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# federal register

Friday  
March 20, 1992

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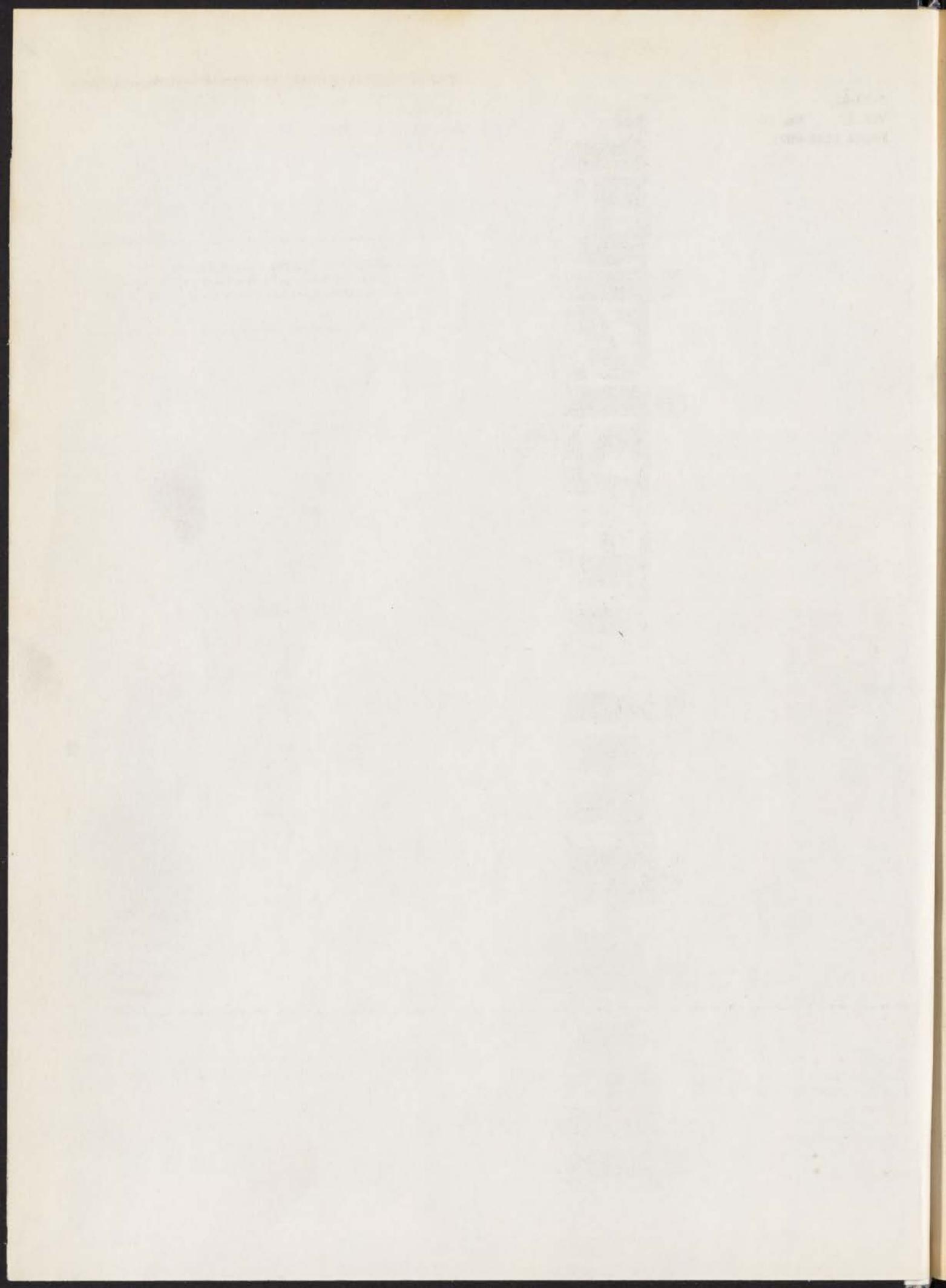
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- WHEN:** April 7, at 9:00 a.m.
- WHERE:** Office of the Federal Register, First Floor Conference Room, 1100 L Street NW., Washington, DC.
- RESERVATIONS:** 202-523-5240.
- DIRECTIONS:** North on 11th Street from Metro Center to corner of 11th and L Streets

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- WHERE:** Room 1612, Federal Building, 1520 Market Street, St. Louis, MO
- RESERVATIONS:** Call the Federal Information Center St. Louis: 1-800-366-2998 Missouri (outside St. Louis): 1-800-735-8004

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The results are given in the following table

Sample size	Number of observations	Number of tests	Number of tests with significant results	Percentage of tests with significant results
10	100	100	10	10.0
10	200	200	20	10.0
10	300	300	30	10.0
10	400	400	40	10.0
10	500	500	50	10.0
10	600	600	60	10.0
10	700	700	70	10.0
10	800	800	80	10.0
10	900	900	90	10.0
10	1000	1000	100	10.0
20	100	100	20	20.0
20	200	200	40	20.0
20	300	300	60	20.0
20	400	400	80	20.0
20	500	500	100	20.0
20	600	600	120	20.0
20	700	700	140	20.0
20	800	800	160	20.0
20	900	900	180	20.0
20	1000	1000	200	20.0
30	100	100	30	30.0
30	200	200	60	30.0
30	300	300	90	30.0
30	400	400	120	30.0
30	500	500	150	30.0
30	600	600	180	30.0
30	700	700	210	30.0
30	800	800	240	30.0
30	900	900	270	30.0
30	1000	1000	300	30.0
40	100	100	40	40.0
40	200	200	80	40.0
40	300	300	120	40.0
40	400	400	160	40.0
40	500	500	200	40.0
40	600	600	240	40.0
40	700	700	280	40.0
40	800	800	320	40.0
40	900	900	360	40.0
40	1000	1000	400	40.0
50	100	100	50	50.0
50	200	200	100	50.0
50	300	300	150	50.0
50	400	400	200	50.0
50	500	500	250	50.0
50	600	600	300	50.0
50	700	700	350	50.0
50	800	800	400	50.0
50	900	900	450	50.0
50	1000	1000	500	50.0

# Rules and Regulations

Federal Register

Vol. 57, No. 55

Friday, March 20, 1992

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

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

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

#### 7 CFR Part 2

#### Revisions of Delegations of Authority

**AGENCY:** Department of Agriculture.

**ACTION:** Final rule.

**SUMMARY:** This document restates the delegations of authority from the Secretary of Agriculture and the General Officers of the Department of Agriculture (USDA) to the Assistant Secretary for Science and Education and restates the delegations of authority from the Assistant Secretary for Science and Education to the heads of those agencies that report to the Assistant Secretary. These delegations reflect changes made by Public Law 101-624, the Food, Agriculture, Conservation, and Trade Act of 1990, that affect programs administered by the Assistant Secretary.

**EFFECTIVE DATE:** March 20, 1992.

#### FOR FURTHER INFORMATION CONTACT:

C. Michael Hoback, Office of the Assistant Secretary of Agriculture for Science and Education, USDA, Washington, DC 20250, (202) 720-5035.

**SUPPLEMENTARY INFORMATION:** This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, it is exempt from the notice and comment procedures of the Administrative Procedure Act, and this rule may be effective less than 30 days after publication in the Federal Register.

Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order No. 12291. This action is not a rule as defined by Public Law 96-354, the Regulatory Flexibility Act, (5 U.S.C. 601 *et seq.*) and thus is exempt from its provisions. This rule also is exempt from the requirements of the National Environmental Policy Act, as amended

(42 U.S.C. 4321 *et seq.*) and the requirements of the Paperwork Reduction Act (44 U.S.C. chapter 35).

#### List of Subjects in 7 CFR Part 2

Authority delegations (Government agencies).

#### PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Accordingly, part 2, subtitle A, title 7, Code of Federal Regulations is amended as follows:

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

Authority: 5 U.S.C. 301 and Reorganization Plan No. 2 of 1953.

#### Subpart C—Delegations of Authority to the Deputy Secretary, the Under Secretary for International Affairs and Commodity Programs, the Under Secretary for Small Community and Rural Development, and Assistant Secretaries

2. Sections 2.30 and 2.30a are revised to read as follows:

##### § 2.30 Delegations of Authority to the Assistant Secretary for Science and Education.

The following delegations of authority are made by the Secretary of Agriculture to the Assistant Secretary for Science and Education.

##### (a) *Related to science and education.*

(1) Direct, coordinate and provide national leadership and support for research, extension and teaching programs in the food and agricultural sciences to meet major needs and challenges in development of new food and fiber; food and agriculture viability and competitiveness in the global economy; enhancing economic opportunities and quality of life for rural America; food and agricultural system productivity and development of new crops and new uses; the environment and natural resources; or the promotion of human health and welfare pursuant to the National Agricultural Research, Extension, and Teaching Policy of 1977, as amended (7 U.S.C. 3101, *et seq.*).

(2) Provide national leadership and support for research, extension, and teaching programs in the food and agricultural sciences to carry out sustainable agriculture research and education; a national plant genetic

resources program; a national agricultural weather information system; research regarding the production, preparation, processing, handling, and storage of agricultural products; a plant and animal pest and disease control program; and any other provisions pursuant to Title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 (Pub. L. 101-624, 104 Stat. 3703), except the provisions relating to the USDA Graduate School in Section 1669 and the provisions relating to alternative agricultural research and commercialization under sections 1657-1664 (7 U.S.C. 5801 *et seq.*).

(3) Coordinate USDA policy and conduct programs relative to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136 *et seq.*) and coordinate the Department's integrated pest management programs and the pesticide assessment program (7 U.S.C. 136-136y).

(4) Carry out research, technology development, technology transfer, and demonstration projects related to the economic feasibility of the manufacture and commercialization of natural rubber from plants containing hydrocarbons. (7 U.S.C. 178-178n).

(5) Conduct research on the control of undersirable species of honey bees in cooperation with specific foreign governments (7 U.S.C. 284).

(6) Administer the appropriation for the endowment and maintenance of colleges for the benefit of agriculture and the mechanical arts (7 U.S.C. 321-326a).

(7) Administer teaching funds authorized by section 22 of the Bankhead Jones Act, as amended (7 U.S.C. 329).

(8) Administer a cooperative agricultural extension program in accordance with the Smith-Lever Act, as amended (7 U.S.C. 341-349).

(9) Cooperate with the States for the purpose of encouraging and assisting them in carrying out research related to the problems of agriculture in its broadest aspects under the Hatch Act, as amended (7 U.S.C. 361a-361i).

(10) Support agricultural research at eligible institutions in the States through the provision of Federal-grant funds to help finance physical research facilities (7 U.S.C. 390-390k).

(11) Conduct research concerning domestic animals and poultry, their protection and use, the causes of

contagious, infectious, and communicable diseases, and the means for the prevention and cure of the same (7 U.S.C. 391).

(12) Conduct research related to the dairy industry and to the dissemination of information for the promotion of the dairy industry (7 U.S.C. 402).

(13) Conduct research and demonstrations at Mandan, ND, and Lewisburg, TN, related to dairy livestock breeding, growing, and feeding, and other problems pertaining to the establishment of the dairy and livestock industries (7 U.S.C. 421-422).

(14) Conduct research on new uses for cotton and on cotton ginning and processing (7 U.S.C. 423-424).

(15) Administer and conduct research into the basic problems of agriculture in its broadest aspects, including, but not limited to, production, marketing (other than statistical and economic research but including research related to family use of resources), distribution, processing, and utilization of plant and animal commodities; problems of human nutrition; development of markets for agricultural commodities; discovery, introduction, and breeding of new crops, plants, and animals, both foreign and native; conservation development; and development of efficient use of farm buildings, homes, and farm machinery except as otherwise delegated in § 2.17(a)(2) and § 2.50(a)(2) (7 U.S.C. 427, 1621-1627, 1629, 2201, and 2204).

(16) Conduct research on varietal improvement of wheat and feed grains to enhance their conservation and environmental qualities (7 U.S.C. 428b).

(17) Advance the livestock and agricultural interests of the United States, including the breeding of horses suited to the needs of the United States (7 U.S.C. 437).

(18) Enter into agreements with and receive funds from any State, other political subdivision, organization, or individual for the purpose of conducting cooperative research projects (7 U.S.C. 450a).

(19) Carry out a program (IR-4 Program) for the collection of residue and efficacy data in support of minor use pesticide registration or reregistration and to determine tolerances for minor use chemical residues in or on agricultural commodities (7 U.S.C. 450i).

(20) Administer and direct a program of competitive and special grants to State agricultural experiment stations, colleges and universities, other research institutions and organizations, Federal agencies, private organizations or corporations, and individuals and of facilities grants to State agricultural experiment stations and designated

colleges and universities to promote research in food, agriculture and related areas (7 U.S.C. 450i).

(21) Provide resource information concerning rural electric and telephone use and rural development efforts (7 U.S.C. 917).

(22) Act as a catalyst to provide access to leadership training and services programs encompassing private, public, business, and government entities (7 U.S.C. 950aa-1).

(23) Conduct research related to soil and water conservation, engineering operations, and methods of cultivation to provide for the control and prevention of soil erosion (7 U.S.C. 1010 and 16 U.S.C. 590a).

(24) Maintain four regional research laboratories and conduct research at such laboratories to develop new scientific, chemical, and technical uses and new and extended markets and outlets for farm commodities and products and the byproducts thereof (7 U.S.C. 1292).

(25) Conduct a special cotton research program designed to reduce the cost of producing upland cotton in the United States (7 U.S.C. 1441 note).

(26) Conduct a research and development program to formulate new uses for farm and forest products (7 U.S.C. 1632(b)).

(27) Conduct research to develop and determine methods for the humane slaughter of livestock (7 U.S.C. 1904).

(28) Administer a competitive grant program for non-profit institutions to establish and operate centers for rural technology or cooperative development (7 U.S.C. 1932(f)).

(29) Administer a nutrition education program for Food Stamp recipients and for the distribution of commodities on reservations (7 U.S.C. 2020(f)).

(30) Conduct education and extension programs and a pilot project related to nutrition education (7 U.S.C. 2027(a) and 5932).

(31) Provide for the dissemination of appropriate rural health and safety information resources possessed by the National Agricultural Library (NAL) Rural Information Center, in cooperation with State educational program efforts (7 U.S.C. 2662).

(32) Develop and maintain national and international library and information systems and networks and facilitate cooperation and coordination of the agricultural libraries of colleges, universities, USDA, and their closely allied information gathering and dissemination units in conjunction with private industry and other research libraries (7 U.S.C. 2201, 2204, 3125a, and 3126).

(33) Accept gifts and order disbursements from the Treasury for the benefit of NAL or for the carrying out of any of its functions (7 U.S.C. 2264-2265).

(34) Conduct education and outreach programs for socially disadvantaged farmers and ranchers (7 U.S.C. 2279).

(35) Administer, in cooperation with the States, a cooperative rural development and small farm research and extension program under the Rural Development Act of 1972, as amended (7 U.S.C. 2661-2667).

(36) Administer a cooperative extension program under the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3004).

(37) Coordinate the development and carrying out by Department agencies of all matters and functions pertaining to agricultural research conducted or funded by the Department involving biotechnology, including the development and implementation of guidelines for oversight of research activities, acting as liaison on all matters and functions pertaining to agricultural research in biotechnology between agencies within the Department and between the Department and other governmental, educational, or private organizations and carrying out any other activities authorized by (7 U.S.C. 3121 (7 U.S.C. 3121)).

(38) Establish a Joint Council on Food and Agricultural Sciences to bring about more effective research, extension, and teaching in the food and agricultural sciences (7 U.S.C. 3122).

(39) Establish and oversee the National Agricultural Research and Extension Users Advisory Board and the Agricultural Science and Technology Review Board (7 U.S.C. 3123 and 3123A).

(40) Appoint a Director of NAL to administer the programs and services of NAL consistent with its charge to serve as the primary agricultural information resource of the United States and to enter into agreements and receive funds from various entities to conduct NAL activities (7 U.S.C. 3125a).

(41) Provide and distribute information and data about Federal, State, local, and other rural development assistance programs and services available to individuals and organizations. To the extent possible, NAL shall use telecommunications technology to disseminate such information to rural areas (7 U.S.C. 3125b).

