. Also, an incorrect citation in § 672.24(c)(1) is changed from (b)(3)(ii) to (c)(3)(ii).

Classification

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), has determined that this rule is necessary for the conservation and management of the groundfish fisheries off Alaska and that it is consistent with the Magnuson Act and other applicable law.

The Alaska Region, NMFS, prepared an environmental assessment (EA) for this proposed rule. The public may obtain a copy of the EA from the Regional Director (see **ADDRESSES**).

The initial regulatory flexibility analysis prepared as part of the EA/RIR/IRFA concludes that this proposed rule, if adopted, would have significant effects on small entities. A summary of this analysis follows:

Prohibiting pot-and-longline gear in the Bering Sea subarea and in the Gulf of Alaska is an effective method of preventing gear conflicts and ground preemptions. Although only three vessels deployed pot-and-longline gear in 1990, about 75 vessels are permitted by NMFS to use pots and potentially could deploy pot-and-longline gear. Thus about 75 vessels would be impacted if each had the intention to use pot-and-longline gear. However, these vessels could continue fishing with pots by deploying them as pot-and-line gear (single line pots).

Because this action is intended to prevent gear conflicts and fishing ground preemptions among all vessels, about 900 vessels would benefit from this action, based on the number of vessels represented by all gear types that harvested groundfish off Alaska in 1990. The benefits obtained from reduced gear conflicts and ground preemptions outweigh the costs in reduced efficiency caused by having to use pot-and-line gear instead of pot-and-longline gear. Allowing continued use of pot-and-longline gear in the Aleutian Islands subarea is necessary to facilitate recovery of longline gear, which otherwise might be lost because water depths are so extreme.

The Assistant Administrator has initially determined that this proposed rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. This determination is based on the socioeconomic impacts discussed in the EA/RIR/IRFA prepared by the Alaska Region, NMFS.

This rule does not contain a collection-of information requirement subject to the Paperwork Reduction Act.

NOAA has determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal management program of the State of Alaska.

This determination has been submitted for review by the responsible State agencies under section 307 of the Coastal Zone Management Act.

This proposed rule does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 12612.

List of Subjects in 50 CFR Parts 672 and 675

Fisheries.

Dated: October 2, 1991.

Samuel W. McKeen,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, parts 672 and 675 are proposed to be amended as follows:

PART 672—GROUNDFISH OF THE GULF OF ALASKA

1. The authority citation for 50 CFR part 672 continues to read as follows:

Authority: 16 U.S.C 1801 *et seq.*

2. In § 672.24, paragraphs (c)(1) and (c)(2) are revised and (c)(4) is added to read as follows:

§ 672.24 Gear limitations.

(c) * * *

(1) *Eastern Area.* No person may use any gear other than hook-and-line and trawl gear when fishing for sablefish in the Eastern Area. No person may use any gear other than hook-and-line gear to engage in directed fishing for sablefish. When vessels using trawl gear have harvested 5 percent of the TAC for sablefish during any year, further trawl catches of sablefish must be treated as prohibited species as provided by paragraph (c)(3)(ii) of this section. Vessels using gear types other than those specified above in the Eastern Regulatory Area must treat any catch of sablefish as a prohibited species.

(2) *Central and Western Areas.* Hook-and-line gear may be used to take up to 80 percent of the sablefish TAC in each of the Central and Western Areas, and trawl gear may be used to take up to 20 percent of the sablefish TACs in these areas. Vessels using gear types other than hook-and-line and trawl gear in the Central and Western Areas must treat any catch of sablefish in these areas as a prohibited species.

* * * * *

(4) Any person using pot-and-longline gear must treat any catch of groundfish as a prohibited species.

* * * * *

PART 675—GROUNDFISH FISHERY OF THE BERING SEA AND ALEUTIAN ISLANDS AREA

4. The authority citation for 50 CFR part 675 continues to read as follows:

Authority: 16. U.S.C. 1801 *et seq.*

5. In § 675.24, paragraph (c)(4) is added to read as follows:

§ 675.24 Gear limitations.

(c) * * *

(4) Any person using pot-and-longline gear must treat any catch of groundfish as a prohibited species, except in the Aleutian Islands subarea.

* * * * *

[FR Doc. 91–24504 Filed 10–9–91; 2:14 pm]

BILLING CODE 3510–22–M

Notices

Federal Register
Vol. 56, No. 199
Tuesday, October 15, 1991

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

Forest Service

Management Guidelines for the Northern Goshawk in the Southwestern Region

AGENCY: Forest Service, USDA.

ACTION: Notice: Republication of interim policy based on public response to the June 25, 1991, **Federal Register** publication.

Changes and additions to the guidelines and to the supplemental information are based on the public response to the June 6, 1991, **Federal Register** publication. These changes are shown with an asterisk (*) at the beginning and end of the change or addition.

SUMMARY: *Because of concern for the habitat needs of the northern Goshawk (*Accipiter gentilis*). The Regional Forester, Southwestern Region of the U.S. Forest Service, published interim management Guidelines for protection of the northern goshawk (*Accipiter gentilis), in the* **Federal Register**, Volume 56, June 25, 1991, pages 28853–28859.*

Public comments on the interim guidelines fell into two general categories. One category includes substantive comments related to present investigations by the Goshawk Scientific Committee. These comments have been referred to the Scientific Committee for their consideration. The second category includes substantive comments related to clarity and understanding of the guidelines. These comments have been incorporated. The revised interim guidelines are republished herein.

It is anticipated that these revised interim guidelines will only be in effect for a few months. A final report containing additional recommendations is expected from the Scientific Committee by January 1992. This report will have undergone scientific peer review and will be published. At that time, it will be determined how the guidelines will be incorporated into the Forest Planning process. At the same time, a decision will be made as to how the guidelines will be utilized in conjunction with the Forest Plans, and what status, if any the guidelines will have once the Forest Plan updating is complete. The interim guidelines will be replaced, revised or rescinded as a result of these decisions.

These guidelines are interim policy in the Forest Service Manual while the Southwestern Region collects more information on this sensitive species to provide a better understanding of their habitat *requirements* and other characteristics of the population.

These interim management guidelines *are to be used on Southwest* Region forests when *northern goshawk reproductive sites, including nest sites or other evidence of goshawk reproductive activities*, are found on National Forest System lands. The guidelines call for a northern goshawk post-fledging family area (PFA) to be *identified* whenever and wherever a northern goshawk reproductive site is located or evidence of reproductive activity (such as the presence of courtship behavior, *nestlings or fledglings)* is discovered. The guidelines also provide standard definitions and methodology to use when establishing and managing northern goshawk nest, replacement nest sites, and PFA's. *They call for an evaluation of the effects of proposed activities within goshawk foraging areas on the habitat for goshawk prey species.*

The guidelines were developed based on information assembled and recommended by the Goshawk Scientific Committee. This scientific committee was composed of Forest Service management and research biologists and silviculturists. The scientific committee worked with the Goshawk Task Force Group, an informal group with representatives from Federal and State agencies, environmental groups, concerned citizens, and the timber industry. *The environmental group representatives resigned from the task force following the first meeting.* The task force provided *input* to the Regional Forester, Southwestern Region on northern goshawk management.

EFFECTIVE DATE: *October 6, 1991.*

***EXPIRATION DATE:** June 6, 1992, unless replaced, revised, or rescinded sooner.*

FOR FURTHER INFORMATION CONTACT: Director, Wildlife and Fisheries or Sandra Knight Assistant Threatened, Endangered and Sensitive Species Program Manager, Southwestern Region, USDA Forest Service, 517 Gold Avenue SW., Albuquerque, New Mexico 87102, (505) 842–3260 or 842–3268.

SUPPLEMENTARY INFORMATION:

Background and Need for Guidelines

The *Southwestern* Region has been concerned with the viability of the northern goshawk for the last decade. In 1982 the goshawk was placed on the Regional Forester's sensitive species list. Goshawk inventories and monitoring began in the early 1970's on the Kaibab National Forest, which had the Region's highest known density of goshawk nests. This work started because of concern over possible population declines. The monitoring effort was intensified in 1983 in cooperation with the Arizona Game and Fish Department to provide information for an extensive data base on goshawk nesting activity and reproductive success on the Kaibab Plateau.

In 1984, a joint Forest Service-New Mexico Game and Fish study was initiated which included the first telemetry (radio tracking) data collected on the goshawk in North America. In 1990 the Region awarded a contract to develop a standard scientific protocol for surveying and monitoring northern goshawks. This protocol is now in draft form, undergoing continued scientific review *and field testing*, and has been provided to the Region's forests for optional use this field season. *The protocol will be revised using new information obtained during field use.*

Concern about the habitat needs and population viability of the northern goshawk led the Regional Forester, Southwestern Region, to classify it as a sensitive species on all National Forest System lands in Arizona and New Mexico in 1982. *The U.S. Fish and Wildlife Service has received a petition to consider it for listing as a threatened or endangered species in the forested western United States.* It is a candidate for the State of Arizona's list of threatened native wildlife species. It is not on the State of New Mexico's list,

which was recently revised and expanded.

In February 1990, Regional Forester David F. Jolly received a letter signed by a number of Arizona and New Mexico environmental groups. The letter expressed concern over goshawk population viability based partially on the requirements of the implementing regulations for the National Forest Management Act.

In March of 1990, the Region Forester decided to review the status of the goshawk. This internal review of goshawk data for Arizona and New Mexico, conducted from March to August, resulted in the decision in August 1990, to establish a Goshawk Scientific Committee and a Goshawk Task Force Group to review goshawk management needs for the Southwest Region.

The Scientific Committee, composed of Forest Service management and research biologists and silviculturists, began meeting in October 1990. They consulted with other top experts on goshawk biology and reviewed all available information on goshawk populations in the Southwest and northern goshawk habitat requirements and biology in general. They provided, and will continue to provide, scientific information on goshawk requirements to the Regional Forester and the Goshawk Task Force Group.

The Goshawk Task Force Group was made up of environmental groups, concerned citizens, and timber industry representation, as well as members from the U.S. Fish and Wildlife Service, the Arizona Game and Fish Department, the New Mexico Game and Fish Department and the Forest Service. Task Force Group meetings began early in January 1990. *Following the first meeting of the Task Force Group the environmental group representatives resigned.* The Goshawk Task Force Group will continue to review the findings of current studies being conducted by the Southwestern Region and the comments received by the Region concerning these guidelines when providing recommendations to the Regional Forester during future revisions of these guidelines. The Scientific Committee and the Goshawk Task Force Group have been meeting on a continuing basis since their inception.

The Scientific Committee approached goshawk management needs by describing desired conditions for nest sites, replacement nest sites, *post-fledging family areas (PFA's)* and foraging areas from published and unpublished research information. Nest sites are small areas *(30 acres)* and include the nest tree and the area surrounding the nest tree that contain perches and roosts. They may contain one or more alternate nests. Replacement nest sites are areas with similar characteristics to the nest site that can be used sometime in the future.

Post-fledging family areas represent an area of concentrated use by the goshawk family after the young leave the nest and until they are no longer dependent on the adults for food. The PFA provides the young hawks with the necessary hiding cover and prey and include the nest sites and replacement nest sites. A PFA is 600 acres in size.

Foraging areas *(about 5,400 acres surrounding the PFA)* are more difficult to describe because of the larger size of the area and the variety of habitat requirements of goshawk prey species. The Scientific Committee is presently reviewing all available information on northern goshawk prey species. The habitat needs of the goshawk's principal prey species in the Southwest will be used to identify the necessary conditions for the foraging area. The final recommendations of the Scientific Committee are expected later this year.

The Scientific Committee's March 1990 recommendations for nest sites, replacement nest sites and PFAs serve as the basis for *these interim management guidelines. Later revisions will incorporate updated Scientific Committee recommendations.*

To improve our information base about this species the Southwestern Region is increasing the survey effort to inventory suitable habitat and conduct studies on the northern goshawk. In 1991, the Region will spend over $600,000 in work related to the goshawk.

Interim policy was published under Forest Service regulations at 36 CFR part 216, Involving the Public in the Formulation of Forest Service Directives. It was published in advance of giving the public an opportunity to comment because of the immediate need to protect occupied northern goshawk habitat while gathering additional data about the northern goshawk during the 1991 field season.

The interim policy was published in the **Federal Register**/Volume 56, No. 122/Tuesday, June 25, 1991. Public comments on the interim policy were invited and were due September 6, 1991.

The Regional Forester's decision to implement the guidelines was appealed by a coalition of environmental groups on July 10, 1991. The Chief of the Forest Service dismissed the appeal. The Chief agreed with the Regional Forester that it was appropriate to issue interim management guidelines to provide protection for the northern goshawk, especially when the opportunity for public comment on the interim direction was provided for. However, in a letter to the appellants dated July 22, 1991, the Chief directed the Regional Forester to review the public comments and republish the interim guidelines with any necessary adjustments resulting from public comments.

Summary of Public Comments

Overview of Respondents

Of the 30 letters received on the guidelines, 19 were 2 or more pages in length. Seven of the responses included detailed section by section comments on the guidelines and several others offered specific suggestions on several key topics covered in the guidelines.

This key topic summary is designed to give a brief overview of the content of all the responses along with information about the respondents. Another document titled, "Content Analysis of Selected Responses to Northern * * *" dated September 17, 1991, organizes the seven responses under the appropriate sections to provide for easier review and evaluation.

Origin of the 30 responses included 15 from Arizona, 13 from New Mexico, 1 from Texas and 1 from Washington, DC. Using letterheads and signature blocks as indicators of affiliation, 11 responses were from individuals, 10 were from environmental affiliated groups and organizations, 4 were from timber industry companies. The Arizona and New Mexico Game and Fish Departments both responded as did the U.S. Fish and Wildlife Service. One response was from an Arizona consulting firm employed by a forest products company. Their response included a detailed report that cited scientific literature related to goshawks, analyzed findings, and made recommendations.

A few respondents approved of the guidelines as written. Most of the respondents disapproved of at least some part of the guidelines. Some felt the guidelines were too little too late, and some felt the guidelines were unnecessary or excessive. Key topics raised by the respondents and a very brief discussion summary of these topics follow.

Environmental Documentation

Comments. Nearly half of those responding discussed this topic. Most felt that an environmental analysis and documentation in an Environmental Impact Statement (EIS) or amendment of Forest Plans should have been completed prior to adoption of the guidelines. Both Game and Fish

Departments, several environmental group respondents and two of the timber industry respondents were of this opinion. Using the guidelines as part of the environmental analysis done on specific projects at the National Forest and District offices rather than preparing a regional Environmental Impact Statement was cited by at least one of these respondents as being in violation of the following public laws: Organic Act, National Environmental Policy Act (NEPA), National Forest Management Act, Multiple Use Sustained Yield Act, Administrative Procedures Act, and the Migratory Bird Treaty Act.

Some respondents said that Forest Plans and the Regional Guide should be amended prior to use of the guidelines. A few respondents contended that the guidelines have had far greater adverse social and economic impacts than were predicted by the Forest Service and this should trigger the need to terminate the guidelines until an EIS or Forest Plan amendments are completed.

Response. The environmental assessment (EA) discusses how and when additional NEPA compliance will be accomplished (chapter 1). The Forest Service believes it is premature to amend forest plans because long-term guideline recommendations are still in the development stage by the Scientific Committee. The interim short-term guidelines have been judged to be consistent with present forest plans; therefore, an amendment is not really needed now to comply with NFMA. The EA also discusses how long-term goshawk protection will be incorporated in forest plans.

Goshawk Viability

Comments. The species viability clause of the National Forest Management Act was cited by over a third of the respondents. Several cited scientific literature, mostly work published by Cole Crocker-Bedford, as the basis for their belief that the goshawk population is in rapid decline. Some stated belief that decline is currently at or soon will be at the threshold of viability. Most of these respondents further stated that this decline was a direct result of Forest Service timber harvesting practices. Most of these respondents felt that even with the guidelines the Forest Service was in violation of the viability provision and must prove it is not.

Other respondents cited preliminary data collected in 1991 by Forest Service researcher Richard Reynolds and other scientific literature, to challenge the findings published by Cole Crocker-Bedford. The methodology of making population estimates done by Cole Crocker-Bedford was also challenged as to its usefulness in documenting population decline. Some of these respondents contended that there is a viable population and that fluctuations in numbers have more to do with climatic conditions than timber harvest practices as done in the Region. A few said there is not evidence of decline and a few suggested that the guidelines should be terminated until it is proven that a viable population does not exist.

Response. Goshawk viability was addressed as one of the key issues in the environmental assessment. The Forest Service does not believe goshawk viability is threatened in the short-term, because the interim guidelines provide for protection of all post-fledging family areas and planned activity will not significantly alter the character of the foraging areas. The interim guidelines provide the needed short-term goshawk protection to guide project implementation and do not foreclose future management options related to of long-term goshawk protection. (See discussion of viability in the EA, chapter 3).

Goshawk Research

Comments. Over a third of the respondents discussed previous and on-going research related to goshawks. The research and studies mentioned in the Viability section of this summary were most often discussed. One environmental affiliated respondent felt the Forest Service research being conducted on the Kaibab National Forest this year was causing a significant adverse effect to the dwindling population. The other respondents who discussed this work were in general agreement with the research and supportive of its continuation. These respondents represented all the group affiliations outlined above.

Dames and Moore of Phoenix, Arizona, enclosed a 35-page report along with an 18-page appendix section with their response. The report is titled, "Investigation of Goshawk Reproduction, Relative to Timber Harvest and Environmental Patterns, on the North Kaibab Ranger District, Northern Arizona." This report cites research in North America and Europe, offers interpretation relative to natural and human-caused activities affecting goshawk habitat and populations, and makes recommendations for future goshawk studies.

Forest Guardians of Santa Fe, New Mexico, enclosed a copy of the 61-page petition to the Secretary of Interior requesting emergency listing of the northern goshawk as an endangered species and emergency designation of critical habitat pursuant to regulations of the Endangered Species Act along with their response. This petition document cites research and other collected information and asserts that in the Southwest, the northern goshawk is in imminent danger of extinction.

Response. The information supplied by the commentors has been forwarded to the Scientific Committee for their consideration.

Nest Sites

Comments. Over half of the respondents addressed the nest site guidelines. Recommendations ranged from expanding the size of the sites to dropping the guidelines and using the nest site standards in Forest Plans. Several respondents questioned whether language used in the nest site section meant that adverse management was only prohibited during the breeding season, and that outside of the breeding season no restrictions were in place. The phrase "adverse management activities" as related to nest sites was mentioned by some respondents as in need of better definition. Some felt it referred unfairly to primarily timber harvesting. A few questioned whether road-building was an activity permitted outside of the breeding season in nest site areas.

Response. A change in wording has been incorporated in the edited guidelines that states the nest sites will be protected all the time not just during breeding. See discussion in EA, Chapter 1, Proposed Actions.

Post-Fledging Family Areas

Comments. Nearly two-thirds of the respondents discussed PFAs. As with nest sites, opinions varied from expanding the size of the PFA to eliminating the PFA's as an area for special consideration. Again there was concern that adverse management activities seemed to apply to only during the breeding season. Several comments offered alternative wording, percentages, or definitions on how to maintain openings within PFA's in order to provide for the habitat diversity need by goshawk prey species. Some respondents felt no management activities should occur in PFA's including any new road-building, at least until evidence is found that the activity would not be adverse. Others stated there is no evidence to show that roads impact goshawks. A few respondents questioned the wisdom of using intermediate treatments to meet future stand conditions or thought

intermediate treatments should be better defined. Concerns were also expressed about defining PFA's on private land.

Response. Clarification was added for PFA establishment on private lands in a more cooperative fashion (see EA Chapter 1, Proposed Action discussion). No other changes to the guidelines for PFA management were made at this time. Some of the suggested editorial changes will be incorporated in the amended guidelines, which will be published in the **Federal Register**. Other information received under this topic heading has been forwarded to the Scientific Committee for their consideration.

Foraging Areas

Comments. Over half of the respondents addressed this topic. Not providing more specific guidance in management of foraging areas was considered a major flaw of the guidelines by several respondents including both state Game and Fish Departments. Comments ranged from establishing foraging areas of 10,000 acres and allowing no management activities to stating there is no need to have extra guidelines for foraging areas. A few respondents stated that not adopting specific guidelines for foraging areas was in direct conflict with recommendations made by the Scientific Committee.

Response. The Forest Service still believes it is premature to adopt the specific foraging area (FA) guidelines other than guidance for reserve tree management. Even the Scientific Committee has been reluctant to prematurely release their FA recommendations until they are thoroughly analyzed. Their recommendations will be made in a few more months. This EA will be supplemented, and interim guidelines will be evaluated again as to their need and/or content.

Definitions

Comments. The seven responses that offered section by section comments made many suggested wording changes, and editorial improvements to the Definitions section. Twenty-four of the definitions were identified for suggested improvements or changes.

Response. Many of the suggested editorial changes have been incorporated in the interim guidelines as republished.

Guideline Development Process

Comments. Aside from comments related to NEPA compliance and other laws discussed under Environmental Documentation, a few respondents addressed the effectiveness of the Goshawk Scientific Committee (SC) and the informal Goshawk Task Force (TF).

The basic approach of the SC was accepted by most of the respondents. Some felt the guidelines were overly conservative or liberal as summarized above, but little direct criticism was received on the approach used by the SC to arrive at their recommendations. Both state Game and Fish agencies restated that they feel they should be part of the SC.

The work of the TF was criticized by five TF members (the individuals or the group, company or agency they represented). An environmental organization representative felt environmental groups should not be listed as represented on the TF, since he and another environmental group person both resigned from the TF between the first and second meetings. This same view was expressed by the state Game and Fish Departments and the U.S. Fish and Wildlife Service.

A timber industry response from a company represented on the TF says they acted in good faith as part of the TF. They say past predictive experience of biologists at estimating Mexican spotted owl populations is also becoming the same for goshawks—that is when we look for birds more are located than expected with unexpected adverse effects on industry and local economies.

Both of the state Game and Fish Departments were critical of at least their role on the TF and do not find it a meaningful way to take part in development of guidelines. Both feel they should be on or work more closely with the SC. One expressed serious doubts about continuing be on the TF.

Responses. The job of the Scientific Committee and the Task Force groups was extraordinarily difficult because of the urgency placed on goshawk protection by the Regional Forester. Protection of the goshawk was important to cover the 1991 field season. Hindsight on how the groups functioned and the results obtained will be useful in future work by the groups, but the fact that goshawks were protected and management options preserved through implementation of guidelines should be seen as a credit to the individuals who participated in these groups.

Single Species Management

Comments. Several respondents discussed the pitfalls of developing guidelines for a single species and a few questioned the unintended affects on other wildlife species. Most of these respondents favored an ecosystem approach of some type to provide for a variety and diversity of all species. These responses came from nearly all interest affiliations and from individuals.

Response. This was also a concern of the Scientific Committee, the Task Force group, and the Forest Service. The approach recommended to, and adopted by, the Regional Forester focused on the habitat needs of several different species that goshawks prey upon. Identifying and providing for the varied habitat needs of goshawk prey species in the PFA and FA is one of the reasons the Scientific Committee has had such a challenging task. With the amount of prey species needing consideration, it is through meeting prey species varied habitat needs that will better identify and define the needed diverse ecosystem. A discussion of this approach was included in the environmental assessment in chapter 1.

National Environmental Policy Act Compliance

An environmental assessment (EA) and finding of no significant impact (FONSI) have been prepared on the interim guidelines. Copies of the EA and FONSI are available upon request.

Additional environmental analysis and disclosure will be done on a case-by-case basis for each individual project applying the interim guidelines. Site specific disclosure of the effects of the guidelines and/or any deviation from the guidelines will occur at that time.

It is anticipated that, when these guidelines are replaced, revised, or rescinded based on information forthcoming from the Scientific Committee, additional environmental analysis and disclosure will be done. Also, as the guidelines are incorporated into Forest Plans through amending additional environmental analysis and disclosure will be done.

Forest Plan Amendments

Management for long-term protection of the goshawk depends on the findings and recommendations presently being developed by the Scientific Committee. It is anticipated that the Regional Forester will have the Scientific Committee's peer-reviewed report by January 1992. At that time the Regional Forester will decide on how and when the guidelines will be incorporated into the Forest Plan process, and whether to replace, revise, or rescind the interim guidelines.

The Regional Forester will decide at the the same time the specifics of how management for long-term protection of the goshawk will be incorporated into Forest Plans. Depending on the extent to

which the interim guidelines need to be replaced, revised, or rescinded, the Regional Forester may elect to amend all forest plans immediately, have each Forest Supervisor amend individual forest plans, or have Forest Supervisors amend plans at the next significant amendment or revision.

In any case, the interim guidelines will be replaced, revised, or rescinded before June 6, 1992. The decision to replace, revise, or rescind will include the specifics and time table for incorporation of long-term protection into forest plans. If the interim guidelines are replaced or revised, they would remain in effect until forest plans are appropriately amended using the NEPA process.

Implementation

Use of the interim guidelines for project design is required until they are replaced, revised, rescinded, or incorporated into forest plans. It is anticipated that this will be done before the June 6, 1992, expiration date. However, if for some unforeseen reason they have not been replaced, revised, or rescinded by then, they will be reissued. Required use of the interim guidelines means that the basic principles will be followed in project design. However, it is expected that the exact specifications may vary project-by-project based on topography, vegetation and other indicators of habitat quality. For example, on-the-ground biological evaluations may find that a specific post-fledging family area may need to be slightly more or less than exactly 600 acres when habitat quality factors and configuration are considered.

The interim guidelines have applied to existing timber sale contracts as well as sales being planned. Since the original interim guidelines were issued, more than 20 existing contracts have been modified to delete areas from timber sales to comply with the guidelines. More than 66 million board feet of timber is no longer available for sale or harvest since the guidelines were implemented.

A lot of concern has been expressed over guidelines for foraging areas. The original guidelines had no specific guidance, but the intent was clearly to provide for reserve trees, provide for quality habitat for prey species, and analyze the impacts of activities in foraging areas during project design. The republished guidelines have been clarified. Since the guidelines have been implemented, no project has affected more than 10 to 20 percent of any foraging area and the average area affected if 4 to 6 percent. Actual timber sales affect a very small portion of the foraging areas.

Changes to Interim Guidelines

As shown in the summary of comments, many of the comments resulted in changes to clarify the guidelines. There following changes are particularly noteworthy:

The interim guidelines were modified to clarify that post-fledging family areas (PFA) and nest sites would be protected from adverse habitat modifications year around and not just during breedirg season (section 9b [8]). This is consistent with the original guideline intent.

The interim guidelines will also be modified to indicate that PFA's established around nest sites on private land will be established whenever possible with the cooperation of the land owner (section 9d [2]).

Northern Goshawk Interim Directive

These management guidelines issued through an interim directive in Forest Service Manual 2676.3, are in keeping with the provisions of the Forest Service Sensitive Species policy and the viable population requirement of the National Forest Management Act implementing regulations.

Forest Service Manual

Albuquerque, New Mexico

Interim Directive No. 2670–91–2.
Effective Date: October 6, 1991.
Expiration Date: June 6, 1992.
Chapter: 2670—Threatened, Endangered, and Sensitive Plants and Animals.
Posting Notice: Last ID was No. 2670–91–1, dated June 6, 1991, to Chapter 70.
Remove: ID 2670–91–1 dated June 6, 1991.

This interim directive requires that *reproductive sites, including nest sites and post-fledging family areas,* be identified and established and managed whenever a northern goshawk reproductive site is located.

Louis Volk, Jr.,
Deputy Regional Forester.

2676 Specific Direction on Individual Species

2676.3—*Northern Goshawk.* Concern about the habitat needs and population viability of the northern goshawk *(Accipiter gentilis)* resulted in the species being identified as "sensitive" by the Regional Forester in 1982. *For the purpose of this interim policy the term northern goshawk is meant to include all goshawks on National Forest land in the Southwest Region of the Forest Service.*

1. *Authority.* This interim policy provides guidelines for carrying out active conservation programs to maintain viability of the northern goshawk. as directed in the implementing regulations for the National Forest Management Act, and FSM 2670.1.

2. *Objectives.*

a. Search for goshawk reproductive sites in suitable northern goshawk habitat prior to management activities.

b. Identify general areas where replacement and alternate nest sites and post-fledging family areas (PFA) will be placed.

c. Provide for multiple use consistent with maintaining northern goshawk population viability.

d. Manage habitats to ensure continued existence of a well distributed northern goshawk population.

e. Specify guidelines for the management of desired habitat conditions to maintain reproductive pairs.

3. *Policy.*

a. Conduct surveys of suitable habitat to locate northern goshawk *reproductive sites*. The location of the nest site(s) *or reproductive site(s)* is the means of consistently identifying northern goshawk habitat.

b. Implement the *Management Guidelines* section of this interim policy wherever northern goshawk habitat has been identified by the location of known goshawk nest sites or other evidence of reproduction.

4. *Responsibility.*

a. *Regional Northern Goshawk Program Coordinator.* The Regional Forester shall appoint a Regional Northern Goshawk Program Coordinator who shall:

(1) Assist Forest, District and Zone Wildlife Biologists in locating *reproductive sites,* nest sites and PFA boundaries.

(2) Provide assistance to Forest and District personnel on implementation of northern goshawk management guidelines.

(3) Coordinate northern goshawk studies within the Region.

(4) Serve as chairperson on the Northern Goshawk Scientific Committee and Northern Goshawk Task Force.

(5) Coordinate northern goshawk *research with appropriate State and Federal agencies and cooperatively manage northern goshawk populations and habitat.*

(6) Manage the Regional Northern Goshawk Program, providing budget and staffing advice along with data management.

(7) Provide guidance and assistance to Forests to evaluate effects of activities on the northern goshawk in biological evaluations.

b. *Forest Supervisor.* In addition to responsibilities listed at FSM 2670.45, Forest Supervisors shall ensure timely implementation of Regional *guidelines* concerning northern goshawk through specific procedures and actions including northern goshawk survey, monitoring. *reproductive site location,* nest site and post-fledging family area selection, and identification. *Implement these guidelines using professional biological expertise.*

(1) Review PFA and nest site boundaries submitted by the District Ranger where appropriate.

(2) Consult with Regional Northern Goshawk Program Manager on the locations of any northern goshawk PFA or nest site boundaries where there is uncertainty about where the boundary should be located.

(3) Coordinate the northern goshawk program at the Forest level with appropriate State and Federal agencies and research.

(4) Coordinate northern goshawk sites available for show-me trips with Districts.

(5) Ensure that release of information conforms with Forest Service policy identified in FSM 2671.2.

(6) Coordinate the selection of sites for monitoring with District Rangers.

(7) Review written documentation for road and trail location exemptions as appropriate.

(8) Provide guidance. assistance and quality control to ensure the biological evaluations adequately address potential adverse effects from management activities on goshawks.

(9) Review inventory and monitoring procedures used by Districts to ensure quality control and appropriateness.

c. *District Ranger.* In addition to responsibilities listed in FSM 2670.46, District Rangers shall:

(1) Ensure implementation of Forest Supervisor's direction, including necessary survey and monitoring, concerning northern goshawk through specific actions and procedures.

(2) Ensure all multiple-use objectives proposed within a northern goshawk PFA are consistent with northern goshawk habitat management through the Integrated Resource Management (IRM) process.

(3) Ensure that northern goshawk surveys and monitoring are conducted on their District using appropriate methodology.

(4) Locate nest sites, replacement nest sites and PFA area boundaries best meeting Regional requirements. Submit for review by the Forest Supervisor as appropriate.

(5) Locate, approve and document calling routes used during northern goshawk surveys.

(6) Identify District survey needs and assist Forest Supervisor in determining Forest priorities.

(7) Manage and conduct show-me trips as appropriate in coordination with the Forest Supervisor.

5. *Definitions.* Use this list of standard terms and definitions when referring to northern goshawk habitat management to reduce potential misunderstandings and provide greater consistency in the language used throughout the Region. Definitions are taken from several sources.

a. *Active Nest.* A nest known to have contained incubated eggs *and/or a female on the nest.* A nest need not be successful to be considered active.

b. *Adverse Management Activity.* Any activity that could adversely modify goshawk habitat characteristics or adversely affect goshawk reproductive efforts. *The determination of whether an activity may be adverse must often be made by a professional biologist, and sometimes with a professional silviculturist, on an individual-case basis.*

c. *Alternate Nest.* Goshawk territories may contain three or more nests, only one of which will be active in a given year. *Deleted part of the is definition.*

d. *Breeding Season.* That time period from March 1 through September 30 which includes courtship, *incubation*, nestling, and fledgling-dependency periods.

e. *Clumpiness.* The occurrence of trees in patches or groups generally with interlocking crowns.

f. *Deferred Habitat.* That portion of the PFA where management activities will not occur for some designated period of time.

g. *Dominant Trees.* Trees that by means of their numbers, coverage, or size, exert the greatest influence on the stand.

h. *Down Logs.* Fallen trees or portions of fallen trees that are at least 12 inches in diameter and 8 feet long.

i. *Fledgling.* A young hawk that has left the nest but is unable to completely care for itself. Usually identifiable by *overall plumage or behavior characteristics.*

j. *Foraging Area.* A large area used by *a goshawk family* for hunting in order to meet their food and energy requirements.

k. *Group Selection.* A modification of the selection system in which trees are removed in small groups at a time.

l. *Historic Site.* Any *reproductive site* where northern goshawk were identified or observed *in previous years even if not occupied in the current year.*

m. *Home Range.* The entire area that an animal habitually uses for foraging, resting, watering, and so forth. Nesting home range size for goshawk pairs *are* about 6,000 acres *in size.* Adjacent pairs of goshawks have overlapping home ranges, they are not exclusive areas. A home range may contain one to several nest sites or alternate nests and the post-fledgling family area.

n. *Intermediate Treatment.* The treatment (removal) of trees from a stand between the time of its formation and the regeneration cut. Removal is generally taken to include cleaning, thinning, liberation, improvement, salvage, and sanitation cuttings. Treatments other than removal are pruning, fertilization, and prescribed burning.

o. *Lop and Scatter.* A method to disperse logging debris by reducing limbs and tops from logging activities to a specific height (usually 2 to 3 feet) above the ground and scattered across an area.

Deleted MESIC definition.

p. *Multi-storied Stands.* Horizontal stratum (such as layers) of vegetation formed by a plant community, in forests essentially their canopy layers. The forest may have one or more such strata and hence be single-storied, two-storied, or multi-storied.

q. *Nest.* *The cupped structure* of sticks in which the eggs are laid. Most nests of goshawks are placed within the lower two-thirds of tree crowns, often against the trunk but occasionally on a limb up to 10 feet from the trunk.

Deleted Nest Attempt definition.

r. *Nest Site.* The nest, nest tree, and *30 acre* area surrounding the nest that includes the stand of trees containing prey handling areas, perches, and roosts and may contain one or more alternate nests.

s. *Nest Tree.* The tree containing the nest.

t. *Opening.* In forest cover types, an area with less than 10 percent canopy coverage.

u. *Plucking Post.* A perch used by a goshawk to tear apart and feed on prey species. The remains of mammalian and avian prey can be located on the ground under the perch which can be a standing live tree, a snag or a fallen tree.

v. *Post-fledging Family Area.* A *600 acre* area within the goshawk home range, including nest sites, of concentrated use by the goshawk family after the young leave the nest.

w. *Predator.* *An animal* that preys on northern goshawk or their young.

x. *Protocol.* Refers to a formalized methodology for monitoring and inventory.

y. *Replacement Nest Site.* Sites with similar characteristics to the nest site that are potentially occupiable either now or sometime in the future and are approximately 30 acres in size.

z. *Reserve Trees.* Dominant or codominant trees retained in the area in perpetuity within a goshawk foraging area. The trees are well distributed and occur in clumps of at least five trees with interlocking crowns.

Deleted Seral Species definition.

aa. *Silvicultural System.* A process which follows accepted silvicultural principles, whereby the tree crops are tended to produce crops of a desired form, harvested, and replaced.

bb. *Single Storied Stands.* Stands of trees having a single canopy layer, see multi-storied stands.

cc. *Snag.* A standing dead tree. Ponderosa pine and fir are at least 20" dbh and aspen at least 10" dbh.

dd. *Stand.* A community of trees possessing sufficient uniformity as regards composition, age, spatial arrangement, or condition to be distinguishable from adjacent communities.

ee. *Successful Nest.* A nest from which at least one young is fledged.

Deleted Successional Stage definition.

ff. *Suitable Habitat.* Habitat that is currently usable for nesting, roosting, and *foraging* by northern goshawk. It includes the nest sites, post-fledgling family area, and foraging area. Habitat need not be occupied to be considered suitable.

gg. *Survey Area.* Area around the proposed management activity in which a northern goshawk survey or inventory will be conducted.

Deleted Territory, Unsuitable Habitat, and Vegetation Structural Stage definitions.

hh. *Viable Population.* *A population that has the estimated numbers and distribution of reproductive individuals to ensure the continued existence of the species throughout its existing range (or range required to meet recovery for listed species) within the planning area. Population viability is extremely difficult to determine and has not yet been done for the northern goshawk.*

6. *Survey and Inventory.*

a. Each Forest modify, develop and/or identify the protocol used this field season.

b. Inventory suitable habitat for projects meeting the adverse management activity definition. Use the following approach:

(1) Use existing survey data for all sales already under contract and sales with signed decision notices on April 9, 1991.

(2) Determine the level of survey needed to prepare a biological evaluation for FY 1991 sales in IRM phases 1 through 9 and accomplish this level.

(3) Complete at least 1 year of survey for sales to be sold in FY 1992.

7. *Establishing Goshawk Management Areas.* The District, Zone, or Forest Biologist/Wildlife Staff establish nest site and PFA boundaries. Use the following information to establish nest sites and PFA's. Refer to the definitions where appropriate.

a. *Nest Sites.* Suitable nest sites are critical in the reproductive biology of northern goshawks. They contain the nest tree and may contain alternate nest trees. Nest sites are occupied during the breeding season which generally begins in early March and ends by late September. Nest sites are frequently used more than 1 year. Alternate nest sites are often used intermittently for decades.

Nest sites are forest stands (30 acres in size) that contain the nest(s), are often characterized by a relatively high density of large trees and canopy closure, and a varying degree of slope (typically north-facing), see exhibit 1.

Establish a nest site, using best professional judgment, within the identified suitable habitat which incorporates the known nest tree. Plot the location of all nest site(s) and alternate nest sites identified on U.S.G.S. 2.65" Quad Maps, keeping nest site information confidential and maps in a secure location.

Identify replacement nest sites based on professional judgment. Design and locate to ensure future nest site needs in the home range. *Locate in moist areas or other areas* that reflect the landform attributes of existing nest sites.

b. *Post-fledging Family Area (PFA).* The PFA corresponds to a defended territory based on radio telemetry studies. Designation of the PFA is a management attempt to approximate the biological territory. It represents an area of concentrated use by the goshawk family after the young leave the nest and until they are no longer dependent on the adults for food. The PFA provides the young hawks with the necessary hiding cover from both nocturnal and diurnal predators and sufficient prey populations to develop hunting skills.

The desired stand conditions for PFA's include moderately closed overstory and understory canopies for hiding cover and habitat elements critical in the life-histories of the prey species such as large snags, nest-trees, large down logs, and food resources. The intent is to develop a management prescription for each PFA so that over time about 50 percent of the PFA is maintained in mature forest (18" dbh +) with scattered small openings.

Because the PFA is considerably larger (up to 600 acres in size) than nest sites, PFA's may include a mosaic of forest conditions. The PFA surrounds the nest tree(s), nests site(s), alternate and replacement nest sites.

Establish a PFA whenever a reproductive site is located. The intent is to establish one PFA per breeding pair of goshawks. Location and shape of the PFA are at the discretion of the District, Zone, or Forest Biologist but must be based on habitat conditions and professional judgment. Where possible make PFA boundaries consistent with stand boundaries. Prior to establishing a PFA around a historic site, conduct surveys and inventories necessary to determine occupancy and habitat condition in the vicinity of historic nests. If a historic site is unoccupied but suitable habitat remains, a PFA may be established if there is evidence of recent (about the last 10 to 15 years) reproductive activity. If the site is unoccupied and little or no suitable habitat remains, establishment of a PFA is not required at this time.

The nest sites may take on several spatial distributions based on the current location of nests and topography with regards to suitable goshawk nesting habitat. The distribution of nest sites and replacement nest sites may all be centrally located within the PFA or take on a more linear distribution if sites are located within pine stringers or drainage/canyon situations. Once the nest sites and replacement nest sites (totaling 180 acres) have been established, the configuration of the 420 acres in the PFA should be considered. Though the PFA need not necessarily be circular in its delineation, an adequate buffer for all of the nest sites and replacement nest sites must be provided. The PFA provides particular or specialized needs to the goshawk family, as well as, buffering nesting activities from project disturbances occurring within the foraging areas.

Exclude areas to be managed as permanent openings within the PFA where possible and appropriate. Permanent openings (for example meadows, rocky outcrops, roads) should not be included in the PFA acreage. Increase the 600 acres needed in the

PFA by the amount of acres in permanent openings.

c. *Foraging Areas.* The northern goshawk is a predator of *birds and small* mammals. Goshawks must hunt for their prey over large areas in order to meet their food and energy requirements. *These areas must meet the energy requirements of the entire goshawk family. Hunting* or foraging areas *are* about 6,000 acres in size, including the PFA. The intent is to manage these areas to provide quality habitat for *northern* goshawk prey species.

8. *Monitoring.* Use *a* systematic protocol to monitor northern goshawk activities.

9. *Management Guidelines.* Apply *these management guidelines* to all management activities proposed in *northern goshawk* suitable habitat. Include all activities that meet the adverse management activities definition in item 5.b.

a. Nest sites and replacement nest sites.

(1) Manage a total of six nest sites (3 suitable and 3 replacement) within a PFA. If no activities are scheduled to occur in the PFA this year, then it may not be necessary to delineate replacement nest sites.

(2) Maintain all known nest sites within the PFA. If fewer than three are known, designate potentially acceptable nest sites based on suitable habitat, stand structure, and topography.

(3) Manage for future development of up to three replacement nest sites.

(4) Designate approximately 30 acres for each nest site and replacement nest site. Nest sites are to be in a mature forest condition (see exhibit 1 for suggested guidelines).

(5) Cluster replacement nest sites in the center of the PFA. Locate within an approximate 0.5 mile radius.

(6) Allow no adverse management activities (see definition 5.b.). *Deleted part of the is definition.*

(7) Allow approved activities in inactive *reproductive sites* after June 30. Use an appropriate monitoring method to determine goshawk inactivity.

b. Post-fledging family area.

(1) Establish a minimum of a 600-acre PFA around all known goshawk *reproductive sites* in the Region including ones located in planned and sold sales. Include alternate nest sites and replacement nest sites for a pair within the PFA.

(2) Establish a PFA for all nests located during sale administration or other activities in sold or planned sales.

(3) A PFA may be established when there is strong evidence that reproductive activity is occurring but no nest has been located. Consider a combination of factors such as the number of sightings, time of year of the sightings, courtship behavior, presence of juvenile birds, presence of plucking posts, and territorial behavior when evaluating the need to establish a PFA where no nest is known. Provide written documentation for establishment. *If evidence exists and a PFA is not established, provide written documentation of this decision.*

(4) Guide the exact location and shape of the PFA by the existing landscape, taking into account the biological needs of the goshawk. Include the known nests sites and replacement nest sites. Place the PFA so known or replacement nest sites are generally centered in the PFA, whenever possible and biologically appropriate.

(5) Manage the PFA over the long term in a manner so that approximately 10 percent of the area is in small openings of ⅓ to ¼ acre at any one time. Consider an opening to be forested vegetation types with less than 10 percent canopy coverage. Do not consider permanent openings (such as meadows) as part of the 600-acre PFA. Use the group-selection silvicultural system with openings of ¼ acre in ponderosa pine and ⅓ acre in mixed conifer and spruce fir whenever possible.

(6) Sales under contract and FY 1991 sales in IRM phases 1 through 9 may implement thinnings from below (intermediate treatment) only if they are determined to meet the intent (as determined by a wildlife biologist and silviculturist) of PFA management *and benefit goshawk habitat.* Specific guidelines will be issued at a later date on how intermediate treatments will be used to meet desired future stand conditions. The intent is to reduce the number of changes to existing or planned sales without having adverse effects on goshawks.

(7) Use lop and scatter to dispose of slash whenever possible.

(8) Allow no adverse management activities (see definition 5.b.) in PFA's. *Deleted part of this statement.*

(9) Allow approved activities in PFA's with *no active nest sites* after June 30. Use an appropriate monitoring method to determine goshawk inactivity.

(10) Within the PFA allow new road construction only if no other routes are reasonably available. If routes are selected that go through a PFA, written approval by the Forest Supervisor is required.

(11) Allow new trail construction no closer than ¼ mile from nest sites except when no other routes are reasonably available. If routes are selected that are closer, written approval by the Forest Supervisor is required.

(12) If it is not legally (valid existing rights) possible to restrict adverse activities from occurring in the PFA, seek cooperation from those conducting the activity. If necessary restrict the season of use to outside the breeding season. Keep ground disturbing activities to the minimum necessary to accomplish the objective for entering the PFA.

c. Foraging area. No specific Region-wide guidelines for management of the foraging area (6,000 acres minus 600 acres is the foraging area) are provided in this directive.

d. Incorporation of non-National Forest System (NFS) lands for 1991 planning:

(1) When *reproductive sites* are located on NFS lands, place the PFA on NFS lands.

(2) *If the nest site or reproductive site is located on private land, seek to establish a PFA including nest sites on private lands with the cooperation of the land owner.* Where appropriate, additional land may be protected on NFS lands. *Where there is no long-term agreement to continue to protect nest sites on private land, include at least 600 acres of NFS lands in the PFA, in addition to any private land acres.*

e. Include northern goshawk habitat that meets Forest Plan old-growth requirements in the Forest old-growth allocation when it is appropriate and desirable to do so.

f. Where northern goshawk home ranges outside of PFA's overlap with Mexican spotted owl territories, implement spotted owl guidelines. Where PFA's overlap with Mexican spotted owl territories, implement management of PFA's according to these guidelines.

10. *Biological Evaluation.* Use the biological evaluation process (FSM 2672.4) to evaluate *and document the effects of Forest Service programs and activities on the northern goshawk and its habitat when they are planned to occur in suitable habitat. Evaluate existing information on northern goshawk occupancy and habitat condition. Include known past, current, and proposed activities when analyzing cumulative effects. Use the biological evaluation process to evaluate general effects on habitat quality of northern goshawk prey species in the PFA and foraging area. This process will also be used to determine possible needs for additional timing restraints or other mitigation measures not addressed by this interim directive. The determination

of a "no effect" is contingent upon implementation of these interim guidelines and a site-specific analysis of habitat conditions.*

11. *Show-me Trips.* Show-me trips are not recommended, however they may benefit northern goshawk management by increasing awareness of the species and its habitat. It is important to manage and coordinate show-me trips to minimize disturbance and avoid possible adverse impacts to goshawks. Consolidate show-me trips to minimize the number of trips taken and incorporate with other inventory or monitoring activities whenever possible. Encourage the media to utilize existing footage and/or photographs in order to reduce show-me trips. Other considerations for show-me trip management include the number of visits per site and other activities at/near the site.

Dated: October 8, 1991.

Louis Volk, Jr.,

Deputy Regional Forester.

[FR Doc. 91-24714 Filed 10-11-91; 8:45 am]

BILLING CODE 3400-11-M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-588-819]

Preliminary Determination of Sales at Less Than Fair Value: Aspheric Ophthalmoscopy Lenses From Japan

AGENCY: Import Administration, International Trade Administration, U.S. Department of Commerce.

EFFECTIVE DATE: October 15, 1991.

FOR FURTHER INFORMATION CONTACT: Stefanie Amadeo or James Terpstra, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377-1174 or (202) 377-3965, respectively.

PRELIMINARY DETERMINATION: We preliminarily determine that imports of aspheric ophthalmoscopy lenses (lenses) from Japan are being, or are likely to be, sold in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673b). The estimated margin is shown in the "Suspension of Liquidation" section of this notice. The statutory deadline for the final determination is December 23, 1991.

Case History

Since the publication of our notice of initiation on May 28, 1991, (56 FR 24056), the following events have occurred.

On June 14, 1991, the U.S. International Trade Commission (ITC) preliminarily determined that there is a reasonable indication that an industry in the United States is being materially injured by reason of imports from Japan of lenses that are alleged to be sold in the United States at less than fair value.

On June 21, 1991, the Department presented its questionnaire to Nikon Corporation and Nikon Inc. (hereinafter together referred to as Nikon). During the period of investigation (POI), Nikon accounted for over 90 percent of exports of lenses to the United States. The response to section A of the questionnaire was due on July 11, 1991, and the remaining sections were due on July 27, 1991. On July 2, 1991, Nikon submitted a letter requesting clarification of certain elements of the Department's questionnaire. On July 3, 1991, the Department responded to Nikon's July 2, 1991, letter. At Nikon's request, we extended the response deadline for sections B and C to August 10, 1991. We received the response to section A on July 11, 1991, and sections B and C on August 9, 1991.

On August 1, 1991, Volk Optical, Inc. (Volk), petitioner in this investigation, submitted comments regarding Nikon's July 11, 1991, questionnaire response. On August 9, 1991, the Department presented a deficiency letter to Nikon. We received the deficiency response on its due date of August 23, 1991.

On August 14, 1991, Nikon filed an objection to petitioner's August 6, 1991, amended administrative protective order (APO) application. On August 15, 1991, the Department issued the above-referenced APO Amendment to petitioner. On August 20, 1991, the Department notified petitioner not to release any business proprietary information under the APO Amendment until the Department issued a decision memorandum. On August 28, 1991, the Department issued its decision to release business proprietary information under the August 15, 1991, APO Amendment, notwithstanding Nikon's objection.

On August 20, 1991, and August 22, 1991, Nikon submitted supplemental computer information to the Department. On August 23, 1991, the Department issued a deficiency letter to Nikon concerning its August 9, 1991, questionnaire response. The response to this deficiency letter was due on September 6, 1991. On August 27, 1991, Nikon submitted a further response to the Department's August 9, 1991, deficiency letter. On September 3, 1991, petitioner submitted comments regarding Nikon's August 23, 1991, deficiency response. On September 4, 1991, the Department denied respondent's extension request for the due date of the Department's August 23, 1991, deficiency letter. On September 6, 1991, we received Nikon's partial response to the Department's August 23, 1991, deficiency letter. On September 9, 1991, we received petitioner's comments on Nikon's sections B and C questionnaire response. On September 9, 1991, the Department issued a supplemental deficiency letter to Nikon. The due date of this letter was September 16, 1991. On September 16, 1991, we granted Nikon's extension request for the remainder of its response to the August 23, 1991, deficiency letter and its response to the Department's September 16, 1991, supplementary deficiency letter. We received the remainder of Nikon's response to the Department's August 23, 1991, deficiency letter on September 23, 1991, and we received Nikon's response to the Department's September 9, 1991, supplemental deficiency letter on September 23, 1991.

Scope of Investigation

The products covered in this investigation are aspheric ophthalmoscopy lenses, which are single element, non-contact ophthalmoscopy lenses, whether mounted or unmounted, framed or unframed, of which one or both surfaces are aspherical in shape. The subject merchandise is classifiable under subheading 9018.50.00 of the Harmonized Tariff Schedule (HTS). Although the HTS number is provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Period of Investigation

The period of investigation (POI) is November 1, 1990, through April 30, 1991.

Such or Similar Comparisons

We established one category of such or similar merchandise, consisting of aspheric ophthalmoscopy lenses, in accordance with section 771(16) of the Act. Comparisons were made on the basis of the following criteria: (1) Dioptric power/focal length; (2) asphericity/lens design; (3) filter; (4) coating-layer characteristics; and (5) frame features.

We found sales of identical merchandise in the home market with

which to compare to all sales in the United States.

Fair Value Comparisons

To determine whether sales of aspheric ophthalmoscopy lenses from Japan to the United States were made at less than fair value, we compared the United States price (USP) to the foreign market value (FMV), as specified in the "United States Price" and "Foreign Market Value" sections of this notice. We calculated FMV and USP based on sales at the same commercial level of trade in both markets where possible, in accordance with 19 CFR 353.58.

United States Price

We based the USP on exporter's sales price (ESP), in accordance with section 772(c) of the Act, because the subject merchandise was sold in the United States, after importation, by or for the account of the exporter. We calculated ESP based on packed, f.o.b. prices to unrelated customers in the United States. We made deductions, where appropriate, for foreign inland freight, foreign inland insurance, foreign brokerage and handling, ocean freight, U.S. brokerage and handling, marine insurance, and U.S. import duties, in accordance with section 772(d)(2) of the Act.

In accordance with section 772(e)(1) we made deductions, where appropriate, for advertising expenses, credit expenses, additional packing, and indirect selling expenses, which included inventory carrying expenses and product liability premiums. We also made deductions, where appropriate, for commissions in the United States, in accordance with section 772(d)(1)(c). Finally, we added to net unit price the amount of value added tax (VAT) that is not collected by reason of exportation of the merchandise, in accordance with section 772(d)(1)(C) of the Act.

Because of inconsistencies found between the U.S. data base and the narrative portion of the response, we recalculated credit expense, product liability premiums, packing, and inventory carrying expenses based on the information in the narrative portion of the response. In addition, because the reported tax in Japan is based on delivered prices, we recalculated the amount of taxes imposed in Japan directly upon the exported merchandise which have not been collected, by reason of exportation, based on delivered prices in the United States.

Because the narrative portion of the questionnaire response indicated that all sales transactions incurred U.S. import duties and commission expenses, where these expenses were reported in the data base as zero, we used the highest reported duty and commission expenses, as best information available. Where sales dates were not reported in the data base, as best information available, we used date of shipment as date of sale. Finally, we disregarded sales where quantity sold was reported as negative in the date base.

Foreign Market Value

We determined that sales in the home market were the most appropriate basis for calculating FMV because the home market was viable, pursuant to section 773(a)(1) of the Act.

We calculated FMV based on the packed, C&F prices to unrelated customers in Japan. We deducted home market inland freight. We deducted home market packing costs and added U.S. packing costs to the home market price, in accordance with section 773(a)(1) of the Act.

We made circumstance of sale adjustments, where appropriate, for credit expenses and advertising expenses, in accordance with 19 CFR 353.56. We recalculated credit using interest rates available to Nikon during the POI.

Because all comparisons involved ESP sales, we made a downward adjustment to FMV for inventory carrying expenses, product liability premiums, indirect advertising expenses, and other home market indirect selling expenses. This deduction for home market indirect selling expenses was capped by the amount of indirect selling expenses and commissions incurred in the U.S. market, in accordance with 19 CFR 353.56(b). Finally, we made an upward adjustment to the tax-exclusive home market price for the taxes we computed for the USP.

Because of inconsistencies between the home market data base and the narrative portion of the response, we recalculated inland freight and home market packing based on the information contained in the narrative portion of the response. We recalculated home market indirect selling expenses by deducting the amount of bad debt reserve because the respondent did not show that it actually incurred any expense relative to this reserve. Finally, we disregarded those sales in the home market where negative quantities were reported.

Currency Conversion

In accordance with 19 CFR 353.60, we converted foreign currency into the equivalent amount of United States currency using the official exchange rates in effect on the appropriate dates. All currency conversions were made at rates certified by the Federal Reserve Bank.

Verification

As provided in section 776 (b) of the Act, we will verify all information used in reaching the final determination in this investigation.

Suspension of Liquidation

In accordance with section 733(d)(1) of the Act, we are directing the Customs Service to suspend liquidation of all entries of lenses from Japan, as defined in the "Scope of Investigation" section of this notice, that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. The Customs Service shall require a cash deposit or posting of a bond equal to the estimated preliminary dumping margins, as shown below. The suspension of liquidation will remain in effect until further notice. The weighted-average dumping margins are as follows:

Manufacturer/producer/exporter	*Margin percentage*
Nikon Corporation and Nikon Inc.	112.72
All Others	112.72

ITC Notification

In accordance with section 773(f) of the Act, we have notified the ITC of our determination. If our final determination is affirmative, the ITC will determine whether these imports are materially injuring, or threaten material injury to, the U.S. industry before the later of 120 days after the date of this preliminary determination or 45 days after our final determination.

Public Comment

In accordance with 19 CFR 353.38, case briefs or other written comments in at least ten copies must be submitted to the Assistant Secretary for Import Administration no later than November 26, 1991, and rebuttal briefs no later than December 3, 1991. In accordance with 19 CFR 353.38(b), we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. Tentatively, the hearing will be held at 1:30 p.m. on December 5, 1991, at the U.S. Department of Commerce, room 3708, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, room B–099, within 10 days of the date of publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reasons for attending; and (4) a list of the issues to be discussed. In accordance with 19 CFR 353.38(b), oral presentations will be limited to arguments raised in the briefs.

This determination is published pursuant to section 733(f) of the Act (19 U.S.C. 1673b(f)) and 19 CFR 353.15.

Dated: October 7, 1991.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 91–24775 Filed 10–11–91; 8:45]

BILLING CODE 3510–DS–M

U.S. and Foreign Commercial Service Advisory Council; Open Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The U.S. and Foreign Commercial Service (US&FCS) Advisory Council was rechartered on April 6, 1990 to advise the Secretary on matters pertinent to the operations, programs and services of the US&FCS and its related worldwide export promotion programs. Meeting notice was delayed due to unavoidable changes to schedules of Department officials.

Time and Place: October 16, 1991, from 9 a.m. to 4 p.m. The meeting will take place at the Main Commerce Building, Room 5851, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Agenda:

1. Briefings on the current state of US&FCS operations by principle officials of the agency.
2. Future agency goals.
3. Other matters as appropriate.

Public Participation: The meeting will be open to public participation; the last five minutes of the meeting will be set aside for comments and questions. Approximately four seats will be available on a first-come, first-served basis. Please notify Mr. Kevin Mulvey of your intent to attend.

FOR FURTHER INFORMATION CONTACT: Mr. Kevin Mulvey, Executive Secretary, U.S. and Foreign Commercial Service Advisory Council, room 3802, International Trade Administration, Department of Commerce, Washington, DC 20230.

Dated: October 9, 1991.

Joseph A. Vasquez Jr.,

Acting Assistant Secretary and Director General.

[FR Doc. 91–24768 Filed 10–11–91; 8:45 am]

BILLING CODE 3510–FP–M

United States-Canada Free-Trade Agreement; Applications of Individuals to Serve on Binational Dispute Settlement Panels for Review of Antidumping and Countervailing Duty Determinations

AGENCY: United States-Canada Free-Trade Agreement, Binational Secretariat, United States Section, International Trade Administration, Department of Commerce.

ACTION: Notice of invitation for applications from individuals interested in being included on list of candidates to serve on binational panels convened to review antidumping and countervailing duty matters under chapter 19 of the United States-Canada Free-Trade Agreement.

SUMMARY: Chapter 19 of the United States-Canada Free-Trade Agreement (FTA) provides for the establishment of a roster of individuals unaffiliated with either the U.S. or Canadian Governments who are willing to serve on binational panels convened to review: (1) Final determinations in U.S. or Canadian antidumping or countervailing duty cases involving imports from the other country; and (2) amendments to either country's countervailing duty or antidumping laws. This notice invites applications from U.S. citizens wishing to be considered for inclusion on the list of candidates eligible to be selected to serve on such panels beginning on April 1, 1992, and summarizes eligibility criteria for candidates and panelists.

DATES: Applications must be received by November 15, 1991.

FOR FURTHER INFORMATION CONTACT: Dorothy Balaban, Legal Assistant, Office of the General Counsel, Office of the United States Trade Representative, (202) 395–3432.

SUPPLEMENTARY INFORMATION: Under the terms of the FTA and the United States-Canada Free-Trade Agreement Implementation Act of 1988, Public Law 100–449 (the Act), the FTA entered into force on January 1, 1989.

Chapter 19 of the FTA created a procedure for the review by binational panels of final determinations in U.S. and Canadian antidumping and countervailing duty (AD/CVD) proceedings involving imports from the other country. Each panel is composed of five non-governmental experts. To date, eighteen binational panel reviews under Chapter 19 have been initiated. Chapter 19 also provides for panels to review amendments to U.S. and Canadian AD/CVD law. No reviews have been conducted under this provision.

Under chapter 19, the United States and Canada must develop a roster of U.S. and Canadian citizens qualified to be selected as panelists in individual cases. Chapter 19 sets out certain eligibility criteria for roster members, designed to assure the competence and objectivity of panelists, and the Statement of Administrative Action approved by the Act provides additional guidance on U.S. implementation. Individuals interested in being included on the list of candidates that may serve as panelists should carefully consult the provisions of chapter 19 of the FTA, title IV of the Act, and relevant portions of the Statement of Administrative Action, and should not rely exclusively upon the general summary included in this notice.

Functions of Panels

As noted above, chapter 19 provides for the use of binational panels both to review AD/CVD determinations involving imports from the other country and to consider amendments to U.S. or Canadian AD/CVD law.

(1) Review of AD/CVD Determinations

Under chapter 19, Canada and the United States retained the right to impose countervailing or antidumping duties in accordance with their national laws with respect to products of the other country. Final administrative determinations under those laws are subject to review by binational panels, rather than by national courts, if requested by an appropriate U.S. or Canadian party to the proceeding, to the extent that such determinations involve products of the other country. Binational panels review such determinations to decide whether the competent investigating authority complied with the relevant national law, using the standard of review that would otherwise have been applied by a national court in such circumstances. A panel may uphold the administrative decision or remand the case to the investigating authority for action not inconsistent with the panel's decision. Panel decisions are not subject to judicial review, but may be reviewed in limited circumstances by a binational "Extraordinary Challenge Committee." The United States and Canada are

obligated under chapter 19 to give effect to final panel decisions. The United States has implemented that obligation in section 401(c) of the Act.

(2) Review of Amendments to AD/CVD Law

Chapter 19 also provides that, at the request of either the United States or Canada, a binational panel will review and issue a declaratory opinion concerning whether an amendment to the other country's AD/CVD laws made after entry into force of the FTA is inconsistent with the provisions of the General Agreement on Tariffs and Trade (GATT), the GATT Antidumping or Subsidies Codes, or the object and purpose of the FTA.

Composition of Panels

Annex 1901.2 of the FTA provides for the development of a roster of fifty potential panelists, with each government selecting twenty-five individuals. A separate five-person panel is formed for each review of an AD/CVD administrative determination or legislative amendment. To form a panel, each of the two governments appoints two panelists, normally by drawing upon individuals from the roster. The two governments then attempt to agree upon a fifth panelist. In the absence of such agreement, the fifth panelist is selected from the roster either by agreement among the four panelists previously chosen or, failing that, by lot from the roster. The majority of individuals on each panel must be attorneys.

Criteria for Eligibility

Chapter 19 sets out a number of criteria for determining the eligibility of individuals to be selected as candidates to serve as panelists. First, candidates must be U.S. or Canadian citizens. In addition, candidates must be of good character, high standing and repute, and are to be chosen strictly on the basis of objectivity, reliability, sound judgment and general familiarity with international trade law. Candidates may not be affiliated with either government.

Selection Criteria and Procedures

Section 405 of the Act and the Statement of Administrative Action establish U.S. implementing procedures and requirements for the selection of U.S. individuals for inclusion on the list of candidates to serve on binational panels. Section 405 provides that U.S. candidates are to be selected in accordance with the eligibility criteria set out in chapter 19 of the FTA and without regard to political affiliation. Individuals who would have a conflict of interest in the exercise of the duties of a panelist will not be included on the list of candidates.

Under section 405, an interagency group chaired by the United States Trade Representative (USTR) is charged with responsibility for developing a list of candidates qualified to be chosen by the United States as roster members. After consulting with the Senate Committee on Finance and the House Committee on Ways and Means in accordance with the requirements and schedule set out in section 405, the USTR will select the final list of U.S. candidates for service on binational panels.

On October 5, 1988, the Office of the USTR published a notice in the **Federal Register** soliciting applications and nominations of individuals to serve on binational panels. (53 FR 39188). Based on the input obtained from that notice, the section 405 interagency group prepared a draft candidate list of chapter 19 panelists. This list was forwarded to the USTR, who approved the list and transmitted it as a preliminary candidate list to the House Ways and Means and Senate Finance Committees. After consultations with the Committees were completed, the USTR approved the final candidate list on March 31, 1989. In order to accommodate the needs of the chapter 19 binational panel process, the names of twenty-five additional candidates were added to the list later in 1989.

Although some further additions and deletions have been made since 1989, the candidate list has remained basically intact. It is the view of the section 405 interagency group that the candidate list has served the interests of the United States and the FTA well in the binational panel selection process. Nevertheless, in light of the significant number of panels established pursuant to chapter 19 since 1989 and the increasing number of instances in which candidates have been unable to be appointed to panels due to potential conflicts of interest, it is the intent of the interagency group to prepare a new list of candidates based solely on new applications from interested individuals before the USTR establishes the final list of candidates eligible to serve beginning April 1, 1992.

Remuneration

The U.S. and Canadian Governments share equally in providing remuneration for panel members. The amount of such remuneration is currently set at the U.S. dollar equivalent of four hundred Canadian dollars per day of actual service on a binational panel. It is important to note that not all individuals included on the final candidate list have been selected to serve on a panel; nor will all individuals included on the final candidate list in the future necessarily be selected. Although panelists will receive remuneration from the U.S. Government, in keeping with the duty of panelists to render objective opinions, section 405(b) of the Act provides that panelists will not be considered to be employees of the U.S. Government.

Procedures for Applications

In order to assure timely consideration, applications must be typewritten and submitted along with 19 copies by November 15, 1991, to: Interagency Group, room 223, Office of the General Counsel, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20506. Applications should be headed "Application for Inclusion on the List of Candidates Eligible to Serve on FTA Chapter 19 Binational Panels" and must include the following information:

1. Name.
2. Business address and telephone number.
3. Citizenship.
4. Current employment, including job title, short job description, and name and address of employer.
5. Summary of employment history from January 1, 1981 to present.
6. Relevant education and professional training.
7. Relevant professional affiliations and certifications, including current bar admissions, if any.
8. List of relevant publications, if any.
9. Short statements of qualifications and availability for service on chapter 19 panels, including information relevant to applicant's: (a) familiarity with international trade law, and in particular, familiarity with U.S. or Canadian AD/CVD laws; and, (b) willingness and ability to make time commitments necessary for service on panels.
10. Summary of applicant's current and past employment by or work performed for the U.S. or Canadian Governments, if any.
11. List of proceedings brought under U.S. or Canadian antidumping or countervailing duty laws regarding imports of Canadian or U.S. products in which applicant advised or represented (for example, as consultant or attorney) any U.S. or Canadian party to such proceeding and, for each such proceeding listed, the name and country or incorporation of such party.
12. Names, addresses, and telephone numbers of three individuals willing to provide information respecting

applicant's qualifications for service on panels, including applicant's familiarity with international trade laws, character, reputation, reliability, and judgment.

Note: Information provided by applicants in response to the above questions will be used by the interagency group for the purpose of initial screening of candidates. Further information regarding financial interests and affiliations may be requested from prospective candidates at a later stage of the selection process for purposes of assessing conflicts of interest, and the appearance of such conflicts, in respect to service on panels.

Individuals selected for inclusion on the list of candidates may be required to make additional, specific disclosures in regard to conflicts and appearances of conflicts in connection with their appointment to particular panels. Individuals who have applied previously, including those individuals currently included on the list of candidates eligible to serve on chapter 19 binational panels, must apply pursuant to this notice in order to be considered for inclusion on the list of candidates eligible to serve beginning April 1, 1992.

False Statements

By virtue of section 405(a)(2)(C) of the Act, false statements made to the interagency group or the USTR by applicants regarding their personal or professional qualifications, or financial or other relevant interests, that bear on applicant's suitability for placement on rosters and appointment to panels, are punishable under the provisions of 18 U.S.C. 1001.

James R. Holbein,

United States Secretary, FTA Binational Secretariat.

[FR Doc. 91-24776 Filed 10-11-91; 8:45 am]

BILLING CODE 3510-GT-M

National Oceanic and Atmospheric Administration

Endangered and Threatened Species; Critical Habitat Designation for Snake River Sockeye, Spring/Summer Chinook, and Fall Chinook Salmon

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

ACTION: Request for economic information on critical habitat.

SUMMARY: NMFS proposed to list Snake River sockeye salmon (*Oncorhynchus nerka*) as Endangered (April 5, 1991; 56 FR 14055), and Snake River spring/summer and fall chinook salmon (*Oncorhynchus tshawytscha*) as threatened (June 27, 1991; 56 FR 29542) under the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 *et seq.* (ESA). As stated in the proposals to list, designation of critical habitat for these species is being undertaken in a separate proceeding. By this notice, NMFS is requesting information on the economic impacts of a critical habitat designation. Scientific information on the areas qualifying as critical habitat is requested in a separate notice (see notice of request for scientific data on critical habitat published in this issue of the Federal Register).

DATES: Information must be received by November 14, 1991.

ADDRESSES: Information should be sent to the Environmental and Technical Services Division, NMFS, Northwest Region, 911 NE 11th Avenue, room 620, Portland, OR 97232.

FOR FURTHER INFORMATION CONTACT: Rob Jones, Environmental and Technical Services Division, NMFS, Portland, OR, 503/230-5429 or FTS/429-5429.

SUPPLEMENTARY INFORMATION:

Background

The definition of critical habitat, the designation process, and examples of potential critical habitat for Snake River sockeye, spring/summer chinook, and fall chinook salmon are contained in the notice of request for scientific data on critical habitat. Persons considering responding to this notice are encouraged to read first that notice, which is published in this issue of the Federal Register.

Economic Information Solicited

For areas potentially qualifying as critical habitat, NMFS is requesting information describing (1) the activities that could be affected by the designation, and (2) the economic costs and benefits of additional requirements or management measures likely to result from the designation. Those responding to this request should first project specified areas as potential critical habitat for proposed Snake River salmon and then project the economic consequences of designating those areas as critical habitat. With these stated assumptions, the corresponding economic information and analysis will be of maximum use to NMFS in carrying out its economic impact analysis for proposing critical habitat.

The economic cost to be considered in critical habitat designations under the ESA is the probable economic impact "of the (critical habitat) designation upon proposed or ongoing activities" (50 CFR 424.19). Therefore, NMFS must consider the incremental net costs specifically resulting from a critical habitat designation, above the economic effects attributable to listing the species. Economic impacts attributable to listing include actions resulting from section 7 consultations under the ESA to avoid jeopardy to the species and from the taking prohibitions under section 9 of the ESA. As a consequence, although information estimating the total economic impact of listing a species is welcome, comments most useful in determining critical habitat must clearly distinguish the incremental costs directly attributable to the designation of specified areas as critical habitat.

Dated: October 8, 1991.

William W. Fox, Jr.

Assistant Administrator for Fisheries.

[FR Doc. 91-24676 Filed 10-11-91; 8:45 am]

BILLING CODE 3510-22-M

Endangered and Threatened Species; Critical Habitat Designation for Snake River Sockeye, Spring/Summer Chinook, and Fall Chinook Salmon

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

ACTION: Request for scientific data on critical habitat.

SUMMARY: NMFS proposed to list Snake River sockeye salmon (*Oncorhynchus nerka*) as endangered (April 5, 1991; 56 FR 14055), and Snake River spring/summer and fall chinook salmon (*Oncorhynchus tshawytscha*) as threatened (June 27, 1991; 56 FR 29542) under the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 *et seq.* (ESA). As stated in the proposals to list, designation of critical habitat for these species is being undertaken in a separate proceeding. By this notice, NMFS is requesting scientific information on the areas qualifying as critical habitat. Information regarding the economic impacts of any critical habitat designation is requested in a separate notice (see notice of request for economic information on critical habitat published in this issue of the Federal Register).

DATES: Information must be received by November 14, 1991.

ADDRESSES: Information should be sent to the Environmental and Technical Services Division, NMFS, Northwest Region, 911 NE. 11th Avenue, room 620, Portland, OR 97232.

FOR FURTHER INFORMATION CONTACT: Rob Jones, Environmental and Technical Services Division, NMFS, Portland, OR, 503/230-5429 or FTS/429-5429.

SUPPLEMENTARY INFORMATION:

Background

The proposed Snake River sockeye and chinook salmon all have declined to low numbers, and all inhabit the Snake River Basin. Snake River sockeye salmon production occurs in Redfish Lake, in the Salmon River Basin. Spring/summer chinook salmon are sparsely distributed over the Salmon River Basin and four other subbasins of the Snake River. Fall chinook salmon production is primarily limited to the mainstem Snake River downstream of the Hells Canyon Dam complex. All of these salmon share the same migration route through the Snake and Columbia Rivers and the Columbia River estuary. Each species also resides in the Pacific Ocean.

The geographic areas occupied by Snake River sockeye, spring/summer chinook, and fall chinook salmon throughout their life history overlap, and as a result, management considerations essential to the conservation of any one of these species may be mutually beneficial or contrary to the conservation of the others. Therefore, to ensure that any designation of critical habitat is comprehensive and of maximum benefit to the complex of proposed species, NMFS will consider critical habitat for all the proposed Snake River salmon species in a single proceeding.

Section 4(a)(3)(A) of the ESA requires that, to the extent prudent and determinable, NMFS designate critical habitat concurrently with a determination that a species is endangered or threatened. Determining critical habitat for proposed Snake River salmon has not been possible because information is lacking to identify areas qualifying as critical habitat and to consider the economic impact of specifying particular areas as critical habitat. Considering that critical habitat must ordinarily be designated concurrently with listing a species, NMFS must proceed with critical habitat designation in an accelerated manner. NMFS' efforts to obtain and evaluate scientific and economic information relevant to such designation must, therefore, proceed concurrently.

Definition of Critical Habitat

Critical habitat includes (1) those areas currently occupied by a species that contain those physical and biological features essential to the conservation of the species and that may require special management considerations or protection, and (2) those areas outside the current range of the species that are essential for the conservation of the species. Areas outside the current range of a species can only be designated if a designation limited to the species' existing distribution would be inadequate to ensure its recovery. See 50 CFR 424.01, 424.12, and 424.19.

Designating critical habitat is a three-step process. The initial step is to determine what areas are key to the species' recovery. This requires identifying the physical and biological features and principal constituent elements required by the species, and determining if these features and elements require special management or protection to achieve recovery.

The second step is an economic analysis of the consequences of designating particular areas as critical habitat. This begins with identifying those activities that are likely to affect the area being considered, and evaluating how those activities may appreciably diminish the value of the habitat for the recovery of the species. NMFS then analyzes the probable economic and other impacts of additional requirements or management measures likely to result from designating the areas as critical habitat.

Finally, potential critical habitat may be excluded from designation if NMFS determines that the benefits of excluding the area outweigh the benefits of designation. However, an area cannot be excluded if NMFS determines that failure to designate that area will result in the extinction of the species.

Critical habitat is a useful tool for reviewing Federal actions by designating specific boundaries within which activities may require special consideration during planning and development. It does not regulate activities in and of itself, and is not a sanctuary for a listed species where all human activities are prohibited. Critical habitat focusses attention on problems that hinder or preclude a species' recovery. Critical habitat designation involves a judgment as to which areas have features of particular significance to a species' recovery and that warrant special management attention. Important considerations include:

(1) The uniqueness of an area in a species' life history, e.g., emphasis may be directed to correct an obstacle to migration that limits escapement and production of a species, before addressing factors that may at present not be limiting a species' production.

(2) The biological status of the species, i.e., its vulnerability to continued decline in abundance and resulting recovery requirements.

(3) The significance of an area's potential contribution to recovery of a species, and its amenability to management and protection under the ESA.

Scientific Information Solicited

NMFS is requesting information on areas that may qualify as critical habitat for the proposed Snake River sockeye and chinook salmon. Areas that include physical and biological features essential to the recovery of the species should be identified, and areas outside the present distribution should be identified if such areas are essential to the recovery of the species. Areas must be defined by precise topographic boundaries or map coordinates. Essential features include, but are not limited to:

(1) Space for individual and population growth, and for normal behavior;

(2) Food, water, air, light, minerals, or other nutritional or physiological requiremehnts;

(3) Cover or shelter;

(4) Sites for breeding, reproduction, rearing of offspring; and, generally,

(5) Habitats that are protected from disturbance or are representative of the historic geographical and ecological distributions of the species.

Examples of features essential to the recovery of Snake River sockeye and chinook salmon may include: Redfish Lake spawning areas; migratory areas in the Snake and Columbia Rivers; previous spawning areas in the Stanley Basin of the Salmon River or in the Snake River upstream from Hells Canyon Dam complex; feeding areas of the Pacific Ocean; or any combination of these features.

Known principal constituent elements must be listed with any critical habitat description. Constituent elements are the physical characteristics of an area that are essential to the recovery of the species. Principal constituent elements may include, but are not limited to, spawning substrates, food resources, water quality or quantity, and vegetation and specific soil types. Examples of principal constituent elements for Snake River sockeye and chinook salmon may include: The percent of preferred substrates in spawning areas of the Stanley Basin of the Salmon River; water temperatures in the Snake River; water quantity and velocity in the Snake and Columbia Rivers during various periods; downstream and upstream passage facilities at Snake and Columbia River dams; riparian vegetation of spawning and rearing areas; and shallow-water nearshore feeding areas in the Snake and Columbia Rivers.

Together with identifying those areas possessing essential features, and listing principal constituent elements, it is also necessary to identify human activities or natural events subject to Federal action or approval that pose a threat to essential features, and determine where improvements in constituent elements are needed to achieve recovery of a species.

Dated: October 8, 1991.

William W. Fox, Jr.,

Assistant Administrator for Fisheries.

[FR Doc. 91-24677 Filed 10-11-91; 8:45 am]

BILLING CODE 3510-22-M

Intent To Conduct Public Scoping Meetings on the Proposed Thunder Bay National Marine Sanctuary and Intent To Prepare Draft Environmental Impact Statement and Management Plan

AGENCY: Sanctuaries and Reserves Division, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

ACTION: Notice of intent to hold public scoping meetings and prepare draft environmental impact statement and management plan.

SUMMARY: Notice is hereby given that the Sanctuaries and Reserves Division, Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce is considering Thunder Bay, Michigan, for designation as a national marine sanctuary. NOAA will hold public scoping meetings to gather information to determine the range and significance of issues related to sanctuary designation and mangement. The meetings will be held:

Tuesday, October 29, 1991, at 7 p.m. in room 103A of the Kellogg Center, Michigan State University, East Lansing, MI 48824, and Wednesday, October 30, 1991, at 7 p.m. in the Council Chambers of the Alpena City Hall, 208 North First Street, Alpena, MI 49707. All interested persons are invited to attend.

FOR FURTHER INFORMATION CONTACT: Patmarie S. Maher or Susan E. Durden, NOAA Sanctuaries and Reserves Division, 1825 Connecticut Avenue NW., room 714, Washington, DC 20235, (202) 606-4122.

SUPPLEMENTARY INFORMATION: Title III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 16 U.S.C. 1431 *et seq.* (the Act), authorizes the Secretary of Commerce to designate areas of coastal and ocean waters, the Great Lakes and their connecting waters, and submerged lands over which the United States exercises jurisdiction, consistent with international law, as national marine sanctuaries. The purpose of designating national marine sanctuaries is to protect and manage distinctive areas of the marine environment for those conservation, recreational, ecological, historical, research, educational or aesthetic values which give these areas special national significance. The Act is administered by the National Oceanic and Atmospheric Administration (NOAA) through the National Ocean Service (NOS) Office of Ocean and Coastal Resource Management (OCRM), Sanctuaries and Reserves Division (SRD).

Natural Resources: The highly sculptured limestone bedrock, the undulatory pattern of the submerged terraces and scarps, and the extreme gradations in sediment size composition create a variety of biological niches in the Tunder Bay area. Marsh vegetation along the edges of the Michigan Islands provides a habitat and breeding area for thousands of colonial nesting birds such as ring-billed gulls, common terns, and herring gulls. Thunder Island alone hosts 11,000 breeding pairs of shorebirds.

Scarecrow Island, part of the Michigan Islands National Wildlife Refuge, has the greatest variety of nesting birds in the National Wildlife Refuge. The gravel shoreline is heavily used by herring and ring-billed gulls, while many waterfowl (including great blue herons and cormorants) are observed nesting along the shores and within the bays. The American osprey and the American bald eagle, endangered species, have also been observed within the area as well as the rare sandhill crane.

The various geologic sites, including the Misery Bay Sinkhole and the Thunder Bay Island Rock Wall as well as the numerous shipwreck sites, serve as a habitat for 20 species of gamefish. Alewives, carp, black bass, smallmouth bass, catfish, brown trout, steelhead, splake, northern pike, and yellow perch can be observed within and around these sites. Chinook salmon, rainbow trout, brown trout, splake, and steelhead are annually stocked by the Michigan Department of Natural Resources in the inland rivers that feed Thunder Bay.

Human Uses: Situated in an area of medium population density, the area is primarily used for recreational boating, diving, and nature appreciation. Three interesting underwater geological sites (Rock Wall, Misery Bay Sinkhole, and the North Point Reef forming the northern boundary of Thunder Bay) and 83 identified shipwrecks attract large numbers of gamefish, anglers, and recreational divers to the area. The shipwrecks include wood-hulled schooners, steamers, barges, Great Lakes tugboats, a steel-hulled steamer, and an oceangoing freighter. Much of the area is not easily accessible, though some is visited by the more serious naturalists and birdwatchers.

The State of Michigan owns the waters, lake bed, islands, and much of the shore adjacent to Thunder Bay. The area is presently included in Michigan's Underwater Preserve System administered by the Michigan Department of Natural Resources in cooperation with the Department of State, Division of History. The Underwater Preserve System seeks to prevent damage to sunken ships by regulating the salvage of historical or cultural resources in the Preserves.

Four islands within this site are nature preserves. Two islands are managed, primarily to protect migratory and nesting birds, as part of the Michigan Island National Wildlife Refuge; two are owned by the Michigan Nature Association.

The Designation Process: Selection of a site as an Active Candidate formally initiates the National Environmental Policy Act (NEPA) process (Notice of Active Candidacy appeared in the Federal Register on Monday, July 15, 1991); NOAA will prepare a Draft Environmental Impact Statement and Management Plan (DEIS/MP) to examine management, boundary and regulatory alternatives associated with Sanctuary designation.

The management plan to be prepared for the proposed Sanctuary will specify the goals and objectives of Sanctuary designation and will describe programs for resource protection. The plan will identify specific needs and priorities related to resource protection, research, monitoring, education and interpretation at the proposed Sanctuary. It will contain an administrative plan and budget as well as a discussion of volunteer programs, public access, visitor use policies, and facilities development needs. The various administrative and regulatory alternatives for Sanctuary management will be analyzed and preferred alternatives recommended.

Formal opportunities for public participation in NOAA's development of a draft environmental impact statement and mangement plan will be provided through the October scoping meetings, solicitation of comments on the DEIS/

MP document, and public hearings. Information will be provided to interested individuals on a regular basis and on request.

The October scoping meetings will attempt to identify issues in establishing a Thunder Bay National Marine Sanctuary and generate suggestions for resolving them. Topics for discussion will include the following: (1) Boundary alternatives; (2) management alternatives; (3) resource protection regimes; (4) interpretive opportunities; and (5) research opportunities.

Speakers are asked to provide a written copy of their statement at the meeting. It is planned that presentations will be limited to five (5) minutes in length to ensure that all speakers have a chance to speak.

Dated: October 7, 1991.

Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program.

Frank W. Maloney,

Acting Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 91-24663 Filed 10-11-91; 8:45 am]

BILLING CODE 3510-08-M

COMMODITY FUTURES TRADING COMMISSION

Speculative Position Limits—Exemptions From Commission Rule 1.61; Chicago Mercantile Exchange Proposed Amendments to Rules 3902.D, 5001.E, 3010.F, 3012.F, 3013.F, 3015.F, 4604, and Deletion of Rules 3902.F, 5001.G, 3010.H., 3012.H, 3013.H, and 3015.H

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed exchange rule changes; request for comments.

SUMMARY: Exchanges are required under Rule 1.61 of the Commodity Futures Trading Commission ("CFTC" or "Commission"), 17 CFR 1.61 (1991), to establish speculative position limits for all option and futures contract markets which do not have Commission-set speculative position limits. Nevertheless, Commission Rule 1.61(e), 17 CFR 1.61(e), provides that an exchange may submit for Commission approval exemptions from these requirements which are consistent with the purposes of the rule. The Chicago Mercantile Exchange ("CME" or "Exchange"), on July 18, 1991, submitted for the Commission's approval, under section 5a(12) of the Commodity Exchange Act, 7 U.S.C. 7a(12) (1986), and Commission Rule 1.61(e), proposed amendments to certain of the CME's speculative position limit rules.

In particular, the CME has proposed to amend its rules 3902.D, 5001.E, 3010.F, 3012.F, 3013.F, 3015.F, 4604, and to delete rules 3902.F, 5001.G, 3010.H, 3012.H, 3013.H, and 3015.H. These proposals would "substitute position accountability * * * for speculative positions limit rules for both futures and options on futures for the following contracts:

(1) Three-month Eurodollars, (2) Deutsche marks, (3) Japanese yen, (4) pounds sterling, and (5) Swiss francs." These proposals would replace the current speculative position limits in the above contract markets with a provision that for those owning or controlling positions in excess of the current limit levels "shall provide, in a timely fashion, upon request by the Exchange, information regarding the nature of the position, trading strategy, and hedging information if applicable."