(42) Assemble and collect food and nutrition educational material, including the results of nutrition research, training methods, procedures, and other materials related to the purposes of the

National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended; maintain such information; and provide for the dissemination of such information and materials on a regular basis to State educational agencies and other interested parties (7 U.S.C. 3126).

(43) Conduct programs related to composting research and extension (7 U.S.C. 3130).

(44) Conduct a program of grants to States to expand, renovate, or improve schools of veterinary medicine (7 U.S.C. 3151).

(45) Formulate and administer higher education programs in the food and agricultural sciences and administer grants to colleges and universities (7 U.S.C. 3152).

(46) Administer the National Food and Agricultural Sciences Teaching Awards program for recognition of educators in the food and agricultural sciences (7 U.S.C. 3152).

(47) Administer the National Agricultural Science Award for research or advanced studies in the food and agricultural sciences (7 U.S.C. 3153).

(48) Administer grants to colleges, universities, and Federal laboratories for research on the production and marketing of alcohols and industrial hydrocarbons from agricultural commodities and forest products (7 U.S.C. 3154).

(49) Establish a national food science and research center for the Southeast Region of the United States and administer a national food and human nutrition research and extension program under the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3171-3175).

(50) Administer and direct an animal health and disease research program under the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3191-3201).

(51) Support continuing agricultural and forestry extension and research, resident instruction, and facilities improvement at 1890 land-grant colleges, including Tuskegee University, and administer a grant program for five National Research and Training Centennial Centers (7 U.S.C. 3221, 3222, and 3222a-3222c).

(52) Support agricultural research at the 1890 land-grant colleges, including Tuskegee University, through Federal-grant funds to help finance physical facilities (7 U.S.C. 3223).

(53) Make grants, under such terms and conditions as the Assistant Secretary determines, to eligible institutions for the purpose of assisting

such institutions in the purchase of equipment and land, and the planning, construction, alteration, or renovation of buildings, to provide adequate facilities to conduct extension work, and issue rules and regulations as necessary to carry out this authority (7 U.S.C. 3224).

(54) Provide policy direction and coordinate the Department's work with national and international institutions and other persons throughout the world in the performance of agricultural science, education and development activities (7 U.S.C. 3291).

(55) Administer grants to States in support of the establishment and operation of International Trade Development Centers (7 U.S.C. 3292).

(56) Conduct program evaluations to improve the administration and effectiveness of agricultural research, extension, and teaching programs (7 U.S.C. 3317).

(57) Enter into contracts, grants, or cooperative agreements to further research, extension, or teaching programs in the food and agriculture sciences (7 U.S.C. 3318).

(58) Enter into cost-reimbursable agreements with State cooperative institutions for the acquisition of goods or services in support of research, extension, or teaching activities in the food and agricultural sciences, including the furtherance of library and related information programs (7 U.S.C. 3319a).

(59) Conduct research and develop and implement a pilot project program for the development of supplemental and alternative crops (7 U.S.C. 3319d).

(60) Administer an aquaculture assistance program, involving centers, by making grants to eligible institutions for research and extension to facilitate or expand production and marketing of aquacultural food species and products; making grants to States to formulate aquaculture development plans for the production and marketing of aquacultural species and products; conducting a program of research, extension and demonstration at aquacultural demonstration centers; and making grants to aquaculture research facilities to do research on intensive water recirculating systems (7 U.S.C. 3321-3323).

(61) Administer a cooperative rangeland research program (7 U.S.C. 3331-3336).

(62) Conduct a program of basic research on cancer in animals and birds (7 U.S.C. 3902).

(63) Design and implement educational programs and distribute materials in cooperation with the cooperative extension services of the States emphasizing the importance of productive farmland, and designate a

farmland information center, pursuant to section 1544 of the Farmland Protection Policy Act (7 U.S.C. 4205).

(64) Conduct programs of education, extension, and research related to water quality, agrichemicals and nutrient management (7 U.S.C. 5503-5506).

(65) Administer programs and conduct projects for research, extension, and education on sustainable agriculture (7 U.S.C. 5811-5813).

(66) Conduct research and cooperative extension programs to optimize crop and livestock production potential, integrated resource management, and integrated crop management (7 U.S.C. 5821).

(67) Design, implement, and develop handbooks, technical guides, and other educational materials emphasizing sustainable agriculture production systems and practices (7 U.S.C. 5831).

(68) Administer a competitive grant program to organizations to carry out a training program on sustainable agriculture (7 U.S.C. 5832).

(69) Administer a national research program on genetic resources to provide for the collection, preservation, and dissemination of genetic material important to American food and agriculture production (7 U.S.C. 5841-5844).

(70) Conduct remote-sensing and other weather-related research (7 U.S.C. 5852).

(71) Establish an Agricultural Weather Office and administer a national agricultural weather information system, including a competitive grants program for research in atmospheric sciences and climatology (7 U.S.C. 5852-5853).

(72) Administer a research and extension grant program to States to administer programs for State agricultural weather information systems (7 U.S.C. 5854).

(73) Administer grants and conduct research programs to measure microbiological and chemical agents associated with the production, preparation, processing, handling, and storage of agricultural products (7 U.S.C. 5871-5874).

(74) Administer and conduct research and extension programs on integrated pest management, including research to benefit floriculture (7 U.S.C. 5881).

(75) Establish a national pesticide resistance monitoring program and disseminate information on materials and methods of pest and disease control available to agricultural producers through the pest and disease control database (7 U.S.C. 5882).

(76) Administer and conduct research and grant programs on the control and eradication of exotic pests (7 U.S.C. 5883).

(77) Conduct research and educational programs to study the biology and behavior of chinch bugs (7 U.S.C. 5884).

(78) Administer research programs and grants for risk assessment research to address concerns about the environmental effects of biotechnology (7 U.S.C. 5921).

(79) Administer a special grants program to assist efforts by research institutions to improve the efficiency and efficacy of safety and inspection systems for livestock products (7 U.S.C. 5923).

(80) Establish and coordinate USDA grant programs and conduct basic and applied research and technology development in the areas of plant genome structure and function (7 U.S.C. 5924).

(81) Administer research and extension grants for the development of agricultural production and marketing systems to service niche markets (7 U.S.C. 5925).

(82) Administer a grants program to States on immunoassay as it is used to detect agricultural pesticide residues on agricultural commodities and to diagnose plant and animal diseases (7 U.S.C. 5925).

(83) Conduct research programs for the development of technology to determine animal lean content (7 U.S.C. 5925).

(84) Conduct and support research programs to determine the presence of aflatoxin in the food and feed chains (7 U.S.C. 5925).

(85) Administer grants and conduct research programs to develop production methods and commercial uses for mesquite (7 U.S.C. 5925).

(86) Administer grants and conduct research programs to investigate enhanced genetic selection and processing techniques of prickly pears (7 U.S.C. 5925).

(87) Conduct a research program and administer grants and contracts for research on the disease of scrapie in sheep and goats (7 U.S.C. 5925).

(88) Support and conduct basic and applied research in the development of new commercial products from natural plant materials for industrial, medical, and agricultural applications (7 U.S.C. 5925).

(89) Establish and administer a program for the development and utilization of an agricultural communications network (7 U.S.C. 5926).

(90) Establish an Agricultural Research Facilities Planning and Closure Study Commission to review currently operating and planned facilities, and to develop recommendations (7 U.S.C. 5927).

(91) Administer research programs to establish national centers for agricultural product quality research (7 U.S.C. 5928).

(92) Administer education programs on Indian reservations and tribal jurisdictions (7 U.S.C. 5930).

(93) Administer a special grants program to study constraints on agricultural trade (7 U.S.C. 5931).

(94) Administer a demonstration grants program for support of an assistive technology program for farmers with disabilities (7 U.S.C. 5933).

(95) Conduct research on diseases affecting honeybees (7 U.S.C. 5934).

(96) Control within USDA the acquisition, use, and disposal of material and equipment that may be a source of ionizing radiation hazard.

(97) Conduct programs of research, technology development, and education related to global climate change (7 U.S.C. 6701-10).

(98) Administer the Small Business Innovation Development Act of 1982 for USDA (15 U.S.C. 638(e)-(k)).

(99) Coordinate Departmental policies under the Toxic Substances Control Act (15 U.S.C. 2601-2629).

(100) Provide educational and technical assistance in implementing and administering the conservation reserve program authorized in sections 1231-1244 of the Food Security Act of 1985 (Pub. L. 99-198, 99 Stat. 1509) (16 U.S.C. 3831-3844).

(101) Enter into cooperative research and development agreements with industry, universities, and others; institute a cash award program to reward scientific, engineering, and technical personnel; award royalties to inventors; and retain and use royalty income (15 U.S.C. 3710a-3710c).

(102) Coordinate USDA activities delegated under 15 U.S.C. 3710a through 3710c.

(103) Conduct educational and demonstrational work in cooperative farm forestry programs (16 U.S.C. 568).

(104) Cooperate with the States for the purposes of encouraging and assisting them in carrying out programs of forestry, natural resources, and environmental research (16 U.S.C. 582a-8).

(105) Establish and administer the Forestry Student Grant Program to provide competitive grants to assist the expansion of the professional education of forestry, natural resources, and environmental scientists (16 U.S.C. 1649).

(106) Provide for an expanded and comprehensive extension program for forest and rangeland renewable resources (16 U.S.C. 1671-1676).

(107) Provide technical, financial, and educational assistance to State foresters and State extension directors on rural forestry assistance (16 U.S.C. 2102).

(108) Provide educational assistance to State foresters under the Forest Stewardship Program (16 U.S.C. 2103a).

(109) Implement and conduct an educational program to assist the development of urban and community forestry programs (16 U.S.C. 2105).

(110) Provide staff support to the Secretary of Agriculture in his role as permanent Chair for the Joint Subcommittee on Aquaculture established by the National Aquaculture Act of 1980 and coordinate aquacultural activities within the Department (16 U.S.C. 2805).

(111) Perform research, development, and extension activities in aquaculture (16 U.S.C. 2804 and 2806).

(112) Provide educational assistance to farmers regarding the Agricultural Water Quality Protection Program (16 U.S.C. 3838b).

(113) Copy and deliver on demand selected articles and other materials from the Department's collections by photographic reproduction or other means within the permissions, constraints, and limitations of sections 106, 107, and 108 of the Copyright Act of October 19, 1976, (17 U.S.C. 106, 107, and 108).

(114) Authorize the use of the 4-H Club name and emblem (18 U.S.C. 707).

(115) Maintain a National Arboretum for the purposes of research and education concerning tree and plant life; accept and administer gifts or devices or real and personal property for the benefit of the National Arboretum; and order disbursements from the Treasury (20 U.S.C. 191-195).

(116) Conduct research on foot-and-mouth disease and other animal diseases (21 U.S.C. 113a).

(117) Conduct research on the control and eradication of cattle grubs (screwworms) (21 U.S.C. 114e).

(118) Obtain and furnish Federal excess property to eligible recipients for use in the conduct of research and extension programs (40 U.S.C. 483(d)(2)).

(119) Conduct research demonstration and promotion activities related to farm dwellings and other buildings for the purposes of reducing costs and adapting and developing fixtures and appurtenances for more efficient and economical farm use (42 U.S.C. 1476(b)).

(120) Carry out research, demonstration, and educational activities authorized in section 202(c) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1592(c)).

(121) Conduct research on losses of livestock in interstate commerce due to injury or disease (45 U.S.C. 71 note).

(122) Administer a cooperative agricultural extension program related to agriculture, uses of solar energy with respect to agriculture, and home economics in the District of Columbia (D.C. Code 31-1409).

(123) Provide leadership and direct assistance in planning, conducting and evaluating extension programs under a memorandum of agreement with the Bureau of Indian Affairs dated May, 1956.

(124) Exercise the responsibilities of the Secretary under regulations dealing with Equal Employment Opportunity in the Cooperative Extension Service (part 18 of this subtitle).

(125) Represent the Department on the Federal Interagency Council on Education.

(126) Assure the acquisition, preservation, and accessibility of all information concerning food and agriculture by providing leadership to and coordination of the acquisition programs and related activities of the library and information systems, with the agencies of USDA, other Federal departments and agencies, State agricultural experiment stations, colleges and universities, and other research institutions and organizations.

(127) Formulate, write, or prescribe bibliographic and technically related standards for the library and information services of USDA.

(128) Determine by survey or other appropriate means, the information needs of the Department's scientific, professional, technical, and administrative staffs, its constituencies, and the general public in the areas of food, agriculture, the environment, and other related areas.

(129) Represent the Department on all library and information science matters before Congressional Committees and appropriate commissions, and provide representation to the coordinating committees of the Federal and State governments concerned with library and information science activities.

(130) Represent the Department in international organizational activities and on international technical committees concerned with agricultural science, education, and development activities, including library and information science activities.

(131) Prepare and disseminate computer files, indexes and abstracts, bibliographies, reviews, and other analytical information tools.

(132) Arrange for the consolidated purchasing and dissemination of printed and automated indexes, abstracts,

journals, and other widely used information resources and services.

(133) Provide assistance and support to professional organizations and others concerned with library and information science matters and issues.

(134) Pursuant to the authority delegated by the Administrator of General Services to the Secretary of Agriculture in 34 FR 6406, 36 FR 1293, 36 FR 18440, and 38 FR 23838, appoint uniformed armed guards and special policemen, make all needful rules and regulations, and annex to such rules and regulations such reasonable penalties (not to exceed those prescribed in 40 U.S.C. 318(c), as will ensure their enforcement, for the protection of persons, property, buildings, and grounds of the Arboretum, Washington, DC; the U.S. Meat Animal Research Center, Clay Center, NE; the Agricultural Research Center, Beltsville, MD; and, the Animal Disease Center, Plum Island, NY, over which the United States has exclusive or concurrent criminal jurisdiction, in accordance with the limitations and requirements of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 *et seq.*), the Act of June 1, 1948, as amended (40 U.S.C. 318 *et seq.*), and the policies, procedures, and controls prescribed by the General Services Administration. Any rules or regulations promulgated under this authority shall be approved by the Director, Office of Operations, and the General Counsel prior to issuance.

(135) Represent the Department on the Federal Coordinating Council for Science, Engineering, and Technology.

(136) Administer the Department's Patent Program except as delegated to the General Counsel in § 2.31(g).

(137) Review cooperative research and development agreements entered into pursuant to 15 U.S.C. 3710a-3710c, with authority to disapprove or require the modification of any such agreement.

(b) *Related to committee management.* Establish or reestablish regional, state and local advisory committees for the activities authorized. This authority may not be redelegated.

(c) *Related to defense.* Administer the responsibilities and functions assigned under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 *et seq.*), and the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 *et seq.*) concerning scientific and educational programs.

(d) *Related to rural development activities.* Provide guidance and direction for the accomplishment of activities authorized under the Rural Development Act of 1972, as amended (7 U.S.C. 1921 *et seq.*), for programs under

the control of the Assistant Secretary for Science and Education, coordinating the policy aspects thereof with the Under Secretary for Small Community and Rural Development.

(e) *Related to immigration.* Serve as the designee of the Secretary pursuant to section 212(e) of the Immigration and Nationality Act, as amended (8 U.S.C. 1182(e)) and 22 CFR 514.31(c).

(f) *Related to Environment Response.* With respect to lands and facilities under the Assistant Secretary's authority, exercise the functions delegated to the Secretary by Executive Order No. 12580 (3 CFR, 1987 Comp., p. 193) under the following provisions of the Comprehensive Environmental Response Compensation, and Liability Act of 1980 ("the Act"), as amended (42 U.S.C. 9601 *et seq.*):

(1) Sections 104(a), (b), and (c)(4) of the Act (42 U.S.C. 9604(a), (b) and (c)(4)), with respect to removal and other remedial action in the event of the release or threatened release of a hazardous substance, pollutant, or contaminant into the environment.

(2) Sections 104 (e) through (h) of the Act (42 U.S.C. 9604(e)-(h)), with respect to information gathering and access; compliance orders; compliance with Federal health and safety standards; rates for wages and labor standards applicable to covered work; and emergency procurement powers.

(3) Section 104(i)(11) of the Act (42 U.S.C. 9604(i)(11)), with respect to the reduction of exposure that presents a significant risk to human health.

(4) Section 104(j) of the Act (42 U.S.C. 9604(j)), with respect to the acquisition of real property and interests in real property required to conduct a remedial action.

(5) Section 105(d) of the Act (42 U.S.C. 9605(d)), with respect to petitions for preliminary assessment of a release or threatened release.

(6) Section 105(f) of the Act (42 U.S.C. 9605(f)), with respect to consideration of the availability of qualified minority firms in awarding contracts but excluding that portion of section 105(f) pertaining to the annual report to Congress.

(7) Section 109 of the Act (42 U.S.C. 9609), with respect to the assessment of civil penalties for violations and the granting of awards to individuals providing information.

(8) Section 111(f) of the Act (42 U.S.C. 9611(f)) with respect to the designation of officials who may obligate money in the Hazardous Substances Superfund.

(9) Section 113(k) of the Act (42 U.S.C. 9613(k)), with respect to establishing an

administrative record upon which to base the selection of a response action.

(10) Section 118(a) of the Act (42 U.S.C. 9618(a)), with respect to preliminary assessments and site inspections of all facilities.

(11) Sections 117 (a) and (c) of the Act (42 U.S.C. 9617 (a) and (c)), with respect to public participation in the preparation of any plan for remedial action and explanation of variances from the final remedial action plan for any remedial action or enforcement action, including any settlement or consent decree entered into.

(12) Section 119 of the Act (42 U.S.C. 9619), with respect to the liability and indemnification of response action contractors.

(13) Section 121 of the Act (42 U.S.C. 9621), with respect to selecting cleanup standards.

(14) Section 122 of the Act (42 U.S.C. 9622), with respect to entering into settlement agreements.

(g) *Related to the Resource Conservation and Recovery Act.* With respect to facilities under the Assistant Secretary's authority, exercise the authority of the Secretary pursuant to Executive Order No. 12088, October 13, 1978 (43 FR 47707; 3 CFR, 1978 Comp., p. 243), and the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA), as further amended by the Solid and Hazardous Waste Amendments of 1984 (42 U.S.C. 6901 *et seq.*), to enter into an inter-agency agreement, known as a Federal Facility Compliance Agreement (FFCA), with the United States Environmental Protection Agency (EPA), containing a plan to achieve and maintain compliance with RCRA requirements.

#### § 2.30a Reservations of authority.

The following authorities are reserved to the Secretary of Agriculture:

(a) *Related to science and education.*  
 (1) Withhold funds from States and sending notification thereof to the President in accordance with sections 5 and 6 of the Smith-Lever Act, as amended (7 U.S.C. 345-346), sections 5 and 7 of the Hatch Act, as amended (7 U.S.C. 361 (e) and (g)), and sections 1436, 1444, 1445, and 1468 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3198, 3221, 3222, and 3314).

(2) Reapportion funds under section 4 and apportion funds under section 5 of the act of October 10, 1962 (16 U.S.C. 582 a-3 and a-5).

(3) Appoint an advisory committee under section 6 of the act of October 10, 1962 (16 U.S.C. 582a-4).

(4) Final concurrence in Equal Employment Opportunity programs within the cooperative extension programs submitted under part 18 of this subtitle.

(5) Approve selection of State directors of extension.

(6) Approve the memoranda of understanding between land-grant universities and USDA related to cooperative extension programs.

#### Subpart N—Delegations of Authority by the Assistant Secretary for Science and Education

3. Sections 2.105, 2.106, 2.107, 2.108, and 2.109 are revised to read as follows:

##### § 2.105 Deputy Assistant Secretary for Science and Education.

*Delegations.* Pursuant to § 2.30 subject to the reservations in § 2.30a and subject to policy guidance and direction by the Assistant Secretary for Science and Education, the following delegation of authority is made by the Assistant Secretary for Science and Education to the Deputy Assistant Secretary for Science and Education to be exercised only during the absence or unavailability of the Assistant Secretary: perform all the duties and exercise all the powers that are now or that hereafter may be delegated to the Assistant Secretary for Science and Education.

##### § 2.106 Delegations to the Administrator, Agricultural Research Service.

(a) *Delegations.* Pursuant to § 2.30 (a), (c), and (g), subject to reservations in § 2.30a, the following delegations of authority are made by the Assistant Secretary for Science and Education to the Administrator, Agricultural Research Service:

(1) Coordinate USDA policy relative to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136 *et seq.*) and coordinate the Department's integrated pest management programs and the pesticide assessment program (7 U.S.C. 136-136y).

(2) Conduct research related to the economic feasibility of the manufacture and commercialization of natural rubber from hydrocarbon-containing plants (7 U.S.C. 178-178n).

(3) Conduct research on the control of undesirable species of honeybees in cooperation with specific foreign governments (7 U.S.C. 284).

(4) Conduct research concerning domestic animals and poultry, their protection and use, the causes of contagious, infectious, and communicable diseases, and the means for the prevention and cure of the same (7 U.S.C. 391).

(5) Conduct research related to the dairy industry and to the dissemination of information for the promotion of the dairy industry (7 U.S.C. 402).

(6) Conduct research and demonstrations at Mandan, ND, and Lewisburg, TN, related to dairy livestock breeding, growing, and feeding, and other problems pertaining to the establishment of the dairy and livestock industries (7 U.S.C. 421-422).

(7) Conduct research on new uses for cotton and on cotton ginning and processing (7 U.S.C. 423-424).

(8) Conduct research into the basic problems of agriculture in its broadest aspects, including, but not limited to, production, marketing (other than statistical and economic research but including research related to family use of resources), distribution, processing, and utilization of plant and animal commodities; problems of human nutrition; development of markets for agricultural commodities; discovery, introduction, and breeding of new crops, plants, animals, both foreign and native; conservation development; and development of efficient use of farm buildings, homes, and farm machinery except as otherwise delegated in § 2.17(a)(2) and § 2.50(a)(2) (7 U.S.C. 427, 1621-1627, 1629, 2201 and 2204).

(9) Conduct research on varietal improvement of wheat and feed grains to enhance their conservation and environmental qualities (7 U.S.C. 428b).

(10) Advance the livestock and agricultural interests of the United States, including the breeding of horses suited to the needs of the United States (7 U.S.C. 437).

(11) Enter into agreements with and receive funds from any State, other political subdivision, organization, or individual for the purpose of conducting cooperative research projects (7 U.S.C. 450a).

(12) Make facilities grants and conduct research under the IR-4 program (7 U.S.C. 450i (d) and (e)).

(13) Conduct research related to soil and water conservation, engineering operations, and methods of cultivation to provide for the control and prevention of soil erosion (7 U.S.C. 1010 and 16 U.S.C. 590a).

(14) Maintain four regional research laboratories and conduct research at such laboratories to develop new scientific, chemical, and technical uses and new and extended markets and outlets for farm commodities and products and the by-products thereof (7 U.S.C. 1292).

(15) Conduct a special cotton research program designed to reduce the cost of

producing upland cotton in the United States (7 U.S.C. 1441 note).

(16) Conduct research to formulate new uses for farm and forest products (7 U.S.C. 1632(b)).

(17) Conduct research to develop and determine methods for the humane slaughter of livestock (7 U.S.C. 1904).

(18) Provide national leadership and support for research programs and other research activities in the food and agricultural sciences to meet major needs and challenges in food and agricultural system productivity; development of new food, fiber, and energy sources; agricultural energy use and production; natural resources; promotion of the health and welfare of people; human nutrition; and international food and agriculture pursuant to the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3101, *et. seq.*).

(19) Conduct a program of grants to States to expand, renovate, or improve schools of veterinary medicine (7 U.S.C. 3151).

(20) Administer the National Agricultural Science Award for research or advanced studies in the food and agricultural sciences (7 U.S.C. 3153).

(21) Conduct program evaluations to improve the administration and effectiveness of agricultural research and education programs (7 U.S.C. 3317).

(22) Enter into contracts, grants, or cooperative agreements to further research programs in the food and agricultural sciences (7 U.S.C. 3318).

(23) Enter into cost-reimbursable agreements relating to agricultural research or teaching activities (7 U.S.C. 3319a).

(24) Conduct research for the development of supplemental and alternative crops (7 U.S.C. 3319d).

(25) Conduct research on potential uses for compost from agricultural wastes, including evaluating the application of compost on soil, plants, and crops (7 U.S.C. 3130).

(26) Administer a national food and human nutrition research program under the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3171-3175), except as otherwise delegated to the Administrator, Human Nutrition Information Service in § 2.92 (a)(1) and (a)(2).

(27) Cooperate and work with national and international institutions, Departments and Ministries of Agriculture in other nations, land-grant colleges and universities, and other persons throughout the world in the performance of agricultural research activities (7 U.S.C. 3291).

(28) Perform research and development at aquacultural research and development centers (7 U.S.C. 3322).

(29) Conduct a program of basic research on cancer in animals and birds (7 U.S.C. 3902).

(30) Conduct and coordinate Departmental research programs on water quality and nutrient management (7 U.S.C. 5504).

(31) Conduct research to optimize crop and livestock production potential, integrated resource management, and integrated crop management (7 U.S.C. 5821).

(32) Administer a national research program on genetic resources to provide for the collection, preservation, and dissemination of genetic material important to American food and agriculture production (7 U.S.C. 5841).

(33) Conduct remote-sensing and other weather-related research (7 U.S.C. 5852).

(34) Administer grants and conduct research programs to measure microbiological and chemical agents associated with the production, preparation, processing, handling, and storage of agricultural products (7 U.S.C. 5871-5874).

(35) Conduct research on integrated pest management, including research to benefit floriculture (7 U.S.C. 5881).

(36) Conduct research in the control and eradication of exotic pests (7 U.S.C. 5883).

(37) Conduct research to study the biology and behavior of chinch bugs (7 U.S.C. 5884).

(38) Administer a grant program for risk assessment research to address concerns about the environmental effects of biotechnology (7 U.S.C. 5921).

(39) Establish and coordinate USDA programs and conduct basic and applied research and technology development in the areas of plant genome structure and function (7 U.S.C. 5924).

(40) Conduct research for the development of technology to determine animal lean content (7 U.S.C. 5925).

(41) Conduct research to determine the presence of aflatoxin in the food and feed chains (7 U.S.C. 5925).

(42) Conduct research to develop production methods and commercial uses of mesquite (7 U.S.C. 5925).

(43) Conduct research to investigate enhanced genetic selection and processing techniques of prickly pears (7 U.S.C. 5925).

(44) Conduct a research program and administer grants and contracts for research on the disease of scrapie in sheep and goats (7 U.S.C. 5925).

(45) Conduct basic and applied research in the development of new commercial products from natural plant materials (7 U.S.C. 5925).

(46) Conduct research on diseases affecting honeybees (7 U.S.C. 5934).

(47) Coordinate USDA policy and programs relating to global climate change (7 U.S.C. 6701-6703).

(48) Coordinate Departmental policies under the Toxic Substances Control Act (15 U.S.C. 2601-2629).

(49) Enter into cooperative research and development agreements with industry, universities, and others; institute a cash award program to reward scientific, engineering, and technical personnel; award royalties to inventors; and retain and use royalty income (15 U.S.C. 3710a-3710c).

(50) Perform research and administer grants for research and development in aquaculture (16 U.S.C. 2804).

(51) Maintain a National Arboretum for the purposes of research and education concerning tree and plant life; accept and administer gifts or devices of real and personal property for the benefit of the National Arboretum; and order disbursements from the Treasury (20 U.S.C. 191-195).

(52) Conduct research on foot-and-mouth disease and other animal diseases (21 U.S.C. 113a).

(53) Conduct research on the control and eradication of cattle grubs (screwworms) (21 U.S.C. 114e).

(54) Conduct research activities related to farm dwellings and other buildings for the purposes of reducing costs and adapting and developing fixtures and appurtenances for more efficient and economical farm use (42 U.S.C. 1476(b)).

(55) Conduct research on losses of livestock in interstate commerce due to injury or disease (45 U.S.C. 71 note).

(56) Control within USDA the acquisition, use, and disposal of material and equipment that may be a source of ionizing radiation hazard.

(57) Pursuant to the authority delegated by the Administrator of General Services to the Secretary of Agriculture in 34 FR 6406, 36 FR 1293, 36 FR 18840, and 38 FR 23838, appoint uniformed armed guards and special policemen, make all needful rules and regulations, and annex to such rules and regulations such reasonable penalties (not to exceed those prescribed in 40 U.S.C. 318(c)), as will insure their enforcement, for the protection of persons, property, buildings, and grounds of the Arboretum, Washington, DC; the U.S. Meat Animal Research Center, Clay Center, NE.; the Agricultural Research Center, Beltsville, MD; and the Animal Disease Center, Plum Island, NY, over which the United States has exclusive or concurrent criminal jurisdiction, in accordance with

the limitations and requirements of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 *et. seq.*), the Act of June 1, 1948, as amended (40 U.S.C. 318 *et. seq.*), and the policies, procedures, and controls prescribed by the General Services Administration. Any rules or regulations promulgated under this authority shall be approved by the Director, Office of Operations, and the General Counsel prior to issuance.

(58) Administer the Department's Patent Program except as delegated to the General Counsel in § 2.31(g).

(59) Provide management support services for the National Agricultural Library as agreed upon by the agencies with authority to take actions required by law or regulation. As used herein, the term management support services includes budget, finance, personnel, procurement, property management, communications, paperwork management, ADP support, and related administrative services.

(60) With respect to land and facilities under the Administrator's authority, exercise the functions delegated to the Secretary by Executive Order No. 12580 (3 CFR, 1987 comp., p. 193) under the following provisions of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("the Act"), as amended (42 U.S.C. 9601 *et. seq.*):

(i) Section 104 (a), (b), and (c)(4) of the Act (42 U.S.C. 9604 (a), (b), and (c) (4)), with respect to removal and other remedial action in the event of the release or threatened release of a hazardous substance, pollutant, or contaminant into the environment.

(ii) Section 104 (e) through (h) of the Act (42 U.S.C. 9604(e)-(h)), with respect to information gathering and access; compliance orders; compliance with Federal health and safety standards; rates for wages and labor standards applicable to covered work; and emergency procurement powers.

(iii) Section 104(i)(11) of the Act (42 U.S.C. 9604(i)(11)), with respect to the reduction of exposure that presents a significant risk to human health.

(iv) Section 104(j) of the Act (42 U.S.C. 9604(j)), with respect to the acquisition of real property and interests in real property required to conduct a remedial action.

(v) Section 105(d) of the Act (42 U.S.C. 9605(d)), with respect to petitions for preliminary assessment of a release or threatened release.

(vi) Section 105(f) of the Act (42 U.S.C. 9605(f)), with respect to consideration of the availability of qualified minority firms in awarding contracts, but excluding that portion of section 105(f)

pertaining to the annual report to Congress.

(vii) Section 109 of the Act (42 U.S.C. 9609), with respect to the assessment of civil penalties for violations and the granting of awards to individuals providing information.

(viii) Section 111(f) of the Act (42 U.S.C. 9611(f)), with respect to the designation of officials who may obligate money in the Hazardous Substances Superfund.

(ix) Section 113(k) of the Act (42 U.S.C. 9613(k)), with respect to establishing an administrative record upon which to base the selection of a response action.

(x) Section 116(a) of the Act (42 U.S.C. 9616(a)), with respect to preliminary assessments and site inspections of all facilities.

(xi) Section 117 (a) and (c) of the Act (42 U.S.C. 9617 (a) and (c)), with respect to public participation in the preparation of any plan for remedial action and explanation of variances from the final remedial action plan for any remedial action or enforcement action, including any settlement or consent decree entered into.

(xii) Section 119 of the Act (42 U.S.C. 9619), with respect to the liability and the indemnification of response action contractors.

(xiii) Section 121 of the Act (42 U.S.C. 9621), with respect to selecting cleanup standards.

(xiv) Section 122 of the Act (42 U.S.C. 9622), with respect to entering into settlement agreements.