The Commission is of the view that obtaining public comment on these proposed rule amendments will aid it in its consideration of the CME's submission. Accordingly, the Commission is hereby providing notice of, and requesting public comment on, these proposed exchange rule amendments. In addition, the Commission is requesting public comment on the criteria which it deems would be relevant to its consideration of such requests for exemptions under this section.

DATES: Comments must be received by December 16, 1991.

ADDRESSES: Comments should be sent to the Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, attention: Office of the Secretariat. Reference should be made to "Speculative Position Limit Exemptions."

FOR FURTHER INFORMATION CONTACT: Blake Imel, Deputy Director, or Paul M. Architzel, Chief Counsel, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K. St. NW., Washington, DC 20581, (202) 254-3201.

SUPPLEMENTARY INFORMATION:

I. Statutory and Regulatory Background

Speculative position limits have been a Congressionally mandated tool for the regulation of futures markets for over a half-century. In particular, section 4a(1) of the Commodity Exchange Act, 7 U.S.C. 6a(1) (1982) ("Act"), provides the Commission with the authority to:

> Fix such limits on the amount of trading which may be done or positions which may be held by any person under contracts of sale of such commodity for future delivery on or subject to the rules of any contract market as the Commission finds are necessary to diminish, eliminate, or prevent such burden * * *. Nothing in this section shall be construed to prohibit the Commission from fixing different trading or position limits for different commodities, markets, futures, or delivery months, or for different number of days remaining until the last day of trading in a contract * * *.

Section 4a(1) of the Act.

Consistent with this statutory scheme, the Commission, in 1981, promulgated Rule 1.61, 46 FR 50938 (October 16, 1981). Rule 1.61 requires exchanges to establish speculative position limits for all option and futures contract markets which do not have Commission-set speculative position limits.[1] The Commission reasoned that Rule 1.61 would assure "that the exchanges would have an opportunity to employ their knowledge of their individual contract markets to propose the position limits they believe most appropriate." *Id.* at 50940.

Commission Rule 1.61(a)(2) establishes the criteria which exchanges must consider in setting speculative position limits "that will accomplish the purposes of this section." 17 CFR 1.61(a)(2)(1990). Among these criteria are

> position sizes customarily held by speculative traders on such market * * *. In addition to the above or upon a determination that the above standard is inappropriate for setting such limits, a contract market may base its determination on other factors which may include breadth and liquidity of the cash market underlying each delivery month and the opportunity for arbitrage between the futures market and cash market in the commodity underlying the futures contract.

17 CFR 1.61(a)(2)(1991).

In addition, Commission Rule 1.61 provides for certain exemptions from the general requirement of the rule. In particular, Commission Rule 1.61(e) provides that:

> In addition to the express exemptions specified in this section, a contract market may provide and submit for Commission approval, such other exemptions from its position limits adopted pursuant to paragraphs (a) or (b) of this section, consistent with the purposes of this section.

[1] In this regard, it should be noted that the Commission directly administers speculative position limits for futures contracts on domestic agricultural commodities. See, 17 CFR 150.2. In contrast, Commission Rule 1.61, 17 CFR 1.61, requires that for all option contracts, and for futures contracts on all other commodities, exchanges adopt and enforce speculative position limits. Exchange-set speculative position limits are approved by the Commission under the standards set forth in Rule 1.61 and under section 5a(12) of the Act. Section 4a(5) of the Act provides that violation of such an exchage-set speculative position limit that has been approved by the Commission, in addition to being an enforceable violation of exhange rules, is also a violation of the Act.

17 CFR 1.61(e) (1991).

Generally, there are three elements to the regulatory framework of speculative position limits. They are the levels of the limits, the exemptions from them and the policy on aggregating accounts. Since its creation, the Commission periodically has reviewed its policies pertaining to these three elements.[2]

Over the last several years, the Commission had been engaged in a thorough revision of its speculative position policies. In this regard, the Commission has modified and updated speculative position limits by issuing a clarification of its hedging definition with regard to the "temporary substitute" and "incidental" tests (52 FR 27195 (July 20, 1987)), and guidelines regarding the exemption of risk-management positions from exchange-set speculative position limits in financial futures contracts. 52 FR 34633 (September 14, 1987). Moreover, the Commission completely revised Federal speculative position limits, adding Federal speculative position limits for soybean meal and soybean oil, and amending the structure and levels of the Federal speculative position limits, 52 FR 38914 (October 20, 1987). In addition, the Commission promulgated Commission Rule 150.3(a)(4), an exemption from speculative position limits for the positions of multi-advisor commodity pools and other entities which use independent account controllers. See, Commission Rule 150.3, as amended by 56 FR 14308 (April 9, 1991). Most recently, the Commission requested comment on Petitions for Rulemaking by the Chicago Board of Trade and the New York Cotton Exchange to increase the levels of the Federal limits and to amend certain exemptions therefrom. 56 FR 37049 (August 2, 1991).

II. Proposed CME Rule Amendments

The CME, on July 18, 1991, submitted for Commission approval under Section 5a(12) of the Act proposed amendments to CME rules 3902.D, 5001.E, 3010.F, 3012.F, 3013.F, 3015.F., 4604, and the deletion of rules 3902.F, 5001.G, 3010.H., 3012.H, 3013.H., and 3015.H. These proposals would "substitute position accountability * * * for speculative positions limit rules for both futures and options on futures for the following contracts: (1) Three-month Eurodollars, (2) Deutsche marks, (3) Japanese yen, (4) pounds sterling, and (5) Swiss francs." In particular, the CME proposals would replace the current speculative position limits in the above contract markets with a provision requiring traders who own or control positions in excess of the current limit levels to "provide, in a timely fashion, upon request by the Exchange, information regarding the nature of the position, trading strategy, and hedging information if applicable." In proposing these exemptions from Commission Rule 1.61, the CME has not differentiated the level of exchange supervision between contracts for foreign currencies and the other highly liquid contracts on financial instruments.

In this regard, the CME, states that

> [t]he existence or absence of the pilot program substituting position accountability for speculative position limits for futures and options on Eurodollars, pound sterling, Deutsche marks, Japanese yen, and Swiss francs will not in any way hinder or limit the CME Market Surveillance Department's authority to collect routinely or otherwise request as necessary market position information from clearing members or individual members of the CME concerning any position or accumulation of any positions held in the contract markets represented under the pilot program. The substitution of the position accountability rule in place of the speculative position limit rules makes it clear to all market participants that the Exchange, may require timely submission of 'information regarding the nature of the position, trading strategy,' and hedging information if applicable, for any entity controlling positions in excess of the former speculative position limits. The CME Market Surveillance Department will continue to detect and prevent any attempted market manipulation. The CME insists on orderly acquisitions and liquidations of positions held on the Exchange regardless of whether individual contract markets are included in the pilot program substituting position accountability for speculative position limits.

III. Criteria for Considering Such Exemptions

Based upon its over ten-years experience overseeing the exchange-set speculative limits required under Commission Rule 1.61, the Commission believes that certain modifications to the structure of these exchange-set speculative limits may be warranted, at least on a limited basis. In the ten years since Rule 1.61 was promulgated, the Commission has noted the continued growth in the depth and liquidity of futures and option contracts on foreign currencies and in certain financial futures or options contracts. This continuing growth may have implications for the continuing need for speculative position limits, as currently structured, in those markets. Consistent with this view, in May 1991, a subgroup of the Commission's Regulatory Coordination Advisory Committee recommended that the Commission reconsider the continued efficacy of the limits in various of the financial commodities.

In this regard, the above CME request for exemptions under 1.61(e) is the first received by the Commission which is applicable to all trading in a particular contract market, as opposed to a specific type of transaction or trading strategy. It therefore follows that, in determining whether or not to grant such an exemption, the Commission must determine whether the exemption is appropriate in light of the nature of the particular contract market for which the exemption is sought. The Commission believes that its consideration of these issues of first impression may be aided by obtaining public comment on the CME's request for these exemptions. The Commission further believes that, to aid the public's understanding of these issues, it should make clear the criteria under Commission Rule 1.61 which are relevant to its determination whether to approve the CME's proposed rule amendments.

As discussed above, Rule 1.61 provides, in certain instances, that the factors upon which speculative position limits may be based include, among others, the "breadth and liquidity of the cash market underlying each delivery month and the opportunity for arbitrage between the futures market and cash market in the commodity underlying the futures contract." Based upon its over ten-years experience in administering Rule 1.61, the Commission believes that exemptions for three classes of futures and option contracts with varying degrees of exchange supervision for each class could be appropriately considered under the above criteria of Rule 1.61. These are futures contracts on foreign currencies and options thereon, and futures and options on financial instruments which have been divided into two broad categories by the relative degree of liquidity in the futures and option markets.

First, for futures contracts on foreign currencies and options thereon, requests

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[2] Initially, for example, the Commission redefined "hedging" (42 FR 42748 (August 24, 1977)), raised speculative position limits in wheat (41 FR 35060 (August 19, 1976)), and in 1979 issued its Statement of Policy On Aggregation of Accounts and Adoption of Related Reporting Rules ("1979 Aggregation Policy"), 44 FR 33839 (June 13, 1979).

In the 1979 Aggregation Policy, the Commission provided guidance to futures commission merchants and others regarding the aggregation of positions for participants in controlled and guided account programs. Specifically, the 1979 Aggregation Policy provided guidance with respect to the meaning of the "control" criterion of the aggregation standard contained in section 4a of the Act. The 1979 Aggregation Policy stated that FCMs are deemed to control all discretionary customer accounts and accounts which are part of a customer trading program unless specified conditions indicative of the absence of control exist.

for exemptions would be appropriate from all of the requirements under Rule 1.61 that exchanges set a speculative position limit. This would be based upon the nearly-inexhaustible deliverable supply of major foreign currencies, such as those currently traded, coupled with the very high liquidity of the underlying cash markets and the ease of arbitrage between the cash and futures markets. The Commission believes, based upon its ten years of oversight of exchange-set speculative limits, that this nearly-inexhaustible deliverable supply, which is readily arbitraged with the futures or options contract, substantially lessens the threat of market manipulation or distortions caused by large speculative positions. In this regard, it should be noted that the relative depth of deliverable supplies for futures and option contracts on foreign currencies is unique.

Secondly, exemptions under Rule 1.61(e) for futures contracts and options on certain financial instruments which exhibit the highest degree of liquidity in both the futures and cash markets, would be considered separately from those on foreign currencies. Similar to futures and option markets on foreign currencies, these markets are also readily arbitraged. In addition, they have very large, although not inexhaustible, deliverable supplies or are cash-settled on a broad, liquid cash market.[3]

For this class of contract, which has the greatest degree of liquidity in the futures, option and underlying cash markets, the Commission, based upon its experience, believes that any exemption considered under Commission Rule 1.61(e) which deletes an absolute position limit, nevertheless should include a level which would trigger distinct reporting requirements by a trader at the request of the applicable exchange. The Commission believes that although these contract markets may appropriately be exempt from enforcing a limitation on establishing speculative positions above the specified level, the exchanges at a minimum, should retain explicit authority to obtain additional information regarding such very large positions, where appropriate.

This triggering level could be maintained at the current levels for speculative position limits. Positions in excess of the specified level should automatically trigger the requirement to respond to such special requests by the exchange for information. The information required to be provided upon such a request could be similar to that which currently is provided by traders seeking a hedge exemption in order to exceed the current limits. Unless such a request has been made, however, the trader would have no additional reporting or other obligations as a consequence of the size of the positions beyond that required of any large trader under the large trader reporting systems of the Commission and the exchanges. See. e.g., 17 C.F.R. Parts 15, 16, 17, 18 and 21 (1991).

Thirdly, for contract markets on financial instruments having a highly liquid futures or cash market, but not of the same magnitude as those in the highest class, the Commission believes that a request for an exemption from Rule 1.61 which deletes the current absolute limitation on speculative positions should include a level triggering the reporting requirements discussed above, and additionally, the automatic consent of the trader, when so ordered by the exchange acting in its discretion, not to increase further those positions which exceed the triggering level.

Although the Commission believes that for these contracts an exemption from a speculative position limit which is an absolute prohibition on holding positions above the stated size, may be appropriate, some degree of exchange supervision over such very large positions, beyond a mere reporting requirement, is warranted. While exchanges would retain the authority to order traders, in appropriate circumstances, not to increase further such very large positions, the need for specific approval for holding such positions routinely or for applications for exemption from a "limit" could be eliminated.

Finally, the Commission notes that any request for such an exemption must include appropriate plans for the continued surveillance and exchange supervision of trading in these contract markets. In this regard, the Commission notes that any exemptions that it grants will be closely monitored and that the operation of the exemption will be reviewed by the Commission after an appropriate, initial period.

Based upon the above discussion of the CME's request and the criteria under Commission Rule 1.61 which the Commission has identified as relevant to its determination, the Commission is requesting public comment specifically on the following issues.

(1) What are the costs and benefits to the market and to market participants of permitting exemptions from exchange-set speculative position limits for futures and options on foreign currencies and on certain financial instruments under the criteria outlined above?

(2) Are there any adverse effects from permitting the exemptions from Rule 1.61 discussed above?

(3) Speculative position limits have various regulatory effects, including helping to ensure orderly trading and aiding in preventing manipulation or other pricing distortions. To what extent are the current speculative position limits for futures and option contracts on foreign currencies and on certain financial instruments necessary to achieve these effects and will the alternatives discussed above, and, in particular the proposal of the CME, address these regulatory effects? Are regulatory safeguards beyond those discussed above necessary to achieve those regulatory effects?

(4) Are there other regulatory alternatives which the Commission should consider in determining appropriate criteria for these exemptions?

(5) Should the Commission consider additional or different criteria in considering these exemptions?

Issued in Washington, DC this 8th day of October, 1991, by the Commission.

Lynn K. Gilbert,

Deputy Secretary of the Commission.

[FR Doc. 91-24672 Filed 10-11-91; 8:45 am]

BILLING CODE 6351-01-M

[3] While a cash settlement contract may not have deliverable supplies per se, the nature and depth of the cash market underlying the generation of the cash settlement price differs among contracts. Accordingly, concerns over the depth and liquidity of the cash market may be quite similar for both physical delivery and cash-settled contracts.

Coffee, Sugar & Cocoa Exchange: Proposed Amendments Relating to Deliverable Growths for the Coffee "C" and Euro-Differential Coffee Futures Contracts

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract rule change.

SUMMARY: The Coffee, Sugar & Cocoa Exchange ("CSCE") has submitted proposed amendments to its coffee "C" and Euro-differential coffee futures contracts that would delete unwashed Ethiopian coffee as a deliverable growth. In accordance with section 5a(12) of the Commodity Exchange Act and acting pursuant to the authority delegated by Commission Regulation 140.96, the Director of the Division of Economic Analysis ("Division") of the Commodity Futures Trading Commission ("Commission") has determined, on behalf of the

Commission, that the proposed amendments are of major economic significance. On behalf of the Commission, the Division is requesting comment on this proposal.

DATES: Comments must be received on or before November 14, 1991.

ADDRESSES: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581. Reference should be made to the proposed deletion of unwashed Ethiopian coffee as a deliverable growth for the CSCE coffee "C" and Euro-differential coffee futures contracts.

FOR FURTHER INFORMATION CONTACT: Frederick V. Linse, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581, telephone (202) 254–7303.

SUPPLEMENTARY INFORMATION: The coffee "C" and Euro-differential coffee futures contracts currently provide for the delivery of washed arabica coffee of 18 different growths and unwashed arabica coffee of Ethiopia. The proposed amendments would effectively eliminate unwashed Ethiopian coffee as a deliverable growth. Specifically, the proposed amendments would state that the last date on which unwashed Ethiopian coffee could be submitted to the Exchange for grading and certification for delivery on the coffee "C" and Euro-differential coffee futures contracts would be December 31, 1992. Unwashed Ethiopian coffee certified for delivery prior to December 31, 1992, would continue to be deliverable on the contracts until the CSCE's certifications of eligibility of such coffee for futures delivery are canceled by the coffee's onwers.

According to the CSCE, unwashed Ethiopian coffee was originally added as a deliverable growth to the coffee "C" contract in 1982 to increase the deliverable supply available for that contract during a time when supply was restricted. According to the CSCE, inclusion of unwashed Ethiopian coffee as a deliverable growth is no longer necessary to assure an adequate deliverable supply for the coffee "C" contract due to changes in the coffee market since the late 1970s and early 1980s. In this respect, the CSCE said that currently available deliverable stocks of coffee at U.S. warehouses are substantially larger than levels of deliverable stocks observed in the late 1970s and early 1980s. The CSCE indicated that the collapse of the International Coffee Agreement in 1989 contributed to the current high levels of coffee supplies. Finally, the Exchange also said that unwashed Ethiopian coffee was never considered to be a good substitute for the washed coffees deliverable on the coffee "C" contract because it differs significantly from them in its characteristics, uses and price.[1]

The Commission is specifically requesting comments with respect to (1) the extent to which the proposed deletion of unwashed Ethiopian coffee as a deliverable growth will affect the supplies of coffee economically available for delivery on each of the contracts, and (2) whether for each contract the remaining deliverable growths will continue to provide for a deliverable supply which will not be conducive to price manipulation or distortion.

Copies of the proposed amendments will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581. Copies of the amended terms and conditions can be obained through the Office of the Secretariat by mail at the above address or by telephone at (202) 254–6314.

The materials submitted by the CSCE in support of the proposed amendments may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR part 145 (1987)). Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Act Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the proposed amendments should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581 by the specified date.

Issued in Washington, DC on October 8, 1991.

Gerald Gay,

Director, Division of Economic Analysis.

[FR Doc. 91–24673 Filed 10–11–91; 8:45 am]

BILLING CODE 6351–01–M

[1] With respect to the Euro-differential coffee contract, unwashed Ethiopian coffee was specified as a deliverable growth for that contract when it was approved in March 1991 because the structure of the Euro-differential coffee contract requires that the same coffees be deliverable on both contracts.

DEPARTMENT OF ENERGY

Energy Information Administration

Inventory of Current DOE Reporting and Record-Keeping Requirements

AGENCY: Energy Information Administration; Energy.

ACTION: Department of Energy's inventory of energy information collections, including reporting and record-keeping requirements.

SUMMARY: The Energy Information Administration (EIA) of the Department of Energy (DOE) herein publishes an inventory of energy information collections (including reporting and record-keeping requirements) which had Office of Management and Budget (OMB) approval on October 1, 1991, the first day of Fiscal Year (FY) 1992. The inventory is published for the use of respondents and other interested parties. DOE's management and procurement collections are the responsibility of DOE's Office of Administration and Human Resource Management and are not included in these notices.

The listing that follows includes DOE energy information collections that had OMB approval as of October 1, 1991. For each information collection utilizing a structured form, part I lists the current DOE Control or form number, the title of the requirement, the OMB control number, and the OMB approval expiration date. Part II lists those information collections which do not utilize structured forms and the corresponding citations from the Code of Federal Regulations.

FOR FURTHER INFORMATION CONTACT: Jay Casselberry, Energy Information Administration (EI–73), 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–2171. Information on the availability of single, blank copies of those information collection utilizing structured forms can be obtained by contacting the National Energy Information Center (EI–231), 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–8800.

SUPPLEMENTARY INFORMATION: As DOE's energy information collections are submitted for review and approval to OMB during FY 1992, (October 1, 1991 through September 30, 1992), **Federal Register** notice will be published informing the public to that effect. Such notices not only provide an opportunity for the public to review and comment on the collections but also notify the public of proposed changes to the inventory. Questions concerning the inventory or

the changes that take place during FY 1992 may be directed to Mr. Casselberry at the address above.

Statutory Authority: Sec. 5(a), 5(b), 13(b), and 52 Pub. L. 93-275, Federal Energy Administration Act of 1974, as amended, 15 U.S.C. § 7649a), 7649b), 772(b), and 790a.

Issued in Washington, DC, October 8, 1991.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration

PART I.—DOE ACTIVE INFORMATION COLLECTIONS, OCTOBER 1, 1991 INVENTORY

DOE No.	Title	OMB control No.	Expiration date
Civilian Radioactive Waste Management:			
NWPA-830R-A-G	Standard Contract for Disposal of Spent Nuclear Fuel and/or High Level Waste (R—Contract is on standby A-F—Annual report is on standby; G—Quarterly. Report—Standard Remittance Advice.	19010260	11/30/93
RW-859	Nuclear Fuel Data	19010287	11/30/93
Conservation and Renewable Energy:			
CE-63A/B	Annual Solar Thermal Collector Manufacturers Survey and Annual Photovoltaic Module/Cell Manufacturers Survey.	19010292	12/31/92
Economic Regulatory Administration:			
ERA-424D	Tertiary Incentive Program Annual Report of prepaid Expenses	19030069	03/31/93
Energy Information Administration:			
EIA-1	Weekly Coal Monitoring Report—General Industries and Blast Furnaces (Standby).	19050167	03/31/92
EIA-3	Quarterly Coal Consumption report—Manufacturing Plants	19050167	03/31/92
EIA-4	Weekly Coal Monitoring Report—Coke Plants (Standby Form	19050167	03/31/92
EIA-5	Coke Plant Report—Quarterly	19050167	03/31/92
EIA-6	Coal Distribution Report	19050167	03/31/92
EIA-7A	Coal Production Report	19050167	03/31/92
EIA-14	Refiners' Monthly Cost Report	19050174	12/31/93
EIA-20	Weekly Telephone Survey of Coal Burning Utilities (Standby Form)	19050167	03/31/92
EIA-23	Annual Survey of Domestic Oil and Gas Reserves	19050057	12/31/91
EIA-23P	Oil and Gas Well Operator List Update Report	19050057	12/31/91
EIA-28	Financial Reporting System	19050149	09/30/93
EIA-64A	Annual Report of the Origin of Natural Gas Liquids production	19050057	12/31/91
EIA-176	Annual Report of Natural and Supplemental Gas Supply and Disposition	19050175	12/31/93
EIA-182	Domestic Crude Oil First Purchase Report	19050174	12/31/93
EIA-191	Underground Natural Gas Storage Report	19050175	12/31/93
EIA-191S	Underground Gas Storage Report	19050175	12/31/93
EIA-254	Semiannual Report on Status of Reactor Construction	19050160	12/31/91
EIA-412	Anual Report of Public Electric Utilities	19050129	12/31/92
EIA-457A/G	Residential Energy Consumption Survey	19050092	05/31/93
EIA-627	Annual Quantity and Value of Natural Gas Report	19050175	12/31/93
EIA-759	Monthly Power Plant Report	19050129	12/31/92
EIA-782A	Refiners'/Gas Plant Operators' Monthly Petroleum Product Sales Report	19050174	12/31/93
EIA-782B	Resellers'/Retailers' Monthly Petroleum Product Sales Report	19050174	12/31/93
EIA-782C	Monthly Report of Petroleum Products Sold into States for Consumption	19050174	12/31/93
EIA-800	Weekly Refinery Report	19050165	04/30/92
EIA-801	Weekly Bulk Terminal Report	19050165	04/30/92
EIA-802	Weekly Product Pipeline Report	19050165	04/30/92
EIA-803	Weekly Crude Oil Stocks Report	19050165	04/30/92
EIA-804	Weekly Imports Report	19050165	04/30/92
EIA-806	Weekly Crude Watch Report	19050165	04/30/92
EIA-807	Propane Telephone Survey	19050165	04/30/92
EIA-810	Monthly Refinery Report	19050165	04/30/92
EIA-811	Monthly Bulk Terminal Report	19050165	04/30/92
EIA-812	Monthly Product Pipeline Report	19050165	04/30/92
EIA-813	Monthly Crude Oil Report	19050165	04/30/92
EIA-814	Monthly Imports Report	19050165	04/30/92
EIA-816	Monthly Natural Gas Liquids Report	19050165	04/30/92
EIA-817	Monthly Tanker and Barge Movement Report	19050165	04/30/92
EIA-818	International Energy Agency Imports/Stock-at-Sea Report	19050165	04/30/92
EIA-820	Annual Refinery Report	19050165	04/30/92
EIA-821	Annual Fuel Oil and Kerosene Sales Report	19050174	12/31/93
EIA-822A/D	Oxyenate Operations Identification Survey	19050182	12/31/91
EIA-825	Petroleum Facility Operator Identification Survey	19050165	04/30/92
EIA-826	Monthly Electric Utility Sales and Revenue Report with State Distributions	19050129	12/31/92
EIA-851	Domestic Uranium Mining Production Report	19050160	12/31/91
EIA-856	Monthly Foreign Crude Oil Acquisition Report	19050174	12/31/93
EIA-857	DOE Monthly Report of Natural Gas Purchases and Deliveries to Consumers.	19050175	12/31/93
EIA-857S	DOE Weekly Report of Natural Gas Supplies and Deliveries to Consumers	19050175	12/31/93
EIA-858	Uranium Industry Annual Survey	19050160	12/31/91
EIA-860	Annual Electric Generator Report	19050129	12/31/92
EIA-861	Annual Electric Utility Report	19050129	12/31/92
EIA-863	Petroleum Product Sales Identification Survey	19050174	12/31/93
EIA-867	Annual Nonutility Power Producer Report	19050177	12/31/91
EIA-871A/F	Commercial Buildings Energy Consumption Survey	19050145	05/31/92
EIA-876A/E	Residential Transportation Energy Consumption Survey	19050068	09/30/93
EIA-877	Winter Heating Fuels Telephone Survey	19050174	12/31/93
EIA-878	Daily Motor Gasoline Price Survey	19050181	11/30/91

PART I.—DOE ACTIVE INFORMATION COLLECTIONS, OCTOBER 1, 1991 INVENTORY—Continued

DOE No.	Title	OMB control No.	Expiration date
Federal Energy Regulatory Commission:			
FERC-1	Annual Report of Major Electric Utilities, Licensees and Others	19020021	10/31/91
FERC-1-F	Annual Report of Nonmajor Public Utilities and Licensees	19020029	10/31/91
FERC-2	Annual Report for Major Natural Gas Companies	19020028	08/31/93
FERC-2A	Annual Report of Nonmajor Natural Gas Companies	19020030	08/31/93
FERC-6	Annual Report of Oil Pipeline Companies	19020022	08/31/93
FERC-8	Underground Gas Storage Report	19020026	06/30/92
FERC-11	Natural Gas Pipeline Company Monthly Statement	19020032	05/31/93
FERC-15	Interstate Pipeline's Annual Report of Gas Supply	19020037	08/31/93
FERC-16	Report of Gas Supply and Requirements	19020025	09/30/92
FERC-73	Service Life Data	19020019	10/31/92
FERC-80	Licensed Hydropower Development Recreation Report	19020106	11/30/92
FERC-121	Application for Determination of the Maximum Lawful Price Under the Natural Gas Policy Act of 1978.	19020038	12/31/92
FERC-423	Monthly Report of Cost and Quality of Fuels for Electric Plants	19020024	09/30/93
FERC-561	Annual Report of Interlocking Positions	19020099	07/31/92
FERC-580	Fuel Purchase Practices	19020137	03/31/92
FERC-597	Customer Satisfaction Survey	19020163	01/31/94
FERC-714	Annual Electric Power System Report	19020140	12/31/91
FPC-14	Annual Report for Importers and Exporters of Natural Gas	19020027	09/30/92
Fossil Energy:			
EIA-767(3)	Steam Electric Plant Operation and Design Report	19010298	12/31/92
FE-748	Enhanced Oil Recovery Annual Report	19010291	06/30/92
FE-781R	Annual Report of International Electrical Export/Import Data	19010296	09/30/94
International Affairs and Energy Emergencies			
IE-411	Coordinated Regional Bulk Power Supply Program Report	19010286	10/31/93
IE-417R	Major Electric Power System Emergency Report	19010288	05/31/92
Policy, Safety, and Environment			
EIA-767(2)	Steam Electric Plant Operation and Design Report	19010267	12/31/92
PE-872	Flue Gas Desulfurization Information System	19010299	09/30/93

PART II.—DOE ACTIVE INFORMATION COLLECTIONS, OCTOBER 1, 1991 INVENTORY

[Not utilizing structured forms]

DOE No.	Title	OMB Control	Expiration date	CFR citation
Econimic Regulatory Administration:				
ERA-766R	Recordkeeping Requirements of DOE's General Allocation and Price Rules.	19030073	09/30/93	10 CFR 210.1.
Federal Energy Regulatory Commission:				
FERC-16A	Monitoring (Omnibus) report (stand-by authority)	19020105	12/31/92	by FERC Order.
FERC-16AT	Interstate Pipeline Curtailment (Telephone) Survey.	19020139	11/30/93	by FERC Order.
FERC-314A	Application For Small Producer Exemption	19020006	12/31/92	18 CFR 250.10.
FERC-500	Application For License for Hydropower Projects Greater Than 5MW.	19020058	07/31/94	18 CFR 4.38, 4.39, 4.40, 4.41, 4.50, 4.51, 4.200-.202.
FERC-505	Application for License for Water Projects 5MW or Less.	19020115	07/31/94	18 CFR 4.61, 4.71, 4.92, 4.93, 4.107, 4.108, 4.112, 4.113, 4.201-.202.
FERC-510	Application for Surrender of Electric License	19020068	11/30/91	18 CFR 6.1, 6.3.
FERC-511	Application for Transfer of Electric License	19020069	10/31/91	18 CFR 9.1, 9.2, 9.10.
FERC-512	Application for Preliminary Permit	19020073	9/30/94	18 CFR 4.31, 4.32, 4.33, 4.81, 4.82.
FERC-515	Hydropower License—Declaration of Intention	19020079	10/31/91	18 CFR 24.1.
FERC-516	Electric Rate Schedule Filings	19020096	04/30/92	18 CFR 35, Subpart A, 35.12-.16, 35.26 35.30, 35.31, 292, 301.
FERC-519	Disposition of Facilities, Mergers, and Acquisitions of Securities.	19020082	01/31/93	18 CFR 33.
FERC-520	Application for Authority to hold Interlocking Directorate Positions.	19020083	01/31/93	18 CFR 45.
FERC-521	Headwater Benefits	19020087	07/31/92	18 CFR 11.16.
FERC-523	Application for Authorization of The Issuance of Securities or the Assumption of Liabilities.	19020043	10/31/92	18 CFR 34.
FERC-525	Financial Audits	19020092	03/31/92	18 CFR 101, 201.
FERC-530	Gas Producer Certificate: Abandonment/Termination.	19020051	12/31/92	18 CFR 2.64 157.30, 250.7.
FERC-531	Gas Producer Certificates: New Service/Amendments.	19020052	12/31/92	18 CFR 2.75, 154.91-154.111, 157.23-157.28, 157.40, 250.5, 250.10.
FERC-532	Gas Producer Rate: Filing	19020055	12/31/92	18 CFR 2.56(A), 154.91-.110, 157.301, 250.8-.9, 250.5, 250.14.
FERC-534	Gas Producer Rates: Application for Production-Related Costs.	19020057	12/31/92	18 CFR 154.94(K), 270, 271.1100-271.1101, 271.1103-271.1105.
FERC-537	Gas Pipeline Certificates: Construction, Acquisition & Abandonment.	19020060	04/30/92	18 CFR 2.79, 157.5-.21, .100, .201-.218, 159.1, 284.107, .127, .221.
FERC-538	Gas Pipeline Certificate: Initial Service	19020061	01/31/94	18 CFR 156.3, 156.4, 156.5.

PART II.—DOE ACTIVE INFORMATION COLLECTIONS, OCTOBER 1, 1991 INVENTORY—Continued

[Not utilizing structured forms]

DOE No.	Title	OMB Control	Expiration date	CFR citation
FERC-539	Gas Pipeline Certificate: Import/Export Related	19020062	04/30/94	18 CFR 153.
FERC-541	Gas Pipeline Certificate: Curtailment Plan	19020066	03/31/94	18 CFR 2.78, 281.
FERC-542	Gas Pipeline Rates: Initial Rates, Rate Change, and PGA tracking.	19020070	03/31/94	18 CFR 154.38, 154.61-154.67.
FERC-542A	Tracking and Recovery of Alaska Natural Gas Transportation System.	19020129	12/31/93	18 CFR 154.201-154.213.
FERC-543	Gas Pipeline Rates: Purchased Gas Adjustment Tracking.	19020152	03/31/94	18 CFR 154.38.
FERC-544	Gas Pipeline Rates: Rate Change (Formal)	19020153	02/28/94	18 CFR 154.63-154.67.
FERC-545	Gas Pipeline Rates: Rate Change (Non-Formal)	19020154	07/31/93	18 CFR 154.63-154.67.
FERC-546	Gas Pipeline Rates: Certificated Rate Filings	19020155	02/28/94	18 CFR 154.62-154.67.
FERC-547	Gas Pipeline Rates: Refund Obligations	19020084	05/31/94	18 CFR 154.38(5)(V)(H), 270.101, 273.301, 273.302.
FERC-548	Staff Adjustment Under Natural Gas Policy Act Section 502(c).	19020085	12/31/92	18 CFR 270-277, 281, 282, 284, 385, Subpart K.
FERC-549(A)	Gas Pipeline Rates: Natural Gas Policy Act Title III Transactions (Interim Rule Emergency Clearance).	19020160	11/30/92	18 CFR 284 Sub. A/D/E/H, 284.7-11, .102, .105, .106, .122, and others.
FERC-550	Oil Pipeline Rates: Tariff filings	19020089	08/31/92	18 CFR 340-345, 347.
FERC-555	Records Retention Requirements	19020098	05/31/92	18 CFR 125, 158, 160.1, 225, 276.108, 277.210, 356.
FERC-556	Cogeneration and Small Power Production	19020075	10/31/91	18 CFR 292.
FERC-557	PURPA Section 133: Cost of Service Data	19020042	11/30/92	18 CFR 290.
FERC-558	Format of Contract Summary for Applications for Certificates of Public Convenience and Necessity.	19020109	12/31/92	18 CFR 250.5
FERC-559	Independent Producer Rate Change or Initial Billing Statement.	19020036	12/31/92	18 CFR 250.14.
FERC-566	Report of Utility's twenty Largest Purchasers	19020114	02/29/92	18 CFR 46.3.
FERC-567	Gas Pipeline Certificates: Annual Reports of System Flow Diagrams and System Capacity.	19020005	09/30/93	18 CFR 260.8, 284.12.
FERC-568	Well Category Determination	19020112	12/31/92	18 CFR 271.703, 274, 275.
FERC-569	Establishment of Deadlines for 1st Sellers to Make and Report Refunds Refund Obligation (producers).	19020111	12/31/92	18 CFR 273.
FERC-570	Recordkeeping Requirements for Certain Sales of Natural Gas.	19020124	12/31/92	18 CFR 271.503, 271.603, 271.903.
FERC-574	Gas Pipeline Certificates—Hinshaw Exemption	19020116	11/30/92	18 CFR 152.
FERC-576	Report by Certain Natural Gas Companies on Service Interruptions.	19020004	06/30/92	18 CFR 260.9.
FERC-577	Gas Pipeline Certificates: Environmental Impact Statement.	19020128	07/31/92	18 CFR 2.80, 2.82, 157.14.
FERC-577(A)	Gas Pipeline Certificates: Environmental Impact Statement (Interim Rule).	19020161	11/30/92	18 CFR 2.80, 2.82, 157.14.
FERC-581	Management and Procurement Reporting and Recordkeeping Requirements.	19020130	05/31/93	48 CFR Subtitle A, Chapter 9.
FERC-582	Oil, gas, and Electric Fees and Annual Charges	19020132	07/31/93	18 CFR 381.106, 382.105(A), 382.201(B)(4).
FERC-583	Hydroelectric Fees and Annual Charges	19020136	06/30/93	18 CFR 11.1, 11.3, 11.4, 11.6.
FERC-585	Reports on Electric Energy Shortages & Contingency Plans Under PURPA 206.	19020138	09/30/93	18 CFR 294.
FERC-588	Emergency Natural Gas Sale, Transportation and Exchange Transactions.	19020144	06/30/94	18 CFR 284, Subpart I.
FERC-590	Wellhead Pricing: Pricing Investigations	19020147	12/31/92	Not applicable.
FERC-592	Marketing Affiliates of Interstate Pipelines	19020157	12/31/91	18 CFR 161.250.
Fossil Energy:				
FE-329R	Regulatory Reporting and Recordkeeping Requirements Pursuant to 10 CFR 500, 501, 503, and 504.	19010297	03/31/92	10 CFR 500, 501, 503, 504, 505, 508, 515.
FE-746R	Import and Export of Natural Gas	19010294	01/31/93	10 CFR 205, 590.
FE-750R	Annual Compilation of Proposed and Final List of Utilities Covered by Public Utility Regulatory Policies Act and National Energy Conservation Policy Act.	19010295	04/30/94	10 CFR 463.

[FR Doc. 91-24766 Filed 10-11-91; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. FA88-8-004, et al.]

Century Power Corp., et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

October 7, 1991.

Take notice that the following filings have been made with the Commission:

1. Century Power Corporation

[Docket No. FA88-8-004]

Take notice that on August 16, 1991, Century Power Corporation submitted its compliance filing in response to the Commission's order of November 23, 1990 in this proceeding.

Comment date: November 1, 1991, in accordance with Standard Paragraph E at the end of this notice.

2. Iowa Public Service Co.

[Docket No. ER91-686-000]

Take notice that on September 30, 1991, Iowa Public Service Company (IPS) tendered for filing an executed Transmission Service Agreement whereby IPS will provide Cedar Falls Utilities (CFU) with transmission service, commencing January 1, 1985, for CFU's share of power and energy from George Neal Generating Station Unit No. 4.

IPS respectfully requests a waiver of the Commission's rules so that the Transmission Service Agreement may be approved retroactive to January 1, 1985.

IPS states that copies of this filing were served on Cedar Falls Utilities and the Iowa Utilities Board.

Comment date: October 21, 1991, in accordance with Standard Paragraph E at the end of this notice.

3. Missouri Public Service Co., The Kansas City Power & Light Co.

[Docket No. ER91-682-000]

Take notice that Missouri Public Service Company (MPS) and The Kansas City Power and Light Company (KCP&L) on September 30, 1991, tendered for filing an Amendatory Agreement No. 1, dated September 18, 1991, to the Multiple Interconnection and Transmission Contract dated April 28, 1966 between MPS and KCP&L. The Amendatory Agreement provides for additional Interconnection Schedule Nos. 13 and 14, sets forth a rate schedule for Transformation Service and modifies Interconnection Schedule No. 11, as explained in more detail in the filing.

The filing states that the Amendatory Agreement was entered into in order to state the terms and conditions under which the interconnections between the two systems will be operated, and to set forth a rate for the Transformation Service which will be provided in order to increase reliability of the two systems. The parties are seeking waiver of the Commission's notice requirements so that the filing can have an effective date of June 1, 1991, as set forth in the Amendatory Agreement.

Copies of the filing were served upon The Kansas City Power and Light Company and the Missouri Public Service Commission.

Comment date: October 21, 1991, in accordance with Standard Paragraph E at the end of this notice.

4. The United Illuminating Co.

[Docket No. ER91-680-000]

Take notice that on September 30, 1991, The United Illuminating Company (UI) tendered for filing a rate schedule for a short-term, coordination transaction involving the exchange of capacity entitlements with Connecticut Municipal Electric Energy Cooperation (CMEEC). The rate schedule correspond to a Letter Agreement, dated September 20, 1991, between UI and CMEEC. The commencement date for service is April 1, 1991. UI proposes that the rate schedule commence on this date.

The service provided under the Agreement is the exchange of capacity entitlements and associated energy in UI's units for capacity entitlements in CMEEC units.

Copies of the filing were mailed to CMEEC.

Comment date: October 21, 1991, in accordance with Standard Paragraph E at the end of this notice.

5. Oklahoma Municipal Power Authority v. Public Service Company of Oklahoma

[Docket No. EL90-43-000]

Take notice that Public Service Company of Oklahoma (PSO), on September 27, 1991, tendered for filing an amendment to the Offer of Settlement filed on December 5, 1990 in the above-referenced docket. PSO has submitted a "Stipulation and Agreement of Settlement" with Oklahoma Municipal Power Authority dated December 3, 1990, as amended. The Agreement provides for the revision of an existing 1985 Interconnection and Power Supply Agreement between PSO and OMPA.

Copies of the amended filing were served on PSO's affected customers and the Oklahoma Corporation Commission.

Comment date: October 21, 1991, in accordance with Standard Paragraph E at the end of this notice.

6. Commonwealth Electric Co. v. Boston Edison Co.

[Docket No. EL88-5-007]

City of Holyoke Gas and Electric v. Boston Edison Co.

[Docket No. EL88-7-000]

Take notice that on July 22, 1991, Commonwealth Electric Company (Commonwealth) tendered for filing its compliance refund report in the above-referenced docket.

Comment date: October 18, 1991, in accordance with Standard Paragraph E at the end of this notice.

7. Atlantic City Electric Company

[Docket No. ER-335-000]

Take notice that on October 2, 1991, Atlantic City Electric Company ("Atlantic Electric") tendered for filing with the Commission supplemental material regarding Atlantic Electric's March 26, 1991 filing of a Power Sales Agreement between Atlantic Electric and the City of Vineland, New Jersey dated February 5, 1991, as amended August 2, 1991.

In this filing, Atlantic Electric has revised the Basic Demand Charges, decreasing them to: 3.5483 cents/Kwhr (1991-92); 3.8922 cents/Kwhr (1992-93); and 4.0671 cents/Kwhr (1993-94). This will result in a rate reduction for Vineland in the amount of $737,944 for the term of the contract. Vineland has agreed to these changes, and a revised page 7 of the Agreement has been submitted.

Atlantic Electric renews its request for a June 1, 1991 effective date and requests waiver of the Commission's notice requirements for good cause shown. 18 CFR 35.3, 34.11. Atlantic Electric states that a copy of this filing has been sent to Vineland and to the New Jersey Board of Public Utilities.

Comment date: October 21, 1991, in accordance with Standard Paragraph E at the end of this notice.

8. Iowa Public Service Company

[Docket No. ER91-684-000]

Take notice that on September 30, 1991, Iowa Public Service Company (IPS) tendered for filing an executed Transmission Interconnection and Interchange Agreement between IPS and northeast Public Power District (NPPD).

IPS indicates that the interconnection and Interchange Agreement reflects the establishment of a transmission interconnection between the two systems. NPPD will pay IPS a facilities

charge based on transmission line investment.

IPS respectfully requests a waiver of the Committee's rules so that the interconnection and Interchange Agreement may be approved retroactive on December 29, 1986.

IPS states that copies of this filing were served on NPPD and the Iowa Utilities Board.

Comment date: October 21, 1991, in accordance with Standard Paragraph E at the end of this notice.

9. Boston Edison Co.

[Docket No. ER91-679-000]

Take notice that on September 30, 1991, Boston Edison Company (Edison) and Public Service Company of New Hampshire (PSNH) tendered for filing an Exchange Agreement for the exchange of capacity and energy during the duration of refueling outages at Edison's Pilgrim Nuclear Power Station and PSNH's Seabrook Unit No. 1. The Exchange Agreement specifies the amount and duration of the capacity and energy between Edison and PSNH.

Edison and PSNH request waiver of the Commission's notice requirements to permit the Exchange Agreement to become effective as of May 1, 1991.

Edison and PSNH state that they have served the filing on Massachusetts Department of Public Utilities and the New Hampshire Public Utilities Commission.

Comment date: October 21, 1991, in accordance with Standard Paragraph E at the end of this notice.

10. The Connecticut Light and Power Co.

[Docket No. ER92-15-000]

Take notice that on October 3, 1991, The Connecticut Light and Power Company ("CL&P") (a subsidiary of Northeast Utilities) tendered for filing an Exchange Agreement dated as of December 1, 1990 (the "Exchange Agreement") between the CL&P and the Connecticut Municipal Electric Energy Cooperative ("CMEEC").

CL&P states that the Exchange Agreement is a generating capacity exchange agreement which provides for CMEEC to receive capacity and associated energy output from CL&P generating entitlements and, in exchange, CL&P will receive capacity and associated energy output from various CMEEC generating entitlements pursuant to settlement arrangements between the parties. The parties anticipate that the exchange of entitlements in the designated units should improve their individual system economics.

CL&P requests waiver of the Commission's customary notice requirements in order to permit the rate schedule changes to become effective December 1, 1990.

CL&P states that copies of the filing were served upon CMEEC and on the Connecticut Department of Public Utility Control.

Comment date: October 21, 1991, in accordance with Standard Paragraph E at the end of this notice.

11. Missouri Public Service Co.

[Docket No. ER91-683-000]

Take notice that Missouri Public Service Company (MPS), on September 30, 1991, tendered for filing a Transmission and Interconnection Agreement between MPS and Associated Electric Cooperative, Inc. (AEC) dated August 24, 1988.

The filing states that the Agreement was entered into in order to restate and consolidate the terms and conditions under which the multiple interconnection between the two systems will be operated, in order to increase reliability and to insure compliance with the MOKAN Agreement. No change in revenues was intended as a result of the new agreement. MPS is requesting waiver of the Commission's notice requirements so that the Agreement can become effective on August 24, 1988, as the parties agreed.

Copies of the filing were served upon AEC and the Missouri Public Service Commission.

Comment date: October 21, 1991, in accordance with Standard Paragraph E at the end of this notice.

12. Public Service Company of Oklahoma

[Docket No. ER91-409-000]

Take notice that Public Service Company of Oklahoma (PSO) on September 27, 1991, tendered for filing an amendment to its filing for its Customer Supplied Fuel Rider (CSF), which supplements and amends its Wholesale Full Requirements Rate, FERC Rates Schedules Nos. 170, 171, 189 and 197.

Under the CSF, certain wholesale full requirements customers of PSO may elect to supply PSO with the gas supplies required to generate a portion of or a specified percentage of their requirements for electricity. PSO requests that the CSF be permitted to become effective as of June 29, 1991.

PSO further amends its filing in response to the June 28, 1991 letter of the Director, Division of Applications.

Copies of the amended filing were served upon PSO's full requirements wholesale customers and the Oklahoma Corporation Commission.

Comment date: October 21, 1991, in accordance with Standard Paragraph E at the end of this notice.

13. Interstate Power Co.

[Docket No. ER91-687-000]

Take notice that on September 30, 1991, Interstate Power Company tendered for filing a Transmission Service Agreement, a General Purpose Energy Agreement, and a Negotiated Capacity Agreement between Interstate Power Company and Wisconsin Power & Light Company. Under the Transmission Service Agreement, Interstate Power Company will provide transmission service for 50 MW of firm power during the MAPP summer seasons only (six month seasons starting May 1, and ending October 31, inclusive) commencing May 1, 1991 and ending October 31, 1993. Under the General Purpose Energy Agreement, Interstate will make non-firm energy available to Wisconsin Power and Light Company with term and quantity arranged upon mutual agreement. Under the Negotiated Capacity Agreement, Interstate Power Company will make capacity and energy available to Wisconsin Power and Light Company with negotiated degrees of firmness, variable capacity charges, and variable time duration. The General Purpose Energy and Negotiated Capacity Agreements shall continue until December 31, 1991, with subsequent one-year renewal terms.

Comment date: October 21, 1991, in accordance with Standard Paragraph E at the end of this notice.

14. Ohio Power Co.

[Docket No. ER91-589-000]

Take notice that American Electric Power Service Corporation (AEPSC) on September 30, 1991, tendered for filing on behalf of its American Electric Power System affiliate, Ohio Power Company (OPCO), an Amendment to Supplement No. 12 dated August 1, 1991 to the Agreement dated April 1, 1974 between OPCO and American Municipal Power-Ohio, Inc., OPCO Rate Schedule FERC No. 74.

The Amendment revises OPCO's Interchange power rates to include demand rate caps. An effective date of August 15, 1991 has been requested for service pursuant to the filing of Supplement No. 12.

A copy of the filing was served upon the Public Utilities Commission of Ohio.

Comment date: October 21, 1991, in accordance with Standard Paragraph E at the end of this notice.

15. The Dayton Power and Light Co.

[Docket No. ER91-689-000]

Take notice that the Dayton Power and Light Company (Dayton) tendered for filing on September 30, 1991, an executed Letter Agreement extending the term of the existing Purchase and Resale Agreement (Agreement) between Dayton and the Village of Mendon, Ohio (Village).

The proposed Letter Agreement extends the term of the existing Agreement to allow Village to continue to purchase energy requirements from third parties who will use their existing Interconnection Agreement Rate Schedules to deliver the energy requirements to Dayton for final delivery to Village. An October 1, 1991, effective date has been requested. A copy of this filing was served upon Village and The Public Utilities Commission of Ohio.

Comment date: October 21, 1991, in accordance with Standard Paragraph E at the end of this notice.

16. Union Electric Co.

[Docket No. ER91-681-000]

Take notice that on September 30, 1991, Union Electric Company (Union) tendered for filing a Notice of Termination of a Wholesale Electric Service Agreement between Union and Arkansas Power and Light Company.

Comment date: October 21, 1991, in accordance with Standard Paragraph E at the end of this notice.

17. Portland General Exchange, Inc.

[Docket No. ER91-662-000]

Take notice that on September 23, 1991, Portland General Exchange, Inc. (PGX) tendered for filing a Notice of Cancellation of Nonfirm Energy Service Schedule PGX-1 effective November 19, 1991.

Comment date: October 21, 1991, in accordance with Standard Paragraph E at the end of this notice.

18. Southwestern Power Administration

[Docket No. EF92-4081-000]

Take notice that the Assistant Secretary, Conservation and Renewable Energy, U.S. Department of Energy, on October 1, 1991, submitted to the Federal Energy Regulatory Commission (Commission) for confirmation and approval on a final basis, pursuant to the authority vested in the Commission by Delegation Order No. 0204-108, as amended August 23, 1991, 56 FR 41835, an annual power rate of $408,648 for the sale of power and energy by the Southwestern Power Administration (Southwestern) from the Robert Douglas Willis Hydropower Project (Robert D. Willis) to the Sam Rayburn Municipal Power Agency (SRMA). The rate was confirmed and approved on an interim basis by the Assistant Secretary in Rate Order No. SWPA-25 for the period October 1, 1991, through September 30, 1995, and has been submitted to the Commission for confirmation and approval on a final basis for the same period. The rate supersedes the annual power rate of $373,068, which the Commission approved on a final basis December 20, 1989, under Docket No. EF89-4081-000. The annual rate of $408,648 is based on the 1991 Revised Power Repayment Study for Robert D. Willis and represents an annual increase in revenue of $35,580, or 9.5 percent to satisfy repayment criteria.

Comment date: October 25, 1991, in accordance with Standard Paragraph E at the end of this notice.

19. Kamine/Besicorp Syracuse L.P.,

[Docket No. QF88-269-001]

On September 30, 1991, Kamine/Besicorp Syracuse L.P. (Applicant) of 1620 Route 22 East Union, New Jersey 07083 submitted for filing an application for recertification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Onondaga County, New York. The maximum net electric power production capacity will be 79.9 megawatts. The primary energy source will be natural gas.

The original certification was issued on May 31, 1988 (43 FERC ¶ 62,241). The instant recertification is requested to reflect a transfer of ownership from Kamine LCP Cogen Co., Inc. to Kamine/Besicorp Syracuse L.P., a decrease in the number of combustion turbine-generators from two to one, and a change in the thermal use.

Comment date: November 14 1991, in accordance with Standard Paragraph E at the end of this notice.

20. West Penn Power Co. and Duquesne Light Co.

[Docket No. ER91-315-000]

Take notice that on October 2, 1991, West Penn Power Company (West Penn) and Duquesne Light Company (Duquesne), filed a second revision of Amendment No. 14 to the Interchange Agreement between West Penn and Duquesne. The proposed effective date for the Amendment No. 14 is January 1, 1991.

Copies of the initial filing and the amended filings have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, and the West Virginia Public Service Commission.

Comment date: October 21, 1991, in accordance with Standard Paragraph E end of this notice.

21. 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. 91-24696 Filed 10-11-91; 8:45 am]

BILLING CODE 6717-01-M

[Project Nos. 2256-001, et al.]

Hydroelectric Applications, Consolidated Water Power Co., et al.; Applications

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection:

a. *Type of Application:* New Major License (> 5MW).

b. *Project No.:* 2256-001.

c. *Date Filed:* July 26, 1991.

d. *Applicant:* Consolidated Water Power Company.

e. *Name of Project:* Wisconsin Rapids.

f. *Location:* On the Wisconsin River, Wood County, Wisconsin.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Mr. Kenneth K. Knapp, Consolidated Water Power Company, 231 First Avenue North, P.O. Box 8050, Wisconsin Rapids, WI 54495 (715) 422-3073.

i. *FERC Contact:* Michael Dees (202) 219-2807.

j. *Deadline Date:* December 6, 1991.

k. *Status of Environmental Analysis:* This application is not ready for environmental analysis at this time—see attached standard paragraph E.

l. *Description of Project:* The project as licensed consists of the following: (1) A dam which has a total length of about 6,136 feet and is comprised of (a) an earth dike which has a length of 3,000 feet and a height of about 9 feet; (b) three sections of masonry gravity wall which have lengths of 1,024 feet, 138 feet, and 386 feet and a maximum height of about 20 feet; (c) three sections of concrete gravity wall which have lengths of 105 feet, 220 feet, and 450 feet and heights ranging from 22 to about 40 feet; (d) three gated spillways, one which has a length of 355 feet and contains ten 30-foot-wide by 15-foot-high Taintor gates, one which has a length of 252 feet and contains six 34-foot-wide by 13.75-foot-high Taintor gates, and one which has a length of 130 feet and contains three 30-foot-wide by 12.5-foot-high Taintor gates; and (e) a powerhouse with a length of 76 feet; (2) a reservoir with a surface area of about 455 acres, a storage capacity of about 4,660 acre-feet (AF), and a normal maximum water surface elevation of 1,011.3 feet mean sea level (msl); (3) a main powerhouse constructed of brick and steel with dimensions of 76.0 feet by 59.8 feet, equipped with two vertical shaft Francis turbine-generator units which have a total rated capacity of 4,680 kilowatts (kW), a combined maximum hydraulic capacity of 2,200 cubic feet per second (cfs), and a net head of 30 feet; (4) a second powerhouse located on the lower floor of a grinder building, which is integral with a masonry wall section of the dam and has dimensions of 184 feet by 57 feet, and which is equipped with eight horizontal Francis turbines, which have an aggregate hydraulic capacity of 2,400 cfs and a head of 30 feet, and which are connected to synchronous motors which have a total rated capacity of 4,430 kW; (5) a 220-foot-wide tailrace channel which is located immediately downstream of the powerhouse and grinder building; (6) a substation; and (7) appurtenant facilities.

The Applicant is not proposing any changes to the existing project works as licensed. However, the Applicant is proposing to include the eight synchronous motors, which are connected to the eight horizontal turbines, as a part of the project. The Applicant estimates the average annual generation would be 53.6 GWh and owns all existing project facilities.

The existing project would also be subject to Federal takeover under sections 14 and 15 of the Federal Power Act. Based on the license expiration of July 31, 1993, the Applicant's estimated net investment in the project would amount to $1,123,000.

m. *Purpose of Project:* All project energy generated would be utilized by Consolidated Papers, Inc., primarily in the adjoining Wisconsin Rapids mill.

n. *This notice also consists of the following standard paragraphs:* B2 and E.

o. *Available Location 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 Consolidated Water Power Company, 231 First Avenue North, P.O. Box 8050, Wisconsin Rapids, WI 54495, (715) 422–3073.

a. *Type of Application:* New Major License.

b. *Project No.:* 2291–001.

c. *Date Filed:* July 29, 1991.

d. *Applicant:* Nekoosa Papers Inc.

e. *Name of Project:* Port Edwards.

f. *Location:* On the Wisconsin River, Wood County, Wisconsin.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Mr. Richard J. Grund, Nekoosa Papers Inc., 100 Wisconsin River Drive, Port Edwards, WI 54469 (715) 887–5481.

i. *FERC Contact:* Michael Dees (202) 219–2807.

j. *Comment Date:* December 6, 1991.

k. *Status of Environmental Analysis:* This application is not ready for environmental analysis at this time—see attached standard paragraph E.

l. *Description of Project:* The project as licensed consists of the following: (1) An existing dam with a total length of 1,215 feet which is comprised of (a) an uncontrolled overflow timber crib spillway which has a length of 524.6 feet, a height of about 16 feet, crest elevations of 960.06 and 960.49 feet mean sea level (msl), and which is surmounted by 3.3 foot-high flashboards; (b) a gated spillway section which has a length of 190 feet, and which contains three 17.5-foot-wide taintor gates which have sill elevations of 947.7 feet and 950.74 feet msl, respectively; (c) an emergency timber crib spillway capped with concrete which has a total length of 238.7 feet and crest elevations of 963.83 feet and 963.97 feet msl; (d) a timber crib guard lock section with a length of 184 feet located at the entrance of the forebay channel; and (e) nonoverflow abutment sections; (2) a reservoir with normal pool elevation of 963.3 feet msl, a surface area of 150 acres, and length of about one mile; (3) a forebay channel that extends approximately one mile from the guard lock section of the dam to the powerhouse; (4) an existing 166-foot by 129-foot powerhouse located at the end of the forebay channel and discharges into the Wisconsin River, and which contains eight flumes and five turbine/generator units—four are horizontal "camel-back" turbines and one is a vertical Francis unit—with a combined nameplate rating of 3,592 kilowatts (kW), an average head of 17.5 feet, and a total hydraulic capacity of 3,124 cubic feet per second (cfs); and (5) appurtenant facilities.

The project would have no switchyard, switchgear, or transmission line included in the project facilities. Additionally, the adjoining paper mill would not be a part of the project licensed facilities.

The Applicant is not proposing any changes to the existing project works as licensed. The Applicant estimates the average annual generation would be 19.7 GWh and owns all existing project facilities.

The existing project would also be subject to Federal takeover under sections 14 and 15 of the Federal Power Act.

m. *Purpose of Project:* The purpose of the project is to generate electric power for industrial use by the applicant.

n. This notice also consists of the following standard paragraphs: B2 and E.

o. *Available Location 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 Nekoosa Papers Inc., 100 Wisconsin River Drive, Port Edwards, WI, 54469, (715) 887–5481.

a. *Type of Application:* New Major License.

b. *Project No.:* 2292–001.

c. *Date Filed:* July 29, 1991.

d. *Applicant:* Nekoosa Papers Inc.

e. *Name of Project:* Nekoosa.

f. *Location:* On the Wisconsin River, Wood County, Wisconsin.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Richard J. Grund, Nekoosa Papers Inc., 100 Wisconsin River Drive, Port Edwards, WI 54469 (715) 887–5481.

i. *FERC Contact:* Michael Dees (202) 219–2807.

j. *Comment Date:* December 6, 1991.

k. *Status of Environmental Analysis:* This application is not ready for evironmental analysis at this time—see attached standard paragraph E.

l. *Description of Project:* The project as licensed consists of the following: (1) An existing dam with a total length of 1,075 feet which is comprised of (a) an uncontrolled overflow timber crib spillway which has a length of 638.2 feet, a height of about 21 feet, crest elevations of 942.01 and 942.41 feet mean sea level (msl), and which is surmounted by 4.1 foot-high flashboards; (b) a 12-foot-long nonoverflow section between the timber crib spillway and the gated spillway; (c) a gated spillway section which has a length of 110 feet and contains three 17.5-foot-high by 30-foot-wide taintor gates with a sill elevation of 930.11 feet msl; (d) a nonoverflow reinforced concrete/sheet pile wall section about 30 feet long located between the gated spillway and the powerhouse; (e) a 146-foot-long powerhouse; (f) a water-retaining wall or bulkhead located upstream of the paper mill which has a length of about 40 feet; and (g) nonoverflow abutment sections; (2) a reservoir with a normal pool elevation of 946.3 feet msl, a surface area of 400 acres, and a length of about 3 miles; (3) a 146-foot-long by 97.7-foot-wide powerhouse which contains seven flumes and five turbine/generating units—three are vertical Francis turbines and two are horizontal "camel-back" units—with a combined nameplate rating of 3,780 kilowatts (kW), an average head of 21.9 feet, and a total hydraulic capacity of 3,225 cubic feet per second (cfs); and (4) appurtenant facilities.

The project would have no switchyard, switchgear, or transmission line included in the project facilities. Additionally, the adjoining paper mill would not be a part of the project licensed facilities.

The Applicant is not proposing any changes to the existing project works as licensed. The Applicant estimates the average annual generation would be 27.3 GWh and owns all existing project facilities.

The existing project would also be subject to Federal takeover under sections 14 and 15 of the Federal Power Act.

m. *Purpose of Project:* The purpose of the project is to generate electric power for industrial use by the applicant.

n. *This notice also consists of the following standard paragraphs:* B2 and E.

o. *Available Location of Application:* A copy of the application, as amended and supplemented, is available for inspection, and reprodution at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Steet, NE., room 3104, Washington, DC, 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at Nekoosa Papers Inc., 100 Wisconsin River Drive, Port Edwards, WI, 54469, (715) 887–5481.

4a. *Type of Application:* Subsequent License.

b. *Projects Nos.:* 2366–001 & 2367–001.

c. *Date Filed:* June 27, 1991.

d. *Applicant:* Maine Public Service Company.

e. *Name of Project:* Aroostook River Project.

f. *Location:* On the Aroostook River and Millinocket Stream, in Piscataquis and Aroostook Counties, Maine.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Calvin D. Deschene, Manager, Maine Public Service Company, 209 State Street, P.O. Box 1209, Presque Isle, ME 04769–1209, (207) 768–5811.

i. *FERC Contact:* Ed Lee (202) 219–2809.

j. *Comment Date:* November 25, 1991.

k. *Status of Environmental Analysis:* This application is not ready for environmental analysis at this time—see attached standard paragraph E.

l. *Description of Project:* The project as licensed consists of the following:

The existing project will utilize the Millinocket storage dam and reservoir licensed under Project No. 2366 and the Caribou dam licensed under Project No. 2367. The project consists of (1) a 451-foot-long rock-filled, concrete capped, timber-crib spillway with a maximum section height in excess of 40 feet and a permanent crest elevation of 390.0 feet msl with 3 12-foot-high wooden flashboards; (2) a 73-foot-long by 50-foot-wide forebay with an average depth of 13 feet located on the west bank; (3) a 16-foot-wide by 80-foot-long concrete pool-type fishway situated on the west abutment between the spillway and the existing powerhouse; (4) a 51-foot-long by 34-foot-wide powerhouse containing two identical vertical, fixed-blade propeller turbines with a total nameplate capacity of 800 kilowatts; (95) a 2,400 Volt but located in the powerhouse; (6) 5 kV, 3/0 copper cable, which is encased in an underground conduit to a 3,000 kVA transformer; (7) 4 transmission lines constructed of 2.0 F copper weld; and (8) appurtenances.

There are no lands of the United States affected by the project. The Applicant is not proposing any changes to the existing project works as licensed. The Applicant estimates the average annual generation would be 7,138 MWh and owns all existing project facilities.

m. *Purpose of Project:* All project energy generated would be utilized by the applicant in its power system.

n. *This notice also consists of the following standard paragraphs:* B2 and E.

o. *Available Location 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 Maine Public Service Company, 209 State Street, P.O. Box 1209, Presque Isle, ME, (207) 768–5811.

5a. *Type of Application:* New Major License.

b. *Project No.:* 2590–001.

c. *Date Filed:* June 26, 1991.

d. *Applicant:* Consolidated Water Power Company.

e. *Name of Project:* Wisconsin River Division.

f. *Location:* On the Wisconsin River, Portage County, Wisconsin.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Kenneth K. Knapp, Consolidated Water Power Company, 231 First Avenue North, P.O. Box 8050, Wisconsin Rapids, WI 54495 (715) 422–3073.

i. *FERC Contact:* Michael Dees (202) 219–2807.

j. *Comment Date:* November 7, 1991.

k. *Status of Environmental Analysis:* This application is not ready for environmental analysis at this time—see attached standard paragraph E.

l. *Description of Project:* The project as licensed consists of the following: (1) An existing dam which is comprised of (a) an earthfill dam with a length of 345 feet and a maximum height of about 20 feet, and (b) an earthen dike with a length of 550 feet and a maximum height of about 8 feet; (2) a spillway which is comprised of (a) a gated section 484 feet long containing 20 radial gates, each 17 feet high by 20 feet wide with a sill elevation of 1,053 fee National Geodetic Vertical Datum (NGVD), and (b) an uncontrolled overflow section with a length of 108 feet and a crest elevation of 1,069 feet NGVD; (3) reservoir with a normal maximum water surface elevation of 1,069 feet NGVD, a surface area of 240 acres, and a total volume of about 1,120 acre-feet; (4) a powerhouse with maximum width of 24 feet and an approximate length of 70 feet which contains one horizontal-shaft hydroelectric turbine/generating unit with nameplate rating of 1,800 kilowatts (kW) and a hydraulic capacity of 1,265 cubic feet per second (cfs); (5) a grinder building with a width of 255 feet and a

length of 49 feet, which is adjacent to the powerhouse and which contains nine operating horizontal-shaft hydromechanical turbines that have a combined equivalent capacity of 4,600 kW and a total hydraulic capacity of 3,855 cfs; and (6) appurtenant facilities. The project would have a total installed capacity of 6,400 kW. The project would have no switchyard, switchgear, or transmission line included in the project facilities. Additionally, the grinders and motors attached to the hydromechanical turbines are not part of the project facilities.

The Applicant is not proposing any changes to the existing project works as licensed. The Applicant estimates the average annual generation would be 32.2 GWh and owns all existing project facilities.

The existing project would also be subject to Federal takeover under sections 14 and 15 of the Federal Power Act. Based on the license expiration of June 30, 1993, the Applicant's estimated net investment in the project would amount to $575,000.

m. *Purpose of Project:* All project energy generated would be utilized by the adjoining paper mill owned by Consolidated Papers, Inc.

n. This notice also consists of the following standard paragraphs: B2 and E.

o. *Available Location 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 Consolidated Water Power Company, 231 First Avenue North, P.O. Box 8050, Wisconsin Rapids, WI 54495, (715) 422–3073.

6 a. *Type of Application:* Transfer of License.

b. *Project No.:* 6120–011.

c. *Date filed:* September 4, 1991.

d. *Applicants:* Solar Research Corporation (Solar) and Lassen Station Hydroelectric Limited Partnership (Lassen).

e. *Name of Project:* Camp Creek Power Project.

f. *Location:* Partially within the Plumas National Forest on Camp Creek near the town of Pulga in Butte County, California.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. *Applicant Contacts:* Mr. Edward B. Lipkin, President, Solar Research Corporation, c/o National Property Analysts, Inc., 230 South Broad Street—Mezzanine, Philadelphia, PA 19102.

Mr. Dell E. Keehn, Lassen Station Hydroelectric L.P., c/o Mt. Elbert Energy, Inc., 11225 S. E. 6th Street, Bellevue, WA 98004.

i. *FERC Contact:* Mr. Michael Strzelecki (202) 219–2827.

j. *Comment Date:* November 7, 1991.

k. *Description of Project:* On December 29, 1982, a license was issued to the Frontier Land and Power Corporation (FL&P) for the construction, operation, and maintenance of the Camp Creek Power Project. On August 8, 1985, the license was transferred from FL&P to Solar. The project consists of a 4-foot-high diversion structure, a 1,200-foot-long penstock, a powerhouse with an installed capacity of 990 kW, a 600-foot-long transmission line, and appurtenant facilities. Solar requests approval to transfer the license to Lassen.

l. *This notice also consists of the following standard paragraphs:* B and C.

7 a. *Type of Application:* Surrender of License.

b. *Project No.:* 6730–006.

c. *Date filed:* September 13, 1991.

d. *Applicants:* Northern Colorado Water Conservancy District.

e. *Name of Project:* St. Vrain Supply Canal Hydroelectric Project.

f. *Location:* On the U.S. Bureau of Reclamation's St. Vrain Supply Canal in Boulder City, Colorado.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. *Applicant Contact:* Larry D. Simpson, Manager, Northern Colorado Water Conservancy District, P.O. Box 679, Loveland, Colorado 80539 (303) 667–2437.

i. *FERC Contact:* Mr. Michael Strzelecki (202) 219–2827.

j. *Comment Date:* November 18, 1991.

k. *Description of Proposed Action:* On October 15, 1987, a license was issued to the Northern Colorado Water Conservancy District for the construction, operation, and maintenance of the St. Vrain Supply Canal Hydroelectric Project. The project would utilize the U.S. Bureau of Reclamation's St. Vrain Supply Canal, part of the Colorado-Big Thompson transmountain diversion project, and would consist of a diversion structure, a 1,300-foot-long buried penstock, a powerhouse containing two, 2.2-MW generating units, a 500-foot-long transmission line, and appurtenant facilities. Construction has not yet begun on the project.

The license surrender is requested because the licensee is unable to negotiate enough power sale contracts to allow for financial feasibility of the project.

l. *This notice also consists of the following standard paragraphs:* B, C, and D2.

8 a. *Type of Application:* Surrender of License.

b. *Project No.:* 8597–008.

c. *Date filed:* September 20, 1991.

d. *Applicants:* MESA II, Inc.

e. *Name of Project:* MESA II Hydroelectric Project.

f. *Location:* On the Middle Fork of the Weiser River within the Payette National Forest near Council in Adams County, Idaho.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Verne G. Long, President, MESA II, Inc., P.O. Box 1272, Caldwell, idaho 83605.

i. *FERC Contact:* Mr. Michael Strzelecki (202) 219–2827.

j. *Comment Date:* November 18, 1991.

k. *Description of proposed Action:* On June 29, 1990, a license was issued to MESA II, Inc. for the construction, operation, and maintenance of the MESA II Hydroelectric Project. The proposed project would consist of a 6.5-foot-high diversion structure, a 22,100-foot-long penstock, a powerhouse containing one generating unit with a 5-MW capacity, a 150-foot-long tailrace, a 3.6-mile-long transmission line interconnecting with an existing Idaho Power Company transmission line, and appurtenant facilities. Construction has not yet begun on the project.

The license surrender is requested because the project is not financially feasible.

1. *This notice also consists of the following standard paragraphs:* B, C, and D2.

9 a. *Type of Application:* Major License.

b. *Project No.:* 10457–000.

c. *Date Filed:* August 18, 1987.

d. *Applicant:* Long Lake Energy Corporation.

e. *Name of Project:* Oswego Falls Project.

f. *Location:* On the Oswego River in Oswego and Onondaga Counties, New York.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:* Mr. Donald Hamer, Long Lake Energy Corporation, 420 Lexington Avenue, suite 440, New York NY 10170 (212) 986–0440.

i. *FERC Contact:* Robert Bell (tag) (202) 219–2806.

j. *Comment Date:* November 25, 1991.

k. *Competing Applications:* Project No. 5984–000 Filing date: February 16, 1982. Project No. 10945–000 Filing date: June 7, 1990.

l. *Status of Environmental Analysis:* This application is not ready for environmental analysis at this time—see attached standard paragraph E.

m. *Description of Project:* The proposed project would consist of: The existing 209-foot-long, 11-foot-high Upper Falton Dam; (2) installation of 18-inch with flashboards; (3) a reservoir having a surface area of 755 acres, a storage capacity of 8,850 acre-feet, and a normal water surface elevation of 353.5 feet NGVD; (4) a new intake structure; (5) a new intake channel 104 feet wide and 160 feet long, (6) a new powerhouse containing 2 generating units having a total rated capacity of 13,160-kW; (7) a new tailrace; (8) a new 100-foot-long, 34.5-kV transmission line; and (9) appurtenant facilities. The applicant estimates the average annual generation would be 55.6 GWh and would be sold to the Niagara Mohawk Power Corporation. The existing facilities are owned by the New York State Department of Transportation and the Niagara Mohawk Power Corporation.

n. *Purpose of Project:* All project energy generated would be sold to the Niagara Mohawk Power Corporation.

o. *This notice also consists of the following standard paragraphs:* B2 and E.

p. *Available Location 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, 220426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at Long Lake Energy Corporation, 420 Lexington Ave., suite 440, New York, NY 10170.

a. *Type of Application:* Major License.

b. *Project No.:* 10536–001.

c. *Date filed:* May 30, 1991.

d. *Applicant:* Public Utility District #1 of Okanogan County.

e. *Name of Project:* Enloe Dam.

f. *Location:* On lands administered by the Bureau of Land Management, on the Similkameen River, in Okanogan County, Washington; section 13, Township 40 N, Range 26 E.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Harlon Warner, PUD No. 1 of Okanogan County, P.O. Box 912, Okanogan, WA 98840 (509) 422–3310.

i. *FERC Contact:* Michael Spencer at (202) 219–2846.

j. *Comment Date:* November 29, 1991.

k. *Status of Environmental Analysis:* This application is not ready for environmental analysis at this time—see attached paragraph D7.

l. *Description of Project:* The proposed project would consist of: (1) The applicant's existing 54-foot-high concrete gravity dam; (2) the existing 50 surface acre, 400-acre-foot reservoir; (3) two 600-foot-long, 84-inch-diameter penstocks; (4) a powerhouse containing 2 generating units with a combined capacity of 4.10 MW and an estimated average annual generation of 26.8 GWh; (5) a 1,300-foot-long overhead transmission line to the applicant's existing 13.2 kV line; and (6) other appurtenances.

m. *Purpose of Project:* Project power would be used by the applicant.

n. *This notice also consists of the following standard paragraphs:* A2, A9, B2, and D7.

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 with the applicant contact listed above.

a. *Type of Application:* Minor License (Constructed).

b. *Project No.:* 10721–001.

c. *Date filed:* March 22, 1991.

d. *Applicant:* Big Creek Lodge & Outfitters, Inc.

e. *Name of Project:* Big Creek Project.

f. *Location:* On McCorkle Creek, within the Payette National Forest, in Valley County, Idaho, near the town of Yellow Pine. Township 21 North, Range 9 East, Section 26, Boise Meridian.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Howard F. Manly, President, Big Creek Lodge & Outfitters, Inc., 815 Park Blvd., suite 300, P.O. Box 967, Boise, ID 83701, (208) 343–1880.

David P. Tidwell, 815 Park Blvd., suite 300, P.O. Box 967, Boise, ID 83701, (208) 888–3325.

i. *FERC Contact:* Ms. Deborah Frazier-Stutely (202) 219–2842.

j. *Deadline Date:* December 13, 1991.

k. *Status of Environmental Analysis:* This application is ready for environmental analysis at this time—see attached paragraph D4.

l. *Description of Project:* The existing non-operating project consist of: (1) A 2-foot by 3-foot diversion dam; (2) a 4-inch-diameter, 1,340-foot-long penstock; (3) a 12-foot by 14-foot log powerhouse containing a single generating unit with an installed capacity of 22-kW, producing approximately 10,000 kWh of energy annually; (4) an 18-inch-wide tailrace; and (5) a 350-foot-long underground cable, connecting to a master distribution panel in Big Creek Lodge.

m. *Purpose of Project:* Project power is for use at Big Creek Lodge.

n. *This notice also consists of the following standard paragraphs:* A2, A9, B1, and D4.

o. *Available Location of Applications:* A copy of the application, as 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 Big Creek Lodge & Outfitters, Inc., 815 Park Blvd., suite 300, P.O. Box 967, Boise, ID 83701 (208) 343–1880, and the Boise Public Library, 715 S. Capitol Blvd., Boise, ID 83703.

12a. *Type of Application:* Major License.

b. *Project No.:* 11076–000.

c. *Date Filed:* January 17, 1991.

d. *Applicant:* City of Tacoma, Washington

e. *Name of Project:* Barrier Dam.

f. *Location:* On the Cowlitz River in Lewis County, Washington. Township 12 North, Range 1 & 2 East.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Albert Liou, P.E., Vice President, Engineering. Harza Northwest, Inc., P.O. Box C–96900, Bellevue, WA 98005, (206) 882–2445.

i. *FERC Contact:* Surender M. Yepuri, PE. (202) 219–2847.

j. *Comment Date:* November 15, 1991.

k. *Status of Environmental Analysis:* This application is ready for environmental analysis at this time—see attached paragraph D3.

l. *Description of Project:* The proposed project would consist of: (1) The existing Barrier dam and reservoir, presently part of licensed Cowlitz River Project No. 2016; (2) a pneumatic crest gate, or a 10-foot-high, 325-foot-long inflatable rubber weir, and a 10-foot-high, 20-foot-long radial gate, with a crest elevation of 239 feet (msl), installed on the existing concrete spillway; (3) a 120-foot-long, 80-foot-wide, and 13 to 43-foot-high intake channel; (4) a 145-foot-long, 80-foot-wide, and 70-foot-high powerhouse containing two turbine generator units with a total rated capacity of 9MW; (5) a 200-foot-long, 80-foot-wide trailrace; (6) a 4-mile-long, 69-kV transmission line; (7) a downstream side channel which is to be modified—360 feet long, 120 feet wide, and 5 feet deep; (8) the existing access road which

is to be upgraded; and (9) related facilities.

The project would have an estimated annual output of 54.76 GWh and would cost about $25 million in 1990 dollars to construct.

m. *Purpose of Project:* Power generated would be used in the applicant's system.

n. *This notice also consists of the following standard paragraphs:* B1 and D3.

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 (1) City of Tacoma, Department of Public Utilities and Light Division, Tacoma, WA 98411; telephone no. (206) 593–8294; and (2) Centralia Library, 110 S. Silver, Centralia, WA 85311.

13a. *Type of Application:* Minor License.

b. *Project No.:* 11128–000.

c. *Date Filed:* April 10, 1991.

d. *Applicant:* Odell Hydroelectric Co.

e. *Name of Project:* Brooklyn.

f. *Location:* On the Upper Ammonoosuc River in the community of Groveton in the Town of Northumberland, in Coos County, New Hampshire.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Gregory Cloutier, RR 1, Box 2, Jefferson, NH 03583, (603) 586–4506.

i. *FERC Contact:* Ms. Julie Bernt (202) 219–2814.

j. *Deadline Date:* December 6, 1991.

k. *Status of Environmental Analysis:* This application is not ready for environmental analysis at this time—see attached paragraph E.

l. *Description of Project:* The proposed project would consist of: (1) existing 4-foot-high rock-filled, timber crib Red Dam; (2) an existing reservoir with a surface area of 66 acres at surface elevation 882.6 m.s.l. and a storage capacity of 200 acre-feet; (3) an existing 16-foot-high rock-filled, timber crib Brooklyn Dam; (4) an existing reservoir with a surface area of 26 acres at elevation 877.8 m.s.i. and a storage capacity of 50 acre-feet; (5) an existing powerhouse at Brooklyn Dam containing 2 proposed generating units with a total rated capacity of 530 kW; (6) a tailrace; (7) a proposed 150-foot-long transmission line; and, (8) appurtenant facilities. The existing dams and facilities are owned by James River Paper Company, Inc. The average annual energy generation is estimated to be 2,190 MWh and the estimated cost of redevelopment of these facilities is $880,000.

m. *Purpose of Project:* Power produced would be sold to a local power company.

n. *This notice also consists of the following standard paragraphs:* A2, A9, B2, and E.

o. *Available Locations of Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capital Street, NE., room 3104, Washington, DC 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at the offices of Odell Hydroelectric Co., RR 1, Box 2, Jefferson, NH 03583 or by calling (603) 586–4506.

14a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11152–000.

c. *Date Filed:* May 30, 1991.

d. *Applicant:* Clinton Pumped Storage Corporation.

e. *Name of Project:* Reed Hill Hydroelectric Project.

f. *Location:* On Schoharie Creek near Gilboa, Schoharie County, New York.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Douglas A. Spaulding, Resource Technology Group, 6465 Wayzata Blvd., #600, Minneapolis, MN 55426 (612) 593–5650.

i. *FERC Contact:* Michael Dees (202) 219–2807.

j. *Comment Date:* November 25, 1991.

k. *Description of Project:* The proposed pumped storage project would consist of: (1) A proposed upper dam and reservoir at one of two possible locations with a maximum storage capacity of 15,000 acre feet; (2) a proposed 30 to 35 foot diameter power tunnel: (3) A proposed 350 by 400 foot underground powerhouse housing four hydropower units with a total capacity of 1,000 MW; (4) a proposed lower dam and reservoir with a maximum storage capacity of 15,000 acre feet; (5) a proposed 345-kV transmission line 1.5 miles long; and (6) appurtenant facilities. The estimated annual energy generation is 1,577 GWh. Project power would be sold to a utility company. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $4,000,000.

l. *This notice also consists of the following standard paragraphs:* A5, A7, A9, A10, B, C, and D2.

15a. *Type of Application:* Minor License.

b. *Project No.:* 11168–000.

c. *Date Filed:* July 22, 1991.

d. *Applicant:* Summit Hydropower.

e. *Name of Project:* Dayville Pond.

f. *Location:* On the Five Mile River in the Village of Dayville in the Town of Killingly, in Windham County, Connecticut.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Duncan Broatch, 92 Rocky Hill Road, Woodstock, CT 06281 (203) 974–1620.

i. *FERC Contact:* Ms. Julie Bernt (202) 219–2814.

j. *Deadline Date:* November 29, 1991.

k. *Status of Environmental Analysis:* This application is not ready for environmental analysis at this time—see attached paragraph E.

l. *Description of Project:* The proposed project would consist of: (1) An existing 5-foot-high stone and concrete dam owned by William Prym Inc.; (2) a 900-foot-long, 14-foot wide intake canal which connects with; (3) a 4-pond reservoir system with a surface area of 31 acres at surface elevation 242.9 feet m.s.l. and a storage area of 93 acre-feet; (4) an existing concrete reservoir outlet structure; (5) an existing 42-foot-long, 6-foot-diameter steel penstock; (6) an existing powerhouse containing one generating unit rated at 100 kW; (7) an existing 63-foot-long, 14-foot wide tailrace; (8) a new 400-foot-long transmission line; and (9) appurtenant facilities. The average annual energy generation is estimated to be 347,000 kWh and the estimated cost of renovation of these facilities is $275,000.

m. *Purpose of Project:* Power produced would be sold to a local power company.

n. *This notice also consists of the following standard paragraphs:* A2, A9, B2, and E.

o. Available Locations of Application: A copy of the application is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capital Street, NE., room 3104, Washington, DC 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at the offices of Summit Hydropower, 92 Rocky Hill Road, Woodstock, CT 06281 or by calling (202) 974–1620.

16 a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11172–000.

c. *Date filed:* July 29, 1991.

d. *Applicant:* Portland General Electric Company.

e. *Name of Project:* Deer Creek Hydroelectric.

f. *Location:* On Deer Creek, tributary of the Clackamas River, in Clackamas

County, Oregon; T5S, R6E, in sections 15, 16, and 22, Willamette Meridian.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. *Applicant Contact:* Mr. Gary W. Hackett, Portland General Electric Company, 121 S.W. Salmon Street, Portland, Oregon 97204, (503) 464–8005.

i. *FERC Contact:* Mr. Surender M. Yepuri, P.E. (202) 219–2847.

j. *Comment Date:* November 22, 1991.

k. *Description of Project:* The proposed project would consist of: (1) A 10-foot-high, 50-foot-long diversion structure at elevation 2,070 feet msl and (2) a 10-inch-diameter, 6,000-foot-long pipeline carrying the diverted flow to supplement the power generation from the applicant's existing licensed facilities of Oak Grove Project No. 135–000. The applicant estimates an average annual generation of 525 MWh and the cost of the work to be performed under the permit to be $200,000.

l. *This notice also consists of the following standard paragraphs:* A5, A7, A9, A10, B, C, and D2.

17 a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11173–000.

c. *Date filed:* July 29, 1991.

d. *Applicant:* Portland General Electric Company.

e. *Name of Project:* Dinner Creek Hydroelectric.

f. *Location:* On Dinner Creek, tributary of the Clackamas River, in Clackamas County, Oregon; T5S, R6E, in sections 15, 16, and 22, Willamette Meridian.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. *Applicant Contact:* Mr. Gary W. Hackett, Portland General Electric Company, 121 S.W. Salmon Street, Portland, Oregon 97204, (503) 464–8005.

i. *FERC Contact:* Mr. Surender M. Yepuri, P.E. (202) 219–2847.

j. *Comment Date:* November 22, 1991.

k. *Description of Project:* The proposed project would consist of: (1) A 10-foot-high, 50-foot-long diversion structure at elevation 2,125 feet msl and (2) a 16-inch-diameter, 9,000-foot-long pipeline carrying the diverted flow to supplement the power generation from the applicant's existing licensed facilities of Oak Grove Project No. 135. The applicant estimates an average annual generation of 2.1 GWh and the cost of the work to be performed under the permit to be $200,000.

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.:* 11180–000.

c. *Date Filed:* August 28, 1991.

d. *Applicant:* Jerry E. Ferguson.

e. *Name of Project:* Cooleemee Dam Project.

f. *Location:* On the South Fork of the Yatkin River, Rowan County, North Carolina.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Jerry E. Ferguson, P.O. Box 5345, Maryville, TN 37802, (615) 574–3049.

i. *FERC Contact:* Ed Lee (202) 219–2809.

j. *Comment Date:* December 6, 1991.

k. *Description of Project:* The proposed project would consist of the following facilities: (1) An existing 290-foot-long and 20-foot-high dam; (2) an existing reservoir with a surface area of 30 acres at 645 feet msl; (3) an existing 25-foot-wide and 2,000-foot-long concrete headrace canal; (4) an existing concrete and masonry powerhouse containing two generators for an installed total capacity of 1,340 kW; (5) a proposed 250-foot-long, 12.7-kV or equivalent transmission line; and (8) appurtenant facilities. The dam and headrace are owned by the County of Davie, NC. The powerhouse and project structures are owned by Burlington Mills of North Carolina. The average annual generation would be 9.72 GWh. The applicant estimates that the cost of the studies under permit would be $15,000. All power generated would be sold to Duke Power Company.

l. *This notice also consists of the following standard paragraphs:* A3, A5, A7, A9, A10, B, C, and D2.