(61) With respect to facilities under the Administrator's authority, exercise the authority of the Secretary of Agriculture pursuant to Executive Order No. 12088, October 13, 1978 (43 FR 47707; 3 CFR, 1978 Comp., p. 243), and the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA), as further amended by the Solid and Hazardous Waste Amendments of 1984, (42 U.S.C. 6901, *et. seq.*), to enter into an inter-agency agreement, known as a Federal Facility Compliance Agreement (FFCA), with the United States Environmental Protection Agency (EPA), containing a plan to achieve and maintain compliance with RCRA requirements.

(62) Carry out research activities authorized in section 202(c) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1592(c)).

(63) Perform food and agricultural research in support of functions assigned to the Department under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061, *et. seq.*), and the Federal Civil Defense Act of

1950, as amended (50 U.S.C. App. 2251, *et. seq.*).

(b) [Reserved]

#### § 2.107 Administrator, Cooperative State Research Service.

(a) *Delegations.* Pursuant to § 2.30 (a) and (c), subject to the reservations in § 2.30a, the following delegations of authority are made by the Assistant Secretary for Science and Education to the Administrator, Cooperative State Research Service.

(1) Administer research and technology development grants related to the economic feasibility of the manufacture and commercialization of natural rubber from hydrocarbon-containing plants (7 U.S.C. 178-178n).

(2) Administer the appropriation for the endowment and maintenance of colleges for the benefit of agriculture and the mechanical arts (7 U.S.C. 321-326a).

(3) Administer teaching funds authorized by section 22 of the Bankhead Jones Act, as amended (7 U.S.C. 329).

(4) Cooperate with the States for the purpose of encouraging and assisting them in carrying out research related to the problems of agriculture in its broadest aspects under the Hatch Act, as amended (7 U.S.C. 361a-361i).

(5) Support agricultural research at eligible institutions in the States through provision of Federal-grant funds to help financial physical research facilities (7 U.S.C. 390-390k).

(6) Carry out a program (IR-4 Program) for the collection of residue and efficacy data in support of minor use pesticide registration or reregistration and to determine tolerances for minor use chemical residues in or on agricultural commodities (7 U.S.C. 450i(e)).

(7) Administer a program of competitive grants to State agricultural experiment stations, colleges and universities, other research institutions and organizations, Federal agencies, private organizations or corporations, and individuals for research to further USDA programs (7 U.S.C. 450i(b)).

(8) Administer a program of special grants to carry out research to facilitate or expand promising breakthroughs in areas of food and agricultural sciences and to facilitate or expand ongoing State-Federal food and agricultural research programs; and administer a program of facilities grants to renovate and refurbish research spaces (7 U.S.C. 450i (c) and (d)).

(9) Conduct a research and development program to formulate new

uses for farm and forest products (7 U.S.C. 1632(b)).

(10) Administer, in cooperation with the States, a cooperative rural development and small farm research program under the Rural Development Act of 1972, as amended (7 U.S.C. 2661-2667).

(11) Provide national leadership and support for cooperative research programs and other cooperative activities in the food and agricultural sciences to meet major needs and challenges in food and agricultural system productivity; development of new food, fiber, and energy sources; agricultural energy use and production; natural resources; promotion of the health and welfare of people; human nutrition; and international food and agriculture pursuant to the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3101 *et. seq.*).

(12) Conduct a program of grants to States to expand, renovate, or improve schools of veterinary medicine (7 U.S.C. 3151).

(13) Administer higher education programs in the food and agricultural sciences and administer grants to colleges and universities (7 U.S.C. 3152).

(14) Administer the National Food and Agricultural Sciences Teaching Awards program for recognition of educators in the food and agricultural sciences (7 U.S.C. 3152).

(15) Administer grants to colleges, universities, and Federal laboratories for research on the production and marketing of alcohol and industrial hydrocarbons from agricultural commodities and forest products (7 U.S.C. 3154).

(16) Administer a grant, in consultation with the Agricultural Research Service, for the establishment of a food science and nutrition research center for the Southeast Region of the United States (7 U.S.C. 3174).

(17) Conduct a program of grants to States to support continuing animal health and disease research programs under the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3191-3201).

(18) Support continuing agricultural and forestry research, resident instruction, and facilities improvement at 1890 land-grant colleges, including Tuskegee University, and administer a grant program for five National Research and Training Centennial Centers (7 U.S.C. 3221, 3222, and 3222a-3222c).

(19) Support agricultural research at the 1890 land-grant colleges, including Tuskegee University, through Federal

grant funds to help finance physical facilities (7 U.S.C. 3223).

(20) Cooperate and work with national and international institutions, Departments and Ministries of Agriculture in other nations, land-grant colleges and universities, and other persons throughout the world in the performance of agricultural research activities (7 U.S.C. 3291).

(21) Administer grants to States in support of the establishment and operation of International Trade Development Centers (7 U.S.C. 3292).

(22) Conduct program evaluations to improve the administration and efficacy of the cooperative research grants program involving State agricultural experiment stations, cooperative extension services, and colleges and universities (7 U.S.C. 3317).

(23) Enter into contracts, grants, or cooperative agreements to further research or teaching programs in the food and agricultural sciences (7 U.S.C. 3318).

(24) Enter into cost-reimbursable agreements relating to agricultural research or teaching activities (7 U.S.C. 3319a).

(25) Development and implement a research and pilot project program for the development of supplemental and alternative crops (7 U.S.C. 3319d).

(26) Administer an aquacultural assistance program, involving centers, by making grants to eligible institutions for research to facilitate or expand production and marketing of aquacultural food species and products; and making grants to States to formulate aquaculture development plans for the production and marketing of aquaculture species and products (7 U.S.C. 3322).

(27) Administer grants to further develop and expand aquaculture research facilities for intensive water recirculating aquaculture systems (7 U.S.C. 3323).

(28) Administer a cooperative rangeland research program (7 U.S.C. 3331-3336).

(29) Administer grants for basic research on cancer in animals and birds (7 U.S.C. 3902).

(30) Administer programs and conduct projects in cooperation with other agencies for research and education on sustainable agriculture (7 U.S.C. 5811-5813).

(31) Cooperate with the Extension Service in carrying out research to optimize crop and livestock production potential in integrated resource management and integrated crop management systems (7 U.S.C. 5821).

(32) Establish an Agricultural Weather Office and administer a national

agricultural weather information system, including competitive grants program for research in atmospheric sciences and climatology (7 U.S.C. 5852-5853).

(33) Administer a grants program to States to administer programs for State agricultural weather information systems (7 U.S.C. 5854).

(34) In cooperation with the Agricultural Research Service, administer competitive research grants regarding the production, preparation, processing, handling, and storage of agriculture products (7 U.S.C. 5871-5874).

(35) Administer a grants and contracts program on integrated pest management including research to benefit floriculture (7 U.S.C. 5881).

(36) Administer a grants program to States on the control of infestations and eradication of exotic pests (7 U.S.C. 5883).

(37) Administer a grant program for risk assessment research to address concerns about the environmental effects of biotechnology (7 U.S.C. 5921).

(38) Administer a special grants program to assist efforts by research institutions to improve the efficiency and efficacy of safety and inspection systems for livestock products (7 U.S.C. 5923).

(39) Administer a competitive grants program in support of the development of a plant genome mapping program (7 U.S.C. 5924).

(40) Support research related to the development of new commercial products derived from natural plant materials for industrial, medical, and agricultural applications (7 U.S.C. 5925).

(41) Administer a competitive grants program to develop production methods and commercial uses for mesquite (7 U.S.C. 5925).

(42) Administer a competitive grants program to investigate enhanced selection and processing techniques of prickly pears (7 U.S.C. 5925).

(43) Support research to determine the presence of aflatoxin in the food and feed chains (7 U.S.C. 5925).

(44) Administer research grants for the development of agricultural production and marketing systems to service niche markets (7 U.S.C. 5925).

(45) Administer a grants program to States on immunoassay, as it is used to detect agricultural pesticide residues on agricultural commodities and to diagnose plant and animal diseases (7 U.S.C. 5925).

(46) Establish and administer a program for the development and utilization of an agricultural communications network (7 U.S.C. 5926).

(47) Administer a competitive grants program, in consultation with the Agricultural Research Service, to establish national centers for agricultural product quality research (7 U.S.C. 5928).

(48) Administer a special grants program to study constraints on agricultural trade (7 U.S.C. 5931).

(49) Support research on the effects of global climate change in agriculture and forestry, including mitigation of the effects on crops of economic significance, and on the effects of the emissions of certain gases on global climate change (7 U.S.C. 6702).

(50) Administer the Small Business Innovation Development Act of 1982 for USDA (15 U.S.C. 638(e)-(k)).

(51) Administer a competitive forestry, natural resources, and environmental grant program (16 U.S.C. 582a-8).

(52) Establish and administer the Forestry Student Grant Program to provide competitive grants to assist the expansion of the professional education of forestry, natural resources, and environmental scientists (16 U.S.C. 1649).

(53) Provide staff support to the Secretary of Agriculture in his role as permanent Chair for the Joint Subcommittee on Aquaculture established by the National Aquaculture Act of 1980 and coordinate aquacultural responsibilities within the Department (16 U.S.C. 2805).

(54) Administer grants related to research and development in aquaculture (16 U.S.C. 2806).

(55) Coordinate research by cooperating State research institutions in support of functions assigned to the Department under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 *et seq.*), and the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 *et seq.*).

(56) Provide management support services to agencies reporting to the Assistant Secretary for Science and Education in the administration of discretionary grants.

(57) Obtain and furnish Federal excess property to eligible recipients for use in the conduct of research and extension programs (40 U.S.C. 483(d)(2)).

(58) Represent the Department on the Federal Interagency Council on Education.

(59) Conduct and coordinate Departmental research programs on water quality and nutrient management (7 U.S.C. 5504).

(b) [Reserved]

#### § 2.108 Administrator, Extension Service.

(a) *Delegations.* Pursuant to § 2.30 (a) and (c), subject to reservations in

§ 2.30a, the following delegations of authority are made by the Assistant Secretary for Science and Education to the Administrator, Extension Service:

(1) Administer a cooperative agricultural extension program in accordance with the Smith-Lever Act, as amended (7 U.S.C. 341-349).

(2) Administer a cooperative agricultural extension program related to agriculture, uses of solar energy with respect to agriculture, and home economics in the District of Columbia (D.C. Code 31-1409).

(3) Conduct educational and demonstration work related to the distribution and marketing of a agricultural products under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621-1627).

(4) Administer a competitive grant program for non-profit institutions to establish and operate centers for rural technology or cooperative development (7 U.S.C. 1932(f)).

(5) Administer a nutrition education program for Food Stamp recipients and for the distribution of commodities on reservations (7 U.S.C. 2020(f)).

(6) Provide education outreach and programs for socially disadvantaged farmers and ranchers (7 U.S.C. 2279).

(7) Administer a grants program for rural health and safety education (7 U.S.C. 2662).

(8) Administer, in cooperation with the States, a cooperative rural development and small farm extension program under the Rural Development Act of 1972, as amended (7 U.S.C. 2661-2667).

(9) Administer a rural economic and business development program to employ specialists to assist individuals in business activities (7 U.S.C. 2662).

(10) Administer a national program to provide rural citizens with training to increase their leadership abilities (7 U.S.C. 2662).

(11) Administer a competitive grant program to establish demonstration areas for rural economic development (7 U.S.C. 2662a).

(12) Administer a competitive grant program for financially stressed farmers, dislocated farmers, and rural families (7 U.S.C. 2662(f)).

(13) Administer a grant program to improve the rural health infrastructure (7 U.S.C. 2662 note).

(14) Administer a cooperative extension program under the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3004).

(15) Provide national leadership and support for cooperative extension programs and other extension activities in the food and agricultural sciences to meet the needs and challenges in food

and agricultural system productivity; development of new food, fiber, and energy sources; agricultural energy use and production; natural resources; promotion of the health and welfare of people; human nutrition; and international food and agriculture pursuant to the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3101 *et seq.*).

(16) Identify and compile information on methods of composting agricultural wastes and its potential uses and develop educational programs on composting (7 U.S.C. 3130).

(17) Administer a national food and human nutrition extension program under the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3171-3175).

(18) Support continuing agricultural and forestry extension at 1890 land-grant colleges, including Tuskegee University (7 U.S.C. 3221).

(19) Make grants, under such terms and conditions as the Administrator determines, to eligible institutions for the purpose of assisting such institutions in the purchase of equipment and land, and the planning, construction, alteration, or renovation of buildings, to provide adequate facilities to conduct extension work, and issue rules and regulations as necessary to carry out this authority (7 U.S.C. 3224).

(20) Cooperate and work with national and international institutions, Departments and Ministries of Agriculture in other nations, land-grant colleges and universities, and other persons throughout the world in the performance of agricultural extension activities (7 U.S.C. 3291).

(21) Conduct program evaluations to improve the administration and effectiveness of the cooperative extension programs involving State agricultural experiment stations, cooperative extension services, and colleges and universities (7 U.S.C. 3317).

(22) Enter into contracts, grants, or cooperative agreements to further extension programs in the food and agricultural sciences (7 U.S.C. 3318).

(23) Enter in cost-reimbursable agreements relating to agricultural extension or teaching activities (7 U.S.C. 3319a).

(24) Provide technical assistance to farm owners and operators, marketing cooperatives, and others in the development and implementation of a research and pilot project program for the development of supplemental and alternative crops (7 U.S.C. 3319d).

(25) Administer an aquaculture assistance program by supporting eligible institutions for extension to facilitate or expand production and marketing of aquaculture food species and products; and conducting a program of extension and demonstration at aquacultural demonstration centers (7 U.S.C. 3322).

(26) Design educational programs, implement, and distribute materials in cooperation with the cooperative extension services of the States emphasizing the importance of productive farmland pursuant to section 1544(a) of the Farmland Protection Policy Act (7 U.S.C. 4205(a)).

(27) Establish and administer education programs relating to water quality (7 U.S.C. 5503).

(28) Administer education programs for the users and dealers of agrichemicals (7 U.S.C. 5506).

(29) Administer a cooperative extension program developed for integrated crop management and integrated resource management practices (7 U.S.C. 5621).

(30) Design, implement, and develop handbooks, technical guides, and other educational materials emphasizing sustainable agriculture production systems and practices (7 U.S.C. 5831).

(31) Administer a competitive grant program to organizations to carry out a training program on sustainable agriculture (7 U.S.C. 5832).

(32) Administer a cooperative extension program on agricultural weather forecasts and climate information for agricultural producers (7 U.S.C. 5854).

(33) Implement and administer an extension program developed for integrated pest management (7 U.S.C. 5881).

(34) Establish a national pesticide resistance monitoring program (7 U.S.C. 5882).

(35) Conduct educational programs on the biology and behavior of chinch bugs (7 U.S.C. 5884).

(36) Administer extension grants for the development of agricultural production and marketing systems to service niche markets (7 U.S.C. 5925).

(37) Administer education programs on Indian reservations and tribal jurisdictions (7 U.S.C. 5930).

(38) Administer competitive grants to States to establish a pilot project to coordinate food and nutrition education programs (7 U.S.C. 2027(a) and 5932).

(39) Administer a demonstration grants program for support of an assistive technology program for farmers with disabilities (7 U.S.C. 5933).

(40) Conduct educational and demonstrational work in cooperative farm forestry programs (16 U.S.C. 568).

(41) Provide for an expanded and comprehensive extension program for forest and rangeland renewable resources (16 U.S.C. 1671-1676).

(42) Conduct forestry and natural resource education programs, including guidelines for technology transfer (16 U.S.C. 1674).

(43) Provide technical, financial, and educational assistance to State foresters and State extension directors on rural forestry assistance (16 U.S.C. 2102).

(44) Provide educational assistance to State foresters under the Forest Stewardship Program (16 U.S.C. 2103a).

(45) Implement and conduct an educational program to assist the development of urban and community forestry programs (16 U.S.C. 2105).

(46) Administer extension education programs in aquaculture (16 U.S.C. 2804 and 2806).

(47) Provide educational assistance to farmers regarding the Agricultural Water Quality Protection Program (16 U.S.C. 3838b).

(48) Authorize the use of the 4-H Club name and emblem (18 U.S.C. 707).

(49) Obtain and furnish Federal excess property to eligible recipients for use in the conduct of research and extension programs (40 U.S.C. 483(d)(2)).

(50) Conduct demonstrational and promotional activities related to farm dwellings and other buildings for the purposes of reducing costs and adapting and developing fixtures and appurtenances for more efficient and economical farm use (42 U.S.C. 1476(b)).

(51) Provide leadership and direct assistance in planning, conducting, and evaluating extension programs under a memorandum of agreement with the Bureau of Indian Affairs dated May, 1956.

(52) Exercise the responsibilities of the Secretary under regulations dealing with Equal Employment Opportunity (Part 18 of this subtitle).

(53) Administer educational and information services assigned under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 *et seq.*), and the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 *et seq.*).

(54) Provide management support services for the Cooperative State Research Service as agreed upon by the agencies with authority to take actions required by law or regulation. As used herein, the term management support services includes finance, personnel, procurement, property management, communications, paperwork

management and related administrative services.

(55) Carry out demonstration and educational activities authorized in section 202(c) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1592(c)).

(56) Provide educational and technical assistance in implementing and administering the conservation reserve program authorized in sections 1231-1244 of the Food Security Act of 1985 (Public Law 99-198, 99 Stat. 1509) (16 U.S.C. 3831-3844).

(b) [Reserved]

#### § 2.109 Director, National Agricultural Library.

(a) *Delegations.* Pursuant to § 2.30(a), subject to reservations in § 2.30a, the following delegations of authority are made by the Assistant Secretary for Science and Education to the Director, National Agricultural Library:

(1) Provide resource information concerning rural electric and telephone use and rural development efforts (7 U.S.C. 917).

(2) Act as a catalyst to provide access to leadership training and services programs encompassing private, public, business, and government entities in cooperation with the Extension Service (7 U.S.C. 950aa-1).

(3) Develop and maintain library and information systems and networks and facilitate cooperation and coordination of the agricultural libraries of colleges, universities, USDA, and their closely allied information gathering and dissemination units in conjunction with private industry and other research libraries (7 U.S.C. 2201, 2204, 3125a, and 3128).

(4) Accept gifts and order disbursements from the Treasury for the benefit of the National Agricultural Library or for the carrying out of any of its functions (7 U.S.C. 2264-2265).

(5) Provide for the dissemination of appropriate rural health and safety information resources possessed by the NAL Rural Information Center, in cooperation with State educational program efforts (7 U.S.C. 2662).

(6) Provide national leadership in the development and maintenance of library and related information systems and other activities to support the research, extension, and teaching programs in the food and agricultural sciences pursuant to the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3101 and 3121).

(7) Administer the programs and services of NAL consistent with its charge to serve as the primary

agricultural information resource of the United States and enter into agreements and receive funds from various entities to conduct NAL activities (7 U.S.C. 3125a).

(8) Provide and distribute information and data about Federal, State, local, and other rural development assistance programs and services available to individuals and organizations. To the extent possible, the National Agricultural Library shall use telecommunications technology to disseminate such information to rural areas (7 U.S.C. 3125b).

(9) Assemble and collect food and nutrition educational materials, including the results of nutrition research, training methods, procedures, and other materials related to the purposes of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended; maintain such information; and provide for the dissemination of such information and materials on a regular basis to State educational agencies and other interested parties (7 U.S.C. 3126).

(10) Conduct program evaluations to improve the administration and efficacy of the library and related information systems in the food and agricultural sciences (7 U.S.C. 3317).

(11) Enter into contracts, grants, or cooperative agreements to further library and related information programs supporting research, extension, and teaching programs in the food and agricultural sciences (7 U.S.C. 3318).

(12) Enter into cost-reimbursable agreements to further library and related information programs supporting research, extension, and teaching programs in the food and agricultural sciences (7 U.S.C. 3319a).

(13) Administer the National Agricultural Library, including the farmland information center, pursuant to section 1544(b) of the Farmland Protection Policy Act (7 U.S.C. 4205(b)).

(14) Support Department water programs through participation in State water quality coordination programs and dissemination of agricultural information (7 U.S.C. 5503-5506).

(15) Provide a repository of agriculture and ground water quality planning information (7 U.S.C. 5505).

(16) Disseminate information on materials and methods of pest and disease control available to agricultural producers through the pest and disease control database (7 U.S.C. 5882).

(17) Represent the Department on all library and information science matters before Congressional Committees and appropriate commissions, and provide representation to the coordinating

committees of the Federal and State governments concerned with library and information science activities.

(18) Represent the Department in international organizational activities and on international technical committees concerned with library and information science activities.

(19) Prepare and disseminate computer files, indexes and abstracts, bibliographies, reviews and other analytical information tools.

(20) Arrange for the consolidated purchasing and dissemination of printed and automated indexes, abstracts, journals, and other widely used information resources and services.

(21) Provide assistance and support to professional organizations and others concerned with library and information science matters and issues.

(22) Copy and deliver on demand selected articles and other materials from NAL's collections by photographic reproduction or other means within the permissions, constraints, and limitations of sections 106, 107, and 108 of the Copyright Act of October 19, 1976 (17 U.S.C. 106, 107 and 108).

(23) Formulate, write, or prescribe bibliographic and technically related standards for the library and information systems of USDA.

(24) Assure the acquisition, preservation, and accessibility of all information concerning food and agriculture by providing leadership to and coordination of the acquisition programs and related activities of the library and information systems, with the agencies of USDA, other Federal departments and agencies, State agricultural experiment stations, colleges and universities, and other research institutions and organizations.

(25) Determine by survey or other appropriate means, the information needs of the Department's scientific, professional, technical, and administrative staffs, its constituencies, and the general public in the areas of food, agriculture, the environment, and other related areas.

(b) [Reserved]

For 7 CFR part 2, subpart C.

Dated: March 10, 1992.

**Edward Madigan,**  
*Secretary of Agriculture.*

For 7 CFR part 2, subpart N.

Dated: March 12, 1992.

**Harry C. Mussman,**  
*Acting Assistant Secretary for Science and Education.*

[FR Doc. 92-6281 Filed 3-19-92; 8:45 am]

BILLING CODE 3410-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 97

[Docket No. 1484; Amdt. No. 26808]

#### Standard Instrument Approach Procedures; Miscellaneous Amendments

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

**ACTION:** Final rule.

**SUMMARY:** This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

**DATES:** *Effective:* An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

**ADDRESSES:** Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the

Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

**FOR FURTHER INFORMATION CONTACT:** Paul J. Best, Flight Procedures Standards Branch (AFS-420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-8277.

**SUPPLEMENTARY INFORMATION:** This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4, and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the *Federal Register* expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for

Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The FAA determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (Air), Standard instrument approaches, Weather.

Issued in Washington, DC, on March 13, 1992.

**Thomas C. Accardi,**  
*Director, Flight Standards Services.*

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

#### PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 continues to read as follows:

**Authority:** 49 U.S.C. app. 1348, 1354(a), 1421 and 1510; 49 U.S.C. 106(g) and 14 CFR 11.49(b)(2).

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME,

SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

\* \* \* *Effective June 25, 1992*

Palmdale, CA—Palmdale Prodn FLT/Test Instln AF Plant 42, VOR/DME or TACAN RWY 25, Amdt. 6  
Palmdale, CA—Palmdale Prodn FLT/Test Instln AF Plant 42, ILS RWY 25, Amdt. 8  
Burley, ID—Burley Muni, VOR-A, Amdt. 3  
Burley, ID—Burley Muni, VOR/DME-B, Amdt. 3  
Granbury, TX—Granbury Muni, VOR-B, Amdt. 3

\* \* \* *Effective April 30, 1992*

Hooper Bay, AK—Hooper Bay, VOR RWY 13, Orig., Cancelled  
Casa Grande, AZ—Casa Grande Muni, VOR RWY 5, Amdt. 4  
Casa Grande, AZ—Casa Grande Muni, ILS/DME RWY 5, Amdt. 6  
San Diego (El Cajon), CA—Gillespie Field, LOC-D, Amdt. 9  
Santa Monica, CA—Santa Monica Muni, NDB-B, Orig., Cancelled  
Truckee, CA—Truckee-Tahoe, VOR/DME RNAV-A, Amdt. 5  
Washington, DC—Washington Dulles Intl, ILS RWY 19L, Amdt. 10  
Estherville, IA—Estherville Muni, NDB RWY 34, Orig.  
Baltimore, MD—Martin State, LOC RWY 14, Orig.  
Baltimore, MD—Martin State, NDB RWY 14, Amdt. 7  
Baltimore, MD—Martin State, NDB RWY 32, Amdt. 7  
Baltimore, MD—Martin State, ILS RWY 32, Amdt. 4  
Baltimore, MD—Martin State, VOR/DME RNAV RWY 14, Amdt. 4  
Cumberland, MD—Cumberland, LOC-A, Amdt. 3  
Cumberland, MD—Cumberland, LOC/DME RWY 23, Amdt. 5  
Port Huron, MI—St. Clair County Intl, VOR/DME-A, Amdt. 6  
Port Huron, MI—St. Clair County Intl, NDB RWY 4, Amdt. 9, Cancelled  
Port Huron, MI—St. Clair County Intl, NDB RWY 4, Orig.  
Port Huron, MI—St. Clair County Intl, ILS RWY 4, Orig.  
Port Huron, MI—St. Clair County Intl, RNAV RWY 4, Orig., Cancelled  
Port Huron, MI—St. Clair County Intl, VOR/DME RNAV RWY 22, Amdt. 1  
Cook, MN—Cook Muni, NDB RWY 31, Orig.  
Ainsworth, NE—Ainsworth Muni, VOR RWY 17, Amdt. 2  
Ainsworth, NE—Ainsworth Muni, VOR RWY 35, Amdt. 3  
Aurora, NE—Aurora Muni, VOR-A, Amdt. 4  
Aurora, NE—Aurora Muni, NDB RWY 16, Amdt. 1  
Fremont, NE—Fremont Muni, NDB RWY 13, Amdt. 1  
Valentine, NE—Miller Field, NDB RWY 31, Amdt. 6  
Hammonton, NJ—Hammonton Muni, VOR-A, Amdt. 6

Hammonton, NJ—Hammonton Muni, VOR-B, Amdt. 1  
 New York, NY—Laguardia, VOR/DME-E, Amdt. 2  
 New York, NY—Laguardia, VOR/DME-G, Amdt. 2  
 Norwich, NY—Lt. Warren Eaton, VOR/DME-A, Amdt. 3  
 Stillwater, OK—Stillwater Muni, VOR RWY 17, Amdt. 10  
 Yap Island, States of Micronesia—Yap International, NDB RWY 7, Amdt. 5  
 Yap Island, States of Micronesia—Yap International, NDB/DME RWY 7, Amdt. 1  
 Dallas-Fort Worth, TX—Dallas/Fort Worth International, Converging ILS RWY 13R, Amdt. 2  
 Dallas-Fort Worth, TX—Dallas/Fort Worth International, ILS RWY 13R, Amdt. 2  
 Dallas-Fort Worth, TX—Dallas/Fort Worth International, Converging ILS RWY 17L, Amdt. 3  
 Dallas-Fort Worth, TX—Dallas/Fort Worth International, ILS RWY 17L, Amdt. 4  
 Dallas-Fort Worth, TX—Dallas/Fort Worth International, Converging ILS RWY 17R, Amdt. 3  
 Dallas-Fort Worth, TX—Dallas/Fort Worth International, ILS RWY 17R, Amdt. 18  
 Dallas-Fort Worth, TX—Dallas/Fort Worth International, Converging ILS RWY 18L, Amdt. 2  
 Dallas-Fort Worth, TX—Dallas/Fort Worth International, ILS RWY 18L, Amdt. 15  
 Dallas-Fort Worth, TX—Dallas/Fort Worth International, Converging ILS RWY 18R, Amdt. 2  
 Dallas-Fort Worth, TX—Dallas/Fort Worth International, ILS RWY 18R, Amdt. 3  
 Dallas-Fort Worth, TX—Dallas/Fort Worth International, Converging ILS RWY 31R, Amdt. 2  
 Dallas-Fort Worth, TX—Dallas/Fort Worth International, ILS RWY 31R, Amdt. 7  
 Dallas-Fort Worth, TX—Dallas/Fort Worth International, Converging ILS RWY 35R, Amdt. 2  
 Dallas-Fort Worth, TX—Dallas/Fort Worth International, ILS RWY 35R, Amdt. 4  
 Dallas-Fort Worth, TX—Dallas/Fort Worth International, Converging ILS RWY 36L, Amdt. 2  
 Dallas-Fort Worth, TX—Dallas/Fort Worth International, ILS RWY 36L, Amdt. 4  
 Stephenville, TX—Clark Field Muni, VOR/DME-A, Amdt. 4  
 Fairmont, WV—Fairmont Muni, VOR/DME RWY 22, Amdt. 4  
 \* \* \* Effective April 2, 1992  
 New York, NY—Laguardia, LDA-A, Orig.  
 \* \* \* Effective March 5, 1992  
 Titusville, FL—Space Center Executive, NDB RWY 18, Amdt. 11  
 Rocky Mount, NC—Rocky Mount-Wilson, VOR/DME RWY 22, Amdt. 1  
 Rock Hill, SC—Rock Hill Municipal/Bryant Field, VOR-A, Amdt. 9  
 \* \* \* Effective March 4, 1992  
 Fort Myers, FL—Southwest Florida Regional, RADAR-1, Amdt. 3  
 Immokalee, FL—Immokalee, VOR RWY 18, Amdt. 3

Titusville, FL—Space Center Executive, ILS RWY 38, Amdt. 9

\* \* \* Effective March 2, 1992

Rock Hill, SC—Rockhill Municipal/Bryant Field, VOR/DME-B, Amdt. 4

\* \* \* Effective February 27, 1992

Greensboro, NC—Piedmont Triad Intl, VOR/DME RWY 23, Amdt. 8

Greensboro, NC—Piedmont Triad Intl, ILS RWY 23, Amdt. 8

Greensboro, NC—Piedmont Triad Intl, RADAR-1, Amdt. 8

\* \* \* Effective December 13, 1990

Rifle, CO—Garfield County Regional, LOC/DME-A, Amdt. 4

[FR Doc. 92-6523 Filed 3-19-92; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 97

[Docket No. 1483; Amdt. No. 26807]

#### Standard Instrument Approach Procedures: Miscellaneous Amendments

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

**ACTION:** Final rule.

**SUMMARY:** This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

**DATES:** *Effective:* An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

**ADDRESSES:** Availability of matter incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, US Government Printing Office, Washington, DC 20402.

**FOR FURTHER INFORMATION CONTACT:** Paul J. Best, Flight Procedures Standards Branch (AFS-420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-8277.

**SUPPLEMENTARY INFORMATION:** This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description on each SIAP is contained in the appropriate FAA Form 8260 and the National Flight Data Center (FDC)/Permanent (P) Notices to Airmen (NOTAM) which are incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction of charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The Provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

#### The Rule

This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends,

or revokes SIAPs. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained in the content of the following FDC/P NOTAM for each SIAP. The SIAP information in some previously designated FDC/Temporary (FDC/T) NOTAMs is of such duration as to be permanent. With conversion to FDC/P NOTAMs, the respective FDC/T NOTAMs have been cancelled.

The FDC/P NOTAMs for the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these chart changes to SIAPs by FDC/P NOTAMs, the TERPs criteria were applied to only these specific conditions existing at the affected airports.

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. All SIAP amendments in this rule have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAPs contained in this amendment are based on the criteria

contained in the US Standard for Terminal Instrument Approach Procedures (TERPs). Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

#### Conclusion

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

#### List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation

(Air), Standard instrument approaches, Weather. Issued in Washington, DC on March 13, 1992.