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11181–000.

c. *Date Filed:* August 30, 1991.

d. *Applicant:* Energy Storage Partners.

e. *Name of Project:* Lorella Pumped Storage Project.

f. *Location:* On Lost River in Klamath County, Oregon near the towns of Lorella and Malin, Oregon. The project would be located on lands administered by the Bureau of Land Management. T39S, R11E section 36, T40S, R12E, sections 1, 11, and 12, T39S, R12E sections 31 and 32, T40, R13E section 6.

g. *Filed Pursuant to:* Federal Power Act, section 30, 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:* David B. Ward, Flood & Ward, 1000 Potomac St., NW., Washington, DC 20007, (202) 298–6910.

Douglas A. Spaulding, Resource Technology Group, 6465 Wayzata Blvd., suite 660, Minneapolis, MN 55426, (612) 593–5650.

i. *FERC Contact:* Ms. Deborah Frazier-Stutely (202) 219–2842.

j. *Comment Date:* December 12, 1991.

k. *Description of Project:* The proposed project would consist of two earth and rock fill dams at elevation 5,550 feet msl: (1) Dam No. 1 would be 150 feet high and 1,750 feet long, Dam No. 2 would be 50 feet high and 1,450 feet long; creating (2) a reservoir with a surface area of 173 acres with a storage capacity of 11,051 acre-feet, and a water surface elevation of 5,490 feet msl, to be utilized as the upper reservoir; (3) a 60-foot-diameter, 100-foot-deep power shaft; connecting to (4) a 30-foot-diameter, 1,340-foot-deep power shaft joining; (5) a 30-foot-diameter, 2,195-foot-long tunnel; (6) four 15-foot-diameter, 325-foot-long penstocks; (7) an underground powerhouse containing four pump-turbines with a combined installed capacity of 1,000 MW, producing an estimated average annual energy output of 1,576,800 MWh; (8) a 30-foot-diameter, 2,080-foot-long tailrace tunnel; (9) an intake structure with trashracks; (10) a 120-foot-high, 4,500-foot-long semi-circle earth and rock fill dam creating; (11) a reservoir with a surface area of 215 acres, with a storage capacity of 11,199 acre-feet and a water surface elevation of 4,195 feet msl, to be utilized as the lower reservoir; (12) a 42-inch diameter, 8,350-foot-long water supply pipeline used to initially fill the lower reservoir with water from Lost River; (13) a pumping station; and (14) a 500-kV, 1.8-mile-long transmission line trying into an existing or proposed transmission line.

The applicant estimates the cost of the studies to be conducted under the preliminary permit would be $2,490,000. No new roads will be needed for the purpose of conducting these studies.

l. *Purpose of Project:* The applicant will seek to sell project power to a utility in the project area.

m. *This notice also consists of the following standard paragraphs:* A5, A7, A9, A10, B, C, 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, the competing development application or a notice of intent to file such an application. Submitting 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 a preliminary permit 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.

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 the 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, include an unequivocal statement of intent to submit, if such an application may be filed, either (1) a preliminary permit application or (2) a development application 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 would 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 of 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 the Rules of Practice and Procedures, 18 CFR 385.210, .211, .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.

B2. Protests or Motions to Intervene—Anyone may submit a protest or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedures, 18 CFR 385.210, .211, .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 Dean Shumway, Director, Division of Project Review, Federal Energy Regulatory Commission, room 1027 (810 1st), 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 obtain 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.

D3. 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. All reply comments must be filed with the Commission within 105 days from the date of this notice.

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 APPLICATION," "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). Any of these documents must be filed by providing the original and the number of

copies required by the Commission's regulations to; 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 service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), 385.2010.

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 § 4.34(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. All reply comments must be filed with the Commission within 105 days from the date of this notice.

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 APPLICATION," "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: 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 service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), 385.2010.

D7. 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," "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. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: 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.

E. 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;" (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. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to : 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.

Dated: October 8, 1991, Washington, DC.

Lois D. Cashell,

Secretary.

[FR Doc. 91-24740 Filed 10-11-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP91-3198-000, et al.]

United Gas Pipe Line Co., et al.; Natural Gas Certificate Filings

October 7, 1991.

Take notice that the following filings have been made with the Commission:

1. United Gas Pipe Line Co.

Docket No. CP91-3198-000

Take notice that on September 24, 1991, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, TX 77251-1478, filed in Docket No. CP91-3198-000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport gas for Cowboy Pipeline Service Company (Cowboy), an intrastate pipeline company, under United's blanket certificate issued in Docket No. CP88-6-000 under section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open for public inspection.

United states that it would transport, on an interruptible basis, up to a maximum of 5,240 MMBTu, for Cowboy. United states that the receipt point

would be located in Texas and the delivery point would be located in Louisiana. It is further stated that the total volume of gas to be transported for Cowboy on a peak day would be 5,240 MMBtu; on an average day would be 5,240 MMBtu; and an annual basis would be 1,912,000 MMBtu. United indicates it would perform the proposed transportation service for Cowboy pursuant to a service agreement dated July 31, 1991, between United and Cowboy.

United states that it commenced the transportation of natural gas for Cowboy on August 21, 1991, at Docket No. ST91–10346–000. United further states that no new facilities are to be constructed in order to provide this transportation service.

Comment date: November 21, 1991, in accordance with Standard Paragraph G at the end of this notice.

2. Panhandle Eastern Pipe Line Co.

[Docket No. CP92–16–000]

Take notice that on October 2, 1991, Panhandle Eastern Pipe Line Company (Panhandle), Post Office Box 1642, Houston, Texas 77251–1642, filed in Docket No. CP92–16–000 a request pursuant to §§ 157.205 and 285.223 of the Commission's Regulations for authorization to transport natural gas for City of Montgomery City, Missouri (Montgomery), under Panhandle's blanket certificate issued in Docket No. CP86–585–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Panhandle proposes to transport on a firm basis 1,400 Dth equivalent per day and 511,000 Dth equivalent on an annual basis for Montgomery. Panhandle states that it would perform the transportation service for Montgomery under Panhandle's Rate Schedule SCT. Panhandle indicates that it would receive the gas in Reno County, Kansas (and on an interruptible basis at various interruptible receipt points) and would deliver the gas to Montgomery County, Missouri.

It is explained that the service commenced August 1, 1991, under the automatic authorization provisions of § 284.223 of the Commission's Regulations, as reported in Docket No. ST91–10249. Panhandle indicates that no new facilities would be necessary to provide the subject service.

Comment date: November 21, 1991, in accordance with Standard Paragraph G at the end of this notice.

3. El Paso Natural Gas Co.

[Docket No. CP92–4–000]

Take notice that on October 1, 1991, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP92–4–000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certificated firm sales of natural gas to the City of Willcox, Arizona (Willcox), for resale to the Arizona Electric Power Cooperative, Inc. (AEPCO) at the Power Plant delivery point located in Cochise County, Arizona. Further, El Paso requests, to the extent deemed necessary, any waivers of the first-come, first-serve provisions of its open access transportation tariff or Commission regulations so as to permit AEPCO, at the Power Plant delivery point, status equal to Willcox and all historical firm sales customers that converted their firm sales service to firm transportation service as a shipper of gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that El Paso, Willcox and AEPCO have been conducting negotiations designed to settle certain issues which exist between such parties. El Paso states that such negotiations have resulted in, among other things, a realignment of service arrangements. Concurrent with the filing herein, it is stated that the parties are filing with the Commission a Stipulation And Agreement which resolves all outstanding issues in Docket Nos. RP91–139–000 and RP88–44–000, *et al.* According to El Paso, the key existing service arrangement which has been restructured is the sale of gas by El Paso to Willcox. Currently, El Paso and Willcox are party to a sale for resale service agreement wherein Willcox sells to, among others, AEPCO at the Power plant delivery point. It is stated that Willcox also has two interruptible transportation agreements with El Paso which have grandfathered status. In addition, El Paso and AEPCO are party to an interruptible transportation service agreement providing for deliveries at the Power Plant delivery point which is included in El Paso's interruptible first-come, first-served queue.

El Paso states that upon approval of its proposal and as provided by the Stipulation and Agreement, the key contractual arrangements, taken in steps, will be set forth below.

Step 1—The Power Plant delivery point will be removed from the Willcox sale for resale agreement and revised Exhibits A and B will be filed with the Commission.

Step 2—AEPCO will have the right to purchase gas for delivery at the Power Plant delivery point which right has been assigned by Willcox to AEPCO. This reflects the succession by AEPCO to the delivery point and those quantities previously contained in the Willcox sales agreement.

Step 3—Willcox will convert its sales agreement and AEPCO will convert its acquired purchase rights to firm, full requirements transportation agreements. Willcox will convert to service under Rate Schedule FTS–S and AEPCO to service under Rate Schedule T–3.

It is stated that these changes result form AEPCO recently advising El Paso that, pursuant to contractual rights existing with Willcox, it had elected to become a customer served directly by El Paso. According to El Paso, the proposal set forth herein will have no adverse impact on its system operations or upon existing customers of El Paso, other than Willcox. Further, AEPCO will become a direct customer of El Paso receiving full requirements firm transportation service for those volumes which, absent this proposal, it would otherwise purchase form Willcox. El Paso states that Willcox will also receive firm transportation service for the full requirements of its local distribution system, less only those quantities previously sold to AEPCO at the Power Plant delivery point. Finally, it is stated that Willcox has advised El Paso that it has agreed that AEPCO may be a direct customer of El Paso and consents to the abandonment requested herein.

Comment date: October 22, 1991, in accordance with Standard Paragraph F at the end of this notice.

4. Mid Louisiana Gas Co.

[Docket No. CP91–3218–000]

Take notice that on September 30, 1991, Mid Louisiana Gas Company (Applicant) filed in the above-referenced docket, a prior notice request pursuant to §§ 157.205 and 157.216 of the Commission's Regulations under the Natural Gas Act (NGA) for authorization to abandon an exchange agreement dated March 26, 1968, as amended thereafter, between Humble Gas Transmission Company (Predecessor to Applicant) and United Gas Pipe Line Company (United) under Applicant's blanket certificate issued in Docket No. CP82–539–000, all as more fully set forth in the application on file with the Commission and open to public inspection.

It is stated that the exchange agreement, designated as Mid Louisiana Gas Company's Rate Schedule No. C–3, provided for the exchange of natural gas deliveries at designated points on United's and Applicant's facilities in

Louisiana. It is also stated that the original certificate issued by the Commission to both United and Applicant was issued in Docket No. CP68–308, on July 24, 1968.

Applicant states that United filed an application to abandon the service in Docket No. CP90–1094, which application made pursuant to section 7(b) of the NGA is still pending. Applicant states that neither it nor United proposes to abandon any facilities.

Comment date: November 21, 1991, in accordance with Standard paragraph G at the end of this notice.

5. Canyon Creek Compression Co.

[Docket No. CP92–18–000]

Take notice that on October 3, 1991, Canyon Creek Compression Company (Canyon), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP92–18–000 an application pursuant to section 7 of the Natural Gas Act and subpart F of part 157 of the Commission's Regulations for a blanket certificate of public convenience and necessity authorizing Canyon to engage in any of the activities specified in subpart F of part 157 of the Commission's Regulations, as may be amended from time to time, all as more fully set forth in the application on file with the Commission and open to public inspection.

Comment date: October 22, 1991, in accordance with Standard Paragraph F at the end of the notice.

6. Transcontinental Gas Pipe Line Corporation

[Docket Nos. CP92–13–000, CP92–14–000, CP92–15–000]

Take notice that on October 2, 1991, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed in the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of shippers under its blanket certificate issued in Docket No. CP88–328–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[1]

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Transco and is summarized in the attached appendix.

Comment date: November 21, 1991, in accordance with Standard Paragraph G at the end of this notice.

Docket number (date filed)	Shipper name (type)	Peak day, average day, annual Dth	Receipt points	Delivery points	Contract date, rate schedule, service type	Related docket, start up date
CP92–13–000 (10–2–91)	Unocal Exploration Corporation (producer).	480,000 200,000 73,000,000	Various	LA, TX	6–27–91, IT, interruptible.	ST91–10279–000, 8–1–91
CP92–14–000 (10–2–91)	Seagull Marketing Services, Inc. (marketer).	250,000 50,000 18,250,000	Various	LA, TX	7–8–91, IT, interruptible.	ST91–10264–000, 8–1–91
CP92–15–000 (10–2–91)	Shell Gas Trading Company (marketer).	1,500,000 400,000 146,000,000	Various	LA, TX	7–11–91, IT, interruptible.	ST91–10276–000, 8–1–91

7. Arkla Energy Resources, a division of Arkla, Inc.; Columbia Gas Transmission Corporation; ANR Pipeline Company of America

[Docket Nos. CP92–2–000,[2] CP92–3–000, CP92–5–000]

Take notice that on October 1 and 2, 1991, Applicants filed in the above referenced dockets, prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under their blanket certificates issued pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the prior notice requests which are on file with the Commission and open to public inspection and in the attached appendix.

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the docket numbers and initiation dates of the 120-day transactions under § 284.223 of the Commission's Regulations has been provided by the Applicants and is included in the attached appendix.

Applicants state that each of the proposed services would be provided under an executed transportation agreement, and that the Applicants would charge rates and abide by the terms and conditions of the referenced transportation rate schedule(s).

Comment date: November 21, 1991, in accordance with Standard Paragraph G at the end of this notice.

Docket No. (date filed)	Applicant	Shipper name	Peak day,[1] average, annual	Points of[2]		Start up date, rate schedule	Related[3] dockets
				Receipt	Delivery		
CP92–2–000 (10–1–91)	Arkla Energy Resources, a division of Arkla, Inc., P.O. Box 21734, Shreveport, LA 71151.	Texaco Gas Marketing, Inc.	50,000 40,000 14,600,000	AR, LA, OK, TX	TX	6–8–91 IT	CP88–820–000, ST91–9969–000.

[1] These prior notice requests are not consolidated.

[2] These prior notice requests are not consolidated.

Docket No. (date filed)	Applicant	Shipper name	Peak day, [1] average, annual	Points of [2] Receipt	Points of [2] Delivery	Start up date, rate schedule	Related [3] dockets
	xl	Midcon Marketing Corp.	30,000 24,000 8,760,000	AR, OK OK, TX	IL, IN, OK, PA, TN, TX.	8-1-91, IT	CP88-820-000 ST91-10159-000.
	xl	Red River Gas Corp.	20,000 16,000 5,840,000	LA, TX	LA	6-21-91, IT	CP88-820-000, ST91-10196-000.
	xl	Clinton Gas Transmission.	20,000 16,000 5,840,000	OK	IL	7-1-91	CP88-820-000, ST91-10423-000.
	xl	Arkla Energy Marketing Company.	40,000 32,000 11,680,000	AR, LA, OK, TX	KS	9-12-91, IT	CP88-820-000 ST91-10513-000.
CP92-3-000 (10-1-91)	Columbia Gas Transmission Corporation.	Appalachian Gas Sales.	100,000 80,000 36,500,000	KY, MD, NY, OH, PA, WV, MO, NE.	KY, MD, NJ, NY, PA, OH, VA, WV.	7-25-91 ITS	CP86-240-000 ST91-10016-000.
CP92-5-000 (10-2-91)	ANR Pipeline Company.	Nerco Oil & Gas, Inc.	10,000dt 10,000dt 3,650,000dt	OLA	OLA	8-1-91, ITS	CP88-532-000, ST91-10205-000.

[1] Quantities are shown in MMbtu unless otherwise indicated.
[2] Offshore Louisiana and Offshore Texas are shown as OLA and OTX.
[3] The CP docket corresponds to applicant's blanket transportation certificate. If an ST docket is shown, 120-day transportation service was reported in it.

8. Arkla Energy Resources, a division of Arkla, Inc.

[Docket No. CP92-1-000]

Take notice that on October 1, 1991, Arkla Energy Resources, a division of Arkla, Inc. (AER), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP92-1-000, a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate certain facilities in Arkansas, Kansas and Oklahoma under the authorization issued in Docket No. CP82-384-000 and CP82-384-001 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

AER seeks authority to construct and operate two sales taps and related facilities for delivery of natural gas to Arkansas Louisiana Gas Company (ALG) for resale to domestic and commercial customers, and to operate three existing taps for the delivery of natural gas to ALG for resale to consumers other than the right-of-way grantors for whom the taps were originally installed.

AER proposes to (1) install a new 1-inch tap on its Line 3, section 22, T27N-R3W, Grant County, Oklahoma, for service to domestic customer Jay D. Womack, using approximately 85 Mcf annually and 1 Mcf on a peak day to be constructed at an estimated cost of $1,389; (2) install a new 1-inch tap on its Line 27, section 25, T32S-R4E, Cowley County, Kansas, for service to commercial customer Miles Funeral Home, using approximately 795 Mcf annually and 2 Mcf peak day, to be installed at an estimated cost of $1,389; (3) utilize an existing 1-inch tap on its Line JM-21, section 19, T6N-R3E, St. Francis County, Arkansas, for initial service to domestic customers for ALG's Rural Extension No. 1291,[3] using approximately 1,275 Mcf annually and 3.5 Mcf peak day. It is stated that ALG's Rural Extension will manifold onto an existing tap and construction will not be necessary; (4) utilize an existing 1-inch tap on its Line BT-1, section 14, T3S-R18W, Hot Springs County, Arkansas, for service to new domestic customers Malcolm Williams and Lloyd Howerton, each using approximately 510 Mcf annually and 12 Mcf peak day. It is stated that these customers will manifold onto the existing tap and new construction will not be necessary; (5) utilize an existing 1-inch tap on its Line J, section 13, T8N-R21W, Pope County, Arkansas, for service to a new domestic customer LaDonna Shoptaw, using approximately 85 Mcf annually and 2 Mcf peak day. It is stated that this customer will manifold onto the existing tap and new construction will not be necessary.

Comment date: November 21, 1991, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the

[3] It is stated that ALG's Rural Extension No. 1291 will connect existing customers and will consist of 2,185 feet of 2-inch plastic pipe.

Natural Gas Act [18 CFR 157.205] a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 91-24697 Filed 10-11-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. JD91-09925T Texas-9 Addition 9]

State of Texas; Determination Designating Tight Formation

October 7, 1991.

Take notice that on September 18, 1991, the Railroad Commission of Texas (Texas) submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that a portion of the Travis Peak Formation underlying portions of the Jewett (Travis Peak) Field in Leon County, Texas, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978 (NGPA). The designated geographical area, as revised by Texas September 30, 1991, covers approximately 11,000 acres in the northwestern part of Leon County, and consists of all of the following sections of land: H. Barney, A-123; J. Sprinkle, A-860; J. R. Cook, A-213; Peter Roblow, A-994; Aleck Mayes, A-641; Thomas J. Shawn, A-789; E. Huchner, A-356; J. C. Moore, A-642; B. M. Roden, A-762; R. B. Vest, A-902; Mary Elam, A-255; Jefferson McGrew, A-591; Chester Rockwell, A-724; Chas. J. Cummings, A-180; T. G. White, A-920; William Watkins, A-922; I. & G. N. RR, A-987; Jack Broodo, A-1432; Jas. Willingham, A-955; Joel Banks, A-107; T. J. Chipman, A-215; H. H. Gildon, A-330; G. J. Pettigrew, A-710; J. W. Tomlinson, A-863; B. H. Willingham, A-964; W. R. Russell, A-760; John Archer, A-34; W. J. Moore, A-630; M. Haggard, A-406; A. Duke, A-247; T. B. Martin, A-637; and R. B. Coleman, A-215. The designated area also includes a portion of each of the Daniel M. Frisman Survey, A-267, the Arthur Willis Survey, A-914, and the Mathew Kelly Survey, A-463, plus the northern 320 acre tract in the William Gilmore Survey, A-322 and the N½ of the Edward Taylor Survey, A-873.

The notice of determination also contains Texas' findings that the referenced portion of the Travis Peak Formation within the designated area meets the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 91-24698 Filed 10-11-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-169-021]

ANR Pipeline Co.; Proposed Changes in FERC Gas Tariff

October 8, 1991.

Take notice that, on October 1, 1991, ANR Pipeline Company ("ANR") tendered for filing as part of its FERC Gas Tariff, Original Volume No. 2, the below listed tariff sheets with a requested effective date of November 1, 1991:

Twelfth Revised Sheet No. 16
Twelfth Revised Sheet No. 17
Twelfth Revised Sheet No. 18
Twelfth Revised Sheet No. 19
Fourteenth Revised Sheet No. 20
Thirteenth Revised Sheet No. 21
Eighth Revised Sheet No. 22

ANR states that the tariff sheets are being filed in compliance with the Article XII of the Stipulation and Agreement dated August 16, 1989 in the above captioned dockets, whereby rates for ANR's X-Rate Schedule services are to be recalculated effective November 1, 1991.

Any person desiring to protect 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 October 16, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-24741 Filed 10-11-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-123-000]

Canyon Creek Compression Co.; Informal Settlement Conference

October 7, 1991.

Take notice that an informal settlement conference will be convened in this proceeding on Wednesday, October 23, 1991 at 1 p.m., at the offices of the Federal Energy Regulatory Commission, 810 First Street NE., Washington, DC, for the purpose of exploring the possible settlement of the above-referenced docket.

Any party, as defined in 18 CFR 385.102(c), or any participant, as defined in 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations, 18 CFR 385.214.

For additional information, contact Joan Dreskin at (202) 208-0738 or Russell B. Mamone at (202) 208-0744.

Lois D. Cashell,

Secretary.

[FR Doc. 91-24699 Filed 10-11-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA91-1-22-002]

CNG Transmission Corp.; Proposed Changes in FERC Gas Tariff

October 8, 1991.

Take notice that CNG Transmission Corporation ("CNG"), on September 27, 1991, pursuant to section 4 of the Natural Gas Act and in compliance with the August 30, 1991 suspension order in this proceeding, filed the following revised tariff sheets to First Revised Volume No. 1 of CNG's FERC Gas Tariff:

Substitute Tenth Revised Sheet No. 31
Substitute Fifth Revised Sheet No. 34
Substitute Alternate Tenth Revised Sheet No. 31
Substitute Alternate Fifth Revised Sheet No. 34

CNG states that the primary tariff sheets are filed to comply with all of the rate adjustments required by the Commission in its suspension order. The alternate tariff sheets, it states, incorporate all such rate adjustments except for the treatment of GIC amounts for which CNG still seeks demand charge treatment. CNG requests the

Commission to allow the alternate tariff sheets to become effective on September 1, 1991, the scheduled effective date of CNG's annual purchased gas cost adjustment filing.

CNG states that it has properly allocated fuel costs to its sales customers and, therefore, that it is currently in compliance with the Commission's request to "remove the non-sales service company use gas costs" from its sales rates.

CNG states that it has provided copies of its filing to its customers and interested state commissions.

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 October 16, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-24742 Filed 10-11-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP88-44-000, et al., RP91-139-000, CP92-4-000]

El Paso Natural Gas Co.; Proposed Stipulation and Agreement

October 7, 1991.

Take notice that on October 1, 1991, El Paso Natural Gas Company (El Paso) filed with the Federal Energy Regulatory Commission (Commission), pursuant to rule 602 of the Commission's Rules of Practice and Procedure, 18 CFR 385.602, and Offer of Settlement (Offer) and a Stipulation and Agreement (Stipulation and Agreement) in the above captioned dockets, to resolve all issues outstanding between and among El Paso, the City of Willcox, Arizona (Willcox), and Arizona Electric Power Cooperative, Inc. (AEPCO).

El Paso states that the Stipulation and Agreement concludes several outstanding disputes among the parties arising from El Paso's global rate settlement approved by the Commission in Docket No. RP88-44-000, *et al.*, and eliminates issues in numerous ongoing proceedings between El Paso, Willcox, and AEPCO.

El Paso further states that, in addition, the Stipulation and Agreement provides for (i) conversion of firm sales rights to firm transportation, (ii) establishment of demand charges and billing determinants for certain rate periods, (iii) termination of proceedings in Docket No. RP91-139-000, and (iv) abandonment authorization for termination of certain sales for resale to Willcox. El Paso filed concurrently, at Docket No. CP92-17-000, an application for permission and approval to abandon such sales.

El Paso respectfully requests that the Commission grant such waivers and permissions with respect to the requirements of the Commission's Regulations and orders to the extent necessary to effectuate all of the provisions of the Offer contained in the Stipulation and Agreement. It was further requested that the Commission promptly approve the Stipulation and Agreement as a full, fair, and reasonable resolution of the matters and issues settled therein.

El Paso states that copies of the Offer and Stipulation and Agreement were served upon all parties to the proceedings at Docket Nos. RP88-44-000, *et al.*, and RP91-139-000.

Initial comments on the Offer should be filed on or before October 21, 1991, and reply comments should be filed on or before October 31, 1991.

Lois D. Cashell,

Secretary.

[FR Doc. 91-24700 Filed 10-11-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-163-000]

Louisiana-Nevada Transit Co.; Informal Settlement Conference

October 8, 1991.

Take notice that an informal settlement conference will be convened in this proceeding on October 30, 1991, at 10 a.m., room 2400, at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC, for the purpose of exploring the possible settlement of the above-referenced docket.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined in CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, contact Russell B. Mamone at (202) 208-0744 or Anja M. Clark at (202) 208-2034.

Lois D. Cashell,

Secretary.

[FR Doc. 91-24743 Filed 10-11-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM92-1-15-000]

Mid Louisiana Gas Co.; Proposed Change of Rates

October 8, 1991.

Take notice that Mid Louisiana Gas Company (Mid Louisiana) on September 26, 1991, tendered for filing as part of First Revised Volume No. 1 of its FERC Gas Tariff the following Tariff Sheets to become effective November 1, 1991:

	Superseding
EIGHTY-SEVENTH REVISED Sheet No. 3a	EIGHTY-SIXTH REVISED Sheet No. 3a
Tenth Revised Sheet No. 3a.1	Ninth Revised Sheet No. 3a.1

Mid Louisiana states that the purpose of the filing of the Revised Tariff Sheets is to reflect an upward revision to the unit rates for the collection of the Annual Charges imposed by section 382 of the Commission's Regulations.

Mid Louisiana states that the filing is being made in accordance with section 22 of Mid Louisiana's FERC Gas Tariff. Mid Louisiana copies of the filing have been mailed to Mid Louisiana's jurisdictional customers 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 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before October 16, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 91-24744 Filed 10-11-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-166-000]

Northwest Pipeline Corp.; Informal Settlement Conference

October 7, 1991.

Take notice that an informal settlement conference will be convened in this proceeding on Tuesday, October 15, 1991, immediately following the prehearing conference scheduled in this case for 10 a.m., at the offices of the Federal Energy Regulatory Commission, 810 First Street NE., Washington, DC, for the purpose of exploring the possible settlement of the above-referenced docket.

Any party, as defined in 18 CFR 385.102(c), or any participant, as defined in 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations, 18 CFR 385.214.

For additional information, contact Marc G. Denkinger at (202) 208-2215 or Joan Dreskin at (202) 208-0738.

Lois D. Cashell,

Secretary.

[FR Doc. 91-24701 Filed 10-11-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GT91-41-001]

Penn-Jersey Pipe Line Co.; Proposed Changes in FERC Gas Tariff

October 8, 1991.

Take notice that on October 1, 1991, Penn-Jersey Pipe Line Co. ("Penn-Jersey"), Hackett Hill Road, P.O. Box 869, Bradford, Vermont 05033, tendered for filing First Revised Sheet No. 5 to First Revised Volume No. 1 of its FERC Gas Tariff.

On September 23, 1991, Penn-Jersey Filed Second Revised Sheet No. 4 and Second Revised Sheet No. 5 to revise the account numbers reflected in Penn-Jersey's Rate Schedule T-1 to conform to the current Uniform System of Accounts for natural gas companies. Penn-Jersey withdraws Second Revised Sheet No. 5 and submits for filing First Revised Sheet No. 5 to correct pagination and to eliminate an incorrect reference to Account 271 contained in the September 23, 1991 filing.

Penn Jersey states that copies of the filing were served upon Penn Jersey's customers and on the New Jersey Public Utilities Commission.

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 October 16, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-24745 Filed 10-11-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-140-007]

Questar Pipeline Company; Proposed Changes in FERC Gas Tariff

October 8, 1991.

Take notice that Questar Pipeline Company (Questar), tendered for filing tariff sheets reflecting a clarification to its gathering rate. Questar states that the filing reflects the interruptible gathering charge that was left off the tariff sheets included in the April 30, 1991 filing.

Questar states that the maximum interruptible gathering rate is derived from the firm gathering rates set forth in the April 30, 1991, filing by applying a 100% load factor to the rates.

Questar further states that the filing contains two alternate sets of tariff sheets for interruptible gathering. Questar states that the first set of tariff sheets incorporates the terms of the Offer of Settlement filed with the Commission on September 9, 1991, in Docket No. RP91-140-005. Questar further states that the alternate set of tariff sheets included in its filing corresponds to Questar's motion rates also filed in the alternative on October 1, 1991, in Docket No. RP91-140-006.

Questar states that the filing has been served on all participants in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before October 16, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-24746 Filed 10-11-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-140-000]

Questar Pipeline Co.; Informal Settlement Conference

October 8, 1991.

Take notice that an informal settlement conference will be convened in this proceeding beginning on Tuesday, November 5, 1991, at 10 a.m., and is expected to continue the following day. The conference will be at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC, for the purpose of exploring the possible settlement of the above-referenced docket.

Any party, as defined by 18 CFR 385.102(c), or any participant, as defined by 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, contact John P. Roddy (202) 208-1176 or J. Carmen Gastilo (202) 208-0248.

Lois D. Cashell,

Secretary.

[FR Doc. 91-24747 Filed 10-11-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP89-224-000, RP89-203-000, RP90-139-000 and RP89-146-000]

Southern Natural Gas Co.; Informal Settlement Conference

October 8, 1991.

Take notice that an informal settlement conference will be convened in this proceeding on October 18, 1991, at 11 a.m., at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC, for the purpose of exploring the possible settlement of the above-referenced dockets.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined by 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, please contact Betsy R. Carr at (202) 208–1240 or James A. Pederson at (202) 208–2158.

Lois D. Cashell,

Secretary.

[FR Doc. 91–24748 Filed 10–11–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TA90–1–29–005]

Transcontinental Gas Pipe Line Corporation; Compliance Filing

October 8, 1991.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing on September 30, 1991 workpapers supporting certain adjustments to Transco's FERC Account No. 191, which adjustments are made in compliance with the Commission's orders issued June 6, 1991 in Docket No. TA90–1–29–001 (as modified by the Commission's Order on Rehearing issued August 7, 1991 in Docket No. TA90–1–29–003) and July 31, 1991 in Docket No. TA91–1–29–000. As more fully described in the instant filing, such adjustments pertain to the removal from Account No. 191 of amounts attributable to storage activity for May and June 1989 and the recomputation of Transco's storage revaluation adjustment commencing April 1989 through March 1990 using the rolling weighted average cost methodology defined in § 154.302(s) of the Commission's regulations.

Transco states that copies of this filing were mailed to affected customers, interested State Commissions and parties to Docket Nos. TA90-1-29 and TA91-1-29. In accordance with provisions of Section 154.16 of the Commission's Regulations, copies of this filing are available for public inspection, during regular business hours, in a convenient form and place at Transco's main offices at 2800 Post Oak Boulevard in Houston, Texas.

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 October 16, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–24749 Filed 10–11–91; 8:45am]

BILLING CODE 6717–01–M

[Docket No. RP91–215–001]

Transwestern Pipeline Co., Compliance Filing

October 8, 1991.

Take notice that, on October 1, 1991, Transwestern Pipeline Company ("Transwestern") tendered for filing as part of its FERC Gas tariff, Second Revised Volume No. 1, the following tariff sheets:

Effective October 1, 1991:

89th Revised Sheet No. 5
1st Revised Sheet No. 5D(iv)
1st Revised Sheet No. 5E(iii)
52nd Revised Sheet No. 6
15th Revised Sheet No. 37
9th Revised Sheet No. 89
9th Revised Sheet No. 90

Transwestern states that the tariff sheets are being filed to adjust Transwestern's TCR Surcharge B, in compliance with the Commission's order issued September 27, 1991 ("Order") in this proceeding. Transwestern states that it has recalculated its TCR Surcharge B as required by the Order, and has added interest from September 1, 1991 to September 30, 1991.

Transwestern proposes an effective date of October 1, 1991, instead of September 30, 1991, in order to avoid having to bill its shippers for their September 30 volumes at a different rate then the shippers' volumes for the remainder of such month.

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 October 16, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–24750 Filed 10–11–91; 8:45 am]

BILLING CODE 6717–01–M

Office of Conservation and Renewable Energy

[Case No. DH–001]

Energy Conservation Program for Consumer Products; Decision and Order Granting a Waiver From Vented Home Heating Equipment Test Procedures to Appalachian Stove and Fabricators, Inc.

AGENCY: Office of Conservation and Renewable Energy, Department of Energy.

ACTION: Decision and Order.

SUMMARY: Notice is given of the Decision and Order (Case No. DH–001) granting a waiver to Appalachian Stove and Fabricators, Inc. (Appalachian) from the existing Department of Energy (DOE) test procedures for vented home heating equipment (vented heater). The Department is granting the company its petition for waiver regarding pilot light energy consumption in calculation of Annual Fuel Utilization Efficiency (AFUE) for its model AGS–44 vented home heater and its request, in part, to use a weighted average steady-state efficiency.

FOR FURTHER INFORMATION CONTACT:

Cyrus H. Nasseri, U.S. Department of Energy, Office of Conservation and Renewable Energy, Mail Station CE–43, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9127.

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC–41, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9507.

SUPPLEMENTARY INFORMATION: In accordance with 10 CFR 430.27(g), notice is hereby given of the issuance of the Decision and Order as set out below. In the Decision and Order, Appalachian has been granted a Waiver for its model AGS–44 vented heater, from the DOE test procedure regarding the pilot light, permitting the company to use an alternate test method in determining AFUE. Further, that part of the Petition regarding weighted average steady state efficiency has been granted in part.

Issued in Washington, DC, October 2, 1991.

J. Michael Davis,

Assistant Secretary, Conservation and Renewable Energy.

Decision and Order

In the matter of: Appalachian Stove and Fabricators, Inc. (Case No. DH–001)

Background

The Energy Conservation Program for Consumer Products (other than automobiles) established pursuant to the Energy Policy and Conservation Act (EPCA), Public Law 94–163, 89 Stat. 917, as amended by the National Energy Conservation Policy Act (NECPA), Public Law 95–619, 92 Stat. 3266, the National Appliance Energy Conservation Act of 1987 (NAECA), Public Law 100–12, and the National Appliance Energy Conservation Amendments of 1988 (NAECA 1988), Public Law 100–357, requires DOE to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including vented home heating equipment. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchasing decisions. These test procedures appear at 10 CFR part 430, subpart B.

DOE amended the prescribed test procedures by adding 10 CFR 430.27 to create a waiver process. 45 FR 64108, September 26, 1980. Thereafter DOE further amended the applicable waiver process to allow the Assistant Secretary for Conservation and Renewable Energy (Assistant Secretary) to grant an Interim Waiver from test procedure requirements to manufacturers that have petitioned DOE for a waiver of such prescribed test procedures. 51 FR 42823, November 26, 1986.

The waiver process allows the Assistant Secretary to waive temporarily test procedures for a particular basic model when a petitioner shows that the basic model contains one or more design characteristics which prevent testing according to the prescribed test procedures or when the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption as to provide materially inaccurate comparative data. Waivers generally remain in effect until final test procedure amendments become effective, resolving the problem that is the subject of the waiver.

The Interim Waiver provisions, added by the 1986 amendment, allow the Assistant Secretary to grant an Interim Waiver when it is determined that the applicant will experience economic hardship if the Application for Interim Waiver is denied, if it appears likely that the Petition for Waiver will be granted, and/or the Assistant Secretary determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the Petition for Waiver. An Interim Waiver remains in effect for a period of 180 days or until DOE issues its determination on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180 days, if necessary.

Appalachian filed a "Petition for Waiver," dated September 21, 1990, in accordance with § 430.27 of 10 CFR Part 430. DOE published in the **Federal Register** on February 14, 1991 Appalachian's Petition and solicited comments, data and information respecting the petition. 56 FR 6016.

No comments were received concerning the "Petition for Waiver." DOE consulted with the Federal Trade Commission (FTC) concerning the Appalachian Petition. The FTC did not have any objections to the issuance of a waiver to Appalachian.

Assertions and Determinations

Appalachian's Petition seeks a Waiver from the DOE test procedure regarding (a) pilot light energy consumption and (b) steady state efficiency. The DOE test provision requires measurement of energy input rate to the pilot light (Q_p) with an error no greater than 3 percent for vented heaters, and use of this data in the calculation of AFUE using the formula: $AFUE = 4400\eta_{ss}\eta_{\mu}Q_{in\text{-}max}/(4400\eta_{ss}Q_{in\text{-}max} + 2.5(4600)\eta_{\mu}Q_p)$. Appalachian requests the allowance to delete the $2.5(4600)\eta_{\mu}Q_p$ term in the calculation of AFUE when testing its AGS–44 model vented heater. Appalachian states that the AGS–44 model vented heater is fitted with a piezo igniter which fires a transient pilot for the purpose of smooth and safe ignition of the main burner while controlling the amount of heat to energize the thermoelectric valve incorporated in the control. Gas to the pilot for ignition of the main burner is obtained by depressing the control knob and turning counterclockwise to the ignition position, position 1, and pressing the piezo igniter to ignite the pilot. As soon as the pilot energizes the thermoelectric valve of the control, the main burner is ignited by turning the control knob from position 1 to position 2, 3 or 4. The pilot remains on at settings 2, 3 and 4, and by virtue of its position, contributes to the heat release within the combustion chamber.

When the heater is turned off after use, the control knob is turned clockwise to the "OFF" position, automatically turning off the pilot.

If the manufacturer's instructions are observed by the user, the pilot light will not be left on. This will result in a lower energy consumption, and in turn a higher efficiency than calculated by the current DOE test procedure. Since the current DOE test procedure does not address this issue, Appalachian asks that the Waiver be granted.

Based on DOE's review of how the AGS–44 model vented heater operates and the fact that if the manufacturer's instructions are followed, the pilot light will not be left on, DOE grants the Petition for Waiver to exclude the assumed pilot light energy input term in the calculation of AFUE.

This decision is subject to the condition that the heater shall have an easily read label near the gas control knob instructing the user to turn the valve to the off-position when the heater is not in use.

Appalachian also seeks a Waiver from the DOE test provision that requires determination of steady state efficiency at a flow rate for manually controlled gas fueled vented heaters with various input rates that is 50 percent of the maximum fuel input rate, plus or minus 5 percent.

Appalachian states that the manual control on its heater gives three fixed gas rates and is not infinitely variable. Therefore it is not possible to obtain a rate of 50 percent of the maximum fuel rate as specified in the DOE test procedure.

Since the current DOE test procedure does not address this issue, Appalachian asks that an alternative test procedure for determination of steady state efficiency, based on a weighted average of efficiencies obtained at settings 2, 3 and 4 be granted.

Appalachian's request for a Waiver to use an alternate test procedure for determination of steady state efficiency based on a weighted average of three different firing rates is denied. Instead, DOE has determined that the steady state efficiency of this heater shall be measured at its minimum fuel input rate, which is 65.3 percent of its maximum input rate. This minimum input rate is closest to the 50 percent input rate at which other manually controlled vented heaters are being rated. DOE believes that to do otherwise would result in an unjustified higher AFUE that would be unfair to other manufacturers of similar heaters because relatively higher firing rates would generally result in higher burner efficiencies.

It is therefore, ordered that:

(1) The "Petition for Waiver" filed by the Appalachian Stove and Fabricators, Inc., (Case No. DH–001) is hereby granted as set forth in paragraph (2) below, subject to the provisions of paragraphs (3), and (4).

(2) Not withstanding any contrary provisions of Appendix O of 10 CFR part 430, subpart B, the Appalachian Stove

and Fabricators, Inc. shall be permitted to test its AGS–44 vented heater on the basis of the test procedure specified in 10 CFR part 430, subpart B, appendix O with modifications set forth below:

(i) Delete paragraph 3.5 of appendix O.

(ii) Delete paragraph 4.2.4. of appendix O and replace with the following paragraph:

4.2.4 Weighted Average Steady-State Efficiency. For manually controlled heaters with various input rates, the weighted average steady-state efficiency (η_{ss-wt}) is the minimum fuel input rate as measured in either section 3.1.1 to this appendix for manually controlled gas vented heaters or section 3.1.2 to this appendix for manually controlled oil vented heaters. For a manually controlled heater with one single firing rate, the weighted average steady-state efficiency is the steady-state efficiency measured at the single firing rate.

(iii) Delete paragraph 4.2.6 of appendix O and replace with the following paragraph:

4.2.6 Annual Fuel Utilization Efficiency. For manually controlled vented heaters, calculate the Annual Fuel Utilization Efficiency (AFUE) expressed as a percent and defined as:

$AFUE = \eta_\mu$

Where:

η_μ = as defined in 4.2.5 of this appendix.

(iv) With the exception of the modification set forth above, Appalachian Stove and Fabricators, Inc. shall comply in all respects with the procedures specified in appendix O of 10 CFR part 430, subpart B.

(3) The Waiver shall remain in effect from the date of issuance of this Order until DOE prescribes final test procedures appropriate to the AGS–44 vented heater manufactured by Appalachian Stove and Fabricators, Inc.

(4) This Waiver is based upon the presumed validity of statements, allegations, and documentary materials submitted by the petitioner. This Waiver may be revoked or modified at any time upon a determination that the factual basis underlying the Petition is incorrect.

Issued in Washington, DC, October 2, 1991.

J. Michael Davis,

Assistant Secretary Conservation and Renewable Energy.

[FR Doc. 91–24771 Filed 10–11–91; 8:45 am]

BILLING CODE 6450–01–M

[Case No. F–030]

Energy Conservation Program for Consumer Products; Decision and Order Granting a Waiver From the Furnace Test Procedures to Goodman Manufacturing Corp.

AGENCY: Office of Conservation and Renewable Energy, Department of Energy.

ACTION: Decision and Order.

SUMMARY: Notice is given of the Decision and Order (Case No. F–030) granting a Waiver to Goodman Manufacturing Corporation (Goodman) from the existing Department of Energy (DOE) test procedures for furnaces. The Department is granting the company its Petition for Waiver regarding blower time delay in calculation of Annual Fuel Utilization Efficiency (AFUE) for its PG and PGX series rooftop furnaces.

FOR FURTHER INFORMATION CONTACT:

Cyrus H. Nasseri, U.S. Department of Energy, Office of Conservation and Renewable Energy, Mail Station CE–43, Forrestal Building, 1000 Independence Avenue, SW. Washington, DC 20585, (202) 586–9127.

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC–41, Forrestal Building, 1000 Independence Avenue, SW. Washington, DC 20585, (202) 586–9507.

SUPPLEMENTARY INFORMATION: In accordance with 10 CFR 430.27(g), notice is hereby given of the issuance of the Decision and Order as set out below. In the Decision and Order, Goodman has been granted a waiver for its PG and PGX series rooftop furnaces, permitting the company to use an alternate test method in determining the Annual Fuel Utilization Efficiency (AFUE).

Issued in Washington, DC, October 3, 1991.

J. Michael Davis,

Assistant Secretary, Conservation and Renewable Energy.

Decision and Order

In the matter of: Goodman Manufacturing Corporation (Case No. F–030)

Background

The Energy Conservation Program for Consumer Products (other than automobiles) established pursuant to the Energy Policy and Conservation Act (EPCA), Public Law 94–163, 89 Stat. 917, as amended by the National Energy Conservation Policy Act (NECPA), Public Law 95–619, 92 Stat. 3266, the National Appliance Energy Conservation Act of 1987 (NAECA), Public Law 100–12, and the National Appliance Energy Conservation Amendments of 1988 (NAECA 1988), Public Law 100–357, requires DOE to prescribe standardized test procedures to meaure the energy consumption of certain consumer products, including furnaces. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchasing decisions. These test procedures appear at 10 CFR part 430, subpart B.

DOE amended the prescribed test procedures by adding 10 CFR 430.27 to create a waiver process. 45 FR 64108, September 26, 1980. Thereafter, DOE further amended its appliance test procedure waiver process to allow the Assistant Secretary for Conservation and Renewable Energy (Assistant Secretary) to grant an Interim Waiver from test procedure requirements to manufacturers that have petitioned DOE for a waiver of such prescribed test procedures. 51 FR 42823, November 26, 1986.

The waiver process allows the Assistant Secretary to waive temporarily test procedures for a particular basic model when a petitioner shows that the basic model contains one or more design characteristics which prevent testing according to the prescribed test procedures or when the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption as to provide materially inaccurate comparative data. Waivers generally remain in effect until final test procedure amendments become effective, resolving the problem that is the subject of the waiver.

The Interim Waiver provisions, added by the 1986 amendment, allow the Assistant Secretary to grant an Interim Waiver when it is determined that the applicant will experience economic hardship if the Application for Interim Waiver is denied, if it appears likely that Petition for Waiver will be granted, and/or the Assistant Secretary determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the Petition for Waiver. An Interim Waiver remains in effect for a period of 180 days or until DOE issues its determinaton on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180 days, if necessary.

Goodman filed a "Petition for Wavier" dated January 16, 1991, in accordance with § 430.27 of 10 CFR part 430. DOE published in the **Federal Register** on May 3, 1991, Goodman's petition and solicited comments, data and

information respecting the petition. 56 FR 20421. Goodman also filed an "Application for Interim Waiver" under § 430.27(g) which DOE granted on April 26, 1991. 56. 20421, May 3, 1991.

No comments were received concerning either the "Petition for Waiver" or the "Interim Waiver." DOE consulted with Federal Trade Commission (FTC), concerning the Goodman Petition. The FTC did not have any objections to the issuance of the Waiver to Goodman.

Assertions and Determinations

Goodman's Petition seeks a Waiver from the DOE test provisions that require a 1.5-minute time delay between the ignition of the burner and the starting of the circulating air blower. Goodman requests the allowance to test using a 30-second blower time delay when testing its PG and PGX series rooftop furnaces. Goodman states that since the 30-second delay is indicative of how these models actually operate and since such a delay results in an improvement in efficiency of approximately 1.0 percent, the Waiver should be granted.

Under specific circumstances, the DOE test procedures contain exceptions which allow testing with blower delay times of less than the prescribed 1.5-minute delay. Goodman indicates that it is unable to take advantage of any of these exceptions for its PG and PGX series rooftop furnaces.

Since the blower controls incorporated on the Goodman furnaces are designed to impose a 30-second blower delay in every instance of start up, and since the current provisions do not specifically address this type of control, DOE agrees that a Waiver should be granted to allow the 30-second blower time delay when testing the Goodman PG, PSX series rooftop furnaces. Accordingly, with regard to testing the PG and PGX series rooftop furnaces, today's Decision and Order exempts Goodman from the existing provisions regarding blower controls and allows testing with the 30-second delay.

It is therefore, ordered that:

(1) The "Petition for Waiver" filed by the Goodman Manufacturing Corporation (Case No. F–030) is hereby granted as set forth in paragraph (2) below, subject to the provisions of paragraphs (3), (4), and (5).

(2) Not withstanding any contrary provisions of appendix N of 10 CFR part 430, subpart B, the Goodman Manufacturing Corporation shall be permitted to test its PG and PGX series rooftop furnaces on the basis of the test procedure specified in 10 CFR part 430, with modifications set forth below:

(i) Section 3.0 of appendix N is deleted and replaced with the following paragraph:

3.0 Test Procedure. Testing and measurements shall be as specified in section 9 in ANSI/ASHRAE 103–82 with the exception of sections 9.2.2, 9.3.1, and 9.3.2, and the inclusion of the following additional procedures:

(ii) Add a new paragraph 3.10 to appendix N as follows:

3.10 Gas-and-Oil-Fueled Central Furnaces. The following paragraph is in lieu of the requirement specified in section 9.3.1 of ANSI/ASHRAE 103–82. After equilibrium conditions are achieved following the cool-down test and the required measurement performed, turn on the furnaces and measure the flue gas temperature, using the thermocouple grid described above, at 0.5 and 2.5 minutes after the main burner(s) comes on. After the burner start-up, delay the blower start-up by 1.5 minutes (t-), unless: (1) The furnace employs a single motor to drive the power burner and the indoor air circulating blower, in which case the burner and blower shall be started together; or (2) the furnace is designed to operate using an unvarying delay time that is other than 1.5 minutes, in which case the fan control shall be permitted to start the blower; or (3) the delay time results in the activities of a temperature safety device which shuts off the burner, in which case the fan control shall be permitted to start the blower. In the latter case, if the fan control is adjustable, set it to start the blower at the highest temperature. If the fan control is permitted to start the blower, measure time delay, (t-), using a stop watch. Record the measured temperatures. During the heat-up test for oil-fueled furnaces, maintain the draft in the flue pipe within ±0.01 inch of water column of the manufacturer's recommended on-period draft.

(iii) With the exception of the modification set forth above, Goodman Manufacturing Corporation shall comply in all respects with the test procedures specified in appendix N of 10 CFR part 430, subpart B.

(3) The Waiver shall remain in effect from the date of issuance of this Order until DOE prescribes final test procedures appropriate to the PG and PGX series rooftop furnaces manufactured by Goodman Manufacturing Corporation.

(4) This Waiver is based upon the presumed validity of statements, allegations, and documentary materials submitted by the petitioner. This Waiver may be revoked or modified at any time upon a determination that the factual basis underlying the petition is incorrect.

(5) Effective October 15, 1991, this Waiver supersedes the Interim Waiver Granted Goodman Manufacturing Corporation on April 26, 1991. 56 FR 20421, May 3, 1991, (Case No. F–030).

Issued in Washington, DC, October 3, 1991.

J. Michael Davis,

Assistant Secretary, Conservation and Renewal Energy.

[FR Doc. 91–24770 Filed 10–11–91; 8:45 am]

BILLING CODE 6450–01–M

[Case No. DH–002]

Energy Conservation Program for Consumer Products; Decision and Order Granting a Waiver from Vented Home Heating Equipment Test Procedures to Valor Inc.

AGENCY: Office of Conservation and Renewable Energy, Department of Energy.

ACTION: Decision and Order.

SUMMARY: Notice is given of the Decision and Order (Case No. DH–002) granting a Waiver to Valor Incorporated (Valor) from the existing Department of Energy (DOE) test procedures for vented home heating equipment (vented heater). The Department is granting the company its Petition for Waiver regarding pilot light energy consumption in calculation of Annual Fuel Utilization Efficiency (AFUE) for its model VN–32 vented heater and its request, in part, to use a weighted average steady-state efficiency.

FOR FURTHER INFORMATION CONTACT:

Cyrus H. Nasseri, U.S. Department of Energy, Office of Conservation and Renewable Energy, Mail Station CE–43, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9127

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC–41, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9507.

SUPPLEMENTARY INFORMATION: In accordance with 10 CFR 430.27(g), notice is hereby given of the issuance of the Decision and Order as set out below. In the Decision and Order, Valor has been granted a Waiver for its model VN–32 vented heater, from the DOE test procedure regarding the pilot light, permitting the company to use an alternate test method in determining AFUE. Further, that part of the Petition

regarding weighted average steady state efficiency has been granted in part.

Issued in Washington, DC, October 2, 1991.

J. Michael Davis,

Assistant Secretary, Conservation and Renewable Energy.

Decision and Order

In the matter of: Valor Incorporated. (Case No. DH–002).

Background

The Energy Conservation Program for Consumer Products (other than automobiles) established pursuant to the Energy Policy and Conservation Act (EPCA), Public Law 94–163, 89 Stat. 917, as amended by the National Energy Conservation Policy Act (NECPA), Public Law 95–619, 92 Stat. 3266, the National Appliance Energy Conservation Act of 1987 (NAECA), Public Law 100–12, and the National Appliance Energy Conservation Amendments of 1988 (NAECA 1988), Public Law 100–357, requires DOE to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including vented home heating equipment. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchasing decisions. These test procedures appear at 10 CFR part 430, subpart B.

DOE amended the prescribed test procedures by adding 10 CFR 430.27 to create a waiver process. 45 FR 64108, September 26, 1980. Thereafter DOE further amended the applicable waiver process to allow the Assistant Secretary for Conservation and Renewable Energy (Assistant Secretary) to grant an Interim Waiver from test procedure requirements to manufacturers that have petitioned DOE for a waiver of such prescribed test procedures. 51 FR 42823, November 26, 1986.

The waiver process allows the Assistant Secretary to waive temporarily test procedures for a particular basic model when a petitioner shows that the basic model contains one or more design characteristics which prevent testing according to the prescribed test procedures or when the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption as to provide materially inaccurate comparative data. Waivers generally remain in effect until final test procedure amendments become effective, resolving the problem that is the subject of the waiver.

The Interim Waiver provisions, added by the 1986 amendment, allow the Assistant Secretary to grant an Interim Waiver when it is determined that the applicant will experience economic hardship if the Application for Interim Waiver is denied, if it appears likely that the Petition for Waiver will be granted, and/or the Assistant Secretary determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the Petition for Waiver. An Interim Waiver remains in effect for a period of 180 days or until DOE issues its determination on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180 days, if necessary.

Valor filed a "Petition for Waiver," dated September 21, 1990, in accordance with § 430.27 of 10 CFR part 430. DOE published in the **Federal Register** on February 14, 1991 Valor's Petition and solicited comments, data and information respecting the petition. 56 FR 6022.

No comments were received concerning the "Petition for Waiver." DOE consulted with the Federal Trade Commission (FTC) concerning the Valor Petition. The FTC did not have any objections to the issuance of a waiver to Valor.

Assertions and Determinations

Valor's Petition seeks a Waiver from the DOE test procedure regarding (a) pilot light energy consumption and (b) steady state efficiency. The DOE test provision requires measurement of energy input rate to the pilot light (Q_p) with an error no greater than 3 percent for vented heaters, and use of this data in the calculation of AFUE using the formula: $AFUE = 4400\eta_{ss}\eta_{\mu}Q_{in\text{-}max} / (4400\eta_{ss}Q_{in\text{-}max} + 2.5(4600)\eta_{\mu}Q_p)$. Valor requests the allowance to delete the $2.5(4600)\eta_{\mu}Q_p$ term in the calculation of AFUE when testing its VN–32 model vented heater. Valor states that the VN–32 model vented heater is fitted with a piezo igniter which fires a transient pilot for the purpose of smooth and safe ignition of the main burner while controlling the amount of heat to energize the thermoelectric valve incorporated in the control. Gas to the pilot for ignition of the main burner is obtained by depressing the control knob and turning counterclockwise to the ignition position, position 1, and pressing the piezo igniter to ignite the pilot. As soon as the pilot energizes the thermoelectric valve of the control, the main burner is ignited by turning the control knob from position 1 to position 2, 3 or 4. The pilot remains on at settings 2, 3 and 4, and by virtue of its position, contributes to the heat release within the combustion chamber.

When the heater is turned off after use, the control knob is turned clockwise to the "off" position, automatically turning off the pilot.

If the manufacturer's instructions are observed by the user, the pilot light will not be left on. This will result in a lower energy consumption, and it turn a higher efficiency than calculated by the current DOE test procedure. Since the current DOE test procedure does not address this issue, Valor asks that the Waiver be granted.

Based on DOE's review of how the VN–22 model vented heater operates and the fact that if the manufacturer's instructions are followed, the pilot light will not be left on, DOE grants the Petition for Waiver to exclude the assumed pilot light energy input term in the calculation of AFUE.

This decision is subject to the condition that the heater shall have an easily read label near the gas control knob instructing the user to turn the valve to the off-position when the heater is not in use.

Valor also seeks a Waiver from the DOE test provision that requires determination of steady state efficiency at a flow rate for manually controlled gas fueled vented heaters with various input rates that is 50 percent of the maximum fuel input rate, plus or minus 5 percent.

Valor states that the manual control on its heater gives three fixed gas rates and is not infinitely variable. Therefore it is not possible to obtain a rate of 50 percent of the maximum fuel rate as specified in the DOE test procedure.

Since the current DOE test procedure does not address this issue, Valor asks that an alternative test procedure for determination of steady state efficiency, based on a weighted average of efficiencies obtained at settings 2, 3 and 4 be granted.

Valor's request for a Waiver to use an alternate test procedure for determination of steady state efficiency based on a weighted average of three different firing rates is denied. Instead, DOE has determined that the steady state efficiency of this heater shall be measured at its minimum fuel input rate, which is 65.3 percent of its maximum input rate. This minimum input rate is closest to the 50 percent input rate at which other manually controlled vented heaters are being rated. DOE believes that to do otherwise would result in an unjustified higher AFUE that would be unfair to other manufacturers of similar heaters because relatively higher firing rates would generally result in higher burner efficiencies.

It is therefore ordered, That:

(1) The "Petition for Waiver" filed by the Valor Incorporated (Case No. DH–002) is hereby granted as set forth in paragraph (2) below, subject to the provisions of paragraphs (3), and (4).

(2) Notwithstanding any contrary provisions of appendix O of 10 CFR part 430, subpart B, the Valor Incorporated shall be permitted to test its VN–32 vented heater on the basis of the test procedure specified in 10 CFR part 430, subpart B, appendix O with modifications set forth below:

(i) Delete paragraph 3.5 of appendix O.

(ii) Delete paragraph 4.2.4. of appendix O and replace with the following paragraph.

4.2.4 Weighted Average Steady-State Efficiency. For manually controlled heaters with various input rates, the weighted average steady-state efficiency ($\eta_{ss\text{-}wt}$) is the minimum fuel input rate as measured in either section 3.1.1 to this appendix for manually controlled gas vented heaters or section 3.1.2 to this appendix for manually controlled oil vented heaters. For a manually controlled heater with one single firing rate, the weighted average steady-state efficiency is the steady-state efficiency measured at the single firing rate.

(iii) Delete paragraph 4.2.6 of appendix O and replace with the following paragraph:

4.2.6 Annual Fuel Utilization Efficiency. For manually controlled vented heaters, calculate the Annual Fuel Utilization Efficiency (AFUE) expressed as a percent and defined as: AFUE=η_μ where: η_μ=as defined in 4.2.5 of this appendix.

(iv) With the exception of the modification set forth above, Valor Incorporated shall comply in all respects with the procedures specified in appendix O of 10 CFR part 430, subpart B.

(3) The Waiver shall remain in effect from the date of issuance of this Order until DOE prescribes final test procedures appropriate to the VN–32 vented heater manufactured by Valor Incorporated.

(4) This Waiver is based upon the presumed validity of statements, allegations, and documentary materials submitted by the petitioner. This Waiver may be revoked or modified at any time upon a determination that the factual basis underlying the Petition is incorrect.

Issued In Washington, DC, October 2, 1991.

J. Michael Davis,

Assistant Secretary, Conservation and Renewable Energy.

[FR Doc. 91–24769 Filed 10–11–91; 8:45 am]

BILLING CODE 6450–01–M

Office of Fossil Energy

[FE Docket No. 91–49–NG]

Utrade Gas Co.; Application for Blanket Authorization To Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of application for blanket authorization to import natural gas from Canada.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt on July 22, 1991, of an application filed by Utrade Gas Company (Utrade), requesting blanket authorization to import up to a total of 150 Bcf of natural gas from Canada over a two-year period beginning on the date of first delivery. The gas would be transported through existing facilities and Utrade states it will submit quarterly reports to FE detailing each transaction.

The application is filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204–111 and 0204–127. Protests, motions to intervene, notices of intervention and written comments are invited.

DATES: Protests, motions to intervene, or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed in Washington, DC, at the address listed below no later than 4:30 p.m., Eastern time, November 14, 1991.

ADDRESSES: Offices of Fuels Programs, Fossil Energy, U.S. Department of Energy, room 3F–056, FE–50, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION:

Frank Duchaine, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F–094, FE–53, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–8233.

Diane Stubbs, Office of Assistant General Counsel for Fossil Energy, U.S. Department of Energy, Forrestal Building, room 6E–042, 1000 Independence Avenue, SW., Washington, DC 20585. (202) 586–6667.

SUPPLEMENTARY INFORMATION: Utrade, a Delaware corporation with its principal place of business in Houston, Texas, proposes to import natural gas from Canada for resale to local distribution, industrial, commercial and residential customers in the United States. The specific terms of purchase agreements with Canadian suppliers will be the product of arms-length negotiations. The price, volume and duration provisions of such contracts will reflect market conditions.

The decision on the application for import authority will be made consistent with DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). Parties, especially those that may oppose this application, should comment in their responses on the issue of competitiveness as set forth in the policy guidelines regarding the requested import authority. The applicant assets that imports made under this arrangement will be competitive. Parties opposing this arrangement bear the burden of overcoming this assertion.

NEPA Compliance

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, requires DOE to give appropriate consideration to the environmental effects of its proposed actions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the

Office of Fuels Programs at the address listed above.

It is intended that a decisional record on the application will be developed through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and response filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of Utrade's application is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056 at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on October 8, 1991.

Clifford P. Tomaszewski,

Acting Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 91–24767 Filed 10–11–91; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–4021–4]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces the Office of Management and Budget's (OMB) response to Agency Paperwork Reduction Act clearance request for the information collection below.

SUPPLEMENTARY INFORMATION:

OMB Response to Agency PRA Clearance Request

Title: Requirements for Generators, Transporters, and Disposers Under the RCRA Hazardous Waste Manifest System (EPA No. 0801.08; OMB No. 2050–0039).

The Agency had requested a three year renewal of this information collection with a requested expiration date of September 30, 1994. This collection received a short-term approval from OMB and is cleared to September 30, 1992. In a letter, dated 30 September 1991, OMB provided the following remarks: "* * * until September 1992, the public may comply with the manifest requirement by using a form with any expiration date that has already been printed. This will allow States which have already printed forms with a September 1994 expiration date to use those forms until September 30, 1992. It will also allow States which have not printed new forms, but have stocks of forms with an expiration date of September 1991, to continue using their stocks until they are depleted or until September 1992, (whichever comes first)." States which need to print forms should use the September 30, 1992 expiration date.

If you have any questions concerning approval of this information collection request contact Evi Huffer, EPA, at (202) 260–8791 or Ron Minsk, OMB, at (202) 395–3084.

Dated: October 8, 1991.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 91–24761 Filed 10–11–91; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4021–3]

Proposed Administrative Settlement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act; Baker Residence

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is proposing to enter into a cost recovery settlement agreement under section 122(h)(1) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA). This proposed settlement is intended to resolve the liability of Westinghouse Electric Corporation for response costs incurred at the Baker Residence Site in Muncie, Indiana. Section 122(i) of CERCLA requires that notice of proposed settlements under section 122(h) of CERCLA be public in the **Federal Register**. This notice seeks to elicit public comments to the Baker Residence Site Cost Recovery Settlement Agreement pursuant to section 122(i) of CERCLA.

DATES: Comments must be received on or before November 14, 1991.

ADDRESSES: Comments should be addressed to Steven Siegel, Assistant Regional Counsel (5CS–TUB–3), U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, and should refer to: Baker Residence Site in Muncie, Indiana.

FOR FURTHER INFORMATION CONTACT: Steven M. Siegel, U.S. Environmental Protection Agency, Office of Regional Counsel, 5CS–TUB–3, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 353–1129.

SUPPLEMENTARY INFORMATION: In accordance with section 122(i)(1) of the CERCLA, notice is hereby given of a proposed administrative cost recovery settlement concerning the Baker Residence site located at 237 Route 10, Delaware County Road 700–S, Muncie, Indiana. The settlement resolves an EPA claim under section 107 of CERCLA against Westinghouse Electric Corporation. The settlement requires Westinghouse to pay $104,206.65 to the Hazardous Substances Superfund. This agreement was signed by EPA Region V on September 30, 1991. EPA may withdraw its consent if comments received disclose facts or considerations which indicate that the agreement is inappropriate, improper or inadequate.

EPA is entering into this agreement under the authority of section 122(h)(1) of CERCLA. Section 122(h)(1) authorizes compromise and settlement of a claim under section 107 of CERCLA for costs incurred by the United States Government if the claim has not been referred to the Department of Justice for further action. Under this authority, the agreement allows the Settling Party to reimburse EPA for past response costs at the Baker Residence Site.

For thirty (30) days following the date of publication of this notice, the EPA will receive written comments relating

to the settlement. The Agency's response to comments received will be available for public inspection at the Office of Regional Counsel U.S. Environmental Protection Agency, Region V, 111 W. Jackson Street (3rd Floor), Chicago, Illinois 60604, and at the Muncie Center Township Public Library, 301 E. Jackson Street, Muncie, Indiana 47305.

A copy of the proposed administrative settlement agreement may be obtained in person or by mail from the EPA's Region V Office of Regional Counsel. Requests for copies should be addressed to Steven Siegel, Mail Code: 5CS–TUB–3, 230 South Dearborn Street, Chicago, Illinois 60604. The Office of Regional Counsel is currently located on the third floor at 111 West Jackson, Chicago, Illinois 60604. A copy of the proposed administrative settlement agreement will also be available for inspection at the Muncie Center Township Public Library, 301 E. Jackson Street, Muncie, Indiana 47305. Additional background information relating to the settlement is available for review at the EPA's Region V Office of Regional Counsel.

Authority: Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. 9601 *et seq.*

Ralph R. Bauer,

Acting Regional Administrator.

[FR Doc. 91–24762 Filed 10–11–91; 8:45 am]

BILLING CODE 6560–50–M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SES Performance Review Board Members

AGENCY: Equal Employment Opportunity Commission (EEOC).

ACTION: Notice.

SUMMARY: Notice is hereby given of the names of the members of the SES Performance Review Board of EEOC.

FOR FURTHER INFORMATION CONTACT: Jo-Ann Henry, Director, Personnel Management Services, Equal Employment Opportunity Commission, 1801 L Street, NW., Washington, DC 20507, 202/663–4306.

SUPPLEMENTARY INFORMATION: Pursuant to the requirement of section 4314(c)(1), chapter 43 title 5 U.S.C., membership of the SES Performance Review Board is as follows: Ms. Ronnie Blumenthal, Director, Systemic Investigations and Individual Compliance Programs, Equal Employment Opportunity Commission (Chairperson); Mr. Jaime Ramon, General Counsel, Office of Personnel Management; Ms. Gloria Joseph, Director of Administration, National Labor Relations Board; Ms. Elizabeth Thornton, Deputy Legal Counsel, Equal Employment Opportunity Commission (Alternate). Signed at Washington, DC on this 30th day of September, 1991.

For the Commission.

Evan J. Kemp, Jr.,

Chairman.

[FR Doc. 91–24711 Filed 10–11–91; 8:45 am]

BILLING CODE 6570–06–M

EXECUTIVE OFFICE OF THE PRESIDENT

Office of Science and Technology Policy

President's Council of Advisors on Science and Technology (PCAST); Panel on Science and Technology and National Security

The Panel on Science and Technology and National Security of the President's Council of Advisors on Science and Technology (PCAST) will meet on October 25, 1991. The meeting will begin at 9 a.m. in Conference Room 22, Old Executive Office Building, 17th Street and Pennsylvania Avenue, NW., Washington, DC.

The purpose of the Panel is to advise the Council on matters involving science and technology and national security.

Proposed Agenda

1. Briefing of the Panel on problems of national security by the Office of Science and Technology Policy and the National Security Council.
2. Briefing of the Panel on problems of national security by the Department of Defense.

All sessions will be closed to the public.

The briefings on national security issues necessarily will involve discussion of materials that are formally classified in the interest of national defense or for foreign policy reasons. The meeting will be closed to the public pursuant to 5 U.S.C. 522b(c)(1), (2), and (9)(B).

Dated: October 8, 1991.

Ms. Damar W. Hawkins,

Executive Assistant, Office of Science and Technology Policy.

[FR Doc. 91–24684 Filed 10–11–91; 8:45 am]

BILLING CODE 3170–01–M

FEDERAL MARITIME COMMISSION

[Docket No. 91–43]

Vinmar, Inc. v. China Ocean Shipping Company; Filing of Complaint and Assignment

Notice is given that a complaint filed by Vinmar, Inc. ("Complainant") against China Ocean Shipping Company ("Respondent") was served October 7, 1991. Complainant alleges that Respondent engaged in violations of sections 8(c) and 10(b)(12) of the Shipping Act of 1984, 46 U.S.C. 1707(c) and 1709(a)(1), by failing to grant a service contract to Complainant containing the essential terms of a service contract on file with the Commission even though Complainant is a similarly situated shipper.

This proceeding has been assigned to Administrative Law Judge Norman D. Kline ("Presiding Officer"). Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record. Pursuant to the further terms of 46 CFR 502.61, the initial decision of the Presiding Officer in this proceeding shall be issued by October 7, 1992, and the final decision of the Commission shall be issued by February 5, 1993.

Joseph C. Polking,

Secretary.

[FR Doc. 91–24656 Filed 10–11–91; 8:45 am]

BILLING CODE 6730–01–M

The Port of New York et al.; Agreement Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC, Office of the Federal Maritime Commission, 1100 L Street, NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice

appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224–200436–001.

Title: The Port Authority of New York and New Jersey /Maher Terminal, Inc. Leasing Agreement.

Parties:

The Port of New York and New Jersey ("Port Authority"),
Maher Terminals, Inc. ("Maher").

Synopsis: The Agreement, filed October 1, 1991, extends the term of the current lease between Maher and the Port Authority of a lumber and forest products terminal until March 31, 1992.

Dated: October 8, 1991.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 91–24695 Filed 10–11–91; 8:45 am]

BILLING CODE 6730–01–M

GENERAL SERVICES ADMINISTRATION

Information Collection Activities Under Office of Management and Budget Review

AGENCY: Federal Supply Service (FCSI), GSA.

SUMMARY: The GSA hereby gives notice under the Paperwork Reduction Act of 1980 that it is requesting the Office of Management and Budget (OMB) to renew expiring information collection 3090–0040, Application for Shipping Instructions and Notice of Availability. This information is used for routing cargoes to shipping points as space becomes available.

ADDRESSES: Send comments to Bruce McConnell, GSA Desk Officer, room 3235, NEOB, Washington, DC 20503, and to Mary L. Cunningham, GSA Clearance Officer, General Services Administration (CAIR), 18th & F Street NW., Washington, DC 20405.

Annual Reporting Burden:
Respondents: 7,500; *annual responses:* 1; *average hours per response:* 0.33; *burden hours:* 2,475.

FOR FURTHER INFORMATION CONTACT: Gary L. Hood, (703) 557–7487.

Copy of Proposal: May be obtained from the Information Collection Management Branch (CAIR), 7102, GSA Building, 18th & F St. NW., Washington, DC 20405, by telephoning (202) 501–2691, or by faxing your request to (202) 501–2727.

Dated: October 3, 1991.

Emily C. Karam,

Director, Information Management Division.

[FR Doc. 91–24689 Filed 10–11–91; 8:45 am]

BILLING CODE 6820–24–M

Information Collection Activities Under Office of Management and Budget Review

AGENCY: Office of Acquisition Policy (VP), GSA.

SUMMARY: The GSA hereby gives notice under the Paperwork Reduction Act of 1980 that it is requesting the Office of Management and Budget (OMB) to renew expiring information collection 3090–0243, GSAR part 516.2: Fixed Price Contracts. This information is used to support adjustments in Multiple Award Schedule (MAS) contract prices. MAS contractors are required to furnish certain pricing information when MAS price increases are requested.

ADDRESSES: Send comments to Bruce McConnell, GSA Desk Officer, room 3235, NEOB, Washington, DC 20503, and to Mary L. Cunningham, GSA Clearance Officer, General Services Administration (CAIR), 18th & F Street NW., Washington, DC 20405.

Annual Reporting Burden:
Respondents: 2,914; *annual responses:* 2; *average hours per response:* 0.50; *burden hours:* 2,186.

FOR FURTHER INFORMATION CONTACT: Paul Linfield, (202) 501–1224.

Copy of Proposal: May be obtained from the Information Collection Management Branch (CAIR), 7102, GSA Building, 18th & F St. NW., Washington, DC 20405, by telephoning (202) 501–2691, or by faxing your request to (202) 501–2727.

Dated: October 3, 1991.

Emily C. Karam,

Director, Information Management Division.

[FR Doc. 91–24690 Filed 10–11–91; 8:45 am]

BILLING CODE 6820–61–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Federal Council on the Aging; Meeting

Agency Holding the Meeting: Federal Council on the Aging.

Time and Date: Meeting begins at 9 a.m. and ends at 4:30 p.m. on Wednesday, November 13, 1991, and begins at 9 a.m. and ends at 4:30 p.m. on Thursday, November 14, 1991.

Place: On Wednesday, November 13, and Thursday, November 14, from 9 a.m. to 4:30 p.m., in the Gemini Conference Room at the Holiday Inn-Capitol, 550 C Street, SW., Washington, DC 20024

Status: Meeting is open to the public.

Contact Person: Kevin W. Parks, room 4280, Wilbur Cohen Federal Building, 330 Independence Avenue, SW., Washington, DC 20201 (202) 619–2451.

The Federal Council on the Aging was established by the 1973 Amendments to the Older Americans Act of 1965 (Pub. L. 93–29, 42 U.S.C. 3015) for the purpose of advising the President, the Secretary of Health and Human Services, the Commissioner on Aging and the Congress on matters relating to the special needs of older Americans.

Notice is hereby given pursuant to the Federal Advisory Committee Act (Pub. L. 92–453, 5 U.S.C. app. 1, section 10, 1976) that the Council will hold its final meeting of 1991 on November 13 and 14, 1991, from 9 a.m. to 4:30 p.m. respectively in the Gemini Conference Room at the Holiday Inn-Capitol, 550 C Street, SW., Washington, DC 20024.

The agenda will include: The Council's regular business meeting during the morning session on Wednesday, November 13 from 9 to 12 noon. The afternoon session will begin at 1:30 p.m. and end at 4:30 p.m. and will include a briefing by the Staff of the 1993 White House Conference on Aging regarding the status of preparations for the Conference.

On Thursday, November 14, 9 to 12 noon, the morning session will be devoted to work sessions of the Council's Budget and Planning Committee, Membership Committee, Committee on Mental Health and the Elderly, and Task Force on the National Eldercare Campaign, reports of the committees, and discussion of future activities. The afternoon session will begin at 1:30 p.m. and end at 4:30 p.m. and will focus on the development of meeting topics and agenda for calendar year 1992, and the finalization of policy recommendations for 1991.

Dated: October 4, 1991.

Ingrid C. Azvedo,

Chairperson, Federal Council on the Aging.

[FR Doc. 91–24675 Filed 10–11–91; 8:45 am]

BILLING CODE 4130–01–M

Food and Drug Administration

[Docket No. 91F–0371]

Keller and Heckman; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Keller and Heckman has filed a petition proposing that the food additive regulations be amended to provide for the safe use of ultra filtration membranes that consist of a microporous poly(vinylidene fluoride) membrane with a hydrophilic surface modifier consisting of hydroxypropyl acrylate/tetraethylene glycol diacrylate copolymer for processing foods.

FOR FURTHER INFORMATION CONTACT: Vir Anand, Center for Food Safety and Applied Nutrition (HFF–335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 1B4287) has been filed by Keller and Heckman, 1150 17th St. NW., Washington, DC 20036. The petition proposes to amend the food additive regulations in § 177.2910 Ultra-filtration membranes (21 CFR 177.2910) to provide for the safe use of ultra-filtration membranes that consist of a microporous poly(vinylidene fluoride) membrane with a hydrophilic surface modifier consisting of hydroxpropyl acrylate/tetraethylene glycol diacrylate copolymer for processing foods.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: October 7, 1991.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 91–24719 Filed 10–11–91; 8:45 am]

BILLING CODE 4160–01–M

Advisory Committee; Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meeting and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

MEETING: The following advisory committee meeting is announced:

Veterinary Medicine Advisory Committee

Date, time, and place. October 30, 1991, 8:30 a.m., and October 31, 1991, 8 a.m., Embassy III Conference Room, Ramada Hotel and Conference Center, 8400 Wisconsin Ave., Bethesda, MD.

Type of meeting and contact person. Open committee discussion, October 30, 1991, 8:30 a.m. to 9:30 a.m.; open public hearing, 9:30 a.m. to 10:30 a.m., unless public participation does not last that long; open committee discussion, 10:30 a.m. to 1:30 p.m.; open public hearing, 1:30 p.m. to 2 p.m.; open committee discussion, 2 p.m. to 3 p.m.; open public hearing, 3 p.m. to 4:30 p.m.; open committee discussion, October 31, 1991, 8 a.m. to 9 a.m.; open public hearing, 9 a.m. to 11 a.m., unless public participation does not last that long; open committee discussion, 11 a.m. to 1 p.m.; closed committee deliberations, 1 p.m. to 4 p.m.; Gary E. Stefan, Center for Veterinary Medicine (HFV–224), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–295–8769.

General function of the committee. The committee reviews and evaluates available data concerning safety and effectiveness of marketed and investigational new animal drugs, feeds, and devices for use in the treatment and prevention of animal disease and increased animal production.

Agenda—Open public hearing. Interested persons requesting to present data, information, or views, orally or in writing, on issues pending before the committee, should communicate with the contact person.

Open committee discussion. The committee will discuss: (1) The availability of poison antidotes; (2) a professional labeling petition; (3) the compounding of animal drugs; and (4) human drugs distributed for animal use.

Closed committee deliberations. A subcommittee of the Veterinary Medicine Advisory Committee will review and discuss trade secret and/or confidential commercial information relevant to a new animal drug application. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (subpart C of 21 CFR part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

The agenda, the questions to be addressed by the committee, and a current list of committee members will be available at the meeting location on the day of the meeting.

Transcripts of the open portion of the meeting will be available from the Freedom of Information Office (HFI–35), Food and Drug Administration, rm. 12A–16, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. The transcript may be viewed at the Dockets Management Branch

(HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, approximately 15 working days after the meeting, between the hours of 9 a.m. and 4 p.m., Monday through Friday. Summary minutes of the open portion of the meeting will be available from the Freedom of Information Office (address above) beginning approximately 90 days after the meeting.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2, 10(d)), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably deliberative session to formulate advice and recommendations to the agency on matters that do not independently justify closing.

This notice is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (5 U.S.C. app. 2), and FDA's regulations (21 CFR part 14) on advisory committees.

Dated: October 8, 1991.

David A. Kessler,

Commissioner of Food and Drugs.

[FR Doc. 91–24720 Filed 10–11–91; 8:45 am]

BILLING CODE 4160–01–M

Social Security Administration

Supplemental Security Income Modernization Project; Meeting

AGENCY: Social Security Administration, HHS.

ACTION: Notice of Meeting.

The Social Security Administration (SSA) announces a meeting of the Supplemental Security Income (SSI) Modernization Project (the Project). This notice also describes the proposed agenda, purpose, and structure of the Project.

DATES: November 18–19, 1991, 8:30 a.m. to 5 p.m.

ADDRESSES: Social Security Administration Headquarters, Altmeyer Building, Auditorium, 6401 Security Boulevard, Baltimore, MD 21235 (Enter and obtain a visitor parking pass at the Security Boulevard main entrance if parking on Social Security Administration property.)

FOR FURTHER INFORMATION CONTACT: SSI Modernization Project Staff, room 300, Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235, (301) 965–3571.

SUPPLEMENTARY INFORMATION: SSA is undertaking a comprehensive examination of the SSI program, reviewing its fundamental structure and purpose. The SSI program has been in operation for over 17 years. The purpose of the Project is to determine if the SSI program is meeting and will continue to meet the needs of the population it is intended to serve in an efficient and caring manner, recognizing the constraints in the current fiscal climate.

The first phase of this Project is intended to create a dialogue that provides a full examination of how well the SSI program serves the needy aged, blind, and disabled.

To begin this dialogue, the Commissioner has involved 23 people who are experts in the SSI program and/or related public policy areas. The experts include a wide range of representatives of the aged, blind, and disabled from private and nonprofit organizations and Federal and State government as well as former SSA staff. Dr. Arthur S. Flemming, former Secretary of Health, Education and Welfare, will chair the meeting. The purpose of this initial dialogue is to exchange ideas and existing information about the program. This exchange will facilitate the sharing of ideas among attendees' constituencies, including advocacy groups, state and local government and academicians. The outcome will be a more informed public that has an interest in bringing individually produced innovative ideas for change in the SSI program to the Modernization Project.

This is the tenth in a series of meetings that have been held throughout the country. The meeting will be open to the public to the extent that space is available.

The experts will review and discuss the public comments that were received on the paper, "Summary of Options Identified by the Public In Connection with the Supplemental Security Income Modernization Project". This document was published in the **Federal Register** on July 31, 1991 (56 FR 36640).

A summary of the meeting will be available at no charge. The transcript of the meeting will be available at cost. Summaries and transcripts may be ordered from the Project Staff. The transcript and all written submissions will become part of the record of these meetings.

Dated: October 7, 1991.

Peter Spencer,

Director, SSI Modernization Project Staff.

[FR Doc. 91–24726 Filed 10–11–91; 8:45 am]

BILLING CODE 4190–29–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N-91-3193; FR-2930-N-03]

Supportive Housing Demonstration; Transitional Housing Program; Announcement of Funding Awards

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Announcement of funding awards.

SUMMARY: In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of funding decisions made by the Department in a competition for funding under the Transitional Housing program of the Supportive Housing Demonstration. The announcement contains the names and addresses of the award winners and the amounts of the awards.

DATES: October 15, 1991.

FOR FURTHER INFORMATION CONTACT: James Forsberg, Director, Special Needs Assistance Program, Department of Housing and Urban Development, room 7262, 451 Seventh Street SW., Washington, DC 20410; telephone number (202) 708-4300; TDD (202) 708-2565. (These are not toll free numbers.)

SUPPLEMENTARY INFORMATION: Title IV of the Stewart B. McKinney Homeless Assistance Act authorized the Supportive Housing Demonstration to develop innovative approaches for providing supportive housing for the homeless. The Transitional Housing program, a component of the Supportive Housing Demonstration, has as its purpose facilitating the movement of homeless persons to independent living. Grants are provided for acquisition, rehabilitation, operating costs, and supportive services costs. Eligible applicants are States, local governments, Indian tribes, and private nonprofit organizations. (Program regulations are at 24 CFR part 577.)

The 1991 awards announced in this Notice were selected for funding in a competition announced in a Federal Register notice published on January 23, 1991 (56 FR 2654). Applicants were scored and selected for funding on the basis of selection criteria contained in the notice.

A total of $106.1 million was awarded to 109 projects in 29 States, including the District of Columbia and the Virgin Islands. In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (Pub. L. 101-235, approved December 15, 1989), the Department is publishing the names, addresses, and amounts of those awards as follows:

1. Behavioral Health Services, Yuma, Arizona: $725,274. The funds will be used to acquire and rehabilitate multi-family rental units, and will provide employment assistance, operating costs and supportive services. Contact: Leslie Mariner, 3939 South Avenue 3E, suite 129, Yuma, AZ 95639.

2. Travelers Aid, Tucson, AZ: $605,002. The funds will be used for employment assistance, other supportive services and operating costs for a transitional housing facility to serve homeless single men and women. Contact: W. Mark Clark, 40 West Veterans Boulevard, Tucson, AZ 85713.

3. Turning Point of Central California, Fresno, California: $1,078,042. The funds will be used for case management and supportive services for 70 homeless chronically mentally ill people in transitional housing. Contact: Jeff Fly, 119 S. Locust, Fresno, CA 93291.

4. Vietnam Veterans of San Diego, San Diego, California: $1,093,613. The funds will be used for moderate rehabilitation of a 30 unit motel for use as transitional housing and will provide employment assistance, child care, operating costs, and supportive services to homeless veterans and their families. Contact: David Siegler, 5030 Camino de la Siesta; #102, San Diego, CA 91208.

5. People of Progress, Redding, California: $399,970. The funds will be used for the rehabilitation of a multi-family building for use as transitional housing and provide employment assistance, other supportive services and operating costs. Contact: Anne William, P.O. box 4431, Redding, CA 96001.

6. Berkeley Emergency Food Project, Berkeley, California: $1,044,199. The funds will be used for substantial rehabilitation of a two-story frame building purchased by the City of Berkeley to house 11 mentally ill women and to provide child care and other supportive services. Contact: Maureen McMeekin, 2425 College Avenue, Berkeley, CA 94704.

7. Battered Women's Alternatives, Concord, California: $456,658. The funds will be used for expansion of supportive services, child care, employment assistance and operating costs associated with housing twenty-four battered women and sixty children in an existing facility. Contact: Lisa Dobey, P.O. Box 6406, Concord, CA 94524.

8. Innovative Housing, East Palo Alto, California: $293,848. The funds will be used for repayment of a mortgage for a single family building used to house four homeless single-parent families and will provide child care services, employment assistance, supportive services and operating costs. Contact: Anne Howell, 2196 E. Francisco Blvd., suite E, San Rafael, CA 94901.

9. Community Resources Center, Encinitas, California: $1,118,751. The funds will be used for the acquisition and moderate rehabilitation of a multi-family building for use as transitional housing and provide employment assistance, child care services, other supportive services and operating costs. Contact: Sarah Rosenfield, 650 Second Street, Encinitas, CA 92024.

10. North County Interfaith Council, Escondido, California: $1,786,915. The funds will be used for the acquisition and moderate rehabilitation of two four-unit apartment buildings and to provide employment assistance, child care services, other supportive services and operating costs for homeless families with children. Contact: Suzanne Stewart Pohlman, 430 North Rose Street, Escondido, CA 92027.

11. Catholic Charities of LA, Hollywood, California: $810,858. The funds will provide employment assistance, child care services, other supportive services and operating costs. Contact: Sister Julia M Farley, 1400 West Ninth Street, Los Angeles, CA 90015.

12. YMCA of Metro LA, Hollywood, California: $747,776. The funds will be used for moderate rehabilitation of the second floor of the YWCA for use as transitional housing and will provide employment assistance, child care, and operating costs to serve 32 homeless youths. Contact: Alan C Hostrup, 1553 North Hudson Avenue, Hollywood, CA 90028.

13. Special Services for Groups, Los Angeles, California: $1,520,434. The funds will be used for acquisition and moderate rehabilitation of an 11-unit apartment building to house 22 persons in homeless families and the mentally ill. The project will provide child care, employment and other supportive services. Contact: Michael Neely, 1313 West Eighth Street, #201, Los Angeles, CA 90017.

14. Weingart Center, Los Angeles, California: $580,789. The funds will be used for employment assistance, supportive services and operating costs to serve approximately 50 homeless individuals who are recovering from serious illnesses and being discharged from area hospitals. Contact: Carol

Egerer, 566 South San Pedro, Los Angeles, CA 90013.

15. HIP, Modesto, California: $439,499. The funds will be used for the acquisition of two duplexes for use as transitional housing and will provide employment assistance, other supportive services, and operating costs for mentally disabled, homeless individuals. Contact: Thom McCue, 25 East Hedding Street, San Jose, CA 95112.

16. Hsg. Auth. of San Luis Obispo, Morro Bay, California: $512,585. The funds will be used for acquisition of the Morro Gardens Motel for use as transitional housing and will provide supportive services and operating costs to serve 11 mentally ill homeless individuals. contact: George J. Moylan, 487 Leff Street, San Luis Obispo, CA 93401.

17. City of Oakland, California: $933,896. The funds will be used for an additional seven single and multi-family units for use as transitional housing and will provide employment assistance, child care services, other supportive services and operating costs. Contact: Susan Shelton, 300 Lakeside Drive, 15th Floor, Oakland, CA 94612.

18. City of Oceanside, California: $1,654,573. The funds will be used for acquisition and moderate rehabilitation of a vacant racquetball court building for use as transitional housing and will provide employment assistance, supportive services and operating costs. Contact: Richard V Goodman, 300 North Hill Street, Oceanside, CA 92054.

19. Shelter Network of San Mateo County, Redwood City, California: $615,623. The funds will be used for expansion of employment assistance, child care services, other supportive services and operating costs for homeless families and children in the Redwood Family House. Contact: Christina Sutherland, 319 Villa Terrace, San Mateo, CA 94401.

20. Sacramento Hsg. & Redevelopment Agency, Sacramento, California: $1,444,613. The funds will be used for acquisition and substantial rehabilitation of four two-bedroom apartments for use as transitional housing providing child care, employment assistance and other supportive services for 11 homeless families with children. Contact: Cheryl Stankiewicz, 630 I Street, Sacramento, CA 95814.

21. Women's Hsg. Conn. of Silicon Valley, San Jose, California: $892,978. Funds will be used for the rehabilitation of four apartments for use as transitional housing and will provide child care, supportive services, and operating costs for 115 homeless families with children. Contact: Kathleen Neidlinger, P.O. Box 28176, San Jose, CA 95159.

22. Diocese of San Diego Ed. & Welfare Corp., San Diego, California: $3,308,513. The funds will be used for employment assistance, supportive services and operating costs to house 150 adult homeless men in a semi-dormitory style transitional housing facility. Contact: Harvey Mandel, 1501 Imperial Avenue, San Diego, CA 92101.

23. Hsg. Auth. of Santa Cruz, California: $628,546. The funds will be used for acquisition and moderate rehabilitation of a six-unit apartment building for use as transitional housing and will provide supportive services and operating costs to serve homeless families with children. Contact: Mary James, 2160 41st Avenue, Capitola, CA 95010–2060.

24. Venice Comm. Hsg. Corp., Venice, California: $567,080. The funds will be used for substantial rehabilitation of a transitional housing facility to serve eight mothers with children and for employment assistance, child care, supportive services, and operating costs. Contact: D. Stephen Clare, 12240 Venice Boulevard, suite 25, Los Angeles, CA 90066.

25. Salvation Army, Ventura, California: $1,037,823. The funds will be used for employment assistance, child care, other supportive services and operating costs in a new transitional housing program for homeless families and single women. Contact: Eddie Patterson, 155 South Oak Street, Ventura, CA 93001.

26. Central Orange County YWCA, Westminster, California: $436,732. The funds will be used for acquisition and moderate rehabilitation of a residence for use as transitional housing and will provide employment assistance, child care, and operating costs. Contact: Sandee Gordon, 146 North Grand Street, Orange, CA 92666.

27. Columbus House, New Haven, Connecticut: $1,219,179. The funds will be used for substantial rehabilitation of a multi-family house for use as transitional housing and will provide employment assistance, supportive services and operating costs for 16 mentally ill and other homeless individuals. Contact: Cynthia D DeLouise, 200 Columbus Avenue, New Haven, CT 06519.

28. YWCA, New Haven, Connecticut: $1,888,938. The funds will be used for substantial rehabilitation of the residential wing of the YWCA facility for use as transitional housing, and will provide employment assistance, child care services, operating costs and other supportive services. Contact: Gertrude C Sparks, 48 Howe Street, New Haven, CT 06511.

29. Catholic Family and Social Services, Stamford, Connecticut: $746,136. The funds will be used to provide employment assistance, child care, and other supportive services to 18 homeless pregnant women and women with one child one year old or under who are in transitional housing. Contact: Kathleen Messina 238 Jewett Avenue, Bridgeport, CT 06606.

30. Consortium for Services to Homeless Family, Washington, DC: $962,798. The funds will be used to provide employment assistance, other supportive services and operating costs to homeless families with children in 18 scattered site apartments. Contact: Tony Russo, 708 8th Street SE., suite 100, Washington, DC 20003.

31. Salvation Army, Lakeland, Florida: $358,635. The funds will be used to provide child care services for 22 school children in transitional housing. Contact: Rob Tritton, 830 North Massachusetts Avenue, Lakeland, FL 33802.

32. Salvation Army, Naples, Florida: $1,165,523. The funds will be used to provide employment assistance, child care, other supportive services, and operating costs for 20 to 30 homeless families in transitional housing each year. Contact: Capt Jeffrey Kent, 3180 Estey Avenue, Naples, FL 33962.

33. Metro Dade County DHR, No. Miami (Dade Co.), Florida: $547,511. The funds will be used for moderate rehabilitation of apartments and will provide employment assistance, child care services, other supportive services, and operating costs. Contact: Israel H. Milton, 111 Northwest First Street, suite 2210, Miami, FL 33128–1985.

34. Salvation Army, Ocala (Marion Co.), Florida: $626,257. The funds will provide employment assistance, child care, supportive services, and operating costs for six homeless families in transitional housing. Contact: Lt. Forrest McIntyre, 320 Northwest First Street, Ocala, FL 32670.

35. Lakeview Center, Pensacola, Florida: $1,849,232. The funds will be used for moderate rehabilitation of a 10-unit apartment building and will provide employment assistance, other supportive services, and operating costs. Contact: Bill Amendolare, 1221 West Lakeview Avenue, Pensacola, FL 32501

36. Alpha, a Beginning, St. Petersburg, Florida: $417,714. The funds will be used for the acquisition of a multi-family building and to provide child care services, other supportive services and operating costs. Contact: M. Theresa Palomo, 435 6th Avenue South, St. Petersburg, FL 33701.

37. Alcohol Comm. Treatment Services, Tampa, Florida: $2,053,395. The funds will be used for rehabilitation of a 50-bed facility for homeless substance abusers and will provide employment assistance, other supportive services and operating costs. Contact: John P. Marrocco, 4211 East Busch Boulevard, suite H, Tampa, FL 33617.

38. Board of Commissioners of Fulton County, Atlanta, Georgia: $1,999,902. The funds will be used for substantial rehabilitation of the old Fulton County Jail to house 50 homeless adult men and will provide employment assistance and supportive services. Contact: Barbara B. Stewart, 132 Mitchell Street SW., 3rd Floor, Atlanta, GA 30303.

39. Econ. Opp. Auth. for Savannah-Chatham, Savannah, Georgia: $1,890,282. The funds will be used for acquisition and moderate rehabilitation of a former warehouse and will provide employment assistance, child care and operating costs to serve 46 homeless men, women and children. Contact: Terry Tolbert, P.O. Box 1353, Savannah, GA 31402.

40. Barnabas Project, Chicago, Illinois: $330,299. Funds will be used to provide employment assistance, child care, supportive services and operating costs for a transitional housing facility for 18 homeless families with children. Contact: David/Mary Nela Bruce, P.O. Box 17319, Chicago, IL 60617.

41. Family Rescue, Chicago, Illinois: $2,088,537. Funds will be used for substantial rehabilitation of a day care center in a transitional housing multi-unit apartment complex and will provide child care, supportive services, and operating costs for 24 homeless families. Contact: Joyce M. Cowan, P.O. Box 17528, Chicago, IL 60617.

42. Evansville Goodwill Industries, Evansville, Indiana: $1,305,814. The funds will be used to acquire and rehabilitate a 15 unit building to house homeless families and to provide child care, employment assistance and other supportive services to help the residents move to independent living. Contact: Mel Knapp, 500 South Green River Road, Evansville, IN 47715.

43. YWCA, Fort Wayne, Indiana: $1,076,842. The funds will be used for substantial rehabilitation of a residential structure and provide employment assistance, child care, supportive services and operating costs to assist women who are victims of domestic violence in becoming self-sufficient. Contact: Diane C. Robart, 2000 Wells Street, Fort Wayne, IN 46808.

44. Pathfinder Services, Huntington, Indiana: $751,730. The funds will be used for acquisition, substantial and moderate rehabilitation of 4 scattered residences and will provide employment assistance, child care services, other supportive services, and operating costs. Contact: Gloria Sheets, 1152 E. State Street/P.O. Box 1001, Huntington, IN 46750.

45. Pathway to Recovery, Indianapolis, Indiana: $706,781. The funds will be used for acquisition and rehabilitation of a ten bedroom property and will provide employment assistance, supportive services and operating costs to serve 21 mentally ill homeless persons. Contact: Patrick Hall, 2135 N. Alabama Street, Indianapolis, IN 46202.

46. Hoosier Valley Econ. Opp. Corp., Jeffersonville, Indiana: $612,664. The funds will be used for acquisition, moderate rehabilitation and operating costs of a child care facility for 90 homeless families with children in transitional housing. Contact: Jerry L. Stephenson, 1613 E. 8th Street/P.O. Box 843, Jeffersonville, IN 47130.

47. VOA, Louisville, Kentucky: $282,909. The funds will be used to provide employment assistance, supportive services and operating costs to serve families with children in 2 transitional housing facilities. Contact: Joseph Stevenson, 933 Goss Avenue, Louisville, KY 40217.

48. Salvation Army, Louisville, Kentucky: $818,815. The funds will provide employment assistance, child care, other supportive services and operating costs for chronically dysfunctional families who are amenable to case management. Contact: Dan L. Hendricks, 216 West Chestnut, Louisville, KY 40201.

49. Metro. Battered Women's Program, Jefferson, Louisiana: $424,874. The funds will be used to provide child care, supportive services, and operating costs to serve victims of domestic violence and their children who are residing in transitional housing. Contact: Anna Marie Firkaly, P.O. Box 10775, Jefferson, LA 70181.

50. Opelousas Housing Corp., Opelousas, Louisiana: $200,000. The funds will be used for acquisition and moderate rehabilitation of a transitional housing facility, including handicapped accessibility and energy efficiency, to serve over 300 homeless women and children per year. Contact: Patricia Cairns, P.O. Box 7045, Opelousas, LA 70570.

51. Comm. Support Program, Shreveport, Louisiana: $597,718. The funds will be used for acquisition and substantial rehabilitation of two small apartment buildings for use as transitional housing and will provide supportive services and operating costs for up to 26 homeless mentally ill individuals. Contact: Peggy Shemwell, 3825 Gilbert Drive, Shreveport, LA 71104.

52. Mass. Halfway Houses, Boston, Massachusetts: $1,122,821. The funds will be used for moderate rehabilitation of a multi-family building to house 20 homeless families with children and will provide employment assistance, child care, other supportive services and operating costs. Contact: William P Howley, Back Bay Annex, Boston, MA 02117.

53. Crittenton Hastings House, Brighton, Massachusetts: $971,940. The funds will be used for moderate rehabilitation of a multi-family building for use as transitional housing and will provide child care services, employment assistance services, other supportive services and operating funds. Contact: Elizabeth Reilinger, 10 Perthshire Road, Brighton, MA 02135.

54. Women, Inc., Dorchester, Massachusetts: $286,520. The funds will be used for the acquisition of a six unit rowhouse which will serve seven homeless families. Contact: Janet Walton, 244 Townsend Street, Dorchester, MA 02121.

55. Emmaus, Haverhill, Massachusetts: $1,109,279. The funds will be used for moderate rehabilitation of a dormitory building for use as transitional housing and will provide employment assistance, child care, supportive services and operating costs. Contact: Thomas L Bentley, 105 Winter Street, Haverhill, MA 01831.

56. Mass. Dept. of Public Health, Jamaica Plain, Massachusetts: $613,424. The funds will be used for employment assistance, other supportive services and operating costs for a new 15-bed transitional housing unit. Contact: John O'Brien, 150 Tremont Street, Boston, MA 02111.

57. Second Step, Newton, Massachusetts: $560,820. The funds will be used for moderate rehabilitation of a former convent for use as transitional housing for ten families who are victims of domestic violence and will provide operating costs. Contact: Ellen Schoendorf, 16 Ledgewood Drive, Bedford, MA 01730.

58. Nazareth Family Center, Roxbury, Massachusetts: $1,467,929. The funds will be used for substantial rehabilitation of a multi-family building for use as transitional housing and will provide employment assistance, child care, other supportive services and operating costs for homeless mothers with children. Contact: Sister Ann Shea, 19 St. Joseph Street, Jamaica Plain, MA 02130.

59. HOC, Montgomery County, Maryland: $1,051,638. The funds will be used for employment assistance, child care, supportive services and operating costs primarily for homeless families with children and to assist mentally ill homeless. A strong, comprehensive case management approach will be used. Contact: Patricia K Scissors, 10400 Detrick Avenue, Kensington, MD 20895.

60. Ingraham Volunteers, Portland, Maine: $1,448,344. The funds will be used for the acquisition and rehabilitation of a multi-family building and will provide employment assistance, supportive services and operating costs. Contact: Jane G Morrison, 74 Elm Street, Portland, ME 04101.

61. Mariners Inn, Detroit, Michigan: $1,239,007. The funds will provide employment assistance, other supportive services and operating costs for transitional housing. The program will emphasize education and employment and provide on-site medical care. Contact: Mary Ellen Robertson, 445 Ledyard Street, Detroit, MI 48201.

62. Flint Odyssey House, Flint, Michigan: $325,505. The funds will be used for acquisition, substantial and moderate rehabilitation of 6-single room houses and will provide child care, supportive services and operating costs. Contact: John Manning, 1225 M.L. King Avenue, Flint, MI 48503.

63. Housing Resources, Inc., Kalamazoo, Michigan: $502,750. The funds will provide operating costs for a number of dwellings were homeless persons will be housed. Contact: Ellen Kisinger-Rothi, 302 Academy Street, Kalamazoo, MI 49007.

64. SOS Crisis Center, Pittsfield Township, Michigan: $593,150. The funds will provide employment assistance, child care, supportive services and operating costs for transitional housing for 10 homeless families with children. Contact: Charles H Kieffer, 114 N. River Street, Ypsilanti, MI 48198.

65. Human Service Associates, Minneapolis, Minnesota: $666,594. The funds will be used to provide employment assistance, child care, supportive services and operating costs for transitional housing for 6 homeless families with children. Contact: Jean Cornish, 570 Asbury Street, suite 306, Saint Paul, MN.

66. Theresa Living Center, Saint Paul, Minnesota: $144,505. The funds will provide child care, other supportive services and operating costs for a transitional housing facility that serves 12 homeless women. Contact: Rita Jirik, 917 East Jessamine, Saint Paul, MN 55106.

67. YWCA of St. Paul, St. Paul Minnesota: $639,319. The funds will be used for acquisition and moderate rehabilitation of an apartment building for use as transitional housing for 10 homeless families and will provide employment assistance, child care, other supportive services, and operating costs. Contact: Pamela A McCrea, 198 Western Avenue North, St. Paul, MN 55102.

68. Perspectives East TH, Saint Louis Park, Minnesota: $1,364,141. The funds will be used for acquisition and moderate rehabilitation of a multi-family building for use as transitional housing and provide employment assistance, child care, other supportive services and operating costs. Contact: Mary Samoszuk, 17717 Highway 7, Minnetonka, MN 55345.

69. Shelter the Children, St. Louis City, Missouri: $333,539. The funds will be used for acquisition and moderate rehabilitation of a multi-family building for use as transitional housing and will provide supportive services and operating costs. Contact: Susan Santos, 711 Geyer, St. Louis, MO 63104.

70. Salvation Army, St. Louis, Missouri: $1,222,050. The funds will provide employment assistance, child care, supportive services and operating costs for transitional housing for families with children. The program will focus on substance abuse and education. Contact: Gary Busiek, 3800 Lindell Boulevard, St. Louis, MO 63108.

71. Four-County Comm. Services, Laurinburg, North Carolina: $142,448. The funds will be used to assist families with children in transitional housing by providing child care, operating costs and supportive services. Contact: Gail McRae, 241 Main Street, Laurinburg, NC 28353.

72. Salvation Army, Omaha, Nebraska: $1,083,271. The funds will be used for substantial rehabilitation of a multi-family building for use as transitional housing and provide employment assistance, child care, other supportive services and operating costs. Contact: James Nauta, 3612 Cuming Street, Omaha, NE 68131.

73. Albany Housing Coalition, Albany, New York: $209,727. The funds will be used for substantial rehabilitation of a multi-family building for transitional housing for homeless mentally ill adults and will provide supportive services and operating costs. Contact: Timothy Cronin, 278 Clinton Avenue, Albany, NY 12210.

74. Federation Employment and Guidance Service, Bronx, New York: $3,931,936. The funds will be used for substantial rehabilitation of a multi-family building for use as transitional housing and provide employment assistance, other supportive services and operating costs for 34 mentally ill homeless persons. Contact: Neil McAuliffe, 114 5th Ave., New York, NY 10011.

75. Homes for the Homeless, Inc., Bronx, New York: $1,457,888. The funds will be used for moderate rehabilitation of 3 family inns to be used as transitional housing and will provide child care services for homeless families with children. Contact: Sue Merrilees, 36 Cooper Square, 6th Floor, New York, NY 10003.

76. Rehab Support Services, Mt. Kisco, New York: $519,362. The funds will be used for the acquisition of three condominium units and will provide supportive services and operating costs for transitional housing to serve 6 mentally ill homeless individuals. Contact: Carol Bianco, 533 Western Ave., Albany, NY 12203.

77. Lucha, New York, New York: $1,775,004. The funds will be used to provide child care, supportive services, and operating costs in a former school building to be used as transitional housing which will serve 28 homeless families headed by mothers with a history of substance abuse. Contact: Renee Avery, 205 East 122st St., New York, NY 10035.

78. Anchor House, New York, New York: $1,545,945. The funds will be used for substantial rehabilitation of a residence for transitional housing for 50 homeless substance abusers, ages 17 and older, and will provide operating costs and supportive services. Contact: John H Cole, 475 Riverside Drive, suite 1922, New York, NY 10115.

79. Covenant House, New York, New York: $2,964,774. The funds will be used at the Rights of Passage transitional housing facility for homeless adolescent mothers and their children and will provide employment assistance, child care, other supportive services, and operating costs. Contact: Peter Ribicoff, 346 West 17th St., New York, NY 10011.

80. Henry Street Settlement, New York, New York: $1,180,261. The funds will be used for an expansion of employment assistance and supportive services and increase the number of homeless families with children being served in this transitional housing facility. Contact: Daniel Kronenfeld, 265 Henry Street, New York, NY 10002.

81. Samaritan Village, New York, New York: $2,031,950. The funds will be used for substantial rehabilitation of a multi-family building for use as transitional housing and provide supportive services and operating costs to serve 48 homeless persons. Contact: Elizabeth Barton, 7–77 Queens Blvd., Rego Park, NY 11374

82. Institute for Community Living, New York, New York: $888,892. The funds will be used to provide employment assistance and supportive services for 32 mentally ill homeless persons with chemical abuse problems who reside in transitional housing. Contact: JoAnn Y. Sacks, 1635 Bath Ave., Brooklyn, NY 11214.

83. West End Intergenerational Residence, New York, New York: $817,043. The funds will be used for child care, supportive services, and operating costs to serve 407 homeless families with children and other homeless persons who reside in transitional housing. Contact: John Williams, 483 West End Ave., New York, NY 10024.

84. Educational Alliance, New York, New York: $1,491,184. The funds will be used for acquisition of a multi-family building for use as transitional housing and will provide supportive services and operating costs. Contact: Marion Lazar, 197 East Broadway, New York, NY 10002.

85. Good Counsel, Poughkeepsie, New York: $763,345. The funds will be used for acquisition and moderate rehabilitation of a residence for use as transitional housing and will provide employment assistance, child care, supportive services, and operating costs. Contact: Christopher Bell, P.O. Box 6068, Hoboken, NJ 07030.

86. Wilson Commencement Park, Rochester, New York: $557,365. The funds will be used to provide child care and employment assistance to 20 single-parent homeless families residing in transitional housing as part of an 18- to 24-month self-sufficiency program. Contact: Jean Howard, 279 Joseph Avenue, Rochester, NY 14605.

87. Salvation Army, Syracuse, New York: $1,335,033. The fund will be used for a Residence/Parenting Center, which will house 26 young women and children and receive funds for employment assistance, child care, supportive services and operating costs. Contact: Roberta C Schofield, 749 South Warren Street, Syracuse, NY 13202.

88. YMCA of Cleveland, Cleveland, Ohio: $1,505,223. The funds will be used for moderate rehabilitation of a single-room occupancy building for use as transitional housing and will provide employment assistance, child care, and operating costs for homeless men and children. Contact: Clifford Smith, 2200 Prospect Avenue, Cleveland, OH 44115.

89. Friends of the Homeless, Columbus, Ohio: $615,767. Funds will be used for substantial rehabilitation of 3 small apartment buildings for transitional housing and will provide employment assistance, supportive services, and operating costs to serve 17 homeless men and women, some dually diagnosed. Contact: Barbara Poppe, 924 East Main Street, Columbus, OH 43205.

90. Warren Metro Housing Authority, Warren County, Ohio: $1,029,964. The funds will be used to provide child care, employment assistance and other supportive services for 40 homeless families who will be housed in rental units across the country. Contact: Pamela L Smith, 990 East Ridge Drive, Lebanon, OH 45036.

91. Alcoholism Progress of Mahoning County, Youngstown, Ohio: $601,974. The funds will be used for moderate rehabilitation of a 2-story brick building for use as transitional housing and will provide employment assistance and operating costs. Contact: George R Tarbeck, II, 1161 McGuffey Road, Youngstown, OH 44505.

92. Action, Inc., Norman, Oklahoma: $878,027. The funds will be used for moderate rehabilitation of a dormitory for use as transitional housing and will provide employment assistance, child care, other supportive services and operating expenses. Contact: Leon Rogers, 510 West Benedict, Shawnee, OK 74801.

93. Goodwill Industries of Pittsburgh, Pittsburgh, Pennsylvania: $352,886. The funds will be used for moderate rehabilitation of a multi-family building for use as transitional housing and will provide employment assistance, other supportive services and operating costs. Contact: Ella Holsinger, 2600 East Carson Street, Pittsburgh, PA 15203.

94. Transition House, Woonsocket, Rhode Island: $525,537. The funds will be used for the acquisition and moderate rehabilitation of a multi-family building for use as transitional housing and provide employment assistance, child care, other supportive services and operating costs. Contact: William E. Gordon, 250 Eddy Dowling Highway, No. Smithfield, RI 02895.

95. Woonsocket Shelter Comm. Action Program, Woonsocket, Rhode Island: $235,607. The funds will be used to provide supportive services and operating costs for 60 homeless families with children who reside in transitional housing. Contact: Nancy Pardee, 184 Sayles Street, Woonsocket, RI 02895.

96. Trinity Housing Corp., Columbia, South Carolina: $745,000. The funds will be used for acquisition and moderate rehabilitation of an apartment complex to be used as transitional housing and will provide employment assistance, child care, other supportive services, and operating costs. Contact: Clara S James, 1100 Sumter Street, Columbia, SC 29201.

97. Nashville Family Shelter, Nashville, Tennessee: $304,848. The funds will be used for acquisition and moderate rehabilitation of a duplex for transitional housing for 3 homeless families and 3 pregnant women and will provide employment assistance, child care, supportive services and operating costs. Contact: Jason B Rogers, P.O. Box 121952, Nashville, TN 37212.

98. NHMR of Harris County, Houston, Texas: $988,969. The funds will be used for supportive services and operating costs for a transitional housing program for homeless, single adults, 18 years or older, who have dual diagnoses of mental illness and substance abuse. Contact: Dorla Whitman, 2850 Fannin, suite 200, Houston, TX 77002.

99. SAMM Housing Corp., San Antonio, Texas: $621,935. Funds will be used for acquisition and moderate rehabilitation of 18 individual residences for use as transitional housing for homeless families with children and will provide supportive services and operating costs. Contact: Nick D Anthony, 910 West Commerce, San Antonio, TX 78207. Contact: Valorie P MacInnis, 8000 Brook Road, Richmond, VA 23227–1399.

100. St. Joseph's Villa, Richmond, Virginia: $485,247. The funds will be used to provide child care services for 43 homeless women with children who are living in transitional housing. Contact: Valorie P. MacInnis, 8000 Brook Rd., Richmond, VA 23227–1399.

101. Virginia Beach CDC, Virginia Beach, Virginia: $624,671. The funds will be used for acquisition of 7 condominiums for use as transitional housing for 7 homeless families with children and will provide child care, supportive services and operating costs. Contact:Mary Kay Horoszewski, 397 Little Neck road, suite 202, Virginia Beach, VA 23452.

102. Bethlehem House, St. Thomas, St. Croix, Virgin islands: $1,314,385. The funds will be used to rehabilitate three existing transitional housing facilities to create spaces for child care and employment assistance programs and will provide expanded child care and employment assistance. Contact: Krysten Winter-Green, Box 1825, Charlotte Amalie, St. Thomas, VI 00803.

103. Auburn Youth Resources, Auburn, Washington: $780,405. The funds will be used for acquisition and moderate rehabilitation of single and multi-family buildings for use as transitional housing and will provide

supportive services and operating costs. Contact: Richard Brugger, 816 F Street SE., Auburn, WA 98002–6121.

104. King County Housing Authority, Bothell, Washington: § 455.372. The funds will be used for acquisition and moderate rehabilitation of a multi-family building for use as transitional housing and will provide operating expenses. Contact: Kim Von Henkle, 15455 65th Avenue South, Seattle, WA 98188.

105. King County Housing Authority, Burien, Washington: $505,313. The funds will be used for acquisition and moderate rehabilitation of a multi-family building for use as transitional housing to serve 20 homeless mentally ill persons and will provide operating costs. Contact: Kim Von Henkle, 15455 65th Avenue South, Seattle, WA 98188.

106. Seattle Housing Authority, Seattle, Washington: $1,329,371. The funds will be used for moderate rehabilitation of a multi-family building for use as transitional housing and will provide employment assistance, other supportive services and operating costs. Contact: Michael Sivia, 120 6th Ave. N, Seattle, WA 98109.

107. Archodiocean Housing Authority, Seattle, Washington: $1,205,835. The funds will be used for acquisition and moderate rehabilitation of a vacant building for transitional housing for 30 homeless women, who are mentally ill or have other problems, and will provide supportive services and operating costs. Contact: Josephine Tamayo Murray, 1902 Second Avenue, Seattle, WA 98101.

108. Black and Latino Adolescent Alcohol and Drug, Seattle, Washington: $937,605. The funds will be used for acquisition and moderate rehabilitation of a multi- family building for use as transitional housing and will provide employment assistance, other supportive services and operating costs. Contact: Phil Dindia, 1730 Bradner Place South, Seattle, WA 98144.

109. United Indians of All Tribes, Seattle, Washington: $2,130,985. The funds will be used for acquisition and moderate rehabilitation of a 3-story, 11-bedroom facility for use as transitional housing and will provide supportive services and operating costs. Contact: Gary L. Boots, Box 99100, Discovery Park, Seattle, WA 98119.

Dated: October 4, 1991.

Anna Kondratas,

Assistant Secretary for Community Planning and Development.

[FR Doc. 91–24671 Filed 10–11–91; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK–964–4230–15; F–14903–A]

Alaska Native Claims Selection

In accordance with departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of sections 14(a) and 22(j) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(a), 1621(j), will be issued to Toghotthele Corporation for approximately 1,072 acres. The lands involved are in the vicinity of Nenana, Alaska.

Fairbanks Meridian, Alaska

T. 4 S., R. 8 W.

A notice of the decision will be published once a week, for four (4) consecutive weeks, in the Fairbanks Daily News-Miner. Copies of the decision may be obtained by contacting the Alaska State Office of the Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513–7599 ((907) 271–5960).

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government or regional corporation, shall have until November 14, 1991 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management at the address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4, subpart E, shall be deemed to have waived their rights.

G. Steve Flippen,

Lead Land Law Examiner, Branch of Doyon/ Northwest Adjudication.

[FR Doc. 91–24713 Filed 10–11–91; 8:45 am]

BILLING CODE 4310–JA–M

[AK–920–01–4720–13]

Filing of Plats of Survey; Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of publication.

SUMMARY: The plats of survey of the following described lands are scheduled to be officially filed in the Alaska State Office, Anchorage, Alaska, thirty (30) calendar days from the date of this publication.

This plat [in three (3) sheets] identified as U.S. Survey No. 9630, Alaska, represents the Annette Islands Indian Reservation as established under the Congressional Act of March 3, 1891, and Presidential Proclamation 1332, dated April 28, 1916, and was accepted August 22, 1991.

This survey was requested by the Portland Area Director of the Bureau of Indian Affairs.

If protests against this survey, as shown on any of the above plats, are received prior to the date of official filing, the filing will be stayed pending consideration of the protest(s). A plat will not be officially filed until the day after all protests have been dismissed and become final or appeals from the dismissal affirmed. The plats will be placed in the open files of the Alaska State Office, Bureau of Land Management, Division of Cadastral Survey, Branch of Examination and Records, 222 W. 7th Ave. #13, Anchorage, Alaska, 99513, and will be available to the public as a matter of information only. Copies of the plats may be obtained from the above office. A person or party who wishes to protest against a survey must file with the State Director, Bureau of Land Management, Anchorage, Alaska, a notice that they wish to protest, prior to the proposed official filing date given above. A statement of reasons for the protest may be filed with the notice of protest to the State Director, or the statement of reasons must be filed with the State Director within thirty (30) days after the proposed official filing date.

FOR FURTHER INFORMATION CONTACT: Alaska State Office, Bureau of Land Management, Division of Cadastral Survey, Branch of Examination and Records, 222 W. 7th Ave., #13, Anchorage, Alaska, 99513.

Dated: October 8, 1991.

Daniel W. Webb,

Deputy State Director for Cadastral Survey, Alaska.

[FR Doc. 91–24712 Filed 10–11–91; 8:45 am]

BILLING CODE 4310–84–M

[CA–940–4214–10; CAS 30, CAS 31, CAS 4986, CAS 5302, CAS 050595, CAS 054898, CAS 076606, CAS 079877, CALA 0153380, CARI 01958, CACA 978, CACA 1568, CACA 1729]

Correction; Termination of Segregative Effect, Opening of Lands; California

In notice document 91–22568 beginning on page 47485 in the issue of

September 19, 1991, make the following corrections:

On page 47486 in the second column, following line 46 from the top, the following sentence should be added, "With the exception of the lands described in the case record in paragraph 1(j), the lands have been and will remain open to mineral leasing", and the third column on page 47486 should have the following paragraph added after line 5 from the top:

"3. At 10 a.m. on October 20, 1991, the lands described in the case record listed in paragraph 1(j) will also be open to mineral leasing under the mineral leasing laws, and to disposal of material under the Act of July 31, 1947, as amended (61 stat. 681; 30 U.S.C. 601–604)."

Dated: October 2, 1991.

Nancy J. Alex,

Chief, Lands Section.

[FR Doc. 91–24691 Filed 10–11–91; 8:45 am]

BILLING CODE 4310–40–M

[NV–040–92–4370–12]

Hearing to Discuss the Use of Helicopters and Motorized Vehicles to Gather Wild Horses

AGENCY: Bureau of Land Management, Interior.

ACTION: Public hearing to discuss the use of helicopters and motorized vehicles to gather wild horses during FY 92.

SUMMARY: In accordance with Public Law 92–195, as amended by Public Law 94–579 and Public Law 95–514, this notice sets forth the public hearing date to discuss the use of helicopters and motorized vehicles to gather wild horses from the Ely District during FY 92.

The hearing will convene at 2:00 p.m. on Wednesday, December 4, 1991, in the Conference Room of the Ely District BLM Office, McGill Highway, Ely, Nevada.

The hearing is open to the public. Interested persons may make oral or written statements. Anyone wishing to make oral comments should contact Robert E. Brown, Ely District Wild Horse Specialist, by December 4, 1991. Written statements must be received by this date also.

DATES: December 4, 1991.

ADDRESSES: Bureau of Land Management, HC 33 Box 150, Ely, Nevada 89301–9408.

FOR FURTHER INFORMATION CONTACT: Robert E. Brown, (702) 289–4865.

Dated: October 2, 1991.

Timothy B. Reuwsaat,

Acting District Manager.

[FR Doc. 91–24708 Filed 10–11–91; 8:45 am]

BILLING CODE 4310–HC–M

National Park Service

Phoenix Indian School Property, Arizona; Additional Information Regarding Sale of Land

AGENCY: Department of the Interior. National Park Service.

ACTION: Notice of additional information regarding sale of land.

SUMMARY: On August 1, 1991, notice was given in the **Federal Register** (56 FR 36831) that the Secretary of the Interior was accepting sealed bids through October 30, 1991, for the purchase of a 71.84 acre (more or less) tract of land in the business district of Phoenix, Arizona ("the Phoenix Exchange Property"), pursuant to title IV of the Arizona Idaho Conservation Act of 1988, Public Law 100–696 (the Act). The August 1991, Notice stated that additional information would be provided in a future **Federal Register** issuance regarding the minimum bid and terms of payment for the Indian Trust Funds. Notice is hereby given that the portion of the purchase price (at least $34,900,000) allocated to the Indian Trust Funds will be made in thirty annual interest payments with the principal due on the last payment. A collateral agreement will be customized with consideration given to utilizing the property as part of the collateral, along with designated values of Government securities and other investment instruments. The final determination of the minimum bid amount is currently under Departmental review and will be published in a forthcoming **Federal Register** notice. It will not exceed the previously published estimated amount of $84,063,681.

ADDRESSES: For information concerning the zoning and other legal requirements applicable to the lands:

Name: Frank Dolasinski.
Address: City of Phoenix, Planning Department, 125 E. Washington, Phoenix, Arizona 85004.
Telephone: (602) 261–8792.

For bid information and details on the sale:

Name: P. Daniel Smith.
Address: General Services Administration, Office of the Commissioner, Federal Property Resources Service, room 5241, 18th and F Streets, NW., Washington, D.C. 20405.
Telephone: (202) 501–0210.

To submit sealed bids:

Name: Secretary of the Interior, (Attention: Joseph E. Doddridge).
Address: Department of the Interior, Office of the Secretary, Mail Stop 3156–MIB, 1849 C Street, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Joseph E. Doddridge, Department of the Interior, Office of the Secretary, Mail Stop 3156–MIB, 1849 C Street, NW., Washington, DC 20240; (202) 208–3928.

SUPPLEMENTRY INFORMATION:

Trust Fund Payment Agreement

A qualified bid must include an offer to the United States to enter into a Trust Fund Payment Agreement under the terms of section 403 of the Act. Such a trust fund agreement would account for that portion of the purchase price which is equal to the full purchase price minus the amount of the proceeds due to Collier for the purchase of the Florida property ($45,100,000) plus Collier's approved costs (to be determined). The Secretary has elected to receive payment in the form of thirty annual interest payments with the principal due on the last payment. A collateral agreement will be customized with consideration given to utilizing the property as part of the collateral, along with designated values of Government securities and other investment instruments. The primary goal of a collateral agreement is to assure full payment of the $34,900,000 at the end of 30 years and the annual interest payments for the benefit of the Indian education program.

Dated: October 4, 1991.

Joseph E. Doddridge,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 91–24709 Filed 10–11–91; 8:45 am]

BILLING CODE 4310–70–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 91–87]

NASA Advisory Council Task Force on NASA's Education Programs; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the

NASA Advisory Council Task Force on NASA's Education Programs.

DATES: October 30, 1991, 9 a.m. to 5 p.m.; and October 31, 1991, 9:30 a.m. to noon.

ADDRESSES: National Aeronautics and Space Administration, room 7002, Federal Office Building 6, 400 Maryland Avenue, SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Dr. Sylvia D. Fries, Code ADA-2, National Aeronautics and Space Administration, Washington, DC 20546, 202/453-8766.

SUPPLEMENTARY INFORMATION: The NASA Advisory Council was established as an interdisciplinary group to advise senior management on the full range of NASA's programs, policies, and plans. The Task Force on NASA's Education Programs, reporting to the Council, will review the full breadth of NASA's education activities and examine the objectives and strategies of the agency's education program in light of the President's Education Goals. The Task Force is chaired by Mr. Thomas J. Murrin and is composed of 9 members. The meeting will be open to the public up to the seating capacity of the room, which is approximately 60 persons including Task Force members and other participants. The Task Force members will disperse at 10 a.m. on October 30 to conduct individual on-site visits of area schools; the group will reconvene at 3 p.m. Visitors will be requested to sign a visitor's register. It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

TYPE OF MEETING: Open.

Agenda

Wednesday, October 30, 1991

9 a.m.—Discussion of NASA Education Program with NASA Administrator.
10 a.m.—Individual On-Site Visits of Area Schools.
3 p.m.—Panel Discussion with Area Educators.
5 p.m.—Adjourn.

Thursday, October 31, 1991

8:30 a.m.—Discussion of Previous Day's Activities.
9:30 a.m.—Discussion with NASA Associate Administrator for Human Resources and Education.
10:30 a.m.—Summary and Task Force Planning.
Noon—Adjourn.

Dated: October 7, 1991.

John W. Gaff,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 91-24754 Filed 10-11-91; 8:45 am]

BILLING CODE 7510-01-M

[Notice 91-89]

NASA Advisory Council (NAC), Aeronautics Advisory Committee (AAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics Advisory Committee and the Aerospace Research and Technology Subcommittee.

DATES: November 6, 1991, 8:30 a.m. to 5 p.m.; November 7, 1991, 8 a.m. to 4:45 p.m.; and November 8, 1991, 8 a.m. to 5 p.m.

ADDRESSES: National Aeronautics and Space Admininstration, Lewis Research Center, Administration Building, Auditorium, 21000 Brookpart Road, Cleveland, OH 44135.

FOR FURTHER INFORMATION CONTACT: Ms. Catherine L. Smith, Office of Aeronautics, Exploration and Technology, National Aeronautics and Space Administration, Washington, DC 20546, 202/453-2367.

SUPPLEMENTARY INFORMATION: The NAC Aeronautics Advisory Committee (AAC) was established to provide overall guidance to the Office of Aeronautics, Exploration and Technology (OAET) on aeronautics research and technology activities. The Aerospace Research and Technology Subcommittee (ARTS) was formed to provide technical support for the AAC and to conduct ad hoc interdisciplinary studies and assessments. The Committee, chaired by Mr. Philip M. Condit, is composed of 23 members. The Subcommittee is composed of 43 members. The meeting will be open to the public up to the seating capacity of the room (approximately 150 persons including the Subcommittee members and other participants).

TYPE OF MEETING: Open.

Agenda

November 6, 1991

8:30 a.m.—Welcome/Center Overview.
9 a.m.—Aeronautics Update and Overview.
10:15 a.m.—Transatmospheric/Hypersonic Overview.
11 a.m.—Subsonic Strategic Thrust Overview.
11:30 a.m.—High-Speed Strategic Thrust Overview.
Noon—High Performance Strategic Thrust Overview.
1:30 p.m.—Facility Tours.
2:30 p.m.—Parallel Discipline Program Reviews.
5 p.m.—Adjourn.

November 7, 1991

8 a.m.—Parallel Discipline Program Reviews.
3 p.m.—Discipline Session Wrap-Up/ Summary.
4 p.m.—General Plenary Session.
4:45 p.m.—Adjourn.

November 8, 1991

8 a.m.—Opening Remarks.
8:15 a.m.—NASA and OAET Update.
8:45 a.m.—Discussion of Findings and Recommendations from AAC/ARTS Meeting.
12:15 p.m.—Advanced Cockpit & Terminal Area Productivity Research & Technology Program.
2:30 p.m.—Discussion of Key Aeronautics Issues.
3:30 p.m.—Ad Hoc Study Reports.
4 p.m.—NASA Responses to Ad Hoc Team Recommendations.
4:45 p.m.—Personnel Exchange Program with Industry.
5 p.m.—Adjourn.

Dated: October 8, 1991.

John W. Gaff,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 91-24753 Filed 10-11-91; 8:45 am]

BILLING CODE 7510-01-M

[Notice (91-88)]

NASA Advisory Council (NAC), History Advisory Committee (HAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting change.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 56 FR 46015, Notice Number 91-79, September 9, 1991.

PREVIOUSLY ANNOUNCED TIMES AND DATES OF MEETING: November 6, 1991, 8:30 a.m. to 4:30 p.m.; and November 7, 1991, 8:30 a.m. to 2:30 p.m.

CHANGES IN THE MEETING: Dates changed to November 7, 1991, 8:30 a.m. to 4:30 p.m.; and November 8, 1991, 8:30 a.m. to 2:30 p.m.

CONTACT PERSON FOR MORE INFORMATION: Dr. Roger D. Launius, History Division, National Aeronautics and Space Administration, Washington, DC 20546, 202/453-8300.

Dated: October 7, 1991.

John W. Gaff,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 91-24752 Filed 10-11-91; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL SCIENCE FOUNDATION

Amended Meeting; Nuclear Science Advisory Committee

The National Science Foundation announces the following meeting, now revised to include a closed session:

Name: DOE/NSF Nuclear Science Advisory Committee.

Date and Time: October 23, 1991 from 9 a.m. to 8 p.m.

Place:

9 a.m. 3 p.m.
MSU Union Building, Green Room, Michigan State University, Abbot Road and Grand River Ave., East Lansing, Michigan 48824.

3–4 p.m.
BREAK

4–8 p.m.
Kellogg Center, Centennial Room, Michigan State University, Harrison Road at Michigan Ave., East Lansing, Michigan 48824.

Type of Meeting:

Closed: 9 a.m.–3 p.m.
Open: 4 p.m.–8 p.m.

Contact Person: John W. Lightbody, Program Director for Nuclear Physics, National Science Foundation, Washington, DC 20550, (202) 357–7993.

Minutes: May be obtained from contact person.

Purpose of Meeting: To advise the National Science Foundation and the Department of Energy on scientific priorities within the field of basic nuclear science research.

Agenda:

- (closed)

Discussion of Specific Projects in the Context of Future Years Budgets;

- (open)

Status of Programs—DOE and NSF Representatives

- (open)

Status Report—Subcommittee on Nuclear Data Needs

- (open)

Status Report—Nuclear Theory Center

- (open)

Discussion of the Availability of Separated Stable Isotope Target Material

- (open)

Public Comment

Reason for Closing: Premature disclosure of proposed agency actions, the content or nature of which has not already been exposed to the public, including discussion of options regarding major projects, is likely to cause serious disruptions in research activities and significantly frustrate orderly implementation of any such actions. The Sunshine Act, 5 U.S.C., section 552b, subsection (c)(9)(B) provides for closed meetings under such circumstances.

Dated: October 9, 1991.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 91–24765 Filed 10–11–91; 8:45 am]

BILLING CODE 7555–01–M

OFFICE OF MANAGEMENT AND BUDGET

Compliance Supplement for Audits of Institutions of Higher Education and Other Nonprofit Institutions

AGENCY: Office of Management and Budget.

ACTION: Notice of availability of compliance supplement for audits of institutions of higher education and other nonprofit institutions.

SUMMARY: This Notice announces the availability of a revised Compliance Supplement which sets forth the major compliance requirements that should be considered by independent auditors in making audits of institutions of higher education and other nonprofit institutions.

DATES: The Compliance Supplement is effective immediately.

FOR FURTHER INFORMATION CONTACT: Palmer Marcantonio, Financial Management Division, 10235 NEOD, OMB, Washington, DC 20503 (Telephone: 202–395–3050).

SUPPLEMENTARY INFORMATION: The "Compliance Supplement for Audits of Institutions of Higher Education and Other Nonprofit Institutions" contains major compliance requirements which, if not observed, could have a material effect on Federal programs. Each compliance requirement is accompanied by suggested audit procedures that may be used to test for compliance. These are not the only procedures an auditor may use, nor are they mandatory procedures. Auditors should use professional judgment in choosing a procedure to decide the extent of reviews and tests performed.

The Federal departments and agencies have identified the compliance requirements and have suggested for each program audit procedures that will meet the compliance testing requirements of OMB Circular A–133, "Audits of Institutions of Higher Education and Other Nonprofit Institutions." However, the auditor is responsible for ensuring that specific requirements which are modified because of changes in laws or regulations are included in the audit procedures.

The Compliance Supplement may be purchased from the Government Printing Office. OMB will not have a supply for distribution.

Frank Hodsoll,

Executive Associate Director.

[FR Doc. 91–24773 Filed 10–11–91; 8:45 am]

BILLING CODE 3110–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–29786; International Series Release No. 325; File No. SR–NASD–91–52]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Filing and Order Granting Accelerated Temporary Approval to Proposed Rule Change Relating to the Quotation Linkage Between the NASD and the London Stock Exchange

October 4, 1991.

Puruant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on October 3, 1991, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with the Securities and Exchange Commission ("Commission" or "SEC") the proposed rule changes as described in Items I, II, and III below, which Items have been prepared by the NASD. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

On October 2, 1987, the Commission issued an order approving operation of a market information linkage between the NASD and the London Stock Exchange ("LSE") (formerly the International Stock Exchange of the United Kingdom and the Republic of Ireland, Ltd.) for a pilot term of two years).[1] This experimental linkage is designed to provide an interchange of quotation information ("linkage information") on about 740 securities ("linkage securities"); of the total, each marketplace has designated approximately half at its "pilot group" of linkage securities. NASD and LSE members that function as market makers on one or more of a subset of linkage securities that are quoted in both the NASDAQ and LSE dealer systems ("common issue") are authorized to access linkage information without paying a separate charge to receive this information. Operation of the linkage in this fashion comports with the terms of the Commission's October 1987 Order. Most recently, the Commission authorized an extension of this pilot linkage through October 4, 1991, with the Commission's approval of File No. SR–NASD–91–47.[2]

[1] Securities Exchange Act Release No. 24979 (October 2, 1987), 52 FR 37684 (October 8, 1987), (the "October 1987 Order").

[2] Securities Exchange Act Release No. 29642 (August 30, 1991), 56 FR 46024 (September 9, 1991).

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and rule 19b–4 thereunder, the NASD submits this proposed rule change to obtain Commission approval for continued operation of the NASD/LSE pilot linkage through December 4, 1991.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statement concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of this filing is to obtain an interim extension of the Commission's temporary approval of the NASD/LSE linkage through December 4, 1991. Absent an extension, authorization for the linkage will expire as of October 4, 1991.

During this proposed extension, the NASD and LSE will continue to discuss possible options regarding the linkage's future structure and operational capabilities in relation to the needs of the international investment community. These discussions may lead to a substantive enhancement of the linkage, the pursuit of another joint initiative, or a decision to act independently in developing international systems that are responsive to the business needs of the sponsors' constituencies. Any decision to enhance the linkage or to jointly develop an alternative system will entail another rule 19b–4 filing that will afford the Commission (and other interested parties) an opportunity to focus on relevant policy and regulatory issues. Meanwhile, continuation of the pilot linkage, as proposed would be supportive of the NASD's and LSE's efforts to define systems capable of accommodating cross-border trading more efficiently.

Another factor likely to affect the future prospects of the NASD/LSE linkage is the introduction of NASDAQ International Service ("SERVICE"), the subject of File No. SR–NASD–90–33.[3] Essentially, the SERVICE would extend the NASD's automated market-making systems to a European Session running from 3:30 to 9 a.m. (e.s.t.) on each U.S. business day. During this period, participating broker-dealers can utilize the SERVICE to quote markets in selected NASDAQ and exchange-listed securities by means of trading facilities located in the U.S. or U.K. Given the SERVICE's potential for supporting trading in U.S.-registered securities by institutional investors (both foreign and domestic) during U.K. business hours, the NASD and LSE may determine to substantially alter or terminate the pilot linkage altogether. However, until the SERVICE has been approved and the NASD has had an opportunity to evaluate its operation, the NASD believes that it is appropriate to maintain the NASD/LSE linkage.

The statutory bases for the NASD/LSE pilot linkage and the requested extension thereof, are contained in sections 11A(a)(1) (B) and (C), 15A(b)(6), and 17A(a)(1) of the Act. Subsection (B) and (C) of section 11A(a)(1) set forth the Congressional goals of achieving more efficient and effective market operation, the availability of information with respect to quotations for securities and the execution of investor orders in the best market through the application of new data processing and communication techniques. Section 15A(b)(6) requires that the rules of the NASD be designed "to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and to perfect the mechanism of a free and open market * * *." Section 17A(a)(1) sets forth the Congressional goal of linking all clearance and settlement facilities and reducing costs involved in the clearance and settlement process through new data processing and communications techniques. The NASD believes that the requested extension of the linkage's pilot operation is fully consistent with the policy goals articulated in the foregoing statutory provisions and with the Commission's efforts to advance the process of internationalization of securities markets.

B. Self-Regulatory Organization's Statement on Burden on Competition

In its original release announcing interim approval of the NASD/LSE pilot linkage, the Commission referenced certain competitive concerns raised by Instinet Corporation ("Instinet") through counsel.[4] In response, the NASD, after consultation with the LSE, made a good faith effort to address those concerns by narrowing the universe of firms and terminals permitted access to linkage information at no cost. Those changes were reflected in File No. SR–NASD–87–20, which the Commission approved by issuing the October 1987 Order. Further, in File No. SR–NASD–89–44 (which resulted in extension of the linkage's authorization until December 1, 1990), the NASD submitted statistical and cost information relative to its participation in the pilot project. In the event that the NASD and LSE determine to seek permanent approval of or materially enhance the linkage, every effort will be made to supply the Commission with the empirical data needed for its deliberations on the corresponding rule 19b–4 filing.

With respect to the instant filing, the NASD believes that the proposed extension of the linkage pilot through December 4, 1991 will not create any competitive burden *vis-a-vis* Instinet or any other vendor of securities market information. Moreover, Instinet and other interested parties will have ample opportunity to comment on any subsequent rule 19b–4 filing involving permanent approval or substantive enhancements of the linkage. Finally, during the requested extension, the sponsoring markets will not use linkage information for purposes of operating an intermarket, automated execution system.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The NASD requests that the Commission find good cause for approving this proposed rule change prior to the 30th day following publication of notice of the filing in the **Federal Register** and, in any event by October 4, 1991, the expiration of the linkage's present authorization. The NASD believes that the requested extension of the pilot period is fully consistent with the statutory provisions and policy goals referenced in section 3

[3] See Securities Exchange Act Release No. 28223 (July 18, 1990), 55 FR 30338 (July 25, 1990); and Release No. 28705 (December 17, 1990), 55 FR 52341 (December 21, 1990).

[4] See Securities Exchange Act Release No. 23158 (April 21, 1986), 51 FR 15989 (April 29, 1986). See also letter from Daniel T. Brooks, Counsel for Instinet, to John Wheeler, Secretary, Securities and Exchange Commission, dated April 16, 1986.

of this rule 19b–4 filing. Moreover, the additional time will enable the sponsoring markets to consider various options and determine the future course of this experimental project. Those deliberations will focus on evaluating feasible enhancements to the linkage as well as alternative projects intended to advance the internationalization of securities markets through more efficient computerized systems. Assuming Commission approval of File No. SR–NASD–90-33, experience gained from operation of the SERVICE may also affect discussions on the future of the NASD/LSE linkage. Under these circumstances, it would be counterproductive to allow the NASD/LSE linkage to cease operation. Accordingly, the NASD believes that good cause exists to approve this proposed rule change on a date no later than October 4, 1991.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD and, in particular, the requirements of sections 11A(a)(1) (B) and (C), 15A(b)(6), 17A(a)(1) and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the 30th day after the date of publishing of notice of filing thereof. The Commission believes that accelerated approval will avoid an unnecessary interruption of the pilot linkage while allowing the NASD and LSE to consider feasible options for enhancing the linkage or defining other automation initiatives to facilitate the efficient handling of international order flow. Accordingly, the Commission believes the NASD/LSE linkage should not be terminated while these efforts are ongoing.

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 Room.

Copies of the filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by November 5, 1991.

It is therefore Ordered, Pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is approved thereby extending the NASD/LSE linkage until December 4, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Jonathan G. Katz,

Secretary.

[FR Doc. 91–24682 Filed 10–11–91; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–29793; File No. SR–PTC–91–07]

Self-Regulatory Organizations; the Participants Trust Company; Order Approving on a Temporary Basis a Proposed Rule Change Relating to the Establishment of Margin Levels for Certain GNMAs

October 7, 1991.

On May 22, 1991, The Participants Trust Company ("PTC") filed a proposed rule change (File No. SR–PTC–91–07) with the Securities and Exchange Commission ("Commission") pursuant to section 19(b) of the Securities Exchange Act of 1934 ("Act").[1] Notice of the proposal was published in the **Federal Register** on June 27, 1991, to solicit comments from interested persons.[2] No comments were received. As discussed below, this order approves the proposal on a temporary basis through October 7, 1992.

I. Description of the Proposal

The proposed rule change establishes the appropriate haircut for purposes of determining the applicable percentage of the securities to be included in a participant's Net Free Equity. The applicable percentage is determined by deducting such haircut from the market value of securities held by PTC participants.

Under PTC's rules, the applicable percentage of the market value of securities is used in computing a participant's Net Free Equity.[3] PTC's rules require participants to maintain Net Free Equity of zero or greater in each of their agency, pledgee transfer, or proprietary accounts in order for transactions to be processed. PTC has the right to borrow against or liquidate those assets that comprise the Net Free Equity computations in those accounts in the event that the participant responsible for one or more of those accounts fails to pay the account debit balance at the end of the day. By including only a portion of the market value of securities in Net Free Equity, PTC attempts to limit the risk caused by fluctuations in the market value of securities in those accounts.

Under the proposal, the securities and the haircut are as follows:

GNMA Project Loan Securities—10%
GNMA Project Note Securities—10%
GNMA Construction Loan Securities—12%
GNMA Mobile Home Securities—20%

Currently, PTC deducts 5% from the market value of GNMA single family securities in calculating Net Free Equity. That percentage is based upon historical volatility figures. PTC has indicated that historical volatility of the Project, Construction, and Mobile Home GNMA securities is similar to the single family securities but that the market for Project, Construction, and Mobile Home GNMA securities is considerably less liquid. Accordingly, the Risk Management Committee of PTC's Board of Directors ("Board") has determined that a higher deduction level is appropriate for those securities.

II. Discussion

PTC has represented to the Commission that the historical level of volatility of Project, Construction, and Mobile Home GNMA securities is

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[1] 15 U.S.C. 78s(b).

[2] Securities Exchange Act Release No. 29223 (June 17, 1991), 56 FR 29508.

[3] Net Free Equity is calculated as the sum of: (1) The cash balance in the Account; (2) the market value of securities in the Account (minus the appropriate haircut for that security) ("Applicable Percentage"); and (3) the value of all supplemental processing collateral; minus (4) Reserve on Gain on transfers made that day. Supplemental processing collateral includes the following: (1) The value of optional deposits to the participants fund which are allocated to that account (optional deposits to the participants fund are deposits that exceed the minimum deposit required pursuant to PTC's rules and procedures); and (2) 20% of the mandatory deposits to the participants fund for the Master Account (mandatory deposits to the participants fund are minimum deposits required to be deposited into such fund pursuant to PTC's rules and procedures). Reserve on Gain means either: (1) The contract value credit to the cash balance of a delivering participant or limited purposed participant over the market value of the securities credited to the transfer account associated with the account of the receiving participant; or (2) the market value of securities credited to the transfer account associated with the account of a receiving participant over the contract value credited to the cash balance of the delivering participant or limited purpose participant.

similar to that of single family securities, but that there exists a more limited number of market makers for the Project, Construction and Mobile Home GNMA securities. The Commission believes that it is appropriate for PTC to require a greater haircut for Project, Construction, and Mobile Home GNMA securities deposited at PTC as Net Free Equity. These enhanced margin levels will provide PTC with greater protection should it be necessary for PTC to borrow against or liquidate these assets. Moreover, as a result of recently obtaining a daily pricing source for these securities that PTC believes is and will be reliable, PTC has put in place a mechanism for the collection of daily pricing data and the monitoring of the volatility of these securities. Therefore, the Commission believes it is prudent to approve the proposal on a one-year temporary basis to allow PTC to obtain and evaluate historical data regarding the Project, Construction, and Mobile Home GNMA securities.[4]

III. Conclusion

For the reasons stated above, the Commission preliminarily finds that PTC's proposal is consistent with section 17A of the Act, and sections 17A(b)(3) (A) and (F) of the Act.[5]

It is therefore Ordered, Pursuant to section 19(b)(2) of the Act,[6] that PTC's proposed rule change (SR–PTC–91–07) be, and hereby is, approved on a temporary basis through October 7, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

Jonathan G. Katz,

Secretary.

[FR Doc. 91–24683 Filed 10–11–91; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC—18347; 811–5540]

Schneider Investment Trust; Notice of Application

October 7, 1991.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the "1940 Act").

APPLICANT: Schneider Investment Trust.

RELEVANT 1940 ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company under the 1940 Act.

FILING DATE: The application of Form N–8F was filed on June 28, 1991 and an amendment was filed on September 17, 1991.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on November 4, 1991, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC. 20549. Applicant, 104 Broadway, suite 500, Denver, Colorado 80203.

FOR FURTHER INFORMATION CONTACT: Felice R. Foundos, Staff Attorney, (202) 272–2190, or Barry D. Miller, Branch Chief, (202) 272–3023 (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.

Applicant's Representations

1. Applicant is an open-end diversified management company organized as a Massachusetts business trust. On November 10, 1987, applicant filed a registration statement pursuant to section 8(b) of the 1940 Act. On that date, applicant also filed a registration statement pursuant to the Securities Act of 1933, which registered an indefinite number of shares of common stock of the Schneider Energy Fund. The registration statement became effective on June 29, 1990.

2. On May 3, 1991, a notice was sent to shareholders notifying them of a special meeting to vote on the termination of applicant. The notice was accompanied by a letter from management explaining the reasons for termination. On May 14, 1991, applicant's shareholders voted to terminate applicant. On that same date, applicant's board of trustees approved the dissolution of applicant following the shareholders' termination resolution.

3. Pursuant to the liquidation, applicant's portfolio securities were sold in open market transactions. Between May 14, 1991 and June 21, 1991, applicant paid $5,032 in brokerage commissions to liquidate the fund. On July 1, 1991, a net asset value ("NAV") of $10.13 per share was sent to all remaining shareholders.[1]

4. The total NAV paid to Bonva Enterprises AG, the applicant's initial shareholder, was reduced by $48,000 representing the unamortized organizational costs.

5. The expenses incurred in connection with the liquidation including legal, accounting, custodial, and transfer agent fees will be paid by Schneider Management, Inc., applicant's investment adviser and trust manager.

6. Applicant will file with the Massachusetts Secretary of State a resolution of the Board of Trustees approving the termination of applicant.

7. As of the date of the application, applicant had no debts or liabilities, and was not a party to any litigation or administrative proceeding. Applicant expects an estimated $6,000 tax refund that will be distributed when received to the shareholders of record on May 14, 1991.

8. Applicant is engaged only in the business of winding up its affairs.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 91–24755 Filed 10–11–91; 8:45 am]

BILLING CODE 8010–01–M

SELECTIVE SERVICE SYSTEM

Form Submitted to the Office of Management and Budget for Clearance

The form, reproduced below, which will be used to solicit from men who are registered with the Selective Service System information about their knowledge of the requirement to provide Selective Service with address data, has been submitted to the Office of

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[4] During the next year, PTC has agreed to provide a report to the Commission on a quarterly basis regarding volatility and liquidity of the market for those GNMA securities.

[5] 15 U.S.C. 78q–1(b)(3) (A) and (F). These sections require that a clearing agency be organized and its rules be designed to assure the safeguarding of securities and funds in its custody or control.

[6] 15 U.S.C. 78s(b)(2).

[7] 17 CFR 200.30–3(a)(12).

[1] Counsel to applicant made the representations concerning the amount of the brokerage commissions and the date that the NAV was distributed to shareholders in a letter to the Office of Investment Company Regulation dated October 4, 1991.

Management and Budget (OMB) for clearance.

Title: Survey Questionnaire.

Purpose: To solicit from men who registered with the Selective Service System after December 31, 1982 and have not attained age 26 years, information about their knowledge of the requirement to provide Selective Service with address data.

Respondents: Men who registered with the Selective Service System after December 31, 1982 and have not attained age 26 years.

Frequency: One-time.

Burden: The reporting burden is five minutes or less per individual.

Written comments and recommendations for the proposed clearance should be sent within 30 days of publications of this notice to Selective Service System, Reports Clearance Officer, Washington, DC 20435.

A copy of the comments should be sent to the Office of Information and Regulatory Affairs, Attention: Desk Officer, Selective Service System, Office of Management and Budget, New Executive Office Building, room 3235, Washington, DC 20503.

Dated: October 7, 1991.

Robert W. Gambino,

Director.

The proposed form follows:

Survey Questionnaire

Name

Street Address

City, State, Zip Code

1. Is the *current* address shown above on this questionnaire correct? _____ Yes _____ No.

a. If the answer is yes, what is your *current* telephone number? ( )

b. If your answer is no, what is the correct information?

Name _____
Street _____
City _____
State _____
Zip Code _____
Telephone Number (

2. Please list your pemanent address if it is different from your current address.

Street _____
City _____
State _____
Zip Code _____

3. Which of the following is your understanding of your obligation for notifying the Selective Service System when changing your address? (Please circle your response.)

a. I should notify Selective Service within 10 days of any change to my address.

b. I should notify Selective Service within 30 days of any change to my address.

c. I should notify Selective Service any time within one year of any change to my address.

d. There is no requirement to notify Selective Service of any address changes.

4. Have you received any other type of registration correspondence from Selective Service?

_____ Yes _____ No.

If your answer is yes, was the correspondence a postcard or a letter?

5. Have you *legally* changed your name from that listed above? _____ Yes _____ No.

If yes, please print your new name in the space provided.

Name: _____

Thank you for your prompt attention.

[FR Doc. 91-24706 Filed 10-11-91; 8:45 am]

BILLING CODE 8015-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 1501]

Determination Under Section 620(f) of the Foreign Assistance Act of 1961, as Amended

Pursuant to section 620(f)(2) of the Foreign Assistance Act of 1961, as amended, (22 U.S.C. 2370(f)(2)), and section 1-201(a)(12) of Executive Order No. 12163, as amended, I hereby determine that the removal of the Soviet Union from the application of section 620(f) of the Foreign Assistance Act, for an indefinite period, is important to the national interest of the United States.

This determination shall be reported to the Congress and published in the **Federal Register.**

Dated: September 10, 1991.

James A. Baker, III,

Secretary of State.

[FR Doc. 91-24702 Filed 10-11-91; 8:45 am]

BILLING CODE 4710-10-M

Bureau of Politico-Military Affairs

[Public Notice 1503]

Missile Proliferation and ARMSCOR

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: On September 27, 1991, the Under Secretary of State for International Security Affairs determined that ARMSCOR has engaged in missile proliferation activities that require the prohibition of certain imports, exports and contracts involving ARMSCOR pursuant to the Arms Export Control Act and the Export Administration Act of 1979, as amended by the National Defense Authorization Act for Fiscal Year 1991.

EFFECTIVE DATE: September 27, 1991.

FOR FURTHER INFORMATION CONTACT: Vann Van Diepen, Director, Office of Weapons Proliferation Policy, Bureau of Politico-Military Affairs, Department of State (202-647-4930).

SUPPLEMENTARY INFORMATION: Pursuant to section 73(a)(1) of the Arms Export Control Act (22 U.S.C. 2797b(a)(1)), section 11B(b)(1) of the Export Administration Act of 1979 (50 U.S.C. app. 2410b(b)(1)), and sections 1702 and 1703 of the National Defense Authorization Act for Fiscal Year 1991 (Pub. L. 101-510), the President's Memorandum Delegation of Authority of June 25, 1991, and State Department Delegation of Authority No. 145—7 of July 1, 1991, the Under Secretary of State for International Security Affairs determined on September 27, 1991 that Armaments Corporation of South Africa, Ltd (ARMSCOR) has engaged in missile technology proliferation activities that require the measures described in sections 73(a)(2)(B) and 73(a)(2)(C) of the Arms Export Control Act (22 U.S.C. 2797b(a)(2)(B) and 2797b(a)(2)(C)) and sections 11B(b)(1)(B)(ii) and 11B(b)(1)(B)(iii) of the Export Administration Act of 1979 (50 U.S.C. app. 2410b(b)(1)(B)(ii) and 2410b(b)(1)(B)(iii)).

Accordingly, the following measures have been imposed: (a) licenses for export to ARMSCOR of items controlled pursuant to the Arms Export Control Act and the Export Administration Act of 1979 must be denied for two years; (b) no U.S. government contracts with ARMSCOR may be entered into for two years; and (c) no products produced by ARMSCOR may be imported into the United States for two years.

These measures shall be implemented by the responsible agencies as provided in the President's Memorandum Delegation of Authority of June 25, 1991.

Trade restrictions on entities that engage in missile technology proliferation are intended in part to further the U.S. policy of encouraging countries to halt such proliferation activities. Recently, South Africa has taken certain important steps regarding non-proliferation, including accession to the Nuclear Non-Proliferation Treaty. The U.S. Government will be consulting the South African Government on

measures that it could take to address U.S. missile proliferation concerns

Dated: October 9, 1991.

Richard A. Clarke,

Assistant Secretary of State for Politico-Military Affairs.

[FR Doc. 91-24894 Filed 10-10-91; 1:50 pm]

BILLING CODE 4710-25-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Notice 91-16]

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 Thursday, October 31, 1991, from 8:30 a.m. to 4:30 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 fourteenth meeting of the Committee. The meeting will address such issues as user fees, international competitiveness, and technology and innovation. The COMSTAC will receive an update on congressional activities followed by reports from the COMSTAC working groups.

This meeting is open to the interested public, but may be limited to the space available. Additional information may be obtained by contacting Ms. Linda H. Strine at (202) 366-5770.

Dated: October 8, 1991.

Stephanie E. Myers,

Director, Office of Commercial Space Transportation.

[FR Doc. 91-24764 Filed 10-11-91; 8:45 am]

BILLING CODE 4910-62-M

Federal Aviation Administration

Index of Administrator's Decisions and Orders in Civil Penalty Actions; Publication

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of publication.

SUMMARY: This notice constitutes the required quarterly publication of an index of the Administrator's decisions and orders in civil penalty cases. The FAA is publishing an index by order number, a subject-matter index, and case digests that contain identifying information about the final decisions and orders issued by the Administrator. These indexes and digests will increase the public's awareness of the Administrator's decisions and orders and will assist litigants and practitioners in their research and review of decisions and orders that may have precedential value in a particular civil penalty action. Publication of the index by order number ensures that the agency is in compliance with statutory indexing requirements.

FOR FURTHER INFORMATION CONTACT: James S. Dillman, Assistant Chief Counsel for Litigation (AGC-400), Federal Aviation Administration, 701 Pennsylvania Avenue NW., suite 925, Washington, DC 20004: telephone (202) 376-6441.

SUPPLEMENTARY INFORMATION: The Administrative Procedure Act requires Federal agencies to maintain and make available for public inspection and copying current indexes that contain identifying information as to those materials required to be made available or published. 5 U.S.C. 552(a)(2). In a notice issued on July 11, 1990, and published in the **Federal Register** (55 FR 29148; July 17, 1990), the FAA announced the public availability of several indexes and summaries that provide identifying information about the final decisions and orders issued by the Administrator pursuant to the FAA's civil penalty assessment authority and the rules of practice governing hearings and appeals of civil penalty actions. 14 CFR part 13, subpart G. The FAA maintains an index of the Administrator's decisions and orders in civil penalty actions organized by order number and containing identifying information about each decision or order. The FAA also maintains a subject-matter index, and digests organized by order number of the Administrator's final decisions and orders in civil penalty cases. In a notice issued on October 26, 1990, the FAA published the indexes and digests herein described for all decisions and orders issued by the Administrator through September 30, 1990. 55 FR 45984; October 31, 1990. The FAA announced in that notice that it would publish supplements to these indexes and digests on a quarterly basis (i.e., in January, April, July, and October of each year). Only the subject-matter index will be published cumulatively. Both the order number index and the digests will be non-cumulative.

In a notice issued on January 25, 1991, the FAA published the first supplement to the indexes and digests herein described, which included the decisions and orders issued by the Administrator from October 1 through December 31, 1990. 56 FR 4886; February 6, 1991. In a notice issued on May 1, 1991, the FAA published the second supplement, which included decisions and orders issued by the Administrator from January 1, 1991 through March 31, 1991. 56 FR 20250; May 2, 1991. In a notice issued on July 3, 1991, the FAA published the third supplement, which included decisions and orders issued by the Administrator from April 1, 1991 through June 30, 1991. 56 FR 31984; July 12, 1991.

As noted at the beginning of each of these documents, these indexes and digests do not constitute legal authority, and should not be cited or relied upon as such. The indexes and digests are not intended to serve as a substitute for proper legal research. Parties, attorneys, and other interested persons should always consult the full text of the Administrator's decisions before citing them in any context. The Administrator's final decisions and orders, indexes, and digests are available for public inspection and copying at all FAA legal offices. (The addresses of the FAA legal offices are listed at the end of this notice.)

Civil Penalty Actions

Decisions and Orders Issued by Administrator

Index by Order Number

(This supplement includes decisions and orders issued by the Administrator from July 1, 1991 through September 30, 1991.)

This index does not constitute legal authority, and should not be cited or relied upon as such. This index is not intended to serve as substitute for proper legal research. Parties, attorneys, and other interested persons should always consult the full text of the Administrator's decisions before citing them in any context.

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(This cumulative index includes all decisions and orders issued by the Administrator as of September 30, 1991)

This index does not constitute legal authority, and should not be cited or relied upon as such. This index is not intended to serve as a substitute for proper legal research. Parties, attorneys, and other interested persons should always consult the full text of the Administrator's decisions before citing them in any context.

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Digests

(This supplement includes decisions and orders issued by the Administrator from July 1, 1991 through September 30, 1991.)

These digests do not constitute legal authority, and should not be cited or relied upon as such. These digests are not intended to serve as a substitute for proper legal research. Parties, attorneys, and other interested persons should always consult the full text of the Administrator's decisions before citing them in any context.

In the Matter of Janet D. Sanders

[Order No. 91–25 (7/3/91)]

Withdrawal of Appeal. Complainant withdrew its notice of appeal from the law judge's Order Dismissing Complaint. Complainant's appeal is dismissed.

In the Matter of Britt Airways, Inc.

[Order No. 91–26 (7/5/91)]

Extension of Time. Complainant timely requested a two-day extension of time in which to file the reply brief, asserting that Complainant's counsel had been unable to contact Respondent's counsel. Complainant's counsel explained that she had been ill for several days prior to the brief's due date. Held: good cause has been demonstrated for a two-day extension.

In the Matter of Delta Air Lines

[Order No. 91–27 (7/25/91)]

Withdrawal of Appeal. Complainant withdrew its notice of appeal from the law judge's oral initial decision. Complainant's appeal is dismissed.

In the Matter of Continental Airlines

[Order No. 91–28 (7/30/91)]

Withdrawal of Appeal. Complainant withdrew its notice of appeal from the law judge's oral initial decision. Complainant's appeal is dismissed.

In the Matter of Ronald W. Smith

[Order No. 91–29 (7/30/91)]

Withdrawal of Appeal. Complainant withdrew its notice of appeal from the law judge's oral initial decision. Complainant's appeal is dismissed.

In the Matter of Maria J. Trujillo

[Order No. 91–30 (8/2/91)]

The law judge did not consider the question of whether the BB gun found in Respondent's carry-on baggage appeared to be operative, but dismissed the case based on his finding that the gun was inoperative. There was unrebutted testimony that the gun appeared to be operative.

Deadly or Dangerous Weapon. Complainant met its burden of proof under *Waddell,* (FAA Order No. 90–26 (10/11/90), *reconsideration denied,* FAA Order No. 90–43 (12/24/90)), by showing that, regardless of whether the gun was actually capable of firing, it appeared to be operative. Accordingly, it was error for the law judge to dismiss the case against Respondent.

BB gun as deadly or dangerous weapon. Not only could a shot fired from a BB gun cause grave physical injury, but such a gun might also easily be mistaken for a much more powerful weapon. In short, in the context of aviation security, a BB gun must be considered a deadly or dangerous weapon.

In the Matter of R. Terry & C. Menne

[Order No. 91–31 (8/2/91)]

Reconsideration Denied. When the Administrator found in Order No. 91–12 that the law judge applied the wrong burden of proof, the Administrator was not required to remand the case to the law judge to determine whether Respondents had proven their case by the preponderance of the evidence. Pursuant to 14 CFR 13.233(b)(1), the Administrator was permitted to reweigh the evidence. Furthermore, the Administrator's reversal of the law judge's initial decision was not based upon a rejection of the law judge's factual findings, but upon the Administrator's determination that the law judge's conclusions of law were not made in accordance with applicable law, precedent, and public policy.

In the Matter of Richard Bargen

[Order No. 91–32 (8/2/91)]

Reconsideration Granted. Respondent petitoned for reconsideration of FAA Order No. 91–20, in which the Administrator had dismissed Respondent's appeal for failure to perfect. Respondent had sent a request

for extension of time in which to file his appeal brief to the U.S. Dept. of Labor, Office of Hearings (the address of the law judge who had presided over the hearing in this case) rather than to the Appellate Docket Clerk of the FAA. The FAA Appellate Docket Clerk never received the incorrectly addressed request for extension of time. When Respondent allowed the due date for the filing of the appeal brief to pass, Respondent ran the risk of having his appeal dismissed. Nonetheless, the motion for reconsideration is granted because the Administrator is reluctant to enforce the procedural rules in a case such as this one in which the provisions of those rules have been made murky by supplemental instructions issued by the law judge. Respondent's appeal brief is due in 30 days from the date of service of this Order.

In the Matter of Delta Air Lines

[Order No. 91–33 (8/12/91)]

The law judge found that Respondent violated 14 CFR 108.5(a)(1) because it did not carry out that portion of its approved security program which requires all of its employees in nonpublic areas to wear an appropriate identification badge on their outermost garment unless precluded from wearing one by operational or safety reasons, and assessed a reduced civil penalty of $250 citing mitigating factors. Complainant appealed, arguing that the law judge should have assessed the full $1000 civil penalty sought in the complaint.

Badge display requirement. At some point prior to being approached, the employee in this case was engaged in an activity exempt from the badge display requirement. It is not realistic or reasonable to require employees to display their badges the instant an exempt activity is complete. Necessarily, there must be a short "grace" period during which employees who have just completed an exempt activity may have time to re-attach their badges. The employee in this case was still within the protected zone. Complainant's appeal is denied and the initial decision is affirmed.

In the Matter of GASPRO

[Order No. 91–34 (8/20/91)]

Withdrawal of Appeal. Complainant has withdrawn its notice of appeal from the law judge's oral initial decision. Complainant's appeal is dismissed.

In the Matter of Monique Graham

[Order No. 91–35 (8/20/91)]

Withdrawal of Appeal. Complainant has withdrawn its notice of appeal. Complainant's appeal is dismissed.

In the Matter of Earl Howard

[Order No. 91–36 (8/20/91)]

Withdrawal of Appeal. Complainant has withdrawn its notice of appeal from the law judge's oral initial decision. Complainant's appeal is dismissed.

In the Matter of Carlisle Vereen

[Order No. 91–37 (8/26/91)]

Withdrawal of Appeal. Complainant has withdrawn its notice of appeal from the Order Awarding Attorney's Fees issued by the law judge. Complainant's appeal is dismissed.

In the Matter of William Esau

[Order No. 91–38 (9/4/91)]

The law judge held that Complainant had failed to prove that Respondent's stun gun was a deadly or dangerous weapon, and consequently, that Respondent had violated 14 CFR 107.21(a)(1). Respondent, who was going to meet an arriving passenger, was carrying a Nova XR–5000 stun gun when he went through screening.

Deadly or Dangerous Weapon. According to Joint Exhibit 1 (the instruction sheet of the stun gun), a 1–4 second blast can cause an attacker to fall to the ground and to become mentally confused, while a full charge of 5 seconds can immobilize an attacker, and cause disorientation, loss of balance, falling to the ground. This stun gun discharges over 40,000 volts of electricity.

The Administrator finds that this stun gun must be considered to be a dangerous weapon because of its potentially disabling effects. Although manufacturers of stun guns may emphasize the defensive uses in their advertisements, there is a no reason why this stun gun in the wrong hands could not be used offensively. In the aviation context, the end result could be disastrous. It is inconsequential that this stun gun may only temporarily disorient or otherwise affect its target.

Sanction—Ability to Pay as a Mitigatory Factor. The $750 civil penalty is not inappropriate for a violation such as this one. However, in light of Respondent's limited financial means, the penalty was reduced to $150.

In the Matter of America West Airlines, Inc.

[Order No. 91–39 (9/6/91)]

Withdrawal of Appeal. Complainant has withdrawn its notice of appeal from the law judge's written initial decision. Complainant's appeal is dismissed.

In the Matter of [Airport Operator]

[Order No. 91–40 (9/30/91)]

Unauthorized Access to AOA. The fact that an electronically-operated gate remained open long enough after an exiting vehicle had departed to allow the FAA special agents to gain unauthorized access to the AOA illustrates that the gate, as it was programmed to operate at the time, was not an effective control. While it is true that the FAA approved the use of such a gate to control access at that point, that approval did not relieve Respondent of the responsibility of insuring that the gate operated to accomplish that goal.

Strict Liability. Contrary to Respondent's assertion, this is not a case of liability without fault. Rather, Respondent is being held accountable for the ineffective implementation of its security program with regard to this gate.

Corrective Actions. Although the Administrator did not consider Respondent's corrective actions with regard to the issue of liability, he did consider them in determining the appropriate civil penalty. Respondent's corrective actions clearly reduced the potential for future unauthorized access to the AOA. Accordingly, the Administrator reduced the $1,000 civil penalty sought in the Complaint to $500.

In the Matter of Pony Express Courier Corp.

[Order No. 91–42 (9/9/91)]

Withdrawal of Appeal. Complainant has withdrawn its appeal brief from the law judge's Order Granting Motion to Dismiss. Complainant's appeal is dismissed.

In the Matter of Delta Air Lines

[Order No. 91–43 (9/12/91)]

Failure to Perfect Appeal. Respondent failed to perfect its appeal from the law judge's oral initial decision by filing an appeal brief pursuant to 14 CFR 13.233(c). Respondent's appeal is dismissed.

In the Matter of Delta Air Lines

[Order No. 91–44 (9/12/91)]

Failure to Perfect Appeal. Respondent failed to perfect its appeal from the law judge's oral initial decision by filing an appeal brief pursuant to 14 CFR

13.233(c). Respondent's appeal is dismissed.

In the Matter of James Park

[Order No. 91–45 (9/11/91)]

Appeal Brief. Although Respondent did not file a separate appeal brief, his three-page appeal document satisfies the requirements for an appeal brief set forth in 14 CFR 13.233(d)(1). Complainant has 35 days within which to file a reply brief.

In the Matter of Delta Air Lines

[Order No. 91–46 (9/27/91)]

Failure to Perfect Appeal. Respondent failed to perfect its appeal from the law judge's oral initial decision by filing an appeal brief pursuant to 14 CFR 13.233(c). Respondent's appeal is dismissed.

In the Matter of Delta Air Lines

[Order No. 91–47 (9/27/91)]

Failure to Perfect Appeal. Respondent failed to perfect its appeal from the law judge's oral initial decision by filing an appeal brief pursuant to 14 CFR 13.233(c). Respondent's appeal is dismissed.

The Administrator's final decisions and orders, indexes, and digests are available for public inspection and copying at the following location in FAA headquarters: FAA Hearing Docket, Federal Aviation Administration, 800 Independence Avenue, SW., room 924A, Washington, DC 20591; (202) 267–3641.

In addition, these materials are available at all FAA regional and center legal offices at the following locations:

Office of the Assistant Chief Counsel for the Aeronautical Center (AAC–7), Mike Monroney Aeronautical Center, 6500 South MacArthur, Oklahoma City, OK 73125; (405) 680–3296.

Office of the Assistant Chief Counsel for the Alaskan Region (AAL–7), Alaskan Region Headquarter, 222 West 7th Avenue, Anchorage, AK 99513; (907) 271–5269.

Office of the Assistant Chief Counsel for the Central Region (ACE–7), Central Region Headquarters, 601 East 12th Street, Federal Building, Kansas City, MO 64106; (816) 426–5446.

Office of the Assistant Chief Counsel for the Eastern Region (AEA–7), Eastern Region Headquarters, JFK International Airport, Fitzgerald Federal Building, Jamaica, NY 11430; (718) 917–1035.

Office of the Assistant Chief Counsel for the Great Lakes Region (AGL–7), Great Lakes Region Headquarters, O'Hare Lake Office Center, 2300 East Devon Avenue, Des Plaines, IL 60018; (312) 694–7108.

Office of the Assistant Chief Counsel for the New England Region (ANE–7), New England Region Headquarters, 12 New England Executive Park, Burlington, MA 01803; (617) 273–7310.

Office of the Assistant Chief Counsel for the Northwest Mountain Region (ANM–7), Northwest Mountain Region Headquarters, 18000 Pacific Highway South, Seattle, WA 98188; (206) 227–2007.

Office of the Assistant Chief Counsel for the Southwest Region (ASW–7), Southern Region Headquarters, 3400 Norman Berry Drive, East Point, GA 30344; (404) 763–7204.

Office of the Assistant Chief Counsel for the Southwest Region (ASO–7), Southwest Region Headquarters, 4400 Blue Mound Road, Fort Worth, TX 76193; (817) 624–5707.

Office of the Assistant Chief Counsel for the Technical Center (ACT–7), Federal Aviation Administration Technical Center, Atlantic City International Airport, Atlantic City, NJ 08405; (609) 484–6605.

Office of the Assistant Chief Counsel for the Western-Pacific Region (AWP–7), Western-Pacific Region Headquarters, 15000 Aviation Boulevard, Hawthorne, CA 90261; (213) 297–1270.

The FAA still is pursuing means by which the Administrator's decisions and orders, and the indexes and digests of those decisions, could be published and offered for sale by subscription through a reporting service. The FAA intends to provide further notice regarding such publication and sale in the Federal Register when the necessary arrangements are complete. The FAA may discontinue publication of the subject-matter index and the digests at such time as a commercial reporting service publishes similar information and provides it to the public in a timely and accurate manner.

Issued in Washington, DC, on October 8, 1991.

Kenneth P. Quinn,

Chief Counsel.

[FR Doc. 91–24738 Filed 10–11–91; 8:45 am]

BILLING CODE 4910–13–M

Radio Technical Commission for Aeronautics (RTCA) Special Committee 165; Minimum Operational Performance Standards for Aeronautical Mobile Satellite Services; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., appendix I), notice is hereby given for the sixth meeting of Special Committee 165 to be held October 28–30, 1991, in the RTCA conference room, 1140 Connecticut Avenue, NW., suite 1020, Washington, DC 20036, commencing at 9:30 a.m.

The agenda for this meeting is as follows: (1) Chairman's introductory remarks; (2) Approval of the fifth meeting's minutes, RTCA paper no. 260–90/SC165–46; (3) Working group reports; (a) Equipment Standards Working Group (WG–1) report; (b) Operation and Implementation Working Group (WG–2) report; (c) Service Performance Criteria Working Group (WG–3) report; (4) Review of latest drafts of AMSS MOPS, part I and part II; (5) Working Group sessions (if applicable); (6) Assignment of tasks; (7) Other business; (8) Date and place of next meeting.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., suite 1020, Washington, DC 20036; (202) 833–9339. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on October 4, 1991.

Herb Goldstein,

Designated Officer.

[FR Doc. 91–24736 Filed 10–11–91; 8:45 am]

BILLING CODE 4910–13–M

Radio Technical Commission for Aeronautics (RTCA) Special Committee 173; Minimum Operational Performance Standards for Airborne Weather and Ground Mapping Pulsed Radar; Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (P.L. 92–463, 5 U.S.C., Appendix I), notice is hereby given for the second meeting of Special Committee 173 to be held October 24–25, 1991, in the RTCA Conference Room, 1140 Connecticut Avenue, NW., suite 1020, Washington, DC 20036, commencing at 9 a.m.