Thomas C. Accardi,  
Director, Flight Standards Service.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

#### PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. app. 1348, 1354(a), 1421 and 1510; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.30 [Amended]

2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

#### NFDC TRANSMITTAL LETTER

Effective	State	City	Airport	FDC No.	SIAP
01/06/92	AR	Almyra	Almyra Muni	FDC 2/0060	VOR/DME-A AMDT 4.
01/06/92	AR	Stuttgart	Stuttgart Muni	FDC 2/0059	VOR/DME-A ORIG.
02/27/92	WY	Sheridan	Sheridan County	FDC 2/1123	VOR RWY 13 AMDT 5.
02/28/92	TX	Beaumont	Beaumont Muni	FDC 2/1133	VOR/DME RWY 12 ORIG-A.
02/29/92	CA	Watsonville	Watsonville Muni	FDC 2/1150	NDB-B AMDT 1.
02/29/92	CA	Watsonville	Watsonville Muni	FDC 2/1151	LOC RWY 1 AMDT 2.
02/29/92	CA	Watsonville	Watsonville Muni	FDC 2/1152	VOR/DME-A ORIG.
2/1352	MI	Three Rivers	Three Rivers Muni/Dr Haines	FDC 2/1352	VOR-A AMDT 9.
03/03/92	AK	Delta Junction	Allen AAF	FDC 2/1216	VOR/DME OR TACAN RWY 18 AMDT 2.
03/03/92	AK	Delta Junction	Allen AAF	FDC 2/1218	VOR RWY 18 AMDT 7.
03/03/92	AK	Delta Junction	Allen AAF	FDC 2/1220	NDB-A AMDT 3.
03/03/92	AK	Fort Yukon	Fort Yukon	FDC 2/1212	VOR/DME OR TACAN RWY 21 AMDT 1.
03/03/92	AK	Fort Yukon	Fort Yukon	FDC 2/1214	VOR RWY 3 AMDT 4.
03/03/92	AK	Fort Yukon	Fort Yukon	FDC 2/1219	VOR RWY 21 AMDT 4.
03/03/92	AK	Fort Yukon	Fort Yukon	FDC 2/1221	NDB RWY 21 AMDT 7.
03/03/92	AK	Gastavus	Gastavus	FDC 2/1211	VOR/DME-B AMDT 3.
03/03/92	AK	Homer	Homer	FDC 2/1213	LOC/DME BC RWY 21 AMDT 3.
03/03/92	AK	Homer	Homer	FDC 2/1215	LOC/DME RWY 3 AMDT 8.
03/03/92	AK	Homer	Homer	FDC 2/1217	NDB RWY 3 AMDT 2.
03/03/92	FL	Fort Lauderdale	Fort Lauderdale-Hollywood Intl	FDC 2/1202	NDB RWY 13 AMDT 14.
03/03/92	FL	Fort Lauderdale	Fort Lauderdale-Hollywood Intl	FDC 2/1203	VOR RWY 27R AMDT 10.
03/03/92	FL	Fort Lauderdale	Fort Lauderdale-Hollywood Intl	FDC 2/1204	ILS RWY 9L AMDT 16.
03/03/92	FL	Fort Lauderdale	Fort Lauderdale-Hollywood Intl	FDC 2/1205	LOC RWY 13 ORIG.
03/03/92	FL	Fort Lauderdale	Fort Lauderdale-Hollywood Intl	FDC 2/1207	LOW RWY 9R AMDT 3.
03/03/92	FL	Fort Lauderdale	Fort Lauderdale-Hollywood Intl	FDC 2/1209	ILS RWY 27R AMDT 4.
03/03/92	FL	Miami	Miami Intl	FDC 2/1185	RNAV RWY 27R, AMDT 5.
03/03/92	NC	Wilson	Wilson Industrial Air Center	FDC 2/1206	NDB RWY 21 ORIG.
03/03/92	NC	Wilson	Wilson Industrial Air Center	FDC 2/1208	NDB RWY 3 AMDT 5.
03/04/92	AK	Big Lake	Big Lake	FDC 2/1280	VOR RWY 6 AMDT 5.
03/04/92	AK	Hopper Bay	Hopper Bay	FDC 2/1275	VOR RWY 13 ORIG.
03/04/92	AK	Petersburg	Petersburg	FDC 2/1279	LDA/DME-D AMDT 5.

NFDC TRANSMITTAL LETTER—Continued

Effective	State	City	Airport	FDC No.	SIAP
03/04/92	AK	Sand Point	Sand Point	FDC 2/1266	NDB/DME RWY 33 AMDT 2.
03/04/92	AK	Sand Point	Sand Point	FDC 2/1268	NDB/DME-A AMDT 3.
03/04/92	AK	Sand Point	Sand Point	FDC 2/1269	NDB RWY 15 ORIG.
03/04/92	AK	Savoonga	Savoonga	FDC 2/1263	VOR/DME RWY 23 ORIG.
03/04/92	AK	Savoonga	Savoonga	FDC 2/1265	VOR RWY 23 ORIG.
03/04/92	AK	St Paul Island	St Paul Island	FDC 2/1264	NDB/DME RWY 18 AMDT 1.
03/04/92	AK	Talkeetna	Talkeetna	FDC 2/1267	VOR-A AMDT 9.
03/04/92	AK	Talkeetna	Talkeetna	FDC 2/1270	NDB RWY 36 AMDT 1.
03/04/92	AK	Togiak Village	Togiak	FDC 2/1276	NDB/DME-A ORIG.
03/04/92	AK	Togiak Village	Togiak	FDC 2/1278	NDB-B ORIG.
03/04/92	AK	Unalakleet	Unalakleet	FDC 2/1272	NDB RWY 14 AMDT 14.
03/04/92	AK	Unalaska	Unalaska	FDC 2/1274	NDB-A AMDT 2.
03/04/92	AK	Wrangell	Wrangell	FDC 2/1273	LDA/DME-D AMDT 6.
03/04/92	AK	Wrangell	Wrangell	FDC 2/1281	LDA/DME-C AMDT 7.
03/04/92	FL	Fort Lauderdale	Fort Lauderdale-Hollywood Intl.	FDC 2/1242	RADAR-1 AMDT 3.
03/04/92	NC	Wilmington	New Hanover Intl.	FDC 2/1237	RNAV RWY 23 AMDT 4.
03/04/92	NC	Wilmington	New Hanover Intl.	FDC 2/1239	LOC BC RWY 16 AMDT 6.
03/04/92	NC	Wilmington	New Hanover Intl.	FDC 2/1240	VOR OR TACAN-A AMDT 2.
03/04/92	NC	Wilmington	New Hanover Intl.	FDC 2/1241	NDB RWY 34 AMDT 16.
03/04/92	NC	Wilmington	New Hanover Intl.	FDC 2/1244	ILS RWY 34 AMDT 20.
03/06/92	FL	Miami	Miami Intl.	FDC 2/1356	ILS RWY 9L, AMDT 27.
03/06/92	MI	Holland	Park Township	FDC 2/1348	NDB RWY 23 AMDT 2.
03/06/92	MI	Troy	Oakland/Troy	FDC 2/1353	VOR-A AMDT 2.
03/06/92	SC	Charleston	Charleston Executive	FDC 2/1347	NDB RWY 9 AMDT 7.
03/06/92	ST	Charlotte Amalie	Cyril E. King	FDC 2/1358	THOMAS, VI, TKOF MINS.
03/09/92	WV	Charleston	Yeager	FDC 2/1404	RNAV RWY 33 AMDT 1.
03/10/92	AK	Hopper Bay	Hopper Bay	FDC 2/1426	VOR RWY 31 ORIG.
03/10/92	FL	Pensacola	Pensacola Regional	FDC 2/1424	ILS RWY 17 AMDT 13A.
03/10/92	FL	Pensacola	Pensacola Regional	FDC 2/1425	VOR RWY 8 AMDT 2A.
03/11/92	MO	St Louis	Lambert-St Louis Intl.	FDC 2/1443	LOC BC RWY 6 AMDT 2.
03/11/92	MO	St Louis	Lambert-St Louis Intl.	FDC 2/1444	LDA/DME RWY 12L AMDT 4.
03/11/92	MO	St Louis	Lambert-St Louis Intl.	FDC 2/1445	ILS RWY 12L AMDT 2.
03/11/92	MO	St Louis	Lambert-St Louis Intl.	FDC 2/1446	LDA/DME RWY 30L AMDT 1.
03/11/92	MO	St Louis	Lambert-St Louis Intl.	FDC 2/1448	ILS RWY 24 AMDT 43.
03/11/92	MO	St Louis	Lambert-St Louis Intl.	FDC 2/1449	ILS RWY 30L AMDT 10.
03/11/92	MO	St Louis	Lambert-St Louis Intl.	FDC 2/1450	RNAV RWY 6 AMDT 1.
03/11/92	MO	St Louis	Lambert-St Louis Intl.	FDC 2/1451	ILS RWY 30R CAT II AMDT 6.
03/11/92	MO	St Louis	Lambert-St Louis Intl.	FDC 2/1452	RNAV RWY 12R AMDT 1.
03/11/92	MO	St Louis	Lambert-St Louis Intl.	FDC 2/1453	RNAV RWY 24 AMDT 2.
03/11/92	MO	St Louis	Lambert-St Louis Intl.	FDC 2/1454	RNAV RWY 30L AMDT 11.
03/11/92	MO	St Louis	Lambert-St Louis Intl.	FDC 2/1455	RNAV RWY 30R AMDT 2.
03/11/92	MO	St Louis	Lambert-St Louis Intl.	FDC 2/1476	ILS RWY 12R AMDT 20.
03/11/92	ST	Charlotte Amalie	Cyril E. King	FDC 2/1435	THOMAS, VI, ILS RWY 10 AMDT 7.
03/11/92	ST	Charlotte Amalie	Cyril E. King	FDC 2/1436	THOMAS, VI, VOR-A, AMDT 14.

NFDC Transmittal Letter Attachment

*Gastuvus*

Gustavus

Alaska

VOR/DME-B AMDT 3...

Effective: 03/03/92

FDC 2/1211/GST/ FI/P Gustavus, Gustavus, AK. VOR/DME-B AMDT 3...Change ALSTG note to read... PROC NA when LCL ALSTG not received. Delete note... Activate VASI...thru...CTAF. This becomes VOR/DME-B AMDT 3A.

*Fort Yukon*

Fort Yukon

Alaska

VOR/DME OR TACAN RWY 21 AMDT

1...

Effective: 03/03/92

FDC 2/1212/FYU/ FI/P Fort Yukon, Fort Yukon, AK. VOR/DME or TACAN RWY 21 AMDT 1...Change ALSTG note to read... PROC NA when LCL ALSTG

not received. Delete notes... Activate MIRL...thru... CTAF, and APCH from holding pattern NA. This becomes VOR/DME or TACAN RWY 21 AMDT 1A.

*Homer*

Homer

Alaska

LOC/DME BC RWY 21 AMDT 3...

Effective: 03/03/92

FDC 2/1213/HOM/ FI/P Homer, Homer, AK. LOC/DME BC RWY 21 AMDT 3...Add note... PROC NA when LCL ALSTG not received. Change ALTN MIN note to read... Standard except when Homer WEA not AVBL, ALTN MIN NA. Delete note... Activate...thru... 123.6. This becomes LOC/DME BC RWY 21 AMDT 3A.

*Fort Yukon*

Fort Yukon

Alaska

VOR RWY 3 AMDT 4...

Effective: 03/03/92

FDC 2/1214/FYU/ FI/P Fort Yukon, Fort Yukon, AK. VOR RWY 3 AMDT 4...Change ALSTG note to read... PROC NA when LCL ALSTG not received. Delete note... Activate MIRL...thru... CTAF. This becomes VOR RWY 3 AMDT 4A.

*Homer*

Homer

Alaska

LOC/DME RWY 3 AMDT 8...

Effective: 03/03/92

FDC 2/1215/HOM/ FI/P Homer, Homer, AK. LOC/DME RWY 3 AMDT 8...Add note... PROC NA when LCL ALSTG not received. Change ALTN MIN note to read... Standard except when Homer WEA not AVBL, ALTN MIN NA. Delete note... Activate...thru...CTAF. This becomes LOC/DME RWY 3 AMDT 8A.

*Delta Junction*

Allen AAF

Alaska  
VOR/DME OR TACAN RWY 18 AMDT  
2...  
Effective: 03/03/92  
FDC 2/1216/BIG/ FI/P Allen AAF,  
Delta Junction, AK. VOR/DME or Tacan  
RWY 18 AMDT 2...Delete note...  
Activate VASI ..thru.. CTAF. This  
becomes VOR/DME or TACAN RWY 18  
AMDT 2A.

#### Homer

Homer  
Alaska  
NDB RWY 3 AMDT 2...  
Effective: 03/03/92  
FDC 2/1217/HOM/ FI/P Homer,  
Homer, AK. NDB RWY 3 AMDT 2...Add  
note... PROC NA when LCL ALSTG not  
received. Change ALTN MIN note to  
read... Standard except when Homer  
WEA not AVBL, ALTN MIN NA. Delete  
note... Activate..thru..CTAF. This  
becomes NDB RWY 3 AMDT 2A.

#### Delta Junction

Allen AAF  
Alaska  
VOR RWY 18 AMDT 7...  
Effective: 03/03/92  
FDC 2/1218/BIG/ FI/P Allen AAF,  
Delta Junction, AK. VOR RWY 18  
AMDT 7 ...Delete note... Activate  
VASI..thru.. CTAF. This becomes VOR  
RWY 18 AMDT 7A.

#### Fort Yukon

Fort Yukon  
Alaska  
VOR RWY 21 AMDT 4...  
Effective: 03/03/92  
FDC 2/1219/FYU/ FI/P Fort Yukon,  
Fort Yukon, AK. VOR RWY 21 AMDT  
4...Change ALSTG note to read... PROC  
NA when LCL ALSTG not received.  
Delete note... Activate MIRL ..thru...  
CTAF. This becomes VOR RWY 21  
AMDT 4A.

#### Delta Junction

Allen AAF  
Alaska  
NDB-A AMDT 3...  
Effective: 03/03/92  
FDC 2/1220/BIG/ FI/P Allen AAF,  
Delta Junction, AK. NDB-A AMDT  
3...Delete note... Activate VASI..thru...  
CTAF. This becomes NDB-A AMDT 3A.

#### Fort Yukon

Fort Yukon  
Alaska  
NDB RWY 21 AMDT 7...  
Effective: 03/03/92  
FDC 2/1221/FYU/ FI/P Fort Yukon,  
Fort Yukon, AK. NDB RWY 21 AMDT  
7...Change ALSTG note to read... PROC  
NA when LCL ALSTG not received.  
Delete note... Activate MIRL ..thru..

CTAF. This becomes NDB RWY 21  
AMDT 7A.

#### Savoonga

Savoonga  
Alaska  
VOR/DME RWY 23 ORIG...  
Effective: 03/04/92  
FDC 2/1263/SVA/ FI/P Savoonga,  
Savoonga, AK. VOR/DME RWY 23  
ORIG...Delete TRML RTES... from OME  
to ULL, FDV to ULL. Delete note...  
Activate..thru..122.9. This becomes  
VOR/DME RWY 23 ORIG A.

#### St Paul Island

St Paul Island  
Alaska  
NDB/DME RWY 18 AMDT 1...  
Effective: 03/04/92  
FDC 2/1264/SNP/ FI/P St Paul Island,  
St Paul Island, AK. NDB/DME RWY 18  
AMDT 1...Delete  
note...Contact..thru..RWY 18-36. This  
becomes NDB/DME RWY 18 AMDT 1A.

#### Savoonga

Savoonga  
Alaska  
VOR RWY 23 ORIG...  
Effective: 03/04/92  
FDC 2/1265/SVA/ FI/P Savoonga,  
Savoonga, AK. VOR RWY 23  
ORIG...Delete TRML RTES...from OME  
to ULL, FDV to ULL. Delete  
note...Activate..thru..122.9. This  
becomes VOR RWY 23 ORIG A.

#### Sand Point

Sand Point  
Alaska  
NDB/DME RWY 33 AMDT 2...  
Effective: 03/04/92  
FDC 2/1266/SDP/ FI/P Sand Point,  
Sand Point, AK. NDB/DME RWY 33  
AMDT 2...Delete note...DME  
Channel..thru..113.2. This becomes NDB/  
DME RWY 33 AMDT 2A.

#### Talkeetna

Talkeetna  
Alaska  
VOR-A AMDT 9...  
Effective: 03/04/92  
FDC 2/1267/TKA/ FI/P Talkeetna,  
Talkeetna, AK. VOR-A AMDT 9...Delete  
note...Activate..thru..36-CTAF. This  
becomes VOR-A AMDT 9A.