The agenda for this meeting is as follows: (1) Chairman's introductory remarks; (2) Review and approval of meeting agenda; (3) Approval of minutes of first meeting held July 15–16, 1991, RTCA paper no. 353–91/SC173–5 (previously distributed); (4) Review of task assignments; (a) Radome; (b) Weather radar; (5) NASA briefing on Weather Models for Radar Testing; (6) FAA views on the SC–173 Work Program; (7) Review of draft MOPS material, RTCA paper nos. 385–91/

SC173–6, 386–91/SC173–7, 387–91/SC173–3, and 412–91/SC173–9 (enclosed(; (8) Other business; (9) Date and place of next meeting.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., suite 1020, Washington, DC 20036; (202) 833–9339. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on September 30, 1991.

Joyce J. Gillen,

Designated Officer.

[FR Doc. 91–24737 Filed 10–11–91; 8:45 am]

BILLING CODE 4910–13–M

Aviation Rulemaking Advisory Committee; General Aviation Operations Subcommittee

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of establishment of General Aviation Operations Subcommittee.

SUMMARY: Notice is given of the establishment of a General Aviation Operations Subcommittee under the FAA Aviation Rulemaking Advisory Committee. This notice informs the public of the activities of the Aviation Rulemaking Advisory Committee.

FOR FURTHER INFORMATION CONTACT: Mr. Ron Myres, Executive Director, general Aviation Operations Subcommittee, Flight Standards Service (AFS–850), 800 Independence Avenue, SW., Washington, DC 20591, Telephone: (202) 267–8150; FAX: (202) 267–5230.

SUMMPLEMENTARY INFORMATION: On January 14, 1991, the Federal Aviation Administration (FAA) announced the establishment of the Aviation Rulemaking Advisory Committee (56 FR 2190, January 22, 1991). The committee charter became effective on February 5, 1991, when notices of establishment were sent to the appropriate Congressional Committees. The advisory committee provides advice and recommendations to the FAA concerning the full range of the FAA's rulemaking activity with respect to safety-related issues, including aircraft certification. The committee held its first meeting at Baltimore, MD, on May 23, 1991 (56 FR 20492, May 3, 1991). At that meeting, the committee formed several subcommittees and charged them with developing advisory recommendations in different safety-related areas. The subcommittee Chairs and Executive Directors were named, and the member organizations identified. Finally, several specific tasks were assigned to the various subcommittees. At this first meeting, the committee also adopted procedures concerning the operation of the committee, its subcommittees, and their working groups.

Under the procedures adopted by the full committee, each subcommittee meeting is open to the public, except as authorized in section 10(d) of the Federal Advisory Committee Act. Also, notice is given beforehand of the subcommittee meeting agenda. A subcommittee may form working groups made up of experts from those having an interest in an issue to do tasks assigned to the subcommittee. Working group meetings need not be open to the public. This is because working groups must bring their work product back to the subcommittee for full, open, and substantive discussion, and may not communicate directly with the FAA. The subcommittee may: (1) Accept a working group work product and send it directly to the FAA; (2) Modify the work product and send it directly to the FAA; or (3) Return the work product to the working group with instructions for further activity. Thus, while the functions of a subcommittee are solely advisory, they create a framework within which interested parties may negotiate proposed or final rules and present their consensus to the FAA for action. The more complete these products, the more likely they are to be accepted by the FAA without change and formally published as proposed or final rules. The activities of the Aviation Rulemaking Advisory Committee, and its subcommittees, are consistent with the newly enacted Negotiated Rulemaking Act of 1990 (Pub. L. 101–648).

The General Aviation Operations Subcommittee will provide advice and recommendations to the FAA regarding the operation of general aviation aircraft and certification of airmen under parts 61, 91, 125, 133, 137, 141, and 143 of the Federal Aviation Regulations. The membership of the General Aviation Operations Subcommittee consists solely of the following members of the Aviation Rulemaking Advisory committee:

- Aerospace Industries Association (AIA).
- Air Line Pilots Association (ALPA).
- Aircraft Owners & Pilots Association (AOPA).
- Airport Operators Council International/American Association of Airport Executives (AOCI/AAAE).
- Alaska air Carriers Association.
- Association of Air Medical Services (AAMS).
- Aviation Consumer Action Project (ACAP).
- Aviation Insurance Association.
- Balloon Federal of America (BFA).
- Experimental Aircraft Association (EAA).
- Flight Safety Foundation (FSF).
- General Aviation Manufacturers Association (GAMA).
- Helicopter Association International (HAI).
- National Aeronautic Association (NAA).
- National Agricultural Aviation Association (NAAA).
- National Air Transportation Association (NATA).
- National Aircraft Finance Association.
- National Association of Flight Instructors (NAFI).
- National Association of State Aviation Officials (NASAO).
- National Association of Trade and Technical Schools (NATTS).
- National Business Aircraft Association, Inc. (NBAA).
- Public Citizen.
- The Soaring Society of America, Inc.
- United States Parachute Association, Inc.(USPA).
- United States Ultralight Association (USUA).
- University Aviation Association (UAA).

Notices establishing five General Aviation Operations Subcommittee working groups (the IFR Fuel Reserve, Minimum Safe Operating Altitude, Definition of Emergencies, Operations over the High Seas, and Experimental/Restricted Category Operations Working Groups) are published elsewhere in this issue of the **Federal Register.** The Secretary of Transportation has determined that the formation and use of the Aviation Rulemaking Advisory Committee and its subcommittees are necessary in the public interest in connection with the performance of duties imposed on the FAA by law.

Issued in Washington, DC, on October 7, 1991.

Ron Myres,

Executive Director, General Aviation Operations Subcommittee, Aviation Rulemaking Advisory Committee.

[FR Doc. 91–24730 Filed 10–11–91; 8:45 am]

BILLING CODE 4910–13–M

Aviation Rulemaking Advisory Committee; General Aviation Operations Subcommittee; IFR Fuel Reserve Working Group

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of establishment of IFR Fuel Reserve Working Group.

SUMMARY: Notice is given of the establishment of an IFR Fuel Reserve Working Group by the General Aviation Operation Subcommittee of the Aviation Rulemaking Advisory Committee. This notice informs the public of the activities of the General Aviation Operations Subcommittee of the Aviation Rulemaking Advisory Committee.

FOR FURTHER INFORMATION CONTACT: Mr. Ron Myres, Executive Director, General Aviation Operations Subcommittee, Flight Standards Service (AFS–850), 800 Independence Avenue, SW., Washington, DC 20591, Telephone: (202) 267–8150; FAX: (202) 267–5230.

SUPPLEMENTARY INFORMATION: The Federal Aviation Administration (FAA) established an Aviation Rulemaking Advisory Committee (56 FR 2190, January 22, 1991) which held its first meeting on May 23, 1991 (56 FR 20492, May 3, 1991). The Genral Aviation Operations Subcommittee was established at that meeting to provide advice and recommendations to the FAA regarding the operation of general aviation aircraft and certification of airmen under parts 61, 91, 125, 133, 137, 141, and 143 of the Federal Aviation Regulations. At its first meeting on May 24, 1991 (56 FR 20492, May 3, 1991), the subcommittee established the IFR Fuel Reserve Working Group.

Specifically, the working group's task is the following:

Evaluate the advantages and disadvantages of revising the fuel reserve requirements for flight under instrument flight rules; aircraft, avionics and weather forecasts might be more reliable now than in the past. Carrying excess amounts of fuel in addition to the required to reach an alternate may be unnecessary for certain classes of aircraft on special missions or under controlled conditions. Within 90 days of establishment of the subcommittee, the subcommittee should receive a detailed review of the working group's activities, planned future activities, and the timetable for those activities

The IFR Fuel Reserve Working Group will be comprised of experts from those organizations having an interest in the task assigned to it. A working group member need not necessarily be a representative of one of the organizations of the parent General Aviation Operations Subcommittee or of the full Aviation Rulemaking Advisory Committee. An individual who has expertise in the subject matter and wishes to become a member of the working group should write the person listed under the caption **FOR FURTHER INFORMATION CONTACT** expressing that desire and describing his or her interest in the task and the expertise he or she would bring to the working group. The request will be reviewed with the subcommittee chair and working group leader, and the individual advised whether or not the request and can be accommodated.

The Secretary of Transportation has determined that the formation and use of the Aviation Rulemaking Advisory Committee and its subcommittees are necessary in the public interest in connection with the performance of duties imposed on the FAA by law. Meetings of the full committee and any subcommittees will be open to the public except as authorized by section 10(d) of the Federal Advisory Committee Act. Meetings of the IFR Fuel Reserve Working Group will be not be open to the public, except to the extent that individuals with an interest and expertise are selected to participate. No public announcement of working group meetings will be made.

Issued in Washington, DC, on October 7, 1991.

Ron Myres,

Executive Director, General Aviation Operations Subcommittee, Aviation Rulemaking Advisory Committee.

[FR Doc. 91–24731 Filed 10–11–91; 8:45 am]

BILLING CODE 4910–13–M

Aviation Rulemaking Advisory Committee; General Aviation Operations Subcommittee; Experimental/Restricted Category Operations Working Group

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of establishment of Experimental/Restricted Category Operations Working Group.

SUMMARY: Notice is given of the establishment of an Experimental/Restricted Category Operations Working Group by the General Aviation Operations Subcommittee of the Aviation Rulemaking Advisory Committee. This notice informs the public of the activities of the General Aviation Operations Subcommittee of the Aviation Rulemaking Advisory Committee.

FOR FURTHER INFORMATION CONTACT: Mr. Ron Myres, Executive Director, General Aviation Operations Subcommittee, Flight Standards Service (AFS–850), 800 Independence Avenue, SW., Washington, DC 20591, Telephone: (202) 267–8150; FAX: (202) 267–5230.

SUPPLEMENTARY INFORMATION: The Federal Aviation Administration (FAA) established an Aviation Rulemaking Advisory Committee (56 FR 2190, January 22, 1991) which held its first meeting on May 23, 1991 (56 FR 20492, May 3, 1991). The General Aviation Operations Subcommittee was established at that meeting to provide advice and recommendations to the FAA regarding the operation of general aviation aircraft and certification of airmen under parts 61, 91, 125, 133, 137, 141, and 143 of the Federal Aviation Regulations. At its first meeting on May 24, 1991 (56 FR 20492, May 3, 1991), the subcommittee established the Experimental/Restricted Category Operations Working Group.

Specifically, the working group's task is the following:

Evaluate the advantages and disadvantages of revising the operational rules and policies concerning experimental and restricted category aircraft. Should present rules and policy concerning the carriage of passengers, flight instruction, agricultural uses, and flying for compensation or hire be changed? Within 90 days of establishment of the subcommittee, the subcommittee should receive a detailed review of the working group's activities, planned future activities, and the timetable for those activities.

The Experimental/Restricted Category Operations Working Group will be comprised of experts from those organizations having an interest in the task assigned to it. A working group member need not necessarily be a representative of one of the organizations of the parent General Aviation Operations Subcommittee or of the full Aviation Rulemaking Advisory Committee. An individual who has expertise in the subject matter and wishes to become a member of the working group should write the person listed under the caption **FOR FURTHER INFORMATION CONTACT** expressing that desire and describing his or her interest in the task and the expertise he or she would bring to the working group. The request will be reviewed with the subcommittee chair and working group leader, and the individual advised whether or not the request can be accommodated.

The Secretary of Transportation has determined that the formation and use of the Aviation Rulemaking Advisory Committee and its subcommittees are necessary in the public interest in connection with the performance of duties imposed on the FAA by law. Meetings of the full committee and any subcommittees will be open to the public except as authorized by section 10(d) of the Federal Advisory Committee Act. Meetings of the Experimental/Restricted Category Operations Working Group will not be open to the public, except to the extent that individuals with an interest and expertise are selected to participate. No public announcement of working group meetings will be made.

Issued in Washington, DC, on October 7, 1991.

Ron Myres,

Executive Director, General Aviation Operations Subcommittee, Aviation Rulemaking Advisory Committee.

[FR Doc. 91-24732 Filed 10-11-91; 8:45 am]

BILLING CODE 4910-13-M

Aviation Rulemaking Advisory Committee; General Aviation Operations Subcommittee; Definition of Emergencies Working Group

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of establishment of Definition of Emergencies Working Group.

SUMMARY: Notice is given of the establishment of a Definition of Emergencies Working Group by the General Aviation Operations Subcommittee of the Aviation Rulemaking Advisory Committee. This notice informs the public of the activities of the General Aviation Operations Subcommittee of the Aviation Rulemaking Advisory Committee.

FOR FURTHER INFORMATION CONTACT: Mr. Ron Myres, Executive Director, General Aviation Operations Subcommittee, Flight Standards Service (AFS-850), 800 Independence Avenue, SW., Washington, DC 20591, Telephone: (202) 267-8150; FAX: (202) 267-5230.

SUPPLEMENTARY INFORMATION: The Federal Aviation Adminsitration (FAA) established an Aviation Rulemaking Advisory Committee (56 FR 2190, January 22, 1991) which held its first meeting on May 23, 1991 (56 FR 20492, May 3, 1991). The General Aviation Operations Subcommittee was established at that meeting to provide advice and recommendations to the FAA regarding the operation of general aviation aircraft and certification of airmen under parts 61, 91, 125, 133, 137, 141, and 143 of the Federal Aviation Regulations. At its first meeting on May 24, 1991 (56 FR 20492, May 3, 1991), the subcommittee established the Definition of Emergencies Working Group.

Specifically, the working group's task is the following:

Evaluate the advantages and disadvantages of revising the definition of emergencies. Should § 91.3 be revised to include allowances for pilots taking action in response to an emergency that is other than flight or inflight emergencies? For example, pilots who respond to public emergencies such as fires, accidents, and natural disasters. Should an exception be granted to allow preplanned response to these emergencies? Within 90 days of establishment of the subcommittee, the subcommittee should receive a detailed review of the work committee's activities, planned future activities, and the timetable for those activities.

The Definition of Emergencies Working Group will be comprised of experts from those organizations having an interest in the task assigned to it. A working group member need not necessarily be a representative of one of the organizations of the parent General Aviation Operations Subcommittee or of the full Aviation Rulemaking Advisory Committee. An individual who has expertise in the subject matter and wishes to become a member of the working group should write the person listed under the caption **FOR FURTHER INFORMATION CONTACT** expressing that desire and describing his or her interest in the task and the expertise he or she would bring to the working group. The request will be reviewed with the subcommittee chair and working group leader, and the individual advised whether or not the request can be accommodated.

The Secretary of Transportation has determined that the formation and use of the Aviation Rulemaking Advisory Committee and its subcommittees are necessary in the public interest in connection with the performance of duties imposed on the FAA by law. Meetings of the full committee and any subcommittees will be open to the public except as authorized by section 10(d) of the Federal Advisory Committee Act. Meetings of the Definition of Emergencies Working Group will be not be open to the public, except to the extent that individuals with an interest and expertise are selected to participate. No public announcement of working group meetings will be made.

Issued in Washington, DC, on October 7, 1991.

Ron Myres,

Executive Director, General Aviation Operations Subcommittee, Aviation Rulemaking Advisory Committee.

[FR Doc. 91-24733 Filed 10-11-91; 8:45 am]

BILLING CODE 4910-13-M

Aviation Rulemaking Advisory Committee; General Aviation Operations Subcommittee; Minimum Safe Operating Altitude Working Group

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of establishment of Minimum Safe Operating Altitude Working Group.

SUMMARY: Notice is given of the establishment of a Minimum Safe Operating Altitude Working Group by the General Aviation Operations Subcommittee of the Aviation Rulemaking Advisory Committee. This notice informs the public of the activities of the General Aviation Operations Subcommittee of the Aviation Rulemaking Advisory Committee.

FOR FURTHER INFORMATION CONTACT: Mr. Ron Myres, Executive Director, General Aviation Operations Subcommittee, Flight Standards Service (AFS-850), 800 Independence Avenue, SW., Washington, DC 20591, Telephone: (202) 267-8150; FAX: (202) 267-5230.

SUPPLEMENTARY INFORMATION: The Federal Aviation Administration (FAA) established an Aviation Rulemaking Advisory Committee (56 FR 2190, January 22, 1991) which held its first meeting on May 23, 1991 (56 FR 20492, May 3, 1991). The General Aviation Operations Subcommittee was established at that meeting to provide advice and recommendations to the FAA regarding the operation of general aviation aircraft and certification of airmen under parts 61, 91, 125, 133, 137, 141, and 143 of the Federal Aviation Regulations. At its first meeting on May 24, 1991 (56 FR 20492, May 3, 1991), the subcommittee established the Minimum Safe Operating Altitude Working Group.

Specifically, the working group's task is the following:

Evaluate the advantages and disadvantages of revising the minimum safe operating altitude rule. For example, should the FAA consider some relief for aircraft involved in public service and law enforcement? Should the FAA consider revising the rules for balloons and/or helicopters? Within 90 days of establishment of the subcommittee, the subcommittee

should receive a detailed review of the working group's activities, planned future activities, and the timetable for those activities.

The Minimum Safe Operating Altitude Working Group will be comprised of experts from those organizations having an interest in the task assigned to it. A working group member need not necessarily be a representative of one of the organizations of the parent General Aviation Operations Subcommittee or of the full Aviation Rulemaking Advisory Committee. An individual who has expertise in the subject matter and wishes to become a member of the working group should write the person listed under the caption **FOR FURTHER INFORMATION CONTACT** expressing that desire and describing his or her interest in the task and the expertise he or she would bring to the working group. The request will be reviewed with the subcommittee chair and working group leader, and the individual advised whether or not the request can be accommodated.

The Secretary of Transportation has determined that the formation and use of the Aviation Rulemaking Advisory Committee and its subcommittees are necessary in the public interest in connection with the performance of duties imposed on the FAA by law. Meetings of the full committee and any subcommittees will be open to the public except as authorized by section 10(d) of the Federal Advisory Committee Act. Meetings of the Minimum Safe Operating Altitude Working Group will not be open to the public, except to the extent that individuals with an interest and expertise are selected to participate. No public announcement of working group meetings will be made.

Issued in Washington, DC, on October 7, 1991.

Ron Myres,

Executive Director, General Aviation Operations Subcommittee, Aviation Rulemaking Advisory Committee.

[FR Doc. 91-24734 Filed 10-11-91; 8:45 am]

BILLING CODE 4910-13-M

Aviation Rulemaking Advisory Committee; General Aviation Operations Subcommittee; Operations Over the High Seas Working Group

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of establishment of Operations over the High Seas Working Group.

SUMMARY: Notice is given of the establishment of an Operations over the High Seas Working Group by the General Aviation Operations Subcommittee of the Aviation Rulemaking Advisory Committee. This notice informs the public of the activities of the General Aviation Operations Subcommittee of the Aviation Rulemaking Advisory Committee.

FOR FURTHER INFORMATION CONTACT: Mr. Ron Myres, Executive Director, General Aviation Operations Subcommittee, Flight Standards Service (AFS-850), 800 Independence Avenue, SW., Washington, DC 20591, Telephone: (202) 267-8150; FAX: (202) 267-5230.

SUPPLEMENTARY INFORMATION: The Federal Aviation Administration (FAA) established an Aviation Rulemaking Advisory Committee (56 FR 2190, January 22, 1991) which held its first meeting on May 23, 1991 (56 FR 20492, May 3, 1991). The General Aviation Operations Subcommittee was established at that meeting to provide advice and recommendations to the FAA regarding the operation of general aviation aircraft and certification of airmen under parts 61, 91, 125, 133, 137, 141, and 143 of the Federal Aviation Regulations. At its first meeting on May 24, 1991 (56 FR 20492, May 3, 1991), the subcommittee established the North Atlantic Minimums Working Group.

Specifically, the working group's task is the following:

On 9/5/90 an ANPRM entitled "Operation over the high seas and within the North Atlantic Minimum Navigation Performance Specification Airspace" was published in the **Federal Register**. The required comment period closed 1/3/91. Evaluate the advantages and disadvantages of developing advisory material and/or further regulations that provide an adequate level of safety and assure international standards are met by U.S. civil operators when operating over the high seas. Within 90 days of establishment of the subcommittee, the subcommittee should receive a detailed review of the working group's activities, planned future activities, and the timetable for those activities.

The Operations over the High Seas Working Group will be comprised of experts from those organizations having an interest in the task assigned to it. A working group member need not necessarily be a representative of one of the organizations of the parent General Aviation Operations Subcommittee or of the full Aviation Rulemaking Advisory Committee. An individual who has expertise in the subject matter and wishes to become a member of the working group should write the person listed under the caption **FOR FURTHER INFORMATION CONTACT** expressing that desire and describing his or her interest in the task and the expertise he or she would bring to the working group. The request will be reviewed with the subcommittee chair and working group leader, and the individual advised whether or not the request can be accommodated.

The Secretary of Transportation has determined that the formation and use of the Aviation Rulemaking Advisory Committee and its subcommittees are necessary in the public interest in connection with the performance of duties imposed on the FAA by law. Meetings of the full committee and any subcommittees will be open to the public except as authorized by section 10(d) of the Federal Advisory Committee Act. Meetings of the Operations over the High Seas Working Group will not be open to the public, except to the extent that individuals with an interest and expertise are selected to participate. No public announcement of working group meetings will be made.

Issued in Washington, DC, on October 7, 1991.

Ron Myres,

Executive Director, General Aviation Operations Subcommittee, Aviation Rulemaking Advisory Committee.

[FR Doc. 91-24735 Filed 10-11-91; 8:45 am]

BILLING CODE 4910-13-M

National Highway Traffic Safety Administration

Petition for Exemption From the Vehicle Theft Prevention Standard; Nissan

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Grant of petition for exemption; correction.

SUMMARY: On September 23, 1991, this agency published a **Federal Register** notice granting a petition from Nissan Research and Development, Inc. for an exemption in whole from the parts marking requirements of the vehicle theft prevention standard for a new Nissan car line that will be introduced in Model Year 1993. This notice makes clear that scope of the grant of the petition applies to all of Nissan Motor Company, Ltd., a Japanese corporation, not just to Nissan Research and Development, Inc., an American subsidiary of Nissan Motor Company, Ltd.

EFFECTIVE DATE: This notice is effective October 15, 1991.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Gray, Office of Market Incentives, NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Ms. Gray's telephone number is (202) 366-1740.

SUPPLEMENTARY INFORMATION: On March 21, 1991, and May 23, 1991, this agency received from Nissan Research and Development, Inc., an American subsidiary of Nissan Motor Company, Ltd., a Japanese corporation, submissions that together constituted a petition for an exemption from the parts marking requirements of the vehicle theft prevention standard (49 CFR part 541) pursuant to the requirements of 49 CFR part 543, Petition for Exemption from the Vehicle Theft Prevention Standard for a new Nissan car line that will be introduced in Model Year 1993. In the March 21, 1991 submission, Nissan Research and Development, Inc. stated that it was submitted "with specific authorization from Nissan Motor Company, Ltd., of Tokyo, Japan." On September 23, 1991, this agency published in the **Federal Register** a notice granting the petition from Nissan Research and Development, Inc. (see 56 FR 47983).

This notice clarifies the application of that grant. It applies to all of Nissan Motor Company, Ltd. (NMC), not just to Nissan Research and Development, Inc., which submitted the petition on behalf of NMC.

This notice imposes no duties or responsibilities on any party, nor does it make any substantive changes to the September 23, 1991 **Federal Register** notice granting the petition. This notice simply ensures that there is no ambiguity regarding the corporate entities affected by the granting of the petition for exemption from parts marking.

Issued on: October 8, 1991.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 91-24680 Filed 10-11-91; 8:45 am]

BILLING CODE 4910-59-M

Research and Special Programs Administration

Office of Hazardous Materials Safety; Applications for Exemptions

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applicants for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Transportation has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before November 14, 1991.

ADDRESS COMMENTS TO: Dockets Branch, Research and Special Programs, Administration, U.S. Department of Transportation, Washington, DC 20590. Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption application number.

FOR FURTHER INFORMATION: Copies of the applications are available for inspection in the Dockets Branch, room 8426, Nassif Building, 400 7th Street, SW., Washington, DC.

NEW EXEMPTIONS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
10683-N	Schering AG, D-4709 Bergkamen, Germany.	49 CFR 173.134(5)	To authorize shipment of pyrophoric liquids and flammable liquids in non-DOT specification portable tanks. (modes 1, 2, 3)
10684-N	Minnesota Valley Engineering, Inc., New Prague, MN.	49 CFR 173.320, 176.76(h)(1)	To manufacture, mark and sell non-DOT specification portable tanks equipped with road relief valves set at not over 15 psig for shipment of liquid nitrogen classed as non-flammable gas. (mode 3)
10687-N	Duro-Flex Products, Inc., Foristell, MO	49 CFR 173.245(b), 173.365, 173.500, 49 CFR part 173.	To authorize the manufacture, marking and selling of non-DOT specification, non-reusable bulk box of triple wall corrugated fiberboard construction and mounted to a wood pallet base fitted with a polyethylene film liner for use in transporting corrosive and Poison B solids. (mode 1)
10688-N	Peninsula Airways Inc., Kodiak, AK	49 CFR 175.310(c)	To authorize the transportation of fuel in five gallon polyethylene containers overpacked in wooden boxes for carriage in small passenger carrying aircraft within the state of Alaska. (mode 5)
10689-N	DPC Industries Co., Houston, TX	49 CFR 174.67(i)(j)	To authorize chlorine filled tank cars to stand with unloading connections attached during unloading without the physical presence of an unloader. (mode 2)
10690-N	DX Systems Company, Houston, TX	49 CFR 174.67(i)(j)	To authorize chlorine filled tank cars to stand with unloading connections attached during unloading without the physical presence of an unloader. (mode 2)
10691-N	DXI Industries, Inc., Houston, TX	49 CFR 174.67(i)(j)	To authorize chlorine filled tank cars to stand with unloading connections attached during unloading without the physical presence of an unloader. (mode 2)
10692-N	Technical Manufactured Products, Jasper, GA.	49 CFR 178.61-11, 178.61-5	To authorize the manufacture, marking and selling of non-DOT specification cylinders constructed of ASTM A240 type 304L stainless steel built to 4BW specification to store and transport liquified petroleum gas. (mode 1)
10693-N	Vertex Chemical Corporation, Saint Louis, MO.	49 CFR 174.67(i)(j)	To authorize chlorine filled tank cars to stand with unloading connections attached during unloading with the physical presence of an unloader. (mode 2)

This notice of receipt of applications for new exemptions is published in accordance with part 107 of the Hazardous Materials Transportations Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC. on October 8, 1991.

J. Suzanne Hedgepeth,

Chief, Exemptions Branch, Office of Hazardous Materials Exemptions and Approvals.

[FR Doc. 91-24717 Filed 10-11-91; 8:45 am]

BILLING CODE 4910-60-M

Office of Hazardous Materials Safety; Applications for Modification of Exemptions or Applications to Become a Party to an Exemption

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applications for modification of exemptions or applications to become a party to an exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Requests for modifications of exemptions (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) are described in footnotes to the application number. Application numbers with the suffix "X" denote a modification request. Application numbers with the suffix "P" denote a party to request. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comments must be received on or before October 30, 1991.

ADDRESS COMMENTS TO: Dockets Unit, Research and Special Programs, Administration, U.S. Department of Transportation, Washington, DC 20590. Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption number.

FOR FURTHER INFORMATION: Copies of the applications are available for inspection in the Dockets Unit, room 8426, Nassif Building, 400 7th Street SW., Washington, DC.

Application No.	Applicant	Renewal of exemption
6971-X	Ultra Scientific, Inc., North Kingstown, RI (See Footnote 1).	6971
8710-X	Akzo Chemicals, Inc., Chicago, IL (See Footnote 2).	8710
8725-X	CNG Cylinder Company of North America, Long Beach, CA (See Footnote 3).	8725
9418-X	West Texas Fabrication, Odessa, TX (See Footnote 4).	9418
10318-X	Sonoco Fibre Drum, Inc., Lombard, IL (See Footnote 5).	10318

[1] To modify the exemption to substitute a heat-sealed 30 ounce Mylar bag for the conventional metal can/slip lid system for shipment of analytical standards.

[2] To authorize an alternative cargo tank design and change and modify the existing cargo tanks currently authorized for the shipment of organic peroxide solutions, n.o.s. classed as flammable liquids.

[3] To modify the exemption to increase the service pressure from 3,000 psi to 3,600 psi for non-DOT fiber reinforced plastic hoop wrapped cylinder containing certain flammable and nonflammable gases.

[4] To deleting statement "the use of a steel braided neoprene hose as a filling overflow line or manifold is prohibited" on compartmented portable tanks containing flammable or corrosive liquids.

[5] To modify the exemption to include cargo vessel as an additional mode of transportation.

Application No.	Applicant	Parties to exemption
4884-P	Worthington Cylinder Corporation, Columbus, OH.	4884
6296-P	Terra International, Inc., Sioux City, IA.	6296
6309-P	Foam Supplies, Inc., St. Louis, MO.	6309
6418-P	Royster Company, Florence, SC.	6418
6735-P	Worthington Cylinder Corporation, Columbus, OH.	6735
6765-P	Nippon Helium Inc., Yokohama, Japan.	6765
7835-P	Acetylene Gas Company, Saint Louis, MO.	7835
8214-P	Nissan Research and Development, Inc., Farmington Hills, MI.	8214
8214-P	Nissan Motor Manufacturing Corporation, Smyrna, TN.	8214
8445-P	Alliance Transportation Services, Inc., Milwaukee, WI.	8445
8554-P	Hilltop Energy, Inc., Lisbon, OH.	8554
8627-P	Chemical Consultants, Inc., Gillette, WY.	8627
9066-P	Takata Inc., Auburn Hills, MI.	9066
9275-P	Fragrance Resources, Inc., Keyport, NJ.	9275
9377-P	ICI Canada Inc., North York, Ontario, CN.	9377
9689-P	Air Products and Chemicals, Inc., Allentown, PA.	9689
9723-P	Findly Chemical Disposal, Inc., Fontana, CA.	9723
9723-P	American Environmental Management Corporation, Sacramento, CA.	9723
9723-P	Alliance Transportation Services, Inc., Milwaukee, WI.	9723
9736-P	Alliance Transportation Services, Inc., Milwaukee, WI.	9736
10094-P	Nelson Brothers, Incorporated, Parrish, AL.	10094
10239-P	Allied-Signal Inc., Morristown, NJ.	10239
10589-P	Testing Associates, La Honda, CA.	10589
10597-P	Jevic Transportation, Inc., Delanco, NJ.	10597

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with part 107 of the Hazardous Materials Transportations Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on October 8, 1991.

J. Suzanne Hedgepeth,

Chief, Exemptions Branch, Office of Hazardous Materials Exemptions and Approvals.

[FR Doc. 91-24718 Filed 10-11-91; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Call for Redemption

Washington, October 15, 1991.

To Holders of 7½ Percent Treasury Bonds of 1988-93, and Others Concerned

1. Public notice is hereby given that all outstanding 7½ percent Treasury Bonds of 1988-93 (CUSIP No. 912810 BQ 0) dated August 15, 1973, due August 15, 1993, are hereby called for redemption at par on February 15, 1992, on which date interest on such bonds will cease.

2. Full information regarding the presentation and surrender of such bonds held in coupon and registered form for redemption under this call will be found in Department of the Treasury Circular No. 300, Revised, dated March 4, 1973. Coupon bonds must have all unmatured coupons attacherd to the security upon presentation for redemption at par. If any coupons for the interest payment date of August 15, 1992, February 15, 1993, or August 15, 1993, are missing the full face amount of the missing coupons will be deducted from the par value.

3. Such bonds held in book-entry form will be paid automatically on February 15, 1992, whether held on the books of the Federal Reserve Banks or in Treasury Direct accounts.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 91-24803 Filed 10-10-91; 1:10 pm]

BILLING CODE 4810-40-M

[Number: 101-05]

Reporting Relationships and Supervision of Officials, Offices and Bureaus, Delegation of Certain Authority, and Order of Succession in the Department of the Treasury

October 4, 1991.

By virtue of the authority vested in me as Secretary of the Treasury, including the authority vested in me by 31 U.S.C. 321(b), it is ordered that:

1. The Deputy Secretary shall report directly to the Secretary.

2. The Assistant Secretary (Policy Management) and Counselor to the Secretary shall report directly to the Secretary, except that with respect to supervision of the Executive Secretariat the Assistant Secretary (Policy Management) and Counselor to the Secretary shall report through the Deputy Secretary to the Secretary.

3. The following officials shall report through the Deputy Secretary to the Secretary and shall exercise supervision over those officers and organizational entities set forth on the attached organizational chart:

Under Secretary (International Affairs).
Under Secretary (Finance).
General Counsel.
Assistant Secretary (Enforcement).
Assistant Secretary (Legislative Affairs).
Assistant Secretary (Management).
Assistant Secretary (Public Affairs and Public Liaison).
Assistant Secretary (Tax Policy).
Inspector General.
Treasurer of the United States.
Comptroller of the Currency.
Commissioner of Internal Revenue.
Director, Office of Thrift Supervision.

4. The Assistant Secretary (Management) serves as the Department's Chief Financial Officer pursuant to the Chief Financial Officers Act of 1990, Public Law 101-576.

5. The Tax Legislative Counsel, the International Tax Counsel and the Benefits Tax Counsel provide counsel directly to the Assistant Secretary (Tax Policy), but are supervised by the General Counsel as part of the Department's Legal Division.

6. The Deputy Secretary is authorized, in that official's own capacity and that official's own title, to perform any functions the Secretary is authorized to perform and shall be responsible for referring to the Secretary any matter on which action would appropriately be taken by the Secretary.

7. The Under Secretaries, the General Counsel, and the Assistant Secretaries are authorized to perform any functions the Secretary is authorized to perform. Each of these officials will ordinarily perform under this authority only functions which arise out of, relate to, or concern the activities or functions of, or the laws administered by or relating to, the bureaus, offices, or other organizational units over which the incumbent has supervision. Each of these, officials shall perform under , this authority in the official's own capacity and the official's own title and shall be responsible for referring to the Secretary any matter on which action would appropriately be taken by the Secretary. Any action heretofore taken by the Deputy Secretary or any of these officials in the incumbent's own title is hereby affirmed and ratified as the action of the Secretary.

8. The following officials shall, in the order of succession indicated, act as Secretary of the Treasury in case of the death, resignation, absence or sickness of the Secretary and other officers succeeding the incumbent, until a successor is appointed, or until the absence or sickness shall cease:

a. Deputy Secretary;
b. Under Secretary (International Affairs);
c. Under Secretary (Finance);
d. Assistant Secretary (Policy Management) and Counselor to the Secretary;
e. General Counsel; and
f. Assistant Secretaries, appointed by the President with Senate confirmation, in the order designated by the Secretary.

9. Treasury Order 101-05, "Reporting Relationships and Supervision of Officials, Offices and Bureaus, Delegation of Certain Authority, and Order of Succession in the Department of the Treasury," dated November 16, 1990, is superseded as of this date. To the extent that any provision of any other Order of the Department is inconsistent with any provision of this Order, the provisions of this Order shall govern.

Nicholas F. Brady,

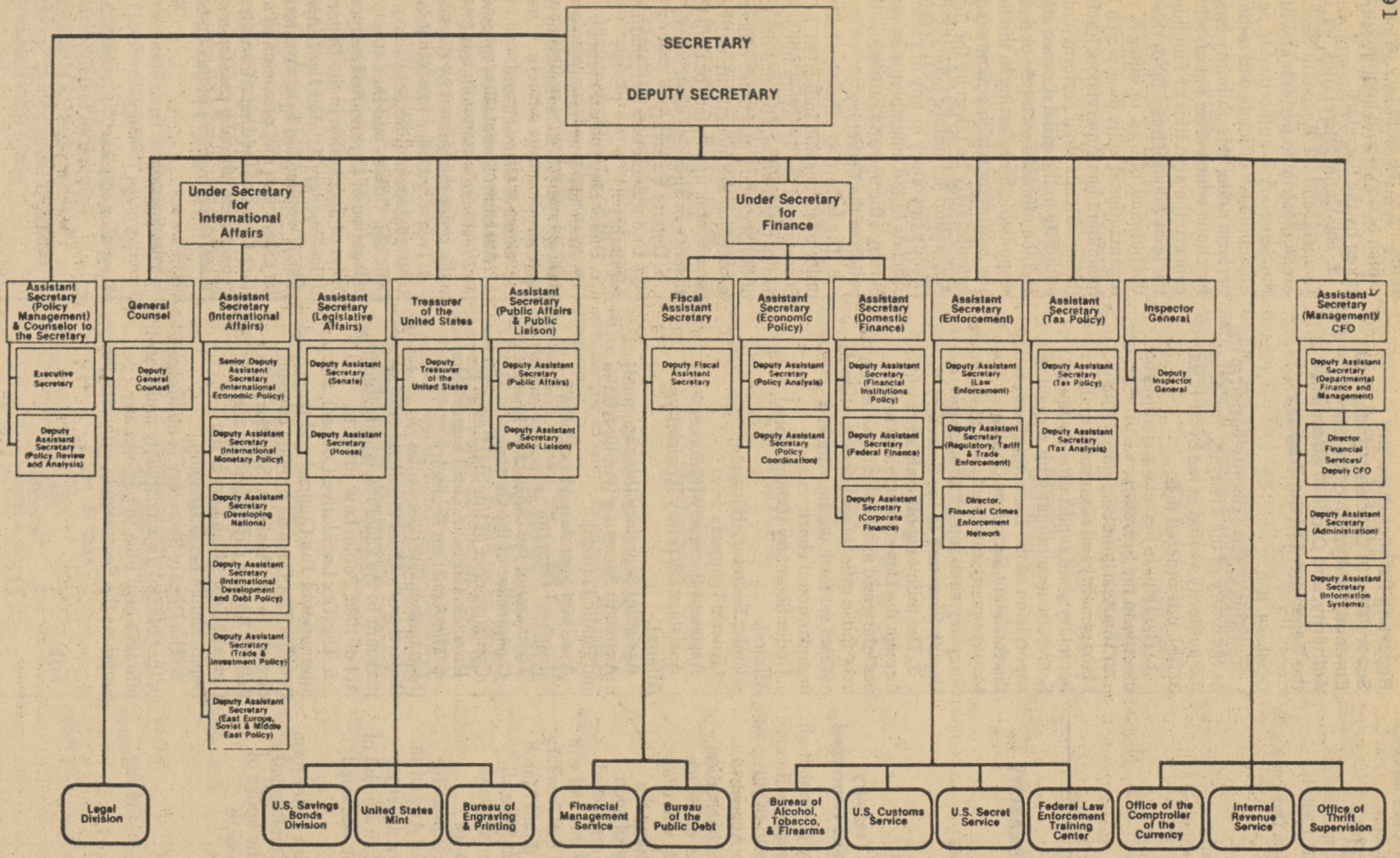
Secretary of the Treasury.

BILLING CODE 4810-25-M

TO 101-05
10-04-91

ATTACHMENT

THE DEPARTMENT OF THE TREASURY



[1] Assistant Secretary (Management) is the Chief Financial Officer (CFO).

Approved: Nicholas Brady

[FR Doc. 91-24723 Filed 10-11-91; 8:45 am]

BILLING CODE 4810-25-C

[Number 150-02]

Establishment of Certain Offices in the National Office of the Internal Revenue Service

October 4, 1991.

1. By the authority vested in me as Secretary of the Treasury by 31 U.S.C. 321(b); sections 7801(a), 7802 and 7803 of the Internal Revenue Code of 1986; and Reorganization Plan No. 1 of 1952, pursuant to section 7804(a) of the Internal Revenue Code, all offices in the National Office of the Internal Revenue Service (IRS) continue uninterrupted as they existed prior to this Order, except that the description of the organizational structure of the Office of Chief Counsel set forth in paragraph 9. below is modified to incorporate those changes made necessary by a reorganization of the Office of Chief Counsel which has been approved and effected by the General Counsel under the authority delegated in Treasury Order 107-04.

2. Except for the specific positions and titles in paragraphs 3. through 8. of this Order, the Commissioner may create, abolish, or modify offices and positions within the Internal Revenue Service as may be necessary to effectively and efficiently administer the tax laws or other responsibilities assigned to the Internal Revenue Service. The authority of the Commissioner to create, abolish, or modify offices under this delegation is subject only to limitations that exist by law or Department of the Treasury rules and regulations.

3. *Office of Commissioner of Internal Revenue.* The Office of the Commissioner shall consist of the Commissioner, Deputy Commissioner, Chief Operations Officer, Chief Financial Officer, Chief Information Officer, Chief Inspector, and Assistants to the Commissioner and Deputy Commissioner.

4. *Deputy Commissioner.* The Deputy Commissioner is the highest career official in the Service and has line authority over all IRS officials and operations, except the Chief Inspector. The Deputy Commissioner is responsible for the following activities.

a. Assists and acts for the Commissioner in planning, directing, coordinating and controlling the policies, programs and other activities of the Internal Revenue Service.

b. Assists the Commissioner in establishing tax administration policy and developing strategic issues and objectives as a basis for strategic management of the Service.

c. Supervises the Chief Financial Officer, Chief Operations Officer, Chief Information Officer, and Assistants to the Commissioner and Deputy Commissioner.

5. *Chief Operations Officer.* The Chief Operations Officer is the principal advisor to the Commissioner and Deputy Commissioner on policy and operational matters affecting field functions. The Chief Operations Officer is responsible for the following activities.

a. Serves as national spokesperson for the field operations functions, which include:

(1) Assisting taxpayers in complying with the tax laws;

(2) Processing tax returns and information documents;

(3) Accounting for revenue collected by the Service;

(4) Collecting delinquent accounts;

(5) Investigating delinquent taxpayers;

(6) Investigating criminal tax fraud;

(7) Examining tax returns;

(8) Approving and examining employee plans and exempt organizations;

(9) Tax treaty administration; and

(10) Foreign tax administration assistance and disclosure.

b. Supervises the Regional Commissioners and the following Assistant Commissioners: Collection, Criminal Investigation, Employee Plans and Exempt Organizations, Examination, International, Returns Processing, and Taxpayer Services.

c. As designated by the Commissioner or Deputy Commissioner, represents the Service to other executive branch agencies, the Congress, other tax authorities and the public on field operations and major cross-functional issues.

6. *Chief Financial Officer.* The Chief Financial Officer is the principal advisor to the Commissioner and Deputy Commissioner on Servicewide planning and the management of human and financial resources. The Chief Financial Officer is responsible for the following activities.

a. Serves as national spokesperson for the planning and management of resources functions, which include:

(1) Administering the Strategic Management System;

(2) Conducting research;

(3) Formulating budgets and controlling their execution;

(4) Administering human resource policies, facilities and logistical support; and

(5) Contracting.

b. Serves as the Services's Chief Financial Officer, and in that capacity establishes, practices, procedures, standards, and controls for the Service's financial systems.

c. Supervises the following Assistant Commissioners: Finance/Controller, Planning and Research, Procurement, and Human Resources and Support.

d. As designated by the Commissioner or Deputy Commissioner, represents the Service to other executive branch agencies, the Congress, other tax authorities, and the public on Servicewide planning, management of resources, and major cross-functional issues.

7. *Chief Information Officer.* The Chief Information Officer is the principal advisor to the Commissioner and Deputy Commissioner on Servicewide information resources and technology management. The Chief Information Officer is responsible for the following activities.

a. Serves as the Service's main spokesperson on the planning and management of information resources, including:

(1) Strategic technology planning;

(2) Data administration;

(3) Technology standards; and

(4) Telecommunications.

b. Establishes policies and standards affecting these functions and the development and acquisition of computer hardware and software.

c. Provides the focus for technology management within the Service and plays an essential role in shaping technology goals and programs and fostering a shared commitment to them.

d. Supervises the Assistant Commissioner (Information Systems Development) and the Assistant Commissioner (Information Systems Management).

e. As designated by the Commissioner or Deputy Commissioner, represents the Service to other executive branch agencies, the Congress, other tax authorities, and the public on Servicewide information resources and technology management and major crossfunctional issues.

8. *Chief Inspector.* The Chief Inspector shall, to ensure objectivity and integrity, report directly to the Commissioner.

9. *Chief Counsel.* The Office of Chief Counsel is an office within the Department of the Treasury Legal Division. The Chief Counsel, pursuant to delegated authority from the General Counsel, is authorized to take necessary action on certain personnel and administrative matters pertaining to the Office of Chief Counsel, including but not limited to those for the appointment, classification, promotion, demotion, reassignment, transfer or separation of officers or employees; however, all personnel and administrative matters concerning Senior Executive Service or

Performance Management Recognition System employees in the Offices of Associate Chief Counsel (International), (Domestic), and (Employee Benefits and Exempt Organizations) whose primary duties do not involve litigation, and the Office of the National Director of Appeals, shall be approved by the Commissioner of Internal Revenue prior to implementation.

a. The National Director of Appeals is supervised by the Chief Counsel. The Commissioner of Internal Revenue exercises line supervision over the Chief Counsel for this function.

b. The Commissioner of Internal Revenue will exercise the Service's final authority concerning substantive interpretation of the tax laws as reflected in legislative and regulatory proposals, revenue rulings, letter rulings, and technical advice memoranda.

10. *Cancellation.* This Order supersedes Treasury Order 150–02, "Establishment of Certain Offices in the National Office of the Internal Revenue Service," dated December 10, 1990.

Nicholas F. Brady,

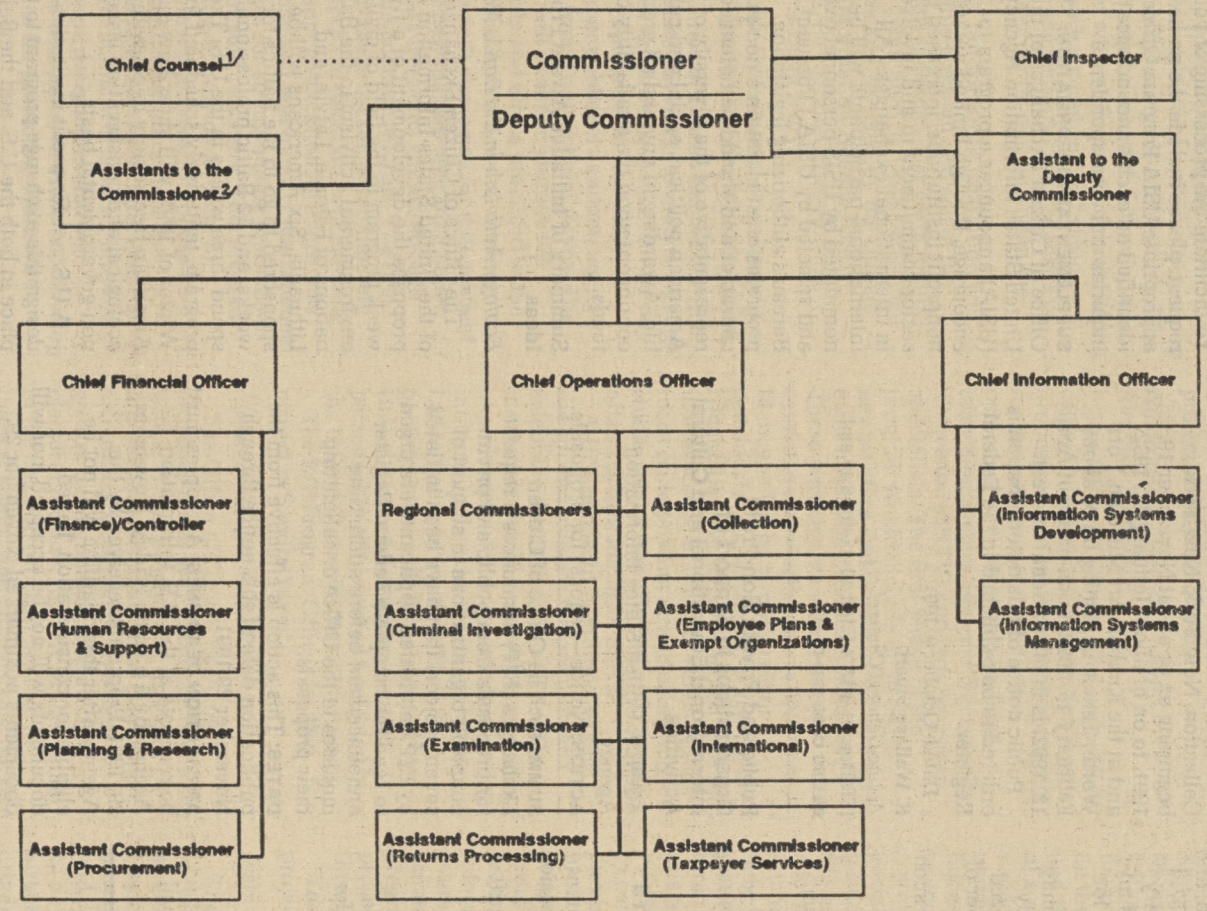
Secretary of the Treasury.

BILLING CODE 4810–25–M

TO 150-02
10-04-91

ATTACHMENT

The Internal Revenue Service



1/ Chief Counsel is part of the Legal Division, Department of the Treasury.

2/ Public Affairs, Legislative Liaison, Taxpayer Ombudsman, Equal Opportunity, and Quality.

Approved: _____

DEPARTMENT OF THE TREASURY

[FR Doc. 91-24724 Filed 10-11-91; 8:45 am]
BILLING CODE 4810-25-C

[Number: 100-10]

Designation of the Under Secretary for International Affairs To Serve on the Environment for the Americas Board

October 4, 1991.

By virtue of the authority vested in me as Secretary of the Treasury, including the authority in 31 U.S.C. 321(b), and pursuant to section 610 of the Agricultural Trade Development and Assistance Act of 1954, as amended, and section 4(a) of Executive Order 12757, I hereby designate the Under Secretary for International Affairs to serve as my representative on the Environment for the Americas Board. The Under Secretary for International Affairs may exercise any power and perform any function and duty that I am authorized to exercise and perform as a member of the Environment for the Americas Board, with authority to redelegate such authority.

Nicholas F. Brady,

Secretary of the Treasury.

[FR Doc. 91-24722 Filed 10-11-91; 8:45 am]

BILLING CODE 4810-25-M

Office of Thrift Supervision

Atascosa Federal Savings Bank; Replacement of Conservator With a Receiver

Notice is hereby given that, pursuant to the authority contained in subdivision (F) of section 5(d)(2) of the Home Owner's Loan Act, the Office of Thrift Supervision duly replaced the Resolution Trust Corporation as Conservator for Atascosa Federal Savings Bank, Jourdanton, Texas ("Association"), with the Resolution Trust Corporation as sole receiver for the Association on August 2, 1991.

Dated: October 8, 1991.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 91-24710 Filed 10-11-91; 8:45 am]

BILLING CODE 6720-01-M

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation Order No. 85-5 of June 27, 1985 (50 FR 27393, July 2, 1985), I hereby determine that the objects to be included in the exhibit "Nicolas Lancret/1690-1743" (see list [1]), imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to a loan agreement with the foreign lender. I also determine that the temporary exhibition or display of the listed exhibit objects at the Frick Collection, New York, New York, beginning on or about November 19, 1991, to on or about January 12, 1992, and at the Kimbell Art Museum, Fort Worth, Texas, beginning on or about February 15, 1992, to on or about April 12, 1992, is in the national interest.

Public notice of this determination is ordered to be published in the **Federal Register.**

Dated: October 9, 1991.

R. Wallace Stuart,

Acting General Counsel.

[FR Doc. 91-24774 Filed 10-11-91; 8:45 am]

BILLING CODE 8230-01-M

Public and Private Non-Profit Organizations in Support of International Educational and Cultural Activities

AGENCY: United States Information Agency.

ACTION: Notice—request for proposals.

SUMMARY: The Office of Citizen Exchanges (E/P) announces a request for proposals from public and private nonprofit organizations in support of seven projects that have been initiated by E/P. Interested applicants are urged to read the complete **Federal Register** announcement before addressing inquiries to the Office or submitting their proposals.

DATES: This action is effective from the publication date of this notice through November 29 1991.

APPLICATION DEADLINES: All copies must be received at the U.S. Information Agency by 5 p.m. on Friday, November 29, 1991. Proposals received by the Agency after this deadline will not be eligible for consideration. Faxed documents will not be accepted, nor will documents postmarked November 29, 1991, but received at a later date.

ADDRESSES: The original and 15 copies of the completed application, including required forms, should be submitted by the deadline to: U.S. Information Agency, Office of the Executive Director (E/X), attn: Citizen Exchanges—Initiatives, room 336, 301 4th Street SW., Washington, DC 20547.

FOR FURTHER INFORMATION CONTACT: The Office of Citizen Exchanges, Bureau of Educational and Cultural Affairs, United States Information Agency, 301 4th Street SW., Washington, DC 20547. To facilitate the processing of your request, please include the name of the appropriate USIA Program Officer, as identified on each announcement, on all inquiries and correspondence.

SUPPLEMENTARY INFORMATION: The Office of Citizen Exchanges of the United States Information Agency (USIA) announces a program to encourage, through limited awards to nonprofit institutions, increased private sector commitment to and involvement in international exchanges. (All international participants will be nominated by USIS personnel overseas and selected by USIA.) Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social and cultural life. Awarding of any and all grants is contingent upon the availability of funds.

Summary of Initiative Award Program Ideas

Ecology Activism in the Baltic Nations

The Office of Citizen Exchanges (E/P) of the United States Information Agency proposes the development of a five-week program in the field of civil environmental activism in the Baltic nations of Estonia, Latvia, and Lithuania. Six Americans will be sponsored to go to the Baltics for two weeks, and 12 Baltic professionals will spend three weeks in the U.S. The program, tentatively scheduled for Winter of 1991, will show how our American free society deals with ecological and conservation issues on a non-governmental basis.

A U.S. not-for-profit institution will design this exchange program to take place in both the U.S. and the Baltic countries. The grantee will select the American participants. The foreign participants will be selected by the United States Information Agency (USIA) with the cooperation of its posts with the advice of the grantee institution.

The E/P Program Officer for this project is Ludmila Foster.

[1] A copy of this list may be obtained by contacting Ms. Lorie J. Nierenberg of the Office of the General Counsel of USIA. The telephone number is 202/619-6975, and the address is U.S. Information Agency, 301 Fourth Street, SW., room 700, Washington, DC 20547.

Asset Seizure Laws and the Protection of Individual Rights

The Office of Citizen Exchanges proposes the development of a two-week program for up to 12 participants from Australia, Hong Kong, Indonesia, Malaysia, Singapore and Thailand. This exchange program will explain and encourage the passage of legislation on asset seizure and conspiracy which meets the needs of law enforcement agencies without infringing upon individual rights and civil liberties, using the U.S. experience as a case study. The grantee may be asked to follow up this program with visits to one or more of the participating countries and should include suggestions for these visits in both the program outline and in the budget.

A U.S. not-for-profit institution will design this program and select the American speakers. The participants will be nominated by USIS personnel overseas and selected by the United States Information Agency (USIA).

The E/P Program Officer for this project is Hugh Ivory.

Project for Professional Development of Media Managers in Francopone Africa

The Office of Citizen Exchanges (E/P) of the United States Information Agency proposes the development of a two-day exchange program for up to 12 newspaper publishers and managing editors from Francophone Africa. The project will examine journalistic standards and ethics practiced in the United States and develop business management strategies for independent African newspapers operating under new press freedoms gained through recent democratic reforms. The first phase of the program, approximately three weeks in duration, will examine newspaper publication as a business enterprise and will identify management strategies for strengthening journalism skills for staff reporters. This program segment will provide a forum for identifying objectives for follow-on activities to take place in each participating country. During Phase II, U.S. consultants will conduct intensive workshops designed to sharpen business management skills and develop strategies for promoting journalistic excellence.

A U.S. not-for-profit institution will design and execute the program and select the American speakers. The institution should demonstrate extensive experience and success in coordinating international exchange programs for senior-level foreign visitors. The potential grantee should have substantive working relationships with U.S. public and private sector organizations responsible for promoting journalistic professionalism and successful business management. African participants will be nominated by overseas personnel of the United States Information Service (USIS) and selected by the United States Information Agency (USIA). The program will take place in the spring of 1992.

The E/P Program Officer for this project is Stephen Taylor.

Nicaraguan Television Media Internship Program

The Office of Citizen Exchanges (E/P) of the United States Information Agency proposes a two-way exchange program for newscasting and production personnel of Nicaragua's national television system, Sistema Nacional de Television (SNTV) and two American specialists. The first phase of the program would include up to eight newswriters and broadcasters and up to eight television producers from SNTV. These participants would attend seminars and workshops at SNTV in Managua led by two American specialists. Subsequently, six of these Nicaraguan participants would take part in internships in the U.S. which would focus on improving newscasting and studio production of news and current affairs programming of SNTV.

A U.S. nonprofit institution would design and execute the program and select the American specialists. The institution should demonstrate extensive experience and success in coordinating international exchange programs for Latin American visitors. The participants would be nominated by United States Information Service personnel in Managua and selected by the United States Information Agency.

The E/P Program Officer for this project is Sandra Wyatt.

Mongolian Journalists Project

The Office of Citizen Exchanges proposes a two-way exchange beginning with a 21 day program for up to six Mongolian journalists (four print, two electronic), designed to give them a greater understanding of the U.S. electoral process; the role of the media in the election process; the role of interest groups and citizens; and the role of public debate and lobbying.

Tentatively scheduled for Spring 1992, the project should provide these participants with a working knowledge of American attitudes towards such things as journalistic ethics, investigation, rules of attribution and background briefings. A U.S. not-for-profit institution will design this program and select the American speakers. The participants will be nominated by staff of the American Embassy in Ulaan Baatar.

The E/P Program Officer for this project is Hugh Ivory.

University—Industry Partnerships

In support of an Asian-Pacific Economic Cooperation (APEC) Initiative—"Partnership for Education"—announced by Secretary of State James Baker at the July 1990 APEC Ministerial meeting in Singapore, the Office of Citizen Exchanges proposes the development of a program focusing on the relationship between Industry and the University in the development of a viable work force. Participants would be business leaders and university and Ministry of Higher Education officials involved in business education from selected APEC countries. This project will have two parts. In the initial phase, up to 10 participants will come to the United States to learn about the ways in which American universities and corporations interact for their mutual benefit and the benefit of society as a whole. The grantee institution will then select up to three American specialists to follow up this program several months later with visits to some of the nations represented to conduct activities to be decided during the first phase. A U.S. not-for-profit institution will design this program and select the American speakers and participants. The APEC participants will be nominated by U.S. Information Service (USIS) personnel overseas and selected by the United States Information Agency (USIA). This program is designed to complement programs sponsored by the Agency for International Development.

The E/P Program Officer for this project is Hugh Ivory.

Justice and Journalism (Mexico)

The Office of Citizen Exchanges (E/P) of the United States Information Agency proposes the development of a study/observation tour for up to 10 senior newspaper writers, international editors and columnists from Mexico. The 10 to 12 day program would examine the structure and functioning of the U.S. criminal justice system. Through discussions with U.S. journalists, the program would examine legal affairs reporting as a journalistic specialty and analyze media-government relations in the United States. Using specific case studies, the program would illustrate the process of criminal procedure and analyze media coverage of criminal trials. Discussion topics should include

U.S. media coverage of drug abuse issues. This program could serve as the basis for a future project in which U.S. journalism professionals would travel to Mexico to conduct workshops on legal affairs reporting and news gathering techniques. Program proposals should include suggestions for the follow-on activities and a proposed budget.

A U.S. not-for-profit institution will design and execute the program and select the American speakers. The institution should demonstrate extensive experience and success in coordinating international exchange programs for senior level foreign visitors. It should also exhibit substantive working relationships with U.S. public and private sector organizations responsible for analyzing criminal justice issues and journalistic standards and ethics. The Mexican participants will be nominated by overseas personnel of the United States Information Service (USIS) and selected by the United States Information Agency (USIA). The program will take place in the spring of 1992.

The E/P Program Officer for this project is Stephen Taylor.

Funding and Budget Requirements for All Submissions

Since USIA assistance constitutes only a portion of total project funding, proposals should list and provide evidence of other anticipated sources of support. Applications should demonstrate substantial financial and in-kind supporting using a three-column format that clearly displays cost-sharing support of proposed projects. Those budgets including funds from other sources should provide firm evidence of the funds. The required format follows:

	USIA support	Cost sharing	Total
Total.....	$	$	$

Funding assistance is limited to project costs as defined in the Project Proposal Information Requirements (OMB #3116–0175, provided in application packet) with modest contributions to defray total administrative costs (salaries, benefits, other direct and indirect costs). USIA-funded administrative costs are limited to 22 (twenty-two) per cent of the total funds requested. The recipient institution may wish to cost-share any of these expenses.

Organizations with less than four years experience in conducting international exchange programs are limited to $60,000 of USIA support, and their budget submissions should not exceed this amount. (Awarding of any and all grants is contingent upon the availability of funds.)

Application Requirements

Detailed concept papers and application materials may be obtained by writing to: The Office of Citizen Exchanges (E/P), United States Information Agency, room 216, 301 4th Street SW., Washington, DC 20547.

Attention: (Name of the appropriate E/P Program Officer)

Inquiries concerning technical requirements are welcome.

Proposals must contain a narrative which includes a complete and detailed description of the proposed program activity as follows:

1. A brief statement of what the project is designed to accomplish; how it is consistent with the purposes of the USIA award program; and how it elates to USIA's mission.
2. A concise description of the project, spelling out complete program schedules and proposed itineraries, who the participants will be, where they will come from and how they will be selected.
3. A statement of what follow-up activities are proposed; how the project will be evaluated; what groups, beyond the direct participants, will benefit from the project and how they will benefit.
4. A detailed three-column budget.
5. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion, Primary Covered and Lower Tier Covered Transactions, forms IA–1279 and IA–1289.
6. Compliance with office of Citizen Exchanges Additional Guidelines for Conferences (if applicable).
7. Compliance with Travel Guidelines for organizations Inside and Outside Washington, DC (if and as applicable).
8. For proposals requesting $100,000 or more, Certification for Contracts, Grants and Cooperative Agreements, form M/KG-13.
9. For proposals requesting $100,000 or more, Disclosure of Lobbying Activities (OMB #0348–0046).

Note: All required forms will be provided with the application packet.

Review Process

USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines established herein an in the application packet. Eligible proposals will be forwarded to panels of USIA officers for advisory review. All eligible proposals will also be reviewed by the Agency's Office of General Counsel, the appropriate geographic area office, and the budget and contracts offices. Funding decisions are at the discretion of the Associate Director for Educational and Cultural Affairs. Final technical authority for grant awards resides with USIA's contracting officer.

Review Criteria

USIA will consider proposals based on the following criteria:

1. Quality of Program Idea: Proposals should exhibit originality, substance, rigor, and relevance to Agency mission.
2. Institution Reputation/Ability/Evaluations: Institutional recipients should demonstrate potential for program excellence and/or track record of successful programs, including responsible fiscal management and full compliance with all reporting requirements for past Agency grants as determined by USIA's Office of Contracts (M/KG). Relevant evaluation results of previous projects are part of this assessment.
3. Project Personnel: Personnel's thematic and logistical expertise should be relevant to the proposed program.
4. Program Planning: Detailed agenda and relevant work plan should demonstrate substantive rigor and logistical capacity.
5. Thematic Expertise: Proposal should demonstrate expertise in the subject area which guarantees an effective sharing of information.
6. Cross-Cultural Sensitivity/Area Expertise: Evidence of sensitivity to historical, linguistic, and other cross-cultural factors; relevant knowledge of geographic area.
7. Ability to Achieve Program Objectives: Objectives should be reasonable, feasible, and flexible. Proposal should clearly demonstrate how the institution will meet the program's objectives.
8. Multiplier Effect: Proposed programs should strengthen long-term mutual understanding, to include maximum sharing of information and establishment of long-term institutional and individual ties.
9. Cost-Effectiveness: The overhead and administrative components should be kept as low as possible. All other items should be necessary and appropriate to achieve the program's objectives.
10. Cost-Sharing: Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions.
11. Follow-on Activities: Proposals should provide a plan for continued

exchange activity (without USIA support) which insures that USIA supported programs are not isolated events.

12. Project Evaluation: Proposals should include a plan to evaluate the activity's success.

Notice

The terms and conditions published in this RFP are binding and may not be modified by any USIA representative. Explanatory information provided by the Agency that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. Final award cannot be made until funds have been fully appropriated by Congress, allocated and committed through internal USIA procedures.

Notification

All applicants will be notified of the results of the review process on or about April 15, 1992. Awarded grants will be subject to periodic reporting and evaluation requirements.

Dated: October 2, 1991.

William Glade,

Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 91-24657 Filed 10-11-91; 8:45 am]

BILLING CODE 8230-01-M

Sunshine Act Meetings

Federal Register
Vol. 56, No. 199
Tuesday, October 15, 1991

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

DEPARTMENT OF ENERGY
FEDERAL ENERGY REGULATORY COMMISSION

Notice of Closed Meeting

October 9, 1991.

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94–409), 5 U.S.C. 552b:

DATE AND TIME: October 16, 1991, 9:00 a.m.

PLACE: 825 North Capitol Street, N.E., Room 9306, Washington, D.C. 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

(1) Project No. 4632, Clifton Power Corporation
(2) Docket No. IN83–2–000, Various Producer-Owned Natural Gas Processing Plants
(3) Docket No. CP91–2315–000, Boston Gas Company
Distrigas of Massachusetts Corporation
Docket No. CP91–1111–000, Algonquin Gas Transmission Company
(4) Docket No. CP91–1253–000, WestGas InterState, Inc.
(5) Docket No. CP91–3091–000, Questar Pipeline Company
(6) Docket Nos. CP73–108 and CP87–134–000, Transwestern Pipeline Company

CONTACT PERSON FOR MORE INFORMATION: Lois D. Cashell, Secretary, Telephone (202) 208–0400.

Lois D. Cashell,

Secretary.

[FR Doc. 91–24873 Filed 10–10–91; 12:07 pm]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY
FEDERAL ENERGY REGULATORY COMMISSION

Notice

October 9, 1991.

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94–409), 5 U.S.C. 552b:

DATE AND TIME: October 16, 1991, 10:30 a.m. (Approximate time following closed meeting).

PLACE: 825 North Capitol Street N.E., Room 9306, Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Lois D. Cashell, Secretary, Telephone (202) 208–0400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Reference and Information Center.

Consent Agenda—Hydro, 945th Meeting—October 16, 1991, Regular Meeting (10:30 a.m.)

CAH–1.
Omitted
CAH–2.
Project No. 2756–035, Burlington Electric Department Winooski One Partnership
CAH–3.
Project No. 2389–007, August Development Corporation and Edwards Manufacturing Company, Inc.
CAH–4.
Project No. 8121–003, Warren B. Nelson
CAH–5.
Omitted
CAH–6.
Project No. 3188–005, Joseph M. Keating
CAH–7.
Project No. 3194–010, Joseph M. Keating
CAH–8.
Project No. 6188–014, Camille E. Held, Walter B. Held, A.W. Stuart Trust, W. Titus Nelson and Dale E. Grenoble
CAH–9.
Docket No. EL90–33–000, McRay Energy Inc.

Consent Agenda—Electric

CAE–1.
Omitted
CAE–2.
Docket No. ER91–499–001, Pacific Gas and Electric Company
CAE–3.
Docket No. ER84–75–012 (Phase I), Southern California Edison Company
CAE–4.
Docket Nos. ER91–150–002 and EL91–29–001, Southern Company Services, Inc.
CAE–5.
Docket No. EL89–53–001, Blue Ridge Power Agency, Central Virginia Electric Cooperative, Inc. and Craig-Botetourt Electric Cooperative, Inc. v. Appalachian Power Company
Docket Nos. ER90–132–001 and ER90–133–001, Appalachian Power Company
CAE–6.
Docket Nos. EL89–7–001 and FA86–63–001, Louisiana Power & Light Company
CAE–7.
Docket Nos. EL91–25–000 and EC91–10–000, Doswell Limited Partnership
CAE–8.
Omitted
CAE–9.
Docket No. EL91–28–000, North Carolina Electric Membership Corporation and Brunswick Electric Membership Corporation v. Carolina Power & Light Company
Docket No. EL91–54–000, Carolina Power & Light Company
CAE–10.
Docket No. ER90–587–000, Nevada Power Company
CAE–11.
Docket Nos. ER91–143–004 and EL91–15–004, Public Service Company of New Hampshire
CAE–12.
Docket No. ER91–306–000, Kanawha Valley Power Company
CAE–13.
Docket Nos. ER90–349–006, ER90–406–003 and ER91–21–003, Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin)

Consent Agenda—Oil and Gas

CAG–1.
Docket No. RP89–183–033, Williams Natural Gas Company
CAG–2.
Omitted
CAG–3.
Docket No. RP91–223–000, Trunkline Gas Company
CAG–4.
Omitted
CAG–5.
Docket No. RP86–10–011, Williston Basin Interstate Pipeline Company
CAG–6.
Docket Nos. RP89–251–016 and TA90–1–1–012, Alabama-Tennessee Natural Gas Company
CAG–7.
Docket No. RP84–13–006, Michigan Consolidated Gas Company-Interstate Storage Division
CAG–8.
Docket No. RP91–159–000, Florida Gas Transmission Company
CAG–9.
Docket Nos. TA84–2–37–012 and FA84–9–000, Northwest Pipeline Corporation
CAG–10.
Docket No. TA91–1–49–002, Williston Basin Interstate Pipeline Company
CAG–11.
Docket No. TA91–1–27–002, North Penn Gas Company
CAG–12.
Docket Nos. TQ90–3–32–001, 003, RP90–126–001 and 003, Colorado Interstate Gas Company
CAG–13.
Docket No. GT91–25–001, Viking Gas Transmission Company
CAG–14.
Omitted
CAG–15.

Docket No. RP91–183–001, Midwestern Gas Transmission Company
CAG–16.
Docket No. RP91–199–001, Colorado Interstate Gas Company
CAG–17.
Omitted
CAG–18.
Omitted
CAG–19.
Docket No. RP91–189–001, Midwestern Gas Transmission Company
CAG–20.
Docket No. RP91–194–001, Algonquin Gas Transmission Company
Docket No. RP91–195–001, Texas Eastern Transmission Corporation
CAG–21.
Omitted
CAG–22.
Docket Nos. RP84–42–013, United Gas Pipe Line Company
CAG–23.
Omitted
CAG–24.
Docket No. RP91–162–001, El Paso Natural Gas Company
CAG–25.
Docket No. TA91–1–86–001, Pacific Gas Transmission Company
CAG–26.
Docket No. TM91–8–29–002, Transcontinental Gas Pipe Line Corporation
CAG–27.
Docket No. TM91–10–17–001, TM91–11–17–001 and RP91–72–006, Texas Eastern Transmission Corporation
CAG–28.
Docket No. TA91–1–28–003, Panhandle Eastern Pipe Line Company
CAG–29.
Docket No. RP81–85–003, Trunkline Gas Company
CAG–30.
Docket Nos. RP91–103–005, 000, 001, 002, 003, 004, RP88–205–000, 001, 002, 003, 004, 005, TM89–1–1–000, 001, 002, TM89–2–1–000, TM89–3–1–000, TM89–5–1–000, and TM90–2–1–000, Alabama-Tennessee Natural Gas Company
CAG–31.
Docket No. PR91–18–000, Aquila Gas Systems Corporation
CAG–32.
Docket No. PR90–8–000, Magnolia Pipeline Corporation
CAG–33.
Docket No. PR91–3–000, Five Flags Pipe Line Company
CAG–34.
Docket No. RI88–30–005, Phillips 66 Natural Gas Company
CAG–35.
Docket No. RI90–46–000, Unocal Exploration Corporation
CAG–36.
Docket No. GT91–16–000, Mississippi Oil and Gas Board Tight Formation Determination, Mississippi–4 LT–3 Tuscaloosa Formation in the Maxie Field, FERC No. JD91–07190T
CAG–37.
Docket No. GP91–17–000, Oklahoma Corporation Commission Tight Formation Determination, FERC No. JD91–07085T
CAG–38.
Docket No. CP91–1379–001, Kern River Gas Transmission Company
CAG–39.
Docket No. CP87–75–004, Tennessee Gas Pipeline Company
CAG–40.
Docket Nos. CP81–107–031, CP83–403–014, RP85–169–044, CP87–285–004, CP88–422–002 and CP87–389–006, CNG Transmission Corporation
CAG–41.
Docket No. CP87–75–005, Tennessee Gas Pipeline Company
CAG–42.
Docket No. CP87–75–006, Tennessee Gas Pipeline Company
CAG–43.
Docket No. CP87–358–004, Tennessee Gas Pipeline Company
Docket No. CP87–428–004, CNG Transmission Corporation
CAG–44.
Docket No. CP90–1169–001, Michigan Consolidated Gas Company
Docket No. CP90–2164–001, Natural Gas Pipeline Company of America
Docket Nos. CP77–253–028 and CP91–231–001, Panhandle Eastern Pipe Line Company
CAG–45.
Docket No. CP91–1448–001, The Peoples Natural Gas Company
CAG–46.
Docket No. CP89–634–008, Iroquois Gas Transmission System, L.P.
Docket Nos. CP89–629–000 and 001, Tennessee Gas Pipeline Company
CAG–47.
Docket Nos. RP89–186–006, RP90–20–004, RP86–35–015, 016, CP66–110–042, CP81–225–011, CP87–164–009, CP87–467–009, CP87–474–010, CP88–145–003, CP88–307–009, CP88–310–007, CP88–397–007, CP88–539–007, CP88–599–006, CP88–719–003, CP88–826–004, CP89–1251–004, CP89–1331–002, CP89–1681–005, CP89–1947–002, CP89–2196–002, CP89–2197–002, CP89–335–002, CP90–168–002, CP90–355–002 and CP89–2198–004, Great Lakes Gas Transmission Company
CAG–48.
Docket Nos. CP91–3120–000 and CP91–3121–000, Texas Eastern Transmission Corporation
CAG–49.
Docket No. CP89–524–003, City of Gallaway, Tennessee
CAG–50.
Omitted
CAG–51.
Docket No. CP91–2937–000, Colorado Interstate Gas Company
CAG–52.
Docket No. CP91–2856–000, Williston Basin Interstate Pipeline Company
CAG–53.
Docket No. CP91–3143–000, Arkla Energy Resources, a division of Arkla, Inc.
CAG–54.
Docket No. CP91–2562–000, Northwest Pipeline Company
CAG–55.
Docket Nos. CP91–569–000 and 001, Transcontinental Gas Pipe Line Corporation
CAG–56.
Docket No. CP91–1607–000, Portland General Electric Company and KB Pipeline Company
CAG–57.
Docket Nos. CP91–1573–000, CP91–1547–000, CP91–1575–000 and CP91–1576–000, Southern Natural Gas Company
CAG–58.
Docket No. CP91–1314–000, Amerada Hess Corporation
CAG–59.
Docket Nos. CP89–460–000, 001, 003, 006, 007 and CP90–1–000, Pacific Gas Transmission Company
CAG–60.
Docket No. CP90–2650–000, Cascade Natural Gas Corporation
CAG–61.
Docket No. PR91–19–000, Arkla Energy Resources, a division of Arkla, Inc.
CAG–62.
Docket No. CP91–2021–000, Questar Pipeline Company
CAG–63.
Docket No. CP91–1117–000, Tom Brown, Inc.

Hydro Agenda

H–1.
Reserved

Electric Agenda

E–1.
Docket No. ER91–457–001, Central Maine Power Company. Order on rehearing concerning late-filed rates.
E–2.
Docket No. EL91–52–000, California Energy Company, Inc. Order on request for enforcement of PURPA regulations.

Oil and Gas Agenda

I. Pipeline Rate Matters

PR–1.
Docket Nos. RP91–143–000, 001 and 003, Great Lakes Gas Transmission Limited Partnership. Order concerning issues of rolled-in *vs* incremental rates for new facilities.
PR–2.
Docket Nos. RP89–186–000 and RP90–20–000, Great Lakes Gas Transmission Limited Partnership. Order on initial decision.

II. Producer Matters

PR–1.
Reserved

III. Pipeline Certificate Matters

PC–1.
Reserved

Lois D. Cashell,

Secretary.

[FR Doc. 91–24874 Filed 10–10–91; 12:07 pm]

BILLING CODE 6717–01–M

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

TIME AND DATE 10:00 a.m., October 22, 1991.

PLACE: 5th Floor, Conference Room, 805 Fifteenth Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of the minutes of the September 16, 1991, Board meeting.
2. Thrift Savings Plan activity report by the Executive Director.
3. Review of KPMG Peat Marwick audit reports entitled "Pension and Welfare Benefits Administration Review of Backup, Recovery, and Contingency Planning of the Thrift Savings Plan at the United States Department of Agriculture, Office of Finance and Management, National Finance Center" and "Pension and Welfare Benefits Administration Review of the Thrift Savings Plan Loans Subsystem at the United States Department of Agriculture, Office of Finance and Management, National Finance Center."

CONTACT PERSON FOR MORE INFORMATION: Tom Trabucco, Director, Office of External Affairs, (202) 523–5660.

Dated: October 8, 1991.

Francis X. Cavanaugh,

Executive Director, Federal Retirement Thrift Investment Board.

[FR Doc. 91–24850 Filed 10–10–91; 10:45 am]

BILLING CODE 6760–01–M

INTERSTATE COMMERCE COMMISSION

Commission Conference

TIME AND DATE: 10:00 a.m., Tuesday, October 22, 1991.

PLACE: Hearing Room A, Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, D.C. 20423.

STATUS: The Commission will meet to discuss among themselves the following agenda items. Although the conference is open for the public observation, no public participation is permitted.

MATTERS TO BE DISCUSSED:

Docket No. 40131 (Sub–No. 1), *Ashley Creek Phosphate Company v. Chevron Pipe Line Company, et al.*

Finance Docket No. 22218, *Atchison, Topeka & Santa Fe Railway Co.—Operating Agreement—Southern Pacific Co.*

Docket No. 40385, *Huron Valley Steel Corp. v. CSX Transportation, Inc.*

Finance Docket No. 31363 (Sub–No. 1), *Association of P&C Dock Longshoremen v. The Pittsburgh and Conneaut Dock Company, et al.*

CONTACT PERSON FOR MORE INFORMATION: A. Dennis Watson, Office of External Affairs, Telephone: (202) 275–7252, TDD: (202) 275–1721.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 91–24923 Filed 10–10–91; 3:25 pm]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

FOREIGN CLAIMS SETTLEMENT COMMISSION

F.C.S.C. Meeting Notice No. 1–92

Notice of Meetings

Announcement in Regard to Commission Meetings and Hearings

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings and oral hearings for the transaction of Commission business and other matters specified, as follows:

Date, Time, and Subject Matter

Thurs., Oct. 24, 1991 at 10:30 a.m.—Consideration of Proposed Decisions on claims against Iran.

Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 601 D Street, NW., Washington, DC. Requests for information, or advance notices of intention to observe a meeting, may be directed to: Administrative Officer, Foreign Claims Settlement Commission, 601 D Street, NW., Room 10000, Washington, DC 20579. Telephone: (202) 208–7727.

Dated at Washington, D.C. on October 2, 1991.

Judith H. Lock,

Administrative Officer.

[FR Doc. 91–24825 Filed 10–10–91; 10:05 am]

BILLING CODE 4410–01–M

SECURITIES AND EXCHANGE COMMISSION

Agency Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of October 14, 1991.

A closed meeting will be held on Tuesday, October 15, 1991, at 2:30 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Schapiro, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the closed meeting scheduled for Tuesday, October 15, 1991, at 2:30 p.m., will be:

Regulatory matter regarding financial institutions.

Institution of injunctive actions.

Settlement of injunctive actions.

Institution of administrative proceedings of an enforcement nature.

Settlement of administrative proceeding of an enforcement nature.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Jonathan Gottlieb at (202) 272–2200.

Dated: October 9, 1991.

Jonathan G. Katz,

Secretary.

[FR Doc. 91–24936 Filed 10–10–91; 3:52 pm]

BILLING CODE 8010–01–M

TENNESSEE VALLEY AUTHORITY

[Meeting No. 1443]

TIME AND DATE: 10 a.m. (CDT), October 16, 1991.

PLACE: Classroom 323, Browns Ferry Nuclear Plant Training Center, Decatur, Alabama.

STATUS: Open.

AGENDA: Approval of minutes of meeting held on September 10, 1991.

ACTION ITEMS:

New Business

B—Purchase Awards

B1. Coal Purchase for Widows Creek Power Plant (Requisition 24).

B2. Purchase Contract with Voith Hydro, Inc., for Hydraulic Turbine Runners for Wilson Hydro Plant (Request for Proposal BS–79070C).

B3. Purchase Contract with Voith Hydro, Inc., for Hydraulic Turbine Runners and Wicket Gate Lock Assemblies for Chickamauga Hydro Plant (Request for Proposal BF–79041C).

C—Power

C1. Letter Agreement with Kentucky Utilities Company.

E—Real Property Transactions

E1. Acquisition of Property Affecting Approximately 100 Acres in Henry and Benton Counties, Tennessee.

E2. Grant of Permanent Easement Affecting Approximately 1.57 Acres of Kentucky Reservoir Land in Livingston County, Kentucky.

E3. Sale of Permanent Recreation Easement Affecting Approximately 0.07 Acre of Tellico Reservoir Land in Monroe County, Tennessee.

E4. Sale of Permanent Easement Affecting Approximately 0.049 Acre of Watts Bar Reservoir Land in Roane County, Tennessee.

E5. Sale of Permanent Easement Affecting Approximately 0.38 Acre of Martin Substation Property in Weakly County, Tennessee.

E6. Transfer of Approximately 558 Acres of Artemus, Kentucky, Power Plant Inventory Site Property.

F—Unclassified

F1. Contract with Rust Engineering for Physical Security System at Watts Bar Nuclear Plant.

F2. Contract with Westinghouse Electric Corporation for Completion and Startup Support at Watts Bar Nuclear Plants.

F3. Contract with Westinghouse Electric Corporation for Turbine Components for Shawnee and Kingston Power Plants.

INFORMATION ITEM:

1. Performance Increases for Employees on the Manager and Specialist Salary Schedule; and Salary Adjustment and Revision to Salary Structures for Manager and Specialist and excluded Positions.

2. TVA Contribution to Cost of Retiree Medical Coverage.

CONTACT PERSON FOR MORE INFORMATION: Alan Carmichael, Manager, Media Relations, or a member of his staff can respond to requests for information about this meeting. Call (615) 632–6000, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 479–4412.

Dated: October 9, 1991.

Edward S. Christenbury,

General Counsel and Secretary.

[FR Doc. 91–24831 Filed 10–10–91; 10:06 am]

BILLING CODE 8120–08–M

Corrections

Federal Register
Vol. 56, No. 199
Tuesday, October 15, 1991

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 ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER91-124-001, et al.]

Missouri Public Service, et al.: Electric Rate, Small Power Production, and Interlocking Directorate Filings

Correction

In notice document 91-10086 beginning on page 19842, in the issue of Tuesday, April 30, 1991, on page 19844, in the second column, in the file line at the end of the document, "FR Doc. 91–10089" should read "FR Doc. 91–10086".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 271 and 272

[FRL-3987-2]

Louisiana; Final Authorization of State Hazardous Waste Management Program Agency

Correction

In rule document 91-20121 beginning on page 41958 in the issue of Monday, August 26, 1991, make the following correction:

On page 41959, in the first column, in the first full paragraph, in the second and third lines "August 26, 1991," should read "October 25, 1991,".

BILLING CODE 1505-01-D

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 97

[DA 91-946]

Nonsubstantive Amendment of Part 97 of the Commission's Rules Governing the Amateur Radio Service

Correction

In rule document 91-19511 beginning on page 40800 in the issue of Friday, August 16, 1991, and corrected on page 43964 in the issue of Thursday, September 5, 1991, the CFR cite should read as set forth above.

BILLING CODE 1505-01-D

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N-91-3208; FR2838-N-04]

Announcement of Historically Black Colleges and Universities Technical Assistance Program Competition Winners

Correction

In notice document 91-21675 beginning on page 46202, in the issue of Tuesday, September 10, 1991, make the following correction:

On page 46203, in the first column, in the table, in the second column, the grant amount for "Mr. Joseph A. Lee" should read "97,931".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Request for Comments on the Draft Proposed Comprehensive Outer Continental Shelf (OCS) Natural Gas and Oil Resource Management Program for 1992-1997

Correction

In notice document 91-4374 beginning on page 7717 in the issue of Monday, February 25, 1991, make the following correction on page 7731 in the file line at the end of the document: "FR Doc.91-4373" should read "FR Doc. 91-4374".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 90-ASW-09; Amdt. 39-8029; AD 90-03-10]

Airworthiness Directives; Bell Helicopter Textron, Inc., Models 204B, 205A, 205A-1 Helicopters; and Certain Military Model UH-1A, UH-1B, UH-1E, UH-1F, UH-1H, UH-1L, and TH-1L Helicopters

Correction

In rule document 91-22575 beginning on page 47377 in the issue of Thursday, September 19, 1991, make the following corrections:

1. On page 47377:

a. In the second column, in the **SUMMARY**, in the next to last line, "moved" should read "removed".

b. In the third column, under **ADDRESSES**, and **FOR FURTHER INFORMATION CONTACT**, in the next to last lines, each time it appears, "Forth" should read "Fort".

2. On page 47378, in the second column, two lines above the signature, "Forth" should read "Fort".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 4, 10, 102, 134, and 177

Proposed Customs Regulations Amendments Regarding Rules of Origin Applicable to Imported Merchandise

Correction

In proposed rule document 91-23080 beginning on page 48448 in the issue of Wednesday, September 25, 1991, make the following corrections:

1. On page 48449, in the first column, in the second paragraph, in the first line "or" should read "of".

2. On page 48450, in the first column, in the eighth line, "Automatic" should read "Automotive".

3. On the same page, in the same column, in the third line from the bottom, "imposed" should read "imported".

4. On the same page, in the 3rd column, in the 16th line, "annealing" should read "annealed".

§ 102.1 [Corrected]

5. On page 48452, in the first column, in § 102.1(e), in the fourth line, "referenced" should read "reference".

§ 102.26 [Corrected]

6. On the same page, in the third column, in § 102.26(a)(10)(ii), in the first line, "attachment" should read "attachments".

BILLING CODE 1505-01-D

federal register

Tuesday
October 15, 1991

Part II

Department of Education

Office of Special Education and Rehabilitative Services

Children and Youth With Disabilities; Notice of Proposed Funding Priorities

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services

Children and Youth With Disabilities; Funding Priorities

AGENCY: Department of Education.

ACTION: Notice of proposed funding priorities.

SUMMARY: The Secretary proposes funding priorities for fiscal 1992 and 1993 for the following:

Early Education Program for Children with Disabilities, 84.024
Services for Children with Deaf-Blindness, 84.025
Educational Media Research, Production, Distribution, and Training Program, 84.026
Postsecondary Education Programs for Persons with Disabilities, 84.078
Programs for Children with Severe Disabilities, 84.086
Secondary Education and Transitional Services for Youth with Disabilities Program, 84.158

These six programs are administered by the Office of Special Education Programs. To ensure wide and effective use of program funds, the Secretary proposes to select from among these program priorities in order to fund the areas of greatest need for fiscal years 1992 and 1993. A separate competition will be established for each priority that is selected.

DATES: Comments must be received on or before November 14, 1991.

ADDRESSES: All comments concerning these proposed priorities should be addressed to Joseph Clair, Division of Educational Services, Office of Special Education Programs, U.S. Department of Education, 400 Maryland Avenue, SW. (Switzer Building, Room 4620–2644), Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Joseph Clair, Division of Educational Services, Office of Special Education Programs, U.S. Department of Education, room 4620–2644, Washington, DC 20202. Telephone: (202) 732–4503; TDD (202) 732–1169.

SUPPLEMENTARY INFORMATION: This notice represents a consolidated notice of fiscal years' (FY) 1992 and (FY) 1993 proposed priorities for certain discretionary grant programs administered by the Office of Special Education Programs. No funds have yet been appropriated for FY 1992 and FY 1993. Publication of these priorities does not preclude the Secretary from changing these priorities, or publishing additional priorities, nor is there any limitation for the Secretary to fund only these priorities. Closing dates for all fiscal year 1992 competitions will be announced with publication of the final priorities.

Throughout this notice "state of the art" means employing the most recent, validated methods.

Note: Under "*Dissemination*" throughout this notice reference is made to 20 U.S.C. 1409(g). 20 U.S.C. 1409(g) reads as follows:

The Secretary shall, where appropriate, require recipients of all grants, contracts, and cooperative agreements under parts C through G to prepare reports describing their procedures, findings, and other relevant information in a form that will maximize the dissemination and use of such procedures, findings, and information. The Secretary shall require their delivery, as appropriate, to the Regional and Federal Resources Centers, the Clearinghouses, and the Technical Assistance to Parents Programs (TAPP) assisted under parts C and D, as well as the National Diffusion Network, the ERIC Clearinghouse on the Handicapped and Gifted, and the Child and Adolescent Service Systems Program (CASSP) under the National Institute of Mental Health, appropriate parent and professional organizations, organizations representing individuals with disabilities, and such other networks as the Secretary may determine to be appropriate.

The Secretary will announce the final priorities in a notice in the **Federal Register**. The final priorities will be determined by responses to this notice, available funds, and other considerations of the Department. Funding of particular projects depends on the availability of funds, the nature of the final priorities, and the quality of the application received. The publication of these proposed priorities does not preclude the Secretary from proposing additional priorities, nor does it limit the Secretary to funding only these priorities, subject to meeting applicable rulemaking requirements.

Note: This notice of proposed priorities does not solicit applications. A notice inviting applications under these competitions will be published in the **Federal Register** concurrent with or following publication of the notice of final priorities.

Title of Program: Early Education Program for Children with Disabilities. CFDA No. 84.024.

Purpose: To provide Federal support for a variety of activities designed to address the special problems of infants, toddlers and families, and to assist State and local entities in expanding and improving programs and services for those children and their families. Activities include demonstration, outreach, experimental, research and training projects, and research institutes.

Proposed Priorities: The Secretary proposes to establish the following priorities for the Early Education Program for Children with Disabilities, CFDA No. 84.024. In accordance with the Education Department General Administrative Regulations (EDGAR) in 34 CFR 75.105(c)(3), the Secretary proposes to give an absolute preference under this program to applications that respond to the following priorities; that is, the Secretary proposes to select for funding only those applications proposing projects that meet these priorities.

Priority 1: Early Childhood Model Demonstration Projects

This priority supports projects that develop, implement, evaluate, and disseminate new or improved approaches for serving young children with disabilities (infants, toddlers, and preschoolers, ages birth through eight) and their families. Under this priority, to the extent appropriate, projects will provide services to children in the types of settings in which young children without disabilities would participate. This may include models developed for use in homes or in hospitals (such as neonatal intensive care units).

Project Design: Projects supported under this priority will be major contributors of models and components of models for service providers in the field, and the Outreach projects funded under the Early Education Program for Children with Disabilities. Therefore, projects must produce models that have been rigorously evaluated (1) at the original model development site with positive results, and (2) at other site locations to determine whether the model can be adopted by other sites and yield similar positive results. As described under Period of Award (below), projects supported under this priority will be reviewed during the third year of their project period to examine, among other factors, the degree to which the evaluation findings at the original site are promising, and the quality of the evaluation design proposed to test the model at other sites during years four and five. Should the project be continued after year three, the project must have secured other funding to support the operation of the model at the original site so that all or most of the grant funds during years four and five may be used to support the adoption and evaluation of the model at other sites.

Projects must (1) address a specific service problem or issue; (2) address specific components or procedures of the model and the rationale, based on theory, research, or evaluation, for those components or procedures; and (3)

delineate specific types of young children (i.e., by age, disability or diagnosis, level of functioning) and their families.

The Secretary will give competitive preference (by awarding 10 additional points) to projects that will develop, implement, evaluate, and disseminate appropriate models for providing services for (1) groups of infants, toddlers, or young children with disabilities and their families from cultural, linguistic, or racial minority groups, including Native Americans; and (2) young children with disabilities (ages three through five) who were prenatally exposed to drugs or alcohol and are enrolled in preschool programs.

Evaluation: Projects must use an evaluation design that measures multiple, functional outcomes for the young children with disabilities and their families who participate in the proposed interventions.

Period of Award: The Secretary will approve projects with a project period of 60 months subject to the requirements of 34 CFR 75.253(a) for continuation awards. In determining whether to continue a project for the last two years of the project period, in addition to considering factors in 34 CFR 75.253(a), the Secretary also will consider the recommendation of a review team consisting of three experts selected by the Secretary. The services of the review team, including a two day visit to the project, are to be performed during the project's third year, and may be included in that year's annual evaluation that the grantee is required to perform under 34 CFR 75.590. Costs associated with the services to be performed by the three review team members (estimated to be approximately $3,000 total) should be incorporated into the project's budget for year three. In developing its recommendation the review team will consider, among other factors, the following:

(a) The degree to which the project's model is, or will be by the end of year three, designed soundly, replicable by other agencies, and providing state-of-the-art interventions for the target population;

(b) The extent to which dissemination of the model will meet a significant or unique service need in other geographic locations;

(c) The degree to which the project's evaluation initially produced compelling, quantifiable evidence of the effectiveness of the model as implemented at the original development site;

(d) Documentation that funding from sources other than the Early Education Program for Children with Disabilities is available to support the operation of the model at the original developmental site during years four and five;

(e) The extent to which the project has documented other agencies' commitment to adopt the model and participate in its evaluation during years four and five of the project period; and

(f) The extent to which the project has sound plans for aiding in replication and for evaluating the model in replication sites during years four and five of the project period.

Dissemination: Projects must prepare and deliver reports as described at 20 U.S.C. 1409(g).

Priority 2: Outreach Projects

This priority supports projects that build the capacity of educational and other agencies to implement proven infant, toddler, or early childhood models (including inservice training of personnel models), selected components of those models, or other exemplary practices. At this time, States are striving to implement the early intervention formula grant Part H Program for Infants and Toddlers and provide improved services to preschool children with disabilities. As they enter new or expanded service areas, State agencies and local service agencies need to be made aware of the range of available, successful practices, curricula, and products. Once States and local service agencies select one or more proven models for adoption, there is a need for staff training and technical assistance to install those models as services are developed and expanded. The purpose of the outreach program is to support projects that will assist States, local education agencies, and local service agency personnel to adopt proven models, components of models or other exemplary practices that will improve early intervention or special education and related services to children with disabilities (birth through eight years of age).

Project Design: Projects must:

(a) Coordinate their dissemination and replication activities with the lead agency for part H of the IDEA for early intervention services or the State educational agency for special education and related services for preschool services; and

(b) Disseminate and assist in replicating proven models or proven components of models that provide or improve services needed to assist young children, aged eight and below, to achieve their optimal functioning. Models or components of models, at a minimum, must include:

(1) Approaches relevant to programming in least restrictive environments, including provision of skills necessary to function, if appropriate, in integrated educational settings;

(2) Effective involvement of families in the planning and delivery of services; and

(3) Interagency coordination when multiple agencies are involved in the provision of services to young children.

The models or components of models must be state-of-the-art, providing procedures and information that are not readily available to program sites within the geographic area where outreach is planned. The models or components of models must have recent unambiguous evaluation information demonstrating their effectiveness. In addition, the models or components of models must be consistent with part B or part H of the Individuals with Disabilities Education Act. Outreach activities must include, but need not be limited to: public awareness, product development and dissemination, site development, training, and technical assistance. Projects may work with major early childhood associations, provider groups or agencies in disseminating and replicating the proven models or components of models. The models or components of models selected for outreach need not have been developed through the Early Education Program for Children with Disabilities. Projects may disseminate and help replicate multiple models or components of models that were not developed by the applicant.

For projects planning to conduct outreach activities in more than a single State, the plan of operation must only include plans concerning specific sites and activities for the initial year. During the first year of outreach funding, States will be provided information by the contractor for the early childhood technical assistance development system funded under section 623(b) of the Individuals with Disabilities Education Act (IDEA), regarding outreach projects that are funded under this priority, and the models and services that are being offered by those projects. As a result, States will have more choices regarding the kinds of models that are available so that particular outreach efforts can be better matched with a particular State's needs. The technical assistance development system funded under section 623(b) of the IDEA, after determining States' needs for outreach services, will then assist the States and outreach projects in matching States' needs with outreach project resources. Outreach projects will

contact States and use the resultant information as a basis for proposing specific plans for years two and three of the project period. These plans will be finalized during negotiation of grant awards for years two and three of the project period.

The Secretary particularly invites applications for projects that will address underserved groups, such as young children born with HIV infection, those prenatally exposed to drugs or alcohol, and those who are members of cultural, linguistic, or racial minority groups, including Native Americans. However, in accordance with EDGAR at 34 CFR 75.105(c)(1), an application that meets this invitational priority receives no competitive or absolute preference over other applications for outreach projects that serve young children with disabilities aged birth through eight.

Evaluation: Each project must evaluate the dissemination, replication, and training activities to determine their effectiveness, including their impact on the provision of services to young children with disabilities. Evaluation activities must include types and numbers of sites where outreach activities are conducted, number of persons trained, types of follow-up activities, number of children and families served at the sites where models are adopted or adapted, child and family progress information, and changes in the model made by the adapting sites.

Dissemination: Projects must prepare and deliver reports as described at 20 U.S.C. 1409(g).

Priority 3: Experimental Projects

This priority supports investigations that compare the effects and costs of alternative interventions or approaches for serving infants, toddlers, or preschool-aged children with disabilities and their families. Interventions selected for comparison must include those for which information is unavailable regarding their relative effects and costs for particular groups of children or within particular settings or conditions.

This priority addresses the need to provide information to service providers and others regarding the relative effects and costs of different interventions. Historically, program developers have collected information about the efficacy of a particular intervention but typically have not conducted research to determine its effects and costs as compared to other interventions having the same or similar objectives. Potential adopters, when considering an array of different interventions, often have insufficient information on which to make informed choices. However, previous comparative investigations have not necessarily provided data that demonstrate the clear superiority of one intervention over another. Frequently, there is an interaction between the characteristics of the participants or the settings and the effects of the interventions. Therefore, projects supported under this priority must design the research in a manner that will identify which interventions are likely to be most effective with which children and families, given specific characteristics and kinds of settings. The outcome of this priority is expected to be a set of projects that contribute information to the knowledge base regarding the relative effects and costs of different interventions. Such information should lead to the improvement of services provided to infants, toddlers or preschool-aged children with disabilities and their families.

Project Design: Projects funded under this priority must (1) address a specific problem or issue of importance to the field; (2) identify specific approaches or interventions that will be compared; (3) carry out the research within a conceptual framework, based on previous research and theory, that provides a basis for the interventions to be compared and the research design; (4) collect a variety of descriptive and outcome data, including specific descriptive information regarding the children and families targeted by the project (e.g., age, disability, level of functioning) and multiple, functional outcome measures for the young children with disabilities and their families who participate in the proposed interventions.

Further, projects supported under this priority must:

(a) Compare the alternative interventions or approaches in typical service settings;

(b) Conduct the investigations using methodological procedures that will produce unambiguous findings regarding the relative effects and costs of the alternative interventions as well as any findings on interaction effects between particular approaches and particular groups of children or particular contexts; and,

(c) Design the research and dissemination activities in a manner that will lead to improved services for infants, toddlers, or preschool-aged children with disabilities and their families.

Dissemination: Projects must prepare and deliver reports as described at 20 U.S.C. 1409(g).

Priority 4: Inservice Training of Early Intervention Service Providers Through Training of Faculty From Institutions of Higher Education (CFDA 84.024)

This priority supports projects that provide inservice training to early intervention service providers through the development, implementation, evaluation and dissemination of training models for college or university faculty members. It addresses the need for state-of-the-art faculty level expertise and early intervention service provider expertise that has developed subsequent to the establishment of the part H Program for Infants and Toddlers under Public Law 99–457 and the expanded knowledge base relative to early intervention services. Although a variety of professionals from a variety of settings may provide inservice training for early intervention service providers, this priority addresses the need for, and is restricted to, training college and university faculty members who are providing inservice training for early intervention service providers.

Project Design: A model project supported under this priority must address training for current college and university faculty members who are or plan to be engaged in the inservice training of personnel who provide direct early intervention services to infants and toddlers with disabilities. A model project must be based on a conceptual framework that identifies the existing roles and responsibilities both of the faculty members and of early intervention service providers they will train, the changes required in those roles and responsibilities, and the skills needed to implement the new roles. The model project must develop, implement, evaluate, and disseminate training curricula for use by faculty members including procedures and materials appropriate for some or all of the ten professional disciplines listed under § 303.12(e) of the regulations governing part H of the Individuals with Disabilities Education Act (audiologists, nurses, nutritionists, cccupational therapists, physical therapists, physicians, psychologists, social workers, special educators, speech and language pathologists). Inservice training curricula, procedures, and materials must include discipline-specific content, as well as multidisciplinary content related to developing and implementing Individualized Family Service Plans, case management services, coordinating family focused early intervention, and providing respite and family support services and other services described in part H of IDEA. Training curricula must address competencies related to cultural, linguistic, and minority groups,

as appropriate. Training curricula must also be specific as to the types of activities faculty members shall use to train early intervention service providers.

Model projects funded under this priority must (1) conduct a needs assessment to determine the training needs of early intervention service providers as well as the needs of faculty members expected to provide that training, (2) determine feasible methods to address those training needs, (3) validate training content and training methods, (4) implement the training model for faculty members using one or more of a variety of delivery mechanisms (e.g., summer institutes, on-site workshops, self-study print materials or other media, telecommunications, etc.), and (5) implement the training of early intervention service providers by faculty members trained under (4). To satisfy unanticipated inservice training needs identified through the needs assessment, projects must maintain a flexible staffing plan which allows for hiring experts to develop or provide particular kinds of training as appropriate.

In order to provide state-of-the-art training, projects must (1) communicate and collaborate with other inservice training projects funded by the Office of Special Education Programs and other agencies, (2) utilize, as appropriate, training methods and materials developed by those projects (including methods and materials developed by the Early Childhood Research Institute-Personnel funded 1987 through 1992), and (3) collaborate, as appropriate, with State, regional or national professional licensing and accreditation agencies to offer continuing education units for training participants.

The Secretary intends to make four awards under this priority. One award will be made in each of the four following geographic areas to conduct training of faculty from some or all institutions of higher education within that geographic area. Faculty members and institutions selected in each area must in turn provide inservice training for early intervention direct service providers in one or more of the States within the area. The areas are: (1) West (Arkansas, Hawaii, Washington, Oregon, California, Idaho, Nevada, Montana, Wyoming, Utah, Arizona, New Mexico, Colorado, Guam); (2) Midwest (North Dakota, South Dakota, Wisconsin, Illinois, Nebraska, Oklahoma, Texas, Kansas, Michigan, Indiana, Minnesota, Iowa, Missouri); (3) Northeast (Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Maryland, New Jersey, Ohio, Delaware); and (4) Southeast (District of Columbia, Virginia, West Virginia, Kentucky, Tennessee, Arkansas, Louisiana, North Carolina, South Carolina, Mississippi, Georgia, Alabama, Florida, Puerto Rico, Virgin Islands).

Evaluation: Projects must evaluate the effectiveness of the inservice training through assessment of participant skills (of both the faculty members trained to provide inservice training as well as the early intervention direct service personnel trained by those faculty members) during and immediately following the training and through administration of follow-up and support measures that ensure that the participants master and effectively implement the new content and skills.

Dissemination: Projects must prepare and deliver reports as described at 20 U.S.C. 1409(g).

Priority 5: Early Childhood Research Institute-Service Implementation and Capacity for Providing Early Intervention Services

This priority establishes an Early Childhood Research Institute to identify service patterns and gaps for children with disabilities, including those at risk, ages birth through five years in several States. At least two of the States selected for study must serve all three groups of eligible Infants and Toddlers under part H (i.e., (1) children experiencing developmental delays; (2) children having a diagnosed physical or mental condition that has a high probability of resulting in developmental delays); and (3) children who are at risk of having developmental delays); and all children with disabilities aged three through five.

Project Design: The institute must conduct research within a conceptual framework that includes the characteristics of eligible children (and their probable service needs), the State and local factors that potentially affect the availability and provision of services, and the potentially explanatory variables (based on theory or research). Specific research questions must follow from the conceptual framework, as well as focus on the interrelatedness of policy development, policy implementation (at the State and local level), and program implementation (at the family and child level). The major unit of analysis for the research must be the child and the child's family (and the services provided), with descriptive and explanatory information collected at local and State levels to explain variations observed in the availability and provision of services to individual children and families in different communities and families.

The research must provide information that can be used by policy-makers and administrators at Federal, State, and local levels to: (1) Identify factors that facilitate or interfere with service implementation, (2) identify useful solutions to service delivery problems faced by State and local service providers, and (3) examine the impact of variations in eligibility criteria, funding sources, interagency collaborative arrangements, and service delivery on children with disabilities and their families. The institute must conduct both descriptive and explanatory studies, test hypotheses and propositions derived from previous research or initial institute findings, and use a combination of research methodologies, including survey research, case studies, multiple case studies following replication logic, document analysis, and direct observation.

Eligibility criteria, identification instruments and procedures, funding sources for service programs, interagency collaboration, and service delivery patterns must be studied in depth in multiple sites in several States; sites in several other States may also be included for identifying State-to-State variations and for replicating certain study findings. The institute must study at least two States that include children at risk for developmental delay under the part H program who may be found ineligible at three years of age for services under IDEA part B and chapter 1 State-Operated or Supported Programs for Children with Disabilities.

The research program must consider (1) the consequences of using different eligibility criteria and identification instruments and procedures on the number and characteristics of children who are served and under the part H, part B, and chapter 1 programs; (2) the funding sources that are used to complement part H and part B and chapter 1 funds for eligible children, and the availability of other funds to provide services to children who are ineligible for part B or chapter 1 services at age three who have continuing learning problems; (3) the effect of different interagency collaborative arrangements at the State and local levels on the availability and quality of services; (4) the patterns of service delivery that are associated with variations in eligibility criteria, funding sources, and interagency collaborative arrangements; and (5) other factors (e.g., the number of available qualified personnel, the

number of service placement options for children, State and local demographic characteristics, geographic features such as remoteness) that promote or hinder the delivery of services to all eligible children within the sites being studied.

In carrying out its research activities, the institute personnel must demonstrate expertise in each of the particular research methodologies employed. Collaboration between and among policy researchers and individuals with programmatic experience with infants and young children is essential. The institute must also provide research training and experience for at least 10 graduate students annually.

Dissemination: Project reports, products, and other information must be broadly disseminated to policy-makers and administrators specifically at State and local levels. In addition, reports must be prepared and delivered as described at 20 U.S.C. 1409(g).

The Secretary will approve one cooperative agreement with a project period of up to 60 months subject to the requirements of 34 CFR 75.253(a) for continuation awards. In determining whether to continue the institute for the last two years of the project period, in addition to considering the factors in 34 CFR 75.253(a), the Secretary will consider the recommendation of a review team consisting of three external experts selected by the Secretary and designated Federal program officials. The services of the review team are to be performed during the last half of the institute's second year, and may be included in that year's annual evaluation that the recipient is required to perform under 34 CFR 75.590. During all other years of the project, the recipient must comply with 34 CFR 75.590. Costs associated with the services to be performed by the three external members of the review team must be paid for with project funds. In developing its recommendation, the review team will consider, among other factors, the following:

(1) The timelines and effectiveness with which all requirements of the negotiated cooperative agreement have been or are being met by the institute; and

(2) the degree to which the institute's research designs and methodological procedures demonstrate the potential for producing significant new knowledge and products.

Program Authority: 20 U.S.C. 1423.

Title of Program: Services for Children with Deaf-Blindness Program. CFDA No. 84.025.

Purpose: To assist States in assuring the provision of early intervention, special education, and related services to infants, toddlers, children, and youth with deaf-blindness; to provide technical assistance to agencies that are preparing adolescents with deaf-blindness for adult placement; and to support research, development, replication, preservice and inservice training, parental involvement activities, and other activities to improve services to children with deaf-blindness.

Proposed Priorities: The Secretary proposes to establish the following priorities for the Services for Children with Deaf-Blindness Program, CFDA No. 84.025. In accordance with the Education Department General Administrative Regulations (EDGAR) in 34 CFR 75.105(c)(3), the Secretary proposes to give an absolute preference under this program to applications that respond to the following priorities; that is, the Secretary proposes to select for funding only those applications proposing projects that meet these priorities.

Priority 1: State and Multi-State Services Projects for Children with Deaf-Blindness and Optional Pilot Projects for Children with Deaf-Blindness

This priority supports two types of projects: (a) State and Multi-State Projects for Children with Deaf-Blindness, and (b) optional Pilot Projects for Children with Deaf-Blindness. Public and non-profit private agencies, institutions, or organizations including the Bureau of Indian Affairs of the Department of the Interior are eligible to compete for a State or multi-State project. Of these applicants, only those applicants whose application for a State or multi-State project is approved for funding, are eligible to have their applications reviewed for possible funding of a pilot project. Applicants seeking support for both State and Multi-State Projects for Children with Deaf-Blindness as well as the optional Pilot Projects for Children with Deaf-Blindness, must submit a two-part application, each complete by itself and containing its individual budget.

(a) *State and Multi-State Projects*—State and multi-State projects must provide services to infants, toddlers, children and youth with deaf-blindness and technical assistance to public and private agencies, institutions and organizations providing early intervention, early identification, education, transition, vocational, and related services to children with deaf-blindness, as described at 34 CFR 307.11. Applications for State and multi-State projects will be evaluated using criteria at 34 CFR 307.33.

(b) *Pilot Projects for Children with Deaf-Blindness*—These projects are designed to supplement activities supported by State and multi-State projects by facilitating the establishment and implementation of validated, effective educational practices in the least restrictive school and community environments in selected sites. Applications for Pilot Projects for Children with Deaf-blindness will be evaluated using criteria at 34 CFR 307.36.

This optional pilot project component would increase the capacity of local school districts or State educational agencies to serve students with deaf-blindness in integrated school and community settings and encourage the eventual assumption of funding responsibilities of State and local authorities.

The outcomes of this optional component are anticipated to include:

(a) The establishment at pilot sites within the State of tested, effective practices in the education of children and youth with deaf-blindness, that address the heterogeneous nature of these children and youth;

(b) The wide-spread implementation of tested, effective practices in sites that provide opportunities for general and special education personnel, external to the project sites, to observe concrete examples of these educational concepts, and to have "hands on" practice and support in their use; and

(c) An increase in the quality of effective practices for children with deaf-blindness.

Project Design: A project may propose to establish a pilot project as an additional component of the State or multi-State project. Pilot projects must:

(a) Expand local educational agency capabilities by providing services to children with deaf-blindness that supplement services already provided to children and youth through State and local resources; and

(b) Encourage eventual assumption of funding responsibility by State and local authorities.

Specifically, in meeting the requirements of this pilot component, projects must:

(1) Implement in selected sites, tested, effective practices in the education of children with deaf-blindness;

(2) Address the heterogeneous nature of these children, their need for individualized educational and vocational programming and for the acquisition of functional, age-appropriate skills essential for community integration;

(3) Promote the wide-spread adoption and implementation of tested, effective practices in sites that provide opportunities for general and special education personnel external to the established project sites, to observe examples of these educational concepts, and to have "hands on" experience in utilizing these practices, strategies and techniques; and that enhance the State-level system of services by increasing the number and quality of effective practices;

(4) Initiate and maintain collaboration with relevant agencies providing services to children with deaf-blindness; and

(5) Initiate activities to encourage the eventual assumption of funding by State and local authorities.

Further, in meeting the requirements under the optional pilot component, activities must:

(1) Be based on current theory and research and provide evidence of the validity of the practices;

(2) Address the unique needs at the project sites;

(3) Focus on specific outcomes for project participants;

(4) Promote involvement of parents and family members in the provision of services to children with deaf-blindness; and

(5) Provide documentation of changes resulting from the implementation of the pilot project activities.

The Secretary particularly invites projects that propose to provide, under this optional pilot component, validated effective practices related to:

(a) Transition from school to adult life in the community;

(b) Early identification and intervention for infants and toddlers with deaf-blindness;

(c) Strategies that facilitate the integration of students with deaf-blindness into neighborhood schools;

(d) Acquisition of communication or orientation and mobility skills;

(e) Nonaversive behavior management; or

(f) Facilitation of family involvement.

However, in accordance with EDGAR at 34 CFR 75.105(c)(1), an application that meets this invitational priority receives no competitive or absolute preference over applications that meet the general priority described in this notice.

Evaluation: Projects selected for the optional pilot project component must implement an evaluation plan that measures:

(1) Child-centered, functional skill outcomes of the participating children and youth with deaf-blindness;

(2) Changes resulting from the implementation of the pilot project activities, including the overall outreach impact of the project on both the staff of the schools where the pilot project is located and visiting personnel external to the pilot sites; and

(3) The extent of involvement of parents and family members in the provision of services to children with deaf-blindness.

As a part of project evaluation requirements, each project shall collect and report cost as well as effects data related to pilot and demonstration activities.

Dissemination: Projects must prepare and deliver reports as described at 20 U.S.C. 1409(g).

Priority 2: Research in Social Relationships for Children and Youth With Deaf-Blindness

The purpose of this priority is to support research cooperative agreements to develop, field-test, and disseminate information on social support strategies to improve the social integration of children and youth with deaf-blindness in school, neighborhood, and community settings. The goals of the research projects are (a) to produce validated procedures for the development and maintenance of social relationships that promote positive lifestyle changes among children and youth with deaf-blindness, and (b) to encourage utilization of such procedures in integrated settings by policy makers and program implementers.

Although significant strides have been made in increasing opportunities for social integration of children and youth with deaf-blindness in school and community settings, recent research indicates that many of these individuals have few, if any, friends or social supports outside of their family. Poor interpersonal skills paired with the lack of social supports are reportedly the reasons why many adults with deaf-blindness leave integrated employment settings. Students with deaf-blindness have infrequent and inconsistent interactions with their nondisabled peers in integrated school settings when social interaction programs and supports are absent.

Despite a broad consensus that social integration is of critical importance in the lives of children with deaf-blindness and their families, there is a wide gap between that belief and the use of systematic intervention efforts to promote social integration and support. There is little empirical information to assist policy makers and program implementers in ensuring that individuals with deaf-blindness are socially integrated in school, neighborhood, work and community settings.

These projects have the potential to increase social integration and improving the quality of life for individuals with deaf-blindness and their families. Project activities will produce an empirical basis for the selection and utilization of strategies to increase the social integration of children and youth with deaf-blindness in school, neighborhood, community, and employment settings. The projects must generate data-based information that describes the strategies, supports, and conditions that facilitate the development and maintenance of social relationships among people with deaf-blindness and their peers without disabilities.

Project Design: Each project must present a synthesis of relevant extant research to serve as a conceptual and empirical basis for the proposed social relationship research and development activities. Project activities must extend the field's knowledge base on the use of practices that promote social relationships among children and youth with deaf-blindness and their peers in integrated school and community settings. Project activities must be carried out in integrated school and community environments and projects must measure initial levels of social and physical integration in these settings prior to the proposed activity.

Projects must focus on and develop strategies related to one or more of the following:

(a) The nature of social relationships and the development of friendships between individuals with deaf-blindness and their nondisabled peers (e.g., type, quantity, quality, and duration) in integrated school, work, and community settings;

(b) The scope of social support needs among different individuals and how they vary across situations;

(c) The strategies for providing effective support for social relationships in elementary schools, middle and junior high schools, high schools, work settings, neighborhoods, and community recreation programs;

(d) How to create social networks that provide multiple supports across school, neighborhood, and community settings;

(e) Identifying and fostering naturally occurring opportunities where social relationships can develop;

(f) Effective strategies for peer involvement across chronological ages and settings (e.g., preschool, lower elementary, upper elementary, etc.); and

(g) How social relationships, supports, and networks are influenced by transitions and whether they can be maintained during periods of transition—from segregated to integrated programs, from elementary to middle and junior high school, from middle and junior high school to high school, and from school to work.

Projects must demonstrate on-going collaborative relationships among personnel from the settings where the project activities will be implemented, and, as appropriate, among institutions of higher education, and other State or local agencies involved in serving students with deaf-blindness. Procedures to promote involvement of peers, parents and school personnel (e.g., building administration, general and special educators, related services personnel) and relevant community human service agencies in the proposed project must be clearly delineated.

Close coordination and collaboration among the research projects funded under this priority and the Social Relationships Research Institute for Children and Youth with Severe Disabilities priority established under the Program for Children with Severe Disabilities is required. Department personnel will assist with these collaborative efforts. Project directors and OSEP personnel will meet annually and work to ensure that project findings are shared and disseminated in an organized manner. Projects funded under this priority must contribute to the production of social relationships monographs presenting findings and describing promising practices for promoting social relationships. Primary responsibility for these monographs will be with the Social Relationships Research Institute for Children and Youth with Severe Disabilities established under the Children with Severe Disabilities Program.

Evaluation: Project design and evaluation must employ methodology that can accurately describe the complex nature of social relationships as well as the impact of various social relationship support strategies on student lifestyle outcomes. Projects must use periodic procedural reliability checks and obtain social validity measures for students, peers, parents, and school personnel. To the extent possible, strategies demonstrated to be effective are to be implemented in new settings to determine the replicability of project findings.

Dissemination: Projects must prepare and deliver reports as described at 20 U.S.C. 1409(g).

Program Authority: 20 U.S.C. 1422.

Title of Program: Educational Media Research, Production, Distribution, and Training Program. CFDA No. 84.026.

Purpose: The purposes of this program are to promote—

(1) The general welfare of deaf and hard of hearing individuals by: (A) bringing to those individuals understanding and appreciation of those films and television programs that play an important part in the general and cultural advancement of hearing individuals; (B) providing through these films and television programs enriched educational and cultural experiences through which deaf and hard of hearing individuals can be brought into better touch with the realities of their environment; and (C) providing a wholesome and rewarding experience that deaf and hard of hearing individuals may share together;

(2) The educational advancement of individuals with disabilities by: (A) carrying on research in the use of educational media for individuals with disabilities; (B) producing and distributing educational media for the use of individuals with disabilities, their parents, their actual or potential employers, and other individuals directly involved in work for the advancement of individuals with disabilities; (C) training individuals in the use of educational media for the instruction of individuals with disabilities; and (D) utilizing educational media to help eliminate illiteracy among individuals with disabilities; and

(3) the general welfare of visually impaired individuals by: (A) bringing to those individuals an understanding and appreciation of textbooks, films, television programs, video materials, and other educational publications and materials that play an important part in the general and cultural advancement of visually unimpaired individuals; and (B) ensuring access to television programming and other video material.

Proposed Priorities: The Secretary proposes to establish the following priorities for the Educational Media, Research, Production, Distribution, and Training Program, CFDA No. 84.026. In accordance with the Education Department General Administrative Regulations (EDGAR) at 34 CFR 75.105(c)(3), the Secretary proposes to give an absolute preference under this program to applications that respond to the following priorities; that is, the Secretary proposes to select for funding only those applications proposing projects that meet these priorities.

Priority 1: Descriptive Video

This priority supports one or more cooperative agreements for the continued implementation and delivery of descriptive video for individuals who are visually impaired. The purpose of descriptive video is to make media more accessible to individuals with visual impairments by describing events and actions that are not clear from the soundtrack alone. During FY 1990 a study was conducted on the viability and cost effectiveness of descriptive video. This study indicated that, although descriptive video appears to be a useful and viable vehicle in providing people with visual impairments with additional access to television in form of descriptions of visual images and actions on the television screen that are not sounded, the technology needs continued research and study. Because of the overall costs of producing and broadcasting descriptive video and the fact that descriptive video technology is new and still evolving, it was found to be not commercially viable for national broadcast at the present time. This is analogical to the early days of captioned television and the development of Line 21 closed captioning. The valuative study (1990) recommended a continuation of ongoing activities conducted by public and cable networks with an increase in program offering while concurrent evaluations are conducted.

Project Design: The projects funded under this priority must:

(a) Identify, select, and implement effective methods and technologies for providing descriptive video programs or movies. These must include methods and technologies for recording, transmission, and reception of descriptive video and must be specific as to the activities and equipment that will be required;

(b) Develop criteria for selecting programs to be video described and made available;

(c) Determine the number of hours of descriptive video programs or movies made available over public or cable television or through home video during each year of the three-year period;

(d) Obtain agreement from participating producers and distributors to permit video description and transmission; and

(e) Implement a comprehensive outreach effort to inform intended consumers of the service and steps necessary to access the service, and other activities necessary to sustain the service such as educating station managers and producers and promoting their participation and contributions.

Evaluation: Projects must rigorously evaluate the effectiveness of the methods and technologies used in

providing descriptive video as well as barriers encountered and the impact on the intended target populations.

As a part of project evaluation requirements, each project shall collect and report cost as well as effects data related to the implementation and delivery of descriptive video.

Dissemination: Project reports must include specific information about the methods and technologies used to provide descriptive video as well as evaluation information as to the impact, effectiveness, and costs of the methods and technologies. Projects must report their information in a way that is useful to potential service providers as well as consumers. Information must be disseminated to clearinghouses, consumer groups, and other appropriate audiences.

Priority 2: Closed-Captioned Daytime Programming

This priority supports one or more cooperative agreements for the closed-captioning of daytime programming broadcast nationally, so that persons who are deaf or hard of hearing can have access to daytime television programming. These projects will provide access to the shared cultural experience of television to persons who are hearing impaired, particularly the elderly, and persons at home during the day, who wish to enjoy daytime television.

The U.S. Department of Education currently sponsors projects that provide access to closed-captioning of news and public information; movies, mini-series, prime time and specials; sports; and children's programs. In most of these areas the Government's efforts have been significantly supplemented by support from the private sector. On the other hand, little captioned programming is available during daytime hours. The intent of this priority is to provide stimulation to increase access to daytime television for persons with hearing impairment.

Project Design: Projects must:

(a) Select programs to be captioned, taking into account the preference of consumers for particular programming;

(b) Determine the number of television hours to be captioned using funds from this project and the number of hours projected to be captioned using funds from other sources, including matching or in-kind contributions, and a specific method to be used for each hour, i.e., realtime, off-line, computer-assisted, etc.;

(c) Determine the type and use of backup systems that will ensure successful, timely captioning services; and

(d) Obtain agreement from major commercial or cable networks to permit captioning of their programs.

Evaluation: Projects must implement procedures for monitoring the extent to which full and accurate captioning is provided and use this information to make refinements in captioning operations.

Priority 3: Special Research, Development and Evaluation Projects

This priority supports projects to expand the effective uses of captioning to enhance the reading and literacy skills of individuals who are deaf or hard of hearing, to enhance the reading and literacy skills of individuals with disabilities, and to explore captioning features that make captioning a more effective tool in extending general television programming to persons with disabilities.

Project Design: Projects supported by this priority must address one or more of the following areas:

(a) Explore and test uses of captioned television and videos to determine those uses that are effective in developing or improving reading and literacy skills of individuals who are deaf or hard of hearing;

(b) Explore and test uses of captioned television and videos to determine those uses that are effective in improving reading and literacy skills of a broad range of individuals with disabilities, particularly those who have learning disabilities or limited proficiency in English; and

(c) Compare and contrast captioning features such as verbatim captioning versus edited captioning, location of captions, highlighting of captions, variable fonts, variable captioning rates, for extending captioned television to a broad range of viewers with disabilities; including, but not limited to, persons with hearing impairments.

The Secretary may fund one or more applications in each of these three categories. Projects must:

(1) Address a specific problem or issue;

(2) Select specific activities or technologies to test, compare, or adapt based on previous research or evaluations; and

(3) Target a particular population of individuals with disabilities.

Evaluation: Projects must conduct investigations using methodological procedures that will produce unambiguous findings regarding the impact and relative effectiveness of various captioning efforts. Further, projects must evaluate any dissemination activities to determine their effectiveness in benefitting intended target populations.

As a part of project evaluation requirements, each project shall collect and report cost as well as effects data related to the use of captioning.

Dissemination: Projects must report their information and findings in a way that is useful to potential service providers as well as consumers. Information must be disseminated to clearinghouses, technical assistance organizations, networks, consumer groups and other appropriate audiences.

Program Authority: 20 U.S.C. 1451, 1452.

Title of Program: Postsecondary Education Programs for Persons with Disabilities. CFDA No. 84.078.

Purpose: To develop, operate, and disseminate specially designed model programs of postsecondary, vocational, technical, continuing or adult education for individuals with disabilities.

Proposed Priority: The Secretary proposes to establish the following priority for the Postsecondary Education Program for Persons with Disabilities, CFDA 84.078. In accordance with the Education Department General Administrative Regulations (EDGAR) at 34 CFR 75.105(c)(3), the Secretary proposes to give an absolute preference under this program to applications that respond to the following priority; that is, the Secretary will select for funding only those applications proposing projects that meet this priority.

Priority 1: Career Placement Opportunities for Students With Disabilities in Postsecondary Programs

This priority supports projects that enhance the role and capacity of career placement offices that arrange pre-employment opportunities and subsequent employment placements in integrated settings for students with disabilities in community and four-year colleges, universities, technical and vocational institutes, and adult and continuing educational programs.

It is important to increase the awareness of campus-based career placement personnel about the needs of students with disabilities and their employment opportunities. On-campus career placement offices are useful sources of information about career opportunities offered by local, regional, and national businesses and other potential employers. There is a tendency for students with disabilities to be overlooked during regular recruiting activities when career placement offices are contacted by potential employers, especially those from larger corporations. Also, many career placement personnel are insufficiently

trained in the special job development techniques which are necessary for successful placements of persons with disabilities.

Project Design: Projects must create and facilitate the cooperative efforts of those who help bring about successful vocational placements for people with disabilities. Such collaborative efforts must include extensive involvement of representatives from the disabled student services program office, from the career placement office, from the State vocational rehabilitation agency, from business and industry, and, where appropriate, from the disabled student community itself. The goal of these projects is to enhance the current campus-based activities and capacities of the postsecondary institution career placement offices and their personnel.

Projects supported under this priority must:

(a) Develop or adopt inservice training and orientation programs (curriculum, syllabus and associated informational materials) for career placement officers, their staff, and faculty, that focus on the awareness and provision of support services and accommodations needed by students with disabilities, not only at the postsecondary educational program but also at various potential work sites; and further, insure that this training becomes a part of the institution orientation for *new* faculty and staff members who replace those who previously had benefitted from this training;

(b) Obtain the involvement of employers by placement officers in campus-based career opportunities, such as specific individual pre-employment interviews or group meetings with representatives of industry; this involvement should include such groups as private industry councils, local Chambers of Commerce, and Governor's and Mayor's Committees on Employment of Persons with Disabilities;

(c) Increase placement percentages for students with disabilities by the formation and continuation of formal memoranda of understanding, cooperative agreements or similar documents among disabled student service offices, career placement offices, vocational rehabilitation offices, and local, State or regional coalitions of representatives of business and industry.

(d) Enhance the career experiences of students with disabilities by facilitating or creating opportunities for needed work experiences, work-study program participation, internships, and summer placements, among others, in order that students with disabilities will be more competitive with their nondisabled peers upon entering the job market;

(e) Provide technical assistance and information on program and work accessibility and accommodations to administrators, faculty, and staff of postsecondary educational programs; secondary school administrators, counselors, and teachers; parents; and persons with disabilities.

The following activities must be addressed in the Plan of Operation:

Collaboration: Projects must collaborate with employers (or organizations of employers) and with State vocational rehabilitation agencies.

Personnel: Proposed project personnel must have the appropriate training or experience or both necessary to achieve the project's goals and objectives. At least one key staff person (Project Director or Project Coordinator) must have experience with, or a background in, career placements of college-aged persons with disabilities and commit more than 50% of his or her time to the project.

Evaluation: Outcome measures developed or used by the project must be specified. These measures must clearly reflect the effectiveness of project strategies in placing the targeted population in permanent and competitive jobs.

Dissemination: Projects must prepare and deliver reports as described at 20 U.S.C. 1409(g).

Program Authority: 20 U.S.C. 1424(a).

Title of Program: Children With Severe Disabilities Program. CFDA No. 84.086.

Purpose: To provide Federal financial assistance for demonstration or development, research, training, and dissemination activities for children with severe disabilities, including deaf-blindness.

Proposed Priorities: The Secretary proposes to establish the following activities for the Children with Severe Disabilities Program, CFDA No. 84.086. In accordance with the Education Department General Administrative Regulations (EDGAR) at 34 CFR 75.105(c)(3), the Secretary proposes to give an absolute preference under this program to applications that respond to the following priorities; that is, the Secretary will select for funding only those applications proposing projects that meet these priorities.

Priority 1: Outreach: Serving Students With Severe Disabilities in Integrated Environments

The purpose of this priority is to improve and ensure the quality of educational service delivery to children and youth with severe disabilities in integrated settings. This priority will support projects that facilitate the adoption and implementation of validated educational models or components of those models in additional sites including individual or multiple districts.

Across the Nation there are educational programs interested in serving students with severe disabilities in integrated settings. While methods and procedures that have proven ability to effectively address the educational and related service needs of students with severe disabilities in integrated settings have been identified, many educational programs are either unaware of these methods, procedures and models or the models are not readily available in their schools, communities or States. Consequently, these programs are often limited in their ability to provide effective educational and related services to students with severe disabilities in integrated settings. This priority would increase the capacity of local school districts or State educational agencies to serve students with severe disabilities in integrated school and community settings as a result of its product development and dissemination, training, or demonstration site development activities.

Project Design: The practices to be implemented during the outreach activities may focus on, but are not limited to, transition from school to adult life, the use of activity-based curricula, non-aversive behavior management, facilitating social relationships in school and community settings, or strategies that facilitate the integration of students with severe disabilities into neighborhood schools.

The models or components to be implemented must:

(a) Be based on current theory and research and provide evidence of the validity of the model or components;

(b) Match the needs of the proposed sites; and

(c) Describe the process of model implementation in terms of: demands of the model (e.g., expected costs, needed personnel, staff training, equipment) upon potential users, sequence of model implementation activities, and perceived ability of model users to satisfy the demands for model adoption.

Outreach activities may include, but need not be limited to: (1) product development and dissemination, (2) training, and (3) demonstration site development.

Projects must coordinate their activities with appropriate educational

agencies, adult service providers or personnel. If appropriate, projects must involve students with severe disabilities and their families in the design, implementation and evaluation of project activities.

Evaluation: Each project must:

(a) Clearly define the outcomes expected from the implementation activity;

(b) Include strategies for evaluating the effectiveness of the implementation following intervention; and

(c) Document changes in the model as a result of implementation across all sites.

Outcome measures must include measures of model effectiveness, user satisfaction, fidelity of implementation, cost benefit analysis and child change data, if appropriate.

Dissemination: Projects must prepare and deliver reports as described at 20 U.S.C. 1409(g).

Priority 2: Developing Innovations for Educating Children With Severe Disabilities Full-time in General Education Classrooms

This priority will support three year research projects designed to develop, implement, and evaluate specific strategies that result in effective special education and related service delivery in inclusive general education elementary classrooms. As we enter the 1990's there is a strong, accelerating parent and professional movement promoting the full inclusion of students with severe disabilities into age-appropriate general education classes. Providing educational programs that balance full inclusion and social integration with an age-appropriate and functional curricula will require significant change from both general and special education. This restructuring of educational service delivery drives the need for innovations to refine or "stretch the system" as educators investigate strategies to accommodate students with diverse learning characteristics.

Projects must produce a set of tested strategies to provide an empirical basis for utilizing and refining techniques for accommodating students with diverse learning characteristics, including those with severe disabilities, in general education elementary classrooms. Project outcomes include preliminary data-based information that clearly describes the following: (a) The supports and conditions required to provide effective educational and related services; (b) procedures to ensure adequate child progress; (c) social interaction with classmates/peers; (d) the structure of classroom activities and materials to meet multiple instructional needs; and (e) efficient utilization of personnel and resources.

Project Design: Projects must present a synthesis of relevant extant research to serve as a conceptual and empirical basis for the proposed innovative activities. The proposed innovations must extend the field's knowledge base on the use of inclusive practices in general education elementary classrooms. Projects must address:

(a) The supports and conditions required to provide effective educational and related services in general education classrooms; and

(b) How educational and related services can be delivered in general education classrooms to ensure adequate child progress.

Project activities must be carried out in integrated elementary school environments and projects must measure the initial or baseline levels of social and physical integration in these settings prior to the proposed innovative activities.

The Secretary particularly invites projects that address one or more of the following questions:

(a) What strategies (e.g., cooperative learning groups, peer tutors, circles of friends) promote the active and effective involvement of classmates in inclusive educational programs?

(b) What classroom activities and materials ensure meaningful student participation and meet multiple instructional needs? How are classroom activities and use of materials best structured?

(c) How are personnel best utilized for direct service and technical assistance? What staffing patterns are employed for inclusive educational programs (e.g., use of consultant teacher, paraprofessionals, team teaching) and how do these patterns change over time?

However, in accordance with EDGAR at 34 CFR 75.105(c)(1), an application that meets this invitational priority receives no competitive or absolute preference over applications that meet the general priority described in this notice.

Projects must demonstrate on-going collaborative relationships among personnel from the LEAs where the innovative activity will be implemented, and, as appropriate, among the SEA, IHEs, and other State or local agencies involved in serving students with severe disabilities. Procedures to ensure involvement of parents and school personnel (e.g., building administration, general and special educators, related services personnel) in the proposed innovation must be developed. It is anticipated that the LEAs involved in the innovation will contribute teaching staff and administrative support. Coordination and collaboration among the projects funded under this priority is encouraged and OSEP personnel will assist in this effort.

Evaluation: Project evaluation must employ methodology that accurately assesses the impact of the innovative strategies on (a) the general education classroom where students with severe disabilities are educated on a full-time basis, and (b) student outcomes including adaptive behavior and achievement. Projects are encouraged to use quantitative and qualitative research methods to ensure a reliable and thorough analysis of the classroom innovations. Projects must use procedural reliability checks and obtain social validity measures for students, parents, and school personnel. To the extent possible, strategies demonstrated to be effective in the initial setting should be implemented and evaluated in other settings to determine the replicability of project findings.

As a part of project evaluation requirements, each project shall collect and report cost as well as effects data related to the use of the innovative strategies.

Dissemination: Projects must prepare and deliver reports as described at 20 U.S.C. 1409(g).

Priority 3: Social Relationships Research Institute for Children and Youth With Severe Disabilities

The purpose of this priority is to support one cooperative agreement to establish a Social Relationships Research Institute to develop, field-test, and disseminate information on social support strategies to increase the social integration of children and youth with severe disabilities in school, neighborhood, are (a) to produce validated procedures for the development and maintenance of social relationships that promote positive lifestyle changes among children and youth with severe disabilities, and (b) to encourage utilization of those procedures in integrated settings by policy makers and program implementers. Although significant strides have been made in increasing opportunities for social integration of children and youth with severe disabilities in school and community settings, recent research indicates that many of these individuals often have few, if any, friends or social supports outside of their family. Poor interpersonal skills paired with lack of social supports are reportedly the reasons why many adults with severe disabilities leave integrated employment

settings. Other studies suggest that students with disabilities have infrequent and inconsistent interactions with their nondisabled peers in integrated school settings when social interaction programs and supports are absent.

Despite a broad consensus that social integration is of critical importance in the lives of children and youth with severe disabilities and their families, there is a wide gap between that belief and the use of systematic intervention efforts to promote social integration and support. There is little empirical information to assist policy makers and program implementers in ensuring that individuals with severe disabilities are socially integrated in school, neighborhood, work, and community settings.

The research institute resulting from this priority will have the potential impact of increasing social integration and improving the quality of life for individuals with severe disabilities and their families. The institute's activities must produce an empirical basis for the selection and utilization of strategies to increase the social integration of children and youth with severe disabilities in school, neighborhood, community, and employment settings. The research institute must generate preliminary data-based information that describes the strategies, supports, and conditions that facilitate the development and maintenance of social relationships among people with severe disabilities and their peers without disabilities.

Project Design: The institute must present a synthesis of relevant extant research to serve as a conceptual and empirical basis for the proposed social relationship research and development activities. The institute's activities must extend the field's knowledge base on the use of practices that promote social relationships among children and youth with severe disabilities and their peers in integrated school and community settings. Project activities must be carried out in integrated school and community environments and the institute must clearly measure initial levels of social and physical integration in these settings prior to the proposed activity.

The program of research and development activities must be conducted in a manner that clearly demonstrates how the strands of research relate to one another. The program of research activities must address, but is not limited to:

(a) The nature of social relationships and the development of friendships between individuals with severe disabilities and their nondisabled peers (e.g., type, quantity, quality, and duration) in integrated school, work, and community settings;

(b) The scope of social support needs across individuals and how they vary over time and across situations;

(c) The strategies for providing effective support in elementary schools, middle and junior high schools, high schools, work settings, neighborhoods, and community recreation programs;

(d) How to create social networks that provide multiple supports across school, neighborhood, employment and community settings;

(e) Identifying and fostering naturally occurring opportunities where social relationships can develop;

(f) How strategies for peer involvement vary across chronological ages and settings (e.g., pre-school, lower elementary, upper elementary, etc.); and

(g) How social relationships, supports, and networks are influenced by transitions and whether they can be maintained during periods of transition—from segregated to integrated programs, from elementary to middle and junior high school, from middle and junior high school to high school, and from school to work.

The Institute must demonstrate on-going collaborative relationships among personnel from the settings where the project activities will be implemented, and, as appropriate, among IHEs and other State or local agencies involved in serving students with severe disabilities. Procedures to promote involvement of peers, parents and school personnel (e.g., building administration, general and special educators, related services personnel) and relevant community human service agencies in the proposed project must be clearly delineated.

Close coordination and collaboration among the research institute project funded under this priority and projects funded under the Research in Social Relationships priority established under the Services for Children and Youth with Deaf-Blindness Program is required. Department personnel will assist with these collaborative efforts. The research institute project director, project directors of the social relationships research projects, and OSEP personnel shall meet annually and will work together to ensure that project findings are disseminated in an organized manner. The research institute funded under this priority must produce and disseminate at least one monograph concerning the findings and describing promising practices for promoting social relationships. Monographs must include, as appropriate, relevant information and findings from the projects funded under the Research in Social Relationships priority established under the Services for Children and Youth with Deaf-Blindness Program.

Evaluation: Project design and evaluation must use methodology that can accurately describe the complex nature of social relationships as well as the impact of interventions on student lifestyle outcomes. The Institute is encouraged to employ both qualitative and quantitative research methodologies to ensure a reliable and thorough analysis of various social relationship support strategies. The institute must employ periodic procedural reliability checks and obtain social validity measures for students, peers, parents, and school personnel. To the extent possible, strategies demonstrated to be effective are to be implemented and evaluated across new settings to determine the replicability of project findings.

The Secretary will approve one cooperative agreement with a project period of 60 months subject to the requirements of 34 CFR 75.253(a) for continuation awards. In determining whether to continue the institute for the final two years of the project period, in addition to considering factors in 34 CFR 75.253(a), the Secretary also will consider the recommendation of a review team consisting of three external experts selected by the Secretary and designated Federal Program officials. The services of the review team are to be performed during the research institute's second year prior to the submission of the third year continuation award. Costs associated with the services of the three member review team (estimated to be approximately $3,000 total) are to be incorporated into the applicant's proposed budget. In developing its recommendation, the review team will consider, among other factors, the following:

(a) The timeliness and the effectiveness with which all requirements of the negotiated cooperative agreement have been or are being met by the recipient of the cooperative agreement; and

(b) The degree to which the institute's research design and methodological procedures demonstrate the potential for producing significant new knowledge and products.

Dissemination: Projects must prepare and deliver reports as described at 20 U.S.C. 1409(g).

Priority 4: Model Inservice Training Projects

The purpose of this priority is to support capacity building projects that develop, demonstrate, evaluate, and disseminate model inservice training activities (and accompanying materials) that will prepare administrators, teachers, paraprofessionals, and related service personnel to provide, coordinate and enhance services that result in children and youth with severe disabilities being educated in general education classrooms and community settings.

One of the major issues facing special education today is the lack of qualified personnel to meet the educational needs of individuals with severe disabilities. Inservice training is one strategy for meeting the needs of existing personnel by specifically targeting training to identified needs. This strategy can be used to (1) enhance the skills of personnel currently working with students with severe disabilities, (2) supplement training to regular educators, or (3) train personnel who have not previously worked with students with severe disabilities. In addition to meeting the immediate need for trained personnel, this priority will require the packaging of the inservice training model in a way that will increase the likelihood that effective training practices will be adopted by others.

Project Design: Model inservice training projects must provide inservice training for professionals, paraprofessionals, or both currently providing education or related services to children and youth with severe disabilities or to those individuals, who through retraining could provide such educational services. The projects may be State or regional in scope. The projects must (1) delineate a conceptual framework upon which training is to be based including the provision of services in general education classrooms and community settings, (2) identify the target audience to be trained, including their roles and responsibilities, (3) identify the changes required in those roles or responsibilities to serve individuals with severe disabilities, (4) identify the skills needed to implement the new roles or responsibilities (5) determine how the training will meet identified needs within the proposed service area (6) determine the content of training and the format for delivery of training activities. In addition to initial training, the projects must include an array of follow-up and support activities that ensure that personnel participating in the training acquire the skills being taught and utilize that knowledge in meeting the education and related service needs of children and youth with severe disabilities in general education classrooms or community settings.

The projects must directly train personnel to facilitate education in the least restrictive educational environment.

The Secretary will give competitive preference (by awarding up to 10 additional points) to projects that do all of the following:

(a) Collaborate with relevant State agencies for the Comprehensive System of Personnel Development under part B of the Individuals with Disabilities Education Act.

(b) Assure that inservice trainees will gain credit from the training and that credit will apply towards a degree, certification, recertification, or licensure; and

(c) Assure through supplemental funding from State or other sources that the inservice training model, if proven effective, will become the basis for or will be incorporated into, an ongoing system of professional development for personnel serving children and youth with severe disabilities.

The Secretary particularly invites projects that focus on:

(a) Community based, age appropriate, functional skills training;

(b) Non-aversive behavior management in general education and community settings;

(c) Assistive technology to enhance participation and communication in general education and community settings;

(d) Strategies for facilitating interactions between students with severe disabilities and their nondisabled peers.

(e) Training educational personnel from groups who have been traditionally under-represented.

However, in accordance EDGAR at 34 CFR 75.105(c)(1), an application that meets this invitational priority receives no competitive or absolute preference over applications that meet the general priority described in this notice.

Evaluation: Projects must evaluate the inservice training model through direct assessment of participant skills following the training and after a period of time. At least some measures must be based on direct observation of trainees in the educational or community setting using standardized observational rating techniques. Projects must be consistent with personnel standards, certification, or licensing requirements in the States where training is to occur.

As a part of project evaluation requirements, each project shall collect and report cost as well as effects data related to use of the training models.

Dissemination: Projects must prepare and deliver reports as described at 20 U.S.C. 1409(g). The information resulting from these projects must be packaged to include all materials validated during the model inservice training effort.

Priority 5: State-Wide Systems Change

The purpose of this priority is to support projects that enhance the capacity of States to serve students with severe disabilities (including students with deaf-blindness) in: (a) Developing in conjunction with the activities required under part B of the Individuals with Disabilities Education Act to improve the quality of special education and related services in the State for children with severe disabilities, including children with deaf-blindness, birth through 21 years of age, and to change the delivery of these services from segregated to integrated environments; and (b) significantly increase the number of children with severe disabilities (including children with deaf-blindness) the State serves in regular school settings, alongside their same-aged nondisabled peers.

Project Design: Projects under this priority must:

(a) Determine resources available in the State to provide quality services to children with severe disabilities (including children with deaf-blindness), as well as financial resources available through other agencies or parties;

(b) Coordinate activities with the Deaf-Blind State and Multi-State project and the coordinator of services for students with severe disabilities;

(c) Establish services needed to assist these children and youth to achieve their highest potential outcomes in normalized, nonsegregated least restrictive environments. These services must include at a minimum:

(1) Delivery of integrated educational services that include providing children with severe disabilities (including children with deaf-blindness) who are currently being served in segregated environments with special educational and related services in schools and classes with nondisabled children;

(2) Movement of participating children and youth and integration into less segregated environments with the objective of facilitating the placement of these children in appropriate regular school settings;

(3) Delivery of curricula relevant to education in integrated settings including the teaching of social

integration skills, community referenced skills, and employment skills;

(4) Activities to promote acceptance of children and youth with severe disabilities (including children with deaf-blindness) by the general public through increasing both the quality and frequency of meaningful interaction of these children and youth with nondisabled peers and adults;

(5) Delivery of services to meet the unique needs of children with severe disabilities (including children with deaf-blindness); and

(6) Effective involvement of families in the planning and delivery of services to their children with severe disabilities (including children with deaf-blindness);

(d) Early in the first year of operation the project must establish a project advisory board having representation of parents of project children with severe disabilities (including parents of children with deaf-blindness), providers of services to this population, and State and professional organizations, that are responsible for providing significant input on project management procedures; and

(e) As a part of first year activities, the project must formulate and implement formal, written policies and procedures with relevant State, local, and professional organizations for coordinating services provided to the target population of children with severe disabilities (including children with deaf-blindness) including the elimination of overlapping and redundant services.

Projects must provide assurance that the educational settings in which the project-sites are proposed, represent least restrictive environments, including: (1) Placement in regular school settings; (2) age appropriate educational services; and (3) integrated community settings.

Evaluation: Projects will be funded through cooperative agreements with the Secretary for a period of 60 months subject to the requirements of 34 CFR 75.253(a), for continuation awards. In determining whether to continue the project, the Secretary will also consider the recommendation of a review team consisting of three external experts selected by the Secretary and designated Federal program officials. Costs associated with the services to be performed by the three external members of the review team are to be incorporated into the applicant's proposed budget. In developing its recommendation, the review team will consider, among other factors, the following:

(a) The timeliness and the effectiveness with which all requirements of the negotiated cooperative agreement have been or are being met by the recipient and its subgrantees;

(b) The degree to which the applicant demonstrated activities to improve the quality of special education and related services in the State for children and youth with severe disabilities (including children with deaf-blindness), birth through 21 years of age, and to change the delivery of these services from segregated to integrated environments; and

(c) The effectiveness of the project's activities including comparing the number of children and youth with severe disabilities (including children with deaf-blindness) in the State who are served in regular school settings, alongside their same-aged nondisabled peers, verses the number of children who were served in such settings at the onset of the project.

Projects must implement an evaluation plan that measures: (a) the improvement of special education and related services in the State for children and youth with severe disabilities (including children with deaf-blindness); (b) the movement of children and youth with severe disabilities (including children with deaf-blindness) in the State from segregated settings to regular school settings, alongside their same-aged nondisabled peers; and (c) the effectiveness of all project activities.

Dissemination: Projects must prepare and deliver reports as described at 20 U.S.C. 1409(g).

Program Authority: 20 U.S.C. 1424(a).

Title of Program: Secondary Education and Transitional Services for Youth with Disabilities Program. CFDA No. 84.158

Purpose: To assist youth with disabilities in the transition from secondary school to postsecondary environments such as competitive or supported employment and to ensure that secondary special education and transitional services result in competitive or supported employment for youth with disabilities.

Proposed Priorities: The Secretary proposes to establish the following priorities for the Secondary Education and Transitional Services for Youth With Disabilities Program, CFDA No. 84.158. In accordance with the Education Department General Administrative Regulations (EDGAR) at 34 CFR 75.105(c)(3), the Secretary proposes to give an absolute preference under this program to applications that respond to the following priorities; that is, the Secretary will select for funding only those applications proposing projects that meet these priorities.

Priority 1: Model Demonstration Projects to Identify, Recruit, Train, and Place Youth With Disabilities Who Have Dropped out of School

This priority supports model demonstration projects implementing effective strategies to identify, recruit, train, and place youth with disabilities who have dropped out of school. Projects must develop techniques for locating and recruiting youth with disabilities who have dropped out of school and must identify the unique curriculum modifications and supports that are needed to ensure their program participation and completion.

This priority is being proposed because of high dropout rates of youth with disabilities. States reported to OSEP that during the 1988–89 school year approximately 25% of youth who exited special education were dropouts. Ninety percent of these dropouts were sixteen or seventeen years of age. Studies by State and local education agencies indicate that the dropout rate of students with disabilities is between 31% and 35%, with even higher rates in urban areas. Other studies have shown that low socioeconomic status is also related to high dropout rates among students with disabilities. Youth in special education drop out of school at a higher rate than their nondisabled peers. Poor academic performance, the presence of a disability, attitude of the youth toward school, and disciplinary problems are cited as major reasons for dropping out.

In FY 1990, projects were funded under the Research in Education of the Handicapped Program that focus on junior high school aged students who are certified as learning disabled or emotionally disturbed and are at risk of leaving school prior to completion. These projects will design and field test interventions to enhance students' continued participation in school. However, these projects do not address students who have already dropped out of school. Although training and employment projects currently supported by the Secondary Education and Transitional Services Program are required to serve youth who have recently left school, the drop out population has not been a primary focus.

Project Design: The demonstration models for youth who have dropped out of school must be based on a conceptual framework that is founded on tested theory and research, and that provides a basis for the unique strategies and approaches that are incorporated into the model. Significant efforts have

occurred to demonstrate that youth with disabilities can make successful transitions from school to the workplace. However, attention must be given to the development and validation of unique strategies to locate and motivate dropouts to participate in programs intended to provide them the skills necessary to live and work in their communities.

The strategies identified in the project design should address solutions to the problems associated with the transition from school to integrated postsecondary environments, such as competitive or supported employment, postsecondary education, vocational training, continuing education, adult services, or community-based living alternatives. Particular attention must be placed on: (1) The identification and recruitment of youth who drop out; (2) the development of responsive programs to enlist and maintain their participation; and (3) the assistance and support necessary to ensure program completion.

Projects supported under this priority must emphasize one or more of the following activities:

(a) Developing working agreements and mechanisms between public schools and adult programs in integrated, age appropriate environments for the provision of special education or related services. Such programs could provide services to youth until they reach the States' maximum age for receiving special education services;

(b) Providing intensive instruction to prepare target population with functional skills necessary to live and work in the community. Such instruction must have a direct impact on the youth's ability to improve his and her potential for attaining successful outcomes;

(c) Identifying individuals, agencies, or community-based organizations that may have significant influence in encouraging youth to participate in appropriately designed transition programs;

(d) Incorporating successful Projects With Industry (PWI) models or components of models supported under the Job Training Partnership Act (JTPA) into the design of the proposed transition programs and services; and

(e) Developing and implementing procedures to: (1) Analyze the various factors which influence the individual's decision to drop out, (2) profile significant characteristics and develop indicators of "risk of dropping out" for youth currently enrolled in school; and (3) modify or change school and curriculum barriers to enhance the participation of youth who have left school based on that information.

The following activities must be included in the implementation of the project:

Follow-up and Long-Term Support: Projects that place youth with disabilities in jobs or community residential settings must provide for sufficient follow-up and linkage to providers of long-term support.

Setting: Services must be provided in integrated, age-appropriate environments in order to reduce or eliminate the stigma that may have been associated with previous non-responsive environments. Such environments would facilitate the interaction between project participants and their nondisabled peers and would include community colleges and other agencies that offer postsecondary adult education services.

Collaboration: Projects must collaborate with the following persons and entities in the design, implementation, and testing of the model:

(1) Prospective project participants and adults with disabilities or advocacy organizations for persons with disabilities, through such activities as advisory committees.

(2) Employers, State vocational rehabilitation agencies, and other providers of adult services.

If the applicant is not a local educational agency, a clear statement of commitment from the local educational agency indicating access to student records, willingness to participate in the program, and assurance to restructure current practices based on project outcomes must be provided by the participating agency(ies).

Personnel: At least one key staff person (Project Director, Project Coordinator) must have a background in the implementation of programs for school dropouts with disabilities and commit more than 50% of his and her time to the project.

Evaluation: Outcome measures must be developed and used by the project to determine how effective the strategies are in keeping students in an educational program and preparing the targeted population to live and work in the community.

As a part of project evaluation requirements, each project shall collect and report cost as well as effects data related to use of the strategies demonstrated.

Dissemination: Projects must prepare and deliver reports as described at 20 U.S.C. 1409(g).

Priority 2: Model Demonstration Projects to Identify and Teach Skills Necessary for Self-Determination

The purpose of this priority is to support model demonstration projects that identify the skills and characteristics necessary for self-determination, as well as the in-school and out-of-school experiences that lead to the development of self-determination. Self-determination refers to the attitudes and abilities that lead individuals to define goals for themselves and to take the initiative in achieving those goals. Some of the personal characteristics associated with self-determination are: Assertiveness, creativity, self-advocacy, and decision making.

This priority is being proposed because of the many pervasive stereotypes that indicate that persons with disabilities are incapable of making decisions that affect their lives. The lack of involvement of persons with disabilities in program and policy decision-making is assumed to stem from the lack of decision-making at the individual level. Decisions affecting persons with disabilities have traditionally been made by others. Children and youth with disabilities typically proceed from having parents make decisions for them to having doctors, social workers, or other support personnel make decisions for them. Many of those who have attended more segregated educational programs often find their ability to make their own decisions even more restricted. This sometimes results in persons with disabilities leaving school unprepared and confused when confronted with the need to take responsibility for the decisions affecting their lives.

Project Design: Projects must involve youth with disabilities, their families, and adults with disabilities in developing a model that incorporates: (1) The types of experiences and responsibilities that are important in developing the skills and characteristics necessary for self-determination; and (2) the range of opportunities or potential opportunities in-school and out-of-school that could provide these experiences. Projects must then develop strategies to systematically involve youth with disabilities in the types of activities that foster assertiveness, creativity, self-advocacy, and other skills associated with self-determination. Projects must also develop and test strategies to assist families and service providers in understanding the importance of self-determination for students with

disabilities and to accept and support changes in roles and responsibilities as youth with disabilities exercise self-determination.

Projects supported under this priority must emphasize one or more of the following activities:

(a) Identifying or developing and testing strategies for direct instruction of the skills necessary for self-determination by providing in-school and out-of-school experiences that lead to improved abilities to engage in activities such as self-advocacy, defining and achieving goals, assertiveness, etc.

(b) Using persons with disabilities and nondisabled peers, to act as role models and to demonstrate and guide project participants in appropriate behavior consistent with the principles of self-determination.

(c) Encouraging the active participation of youth with disabilities in the identification, planning, implementation, and evaluation of all their present and future service needs.

(d) Involving youth and adults with disabilities in structured activities or a series of activities to assist families and service providers in understanding the importance of self-determination for students with disabilities and to accept and support changes in roles and responsibilities as this population exercises the principles of self-determination.

(e) Identifying or developing and testing other innovative strategies that meet the intent of this priority.

Collaboration: Projects must collaborate with the following persons or entities in the design, implementation, and testing of the project: Prospective project participants and adults with disabilities or advocacy organizations for persons with disabilities.

Personnel: At least one key staff person (Project Director, Project Coordinator, etc.) must have a background in self-advocacy or consumer organization and commit more than 50% of his or her time to the project. It is strongly suggested that at least one person with a disability be employed as key project staff.

Evaluation: Outcome measures must be developed and used by the project to determine how effective the strategies are in providing youth with disabilities with the skills associated with self-determination.

As a part of project evaluation requirements, each project shall collect and report cost as well as effects data related to teaching skills necessary for self-determination.

Dissemination: Projects must prepare and deliver reports as described at 20 U.S.C. 1409(g).

Priority 3: Research Projects on the Transition of Special Populations to Integrated Postsecondary Environments

This priority supports research projects on effective strategies to provide transitional services to youth with disabilities, ages sixteen through twenty-one who have membership in a particular special population. Projects must focus on at least one of the following special populations: adjudicated youth, youth with severe emotional disturbance, and youth with severe physical disabilities (including youth with traumatic head injury).

This priority is being proposed because strategies focusing on these populations have generally not been represented in the efforts supported to date by this program. According to the literature and past project experience, the transition needs for these populations are the most difficult to accommodate and they have limited potential for successful vocational and living outcomes. A few practices have been developed that have improved the chances of success for these populations. Technological devices and machine adaptations have increased the ability of those with severe disabilities to perform complex job tasks. Innovative behavioral techniques have reduced aberrant behavior in youth who are seriously emotionally disturbed. Training and placement in "real" jobs in the community have reduced the recidivism rate of adjudicated youth with disabilities. However, these practices tend to be expensive and have not been synthesized into models that can address a variety of circumstances and be implemented in typical settings.

Project Design: The strategies identified in the project design must provide solutions to the problems associated with the transition from school to integrated postsecondary environments, such as competitive or supported employment, postsecondary education, vocational training, continuing education, adult services, or community-based living alternatives. Particular attention must be placed on the needs of students who are transitioning from one setting to another or to multiple settings. For example, the needs for adjudicated youth may require multiple transitions from public schools or other institutions, from the institution to other institutions, and from the institution to the work place.

Projects supported under this priority must emphasize one or more of the following activities:

(a) Identifying or developing and testing strategies for transitional service programs that focus on individualized transition case management; vocational training; and recreational, leisure, or social skills.

(b) Conducting comprehensive follow-up studies for the targeted population and designing exemplary transitional services based on the findings.

(c) Developing and testing the feasibility of cooperative efforts between education agencies and adult service agencies to provide comprehensive transitional services to the target population.

(d) Identifying or developing and testing strategies for the transfer of assistive technology devices (communication, adaptive equipment, etc.) from the educational environment to employment and other community settings.

The following activities must be addressed in the implementation of the project;

Follow-up and Long-Term Support: Projects that place youth with disabilities in jobs or community residential settings must provide for sufficient follow-up and linkages to providers of long-term support.

Setting: Projects must develop transition strategies in integrated community settings rather than separate programs. Projects are encouraged to use consortia or multi-site approaches to recruit a sufficient number of project participants.

Collaboration: Projects must collaborate with the following persons or entities:

(1) Prospective project participants and adults with disabilities must be involved in the design, implementation, and testing of the project outcomes.

(2) If appropriate, parents and other family members must be involved in the transition process.

(3) Employers, State vocational rehabilitation agencies, and other providers of adult services.

Personnel: At least one key staff person (Project Director, Project Coordinator, etc.) must have a background in research methodology and commit more than 50% of his and her time to the project.

Evaluation: Outcome measures must be developed and used by the project to determine how effective the strategies are in preparing the targeted population to succeed in integrated postsecondary environments.

Dissemination: Projects must prepare and deliver reports as described at 20 U.S.C. 1409(g).

Priority 4: Institute to Evaluate and Provide Technical Assistance to States Implementing Cooperative Projects to Improve Transition Services

This priority supports a five-year cooperative agreement with an institution of higher education, or nonprofit public or private organization to establish an institute to provide evaluation and technical assistance to States implementing cooperative projects to improve transition services authorized under section 626(e) of the Individuals with Disabilities Education Act. Applications submitted under this priority will be evaluated using the selection criteria at 326.32.

Project Design: The project must:

(a) Evaluate the outcomes of the transition services resulting from the activities of the cooperative projects including the effect of the services on postsecondary education, job training, employment, and other appropriate outcomes;

(b) Evaluate the impact of the requirement to include in the individualized education program a statement of needed transition services;

(c) Evaluate the extent to which, in the provision of the transition services, agencies are cooperating effectively, including evaluation of the extent of coordination (1) of the staff of the agencies, (2) of procedures regarding confidentiality, (3) of assessment of needs, (4) of referrals, and (5) regarding data bases and training;

(d) Evaluate the extent to which obstacles exist regarding cooperation and coordination among agencies in the provision of the transition services, and the extent to which Federal and State law creates disincentives to such cooperation and coordination;

(e) Evaluate the extent to which the transition services have been provided in a cost-effective manner; and

(f) Determine the technical assistance needed by each participating State and develop individual State technical assistance plans detailing strategies and activities that will be carried out for improving transition services.

(g) Make recommendations on the manner in which the program under section 626(e) can be improved.

(h) Provide information to be included in the annual report under section 618(g), which reports the activities and results associated with the institute activities.

Specifically, the institute will develop and implement the following evaluation and technical assistance activities:

Evaluation: The evaluation activities must consist of several levels of data gathering and analysis. First, the institute must access data collected by the States receiving cooperative grants and conduct analyses of aggregate data. To the extent appropriate, the institute must conduct meta-analyses of intervention effects of the projects or subsets of the projects. Second, the institute must analyze each project in terms of methodology used to determine State needs and activities to develop, implement, and improve systems to provide transition services for youth with disabilities. Third, the institute must assess how States improve and increase the working relationship among education personnel, both within LEA's and postsecondary training programs, relevant State agencies, employers, rehabilitation personnel, local and State employment agencies, local Private Industry Councils authorized by the Job Partnership Development Act, and youth with disabilities. This must include the evaluation of strategies to identify and achieve consensus on the general nature of service needs and the specific application of transition services to meet the needs of youth with disabilities. Fourth, the institute must evaluate the impact of including transition services in student's Individualized Education Programs (IEPs) and identify which segments of the population are most difficult to provide transition services. Finally, the institute must evaluate the extent to which the transition services have been provided in a cost effective manner.

Technical Assistance: The institute must provide technical assistance to State grantees to enable them to plan and implement their cooperative grant programs. The technical assistance must include activities to assist grantees:

(1) To assess the current availability, access, and quality of transition services for youth with disabilities and determine how, over five years, the State will improve availability, access, and quality of transition services.

(2) In determining strategies for using grant funds as an incentive for accessing and using the expertise and resources of programs, projects, and activities related to transition from other sources.

(3) In providing early ongoing information and training for those involved with or who could be involved with transition services.

(4) In providing training for eligible youth that matches labor market needs in their communities.

(5) In providing community experiences for youth with disabilities and to enable education agencies to make initial transition with students.

(6) To clearly define the delivery system that will result from their projects and analyze in detail how it will differ from current services and the current delivery system.

(7) In improving the evaluation of their projects. This technical assistance must include information pertaining to program documentation methods; selection of measurement instruments; data collection methods; data analysis procedures; and formats for reporting the results of program evaluation in a manner that permits aggregation and synthesis of information and development of recommendations on how the program can be improved.

The evaluation and technical assistance activities must include at least one on-site visit to projects during each 12-month period. However, it is anticipated that less expensive mechanisms (mail, telephone, annual meetings) will be the predominant methods of providing technical assistance.

In carrying out its evaluation and technical assistance activities, the institute must provide evaluation training and experiences for at least three graduate students annually. Graduate students must include members of underrepresented populations.

Period of Award: The Secretary will approve one cooperative agreement with a project period of up to 60 months subject to the requirements of 34 CFR 75.253(a) for continuation awards. In determining whether to continue the institute for the last two years of the project period, in addition to considering the factors in 34 CFR 75.253(a), the Secretary will consider the recommendation of a review team consisting of three external experts selected by the Secretary and designated Federal program officials. The services of the review team are to be performed during the last half of the institute's second year, and will replace that year's annual evaluation that the recipient is required to perform under 34 CFR 75.590. During all other years of the project, the recipient must comply with 34 CFR 75.590. Costs associated with the services to be performed by the three external members of the review team must be paid for with project funds. In developing its recommendation, the review team must consider, among other factors, the following:

(1) The timeliness and the effectiveness with which all requirements of the negotiated cooperative agreement have been or are being met by the institute; and

(2) The degree to which the institute's evaluation designs and methodological procedures demonstrate the potential for

producing significant new knowledge and products.

Dissemination: Projects must prepare and deliver reports as described at 20 U.S.C. 1409(g).

Program Authority: 20 U.S.C. 1425.

Intergovernmental Review

These programs are subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive Order is to strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and action for this program.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding these proposed priorities.

All comments submitted in response to this notice will be available for public inspection, during and after the comment period in 4092, Switzer Building, 330 C Street, SW., Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Monday through Friday of each week except Federal holidays.

(Catalog of Federal Domestic Assistance Numbers: Early Education Program for Children with Disabilities, 84.024; Services for Children with Deaf-Blindness, 84.025; Educational Media Research, Production, Distribution, and Training Program, 84.026; Postsecondary Education Programs for Persons with Disabilities, 84.078; Program for Children with Severe Disabilities, 84.086; Secondary Educational and Transitional Services for Youth with Disabilities Program, 84.158).

Dated: July 11, 1991.

Lamar Alexander,

Secretary of Education.

[FR Doc. 91-24658 Filed 10-11-91; 8:45 am]

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federal register

Tuesday
October 15, 1991

Part III

Department of Health and Human Services

National Institutes of Health

Recombinant DNA Research: Action Under the Guidelines; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Recombinant DNA Research: Action Under the Guidelines

AGENCY: National Institutes of Health, PHS, DHHS.

ACTION: Notice of action Under the NIH Guidelines for Research Involving Recombinant DNA Molecules.

SUMMARY: This notice sets forth an action to be taken by the Director, National Institutes of Health (NIH), under the May 7, 1986, NIH Guidelines for Research Involving Recombinant DNA Molecules (51 FR 16958).

EFFECTIVE DATE: October 15, 1991.

FOR FURTHER INFORMATION CONTACT: Additional information can be obtained from Dr. Nelson A. Wivel, Director, Office of Recombinant DNA Activities, Office of Science Policy and Legislation, National Institutes of Health, Building 31, room 4B11, Bethesda, Maryland 20892, (301) 496–9838.

SUPPLEMENTARY INFORMATION: Today an action is being promulgated under the NIH Guidelines for Research Involving Recombinant DNA Molecules. This proposed action was published for comment in the **Federal Register** of September 3, 1991 (56 FR 43686), and reviewed and recommended for approval by the NIH Recombinant DNA Advisory Committee (RAC) on October 7, 1991.

I. Background Information and Decision on Action Under the NIH Guidelines

A. Addition of Appendix D–XXI to the NIH Guidelines

In a letter dated June 6, 1991, Dr. Steven A. Rosenberg of the National Institutes of Health indicated his intention to submit two human gene therapy protocols to the Human Gene Therapy Subcommittee and the Recombinant DNA Advisory Committee for formal review and approval. The first protocol is entitled: "Immunization of Cancer Patients Using Autologous Cancer Cells Modified by Insertion of the Gene for Tumor Necrosis Factor." The second protocol is entitled: "Immunization of Cancer Patients Using Autologous Cancer Cells Modified by Insertion of the Gene for Interleukin-2."

This request was published for comment in the **Federal Register** on July 2, 1991, (56 FR 30398).

The protocol was reviewed during the Human Gene Therapy Subcommittee meeting on July 29–30, 1991. Provisional approval was granted with the following stipulations. Although the NIH Institutional Biosafety Committee had requested a preliminary experiment using tumor cells that were not gene-modified, the Human Gene Therapy Subcommittee requested that only tumor cells transduced with the cytokine genes be used in these protocols. Further, the Principal Investigator was requested to report his results after the first five patients have been studied; he was asked to measure the rate of cell growth at the injection site, and to do a polymerase chain reaction assay for cytokine DNA in the inguinal lymph nodes and in tumor biopsies at other sites in the body.

The Human Gene Therapy Subcommittee forwarded the protocol to the Recombinant DNA Advisory Committee for consideration during the October 7–8, 1991, meeting.

This request was published for comment in the **Federal Register** on September 3, 1992 (56 FR 43686).

During the meeting on October 7–8, 1991, the Recombinant DNA Advisory Committee met to review the protocol and recommendations from the subcommittee. Following the discussion, the Recombinant DNA Advisory Committee by an identical vote of 17 in favor, 0 opposed, and 1 abstention, approved the two protocols with the following section to be added to Appendix D:

"Appendix D–XXI.

"Dr. Steven A. Rosenberg of the National Institutes of Health, Bethesda, Maryland, can conduct two sets of experiments on patients with melanoma, renal cell cancer, and colon carcinoma. Tumor will be resected from the patients as a part of their treatment and tissue culture lines of the tumor will be established. The genes coding for tumor necrosis factor or interleukin-2 will be introduced into these tumor cells and the integration and expression of these genes will be tested. Tumor cells will be injected subcutaneously and intradermally into the thigh. The amount of tumor injected will be less than 1/50th of the total of the tumor burden of the patient. The site of injection will be followed and resection of these cells will take place in 21 days or at a previous time if the tumor reaches a size of 1 centimeter. After the first five patients have been treated, a report will be filed with the Recombinant DNA Advisory Committee that addresses the following points: (1) The rate of growth at the injection site; (2) an estimate of other tumor growth in the patient; (3) data pertaining to the presence of cytolytic or cytokine producing cells in the draining inguinal lymph nodes; (4) polymerase chain reaction (PCR) assay to test for the presence of tumor cells in the draining lymph nodes to determine if there has been matastasis of the injected tumor; and (5) only gene modified tumor cells will be used for the immunization.

I accept this recommendation, and Appendix D–XXI of the *NIH Guidelines* will be added accordingly.

II. Summary of Action

A. Addition of Appendix D–XXI to the "NIH Guidelines"

The following section is added to Appendix D:

"Appendix D–XXI.

"Dr. Steven A. Rosenberg of the National Institutes of Health, Bethesda, Maryland, can conduct experiments on patients with advanced melanoma, renal cell cancer, and colon carcinoma who have failed all effective therapy. In an attempt to increase these patients' immune responses to the tumor, the tumor necrosis factor gene or the interleukin-2 gene will be introduced into a tumor cell line established from the patient. These gene-modified autologous tumor cells will then be injected into the thigh of the patient. To further utilize the immune system of the patient to fight the tumor, stimulated lymphocytes will be cultured from either the draining regional lymph nodes or the injected tumor itself. The patients will be evaluated for antitumor effects engendered by the injection of the gene modified tumor cells themselves as well as after the infusion of the cultured lymphocytes.

OMB's Mandatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592) requires a statement concerning the official government programs contained in the *Catalog of Federal Domestic Assistance*. Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers not only virtually every NIH program but also essentially every Federal research program in which DNA recombinant molecule techniques tould be used, it has been determined to be not cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every Federal program would be included as many Federal agencies, as well as private organizations, both national and international, have elected to follow the *NIH Guidelines*. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the *Catalog of Federal Domestic Assistance* are affected.

Dated: October 15, 1991.

Bernadine Healy,

Director, National Institutes of Health.

[FR Doc. 91–24772 Filed 10–11–91; 8:45 am]

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federal register

Tuesday
October 15, 1991

Part IV

Department of Transportation

Urban Mass Transportation Administration

49 CFR Part 639
Capital Leases; Final Rule

DEPARTMENT OF TRANSPORTATION

Urban Mass Transportation Administration

49 CFR Part 639

[Docket No. 88-C]

RIN 2132-AA28

Capital Leases

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Final rule.