#### Sand Point

Sand Point  
Alaska  
NDB/DME A AMDT 3...  
Effective: 03/04/92  
FDC 2/1268/SDP/ FI/P Sand Point,  
Sand Point, AK. NDB/DME A AMDT  
3...Delete note...DME  
Channel..thru..113.2. This becomes NDB/  
DME A AMDT 3A.

#### Sand Point

Sand Point  
Alaska  
NDB RWY 15 ORIG...  
Effective: 03/04/92  
FDC 2/1269/SDP/ FI/P Sand Point,  
Sand Point, AK. NDB RWY 15  
ORIG...Delete note...DME  
Channel..thru..113.2. This becomes NDB  
RWY 15 ORIG A.

#### Talkeetna

Talkeetna  
Alaska  
NDB RWY 36 AMDT 1...  
Effective: 03/04/92  
FDC 2/1270/TKA/ FI/P Talkeetna,  
Talkeetna, AK. NDB RWY 36 AMDT  
1...Delete note...Activate..thru..36-CTAF.  
This becomes NDB RWY 36 AMDT 1A.

#### Unalakleet

Unalakleet  
Alaska  
NDB RWY 14 AMDT 14...  
Effective: 03/04/92  
FDC 2/1272/UNK/ FI/P Unalakleet,  
Unalakleet, AK. NDB RWY 14 AMDT  
14...Delete note ...Activate..thru..123.0.  
This becomes NDB RWY 14 AMDT 1A.

#### Wrangell

Wrangell  
Alaska  
LDA/DME-D AMDT 6...  
Effective: 03/04/92  
FDC 2/1273/WRG/ FI/P Wrangell,  
Wrangell, AK. LDA/DME-D AMDT  
6...Change ALTN MIN note to  
read...5000-3, except ALTN MINS NA  
when Wrangell WEA not AVBL. Change  
ALSTG note to read...PROC NA when  
LCL ALSTG not received. Delete  
note...Activate..thru..122.6. This becomes  
LDA/DME-D AMDT 6A.

#### Unalaska

Unalaska  
Alaska  
NDB-A AMDT 2...  
Effective: 03/04/92  
FDC 2/1274/DUT/ FI/P Unalaska,  
Unalaska, AK. NDB-A AMDT 2...Delete  
note ...Activate..thru..CTAF. This  
becomes NDB-A AMDT 2A.

#### Hopper Bay

Hopper Bay  
Alaska  
VOR RWY 13 ORIG...  
Effective: 03/04/92  
FDC 2/1275/HPB/ FI/P Hopper Bay,  
Hopper Bay, AK. VOR RWY 13  
ORIG...Change note to read...PROC NA  
when LCL ALSTG not received. Delete  
note...Activate..thru..122.4. This  
becomes VOR RWY 13 ORIG A.

*Togiak Village*Togiak  
Alaska

NDB/DME-A ORIG...

Effective: 03/04/92

FDC 2/1276/TOG/FI/P Togiak, Togiak Village, AK. NDB/DME-A ORIG...Delete TRML RTES...from BET to TOG, OSE to TOG, DLG to TOG. Delete note...Activate...thru...122.5. This becomes NDB/DME-A ORIG A.

*Togiak Village*Togiak  
Alaska

NDB-B ORIG...

Effective: 03/04/92

FDC 2/1278/TOG/FI/P Togiak, Togiak Village, AK. NDB-B ORIG...Delete TRML RTES... from BET to TOG, OSE to TOG, DLG to TOG. Delete note... Activate... thru...122.5. This becomes NDB-B ORIG A.

*Petersburg*Petersburg  
Alaska

LDA/DME-D AMDT 5...

Effective: 03/04/92

FDC 2/1279/PSG/FI/P Petersburg, Petersburg, AK. LDA/DME-D AMDT 5...Change ALTN MIN note to read... Standard except when Petersburg WEA not AVBL, ALN MIN NA. Delete note... Activate... thru...122.5. This becomes LDA/DME-D AMDT 5A.

*Big Lake*Big Lake  
Alaska

VOR RWY 6 AMDT 5...

Effective: 03/04/92

FDC 2/1280/BGQ/FI/P Big Lake, Big Lake, AK. VOR RWY 6 AMDT 5...Delete note... Activate... thru...24-CTAF. This becomes VOR RWY 6 AMDT 5A.

*Wrangell*Wrangell  
Alaska

LDA/DME-C AMDT 7...

Effective: 03/04/92

FDC 2/1281/WRG/FI/P Wrangell, Wrangell, AK. LDA/DME-C AMDT 7...Change ALTN MIN note to read... 5000-3, except ALTN MINS NA when Wrangell WEA not AVBL. Change ALSTG note to read... PROC NA when LCL ALSTG not received. Delete note... Activate... thru...122.6. This becomes LDA/DME-C AMDT 7A.

*Hopper Bay*Hopper Bay  
Alaska

VOR RWY 31 ORIG...

Effective: 03/10/92

FDC 2/1426/HPB/FI/P Hopper Bay, Hopper Bay, AK. VOR RWY 31

ORIG...Change note to read... PROC NA when LCL ALSTG not received. This becomes VOR RWY 31 ORIG A.

*Stuttgart*

Stuttgart Muni

Arkansas

VOR/DME-A ORIG...

Effective: 01/06/92

FDC 2/0059/SGT/FI/P Stuttgart Muni, Stuttgart, AR. VOR/DME-A ORIG...Circling MDA 900/HAA 676 all CATS. VIS CAT C 2, CAT D 2-1/4. Change MAP DME to read 26.5. This becomes VOR/DME-A ORIG A.

*Almyra*

Almyra Muni

Arkansas

VOR/DME-A AMDT 4...

Effective: 01/06/92

FDC 2/0060/M73/FI/P Almyra Muni, Almyra, AR. VOR/DME-A AMDT 4...Circling MDA 780/HAA 572 CATS A/B and C. Change MAP DME to read 24.5. This becomes VOR/DME-A AMDT 4A.

*Watsonville*

Watsonville Muni

California

NDB-B AMDT 1...

Effective: 02/29/92

FDC 2/1150/WVI/FI/P Watsonville Muni, Watsonville, CA. NDB-B AMDT 1...Change all reference to RWY 1-19 to RWY 2-20. Delete note... Activate MIRL RWY 1-19, VASI RWY 19 and REIL RWY 1-CTAF. Add note to aerodrome sketch... VASI RWY 20. This is NDB-B AMDT 1A.

*Watsonville*

Watsonville Muni

California

LOC RWY 1 AMDT 2...

Effective: 02/29/92

FDC 2/1151/WVI/FI/P Watsonville Muni, Watsonville, CA. LOC RWY 1 AMDT 2...Change all reference to RWY 1-19 to RWY 2-20. Delete note... Activate MIRL RWY 1-19, VASI RWY 19 and REIL RWY 1-CTAF. Add note to aerodrome sketch... VASI RWY 20. This is LOC RWY 2 AMDT 2A.

*Watsonville*

Watsonville Muni

California

VOR/DME-A ORIG...

Effective: 02/29/92

FDC 2/1152/WVI/FI/P Watsonville Muni, Watsonville, CA. VOR/DME-A ORIG...Change all reference to RWY 1-19 to RWY 2-20. Delete note... Activate MIRL RWY 1-19, VASI RWY 19 and REIL RWY 1-CTAF. Add note to aerodrome sketch... VASI RWY 20. This is VOR/DME-A ORIG A.

*Miami*Miami Intl  
Florida

RNAV RWY 27R, AMDT 5...

Effective: 03/03/92

FDC 2/1185/MIA/FI/P Miami Intl, Miami, FL. RNAV RWY 27R, AMDT 5...Delete terminal Route FLL VOR/DME to BASHO WP. This becomes RNAV RWY 27R AMDT 5A.

*Fort Lauderdale*Fort Lauderdale-Hollywood Intl  
Florida

NDB RWY 13 AMDT 14...

Effective: 03/03/92

FDC 2/1202/FLL/FI/P Fort Lauderdale-Hollywood Intl, Fort Lauderdale, FL. NDB RWY 13 AMDT 14...Circling MDA CAT D 700 HAA 689. VIS CAT D 2 1/4. ALT MINS CAT D 800-2 1/4. This becomes NDB RWY 13 AMDT 14A.

*Fort Lauderdale*Fort Lauderdale-Hollywood Intl  
Florida

VOR RWY 27R AMDT 10...

Effective: 03/03/92

FDC 2/1203/FLL/FI/P Fort Lauderdale-Hollywood Intl, Fort Lauderdale, FL. VOR RWY 27R AMDT 10...Missed APCH... Climb to 4000 VIA FLL R-270 to PIONN INT/FLL 10.9 DME and Hold. This becomes VOR RWY 27R AMDT 10A.

*Fort Lauderdale*Fort Lauderdale-Hollywood Intl  
Florida

ILS RWY 9L AMDT 16...

Effective: 03/03/92

FDC 2/1204/FLL/FI/P Fort Lauderdale-Hollywood Intl, Fort Lauderdale, FL. ILS RWY 9L AMDT 16...TRML route FLL VOR/DME to PIONN INT MIN ALT 4000. Circling MDA CAT D 700/HAA 689. VIS CAT D 2 1/4. ILS ALTN MINS CAT D 700 - 2 1/4. LOC ALTN MINS CAT D 800 - 2 1/4. Missed APCH... Climb to 4000 VIA FLL R-084 to MARTS INT/FLL 8.4 DME and hold. This becomes ILS RWY 9L AMDT 16A.

*Fort Lauderdale*Fort Lauderdale-Hollywood Intl  
Florida

LOC RWY 13 ORIG...

Effective: 03/03/92

FDC 2/1205/FLL/FI/P Fort Lauderdale-Hollywood Intl, Fort Lauderdale, FL. LOC RWY 13 ORIG...Circling MDA CAT D 700 HAA 689. VIS CAT D 2 1/4. ALT MINS CAT D 800 - 2 1/4. Missed APCH... Climb to 500 then climbing left turn to 4000 VIA FLL R-084 to MARTS INT/FLL 8.4 DME

and hold. This becomes LOC RWY 13 ORIG A.

#### Fort Lauderdale

Fort Lauderdale-Hollywood Intl  
Florida

LOC RWY 9R AMDT 3...

Effective: 03/03/92

FDC 2/1207/FLL/ FI/P Fort Lauderdale-Hollywood Intl, Fort Lauderdale, FL. LOC RWY 9R AMDT 3...Circling MDA CAT D 700 HAA 689. VIS CAT D 2 1/4. ALT MIN CAT D 800 - 2 1/4. Missed APCH... Climb to 1000 then climbing left turn to 4000 VIA FLL R-084 to MARTS INT/FLL 8.4 DME and hold. This becomes LOC RWY 9R AMDT 3A.

#### Fort Lauderdale

Fort Lauderdale-Hollywood Intl  
Florida

ILS RWY 27R AMDT 4...

Effective: 03/03/92

FDC 2/1209/FLL/ FI/P Fort Lauderdale-Hollywood Intl, Fort Lauderdale, FL. ILS RWY 27R AMDT 4...TRML route FLL VOR/DME to JUMAR INT MIN ALT 4000. TRML route BSY VORTAC to JUMAR INT MIN ALT 4000. Circling MDA CAT D 700 HAA 689, VIS CAT D 2 1/4. ILS ALT MINS CAT D 700-2 1/4. LOC ALT MINS CAT D 800 - 2 1/4. Missed APCH... Climb to 4000 VIA FLL R-270 to PIONN INT/FLL 10.9 DME and hold. This becomes ILS RWY 27R AMDT 4A.

#### Fort Lauderdale

Fort Lauderdale-Hollywood Intl  
Florida

RADAR-1 AMDT 3...

Effective: 03/04/92

FDC 2/1242/FLL/ FI/P Fort Lauderdale-Hollywood Intl, Fort Lauderdale, FL. RADAR-1 AMDT 3...S-31 MDA 440 HAT 429 all CATS. VIS CAT C 1 1/4, CAT D 1 1/2. Circling MDA CAT D 700 HAA 689. VIS CAT D 2 1/4. ALT MINS CAT D 800 - 2 1/4...Missed a PCH RWY 9L - climb to 4000 VIA FLL R-084 to MARTS INT/FLL 8.4 DME and hold E, RT, 264 inbound...Missed APCH RWY 27R - climb to 4000 VIA FLL R-270 to PIONN INT/FLL 10.8 DME and hold W, LT, 090 inbound. Missed APCH RWY 13 - climbing LT to 4000 VIA FLL R-084 to MARTS INT/FLL 8.4 DME and hold E, RT, 264 inbound. This becomes RADAR-1 AMDT 3A.

#### Miami

Miami Intl  
Florida

ILS RWY 9L, AMDT 27...

Effective: 03/06/92

FDC 2/1356/MIA/ FI/P Miami Intl, Miami, FL. ILS RWY 9L, AMDT 27...Add

note... Autopilot coupled APCHS NA. This becomes ILS RWY 9L AMDT 27A.

#### Pensacola

Pensacola Regional  
Florida

ILS RWY 17 AMDT 13A...

Effective: 03/10/92

FDC 2/1424/PNS/ FI/P Pensacola Regional Pensacola, FL. ILS RWY 17 AMDT 13A...MSA from NUN VOR 040-280 1800, 280-040 3100. This becomes ILS RWY 17 AMDT 13B.

#### Pensacola

Pensacola Regional  
Florida

VOR RWY 8 AMDT 2A...

Effective 03/10/92

FDC 2/1425/PNS FI/P Pensacola Regional, Pensacola, FL. VOR RWY 8 AMDT 2A...MSA from NUN VOR 040-280 1800, 280-040 3100. This becomes VOR RWY 8 AMDT 2B.

#### St Louis

Lambert-St Louis Intl  
Missouri

LDA/DME RWY 12L AMDT 4...

Effective: 03/11/92

FDC 2/1444/STL/ FI/P Lambert-St Louis Intl, St Louis, MO. LDA/DME RWY 12L AMDT 4...MSA STL VORTAC 2800. This becomes LDA/DME RWY 12L AMDT 4A.

#### Holland

Park Township  
Michigan

NDB RWY 23 AMDT 2...

Effective: 03/06/92

FDC 2/1348/HLM/ FI/P Park Township, Holland, MI. NDB RWY 23 AMDT 2...Missed approach, "climb to 2700, then right turn direct HLM NDB and hold...". CAT C S-23 and circling MINIMUMS NA. Delete note, "activate MRL RWY 5-23 unicom...". This is NDB RWY 23 AMDT 2A.

#### Three Rivers

Three Rivers Muni/DR Haines  
Michigan

VOR-A AMDT 9...

Effective: 2/1352

FDC 2/1352/HAI/ FI/P Three Rivers Muni/DR Haines, Three River, MI. VOR-A AMDT 9...Delete notes, "use Kalamazoo altimeter setting...thru...MIRL RWY 5-23 - CTAF...". Add note, "use Kalamazoo altimeter setting; when not received, use South Bend altimeter setting...". This is VOR-A AMDT 9A.

#### Troy

Oakland/Troy  
Michigan

VOR-A AMDT 2...

Effective: 03/06/92

FDC 2/1353/7D2/FI/P Oakland/Troy, Troy, MI. VOR-A AMDT 2...Circling HAA 671 all CATS. VIS CAT C 2. Delete notes, "activate MRL and VASI RWY 9-27-CTAF...", "no PT for arrivals on PSI VORTAC Airway Radial 275...", "caution...855 tower 1600' north of RWY 9 threshold...". This is VOR-A AMDT 2A.

#### St Louis

Lambert-St Louis Intl  
Missouri

LOC BC RWY 6 AMDT 2...

Effective: 03/11/92

FDC 2/1443/STL/ FI/P Lambert-St Louis Intl, St Louis, MO. LOC BC RWY 6 AMDT 2...Add note...Disregard GS indications. MSA STL VORTAC 2800. Change note to read...S-6 CAT A,B increase 1/4 mile, CAT E 1/2 mile for INOP MALS. This becomes LOC BC RWY 6 AMDT 2A.

#### St Louis

Lambert-St Louis Intl  
Missouri

ILS RWY 12L AMDT 2...