SUMMARY: This final rule implements section 308 of the Surface Transportation and Uniform Relocation Assistance Act of 1987. Section 308 allows capital grant funds under section 9 of the Urban Mass Transportation Act of 1964, as amended, to be used for leasing facilities and equipment if a lease is more cost-effective than purchase or construction of such items. Section 308 also directs the Administrator of UMTA, by delegation from the Secretary of Transportation, to issue regulations governing these leases, and this final rule is in furtherance of that mandate. Finally, the preamble also explains how the procedures outlined in this rule for determining cost-effectiveness of a lease relate to cost-effectiveness determinations in the sections 3, 16(b)(2), 18, and interstate transfer transit grant programs where capitalization of leases is also permitted.

EFFECTIVE DATE: This rule is effective November 14, 1991.

FOR FURTHER INFORMATION CONTACT: For general program information: Douglas Kerr, Office of Grants Management, room 9315, 400 Seventh Street, SW., Washington, DC 20590, 202/366-2440; for cost-effectiveness and other financial issues: James A. Archibald, Associate Administrator for Budget and Policy, room 9310, 202/366-4050, same Washington address as above; and, for legal issues: Nancy Greene, Regional Counsel, 841 Chestnut Street, suite 714, Philadelphia, Pennsylvania 19107, 215/597-8098 or Daniel Duff, Office of Chief Counsel, room 9316, 202/366-4011, same as Washington address above.

SUPPLEMENTARY INFORMATION:

A. Background

Under section 9 of the Urban Mass Transportation Act of 1964, as amended (the UMT Act), Federal funds are made available to urbanized areas on the basis of a statutory formula. These funds are available for either 80% of the acquisition or construction cost of mass transportation facilities and equipment, ("capital assistance grants") or 50% of the net operating cost, by lease or otherwise, of mass transportation facilities and equipment ("operating assistance grants"). Section 9 funding also is available for planning and technical assistance at the 80% level. Capitalization of leases has always been allowable but rarely done because UMTA disallowed all imputed interest costs included in the lease payments. Leases paid in annual installments were traditionally treated as operating expenses funded at the 50% operating assistance rate.

Section 308 of the Surface Transportation and Uniform Relocation Assistance Act of 1987, Public Law 100-17 (STURAA), expressly extended the availability of section 9 funds under the UMT Act at the 80% capital rate to leases of facilities and equipment, where leasing is more cost-effective than purchase or construction. Leases that a recipient does not wish to capitalize will continue to be eligible for operating assistance.

As explained in the Senate Report accompanying the 1987 STURAA:

> (Section 308) permits grantees to use section 9 formula grant funds to lease major capital cost items such as computers, maintenance of way and other heavy equipment, maintenance of effort rail equipment, radio equipment, bus garages, property or structures for park and ride, and other buildings or facilities used for mass transit purposes. The Committee recognizes that it is often more cost-effective for grantees to lease rather than purchase or build major capital items. Leasing arrangements can also provide transit authorities with flexibility that is needed, for example, to maintain technological advance in their communications and computing equipment or to adapt buildings and other facilities to changing needs. By including this section, the Committee intends to help grantees better manage their operations and conduct long-term and short-term planning. (S. Rep. No. 100-3, 100th Cong., 1st Sess. 6 (1987).)

On May 20, 1988, UMTA issued a Notice of Proposed Rulemaking (NPRM) and solicited comments on the agency's proposed approach to implementing section 308. In brief, the agency proposed to define a capital lease to include any lease arrangement used to obtain a capital asset, regardless of its classification for tax purposes. The NPRM also provided that the cost-effectiveness determination was based on cost-effectiveness to the grantee, and the grantee could certify its determination, consistent with the self-certification nature of the section 9 program. (For a complete discussion of the NPRM provisions, see 54 FR 35158.)

In response to the NPRM, UMTA received comments from 18 agencies, in the following categories: 11 transit authorities (all from large urbanized areas); 4 state departments of transportation; 1 metropolitan planning organization; 1 trade association representing private bus companies; 1 trade association representing public bus companies.

The comments generally were supportive of the approach in the NPRM. Section C of this preamble contains a discussion of the comments, by issue, with UMTA's response to the comments.

The rule is essentially procedural. It shows how to determine a lease is cost-effective and how to obtain capital funding for it under the regular section 9 grant approval process. And although the rule is specific to the section 9 program, the principles stated herein may be used in determining whether capitalization of assets under other UMTA grant programs is justified.

B. Final Rule Summary

To place the discussion of the comments in context, following is a brief overview of the key provisions of the final rule.

Under the final rule, a recipient may receive Federal capital assistance (80 percent Federal share) under section 9 for certain leasing costs. In the past, such leasing costs generally have been considered operating costs, with a lower Federal share (50 percent). To qualify for the Federal capital share, a recipient itself must determine whether or not such leasing is more cost-effective than purchasing, using criteria set forth in the final rule.

Once the recipient has made a favorable cost-effective determination, and so certifies to UMTA, it is free to choose how and when Federal funds will be applied to such lease costs. On the one hand, using the regular section 9 grant application process, it may apply for the cost of the entire lease at one time and then draw-down the funds over time to reimburse expenses as they are incurred.

We expect, however, that a recipient will prefer another option provided for in the final rule, namely, a series of annual grants to pay for the lease costs. In this case, Federal funds for the entire lease would not all be obligated by UMTA in a single section 9 grant. Instead, each year a recipient would apply for and receive only the amount necessary to meet its annual lease obligations. In this way, the recipient has flexibility in managing its annual apportionment of Federal funds. Under this option, however, a recipient must

certify to UMTA that it is financially able to continue to pay lease costs with non-Federal funds in the event Federal funds are unavailable in the future.

Once such an annual grant for a lease has been approved, so long as there has been no action by the recipient which invalidates or otherwise neutralizes any factors on which the original cost effectiveness certification depends, the recipient need not repeat the cost-effectiveness comparison and recertify in order to include future increments of funding of the lease in future section 9 grants.

C. Discussion of Comments and Agency Response

1. *Inclusion of Capital Leasing Under Existing Section 9 Program (NPRM § 639.11)*

Several commenters were under the impression that an entirely new grant program was being established by this rule different from the current section 9 grant process.

This is not the case. The current section 9 grant application and approval process remains unchanged by this final rule. That is, capital leasing projects will be included with other capital, operating, and planning projects in each recipient's annual section 9 grant. Normally, recipients include several projects in their application for annual section 9 formula assistance grants. Frequently, where projects will be implemented over several years, recipients request Federal funding in annual increments, based on their needs. Thus, capital leases under this rule simply should be added to the projects that are included on the annual program of projects.

It is important note that a recipient need not make the decision whether to lease or purchase before submitting its application to UMTA. An application could state "PURCHASE OR LEASE" a particular asset. The recipient would include sufficient funds in the budget to purchase the asset. The recipient would then conduct the cost effectiveness comparison. If leasing is determined to be more cost effective, the recipient would submit the cost effectiveness certification to UMTA, lease the asset and revise the budget to reflect the appropriate cost of the lease. If more capital funds had been approved than required for a lease, they could be reprogrammed among approved contingency projects or deobligated.

2. *Grant Options (NPRM § 639.13)*

In the NPRM, UMTA requested comments on three methods a recipient might choose to receive payments under a capital lease. The first option allowed a recipient to receive annual lease payments through a series of annual grants. The second option provided for a single grant with funds made available under it to be paid out over a period exceeding one year. The third option proposed a multi-year agreement similar to UMTA's full funding contract.

The seven commenters on this section wanted to be able to choose the form of grant they would receive. One commenter thought it unlikely that anyone would choose the option for a single grant, since doing so would tie up most of its formula funds.

Another commenter observed that providing recipients maximum flexibility in choosing when payments from UMTA would be received could affect the terms to be negotiated in the lease and result in cost savings. UMTA agrees.

UMTA also agrees that recipients should have flexibility in choosing when they want to receive funding for leases and § 639.15 explains how this can be accomplished.

If a recipient prefers to apply for annual increments of a capital lease, it will apply in its regular section 9 grant application for the amount required for lease payments for each year. (See § 639.15(b).)

If, on the other hand, a recipient wishes to include more than one or two year's lease payments—or even the entire lease amount—in one grant, it may do so as explained in § 639.15(a). Under the latter option, which is the most common form of grant made by UMTA, UMTA obligates all of the funds for the project and a recipient draws down the funds from that grant for the lease payments over time as expenses are incurred. (In the event the recipient proposes to draw down federal funds to pay for substantially all of the lease at the inception of the lease, rather than incrementally as costs are incurred, advanced notification to UMTA is required as to how satisfactory continuing control over the asset will be maintained for the duration of the lease. UMTA has the right to disapprove any arrangements where it has not been demonstrated that the recipient will have control over the asset. A provision to this effect has been added to § 639.13(c) for clarity.)

The third option, a multi-year agreement, is obviated by the adoption of a new policy, described in more detail in the section immediately below this one. Briefly, this policy provides that a lease, once qualified for capital funding and included in a section 9 grant, is eligible for continued capital funding in future section 9 grants.

The third funding option was originally conceived as analogous to a full-funding grant agreement (FFGA). Under an FFGA, UMTA approves a project and agrees to obligate funding in the future in pre-determined phases if Congress appropriates it. UMTA established this full funding method of financing major construction projects in cases where UMTA does not have sufficiently available funding to commit to the recipient at the beginning of its project. A full funding commitment from UMTA permits the recipient to continue with the project in the knowledge that if and when UMTA has funding available UMTA will make those funds available to the recipient. To make recipients apply for an FFGA for every lease is administratively cumbersome. Instead, by stating that once a lease has been determined to be cost-effective it is eligible for future funding (so long as its terms don't change), UMTA is achieving the same result as in an FFGA.

UMTA also recognizes that there may be certain innovative financing techniques for leases that are not covered by this rule but which a recipient may wish to consider using. UMTA will review any such proposals on a case-by-case basis to determine their eligibility for capital participation under this rule.

3. *Pre-Award Authority/Eligibility of Lease Payments (NPRM § 639.15)*

In the NPRM, UMTA sought comments on whether recipients ought to be given "pre-award authority", i.e., authority to incur lease costs before grant approval. Eleven commenters favored pre-award authority, expressing concern that they might have to forego the opportunity of entering into a cost-effective lease if UMTA had not approved a grant which included the lease. Suggestions included: Making special grants for capital leases (discussed above), treating leases as operating grants, retroactively paying for lease costs with capital funds, issuing letters of no prejudice, and granting blanket pre-award authority to incur lease costs.

Standard UMTA grant language always has limited allowable expenses to those incurred (and performed) after the date of the grant agreement, unless the recipient has received express authority from UMTA (as in the case of operating assistance grants). Moreover, grantee normally is precluded from capital reimbursement if it enters into a binding commitment before approval of Federal funding.

In response to the comments, UMTA has decided to modify its restriction against entering into contracts in advance of grant approval in order to

facilitate a recipient's entering into a cost-effective lease. Specifically, if a recipient decides to enter into a cost-effective lease before grant approval, so long as the recipient has certified the cost-effectiveness of the lease to UMTA, consistent with the procedures in subpart C, and all other grant requirements have been met, as soon as a grant is approved lease costs incurred after grant approval will be eligible for capital assistance. However, payments made for costs incurred prior to grant approval will be at the operating assistance level.

Further, once a lease has been qualified as cost-effective, and a grant has been made, so long as the cost-effectiveness determination has not later been invalidated by some act or omission of the recipient, future lease payments will continue automatically to be eligible capital costs. As a practical matter, this means that there is no requirement to submit a new cost-effectiveness certification with each subsequent grant application.

If a recipient wishes to capitalize the remainder of an ongoing long term lease which was entered into without consideration of this regulation, the recipient may perform retroactively a comparison of the cost of the ongoing lease with the cost to purchase or construct, taking into account the circumstances that existed when the lease was executed. This can be done using factors that existed and should have been considered at the time the lease was entered into. The cost effectiveness determination must be followed by a determination of eligibility of costs under the lease. In this case, only costs incurred after grant approval are eligible for capital funding. (See § 693.13(d).)

Finally, even though a lease may have been qualified for capital funding, a recipient may choose to pay for increments of the lease with operating funds rather than capital funds. A recipient which elects to fund a lease incrementally has the option each year of determining in advance whether it will fund the lease with capital or operating funds; but for ease of project administration, the recipient is discouraged from changing the funding source of the lease once the annual section 9 grant has been made.

The authority provided by this regulation to enter into a lease before grant approval satisfies the need for prior written approval by the agency to allow costs incurred before grant approval to be eligible for reimbursement. Even though UMTA will not reimburse the recipient at the capital rate until grant approval, the recipient does not have to wait for UMTA concurrence to enter into a cost-effective lease. Until the capital grant is approved, lease payments will be eligible operating expenses.

For purposes of this rule, it does not matter whether the lease being capitalized is a true lease or a lease purchase, even through tax law may treat such leases differently. What does matter, however, is any change in the basic factors within the control of the recipient on which the original cost effectiveness certification was made, including any material change lease provisions. For example, if the basic lease would not be cost effective standing on its own but becomes cost effective when coupled with a contract for maintenance services, any decision by the recipient not to go forward with the maintenance contract would be considered a substantial change which could affect continued eligibility of the lease. In contrast, differences in actual inflation over reasonable estimates originally utilized would be considered outside the control of the recipient and therefore not a substantial change. If the recipient by an act or omission has invalidated the continued acceptability of the cost-effectiveness determination, the requirements of § 639.31 on early termination could apply. In such cases, a recipient should immediately bring the matter to UMTA's attention.

4. *Cost-Effectiveness Consideration/ Minimum Criteria (Subpart C)*

Both the NPRM and the final rule address the specific financial issues that must be addressed in the comparison of lease to purchase before a cost-effective determination may be made. (See § 639.23 and .25.) These financial issues are discussed below in the Section-by-Section analysis of the rule. In addition, several commenters stated that the NPRM did not reflect UMTA's intention that factors other than these financial ones by taken into consideration in making the cost effectiveness evaluation. To remedy this, one commenter suggested that the regulatory text be revised to reflect the broader discussion in the preamble to the NPRM.

One commenter was concerned about the ambiguity of the factor used in conducting the cost-effective analysis. Another asked what was meant by "any other service or benefit requested by the applicant in its proposal to obtain the capital asset." Generally, commenters believed that a lack of comparable criteria would cause recipients routinely to request UMTA to approve an alternate form of cost-effectiveness evaluation.

One commenter suggested that UMTA require a minimum set of cost-effectiveness criteria to be addressed by the recipient, but to permit other options to be considered as well. This commenter believed that UMTA should require the Metropolitan Planning Organization (MPO) to program all capital projects as purchase/ construction projects so that the recipient could then use the programming year to compare the present value of the lease cost for the candidate capital lease project. This commenter recommended that the cost effectiveness criteria include (for cost comparison purposes only) all capital and operating costs associated with the proposed project.

UMTA believes many of these comments have merit. Accordingly, new § 639.27 enumerates minimum criteria each recipient should consider in making its cost-effectiveness determination beyond the financial requirements that must be addressed (§ 639.25 and § 639.27.) Listing these minimum criteria should ensure that the cost-effectiveness determination is based on a comprehensive review of all pertinent circumstances, and indicates that the determination may be based on a broad range of factors. Where possible and appropriate recipients are to consider all of the criteria in the list, as well as any other criteria unique to the recipient, such as location, the type of asset, etc. What is important is that the standard that is applied is comparative net present value, with all financial costs included. In conducting the comparison, recipients should ascribe a realistic dollar value to any non-financial factors that are considered—for example, reliability, passenger confort, etc.—by using performance-based specifications in the comparison. While each recipient has a great degree of flexibility in making its cost-effectiveness determination, it is essential that the comparison reflect true market conditions, including the actual interest rates that will be applied.

For most of the criteria listed in the new subsection 639.27 it is easy to ascribe a dollar value to the criteria to be compared: "operation costs," "minimum costs," "difference in warranties," "insurance," etc., as these are usually expressed in dollars and cents anyway.

Two criteria—"reliability of service" and "passenger comfort"—may, at first glance, appear difficult to quantify. Yet it is easy to estimate the cost to achieve certain objectives by translating their elements into performance-based criteria which have a defined cost.

For example, for "reliability of service," consider costs to keep an asset in service for a specified period of time between breakdowns or cleaning and repair, costs for more frequent service, or safer service or equipment, training costs, etc., which vary if the asset is leased or purchased.

For passenger confort," consider dimensions of vehicle or building, dimensions of seats, cushions, etc. All of these things cost money.

"Costs/savings related to timing of acquisition of asset" can be costs to maintain obsolete equipment in service, costs in loss of ridership, in maintenance, in renting of substitute equipment, etc.

Finally, "value of asset at expiration of the lease" is particularly important if a recipient is considering a lease that involves real property. In view of the fact that land usually appreciates in value, it would be extremely unlikely that a recipient could find it cost-effective to lease land knowing that at the end of the lease, it is returning to the lessor an asset of higher value than at the beginning of the lease.

While many indicators may be considered in the cost-effectiveness analysis, once the decision to lease is made, only the capital asset and costs directly related to acquiring the capital asset may be capitalized. No service or maintenance type costs may be capitalized.

5. *Participation of Designated Recipient (NPRM § 639.13)*

One commenter indicated that in areas where a grantee and the designated recipient are different, the designated recipient should be involved in decision regarding the funding of leases with capital funds, in the UMTA grantee lease agreement discussions, and in signing off lease agreements.

It is not the purpose of this rule to regulate local decision making. The decision to use capital funds to pay for leases of capital assets is a local one. Any capital lease project should be addressed within the region's transit capital priority setting process.

6. *Local Decision-Making in Determining Cost-Effectiveness*

Several commenters suggested that local public transportation boards and management should have significant flexibility in developing a cost-effectiveness evaluation, including the criteria to be considered.

UMTA has addressed this in two ways: First, by giving recipients latitude in determining what factors to include in the cost-effectiveness comparison, as just described; and second, by allowing recipients to "self certify" that they have conducted the cost effectiveness analysis.

7. *Cost-Effectiveness Comparison—One Time Requirement*

A few commenters stated that the application process for annual increments of a lease was unduly burdensome and requested simplified procedures. In response, the rule makes clear that determining the cost-effectiveness of a lease is a one-time requirement, which may be done after grant approval, if necessary. Unless the terms of the lease are changed, the recipient need not repeat the cost-effectiveness evaluation and re-certify the cost-effectiveness to UMTA. (See § 639.11(b).) If the terms of the lease are substantially changed, the cost-effectiveness of the revised lease must be determined and UMTA notified to ensure continued eligibility of lease costs. (UMTA will verify the continued validity of the recipient's cost effectiveness certifications in the triennial review.)

8. *Least Versus Lease Cost-Effectiveness Analysis*

One commenter recommended that UMTA consider grant applications for projects which utilize a lease-versus-lease analysis, in a case where purchase is not a option.

If purchase is not possible, there is no requirement to compare leasing to purchase. However, for the lease to be eligible for capital participation, it is necessary to document the reasonableness of the lease cost, either by following a competitive procurement process or by otherwise justifying the reasonableness of the lease through a cost/price analysis as required in UMTA's third party contracting guidelines. A recipient should seek specific UMTA approval in this case. (See § 639.21(c).)

9. *Cost-Effectiveness to the Recipient*

The NPRM proposed that the cost-effectiveness determination was the cost-effectiveness to the recipient and specifically invited comment on this issue. Commenters generally agree with this position.

However, a State DOT commented that its State policy precluded capital funding of leases, except in some limited cases involving lease-purchase arrangements. As a result, a recipient in that State who wants to take advantage of UMTA's capital leasing regulation would be denied the usual State share of the local match and would be forced to pay for its share of the lease entirely with local funds.

Several commenters stated that the cost-effectiveness of a lease might depend on whether the lease was a "true" lease or a conditional sale. For example, one recipient commented that in its jurisdiction a lease, regardless of the source of funding, is considered an operational expense. Shifting previously allocated capital costs to the operating budget would have the impact of increasing fares because of local rules on mandatory fare-box recovery.

The issues raised by these commenters relate to local requirements which might cause a recipient to find it is not advantages to capitalize leases.

10. *Distortion of Figures to Achieve Desired Result*

Several commenters were concerned that it was possible for recipients to manipulate the cost-effectiveness comparison to achieve a particular result by slightly altering premises, or by omitting certain costs. For example, one commenter suggested that "in determining cost effectiveness to the grantee there be a total cost perspective including State and Federal shares in order to eliminate skewed decisions by some particular locality giving the peculiar circumstances of partial funding."

Another commenter recommended that UMTA specify the interest rate used in the net present value calculation, to avoid biased decisionmaking by "careful" choice of an interest rate. According to this commenter a difference of as little as ½ of 1 percent could affect significantly the outcome of the cost-effectiveness analysis. A transit agency might search the financial market for the interest rate most favorable to its cost-effectiveness analysis.

For the same reasons, this commenter suggested that UMTA require each recipient to include in the cost-effectiveness certification a description of any depreciation schedules used in its analysis.

UMTA intends each recipient to use the most advantageous interest rates actually available to it and does not anticipate that a recipient will manipulate figures fraudulently.

Consistent with Administration policies aimed at minimizing paperwork burdens, no change is made in the final rule to require additional information in the cost-effectiveness certification. The recipient is required, however, to retain all work data in its own files for audit verification or review under the triennial review process.

Finally, in response to a question concerning depreciation of assets not

used for their full usefull life, section 108 of the Part II standard terms and conditions of the UMTA grant agreement requires each recipient to depreciate certain capital assets not used for their useful life on a straight line basis as a remedy for premature withdrawal.

11. *Comparability (NPRM § 639.25)*

Commenters noted that the cost-effectiveness provisions did not explain fully that if a recipient is leasing an asset for a period of less than the useful life of the asset, then the "purchase price" must be adjusted appropriately. For example, if a recipient wants to lease a standard 40-foot bus for three years, the cost of a three-year lease would be compared to the cost of purchasing the identical type bus, less the greater of fair market value of a three year old equivalent bus or nine-twelfths of the purchase price, since the designated useful life of a 40 foot bus is twelve years.

Section 639.25 has been modified to provide specifically for this.

12. *Extension of Cost-Effectiveness Requirement to Other Capital Purchases*

One commenter asked if all applicants for UMTA capital funds would be required to perform a comparative lease/purchase/construction cost-effectiveness analysis.

The capital leasing provisions of this regulation are required for capital leases under section 9 of the UMT Act. However, sound procurement practice suggests that a recipient should consider leasing as well as purchasing or constructing in making all capital acquisition decisions.

13. *Eligibility of Costs*

One commenter complained that the proposed regulations did not broaden the categories of capital expense eligible for consideration to include, for example, acquisition of used equipment.

The rule is not intended to broaden the categories of expenses eligible for capital participation. Purchase of used equipment always has been an eligible capital expense under UMTA's grant programs. The rule need not be amended to include it.

14. *Advantages and Types of Eligible Leases*

One commenter requested that UMTA explain more fully how the leasing rules can be used effectively in actual situations. The commenter suggested as examples: full turnkey operation of certain routes; lease of maintenance facilities with or without a service component; and lease of vehicles with or without accompanying maintenance service.

Leasing may be justified when there is an equipment shortfall and the recipient must meet a demand in excess of its current purchasing ability. Another advantage to leasing is the opportunity to negotiate gross savings by including operation and maintenance costs under a lease agreement, although these latter costs are not eligible capital expenses. Leasing equipment may also be appropriate when the technology changes quickly such that the equipment becomes obsolete technologically before the end of its mechanical useful life.

The full turnkey operation (or in this context, "purchase of service contract") of certain routes is not within the scope of the capital leasing rule. Rather, UMTA's capital cost of contacting procedures would apply to such a situation. Under that policy UMTA would pay for the capital component of the contract for mass transportation services at capital assistance rates. (See section 21 of this preamble for further discussion of the difference between capital costs of contracting, and the requirements of this rule.)

One commenter stated that "mixed lease-purchases" (for example, acquisition of unimproved real property through a long term ground lease along with the entry into a capital construction contract) would necessitate two separate application procedures—one as a capital lease and one as a section 9 construction project. To eliminate two separate application procedures, the commenter suggested including as part of the lease the construction costs associated with the construction of facilities on leased property.

UMTA disagrees with this suggestion. A recipient merely would separate the elements of so-called "mixed lease-purchase" projects into separate budget line items—lease of real property and construction of facility—on the section 9 program of projects. However, only in rare and unusual circumstances will leasing real property be more cost-effective than purchase since land generally appreciates in value.

15. *Suggested Time Limit for Leases*

One commenter suggested establishing a maximum time limit for a capital lease grant, given UMTA's inability to obligate funds beyond the authorization period. The same commenter suggested that UMTA make capital lease grants renewable at the beginning of each authorization period, subject to concurrence of the designated recipient.

Section 639.15(b)(1) requires recipients to certify they have the financial capacity to meet their future obligations under the lease in the event Federal funds are not available in subsequent years. The key principle in this regard is that a lease remains in effect regardless of the status of authorizations under the UMT Act absent some limiting language in the lease agreement. If such authorizations are about to expire or have already expired while Congress is considering reauthorization of the transit program, recipient obligations under the lease may not be affected. If Congress reauthorizes the transit program, a recipient may continue to obtain annual grants from UMTA without having to resubmit its cost-effectiveness determination. If Congress fails to reauthorize the transit program, a recipient would itself be responsible for all outstanding lease obligations, as it earlier had certified to UMTA it would be able to be.

16. *Leasing Assets With a Pre-existing Federal Interest*

One commenter objected to the prohibition against leasing an asset in which there was a pre-existing Federal interest. An example is leasing a building which was constructed with Federal funds from another Federal grant program. It is conceivable but unlikely that UMTA will permit a capital lease of an asset in which there is a pre-existing Federal interest. Provision has been made in § 639.13(b), in instances where a recipient wants to lease an asset that was purchased or constructed with Federal funds and where the Federal interest cannot be removed, for the recipient to bring the question to UMTA for a determination.

17. *Waiver of Federal Procurement Requirements*

One commenter recommended that compliance with other Federal requirements be required only for those leases that were entered into in contemplation of being funded with capital funds. The commenter further suggested that leases entered into before section 308 was passed be exempt from compliance with all Federal requirements, based on a belief that the recipient could not have known that UMTA would allow these costs to be paid for with capital funds.

Under UMTA's Third Party Contracting Guidelines, all procurements (by lease or purchase) have been and will continue to be subject to Federal procurement principles, whether paid for with operating assistance or capital assistance. Accordingly, UMTA finds no merit in the comment.

18. *Property Management*

One commenter requested that UMTA eliminate the property management standards for leased property when the lease is short-term (five years or less).

UMTA sees no reason to differentiate the management of leased assets from all other capital assets acquired under UMTA grants. Part 18 of title 49 of the Code of Federal Regulations, as well as UMTA's project management guidelines, apply. (See § 639.33.)

19. *Administering Lease Purchase Arrangements*

One commenter complained that the NPRM did not explain how UMTA will administer the lease/purchase arrangements. One commenter suggested that language be inserted in the regulation "to address the automatic reprogramming of grant money toward other authorized projects upon release of such funds due to the use of private lease financing."

It is unnecessary for the rule to explain details of project management. A process for programming contingency projects is already in place under the section 9 program. If a recipient has received a grant to purchase an asset which it later determines can be leased more cost-effectively, then it must follow UMTA's project management guidelines concerning grant amendment or budget revisions. UMTA's basic project management guidelines are not changed by this rule.

20. *UMTA Approval of Lease Termination*

One commenter objected to the apparent requirement that UMTA's prior concurrence be obtained if a recipient wants to terminate a lease. The commenter argued that the recipient, as negotiator of the lease, is in the best position to know whether the lessor is in breach.

UMTA agrees with the commenter. This section has been amended to require notice to UMTA only. Note that any penalty incurred for early termination is not eligible for Federal assistance. Similarly in some circumstances a termination might also trigger a requirement for reimbursement of federal funds drawn down by the recipient.

21. *Distinction between "Capital Cost of Contracting" and "Capital Leasing"*

There is confusion between the capital leasing provision in section 308 of STURAA, the subject of this rule, and UMTA's "Capital Cost of Contracting Policy" published in UMTA Circular 7010.1 (December 5, 1986), as evidenced by the following comment:

> [A] grant recipient that wished to subcontract activities, such as line-haul service or door-to-door transportation service, under a purchase of service contract should be able to pay for a portion of the contractor's capital cost based on the percent of a vehicle's use in the performance of the contract times the vehicle's annual depreciation without the necessity of a purchase comparison.

Under the Capital Cost of Contracting Circular (Circular 7010.1), a recipient contracts with a private carrier to provide mass transit services. A portion of such service contract (which has always been eligible for operating assistance) may be paid for with capital funds in accordance with the Circular. This amount represents the "capital consumed in the contract". The requirements under the Circular on justification of the cost of a service contract differ greatly from the requirements relating to cost-effectiveness under this capital leasing rule.

Under the capital leasing rule, a recipient contracts to acquire tangible capital assets by lease. The lease of the asset is entirely eligible for capital treatment so long as operating and maintenance expenses are not included in the lease. It is important to emphasize, under both the Circular and the rule, support services such as operation and maintenance (whether included in the service contract or lease of capital assets) are expressly ineligible for capital treatment.

D. Capital Leasing Under Sections 3, 16(b)(2), 18 and Interstate Transfer Transit Grants, and Cross Border Leasing

Capital funds from the sections 3, 16(b)(2), 18 and Interstate Transfer-Transit programs are available for leasing of capital assets where justified. This regulation only specifically applies to the section 9 program, however, the principles herein are applicable to UMTA's other capital programs as follows.

States, which administer the section 16(b)(2) and 18 programs, must determine that leasing is cost-effective. Guidance on leasing is provided in the section 18 Circular, No. 9040.1B. The section 16(b)(2) Circular, No. 9070.1B, currently does not address this issue but will be amended to specify that capital leasing is permissible. In administering these two programs, the States are encouraged to use this rule as a guideline for determining how to make the cost-effectiveness comparison.

Under the section 3 and Interstate Transfer Transit programs, UMTA continues to review applications for leasing of capital assets on a case-by-case basis. Under these programs, a recipient is expected to include a cost-effectiveness justification in its grant application. A recipient may use the principles enumerated in this rule in making that justification. It is important to note, however, that a recipient of section 3 funds is not permitted to enter into a lease prior to grant approval without express authority from UMTA.

Finally, we note that this regulation does not apply to pure tax benefit transfer cross-border leasing arrangements. Such cross-border leasing is not the type of lease contemplated by this regulation. There is a separate Circular on this type of cross-border leasing. (See UMTA Circular 7020.1, Cross-Border Leasing Guidelines, April 26, 1990.)

E. Section-by-section Analysis

Subpart A includes general information about this part. Section 639.1 provides an overview of the entire part, providing a roadmap for the user. Sections 639.3 and 639.5 set out the purpose and scope of the regulation.

Section 639.7 defines the terms used in the regulation, including "capital asset," "capital assistance," and "capital lease." A capital asset is a facility or piece of equipment which has a useful life in mass transportation service of at least one year and which is eligible for capital assistance. Capital assistance is Federal financial assistance under section 9 of the UMT Act at the Federal share for capital projects, currently 80 percent. A capital lease is any transaction whereby the recipient acquires the right to use a capital asset without obtaining full ownership, regardless of the tax status of the transaction. "Present value" is a calculation of the total cost of an asset expressed in today's dollars when payments take place in increments over time.

Subpart B includes general information on a capital lease, including eligibility requirements, the form of the grant, the distinction between capital and operating costs within a lease, and the applicability of other Federal requirements.

Specifically, § 639.11 sets out the general qualification requirements. Paragraph (a)(1) requires that the capital asset be otherwise eligible for capital assistance under section 9 of the UMT Act. That is, only facilities and equipment which (1) are used in mass transportation; (2) have a useful life of at

least one year; and (3) are eligible normally for capital assistance under section 9 are eligible for capital lease purposes. The regulation allows leasing in place of purchase or construction of a capital asset at the 80 percent Federal share. It does not expand the scope of activities eligible for capital funding under section 9. Thus operating and maintenance costs which may be part of a lease are not capitalized.

Paragraph (a)(2) contains the general rule that capital funds may not be used for a lease in which there is an existing Federal interest in the asset. Designed to preclude a grantee from "doubledipping" with Federal funds, the asset could be eligible if the Federal interest in the asset is eliminated by appropriate means. If there is any doubt about this issue, or if the recipient believes an exception should be made to the general rule, the recipient should ask UMTA for a specific determination.

Paragraph (a)(3) reflects the statutory requirement that a capital lease be more cost-effective than purchase or construction of the capital asset. A capital lease must be compared to the purchase of the same asset for the same period of time, under the same circumstances, not to some other alternative. For example, under this rule, a recipient cannot compare the cost of leasing new buses against the cost of extending the life of its existing fleet. However, it may compare the cost of leasing used buses with the cost of rehabilitating buses to extend their useful life.

Paragraph (b) explains that once a lease has been qualified for capital assistance, it need not be re-qualified unless the lease terms change substantially or the recipient by an act or omission invalidates one of the assumptions on which the cost-effectiveness was based such that the lease is no longer cost-effective.

Section 639.13 sets out the eligible lease provisions, with paragraph (a) describing the general characteristics of a lease. Paragraph (b) establishes procedures for special circumstances that may not fit specifically into paragraph (a) of the section.

Paragraph (c) requires a recipient that wishes to enter into a lease which requires a lump sum payment at the inception of the lease rather than in installments during the term of the lease to secure UMTA's Regional Manager's prior approval of the terms of the lease to ensure eligibility for capital assistance. UMTA has the right to disapprove any arrangements where it has not been demonstrated that the recipient will have control over the asset. UMTA may require the recipient to submit its cost-effectiveness comparison for review.

Paragraph (d) of § 639.13 provides that pre-existing leases may be qualified for capital assistance later if recipients conduct a cost-effectiveness comparison effective as of the date the lease was entered into and certify the cost-effectiveness to UMTA. Only lease costs incurred after approval of a grant, which includes the eligible lease, then are eligible for capital assistance. A recipient who wants UMTA to approve the capitalization of an ongoing lease is required to submit its cost-effectiveness certification before grant approval.

Section 639.15 describes the forms of grant available for capital assistance for a capital lease.

Paragraph (a) explains that recipients may choose to receive a single grant for the Federal share of an entire lease or for a particular period of a lease to be paid out over more than one year. In this case, all of the funds for the payments on a particular portion of the lease would be obligated by UMTA at one time in one grant, but the recipient would draw down these funds only as lease payments are made over the period requested in the grant. (As provided in § 639.13(c), a recipient must notify UMTA of any substantial lease payment in advance of costs being incurred.)

Paragraph (b) explains that a recipient may choose to receive payments in increments which are obligated by UMTA periodically (usually in a recipient's annual section 9 grant). Paragraph (b)(1) explains that a recipient choosing this option must certify to UMTA that it has the ability to meet future obligations under the lease in the absence of future Federal funding. Under this approach a recipient would include each year's lease payments as a project in its annual program of projects.

Paragraph (b)(2) explains that once a recipient has certified to UMTA that leasing is cost-effective and has entered into a lease, the costs incurred under the lease continue to be eligible for capital assistance until the lease is terminated or its terms modified substantially.

UMTA believes this method of funding a lease in increments may be useful since it provides recipients flexibility to choose each year whether to fund the lease payments with Federal capital assistance, operating assistance or some other source of funds.

Section 639.17 describes which costs associated with a lease are eligible for capital assistance and which are not. Paragraph (a) states that all costs directly attributable to acquiring the capital asset are eligible. These include finance charges, including imputed interest, and ancillary costs such as delivery and installation charges.

Paragraph (b) provides that costs for materials, supplies, or services which would not be eligible for capital assistance under a traditional purchase or construction grant are not eligible under a lease.

Paragraph (c) states that only lease costs incurred from the approval date of the original capital grant for the lease are eligible for capital assistance.

Paragraph (d) explains that non-capital costs in a lease of a capital asset will not be eligible for capital assistance but may be considered in the cost-effectiveness determination in subpart C. For example, maintenance costs included in the lease would not be eligible as capital costs, but they would be eligible for operating assistance, and any savings or additional costs resulting from the inclusion of maintenance costs would be considered in calculating cost-effectiveness.

Section 639.19 provides that the parties to a lease are subject to the same Federal statutory and administrative requirements they would be subject to if the asset were being purchased or constructed by the grantee. Thus, a recipient receiving capital assistance for a capital lease is subject to the requirements of the section 9 capital formula grants program, including, but not limited to: UMTA Circular 9030.1A, "Section 9 Formula Grant Application Instructions"; UMTA Circular 5010.1A, "UMTA Project Management Guidelines for Grantees"; UMTA Circular 4220.1B, "Third Party Contracting Guidelines"; and generally accepted accounting principles. This requirement extends to the lessor of a capital asset. Accordingly, the activities of a lessor to prepare existing facilities or equipment for a lease or in anticipation of a lease must be performed in accordance with the same statutory and administrative requirements a seller would be subject to if the asset were being purchased.

Subpart C describes how the cost-effectiveness of a lease is to be determined. Paragraph (a)(1) of § 639.21 states the basic requirement that a recipient must prepare a written comparison of the cost of leasing the asset with the cost of purchasing or constructing it before the lease qualifies for capital assistance.

Section 639.21(a)(2) requires the recipient to certify to UMTA that the capital lease is more cost-effective than purchase or construction. UMTA intends to allow grantees to self-certify as to cost-effectiveness for two reasons. First, it is consistent with the way in which UMTA administers the rest of the

Section 9 program, and with the statutory self-certifications of that program. Second, it minimizes the burden on the recipient and the delay associated with submitting the cost-effectiveness analysis to UMTA for concurrence. Moreover, the documentation substantiating the self-certifications will be subject to review by UMTA during the triennial review process required under section 9 program requirements. The certification should be submitted to UMTA prior to grant approval if the recipient is capitalizing an ongoing lease or prior to execution of the lease if the recipient received a grant before conducting a cost-effectiveness comparison.

Paragraph (b) explains that the cost-effectiveness determination required by this rule is to be made by comparing the cost to purchase with the cost to lease as set forth in §§ 639.23 and 639.24 respectively.

First, before the cost of two sets of goods can be compared it is necessary to make sure that similar items are placed in each set. For purposes of comparison only, these costs can include not only the cost of purchasing or constructing or leasing the asset itself, and ancillary costs such as delivery and installation, but also related operation and maintenance costs that may be included in the request for proposal or invitation for bid to obtain the asset. (Note, however, that while additional services or benefits beyond the recipient's capital needs may be included in a capital lease, not all costs which are included in the comparison may be eligible for capital assistance.)

Second, before costs can be compared, they must be expressed in equal terms. Because a dollar amount today will not necessarily be worth the same amount ten years from now, all costs not payable in the year in which a grant is applied for must be expressed in terms of their "present value." The formula for calculating present value is a basic one familiar to accountants, engineers and economists. Moreover, tables that provide present value factors which can be applied to scheduled payments are generally available in business texts, libraries or a grantee's engineering department. Many business calculators even have a present value function.

Third, all other factors should be as nearly equivalent as possible. This includes the period of use of the capital asset in transportation service and performance assumptions. Generally, a capital asset is acquired for use in mass transportation service for its useful life. If the asset is to be used for a shorter period, the cost comparison must be based on the shorter period. Performance assumptions should be included where possible, for example, by calculating the cost of down time or additional maintenance.

All costs associated with obtaining the asset should be included in the comparison. Many costs and benefits must be estimated in order to conduct the cost-effectiveness evaluation. UMTA is willing to accept reasonable estimates so long as they are justified in writing in the cost-effectiveness evaluation. For example, a recipient may survey several other operators to get their experience data on the performance of a particular item.

Section 639.21(c) allows a grantee with a potential capital lease which does not lend itself to the cost-effectiveness evaluation in subpart C to apply to UMTA on a case-by-case basis for approval of an alternative form of cost-effectiveness evaluation. This alternative might be used, for example, when the speed of technological developments makes purchase impracticable or when the recipient wishes to lease a specific asset that cannot be purchased.

Section 639.23(c) covers the situation in which the recipient does not intend to lease a capital asset for its entire useful life. When calculating the purchase cost, the recipient must determine its cost by subtracting from the estimated purchase price the value of the asset as if it were being withdrawn prematurely from transit use as of the date the lease would terminate, consistent with section 108(b) of the Standard Terms and Conditions (part II) of the Grant Agreement.

Section 108(b) establishes guidelines for determining the fair market value for different types of facilities and equipment which are withdrawn from transit use before the end of their useful lives. For example, in the case of equipment and supplies, fair market value shall be based on straight line depreciation of the equipment and supplies, based on the industry standard for useful life.

Section 639.27 includes a list of criteria that should, as a minimum, be considered when making the cost-effectiveness evaluation. Included among the criteria is the value of the asset at the expiration of the lease, i.e., salvage value of equipment and expected fair market value of real property. Additional criteria should be considered depending on the circumstances.

For most of the criteria listed in the new subsection 639.27 it is easy to ascribe a dollar value to the criteria to be compared: "operation costs," "maintenance costs," "difference in warranties," "insurance," etc., as these are usually expressed in dollars and cents anyway.

Two criteria—"reliability of service" and "passenger comfort"—may, at first glance, appear difficult to quantify. Yet it is easy to estimate the cost to achieve certain objectives by translating their elements into performance-based criteria which have a defined cost.

For example, for "reliability of service," consider costs to keep an asset in service for a specified period of time between breakdowns or cleaning and repair, costs for more frequent service, or safer service or equipment, training costs, etc., which vary if the asset is leased or purchased.

For "passenger comfort," consider dimensions of vehicle or building, dimensions of seats, cushions, etc. All of these things cost money.

"Costs/savings related to timing of acquisition of asset" can be costs to maintain obsolete equipment in service, costs in loss of ridership, in maintenance, in renting of substitute equipment, etc.

Finally, "value of asset at expiration of the lease" is particularly important if a recipient is considering a lease that involves real property. In view of the fact that land usually appreciates in value, it would be extremely unlikely that a recipient could find it cost-effective to lease land knowing that at the end of the lease, it is returning to the lessor an asset of higher value than at the beginning of the lease.

To the extent possible a realistic dollar value should be given to each criterion, using performance based specifications where appropriate. The standard to be applied is comparative net present value.

Subpart D contains project management requirements specific to capital lease projects. These requirements are in addition to the general project management requirements detailed in UMTA Circular 5010.1A, "UMTA Project Management Guidelines for Grantees." Section 639.31 specifies that if the lease is terminated or modified substantially before the end of the period used in the cost-effectiveness evaluation or if the recipient by an affirmative act or omission invalidates any factors on which the cost-effectiveness was based, such that the lease in light of the changed circumstances would not be cost-effective, future lease costs will no longer be eligible as capital expenses. Furthermore, the recipient must reimburse the project for any Federal funds paid for the portion of the lease

term eliminated by early termination as well as the Federal share of the excess, if any, of the present value of lease costs as calculated under the cost-effectiveness determination for the period of the lease up to the point of termination. However, this provision does not apply if the grantee terminates the lease and substitutes another lessor or if the recipient takes other appropriate action to ensure that the procurement continues to be cost effective. Section 639.31 (b) provides that penalties resulting from early termination of a lease are not eligible for Federal financial assistance. Section 639.33 requires recipients to follow the program management requirements applicable to capital assets acquired with grant funds.

F. Regulatory Analyses and Notices

1. *Executive Order 12291*

This action has been reviewed under Executive Order 12291 and the agency has determined that it is not a major rule. As promulgated, this rule will not result in an annual effect on the economy of $100 million or more, nor will it create a major increase in costs or prices for consumers, individual industries, or geographic regions, nor have significant adverse effects on competition, employment, investment, innovation or the ability of United States-based enterprises in domestic or export markets.

2. *Regulatory Evaluation*

This regulation is not significant under the Department's Regulatory Policies and Procedures. UMTA finds that the economic impact of this rule is minimal and, accordingly, a regulatory impact analysis is unnecessary. UMTA has prepared a regulatory evaluation, which is in the rulemaking docket and available for public inspection. This rule will not affect the amount of money a grantee receives under the section 9 formula program; it merely gives the grantee an additional option regarding its expenditures.

3. *Regulatory Flexibility Act*

In accordance with 5 U.S.C. 605(b), as added by the Regulatory Flexibility Act, Public Law 96–354, UMTA certifies that this rule will not have a significant impact on a substantial number of small entities within the meaning of the Act.

4. *Paperwork Reduction Act*

The collection of information requirements in this rule is subject to the Paperwork Reduction Act, Public Law 96–511, 44 U.S.C. chapter 35. Section 308 of the Surface Transportation and Uniform Relocation Assistance Act of 1987, Public Law 100–17, specifically requires a determination of cost-effectiveness before UMTA may approve a grant for a lease of a capital asset for capital assistance. The required cost-effectiveness evaluation in the rule has been approved by the Office of Management and Budget as part of UMTA's request for extension of the approved collection for the section 3 and section 9 urbanized area capital assistance program under OMB Control #2132–0502.

5. *Executive Order 12612*

This rule has been reviewed under Executive Order 12612 on "Federalism", and it has been determined that it does not have implications for principles of Federalism that warrant the preparation of a Federalism Assessment. The rule does not limit policy making and administrative discretion of the States, not does it impose additional costs or burdens on the States. This rule does not affect the States' abilities to discharge traditional State governmental functions or otherwise effect any aspects of State sovereignty.

The rule provides greater latitude to grantees in the use of Federal funds and provides them with increased discretion in the administration of their program. By allowing self-certification of compliance, UMTA proposes to impose an absolute minimum of regulatory burden on grantees. This approach is consistent with the principles of Federalism which encourage a greater role for State and local governments and a reduced regulatory role for the Federal government.

List of Subjects in 49 CFR Part 639

Government contracts, Grant programs—Transportation, Mass transportation.

Accordingly, for the reasons described in the Preamble of this document, 49 CFR is amended by adding a new part 639, to read as follows:

PART 639—CAPITAL LEASES

Supbart A—General

Sec.

639.1 General overview of part.
639.3 Purpose of this part.
639.5 Scope of this part.
639.7 Definitions.

Subpart B—Requirements

639.11 Lease qualification requirements.
639.13 Eligible types of leases.
639.15 Eligible forms of grants.
639.17 Eligible lease costs.
639.19 Other Federal requirements.

Subpart C—Cost-Effectiveness

639.21 Determination of cost-effectiveness.
639.23 Calculation of purchase or construction cost.
639.25 Calculation of lease cost.
639.27 Minimum criteria.

Subpart D—Lease Management

639.31 Early lease termination or modification.
639.33 Management of leased assets.

Authority: 49 U.S.C. 1601 *et seq.*, 1607a(j); 1 CFR 1.51.

Subpart A—General

§ 639.1 General overview of part.

This part contains the requirements to quality for capital assistance when leasing facilities or equipment under section 9 of the UMT Act. The regulation is set out in four subparts, with this subpart A containing general information on scope and definitions. Subpart B contains the principal requirements of the part, including eligibility requirements, the self-certification system used, and identification of the various forms of leases and grants that are eligible under the program. Subpart B also contains a section on other Federal requirements that may apply. Subpart C includes the actual calculations that each recipient should undertake before certifying that a lease is cost-effective. Finally, subpart D contains requirements on early lease termination and project management in general.

§ 639.3 Purpose of this part.

This rule implements section 308 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Pub. L. 100–17). Section 308 amended section 9(j) of the UMT Act to allow section 9 recipients to use capital funds to finance the leasing of facilities and equipment on condition that the leasing arrangements are most cost effective than purchase or construction. This part prescribes the policies and procedures governing the determination whether a lease is cost effective and to what extent it is eligible for capital assistance under section 9 of the UMT Act.

§ 639.5 Scope of this part.

This part applies to all requests for capital assistance under section 9 of the UMT Act where the proposed method of obtaining a capital asset is by lease rather than purchase or construction.

§ 639.7 Definitions.

In this part:

Applicant is included in the term "recipient".

Capital asset means facilities or equipment with a useful life of at least one year, which are eligible for capital assistance.

Capital assistance means Federal financial assistance for capital projects under section 9 of the UMT Act.

Capital lease means any transaction whereby the recipient acquires the right to use a capital asset without obtaining full ownership regardless of the tax status of the transaction.

Equipment means non-expendable personal property.

Facilities means real property, including land, improvements and fixtures.

Interest rate means the most advantageous interest rate actually available to the recipient in the market.

Present value means the value at the time of calculation of a future payment, or series of future payments discounted by the time value of money as represented by an interest rate or similar cost of funds.

Recipient means an entity that receives Federal financial assistance from UMTA, including an entity that receives Federal financial assistance from UMTA through a State or other public body. In this part, a recipient includes an applicant for Federal financial assistance.

UMT Act means the Urban Mass Transportation Act of 1964, as amended, 49 U.S.C. 1601 *et seq.*

UMTA means the Urban Mass Transportation Administration.

Subpart B—Requirements

§ 639.11 Lease qualification requirements.

(a) A lease may qualify for capital assistance if it meets the following criteria:

(1) The capital asset to be acquired by lease is otherwise eligible for capital assistance;

(2) There is or will be no existing Federal interest in the capital asset as of the date the lease will take effect unless as determined pursuant to § 639.13(b); and

(3) Lease of the capital asset is more cost-effective than purchase or construction of the asset, as determined under Subpart C of this part.

(b) Once a lease has been qualified for capital assistance, it need not be re-qualified absent an affirmative act or omission by the recipient that vitiates the cost-effectiveness determination.

§ 639.13 Eligible types of leases.

(a) *General.* Any leasing arrangement, the terms of which provide for the recipient's use of a capital asset, potentially is eligible as a capital project under section 9 of the UMT Act, regardless of the classification of the leasing arrangement for tax purposes.

(b) *Special circumstances.* A recipient may request UMTA to determine the eligibility of a certain financial arrangement if the recipient believes it might not meet the requirements of this part.

(c) *Lump Sum Lease.* A recipient that wishes to enter into a lease which requires the draw down of a single lump sum payment at the inception of the lease (or payments in advance of the incurrence of costs) rather than periodic payments during the life of the lease must notify UMTA prior to execution of the lease concerning how it will ensure satisfactory continuing control of the asset for the duration of the lease. UTMA has the right to disapprove any arrangements where it has not been demonstrated that the recipient will have control over the asset. UMTA may require the recipient to submit its cost-effectiveness comparison for review.

(d) *Pre-existing lease.* A lease entered into before grant approval, or before November 14, 1991 may be eligible for capital assistance for costs incurred after approval of such a lease by UMTA under this part, if

(1) the lease is otherwise eligible under this part;

(2) the recipient can demonstrate that the lease, when entered into, was more cost effective than purchase or construction; and

(3) the procurement of the asset by lease was in accordance with Federal requirements that applied at the time the procurement tool place.

§ 639.15 Eligible forms of grant.

A recipient may choose to receive capital assistance for a capital lease approved under this part—

(a) In a single grant under which lease payments may be drawn down periodically for the life of the lease; or

(b) In increments that are obligated by UMTA periodically (usually in annual section 9 grants). In this case, a recipient—

(1) Must certify to UMTA that it has the financial capacity to meet its future obligations under the lease in the event Federal funds are not available for capital assistance in subsequent years; and

(2) May incur costs under its lease before UMTA's obligation of future increments of funding for such a lease. These costs are reimbursable in future grants, so long as the terms of the lease do not substantially change.

§ 639.17 Eligible lease costs.

(a) All costs directly attributable to making a capital asset available to the lessee are eligible for capital assistance, including, but not limited to—

(1) Finance charges, including interest; and

(2) Ancillary costs such as delivery and installation charges.

(b) The cost of materials, supplies and services provided under the terms of the lease are not eligible for capital assistance, if they would not be eligible for capital assistance under a traditional purchase or construction grant.

(c) Only lease costs incurred from the initial approval date of the capital lease approval are eligible for capital assistance.

(d) Non-capital costs contained in a lease of a capital asset will not be eligible for capital assistance but may be considered in the cost-effectiveness determination in subpart C. Such non-capital costs may be eligible for operating assistance.

§ 639.19 Other Federal requirements.

(a) A recipient of capital assistance for a capital lease is subject to the same statutory and administrative requirements as a recipient who purchases or constructs a capital asset.

(b) A lessor of a capital lease is subject to the same statutory and administrative requirements as a direct seller of the same capital asset would be when the lessor—

(1) Purchases or constructs a capital asset in contemplation of leasing it to a recipient; or

(2) Modifies an existing capital asset in contemplation of leasing it to a recipient.

Subpart C—Cost-Effectiveness

§ 639.21 Determination of cost-effectiveness.

(a) To qualify a lease for capital assistance, a recipient must—

(1) Make a written comparison of the cost of leasing the asset with the cost of purchasing or constructing it; and

(2) Certify to UMTA before entering into the lease or before receiving a capital grant for the asset, whichever is later, that obtaining the asset by lease is more cost-effective than purchase or construction of such asset.

(b) For purposes of this part, obtaining the asset by lease is more cost-effective than purchase or construction when the lease cost calculated under § 639.25 of this part is less than the purchase cost calculated under § 639.23 of this part.

(c) If a recipient is unable to perform the prescribed cost-effectiveness comparison as described in this Subpart, it may ask UMTA to approve an alternate form of cost-effectiveness evaluation.

§ 639.23 Calculation of purchase or construction cost.

(a) For purposes of this Subpart, the purchase or construction cost of a capital asset is—

(1) The estimated cost to purchase or construct the asset; plus

(2) Ancillary costs such as delivery and installation; plus

(3) The net present value of the estimated future cost to provide any other service or benefit requested by the applicant in its proposal to obtain the capital asset.

(b) The estimated cost to purchase or construct must be—

(1) Reasonable;

(2) Based on realistic current market conditions; and

(3) Based on the expected useful life of the asset in mass transportation service, as indicated in paragraph (c) of this section.

(c) For purposes of this part, the expected useful life of a revenue vehicle is the useful life which is established by UMTA for recipients of Federal assistance under UMTA's Circulars for section 9 recipients. For assets other than revenue vehicles, the applicant is responsible for establishing a reasonable expected useful life. If the recipient does not intend to use the capital asset it is proposing to obtain by lease in mass transportation service for its entire expected useful life, when calculating the purchase cost, the recipient must calculate the fair market value of the asset as of the date the lease will terminate pursuant to Guidelines found in section 108(b) of part II Standard Terms and Conditions for valuation of property withdrawn from transit use before the end of its useful life and subtract that amount from the purchase price. The resulting amount is the purchase price for purposes of this rule.

§ 639.25 Calculation of Lease Cost.

(a) For purposes of this part, the lease cost of a capital asset is—

(1) The cost to lease the asset for the same use and same time period specified in the recipient's proposal to obtain the asset by purchase or construction; plus

(2) Ancillary costs such as delivery and installation; plus

(3) The net present value of the estimated future cost to provide any other service or benefit requested by the applicant in its proposal to obtain the capital asset.

(b) The estimated lease costs must be reasonable, based on realistic market conditions applicable to the recipient and must be expressed in present value terms.

§ 639.27 Minimum criteria.

In making the comparison between leasing and purchasing or constructing an asset, recipients should ascribe a realistic dollar value to any non-financial factors that are considered by using performance-based specifications in the comparison. In addition to factors unique to each recipient, the following factors are to be used where possible and appropriate:

(a) Operation costs;

(b) Reliability of service;

(c) Maintenance costs;

(d) Difference in warranties;

(e) Passenger comfort;

(f) Insurance costs;

(g) Costs/savings related to timing of acquisition of asset.

(h) Value of asset at expiration of the lease.

Subpart D—Lease Management

§ 639.31 Early lease termination or modification.

(a) Except as provided in paragraph (c) of this section, if a capital lease under this part is terminated or its terms substantially modified before the end of the period used in the cost-effectiveness evaluation, or if the recipient by an affirmative act or omission vitiates the cost-effectiveness determination of the lease, future lease costs will no longer qualify as eligible capital expenses. In addition, the recipient must reimburse the project—

(1) Any Federal funds paid for the portion of the lease term eliminated by early termination; and

(2) The Federal share of the excess, if any, of the present value of lease costs, which exceeds the purchase costs as calculated under subpart C of this part for the period of the lease up to the point of termination.

(b) Penalties resulting from early termination of a capital lease under this part are not eligible for Federal financial assistance.

(c) Paragraph (a) of this section does not apply if a lessor defaults on or otherwise does not meet its obligations under the capital lease and the recipient takes appropriate action to ensure that the procurement continues to be cost-effective. UMTA shall be notified of any such event.

§ 639.33 Management of leased assets.

Each recipient must maintain an inventory of capital assets acquired by standard UMTA project management guidelines.

Issued on: October 8, 1991.

Brian W. Clymer,

Administrator.

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Part V

Department of Health and Human Services

Public Health Service

42 CFR Part 110
Vaccine Information Materials; Final Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 110

RIN 0905-AC83

Vaccine Information Materials

AGENCY: Centers for Disease Control (CDC), Public Health Service, HHS.

ACTION: Final rule.

SUMMARY: The Public Health Service published a notice of proposed rulemaking (NPRM) in the **Federal Register** on March 3, 1989, (54 FR 9180) to require that vaccine information materials (vaccine information pamphlets) be distributed by each health-care provider who administers vaccine set forth in the Vaccine Injury Table contained in title XXI, section 2114 (42 U.S.C. 300aa–14) of the Public Health Service Act. The regulation was proposed to implement section 2126 (42 U.S.C. 300aa–26) of the Public Health Service Act (Act) which requires the development and dissemination of such materials. The proposed vaccine information materials were attached as appendices to the regulation. The vaccine materials have been revised in response to public comment and following extensive consultations with other Federal agencies, professional organizations, parent groups, and the Advisory Commission on Childhood Vaccines. Additionally, the effectiveness of each of the pamphlets will be evaluated to determine if recommendations should be made to amend the legislation mandating the materials to make the pamphlets more useful to providers and consumers of immunization services.

DATES: Effective April 15, 1992, each health-care provider who administers a particular vaccine set forth in the Vaccine Injury Table shall provide a copy of the relevant information materials, the contents of which appear in appendix A, or other written materials meeting the requirements of the law and accompanying regulations, to any adult to whom such provider intends to administer such vaccine and to the legal representative of any child to whom such provider intends to administer such vaccine.

FOR FURTHER INFORMATION CONTACT: Walter A. Orenstein, M.D., Director, Division of Immunization, Mailstop E–05, National Center for Prevention Services, Centers for Disease Control, Atlanta, Georgia 30333.

SUPPLEMENTARY INFORMATION: Title XXI, section 2126 of the Act, as amended by Public Law 100–203 and Public Law 101–239, requires the Secretary to develop and disseminate information materials on the vaccines included in the Vaccine Injury Table. The vaccines include those which immunize against diphtheria, tetanus, and pertussis (DTP); measles, mumps and rubella (MMR); and poliomyelitis. Health-care providers must distribute vaccine information materials to an adult to whom the vaccine will be administered or the legal representative of any child before vaccine is administered to the adult or child. Health-care providers may use the materials found in Appendix A of this requlation, or they may develop their own information materials which meet the requirements of the law.

Section 2126(b) sets forth the requirements the Secretary must follow in developing the vaccine information materials. Subsection (b)(1) requires a notice to the public, opportunity for a public hearing, and for 90 days of comment. Subsection (b)(2) provides that the materials be developed in consultation with the Advisory Commission on Childhood Vaccines, established by section 2119; appropriate health-care providers; parent organizations; CDC; and the Food and Drug Administration. Subsection (c) requires that the information in the vaccine information materials be presented in understandable terms and specifically requires inclusion of the following:

(1) The frequency, severity, and potential long-term effects of the disease to be prevented by the vaccine,

(2) The symptoms or reactions to the vaccine which, if they occur, should be brought to the immediate attention of the health-care provider,

(3) Precautionary measures legal representatives should take to reduce the risk of any major adverse reactions to the vaccine that may occur,

(4) Early warning signs or symptoms to which legal representatives should be alert as possible precursors to such major adverse reactions,

(5) A description of the manner in which legal representatives should monitor such major adverse reactions, including a form on which reactions can be recorded to assist legal representatives in reporting information to appropriate authorities,

(6) A specification of when, how, and to whom legal representatives should report any major adverse reaction,

(7) The contraindications to (and bases for delay of) the administration of the vaccine,

(8) An identification of the groups, categories, or characteristics of potential recipients of the vaccine who may be at significantly higher risk of major adverse reaction to the vaccine than the general population,

(9) A summary of

(A) Relevant Federal recommendations concerning a complete schedule of childhood immunizations, and

(B) The availability of the National Vaccine Injury Compensation Program, and

(10) Such other relevant information as may be determined by the Secretary.

Following consultation with the National Institutes of Health (NIH) and the Food and Drug Administration (FDA), CDC published draft vaccine information materials in the NPRM. The NPRM provided a 90-day comment period and announced that a public hearing would be held later at CDC in Atlanta. The 90-day comment period was extended to 180 days. The public hearing, announced in the **Federal Register** March 21, 1989 (54 FR 11547), was held on April 17, 1989. CDC then consulted with various organizations and health officials as required by statute.

CDC and FDA officials met with representatives of Dissatisfied Parents Together in Washington, DC, on May 15, 1989, to receive comment and input from this group. A meeting was held with representatives of the National Parents and Teachers Association on June 13, 1989. A Vaccine Information Materials Work Group session was also held at CDC on August 28–30, 1989. Attendees at this sessicn included a broad range of public health experts from Federal and State agencies; medical professions, including pediatricians, experts in infectious diseases, and neurology; children's organizations; and parent groups. Participants included representatives of Dissatisfied Parents Together, Determined Parents to Stop Hurting Our Tots, National Parents and Teachers Association, Children's Defense Fund, American Academy of Pediatrics, Association of State and Territorial Health Officials, Advisory Commission on Childhood Vaccines, the California State Department of Health, U.S. Food and Drug Administration, Centers for Disease Control personnel, and a communications consultant. Three CDC-selected physician consultants with special expertise in the areas of diphtheria, tetanus, and pertussis disease and vaccines; measles, mumps, and rubella disease and vaccines; and polio disease and vaccines, respectively, presented workshop attendees with

information regarding the risks and benefits of these diseases and vaccines, and participated in discussions throughout the workshop. In addition, a physician consultant was selected by Dissatisfied Parents Together to represent their views on pertussis-containing vaccines at the workshop.

The draft vaccine information materials were presented to the Advisory Commission on Childhood Vaccines (ACCV) at its first meeting on May 23, 1989. Members of the ACCV participated in the Vaccine Information Materials Work Group session held at CDC on August 28–30, 1989, and further consultation occurred at ACCV meetings held on November 1–2, 1989, January 31–February 1, 1990, and April 25–26, 1990. The ACCV was asked to submit recommendations to HHS by November 22, 1989. However, at the Commission's request, several extensions were granted up to May 15, 1990. The ACCV voted at its April 25–26, 1990, meeting not to submit formal recommendations to HHS on the proposed materials for measles, mumps, and rubella and poliomyelitis because its work had focused almost entirely on diphtheria, tetanus, and pertussis materials. The ACCV, on June 21, 1990, submitted to HHS its recommendations on diphtheria, tetanus, and pertussis vaccine information materials.

The revised materials contained in this final rule have been prepared by CDC after extensive review and consideration of comments received from the public during the comment period, participants at the public hearing, from various consultants, including attendees at the Work Group sessions, the Advisory Commission on Childhood Vaccines, parent organizations, health-care providers, and other interested parties.

On August 27, 1991, the Institute of Medicine (IOM) published its final report mandated by section 312 of Public Law 99–660, which is a review of existing scientific studies on adverse events following pertussis or rubella vaccination. CDC reviewed and took into consideration a prepublication copy of this report, "Adverse Effects of Pertussis and Rubella Vaccines," made available on July 3, 1991, as well as a submission concerning the report. CDC found no reason to change the content of the Final Rule package based on the content of the IOM report, or the submission concerning the report.

Discussion of Comments and Issues

As indicated previously, the development of this Final Rule occurred in four phases; (1) the 180-day public comment period; (2) the public hearing at CDC; (3) consultation sessions with various organizations; and (4) the Work Group sessions at CDC. All comments and recommendations received were considered by CDC during the entire development process. With one exception, the comments and issues raised can by grouped, with CDC responses, as (1) general comments applicable to all three vaccine information material appendices; and (2) scientific comments and issues pertaining to each appendix.

The exception addresses the process by which this final rule was developed. One of the parent organizations, Dissatisfied Parents Together, objected to the entire process. Dissatisfied Parents Together stated that CDC had failed to adhere to the legislative requirements of section 2126, which the organization interpreted to mean that CDC should have consulted and worked with parent organizations and the other parties before any draft materials were prepared. Dissatisfied Parents Together requested that the NPRM be rescinded and that the vaccine information materials be redrafted. The organization also objected to plans for holding the public hearing in Atlanta instead of in Washington, DC. CDC responded that it did not agree with Dissatisfied Parents Together's interpretation of the statutory language; and that as the Federal agency responsible for developing the regulation, it was entirely appropriate and well within the intent of the legislation to develop an early draft of the materials, based on the ten requirements outlined in section 2126, and delineated earlier in this document. The proposed materials published in the NPRM required several months to draft with input and concurrence among reviewers in CDC, NIH, and FDA. This process was essential to facilitate the consultation process with the other groups. As noted, extensive consultation and public comment have preceded this publication of the revised vaccine information materials as a final rule.

During the comment period, 74 written comments were received. These included 49 from public health workers, 14 from private physicians, 7 from parents and 4 from vaccine manufacturers. CDC's responses to general and scientific comments follow:

I. General Comments

A. Responses to Written Comments

1. Fifty-eight commenters felt that the materials were too long and the reading levels too high.

CDC Response: The criteria established by statute for the development of vaccine information materials necessitate the inclusion of substantially more information than is found in existing vaccine important information (risk-benefit) statements, currently used by public sector vaccine providers administering vaccines purchased through Federal contracts. In addition to the expanded scope of information required for the vaccine information materials, the Act also mandates that the materials be presented in understandable terms as described under section 2126(c). To meet these conditions it was necessary to include supplementary information to define or clarify many of the medical, technical, and legal terms inherent in the required information. This effort resulted in the development of materials which some commentators considered to be longer and more complicated than desired. However, comparing the new vaccine important information materials with the existing vaccine information statements (using Grammatik III readability computer software), the reading levels of the vaccine information materials are lower by three years for the diphtheria, tetanus, pertussis and the polio pamphlets (8th grade reading level), and by two years for the measles, mumps, rubella pamphlet (8th grade reading level).

READABILITY BY GRADE LEVEL AND WORD COUNT

	Current important information statements		Vaccine information pamphlets	
	Grade	Words	Grade	Words
Oral polio	11	1022	{8	*1817}
Killed polio	11	796	{8	*1817}
MMR	10	1515	8	2550
DTP	11	1395	8	2217

* Combined pamphlet.

2. Forty-two commenters stated that use of the vaccine information materials would cause a decrease in the number of immunizations given and an increase in costs due to the length of time needed to read the materials before a vaccine is administered, and because of the time necessary to comply with recordkeeping requirements.

CDC Response: Similar concerns existed when the use of Important Information Statements was initiated in the public sector. However, there was no measurable reduction in the number of immunizations provided as a result of the use of these Statements. In addition, there are ways to provide the new vaccine information pamphlets to

vaccine recipients or their legal representatives before the initial immunization visit to the doctor or clinic, thereby lessening the impact of having to read the materials in the office or clinic. The materials can be given to the mother at prenatal clinics, postpartum, or during a routine well-child visit to the doctor or clinic. This allows time for them to be read in advance, although a copy will be provided prior to administration of each vaccine.

With regard to the recordkeeping requirements, section 2125 of the PHS Act requires that the health-care provider who administers a covered vaccine "to any person shall record in such person's permanent medical record * * * (1) the date of administration of the vaccine; (2) the vaccine manufacturer and lot number of the vaccine; (3) the name and address and, if appropriate, the title of the health-care provider administering the vaccine; and (4) any other identifying information on the vaccine required pursuant to regulations promulgated by the Secretary." For years, very similar information has been collected by public sector clinics without compromising the numbers of immunizations given or clinic efficiency.

3. Twenty-three commenters suggested that current information provided by physicians and nurses, or through Important Information Statements, or other written materials is adequate.

CDC Response: The Act requires that a number of specific items of disease and vaccine information be provided to legal representatives so that they can make appropriate decisions regarding vaccinations. Current risk-benefit ("Important Information") statements do not meet the requirements of the Act as described under section 2126(c).

Other written materials which meet the information requirements of section 2126 may be provided by health-care providers as an alternative to providing the vaccine information pamphlets contained in appendix A.

4. Nineteen commenters suggested edits and format changes in the draft vaccine information materials.

CDC Response: Many editing corrections and reformatting revisions were made based on the August 1989 workshop, other consultations, and these public comments.

5. Eighteen commenters suggested utilization of other presentation media, such as audio- and videotapes.

CDC Response: Other materials or presentation methods may be used to supplement the written materials. However, the Act requires vaccine recipients or their legal representatives be given "written" information which covers all of the specific types of information listed in the legislation. If written materials other than the materials developed under this rule are used, they also must meet the requirements of the Act.

6. Eleven of the commenters complained about the number of "unnecessary redundancies" found in the drafts of the vaccine information materials.

CDC Response: Repetition of certain information within the information pamphlets was reduced. Some information may appear more than once in the same vaccine information pamphlet when its importance justifies such repetition.

7. Ten commenters suggested that there was no need for state-specific vaccine information.

CDC Response: On December 19, 1989, an amendment to the Act, contained in section 6601(p) of Public Law 101–239, removed the stipulation that state-specific immunization requirements for school attendance and schedules for such immunizations be included in the vaccine materials. That amended requirement stipulates only that there be a summary of relevant Federal recommendations concerning a complete schedule of childhood immunizations; therefore, state-specific vaccine information is not provided in the vaccine information materials.

8. Ten commenters recommended the development of translations of the vaccine information pamphlets.

CDC Response: Reproducible copies of each vaccine information pamphlet will be made available upon request in English, Chinese, French, Spanish, and Vietnamese. Vaccine administrators in the private sector may contact their state or local immunization programs to determine the availability of translations of the pamphlets into additional languages.

9. Eight commenters questioned the need for the "vaccine administration record" portion of the pamphlets.

CDC Response: The vaccine administration record contains space for completing information about the vaccine recipient such as full name, home address, date of birth, age at time of immunization, and space for the signature of the parent or other legal representative. Because of requirements in Federal vaccine purchase contracts, all public and private users of vaccines purchased through these contracts will be required to have this portion of the pamphlets (or a similar record) completed and signed prior to administering any contract-purchased vaccine. This requirement affects any Federal contract-purchased vaccine. This vaccine administration record is not required to be completed by private providers using privately purchased vaccines and can be omitted from the pamphlets when private providers reprint the materials from distributed camera-ready copy. However, as required by section 2125, vaccine and provider information must be recorded and retained or entered onto the vaccine recipient's permanent medical record.

10. Eight commenters suggested that the required use of vaccine information pamphlets will result in a shift of the immunization burden to public clinics.

CDC Response: There may be some increase in private sector vaccine administrators who will begin to refer or increase the number of patient referrals to public clinics for immunizations when the vaccine information materials are required. However, this number of new referrals is not expected to be large or to cause any undue hardship on public health facilities.

11. Four commenters recommended that there be a general summary statement at the beginning of each vaccine information pamphlet about the vaccines and the diseases they prevent.

CDC Response: The CDC concurs and the pamphlets have been revised to include such introductory information.

12. Three commenters believed that the vaccine information pamphlets over-emphasized the benefits of having children immunized.

CDC Response: During revisions of the materials, considerable effort was given to developing materials which present unbiased, state-of-knowledge information of the benefits and risks associated with immunizations.

13. Two commenters suggested that there be an evaluation of the effectiveness of the vaccine information pamphlets.

CDC Response: The CDC is developing a proposal for the evaluation of the effectiveness of the pamphlets.

14. One commenter stated that use of the vaccine information pamphlets should not be mandatory.

CDC Response: Section 2126(d) of the Act mandates the use of such materials (42 U.S.C. 300aa–26(d)).

15. One commenter suggested that there be a way to add other vaccines to those currently covered by the Act.

CDC Response: The Act provides that the Secretary may recommend to Congress revisions to the current list of vaccines to add or delete vaccines.

B. Responses to Comments At Public Hearing

Five individuals appeared during the public hearing held on April 17, 1989.

They represented the American Academy of Pediatrics, Connaught Laboratories, the South Carolina State Health Department, the Vermont Departrent of Health, and the Association of State and Territorial Health Officials. Two issues were raised during the public hearing which have not been previously addressed.

1. One presenter suggested that two pamphlets be developed for each vaccine; one for parents or other legal representative of children being immunized and a separate pamphlet for adults being immunized.

CDC Response: Rather than developing separate pamphlets, CDC revised the pamphlets to permit the use of one pamphlet for each vaccine by indicating those areas of the pamphlet which pertain to children, to adults, or to both.

2. Another presenter did not believe it should be necessary to provide a new pamphlet each time a vaccine is administered.

CDC Response: Because of the possibility of changes in the information contained within the vaccine information pamphlets between the time a series of immunizations is begun until it is completed, a new copy of the current pamphlet must be given to vaccine recipients prior to the administration of each vaccine. In addition, the form in the pamphlet on which parents or vaccine recipients can make notes concerning possible vaccine reactions is a single use form and must be made available for each immunization.

II. Scientific Comments

A. Diphtheria, Tetanus, and Pertussis Vaccine Information Materials

CDC received 18 comments during the 180-day public comment period from concerned citizens and organizations on the scientific content of the information about these diseases and vaccines. Twelve of the 18 comments specifically concerned the content of the information about the diseases. Additionally, comments were received during the public hearing held on April 17, 1989, and during consultations with representatives of Dissatisfied Parents Together on May 15, 1989, the Advisory Commssion on Childhood Vaccines (ACCV) on May 23, 1989, and the National Parents and Teachers Association on June 13, 1989. Extensive discussion and comment occurred at a 3-day Vaccine Information Materials Workshop held at CDC on August 28–30, 1989. Nine persons who participated in this workshop provided written comments on the vaccine information materials between August 30 and October 4, 1989. A proposed revision of the document was distributed on October 26, 1989, to all workshop participants as well as representatives of consulting organizations participating in the process. The materials were discussed further at meetings of the ACCV on November 1–2, 1989; January 31–February 1, 1990; and April 25–26, 1990. CDC received 18 comments between November 17, 1989, and June 6, 1990, and comments from the ACCV on June 21, 1990. Comments also were received on February 25, 1991 from one individual representing Dissatisfied Parents Together.

The following major issues were raised about the content of these materials:

(1) Should a statement be made either suggesting or concluding that DTP vaccine can, in rare instances, cause death?

Representatives of the American Academy of Pediatrics (AAP), American Hospital Association, the Association of State and Territorial Health Officials, and other commenters expressed several concerns about the references made to death and to Sudden Infant Death Syndrome (SIDS) following DTP vaccination in the proposed DTP vaccine information pamphlet published in the NPRM. Several commenters expressed concerns about the number of times (four) the possibility of death following vaccination was mentioned, believing that repeated references to death were out of proportion to risks of death, if any, and would unnecessarily frighten parents. Other commenters believed that there was no scientific evidence that DTP causes SIDS and the statement should either be reworded as such, or references to SIDS should be removed. Still others stated that several studies have demonstrated no increased risk of SIDS following DTP vaccination and wording to the contrary would not be consistent with the findings of these well-designed studies.

One commenter from the AAP argued that only scientific evidence should be used to determine if DTP causes death and that there was no scientific information that supported DTP as a cause of death. This commenter stated that the fact that several cases of death following DTP had occurred in which compensation had been given reflects legal interpretations of the Vaccine Injury Compensation Act and not scientific judgments, thus should not be considered relevant to the vaccine information materials which are to provide medical information.

Representatives of Dissatisfied Parents Together cited several case reports and case series in the medical literature of deaths occurring after receipt of DTP vaccine. Most of these reports, and all of those reported from the United States, are found in the medical literature prior to 1950 when standardization of the composition of DTP vaccine was first established in the U.S. A cluster of four SIDS deaths occurring within 24 hours after pertussis vaccination in Tennessee was cited as evidence of a causal relationship to DTP vaccination. Dissatisfied Parents Together also argued that if DTP has any potential to cause anaphylaxis, then it should be acknowledged that it can cause death because anaphylactic shock could lead to death in some instances. Various public statements by the AAP and others were cited as evidence, as well as reports of death within 30 days following DTP vaccination to CDC's Monitoring System for Adverse Events Following Immunization (MSAEFI) reporting system, coroners' reports, and legal judgments by the U.S. Claims Court awarding compensation under the Vaccine Compensation Program in certain instances of death following receipt of DTP vaccine.

CDC Response: In assessing whether DTP vaccination can cause or contribute to death, the question of whether a causal relationship exists between receipt of DTP and SIDS has received the most attention and study, since more than 5000 SIDS deaths occur annually in the United States. Five studies have been performed to evaluate critically the possibility of such a relationship. With one exception, these studies found no evidence that a causal relationship existed between receipt of DTP and SIDS.

These studies included a large nationwide study by the National Institutes of Health comparing the immunization histories of 757 SIDS infants to two control groups of infants each of equal size, one age-matched group and the other age-, race-, and birth-weight matched. Overall, SIDS cases were less likely to have received any prior dose of DTP than control infants, and were less likely to have received DTP within 24 hours prior to death than the controls.

The second study evaluated 109 SIDS deaths in infants ages 1 month to 11 months occurring in a population of nearly 130,000 infants in Tennessee. The relative risk for SIDS from 0–3 days after DTP immunization, or from 4–7 days after DTP immunization, was

significantly lower than the risk 31 or more days after immunization, demonstrating that there was no increase in the risk of SIDS (if anything, the risk was decreased) after immunization with the DTP vaccine.

A third study conducted in England was a case-control study comparing the DTP immunization histories of 26 infants who died of SIDS with 52 age-matched control infants. No relationship between recent immunization and SIDS was found.

The fourth study, performed in France, was also a matched case-control study with similar findings.

The only study to suggest the possibility of a causal relationship between DTP and SIDS compared the immunization histories of 29 SIDS infants with those of 262 well infants in Seattle over a 12-year period from 1972 to 1983. The risk of SIDS was significantly higher in persons who were never vaccinated compared to persons who had ever received DTP. Among persons ever vaccinated, four infants with SIDS had received DTP within 3 days of death, when only 1.36 deaths were expected, giving a relative risk for SIDS within this time period significantly higher than that in the period beginning 30 days after immunization. These four infants with SIDS were atypical in that they tended to have received vaccine at older ages than their vaccinated controls, suggesting they might have other unrecognized risk factors for SIDS independent of vaccine.

Two additional "ecologic" studies from Sweden and Norway failed to find evidence of an association between DTP and SIDS. The Swedish study demonstrated that after the pertussis component was dropped from DTP in 1979, subsequent annual mortality from SIDS did not decline, and, in fact, increased. The study in Norway concluded that there was no relationship, because the incidence and age distribution of SIDS did not differ between immunized and unimmunized children.

The available data fail to provide convincing evidence of the existence of a causal relationship between DTP vaccination and SIDS. Furthermore, the studies in Tennessee and France examined non-SIDS deaths and living infants and found no relationship between death not classified as SIDS and receipt of DTP during the immediate post-vaccination period. This provides evidence against the existence of the non-SIDS deaths postulated by Dissatisfied Parents Together to be caused by DTP. On the question of deaths due to anaphylaxis following DTP, CDC has received no documented reports of such events to the Monitoring System for Adverse Events Following Immunization (MSAEFI) from 1979 to 1989, during which 80 million doses of DTP were administered in the public sector. While there may be underreporting to MSAEFI, anaphylaxis occurring shortly after vaccination would be expected to be reported substantially better than other events. In addition, we are not aware of other recent reports in the medical literature of deaths from anaphylaxis secondary to DTP. Finally, the temporal occurrence of an event following DTP does not prove causation. While the many case reports referred to by Dissatisfied Parents Together raise DTP as a potential cause of death, evaluation of this hypothesis in methodologically rigorous studies has failed to confirm DTP as a cause of death.

On this basis, CDC concludes that the following wording in the vaccine information materials represents current scientific thinking about the occurrence of deaths following DTP vaccination: "There is a rare chance that other serious problems or even death could occur after getting DTP, Pertussis, DT, T, or Td. Such problems could happen after taking any medicine or after receiving any vaccine." The final version of the materials makes reference to death due to pertussis disease once and refers to death occurring following vaccination once in the section on the risks of the vaccine and once in the section providing information about reporting of adverse events following vaccination.

(2) Should a statement be made suggesting or concluding that DTP vaccine can cause permanent brain damage?

Representatives of the Committee on Infectious Diseases of the American Academy of Pediatrics strongly objected to any wording that states or implies that pertussis vaccine causes brain damage. They argued that current scientific opinion on this issue is that it is not known whether the vaccine can cause permanent brain damage, despite studies that have attempted to determine the answer to this question. Furthermore, in their view, if such a cause and effect relationship exists, it must be so rare as to be virtually impossible to determine conclusively because of the size, complexity, and expense of the scientific study that would be required. They proposed elimination of the rate of "1 in 330,000 DTP shots" from the original published NPRM version of the materials, because this often-quoted figure from the British National Childhood Encephalopathy Study (NCES) does not represent current scientific opinion based on close scrutiny and reanalysis of the findings of that study, although it is the only estimate based on a prospective study. They supported use of a statement that, "rarely, brain damage that lasts for the child's life has been reported after receiving DTP vaccine."

The main opposition to this view came from Dissatisfied Parents Together. Its contention was that DTP vaccine can and does cause or contribute to permanent brain damage in some cases. It cited the findings of the original National Childhood Encephalopathy Study and a series of case reports of acute neurologic illness resulting in long-term neurologic deficit that occurred following receipt of DTP vaccine. It also cited public statements made by a member of the American Academy of Pediatrics (AAP) during Senate hearings in 1983, a statement written in 1979 by a member of AAP in a review article about pertussis immunization, statements made in the California and Maryland DTP Important Information Statements, data from CDC's MSAEFI passive surveillance system, and a number of U.S. court decisions. Additional comments were received by CDC on February 25, 1991, when the process of CDC/HHS review of the draft final rule had already reached an advanced stage, as part of a late submission of written material by a representative of Dissatisfied Parents Together. All the comments were carefully considered. The major new argument advanced was "that febrile seizures following DTP vaccination cannot be dismissed as isolated benign events without lasting consequence."

CDC Response: Concern about the possible role of pertussis vaccine in causing neurologic reactions has been present since the earliest days of vaccine use. Rare but serious acute neurologic illnesses, including encephalitis/encephalopathy and prolonged convulsions, have been anecdotally reported following receipt of whole-cell pertussis vaccine given as DTP vaccine.

The question of whether or not pertussis vaccine causes or is only coincidentally related to such illnesses has been difficult to determine conclusively for the following reasons:

(1) Serious acute neurologic illnesses often occur or become manifest among children during the first year of life irrespective of vaccination;

(2) There is no specific clinical sign, pathological finding, or laboratory test which can determine whether the illness is caused by DTP vaccine;

(3) It may be difficult to determine with certainty whether infants less than 6 months of age are neurologically normal, which complicates assessment of whether vaccinees were already neurologically impaired before receiving DTP vaccine; and

(4) Because these events are exceedingly rare, appropriately designed large studies are needed to address the question.

During 1976–1979 in Great Britain, the National Childhood Encephalopathy Study (NCES) was performed to determine whether DTP vaccine causes serious neurologic illness and brain damage. This study was the first large case-control study ever performed to evaluate the issue. The NCES attempted to find every case of serious acute neurologic illness in young children admitted to hospitals in England, Scotland, and Wales. A total of 1,182 such children, ages 2 to 36 months, were identified. Excluding children with infantile spasms, an illness shown in a separate analysis not to be attributable to DTP vaccine, 30 of these children (18 with prolonged convulsions, 12 with encephalitis/encephalopathy) had received DTP vaccine within 7 days of the reported onset of neurologic illness.

Analysis of the data from these cases and age-matched control children showed a significant association between the development of serious acute neurologic illness and receipt of DTP vaccine within the preceding 7 days. Most of these events were seizures with fever. The attributable risk was estimated to be 1:140,000 doses of DTP vaccine administered. The children with acute neurologic illnesses were followed up at least 12 months later to assess whether they had neurologic sequelae, and a causal relationship between receipt of DTP vaccine and permanent neurologic injury was suggested. A total of 7 previously normal children were identified with subsequent death or neurologic impairment. The attributable risk estimate for DTP vaccine was 1 in 330,000 doses with very wide confidence intervals. However, at least 3 of the 7 cases had possible alternative causes and some of the others were questionably abnormal on followup. The methods and results of the NCES have been thoroughly scrutinized since publication of the study, which has led to continued controversy about the study findings and a reassessment of the role of pertussis vaccine as a cause of permanent neurologic damage.

Additional studies have failed to provide evidence to support a causal relationship between DTP vaccination and either serious acute neurologic illness or permanent neurologic injury. These include: (1) The North West Thames Study in England, performed during 1975–1981, in which approximately 17,000 children who each received three doses of DTP were compared with 18,000 children who received three doses of DT vaccine;

(2) A study performed during 1972–1983 of children in the Group Health Cooperative of Puget Sound who received a total of 106,000 doses of DTP vaccine;

(3) A study performed during 1974–1984 of 38,171 Tennessee Medicaid children who received 107,154 doses of DTP vaccine. An additional large study in Denmark of approximately 150,000 children and 554 cases of epilepsy demonstrated no relationship between the age of onset of epilepsy and the scheduled age of administration of DTP vaccine. While each of these studies individually was of insufficient size to provide answers, the studies taken together stand in contrast to the original findings of the NCES. A recent pilot study of neurologic illness in children performed in 1987–1988 in Washington and Oregon did not provide evidence of a statistically significantly increased risk of serious acute neurologic illness within 7, 14, or 28 days of DTP immunization. However, as a pilot effort, this study had limited power to detect significant elevations for individual conditions.

The NCES was the basis of prior statements in the NPRM published in the **Federal Register** on March 3, 1989, as well as statements by the two Committees that recommend immunization policy for children in the United States, the Immunization Practices Advisory Committee (ACIP) of the U.S. Public Health Service and the Committee on Infectious Diseases of the American Academy of Pediatrics. However, upon subsequent review of the comments received on the NPRM, as well as data from the NCES and other studies, CDC has modified the vaccine information materials to read "Rarely, brain damage that lasts for the child's life has been reported after getting DTP. However, most experts now agree that DTP has not been shown to be a cause of brain damage. If DTP ever causes brain damage, then such an event would be very rare. There is no test that can tell in advance if your child will have any of these problems following the DTP vaccination." This modification reflects the current position statements of the Committee on Infectious Diseases of the American Academy of Pediatrics and the Child Neurology Society, as well as the current policy of the Immunization Practices Advisory Committee, established at their June 3–4, 1991, meeting.

A representative from Dissatisfied Parents Together asserted in a February 25, 1991, document submitted to CDC that if DTP can cause febrile seizures, it can cause brain damage. However, short-lived convulsions, with or without fever, have not been demonstrated to cause permanent sequelae, regardless of whether the seizures occur in association with receipt of DTP vaccine (References: Hirtz DG, et al. Seizures following childhood immunizations. *J Pediatr* 1983;102:14–18. and Ellenberg JH, Hirtz DG, Nelson KB. Do seizures in children cause intellectual deterioration? *N Engl J Med* 1986;314:1085–8. and position statement of the Child Neurology Society, 1991). The same is true of prolonged febrile seizures (i.e., status epilepticus, which is any seizure lasting >30 minutes without the child's fully regaining consciousness). The occurrence of prolonged febrile seizures, irrespective of any temporal association with receipt of DTP vaccine, in an otherwise normal child does not significantly increase the risk for subsequent febrile (brief or prolonged) or afebrile seizures. The risk is significantly increased only in those children who are neurologically abnormal prior to their episode of status epilepticus (reference: Maytal J, Shinnar S. Febrile status epilepticus. *Pediatrics* 1990;86:611–616.). Based on the information noted above, the current vaccine information materials read, "Most experts believe that convulsions with fever do not cause any permanent damage to the child."

(3) Are the vaccine information materials balanced in presenting the risks and benefits of the vaccine?

Most of the comments received expressed concern that the materials either did not adequately convey the risks of complications from the diseases (pertussis, diphtheria, and tetanus), or overstated the risks of the vaccines, or understated their benefits. Such comments came from persons representing practitioners, public health officials, and the American Academy of Pediatrics. These comments included suggestions for wording changes to "reduce the tilt of emphasis towards the risk of vaccines," to make clear that adverse events following vaccination occur much less frequently than complications from the disease, and to make clearer why there is a continuing need for vaccination despite the currently low levels of these diseases in the United States. These low levels are a direct result of high levels of immunization. One commenter stated

that the materials "go far beyond Congressional intent by providing unnecessary and frighteningly characterized details (which) threaten to undermine recent progress in improving vaccination rates throughout the United States." Several commenters made multiple suggestions for wording changes to present a more balanced picture of benefits and risks. For example, the following suggestion was made: "Experts believe that almost all children should receive DTP shots" (instead of most children). Another example is: "Are the benefits of the vaccines greater than the risks? Yes, for almost all children."

On the other hand, one commenter representing Dissatisfied Parents Together expressed concern that the materials overstated the benefits and understated the risks of the vaccines, and overstated the frequency of severe pertussis disease. He believed that the frequencies of more serious problems that can occur following DTP should be stated on a per child, cumulative basis instead of on a per dose of vaccine basis, since several doses of DTP vaccine are given. The commenter was concerned that the proposal failed to mention other potential risks which his organization believes are linked to DTP vaccine, including infantile spasms, hypsarrhythmia, myoclonic seizures, transverse myelitis, peripheral neuropathy, and aseptic meningitis. The commenter believed that there are studies which indicate that there have been evolving changes in the pertussis bacterium which have resulted in a less dangerous organism, that the proposal did not stress that appropriate medical care can lessen the risk of complications of pertussis disease, and that national surveillance data on reported cases of pertussis are biased toward more severe cases, so the frequencies of complications presented should be reduced accordingly.

CDC Response: Revision of the vaccine information materials was carried out with careful attention to presenting a scientifically accurate, balanced statement of benefits and risks. Several suggestions made by commenters for changes in wording were incorporated in the final document to achieve that end, including the statement that the benefits of the vaccines are greater than the risks "for almost all people."

The Act provides that where available, generally accepted numerical information on the risks from the vaccine should be provided to parents in the materials. The presentation of risks of DTP vaccine on a per shot basis versus on a per child basis was debated at great length during the workshop held in Atlanta. The per shot method reflects the way the actual data were collected from a study by Cody, et al., which forms the basis for risk information presented by the major immunization advisory bodies, ACIP and AAP, as well as by the vaccine package inserts. Cumulative risk data have not been collected to allow for any statement of risk on a cumulative, per child basis. Furthermore, presentation of a range of risk from "1 DTP shot in 100 to 1 shot in 1000" for each of the following events—crying without stopping for 3 hours or longer, a temperature of 105° F. or higher, or an unusual, high-pitched cry—reflects some degree of imprecision in the estimate for each individual event based on available data. It also reflects the desire to minimize the amount of numerical rate information presented to parents while giving them an idea of the order of magnitude of the risk. Parents will receive these materials at each visit so they can decide about each dose. Therefore, CDC concludes it is not necessary to provide information about the entire series. Scientific evidence does not support a causal relationship between DTP vaccine and infantile spasms, hypsarrhythmia, myoclonic seizures, transverse myelitis, peripheral neuropathy, or aseptic meningitis; therefore these conditions were not mentioned in the document.

While the best currently available estimates of complication rates of pertussis disease in the United States rely on nationally reported cases, CDC recognizes that substantial underreporting of pertussis cases exists, and that it is likely that severe cases are preferentially reported. However, recent data suggest that more severe, hospitalized cases are also substantially underreported. Moreover, the complication rates among infants based on nationally reported data are not substantially different than those from a population-based study in the United Kingdom often cited in the medical literature. The complication rates in the final document represent the most recently analyzed data on reported cases from the U.S. for 1986–1988. CDC has added a qualifying statement regarding the limitations of the available data, which states, "The information on pertussis that follows is based on cases that were reported from doctors and health-care providers."

It is clear that the pertussis bacterium is still an important cause of serious, sometimes life-threatening disease. A recent study in Canada documented a 22 percent hospitalization rate for pertussis disease among infants. The complication rates from reported disease have been clarified and the age group these rates apply to have been more clearly specified (i.e., infants—children $\leq$ 1 year) in the information materials.

(4) Do the vaccine information materials adequately reflect appropriate contraindications or reasons to delay DTP vaccination to reduce the risks of adverse reactions to vaccines, as specified in section 2126(c)(7) and section 2127 of the Public Health Service Act?

Several commenters believed that the basis for some of the contraindications listed was not well-established on scientific grounds. Specifically, these include "an odd, high-sounding cry" or "an unusual, high-pitched cry"; "crying for more than 3 hours without being able to stop the crying by feeding or holding the child"; and the inclusion of hives as a contraindication, especially without stating that it must occur immediately after administration of vaccine or in association with a systemic manifestation. The first two problems, in particular, were felt to be non-specific and could not be defined well enough to be of clinical value, and have not been demonstrated to be associated with an adverse outcome. One commenter, a specialist in pediatric infectious diseases, called the unusual, high-pitched cry a "myth", because the cry probably really represents the first cry of pain that the parents have ever heard in their child.

One commenter, a representative from Dissatisfied Parents Together, did not believe that the list of contraindications was complete. He argued against the use of the 48-hour limit on certain reactions listed in the Vaccine Injury Table, stating that reactions to DTP might occur with onset more than 48 hours after vaccination. He asserted that many medical experts have concluded that a personal history of convulsions should be an absolute contraindication to pertussis vaccination, and that both a personal history or a family history of convulsions should be listed because they are listed in the vaccine package inserts of the two U.S. DTP vaccine manufacturers. The commenter indicated that the interval of time that a convulsion should be considered a contraindication to further doses of DTP should be extended from 3 days to 7 days after vaccination. He proposed that "excessive somnolence" or "unusually prolonged sleeping with difficulty awakening the child" be added to the list of contraindications.

CDC Response: While recognizing that the list of contraindications to DTP

vaccination has recently undergone re-examination in the medical community and among immunization policymaking bodies, the contraindications listed in the final document need to reflect general medical consensus. As such the contraindications and precautions in the final vaccine information materials were taken from current recommendations of the ACIP (based on their June 3–4, 1991, meeting) and AAP (based on the 1991 Report of the Committee on Infectious Diseases: American Academy of Pediatrics). It should be noted that while vaccine package inserts may have some slight differences, the inserts of both manufacturers mention the last published set of ACIP recommendations.

CDC accepted the suggestion to remove hives and to restate the contraindication as "serious allergic problem (swelling in the mouth, throat, or face, or difficulty breathing) within a few hours after getting DTP."

Since convulsions following DTP are usually induced by fever, and fever generally occurs within 24 to 48 hours of vaccination, there is no biologic reason to extend the interval for convulsions as a precaution to additional doses of DTP from 3 days to 7 days. A personal or family history of convulsions is not considered by the ACIP, AAP, or most experts in the medical community to be a contraindication to receiving DTP. The current material indicates for parents, however, that children with such histories are at higher risk for seizures following DTP than the general public.

The CDC believes "excessive somnolence" or "unusually prolonged sleeping with difficulty awakening the child" are so non-specific that they are not of use in determining whether a child has an encephalopathic condition following DTP.

(5) Do the vaccine information materials adequately address the statutory requirement of section 2126(c)(3) that the information materials "shall include * * * precautionary measures legal representatives should take to reduce the risk of any major adverse reactions to the vaccine that may occur?"

One comnenter, on behalf of Dissatisfied Parents Together, expressed the opinion that this requirement had not been met by the proposed materials. He suggested that routinely a child's temperature should be taken and a physical examination performed to ensure that the child has no fever or infection, including any symptoms of a "common cold", before any vaccine is given. The commenter proposed a wording change in one of the reasons for delaying a DTP shot, from "has ever had a convulsion (fit, seizure) or other problem of the brain or nervous system until fully examined by a doctor" to "has ever had a convulsion or other brain problem or seems not to be developing normally (until it is clear that your child is not getting worse or having more convulsions)".

Comnenters from the American Academy of Pediatrics were concerned that the statement in the October 26, 1989, proposed revision of the materials, "If the person getting the vaccines has a serious or unusual problem during the 3 weeks following the shot, call a doctor or emergency room", was an alarmist statement that would result in people going to emergency rooms unnecessarily. Furthermore, they argued that if a serious problem occurs, a physician or emergency room should be contacted no matter when the problem occurs, not just in the three weeks following an immunization.

CDC Response: CDC is not aware of information that children not identified during questioning of parents about whether the child has an illness more serious than a cold, but identified through physical examination or temperature measurement, are at higher risk of adverse events following DTP than other persons. Requiring physical examinations would represent a substantial burden to many public clinics where the standard of practice is to vaccinate after verbal screening. Approximately 50 percent of all vaccines are administered in the public sector. In the absence of information that such examinations would better identify children at risk of adverse events, the CDC does not believe that physical examinations should be required. Appropriate screening procedures are listed in the materials. The proposed wording change by Dissatisfied Parents Together regarding developmental delay as a reason for delaying a DTP shot has been incorporated into the final document.

The concerns of the American Academy of Pediatrics regarding the instructions to parents for seeking medical evaluation if a problem occurs following DTP vaccination were recognized. CDC has modified the text of each of the vaccine information materials to read "As with any serious medical problem, if the person has a serious or unusual problem after getting the vaccine, call a doctor or get the person to a doctor promptly."

(6) Should the vaccine information materials include the immunization schedule for all routinely recommended childhood vaccines?

One respondent believed that this was not the primary purpose of the DTP materials and should be removed. His concern was that putting the schedule in the pamphlets adds an unnecessary burden to vaccine providers, who will have to change pamphlets every time any changes occur in the recommended immunization schedule. One respondent (the ACCV), suggested removing *Haemophilus influenzae* type b (Hib) vaccine from the listing developed after the August 1989 workshop.

CDC Response: Section 2126(c)(9) of the Public Health Service Act which requires the development and dissemination of the vaccine information materials, states that "such materials * * * shall include * * * a summary of relevant Federal recommendations concerning a complete schedule of childhood immunizations." CDC interprets this requirement to mean that all childhood immunizations that are routinely recommended shall be listed in each of the vaccine information materials, including Hib vaccine and hepatitis B vaccine.

B. Poliomyelitis Vaccine Information Materials

CDC received 10 comments during the 180-day public comment period on the scientific content of the information about the polio vaccines from concerned citizens and organizations, and six comments on the information about the disease. One comment was received during the public hearing held on April 17, 1989. Additional discussion and comments were received during a 3-day workshop held at CDC on August 28–30, 1989. A proposed revision of the document was distributed on December 15, 1989, to all workshop participants as well as representatives of consulting organizations participating in the process. CDC received 11 comments between January 3, 1990, and February 13, 1990. At its April 25–26, 1990, meeting, the ACCV decided not to offer comment or consultation prior to promulgation as a final rule.

The comments regarding the document can be grouped into the following categories: Comments on information about the disease; on information about the vaccines; on risks due to the vaccines; and on specific vaccine contraindications. Comments and responses are enumerated as follows:

(1) Information About the Disease

One reviewer commented that "it is misleading to imply that polio germs only exist outside the United States" and "that children should be protected from virus * * * which might be brought

into the country by unimmunized travelers."

CDC Response: There have been no documented indigenous (nonimported) cases of wild polio in the United States since 1979. An acknowledgement of risk of importation of poliovirus as the reason for the continued need to immunize against poliomyelitis is now included in the statement.

(2) Information About the Vaccines

Several reviewers commented that not all experts agree that oral poliovirus vaccine (OPV) is preferred to inactivated poliovirus vaccine (IPV) for all healthy people up to age 18 years, noting that IPV does not have a risk of causing paralytic disease. Another suggested that the statement should include information on why OPV is recommended in preference to IPV.

CDC Response: The statement has been changed to say that "most experts recommend OPV drops rather than IPV shots." This is the position of the major recommending groups including the American Academy of Pediatrics (AAP), the Immunization Practices Advisory Committee (ACIP) and the Institute of Medicine. A sentence noting that OPV is easier to take and is more effective in preventing the spread of polio has been added as an explanation.

(3) Risks Due to the Vaccines

Reviewers questioned the exact risks of OPV causing paralytic disease in vaccine recipients and in their contacts. In addition, one reviewer suggested that the materials should state that fewer than 10 cases of vaccine-related polio were reported each year, while others suggested that specific information on exact risks not be included in the materials. Reviewers also commented that the materials should acknowledge that the risk of OPV-related paralysis in contacts is only for persons who themselves have not been vaccinated, and that risk of vaccine-associated paralysis is highest in immunocompromised persons.

CDC Response: The figures on risk of OPV-associated paralysis in vaccine recipients and their contacts are the most recent available data from the Centers for Disease Control. CDC interprets the Act as follows: that where available, generally accepted numerical information on the precise risks from the vaccines should be provided in the materials, and that stating the risks is appropriate as: paralysis after the first dose happens about once for every 1½ million doses of drops given to vaccine recipients. The risk statement for contacts of vaccine recipients states that paralysis after the first dose happens about once for every 2 million doses of drops given. A statement has been added that OPV-associated disease only occurs in contacts of vaccine recipients who have not been vaccinated themselves. The CDC decided not to add a statement that risk of OPV-associated paralysis is highest in immunocompromised persons, because this would lengthen the statement and because IPV is now recommended for such persons, as noted later in the materials.

(4) Several reviewers questioned what evidence is available that other serious problems or death could occur following either OPV or IPV.

CDC Response: CDC interprets the law to require the materials to inform readers that severe and unexpected events may occur following vaccination, even though there is no evidence that severe events other than paralysis following OPV are causally related to vaccination.

(5) Contraindications to Vaccination—OPV

Reviewers commented that the material did not specify that any person with a serious immunodeficiency disease should not receive OPV, nor should children who are contacts of persons with HIV infection. One reviewer suggested that contraindication of OPV for contacts of persons with any immunodeficiency disease should be in bold print because such conditions are becoming increasingly common. Another reviewer suggested the materials specify explicitly that IPV is recommended for persons for whom OPV is contraindicated.

CDC Response: CDC concurs and has modified the materials to incorporate all of these suggestions. The revised format has a distinct section on contraindication of OPV for household contacts in order to further protect immunocompromised persons.

(6) Contraindications to Vaccination—IPV

Several reviewers suggested that the materials specify that only a serious allergy to the antibiotics streptomycin and neomycin should be listed as contraindications to IPV.

CDC Response: CDC concurs. These suggestions were incorporated in the materials.

C. Measles, Mumps, and Rubella Vaccine Information Materials

CDC received seven comments during the 180-day public comment period on the scientific content of the information about the MMR vaccines from concerned citizens and organizations, and five comments on the information about the diseases. One comment was received during the public hearing held on April 17, 1989. Additional discussion and comments were received during a 3-day workshop held at CDC on August 28–30, 1989. A proposed revision of the document was distributed on December 15, 1989, to all workshop participants as well as representatives of consulting organizations participating in the process. CDC received 11 comments between January 3, 1990, and February 13, 1990. At its April 25–26, 1990, meeting, the ACCV decided not to offer comment on the materials or consultation prior to promulgation as a final rule.

The comments regarding the document can be grouped into the following categories: information about the diseases; information about the vaccines; risks due to the vaccines; specific vaccine contraindications; and the balance of the document in presenting both risks from disease and from the vaccines. Comments and responses are enumerated as follows:

(1) Information about the Disease—Measles

Several reviewers commented that the mortality rate for measles was greater than the 1:10,000 cases cited in the first draft of the materials, and that in 1989 the mortality rate was higher than 1:1000 cited in the proposed revision of the materials. Other reviewers suggested that the statement cite the most recent information on numbers of measles cases, and acknowledge that measles is a more severe disease in infants, teenagers and adults than in children.

CDC Response: The revised materials cite a mortality rate of 1:500 to 1:10,000 cases for measles, a range CDC believes is accurate over the last 20 years. Apparently higher mortality rates in 1989 and 1990, 2.2 deaths per 1,000 reported cases, and 3.2 deaths per 1,000 reported cases, respectively, are perhaps overestimates due to relative underreporting of cases during epidemic years. The other suggestions have been incorporated into the materials.

Information about the Diseases—Mumps and Rubella

Reviewers suggested more information be provided about the severity of mumps in adults (risk of pancreatitis, meningitis), and that the precise risk of arthritis (joint pains and swelling) be given for rubella disease.

CDC Response: The following risk estimate for arthritis/arthralgia due to rubella disease was added to the

vaccine information materials: "This may happen in up to 70 out of every 100 young women." The additional minor suggestions for mumps were not incorporated in the materials because these are adequately covered by the general discussion of the effects of the disease.

(2) Information about the Vaccine

Several reviewers pointed out that two doses of MMR vaccine are now recommended for children and young adults, that the ACIP and AAP differ on the proper time to give the second dose, and that the materials should give equal balance to these differing recommendations. Another reviewer suggested the materials state that rubella vaccine is recommended for susceptible pregnant women after they deliver the new baby. One reviewer suggested that the materials state that MMR vaccine is not routinely recommended for persons born before 1957, because they are usually not susceptible.

CDC Response: All of these suggestions except the last were incorporated into the revised materials. The last comment was excluded because it was not believed to be important enough to further lengthen the vaccine information materials.

(3) Risks Due to MMR Vaccine

Measles vaccine. One reviewer suggested the materials state that high fever is less common in susceptible vaccinated adults, as well as after the administration of the second dose of vaccine.

CDC Response: CDC is not aware of data to support the former suggested change. The latter suggested change was incorporated in the materials.

Mumps vaccine. One reviewer suggested that information that one strain of mumps vaccine may cause aseptic meningitis be included in the materials.

CDC Response: The mumps vaccine strain which may cause aseptic meningitis (Urabe) is not the strain currently used in the United States (Jeryl Lynn). The latter strain has not been implicated in causing aseptic meningitis. This statement was not added to the materials.

Rubella vaccine. Several reviewers commented that the risks cited in the materials for painful joints (arthralgia) following rubella vaccination of children (1 of 20) and adults (4 of 10) were higher than usually cited in medical textbooks, as were the risks of frank joint swelling (arthritis).

CDC Response: The risks of arthralgia and arthritis occurring following rubella vaccination of children and adults were modified as suggested and as generally cited in the medical literature. The materials now state that the risk of arthralgia in children is 1 per 100, and in adults is 25 per 100, but may reach 40 per 100 women who are vaccinated. The risk for arthritis is less than 1 per 100 vaccinated children, and about 10 per 100 adults.

More Serious Problems Due to MMR Vaccine

One reviewer suggested that the risk of inflammation of the brain (encephalitis) following MMR vaccination is very rare and is not higher than that observed in children who do not receive vaccine. Another reviewer questioned what evidence is available that other serious problems or death may occur following MMR vaccination.

CDC Response: The materials have been revised to state that the risk of brain inflammation following MMR vaccination is about 1 per million, consistent with available information. CDC interprets the Act to require the materials to inform readers that severe and unexpected events may occur following vaccination, even though there is no evidence that these severe events are causally related to vaccination.

(4) Contraindications to Vaccination

Several reviewers questioned whether MMR vaccine should be given to persons with asymptomatic HIV infection and should be considered for persons with symptomatic HIV infection. Other reviewers suggested that persons born with diseases that make it difficult for the body to fight infection (immunodeficiency diseases) be included among those for whom the vaccine is contraindicated. One reviewer questioned whether it is safe to give MMR vaccine to a contact of a person with an immunodeficiency disease.

CDC Response: MMR vaccine is recommended for persons with HIV infection because measles disease may be very severe, and current data do not show untoward effects of vaccination in such persons. Thus, HIV infection is not included as a contraindication to the vaccine.

In the revised materials, persons born with immunodeficiency diseases are included among those for whom the vaccine is contraindicated.

Because MMR vaccine viruses are not spread to contacts, it is safe to vaccinate children and adults who live with persons with immunodeficiency diseases; no change was made in the materials on this issue.

(5) Balance of document in presenting information on both risks of disease and risk of adverse events following vaccination

Many reviewers suggested that the proposed materials understated the risk of complications and severity of disease and overstated the risks of vaccination. These reviewers suggested that the materials include information on the number of disease cases prior to availability of the vaccine, that the disease incidence has been greatly reduced by the vaccine, that they note that the risks of complications of vaccine are much lower than those associated with the natural virus infection, and that where the materials cite a numerical risk of a certain complication from the vaccine, they should cite a numerical risk of that complication following natural virus infection.

CDC Response: CDC acknowledges the accuracy of these comments, and, where space allowed, incorporated most such comments in the revised materials. The new materials reflect a reasonable balance between the risks of the diseases and the risks of vaccination to prevent the diseases.

The Secretary has determined that this final rule is not a "major rule" under Executive Order 12291. Thus, a regulatory impact analysis is not required because it will not:

(1) Have an annual effect on the economy of $100 million or more;

(2) Impose a major increase in costs or prices for consumers; individual industries; Federal, state or local government agencies; or geographic regions; or

(3) Result in significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The rule does not require a regulatory flexibility analysis because it will not have a significant economic impact on a substantial number of small businesses. Costs to health care providers will not be substantial because (1) all health-care providers in the public sector will receive the materials at cost to the Federal government and private health-care providers will receive "camera-ready" copy, and (2) private health-care providers may develop their own materials if they prefer.

The regulation does not contain information collection requirements which would have to be approved by the Office of Management and Budget under

the Paperwork Reduction Act. Section 321 of Public Law 99–660 waives the Paperwork Reduction Act for information required for the purpose of carrying out Title III of Public Law 99–660, The National Childhood Vaccine Injury Act of 1986 as amended (42 U.S.C. 300aa–1 et seq.).

List of Subjects in 42 CFR Part 110

Child Health, Compensation, Immunization, Vaccines, Vaccine Compensation, and Vaccine Information Requirements.

For reasons stated in the preamble, subchapter J, part 110, subpart A of Title 42 of the Code of Federal Regulations, is added as set forth below.

Dated: May 3, 1991.

James O. Mason,

Assistant Secretary for Health.

Approved: August 30, 1991.

Louis W. Sullivan,

Secretary.

SUBCHAPTER J—NATIONAL VACCINE PROGRAM

PART 110—INFORMATION AND EDUCATION

Subpart A—Vaccine Information Materials

Sec.

110.101 Applicability and purpose.
110.102 Definitions.
110.103 Provision of vaccine information materials.

Appendix A to Subpart A—Vaccine Information Materials

Authority: Title XXI, section 2126 of the Public Health Service Act, as added November 14, 1986, Pub.L. 99–660, Title III, section 311(a), 100 Stat. 3775, and amended December 22, 1987, Pub.L. 100–203, Title IV, section 4302, 101 Stat. 1330–221 and amended December 19, 1989, Pub.L. 101–239, Title VI, section 6601(p), 103 Stat. 2292 (42 U.S.C. 300aa–26).

§ 110.101 Applicability and purpose.

These regulations require health-care providers to furnish written vaccine information before administering a particular vaccine set forth in the Vaccine Injury Table. Section 2126 of the Public Health Service Act requires publication in the **Federal Register** of the vaccine information materials, the content of which is hereby attached at appendix A to this subpart.

§ 110.102 Definitions.

As used in this subpart:

Act means the Public Health Service Act as amended.

Advisory Commission on Childhood Vaccines means the Commission established under section 2119 of the Act.

Health-Care Provider means any licensed healthcare professional, organization, or institution, whether public or private (including Federal, state, and local departments, agencies and instrumentalities) under whose authority a vaccine set forth in the Vaccine Injury Table is administered.

Legal Representative means a parent, legal guardian, or other individual authorized under state law to consent to immunization of a child.

Manufacturer means any corporation, organization, or institution, whether public or private (including Federal, state, and local departments, agencies, and instrumentalities), which manufactures, imports, processes, or distributes under its label any vaccine set forth in the Vaccine Injury Table. The term *manufacture* means to manufacture, import, process, or distribute a vaccine.

Secretary means the Secretary of Health and Human Services or any other officer or employee to whom the Secretary's authority has been delegated.

Significant aggravation means any change for the worse in a pre-existing condition which results in markedly greater disability, pain, or illness accompanied by substantial deterioration of health.

State means, in addition to the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, Guam, the Virgin Islands, and American Samoa.

Vaccine Injury Table means the table set out in section 2114 of the Act.

Vaccine-related injury or death means an illness, injury, condition, or death associated with one or more of the vaccines set forth in the Vaccine Injury Table, except that the term does not include an illness, injury, condition, or death associated with an adulterant or contaminant intentionally added to such a vaccine.

§ 110.103 Provision of vaccine information materials.

Vaccine information appearing at the end of this subpart, designated as Appendix A to this subpart, has been developed in accordance with the requirements of section 2126 of the Act. Effective August 15, 1992, each health-care provider who administers a particular vaccine set forth in the Vaccine Injury Table shall provide a copy of the relevant information materials, the contents of which appear in Appendix A to this subpart, to any adult to whom such provider intends to administer such vaccine and to the legal representative of any child to whom such provider intends to administer such vaccine. As an alternative, health-care providers may provide other written materials meeting the information requirements of the law and accompanying regulations. Such materials shall be provided prior to the administration of such vaccine.

Appendix A to Subpart A Vaccine Information Materials

Diphtheria, Tetanus, and Pertussis

What You Need to Know

The name of the state might be inserted here.

Pleased read this pamphlet before you or your child gets a vaccine!

Before vaccines were available, most children caught pertussis. Also, hundreds of people became ill with tetanus each year and thousands became ill with diphtheria.

The benefits of the vaccines to prevent these three diseases are greater than the possible risks for almost all people. A person who receives vaccines benefits from the protection they provide. When many people are vaccinated, everyone benefits because the chance for spread of disease is reduced.

These diseases may cause serious health problems. Therefore, it is important to be protected by vaccine shots. Usually, the vaccines for all three diseases are combined and are given together as one shot. This is called the DTP vaccine. DTP vaccine is usually given 5 times before a child reaches age 7 years.

Every vaccine has risks as well as benefits. Most problems that happen after receiving vaccines are mild, but a few people will have a serious problem. While most infants and children under 7 years of age should get the DTP, a few should delay getting this vaccine and a few others should get the DT vaccine (diphtheria and tetanus vaccine) instead. Another tetanus and diphtheria vaccine (Td) is used to protect older children and adults. Tetanus vaccine (T) is still used by some doctors, but the combined Td vaccine is recommended by most experts.

This pamphlet tells you more about:

The disease diphtheria, tetanus, and pertussis—pages 2 & 3
The benefits of the vaccines—page 3
The risk of the vaccines—page 4
When your child should routinely get vaccines—page 5
When your child should delay getting or not get the DTP vaccine—pages 6 & 7
What to look for and to do after the shot—pages 8 & 9

What are These Diseases?

Pertussis, sometimes called whooping cough, may be a mild or serious disease. It is very easily passed from one person to another. Pertussis can cause spells of coughing and choking that make it hard to eat, drink, or breathe. The coughing can last for several weeks.

The information on pertussis that follows is based on cases that were reported from doctors and health-care providers. In recent years, as many as 4,200 cases of pertussis

have been reported yearly in the United States and outbreaks still occur. Many cases including those with less serious illness do not get reported.

Pertussis is most dangerous to babies (children less than 1 year old). Even with modern medical care, complications occur. About half of the babies reported to have pertussis are so sick that they must go into the hospital. As many as 16 out of 100 babies with pertussis get pneumonia, and as many as 2 out of 100 may have convulsions (seizures, fits, spasms, twitching, jerking, or staring spells). About 1 baby out of 200 has brain problems that may last all his or her life. About 1 out of every 200 babies with pertussis dies of it. Serious illness is less likely in older children and adults.

Diphtheria is a very serious disease. It can make a person unable to breathe, cause paralysis or heart failure. About 1 out of every 10 people who get diphtheria dies of it.

Only a few cases of diphtheria were reported in the United States during the past few years. This is mostly because people have had shots to protect them.

Tetanus, sometimes called lockjaw, is a very serious disease that can occur after a cut or wound lets the germ into the body. Tetanus makes a person unable to open his or her mouth or swallow, and causes serious muscle spasms. People with tetanus usually have to stay in the hospital for a long time. In the United States, tetanus kills 3 out of every 10 people who get the disease. Since 1975, only 50 to 90 cases of tetanus have been reported each year.

Almost no cases occur in children or young adults because children and young adults have taken the shots and are usually protected.

What About the Vaccines and Their Benefits?

The vaccines to protect children younger than 7 years old against all 3 diseases are usually given together as one shot. This is called the DTP vaccine (*D*iphtheria, *T*etanus, and *P*ertussis). Most children should get 5 DTP shots before they go to school. Most babies should get 3 DPT shots by 6 months of age.

Three or more DTP shots keep:

- 70 to 90 children out of 100 from getting pertussis if exposed to it, and usually protect the child through the elementary school years. The others who have had the DTP vaccine but get pertussis usually have a milder illness than if they had not had the vaccine.
- At least 85 children out of 100 from getting diphtheria for at least 10 years.
- At least 95 children out of 100 from getting tetanus for at least 10 years.

Pertussis vaccine should not be given to a few children. Other vaccines are available for these children and for adults:

- DT vaccine (Diphtheria and Tetanus) is given to children under age 7 years who should not receive pertussis vaccine.
- Td vaccine (Tetanus and diphtheria) is specially made for children age 7 years and older and for adults.

What Are the Risks of These Vaccines?

DTP

Most children have little or no problem from the DTP shot. Many children will have fever or soreness, swelling, and redness where the shot was given. Usually these problems are mild and last 1 to 2 days. Some children will be cranky, drowsy, or not want to eat during this time.

Less often—that is, following 1 DTP shot in 100 to 1 shot in 1000—a more serious problem can happen:

- Crying without stopping for 3 hours or longer.
- A temperature of 105°F or higher.
- An unusual, high-pitched cry.

Even less often—following 1 DTP shot in 1,750—a child may have:

- A convulsion (seizures, fits, spasms, twitching, jerking, or staring spells), usually from high fever that may happen after the shot.
- Shock-collapse (become blue or pale, limp, and not responsive).

Rarely, brain damage that lasts for the child's life has been reported after getting DTP. However, most experts now agree that DTP has not been shown to be a cause of brain damage. If DTP ever causes brain damage, then such an event would be *very* rare. There is no test that can tell in advance if your child will have any of these problems following DTP vaccination.

DT, Td, and T

DT, Td, and T vaccines cause few problems. They may cause mild fever or soreness, swelling, and redness where the shot was given. These problems usually last for 1 to 2 days, but this does not happen nearly as often as with DTP vaccine. Sometimes, adults who get these vaccines too often can have a lot of soreness and swelling where the shot was given.

There is a rare chance that other serious problems or even death could occur after getting DTP, Pertussis, DT, T, or Td. Such problems could happen after taking any medicine or after receiving any vaccine.

When Should Your Child Get the DTP Vaccines and Other Vaccines?

Below are all of the vaccines that most infants and children should get and the age when most experts suggest they should get each dose of vaccine.

RECOMMENDED SCHEDULE OF VACCINATIONS FOR ALL CHILDREN

Vaccine		2 Months	4 Months	6 Months	12 Months	15 Months	4-6 Years (Before School Entry)
DTP		DTP	DTP	DTP		DTP*	DTP
POLIO		POLIO	POLIO			POLIO*	POLIO
MMR						MMR†	MMR¶
HIB							
Option 1§		HIB	HIB	HIB		HIB	
Option 2§		HIB	HIB		HIB		
Vaccine	**Birth**	**1-2 Months**	**4 Months**	**6-18 Months**			
HBV							
Option 1	HBV	HBV‡		HBV‡			
Option 2		HBV‡	HBV‡	HBV‡			

DTP: Diphtheria, Tetanus, and Pertussis Vaccine
Polio: Live Oral Polio Vaccine drops (OPV) or Killed (Inactivated) Polio Vaccine shots (IPV)
MMR: Measles, Mumps, and Rubella Vaccine
HIB: *Haemophilus* b Conjugate Vaccine
HBV: Hepatitis B Vaccine

*** Many experts recommend these vaccines at 18 months.**
† In some areas this dose of MMR vaccine may be given at 12 months.
¶ Many experts recommend this dose of MMR vaccine be given at entry to middle school or junior high school.
§ HIB vaccine is given in either a 4-dose schedule (1) or a 3-dose schedule (2), depending on the type of vaccine used.
‡ Hepatitis B vaccine can be given simultaneously with DTP, Polio, MMR, and *Haemophilus* b Conjugate Vaccine at the same visit.

Are the Benefits of the Vaccines Greater Than the Risks?

Yes, for almost all people.

Children, especially infants, who catch pertussis are often seriously ill. People with diphtheria or tetanus usually are seriously ill. Most people who have had 3 or more shots of DTP are protected from these diseases for many years. If children have the DTP shots but get pertussis, the illness is usually milder than if they had not had the shots. The number of children who have had a serious problem after receiving DTP is unknown, but is probably very small.

Experts believe that most children should receive DTP shots. If a child should not receive DTP, the child should usually receive DT. After reading this pamphlet and talking with your doctor or nurse, you can decide together what is best for your child.

When Should a Shot be Delayed?

There are several reasons for a child to delay getting the DTP shot. If the child:

- Is sick with something more serious than a minor illness such as a common cold, delay the vaccination until your child is better.
- Has ever had a convulsion or other brain problem or seems not to be developing normally (until it is clear that your child is not getting worse or having more convulsions).

Such children should be carefully examined by a doctor before a decision is made.

If your child is sick or if you are not sure if a shot should be delayed, talk to your doctor or nurse. Then you can decide together what is best for your child.

When Should the DTP Vaccine *Not* be Given?

Your child should not get another DTP shot if any of the problems listed below happened *after* an earlier DTP and had no other obvious cause. Talk with your doctor or nurse about any of these problems.

- Serious problems of the brain *within 7 days* after getting DTP.
- Serious allergic problem (swelling in the mouth, throat, or face, or difficulty breathing) *within a few hours* after getting DTP.
- The presence of a brain problem that is getting worse, such as uncontrolled convulsions.

Many experts believe that a child should not get another DTP shot if any of the problems listed below happened *after* an earlier DTP shot and had no other obvious cause. However, for some children, the benefits outweigh the risks. Talk with your doctor or nurse about any of these problems.

- Temperature of 105°F or higher *within 2 days* after getting DTP.
- Shock-collapse (becoming blue or pale, limp and not responsive) *within 2 days* after getting DTP.
- Convulsion *within 3 days* after getting DTP.
- Crying that cannot be stopped and which lasts for more than 3 hours at a time *within 2 days* after getting DTP.

If you know or think that any of these problems happened after getting DTP, tell a doctor or nurse before that child receives another DTP or any other vaccine. If a child should not be given DTP, usually the child should get DT vaccine instead.

Should Pregnant Women Receive Td?

Babies born under unclean conditions to women who have no protection against tetanus have an increased risk of getting tetanus as newborns. This can be prevented by giving Td vaccine to women. Women who have not received Td or T earlier should be given the vaccine when they are pregnant.

Td and T vaccines are not known to cause special problems for pregnant women or their unborn babies. While doctors usually do not recommend giving any drugs or vaccines to

pregnant women, a pregnant woman who needs Td vaccine should get it.

Which Children May be More Likely to Have a Convulsion After Receiving DTP?

The chance of a child having a convulsion with fever after receiving DTP vaccine is up to 9 times greater if the child has had a convulsion before. It is about 3 times greater if the child's brother, sister, or parent has ever had a convulsion.

Most experts agree that unless the convulsion occurred within 3 days after getting DTP vaccine, children who have had a convulsion should still get the DTP vaccine. Also children who have a family member who has had a convulsion should get the DTP vaccine.

It is usually the fever that causes the convulsion. Most experts believe that convulsions with fever do not cause any permanent damage to the child.

Be sure to tell the doctor or nurse who is giving the shot about any history of convulsions. Talk with them about the medicines or other measures to reduce fever and soreness from the vaccines.

What To Look For and To Do After The Shot

Talk with the doctor or nurse who gives the shot about taking medicines or other measures to reduce fever and soreness from the vaccine.

This pamphlet lists the problems (on pages 4, 7, and 8) that may occur after receiving DTP or other shots for diphtheria, tetanus, or pertussis.

As with any serious medical problem, if the person has a serious or unusual problem after getting the vaccine, CALL A DOCTOR OR GET THE PERSON TO A DOCTOR PROMPTLY.

____If you or your child does have a reaction to the vaccine, you can help your doctor by writing down exactly what happened.

Use this form or write on a piece of paper exactly what happened, what day it happened, and the time it happened.

Type of Vaccine and Date Received:

Problems Day and Time Problem Started

Have the Problem Reported:

The Public Health Service is interested in finding out if any serious problems may be related to DTP, Pertussis, DT, T, or Td vaccines, especially those that occur within 4 weeks after the shot.

If you believe that the person receiving the vaccine had a serious problem or died because of the shot:

Call this number:

And ask the doctor or health department to report the problem on a Vaccine Adverse Event Report form.

If you think the problem was not reported, you should report the problem yourself. You can get the form by calling this toll-free number: 1–800–822–7967.

Get Information About Possible Help:

A U.S. government program provides compensation for some persons injured by vaccines. For more information, call this toll-free number—1–800–338–2382 OR contact: The U.S. Claims Court, 717 Madison Place, NW Washington, DC 20005, (202) 633–7257

What Vaccines Does Your State Require?

To protect as many children as possible from these diseases, all states require certain vaccines before the child goes to child-care or school. Ask your doctor or nurse what vaccines your state requires.

Department of Health and Human Services,
Public Health Service, Centers for Disease Control
DTP 00/00/91

VACCINE ADMINISTRATION RECORD

The doctor or clinic may keep this record in your medical file or your child's medical file. They will record what vaccine was given, when the vaccine was given, the name of the company that made the vaccine, the vaccine's special lot number, the signature and title of the person who gave the vaccine, and the address where the vaccine was given.

"I have read or have had explained to me the information in this pamphlet about diphtheria, tetanus (lock-jaw), and pertussis (whooping cough) disease and DTP, Pertussis, DT, Td, and Tetanus vaccines. I have had a chance to ask questions that were answered to my satisfaction. I believe I understand the benefits and risks of the DTP, Pertussis, DT, Td, and Tetanus vaccines and ask that the vaccine checked below be given to me or to the person named below for whom I am authorized to make this request."

Vaccine to be given: DTP ☐ Pertussis ☐ DT ☐ Td ☐ Tetanus ☐

Information about person to receive vaccine (Please print.)					
Name: Last	First	Middle Initial		Birthdate	Age
Address: Street		City	County	State	Zip
Signature of person to receive vaccine or person authorized to make the request (parent or guardian): X_____ Date: _____					

DTP 00/00/90

For Clinic/Office Use

Clinic/Office Address: _____

Date Vaccine Administered: _____

Vaccine Manufacturer: _____

Vaccine Lot Number: _____

Site of Injection: _____

Signature of Vaccine Administrator: _____

Title of Vaccine Administrator: _____

Measles, Mumps, and Rubella

What You Need to Know

The name of the state might be inserted here.

Please read this pamphlet before you or your child gets a vaccine!

Before vaccines were available to protect against measles, mumps, and rubella, nearly everyone caught these diseases while growing up. The use of vaccines against these diseases has greatly reduced the number of people getting these illnesses.

The benefits of the vaccines to prevent these three diseases are greater than the possible risks for almost all people. A person who receives vaccines benefits from the protection they provide. When many people are vaccinated, everyone benefits because the chance for spread of disease is reduced.

Serious health problems are caused by these diseases. Therefore, it is important to be protected by the vaccines. Usually, vaccines for all 3 diseases are combined and are given together as 1 shot, called the MMR vaccine. Usually it is given 2 times, first at 15 months of age and again before school entry (4 to 6 years of age), or before entering middle school or junior high school.

Every vaccine and medicine has both benefits and risks. Most problems that occur after vaccines are mild, but a few people may have a serious problem. While most people should get MMR, a few people should not, and a few others should delay getting the vaccine.

This pamphlet tells you more about:

The diseases measles, mumps, and rubella—pages 2 & 3
The benefits of the vaccines—page 3
The risks of the vaccines—pages 4 & 5
When your child should routinely get vaccines—page 6
When the vaccines should be delayed or not be given—page 7
What to look for and to do after the shot—pages 8 & 9

What Are These Diseases?

Measles is a serious disease. It is very easily passed from one person to another. It causes a high fever, cough, and a rash and lasts for 1 to 2 weeks. In recent years, 3,000 to 28,000 cases of measles have been reported

yearly in the United States and outbreaks still occur. One out of every 10 children who catch measles will also have an ear infection or pneumonia.

Measles can also cause an infection of the brain that could lead to convulsions (seizures, fits, spasms, twitching, jerking, or staring spells), hearing loss, and mental retardation. This happens to about 1 out of every 1,000 children reported to have the disease. In the United States, 1 child out of every 500 to 10,000 who gets measles dies from it.

Babies and adults who catch measles are often much sicker and are more likely to suffer longer or die than elementary school children and teenagers with measles.

Mumps causes fever, headache, and swollen, painful glands under the jaw. Mumps sometimes can be a very serious disease. It lasts for several days and it is easily passed from person to person. In recent years, 4,500 to 13,000 cases of mumps have been reported each year in the United States and outbreaks still occur.

Mumps can cause a mild inflammation of the coverings of the brain and spinal cord (meningitis) in about 1 person in every 10 who get it. Swelling or inflammation of the brain is reported in about 1 case out of every 200. Before there was a mumps vaccine, many children had hearing loss caused by mumps. About 1 out of every 4 teenage or adult males with mumps will have a painful swelling of the testicles for several days. This usually does not make the person unable to father children.

Teenagers and adults, especially males, who catch mumps are often much sicker and more likely to suffer longer than children do.

Rubella is also called German measles. In recent years, only a few hundred cases of rubella were reported each year. It is usually a mild disease that lasts for a short time. BUT if a pregnant woman catches the disease, rubella is very dangerous to her unborn baby. Up to half of the women who catch rubella when they are pregnant will lose their babies or have babies born with heart disease, or babies who will be blind or deaf, or who have problems with learning. In the United States, before there was a rubella vaccine, many thousands of babies with these serious health problems were born to mothers who caught rubella while they were pregnant.

People who catch rubella usually have mild fever, swollen glands in the neck, and a rash that lasts up to 3 days. Rubella may cause soreness in the joints and swelling of the joints (arthritis). This may happen in up to 70 out of every 100 women. Usually this lasts only for a week or two but in rare cases it may last for months or years, or may come and go.

People who do not get the rubella vaccine are in danger of catching rubella and passing it on to a pregnant woman. About 1 out of every 10 women in the United States is not protected against rubella.

What About The Vaccines and Their Benefits?

The vaccines to protect against all 3 diseases are usually given together in 1 shot, called the MMR vaccine. One MMR shot protects 90 to 98 people out of every 100 against measles, mumps, and rubella if they get the vaccine at the right age. Usually a child gets the first MMR at 15 months of age, but sometimes it should be given at 12 months of age, or even earlier during an outbreak. To protect the few children not protected by the first MMR, a second MMR is recommended when a child enters school for the first time or when a child enters middle school or junior high school.

These vaccines protect nearly all people for a very long time, probably for life. However, if an outbreak of measles occurs, doctors may recommend a second MMR shot. Teenagers and adults who do not know if they are protected against these diseases should ask their doctor or clinic about getting the MMR.

What Are the Risks of These Vaccines?

Most people who get the MMR vaccine will not have a problem. Others will have minor problems, such as a sore or red arm that lasts for 1 to 2 days. Rarely, a person may have a serious problem.

If you or your child receives the MMR, there is a chance that any of the problems listed below could happen. If problems occur, they almost always happen after the first shot. If you or your child receives only the measles vaccine, *or* the mumps vaccine, *or* the rubella vaccine, you should only look for the problems listed for the vaccine received.

Mild or Moderate Problems From the Vaccines

MEASLES VACCINE:

- A rash may occur from 1 to 2 weeks after receiving the measles vaccine. About 5 children out of every 100 will get a rash.
- A fever of 103 °F or higher after receiving the first shot of measles vaccine, even though the child may not act sick. About 5 to 15 young children out of every 100 who receive the vaccine get such a fever. This could happen from 1 to 2 weeks after receiving the vaccine and usually lasts 1 or 2 days. The fever occurs less often after a second shot.

MUMPS VACCINE:

- A little swelling of the glands in the cheeks and under the jaw that lasts for a few days. This could happen from 1 to 2 weeks after getting the mumps vaccine. This happens rarely.

RUBELLA VACCINE:

- Swelling of the lymph glands in the neck or a rash that lasts 1 or 2 days. This could happen 1 to 2 weeks after getting the rubella vaccine in about 1 child out of every 7 who get the vaccine.
- Mild pain or stiffness in the joints that may last up to 3 days. This could happen from 1 to 2 weeks after getting the shot. This problem happens to about 1 child out of every 100 who get the shot and to about 25 adults out of every 100. Women have this problem more than men and it may happen in up to 40 women out of every 100. Rarely, pain or stiffness can last for months or longer and can come and go.
- Painful swelling of the joints (arthritis) happens to fewer than 1 child out of every 100 who get the rubella vaccine. About 10 adults out of every 100 can also have this problem, which usually lasts a few days to a week. Rarely, this swelling has been reported to last longer, or to come and go. Damage to the joints is very rare.
- Pain or numbness, or "pins and needles" feeling in the hands and feet that lasts for a short time. This happens rarely.

More Serious Problems From these Vaccines

- Children 6 months through 6 years of age who get the vaccines can, in rare cases, have a brief convulsion (fits, seizures, spasms, twitching, jerking, or staring spells). This usually occurs 1 to 2 weeks later, and usually comes from the fever caused by the measles vaccine. Very rarely, hearing loss has been reported, but it is not known whether hearing loss is ever caused by these vaccines. Very rarely, a person can have inflammation of the brain after receiving the vaccine. This usually clears up completely. These brain problems have been reported to happen about 1 time for every million MMR shots given.
- There is a rare chance that other serious problems and even death could occur after getting the vaccines. Such problems could happen after taking any medicine or after receiving any vaccine.

Are the Benefits of the Vaccines Greater Than The Risks?

Yes, for almost all people.

These diseases make some people very ill. Almost all people who get the vaccines are protected from these diseases. A small number of people have problems after getting the vaccines. The problems that may happen after receiving the vaccine occur much less often than when a person has the disease.

Experts believe that most people should receive these vaccines. After reading this pamphlet and talking with your doctor or nurse, you can decide whether there is any reason for you or your child to delay getting or not getting the vaccine.

When Should Your Child Get The MMR Vaccines and Other Vaccines?

Below are all of the vaccines that most infants and children should get and the age when most experts suggest they should get each dose of vaccine.

RECOMMENDED SCHEDULE OF VACCINATIONS FOR ALL CHILDREN							
Vaccine		2 Months	4 Months	6 Months	12 Months	15 Months	4-6 Years (Before School Entry)
DTP		DTP	DTP	DTP		DTP*	DTP
POLIO		POLIO	POLIO			POLIO*	POLIO
MMR						MMR†	MMR¶
HIB Option 1§ Option 2§		 HIB HIB	 HIB HIB	 HIB	 HIB	 HIB	
Vaccine	**Birth**	**1-2 Months**	**4 Months**	**6-18 Months**			
HBV Option 1 Option 2	HBV	HBV‡ HBV‡	 HBV‡	 HBV‡ HBV‡			

DTP: Diphtheria, Tetanus, and Pertussis Vaccine
Polio: Live Oral Polio Vaccine drops (OPV) or Killed (Inactivated) Polio Vaccine shots (IPV)
MMR: Measles, Mumps, and Rubella Vaccine
HIB: *Haemophilus* b Conjugate Vaccine
HBV: Hepatitis B Vaccine

*** Many experts recommend these vaccines at 18 months.**
† In some areas this dose of MMR vaccine may be given at 12 months.
¶ Many experts recommend this dose of MMR vaccine be given at entry to middle school or junior high school.
§ HIB vaccine is given in either a 4-dose schedule (1) or a 3-dose schedule (2), depending on the type of vaccine used.
‡ Hepatitis B vaccine can be given simultaneously with DTP, Polio, MMR, and *Haemophilus* b Conjugate Vaccine at the same visit.

When Should the Vaccines Be Delayed or *Not* Be Given?

There are several reasons some people may need to delay getting the MMR vaccine or not get the shot at all. These reasons also apply to measles vaccine, mumps vaccine, and rubella vaccine.

Tell the doctor or nurse if the person who is going to get the vaccine:

- Is sick with something more serious than a minor illness such as a common cold. Delay the vaccination until the person is better.
- Has ever had an allergy problem after eating eggs that was serious enough to require the attention of a doctor. This does not matter if the person is only receiving the rubella vaccine.
- Has had an allergy problem to an antibiotic called neomycin so serious that it required treatment by a doctor.
- Is born with or develops any disease that makes it hard for the body to fight infection, such as cancer, leukemia, lymphoma (cancer of the lymph glands).
- Is taking special cancer treatments such as x-rays or drugs, or is taking other drugs such as prednisone or steroids that make it hard for the body to fight infection.
- Has received gamma globulin during the past 3 months.
- Is pregnant or thinks she is pregnant.

All people who do not get the vaccine because of one of the reasons listed above should check again with the doctor or nurse about getting the vaccines at a later time.

Should Pregnant Women Receive the Vaccines?

Women who are pregnant, who think they are pregnant, or who might get pregnant in the next 3 months, should not get MMR or other vaccines for measles, mumps, or rubella. This is recommended even though these vaccines are not known to cause problems for pregnant women or their unborn babies. It is safe, however, to give a shot to a child whose mother is pregnant.

If a woman is pregnant and does not know if she is protected against rubella, she should tell her doctor. A woman who receives any of these vaccines should not get pregnant for the next 3 months. A woman who needs protection against any of these diseases should be given the vaccines right after her baby is born.

Which People May Be More Likely To Have A Convulsion After Receiving MMR?

The chance of a child having a convulsion with fever after receiving measles vaccine is small. However, the risk is up to 5 times greater if the child has ever had a convulsion before. It is also greater if the child's brother, sister, or parent has ever had a convulsion.

Most experts agree that people who have had a convulsion should still get the MMR vaccine. Also, people who have a family member who has had a convulsion should get the MMR vaccine.

The overall chance of convulsion after getting the vaccine is still rare. It is usually the fever that causes the convulsion. Most experts believe that convulsions with fever do not cause any permanent damage to the child.

Be sure to tell the doctor or nurse who is giving the shot about any history of convulsions. Talk with them about medicines or other ways you can reduce fever from the shot.

If there was a problem after receiving the first MMR or separate shots for measles, mumps, or rubella, be sure to tell the doctor or nurse before receiving a second shot of the vaccine.

What To Look For and To Do After the Shot

Talk with the doctor or nurse who gives the shot about medicines or other ways you can treat fever from the vaccine.

This pamphlet lists the problems (on pages 4, 5, 7, and 8) that may occur after receiving MMR or other shots for measles, mumps, or rubella.

As with any serious medical problem, if the person has a serious or unusual problem after getting the vaccine, CALL A DOCTOR OR GET THE PERSON TO A DOCTOR PROMPTLY.

If you or your child does have a reaction to the vaccine, you can help your doctor by writing down exactly what happened.

Use this form or write on a piece of paper exactly what happened, what day it happened, and the time it happened.

Type of Vaccine and Date Received:

Problems

Day and Time Problem Started

Have the Problem Reported:

The Public Health Service is interested in finding out if any serious problems may be related to MMR, measles-rubella, measles, mumps, or rubella vaccines, especially those that occur within 4 weeks after the shot.

If you believe that the person receiving the vaccine had a serious problem or died because of the shot:

Call this number:

And ask the doctor or health department to report the problem on a Vaccine Adverse Event Report form.

If you think the problem was not reported, you should report the problem yourself. You can get the form by calling this toll-free number: 1-800-822-7967.

Get Information About Possible Help:

A U.S. government program provides compensation for some persons injured by vaccines. For more information, call this toll-free number—1-800-338-2382 OR contact: The U.S. Claims Court, 717 Madison Place, NW, Washington, DC 20005, (202) 633-7257.

What Vaccines Does Your State Require?

To protect as many children as possible from these diseases, all states require certain vaccines before the child goes to childcare or school. Ask your doctor or nurse what vaccines your state requires.

Department of Health and Human Services,
Public Health Service, Centers for Disease Control
MMR 00/00/91

VACCINE ADMINISTRATION RECORD

The doctor or clinic may keep this record in your medical file or your child's medical file. They will record what vaccine was given, when the vaccine was given, the name of the company that made the vaccine, the vaccine's special lot number, the signature and title of the person who gave the vaccine, and the address where the vaccine was given.

"I have read or have had explained to me the information in this pamphlet about measles, mumps, and rubella disease and MMR, measles-rubella, measles, mumps, and rubella vaccines. I have had a chance to ask questions that were answered to my satisfaction. I believe I understand the benefits and risks of the MMR, measles, mumps, and rubella vaccines and ask that the vaccine checked below be given to me or to the person named below for whom I am authorized to make this request."

Vaccine to be given: MMR ☐ Measles and Rubella ☐ Measles ☐ Mumps ☐ Rubella ☐

Information about person to receive vaccine (Please print.)					
Name: Last	First	Middle Initial		Birthdate	Age
Address: Street		City	County	State	Zip
Signature of person to receive vaccine or person authorized to make the request (parent or guardian): X _____ Date: _____					

MMR 00/00/90

For Clinic/Office Use

Clinic/Office Address: _____

Date Vaccine Administered: _____

Vaccine Manufacturer: _____

Vaccine Lot Number: _____

Site of Injection: _____

Signature of Vaccine Administrator: _____

Title of Vaccine Administrator: _____

Polio

What You Need to Know

The name of the state might be inserted here.

Please read this pamphlet before you or your child gets a dose of vaccine!

As recently as the 1950s, polio was a common disease in the United States. Parents feared this disease for good reasons. In 1952, more than 20,000 people were paralyzed by polio. Because children and adults now receive vaccines, there are only a few cases of polio each year in the United States.

The benefit of polio vaccine is greater than any possible risks for almost all people. A person who receives vaccines benefits from the protection they provide. When many people are vaccinated, everyone benefits because the chance of spreading the disease is reduced.

Every vaccine and medicine has risks as well as benefits. Most vaccine reactions are mild. But a few people may get very sick after getting vaccines. Some should not get the polio vaccine or should delay getting it.

There are 2 kinds of vaccines that can protect you or your child against polio. Read this pamphlet before you or your child gets the vaccine. Talk it over with your doctor or nurse. Then, together, you can decide what is best for you or your child.

This pamphlet tells you more about:

The disease polio—page 2
The benefits of the vaccines—page 3
The risks of the vaccines—page 4
When your child should routinely get vaccines—page 5
When the vaccines should be delayed or not be given—page 7
What to look for and to do after getting the polio vaccine—pages 8 & 9

What is Polio?

Polio is a very dangerous disease caused by a virus. Some children and adults who get a serious case of polio become paralyzed. This means that they are unable to move parts of their bodies. They may even die from the disease.

The serious cases of polio cause severe muscle pain and sometimes make the person unable to move one or both legs or arms and may make it difficult to breathe without the

help of a machine. Mild cases of polio may last only a few days and may cause the person to have a fever, sore throat, stomachache, and headache.

There are no drugs or other special treatment that will cure people who get polio. How sick people get with the disease and how much they recover are different for each person. Most people who are paralyzed by polio will have some weakness in an arm or leg for the rest of their lives. Many of these people will be seriously disabled.

Although there are few cases of polio in the United States now, there are still many thousands of cases of polio each year in other countries. Therefore, it is important to protect our children with vaccines so that they cannot get the disease when someone brings the virus into the United States from another country.

What About the Vaccines and Their Benefits?

There are 2 types of polio vaccines. Most experts recommend the live oral polio vaccine, which is called OPV. "Live" means that the polio virus used in the vaccine is still alive but has been made very weak. This type of vaccine is given as drops in the mouth. The other vaccine is called IPV (inactivated polio vaccine). "Inactivated" means that the polio virus used in the vaccine has been killed. This type of vaccine is given as a shot.

At least 90 out of every 100 people who get 3 or more doses of either OPV or IPV will be protected against polio. For healthy children and teenagers up to their 18th birthday, most experts recommend OPV drops rather than IPV shots. This is because OPV is easier to take and is more effective in preventing the spread of polio.

The best way to be protected against polio is to get 4 doses of polio vaccine. Most babies should get 2 doses by 4 months of age and a third dose at 15 to 18 months of age. The fourth dose is given at 4 to 6 years of age.

These doses may be the drops given in the mouth (OPV) or the shots (IPV).

If there is a case of polio in your neighborhood or where your child goes to school or child-care, your child may need another dose of vaccine. Your doctor may also suggest that your child get another dose before taking a trip to any country where polio is common.

Adults who are going to countries where polio is common should also get at least one dose of either OPV (if they have had this type of vaccine before) or IPV. If an adult has never had OPV, he or she should get IPV. It would be best to get 3 doses before going. If there is only enough time to get one dose, either OPV or IPV should be given before leaving the country.

What are the Risks of These Vaccines?

Both OPV and IPV vaccines cause problems in very few people.

OPV drops:

- Very rarely, OPV causes polio *in the person who gets the drops.*
- *For the person who gets the vaccine,* the chance of becoming paralyzed is higher after getting the first dose of vaccine than after the second, third, or fourth doses. Paralysis after the first dose happens about once for every 1½ million doses of drops given. But paralysis after later doses happens only about once for every 40 million doses given.
- OPV drops very rarely can cause polio *in people who are in close contact with the person who gets the vaccine.* This happens only to people not already protected by polio vaccine.
- The chance of *a person in close contact with the one who gets the vaccine* becoming paralyzed is higher after the first dose of vaccine than after the second, third, or fourth doses. Paralysis after the first dose happens about once for every 2 million doses of drops given. But paralysis after later doses happens only about once for every 14 million doses given. If the parent or other adult household contact of a child receiving OPV has never received polio vaccine, this person should consider, if possible, being vaccinated with IPV before or at the same time as the child. Vaccination of the child should not be delayed. Talk with your doctor or nurse if you have any questions.

IPV shots:

- IPV can cause a little soreness and redness where the shot was given.

There is a very rare chance that other serious problems or even death could occur after getting either vaccine. Such problems could happen after taking any medicine or after receiving any vaccine.

When Should Your Child get the Polio Vaccine and Other Vaccines?

Below are all of the vaccines that most infants and children should get and the age when most experts suggest they should get each dose of vaccine.

RECOMMENDED SCHEDULE OF VACCINATIONS FOR ALL CHILDREN							
Vaccine		**2 Months**	**4 Months**	**6 Months**	**12 Months**	**15 Months**	**4-6 Years (Before School Entry)**
DTP		DTP	DTP	DTP		DTP*	DTP
POLIO		POLIO	POLIO			POLIO*	POLIO
MMR						MMR†	MMR¶
HIB Option 1§ Option 2§		 HIB HIB	 HIB HIB	HIB	 HIB	HIB	
Vaccine	**Birth**	**1-2 Months**	**4 Months**	**6-18 Months**			
HBV Option 1 Option 2	HBV	HBV‡ HBV‡	 HBV‡	 HBV‡ HBV‡			

DTP: Diphtheria, Tetanus, and Pertussis Vaccine
Polio: Live Oral Polio Vaccine drops (OPV) or Killed (Inactivated) Polio Vaccine shots (IPV)
MMR: Measles, Mumps, and Rubella Vaccine
HIB: *Haemophilus* b Conjugate Vaccine
HBV: Hepatitis B Vaccine

*** Many experts recommend these vaccines at 18 months.**
† In some areas this dose of MMR vaccine may be given at 12 months.
¶ Many experts recommend this dose of MMR vaccine be given at entry to middle school or junior high school.
§ HIB vaccine is given in either a 4-dose schedule (1) or a 3-dose schedule (2), depending on the type of vaccine used.
‡ Hepatitis B vaccine can be given simultaneously with DTP, Polio, MMR, and *Haemophilus* b Conjugate Vaccine at the same visit.

Are the Benefits of the Vaccines Greater Than the Risks?

Yes, for almost all people.

Polio can be a very serious disease. Almost all people who get the vaccines are protected from this disease. Only a small number of people have problems after getting the vaccines. The problems that may happen after receiving vaccine occur much less often than when the person has the disease.

Experts believe that most people should receive polio vaccine. After reading this pamphlet and talking with your doctor or nurse, you can decide whether there is any reason for you or your child to delay or not get the polio vaccine.

There are several reasons why some people may need to delay getting polio vaccine or should not get it at all.

When Should the Vaccines be Delayed?

Polio drops (OPV) or shots (IPV) should be delayed for any person who:

• Is sick with something more serious than a minor illness such as a common cold. Delay the vaccination until the person is better.

When Should the Vaccines *Not* be Given?

IPV should be given instead of OPV to a person who:

• Is born with or develops any disease that makes it hard for the body to fight infection, such as cancer, leukemia, or lymphoma (cancer of the lymph glands).

• Has AIDS or infection with the virus that causes AIDS.

• Is taking special cancer treatments such as x-rays or drugs or is taking other drugs, such as prednisone or steroids, that make it hard for the body to fight infection.

The close contact that occurs in the home makes it possible for the virus that is present in OPV drops to be passed on to another member of the household. Doctors usually advise that if any person in the home has any of the medical conditions listed above, IPV should be used instead of OPV.

IPV should not be given to a person who:

• Has had an allergy problem with the antibiotics neomycin or streptomycin so serious that it required treatment by a doctor.

Be sure to talk to the doctor or nurse about which polio vaccine you or your child should get.

Should Pregnant Women Receive the Vaccines?

The polio vaccines are not known to cause any problems to the unborn babies of pregnant women. Doctors usually do not recommend giving any drugs or vaccines to pregnant women unless there is a special need. However, if a pregnant woman needs immediate protection, OPV is recommended.

What To Look for and To Do After Getting the Polio Vaccine:

This pamphlet lists the problems (on pages 4 and 7) that may occur after receiving either OPV or IPV.

As with any other serious medical problem, if the person has a serious or unusual problem after getting the vaccine, CALL A DOCTOR OR GET THE PERSON TO A DOCTOR PROMPTLY.

If you or your child does have a reaction to the vaccine, you can help your doctor by writing down exactly what happened.

Use this form or write on a piece of paper exactly what happened, what day it happened, and the time it happened.

Type of Vaccine and Date Received:

Problems _____
Day and Time Problem Started _____

Have the Problem Reported:

The Public Health Service is interested in finding out if any serious problems may be related to OPV and IPV, especially those that

occur within 4 weeks after getting the vaccine.

If you believe that the person receiving the vaccine had a serious problem or died because of the vaccine:

Call this number:

And ask the doctor or health department to report the problem on a Vaccine Adverse Event Report form.

If you think the problem was not reported, you should report the problem yourself. You can get the form by calling this toll-free number: 1–800–822–7967.

GET INFORMATION ABOUT POSSIBLE HELP:

A U.S. government program provides compensation for some persons injured by vaccines. For more information, call this toll-free number: 1–800–338–2382 OR contact: The U.S. Claims Court, 717 Madison Place, NW., Washington, DC 20005, (202) 633–7257.

What Vaccines Does your State Require?

To protect as many children as possible from these diseases, all states require certain vaccines before the child goes to child care or school. Ask your doctor or nurse what shots your state requires.

Department of Health and Human Services,
Public Health Service, Centers for Disease Control
Polio 00/00/91

VACCINE ADMINISTRATION RECORD

The doctor or clinic may keep this record in your medical file or your child's medical file. They will record what vaccine was given, when the vaccine was given, the name of the company that made the vaccine, the vaccine's special lot number, the signature and title of the person who gave the vaccine, and the address where the vaccine was given.

"I have read or have had explained to me the information in this pamphlet about polio and polio vaccines. I have had a chance to ask questions that were answered to my satisfaction. I believe I understand the benefits and risks of the polio vaccines and ask that the vaccine checked below be given to me or to the person named below for whom I am authorized to make this request."

Vaccine to be given: OPV (Oral polio vaccine ☐ IPV (Inactivated polio vaccine) ☐

Information about person to receive vaccine (Please print.)					
Name: Last	First	Middle Initial		Birthdate	Age
Address: Street		City	County	State	Zip
Signature of person to receive vaccine or person authorized to make the request (parent or guardian): X _____ Date: _____					

Polio 00/00/90

For Clinic/Office Use

Clinic/Office Address: _____

Date Vaccine Administered: _____

Vaccine Manufacturer: _____

Vaccine Lot Number: _____

Site of Injection: _____

Signature of Vaccine Administrator: _____

Title of Vaccine Administrator: _____

[FR Doc. 91–24824 Filed 10–11–91; 8:45 am]
BILLING CODE 4160-18-M

federal register

Tuesday
October 15, 1991

Part VI

Pension Benefit Guaranty Corporation

29 CFR Parts 2610, 2622, 2644, and 2676
Interest Rates; Final Rules

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 2610 and 2622

Late Premium Payments and Employer Liability Underpayments and Overpayments; Interest Rate for Determining Variable Rate Premium; Amendments to Interest Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This document notifies the public of the interest rate applicable to late premium payments and employer liability underpayments and overpayments for the calendar quarter beginning October 1, 1991. This interest rate is established quarterly by the Internal Revenue Service. This document also sets forth the interest rates for valuing unfunded vested benefits for premium purposes for plan years beginning in August 1991 through October 1991. These interest rates are established pursuant to section 4006 of the Employee Retirement Income Security Act of 1974, as amended. The effect of these amendments is to advise plan sponsors and pension practitioners of these new interest rates.

EFFECTIVE DATE: October 1, 1991.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General counsel, Office of the General Counsel, Code 22500, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, DC 20006; telephone (202) 778–8850 ((202) 778–8859 for TTY and TTD). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: As part of title IV of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), the Pension Benefit Guaranty Corporation ("PBGC") collects premiums from ongoing plans to support the single-employer and multiemployer insurance programs. Under the single-employer program, the PBGC also collects employer liability from those persons described in ERISA section 4062(a). Under ERISA section 4007 and 29 CFR 2610.7, the interest rate to be charged on unpaid premiums is the rate established under section 6601 of the Internal Revenue Code ("Code"). Similarly, under 29 CFR 2622.7, the interest rate to be credited or charged with respect to overpayments or underpayments of employer liability is the section 6601 rate. These interest rates are published by the PBGC in appendix A to the premium regulation and appendix A to the employer liability regulation.

The Internal Revenue Service has announced that for the quarter beginning October 1, 1991, the interest charged on the underpayment of taxes will be at a rate of 10 percent. Accordingly, the PBGC is amending appendix A to 29 CFR part 2610 and appendix A to 29 CFR part 2622 to set forth this rate for the October 1 through December 31, 1991, quarter.

Under ERISA section 4006(a)(3)(E)(iii)(II), in determining a single-employer plan's unfunded vested benefits for premium computation purposes, plans must use an interest rate equal to 80% of the annual yield on 30-year Treasury securities for the month preceding the beginning of the plan year for which premiums are being paid. Under § 2610.23(b)(1) of the premium regulation, this value is determined by reference to 30-year Treasury constant maturities as reported in Federal Reserve Statistical Releases G.13 and H.15. The PBGC publishes these rates in appendix B to the regulation.

The PBGC publishes these monthly interest rates in appendix B on a quarterly basis to coincide with the publication of the late payment interest rate set forth in appendix A. (The PBGC publishes the appendix A rates every quarter, regardless of whether the rate has changed.) Unlike the appendix A rate, which is determined prospectively, the appendix B rate is not known until a short time after the first of the month for which it applies. Accordingly, the PBGC is hereby amending appendix B to part 2610 to add the vested benefits valuation rates for plan years beginning in August through October of 1991.

The appendices to 29 CFR parts 2610 and 2622 do not prescribe the interest rates under these regulations. Under both regulations, the appendix A rates are the rates determined under section 6601(a) of the Code. The interest rates in appendix B to part 2610 are prescribed by ERISA section 4006(a)(3)(E)(iii)(II) and § 2610.23(b)(1) of the regulation. These appendices merely collect and republish the interest rates in a convenient place. Thus, the interest rates in the appendices are informational only. Accordingly, the PBGC finds that notice of and public comment on these amendments would be unnecessary and contrary to the public interest. For the above reasons, the PBGC also believes that good cause exists for making these amendments effective immediately.

The PBGC has determined that none of these amendments is a "major rule" within the meaning of Executive Order 12291, because they will not have an annual effect on the economy of $100 million or more; nor create a major increase in costs or prices for consumers, individual industries, or geographic regions, nor have significant adverse effects on competition, employment, investment, innovation or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Because no general notice of proposed rulemaking is required for these amendments, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects

29 CFR Part 2610

Employee benefit plans, Penalties, Pension insurance, Pensions, and Reporting and recordkeeping requirements.

29 CFR Part 2622

Business and industry, Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements, and Small businesses.

In consideration of the foregoing, appendix A and appendix B to Part 2610 and appendix A to part 2622 of chapter XXVI of title 29, Code of Federal Regulations, are hereby amended as follows:

PART 2610—PAYMENT OF PREMIUMS

1. The authority citation for part 2610 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1306, 1307 (1988), as amended by sec. 7881(h), Pub. L. 101–239, 103 Stat. 2106, 2242.

2. Appendix A to part 2610 is amended by adding a new entry for the quarter beginning October 1, 1991, to read as follows. The introductory text is republished for the convenience of the reader and remains unchanged.

Appendix A—Late Payment Interest Rates

The following table lists the late payment interest rates under § 2610.7(a) for the specified time periods:

From	Through	Interest rate (percent)
*	* * * * *	
October 1, 1991.	December 31, 1991	10

3. Appendix B to part 2610 is amended by adding to the table of interest rates therein new entries for premium payment years beginning in August through October of 1991, to read as follows. The introductory text is

republished for the convenience of the reader and remains unchanged.

Appendix B—Interest Rates for Valuing Vested Benefits

The following table lists the required interest rates to be used in valuing a plan's vested benefits under § 2610.23(b) and in calculating a plan's adjusted vested benefits under § 2610.23(c)(1):

For premium payment years beginning in—	Required interest rate[1]
* * * * *	
August 1991	6.76
September 1991	6.51
October 1991	6.36

[1] The required interest rate listed above is equal to 80% of the annual yield for 30-year Treasury constant maturities, as reported in Federal Reserve Statistical Release G.13 and H.15 for the calendar month preceding the calendar month in which the premium payment year begins.

PART 2622—EMPLOYER LIABILITY FOR WITHDRAWALS FROM AND TERMINATIONS OF SINGLE-EMPLOYER PLANS

4. The authority citation for part 2622 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1362–1364, 1367–68, as amended by secs. 9312, 9313, Pub. L. 100–203, 101 Stat. 1330.

5. Appendix A to part 2622 is amended by adding a new entry for the quarter beginning October 1, 1991, to read as follows. The introductory text is republished for the convenience of the reader and remains unchanged.

Appendix A—Late Payment and Overpayment Interest Rates

The following table lists the late payment and overpayment interest rates under § 2622.7 for the specified time periods:

From	Through	Interest rate (percent)
* * * * *		
October 1, 1991.	December 31, 1991	10

Issued in Washington, DC, this 8th day of October 1991.

James B. Lockhart III,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 91–24852 Filed 10–11–91; 10:43 am]

BILLING CODE 7708–01–M

29 CFR PART 2644

Collection of Withdrawal Liability; Adoption of New Interest Rate

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This is an amendment to the Pension Benefit Guaranty Corporation's regulation on Notice and Collection of Withdrawal Liability. That regulation incorporates certain interest rates published by another Federal agency. The effect of this amendment is to add to the appendix of that regulation a new interest rate to be effective from October 1, 1991, to December 31, 1991.

EFFECTIVE DATE: October 1, 1991.

FOR FURTHER INFORMATION CONTACT: Harold Ashner, Assistant General Counsel, Office of the General Counsel (22500), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, DC 20006; telephone 202–778–8850 (202–778–8859 or TTY and TDD). These are not toll–free numbers.

SUPPLEMENTARY INFORMATION: Under section 4219(c) of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), the Pension Benefit Guaranty Corporation ("the PBGC") promulgated a final regulation on Notice and Collection of Withdrawal Liability. That regulation, codified at 29 CFR part 2644, deals with the rate of interest to be charged by multiemployer pension plans on withdrawal liability payments that are overdue or in default, or to be credited by plans on overpayments of withdrawal liability. The regulation allows plans to set rates, subject to certain restrictions. Where a plan does not set the interest rate, § 2644.3(b) of the regulation provides that the rate to be charged or credited for any calendar quarter is the average quoted prime rate on short-term commercial loans for the fifteenth day (or the next business day if the fifteenth day is not a business day) of the month preceding the beginning of the quarter, as reported by the Board of Governors of the Federal Reserve System in Statistical Release H.15 ("Selected Interest Rates").

Because the regulation incorporates interest rates published in Statistical Release H.15, that release is the authoritative source for the rates that are to be applied under the regulation. As a convenience to persons using the regulation, however, the PBGC collects the applicable rates and republishes them in an appendix to part 2644. This amendment adds to this appendix the interest rate of 8 percent, which will be effective from October 1, 1991 through December 31, 1991. This rate represents a decrease of one half percent from the rate in effect for the third quarter of 1991. This rate is based on the prime rate in effect on September 16, 1991.

The appendix to 29 CFR part 2644 does not prescribe interest rates under the regulation; the rates prescribed in the regulation are those published in Statistical Release H.15. The appendix merely collects and republishes the rates in a convenient place. Thus, the interest rates in the appendix are informational only. Accordingly, the PBGC finds that notice of and public comment on this amendment would be unnecessary and contrary to the public interest. For the above reasons, the PBGC also believes that good cause exists for making this amendment effective immediately.

The PBGC has determined that this amendment is not a "major rule" within the meaning of Executive Order 12291, because it will not have an annual effect on the economy of $100 million or more; nor create a major increase in costs or prices for consumers, individual industries, or geographic regions, nor have significant adverse effects on competition, employment, investment, innovation or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects in 29 CFR Part 2644

Employee benefit plans, Pensions.

In consideration of the foregoing, part 2644 of subchapter F of chapter XXVI of title 29, Code of Federal Regulations, is amended as follows:

PART 2644—NOTICE AND COLLECTION OF WITHDRAWAL LIABILITY

1. The authority citation for part 2644 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3) and 1399(c)(6).

2. Appendix A is amended by adding to the end of the table therein a new entry as follows:

From	To	Date of quotation	Rate (percent)
*	*	*	*
10/01/91.....	12/31/91	09/16/91	8

Issued in Washington, DC, on this 8th day of October 1991.

James B. Lockhart III,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 91-24851 Filed 10-11-91; 10:43 am]

BILLING CODE 7708-01-M

29 CFR Part 2676

Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal—Interest Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This is an amendment to the Pension Benefit Guaranty Corporation's regulation on Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal (29 CFR part 2676). The regulation prescribes rules for valuing benefits and certain assets of multiemployer plans under sections 4219(c)(1)(D) and 4281(b) of the Employee Retirement Income Security Act of 1974. Section 2676.15(c) of the regulation contains a table setting forth, for each calendar month, a series of interest rates to be used in any valuation performed as of a valuation date within that calendar month. On or about the fifteenth of each month, the PBGC publishes a new entry in the table for the following month, whether or not the rates are changing. This amendment adds to the table the rate series for the month of November 1991.

EFFECTIVE DATE: November 1, 1991.

FOR FURTHER INFORMATION CONTACT: Deborah C. Murphy, Attorney, Office of the General Counsel (22500), Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, DC 20006; 202-778-8820 (202-778-8859 for TTY and TDD). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: The PBGC finds that notice of and public comment on this amendment would be impracticable and contrary to the public interest, and that there is good cause for making this amendment effective immediately. These findings are based on the need to have the interest rates in this amendment reflect market conditions that are as nearly current as possible and the need to issue the interest rates promptly so that they are available to the public before the beginning of the period to which they apply. (*See* 5 U.S.C. 553 (b) and (d).) Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply (5 U.S.C. 601(2)).

The PBGC has also determined that this amendment is not a "major rule" within the meaning of Executive Order 12291 because it will not have an annual effect on the economy of $100 million or more; or create a major increase in costs or prices for consumers, individual industries, or geographic regions; or have significant adverse effects on competition, employment, investment, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 29 CFR Part 2676

Employee benefit plans and Pensions.

In consideration of the foregoing, part 2676 of subchapter H of chapter XXVI of title 29, Code of Federal Regulations, is amended as follows:

PART 2676—VALUATION OF PLAN BENEFITS AND PLAN ASSETS FOLLOWING MASS WITHDRAWAL

1. The authority citation for Part 2676 continues to read as follows:

Authority: 29 U.S.C. §§ 1302(b)(3), 1399(c)(1)(D), and 1441(b)(1).

2. In § 2676.15, paragraph (c) is amended by adding to the end of the table of interest rates therein the following new entry:

§ 2676.15 Interest.

* * * * *

(c) *Interest Rates.*

For valuation dates occurring in the month:	The values for i_k are:															
	i_1	i_2	i_3	i_4	i_5	i_6	i_7	i_8	i_9	i_{10}	i_{11}	i_{12}	i_{13}	i_{14}	i_{15}	i_n
*		*		*		*		*		*		*		*		
November 1991	.07	.06875	.0675	.06625	.065	.06375	.06375	.06375	.06375	.06375	.06125	.06125	.06125	.06125	.06125	.05875

Issued at Washington, DC, on this 8th day of October 1991.

James B. Lockhart III,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 91-24853 Filed 10-11-91; 10:43 am]

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S.J. Res. 172/Pub. L. 102–123

To authorize and request the President to proclaim each of the months of November 1991 and 1992 as "National American Indian Heritage Month". (Oct. 9, 1991; 105 Stat. 614; 2 pages) Price: $1.00

S. 1773/Pub. L. 102–124

To extend until October 18, 1991, the legislative reinstatement of the power of Indian tribes to exercise criminal jurisdiction over Indians. (Oct. 9, 1991; 105 Stat. 616; 1 page) Price: $1.00

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CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription to all revised volumes is $620.00 domestic, $155.00 additional for foreign mailing.

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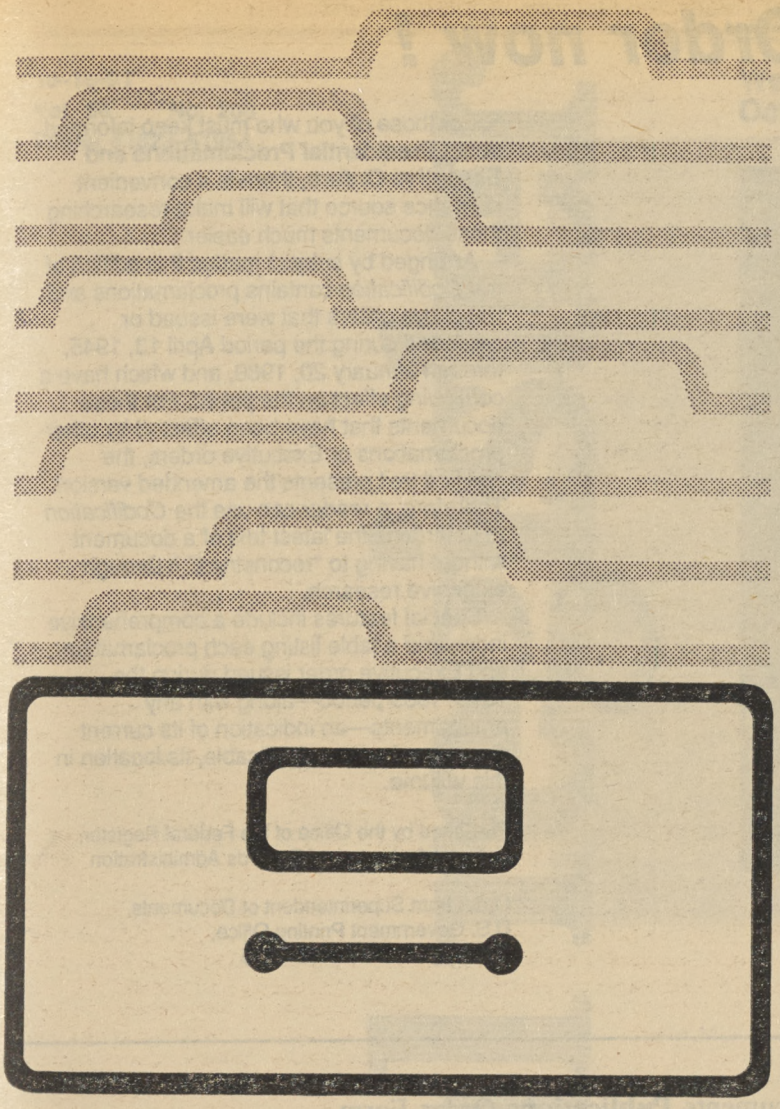

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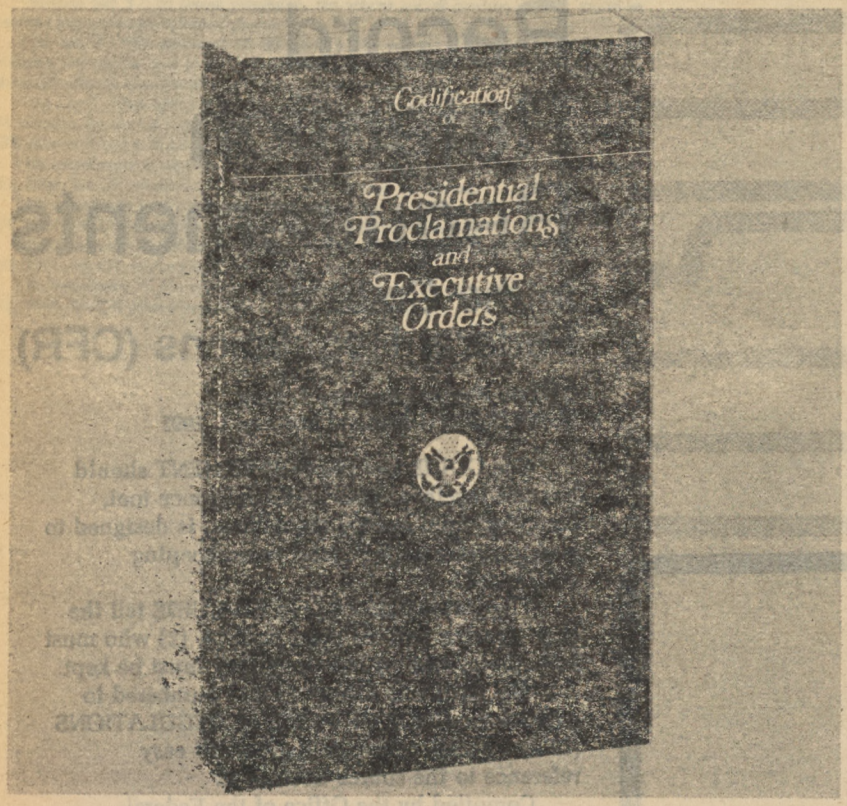

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