Effective: 03/11/92

FDC 2/1445/STL/ FI/P Lambert-St Louis Intl, St Louis, MO. ILS RWY 12L AMDT 2...Delete...Circling MIN, and note CAT D...thru...MM. MSA STL VORTAC 2800. This becomes ILS RWY 12L AMDT 2A.

#### St Louis

Lambert-St Louis Intl  
Missouri

LDA/DME RWY 30L AMDT 1...

Effective: 03/11/92

FDC 2/1446/STL/ FI/P Lambert-St Louis Intl, St Louis, MO. LDA/DME RWY 30L AMDT 1...MSA STL VORTAC 2800. Delete note...Circling NA. This becomes LDA/DME RWY30LAMDT 1A.

#### St Louis

Lambert-St Louis Intl  
Missouri

ILS RWY 24 AMDT 43...

Effective: 03/11/92

FDC 2/1448/STL/ FI/P Lambert-St Louis Intl, St Louis, MO. ILS RWY 24 AMDT 43...MSA ST LOM 2800. Delete note...Circling NA. This becomes ILS RWY 24 AMDT 43A.

#### St Louis

Lambert-St Louis Intl  
Missouri

ILS RWY 30L AMDT 10...

Effective: 03/11/92

FDC 2/1449/STL/ FI/P Lambert-St Louis Intl, St Louis, MO. ILS RWY 30L AMDT 10...Delete circling MIN. MSA STL VORTAC 2800. This becomes ILS RWY 30L AMDT 10A.

*St Louis*

Lambert-St Louis Intl  
Missouri  
RNAV RWY 6 AMDT 1...  
Effective: 03/11/92  
FDC 2/1450/STL/ FI/P Lambert-St  
Louis Intl, St Louis, MO. RNAV RWY 6  
AMDT 1...Delete note...Circling NA.  
Change note to read...S-6 CATS A,B  
increase ¼ mile, CAT E ½ mile for  
INOP MALS. This becomes RNAV  
RWY 6 AMDT 1A.

*St Louis*

Lambert-St Louis Intl  
Missouri  
ILS RWY 30R CAT II ADMT 6...  
Effective: 03/11/92  
FDC 2/1451/STL FI/P Lambert-St  
Louis Intl, St Louis, MO. ILS RWY 30R  
CAT II ADMT 6...MSA STL VORTAC  
2800. This becomes ILS RWY CAT II  
AMDT 6A.

*St Louis*

Lambert-St Louis Intl  
Missouri  
RNAV RWY 12R AMDT 1...  
Effective: 03/11/92  
FDC 2/1452/STL/ FI/P Lambert-St  
Louis Intl, St Louis, MO. RNAV RWY  
12R AMDT 1...Delete circling MIN. This  
becomes RNAV RWY 12R AMDT 1A.

*St Louis*

Lambert-St Louis Intl  
Missouri  
RNAV RWY 24 AMDT 2...  
Effective: 03/11/92  
FDC 2/1453/STL/ FI/P Lambert-St  
Louis Intl, St Louis, MO. RNAV RWY 24  
AMDT 2...Delete note... Circling NA.  
This becomes RNAV RWY 24 AMDT  
2A.

*St Louis*

Lambert-St Louis Intl  
Missouri  
RNAV RWY 30L AMDT 11...  
Effective: 03/11/92  
FDC 2/1454/STL/ FI/P Lambert-St  
Louis Intl, St Louis, MO. RNAV RWY  
30L AMDT 11...Delete circling MIN. This  
becomes RNAV RWY 30L AMDT 11A.

*St Louis*

Lambert-St Louis Intl  
Missouri  
RNAV RWY 30R AMDT 2...  
Effective: 03/11/92  
FDC 2/1455/STL/ FI/P Lambert-St  
Louis Intl, St Louis, MO. RNAV RWY  
30R AMDT 2...Delete circling MIN. This  
becomes RNAV RWY 30R AMDT 2A.

*St Louis*

Lambert-St Louis Intl  
Missouri  
ILS RWY 12R AMDT 20...  
Effective: 03/11/92  
FDC 2/1476/STL/ FI/P Lambert-St  
Louis Intl, St Louis, MO. ILS RWY 12R  
AMDT 20... Delete... Circling MIN, and  
note CAT D .. thru...MM. MSA LM LOM  
2800. This becomes ILS RWY 12R  
AMDT 20A.

*Wilson*

Wilson Industrial Air Center  
North Carolina  
NDB RWY 21 ORIG...  
Effective: 03/03/92  
FDC 2/1206/W03/ FI/P Wilson  
Industrial Air Center, Wilson, NC. NDB  
RWY 21 ORIG... Delete note... Activate  
MIRL RWY 3-21 CTAF. This becomes  
NDB RWY 21 ORIG A.

*Wilson*

Wilson Industrial Air Center  
North Carolina  
NDB RWY 3 AMDT 5...  
Effective: 03/03/92  
FDC 2/1208/W03/ FI/P Wilson  
Industrial Air Center, Wilson, NC. NDB  
RWY 3 AMDT 5...Delete note... Activate  
MIRL RWY 3-21 CTAF. This becomes  
NDB RWY 3 AMDT 5A.

*Wilmington*

New Hanover Intl  
North Carolina  
RNAV RWY 23 AMDT 4...  
Effective: 03/04/92  
FDC 2/1237/ILM FI/P New Hanover  
Intl, Wilmington, NC. RNAV 23 AMDT  
4...Change all references to RWYS 16-34  
to RWYS 17-35. Change all references to  
RWYS 5-23 to RWYS 6-24. This  
becomes RNAV RWY 24 AMDT 4A.

*Wilmington*

New Hanover Intl  
North Carolina  
LOC BC RWY 16 AMDT 6...  
Effective: 03/04/92  
FDC 2/1239/ILM/ FI/P New Hanover  
Intl, Wilmington, NC. LOC BC RWY 16  
AMDT 6... Change all references to  
RWYS 16-34 to RWYS 17-35. Change all  
references to RWYS 5-23 to RWYS 6-24.  
This becomes LOC BC RWY 17 AMDT  
6A.

*Wilmington*

New Hanover Intl  
North Carolina  
VOR OR TACAN-A AMDT 2...  
Effective: 03/04/92  
FDC 2/1240/ILM/ FI/P New Hanover  
Intl, Wilmington, NC. VOR OR TACAN-

A AMDT 2... Change all references to  
RWYS 16-34 to RWYS 17-35. Change  
all references to RWYS 5-23 to RWYS  
6-24. This becomes VOR or TACAN-A  
AMDT 2A.

*Wilmington*

New Hanover Intl  
North Carolina  
NDB RWY 34 AMDT 16...  
Effective: 03/04/92  
FDC 2/1241/ILM/ FI/P New Hanover  
Intl, Wilmington, NC. NDB RWY 34  
AMDT 16... Change all references to  
RWYS 16-34 to RWYS 17-35. Change all  
references to RWYS 5-23 to RWYS 6-24.  
This becomes NDB RWY 35 AMDT 16A.

*Wilmington*

New Hanover Intl  
North Carolina  
ILS RWY 34 AMDT 20...  
Effective: 03/04/92  
FDC 2/1244/ILM/ FI/P New Hanover  
Intl, Wilmington, NC. ILS RWY 34  
AMDT 20... Change all references to  
RWYS 16-34 to RWYS 17-35. Change all  
references to RWYS 5-23 to RWYS 6-24.  
Delete note... CAT D S-LOC VIS  
increased to RVR 5000 for INOP MM.  
This becomes ILS RWY 35 ADMT 20A.

*Charleston*

Charleston Executive  
South Carolina  
NDB RWY 9 AMDT 7...  
Effective: 03/06/92  
FDC 2/1347/JZI/ FI/P Charleston  
Executive, Charleston, SC. NDB RWY 9  
AMDT 7...S-9 MDA all CATS 700/HAT  
680 VIS CAT C 2, CAT D 2 1/4. Circling  
MDA all CATS 700/HAA 680 VIS CAT  
C 2, D 2 1/4. This becomes NDB RWY 9,  
AMDT 7A.

*Beaumont*

Beaumont Muni  
Texas  
VOR/DME RWY 12 ORIG-A...  
Effective: 02/28/92  
FDC 2/1133/BMT/ FI/P Beaumont  
Muni, Beaumont, TX. VOR/DME RWY  
12 ORIG-A...Circling CAT D... MDA  
660/HAT 628. This becomes VOR/DME  
RWY 12 ORIG-B.

*Charlotte Amalie*

Cyril E. King  
ST. THOMAS, VI, TKOF MINS...  
Effective: 03/06/92  
FDC 2/1358/STT/ FI/P Cyril E. King,  
Charlotte Amalie, St. Thomas, VI. TKOF  
MINS...RWY 28 700-2 or STD with  
minimum climb of 250 ft per NM to 700.

RWY 10 1100-3 or 400-1 with minimum climb of 400 ft per NM to 1200. Departure procedure... RWY 10, climbing right turn HDG 120 to 2000 before turning north. RWY 28, climb RWY heading to 2000 before turning north. This becomes TKOF MINS AMDT 4A.

*Charlotte Amalie*

Cyril E. King

ST. THOMAS, VI, ILS RWY 10 AMDT 7...  
Effective: 03/11/92

FDC 2/1435/STT/ FI/P Cyril E. King, Charlotte Amalie, St. Thomas, VI, ILS RWY 10 AMDT 7...Missed APCH... Climbing RT tp 4000 VIA HDG 180 then RT direct STT VOR/DME and hold. Hold N, RT, 187 inbound. Mandatory ALT PUNTA INT 2000. MSA from STT VOR/DME 2900. Delete... WHAMS INT, point turn NDB. This becomes ILS RWY to AMDT 7A.

*Charlotte Amalie*

Cyril E. King

ST. THOMAS, VI, VOR-A, AMDT 14...  
Effective: 03/11/92

FDC 2/1436/STT/ FI/P Cyril E. King, Charlotte Amalie, St. Thomas, VI, VOR-A, AMDT 14...Missed APCH—if unable to proceed visually to ARPT upon descent to 1160, climb to 4000 VIA HDG 180 then right turn direct STT VOR/DME and hold. Hold N, RT 187 inbound. MSA from STT VOR/DME 2900. HAA 1145 all CATS. Delete WHAMS INT, point TUNA NDB. PROC NA at night. This becomes VOR-A, AMDT 14A.

*Charleston*

Yeager

West Virginia

RNAV RWY 33 AMDT 1...

Effective: 03/09/92

FDC 2/1404/CRW/ FI/P Yeager, Charleston, WV. RNAV RWY 33 AMDT 1...Delete TRML RTE... MONTS to MALTY WP, CRS/DSTC 315/4.2 ALT 3000'. This becomes RNAV RWY 33 AMDT 1A.

*Sheridan*

Sheridan County

Wyoming

VOR RWY 13 AMDT 5...

Effective: 02/27/92

FDC 2/1123/SHR/ FI/P Sheridan County, Sheridan, WY, VOR RWY 13 AMDT 5...Add note 'obtain local altimeter setting on CTAF, when not received, PROC NA.' Add ALTN MINS note, 'NA when CTLZ not in effect.' This becomes VOR RWY 13 AMDT 5A.

[FR Doc. 92-6524 Filed 3-19-92; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of Inspector General

42 CFR Parts 1001, 1002, 1003, 1004, 1005, 1006, and 1007

### Health Care Programs: Fraud and Abuse; Amendments to OIG Exclusion and CMP Authorities Resulting From Public Law 100-93

**AGENCY:** Office of Inspector General (OIG), HHS.

**ACTION:** Final rule; correction.

**SUMMARY:** This document corrects technical errors that appeared in the final rule, published on January 29, 1992, that is designed to implement section 2 of Public Law 100-93, the Medicare and Medicaid Patient and Program Protection Act of 1987, along with other conforming amendments.

**EFFECTIVE DATE:** March 20, 1992.

**FOR FURTHER INFORMATION CONTACT:**

Joel J. Schaefer (202) 619-3270.

**SUPPLEMENTARY INFORMATION:** On

January 29, 1992, a final rule, Amendments to OIG Exclusion and CMP Authorities Resulting from Public Law 100-93, was published in the *Federal Register* (57 FR 3298). Specifically, this final rule is designed to protect program beneficiaries from unfit health care practitioners, and otherwise to improve the anti-fraud provisions of the Department's health care programs under titles V, XVIII, XIX and XX of the Social Security Act. In publishing this final rule, several lines of the preamble, regulations text and specific cross-references to OIG authorities were inadvertently omitted or misstated. In addition, one authority set forth in § 1001.1601(a)(1)(iii)(B) has not been delegated to the OIG, but was inadvertently included in that section. To correct omissions and errors that appeared in the final rule's preamble and in parts 1001 and 1003, we are making the following corrections in FR Doc. 92-1939, published January 29, 1992:

1. In the preamble on page 3300, column 2, the first sentence of the third complete paragraph is corrected to read as follows—

In this final rule, we are retaining the definition of "furnished" currently found in § 1001.2 of the regulations with one modification, and placing the definition in § 1000.10 under General Definitions.

2. In the preamble on page 3318, column 1, the second sentence of the second paragraph, the citation to section 1863(e)(1)(B) of the Act is incorrect. The

correct citation is section 1862(e)(1)(B) of the Act.

3. In the preamble on page 3320, column 2, the first sentence in the response under section 5., Notice to Third Parties Regarding Exclusions, is corrected to read as follows—

The OIG notifies the Public Health Service (PHS) of all program exclusions for subsequent action by PHS in excluding those practitioners from title V.

4. Section 1001.301 is corrected as follows:

A. Page 3331: In column 3, § 1001.301(a) is corrected to read as follows—

**§ 1001.301 Conviction relating to obstruction of an investigation.**

(a) *Circumstance for exclusion.* The OIG may exclude an individual or entity that has been convicted, under Federal or State law, in connection with the interference with or obstruction of any investigation into any criminal offense described in §§ 1001.101 or 1001.201.

B. Page 3332: In column 1, § 1001.301(b)(2)(i) is corrected to read as follows—

(b) \* \* \*

(2) \* \* \*

(i) The interference with, or obstruction of, the investigation caused the expenditure of significant additional time or resources;

5. Section 1001.1601 is corrected as follows:

Page 3340: In column 1, § 1001.1601(a)(1) is corrected to read as follows—

**§ 1001.1601 Violations of the limitations on physician charges.**

(a) *Circumstance for exclusion.* (1) The OIG may exclude a physician whom it determines—

(i) Is a non-participating physician under section 1842(j) of the Act;

(ii) Furnished services to a beneficiary;

(iii) Knowingly and willfully billed—

(A) On a repeated basis for such services actual charges in excess of the maximum allowable actual charge determined in accordance with section 1842(j)(1)(C) of the Act for the period January 1, 1987 through December 31, 1990, or

(B) Individuals enrolled under part B of title XVIII of the Act during the statutory freeze for actual charges in excess of such physician's actual charges determined in accordance with section 1842(j)(1)(A) of the Act for the period July 1, 1984 to December 31, 1986; and"

(iv) Is not the sole community physician or sole source of essential specialized services in the community.

6. Section 1003.102 is corrected as follows:

Page 3345: In column 3, § 1003.102(b)(2) is corrected to read as follows—

§ 1003.102 **Basis for civil money penalties and assessments.**

(b) \* \* \*

(2) Is a non-participating physician under section 1842(j) of the Act and has knowingly and willfully billed—

(i) On a repeated basis for such services actual charges in excess of the maximum allowable actual charge determined in accordance with section 1842(j)(1)(C) of the Act for the period January 1, 1987 through December 31, 1990, or

(ii) Individuals enrolled under part B of title XVIII of the Act during the statutory freeze for actual charges in excess of such physician's actual charges determined in accordance with section 1842(j)(1)(A) of the Act for the period July 1, 1984 to December 31, 1986.

Dated: March 13, 1992.

Neil J. Stillman,

Deputy Assistant Secretary for Information Resources Management.

[FR Doc. 92-6475 Filed 3-19-92; 8:45 am]

BILLING CODE 4150-04-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 43

[CC Docket No. 79-105, FCC 91-386]

#### Detariffing the Installation and Maintenance of Inside Wiring

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this action, the FCC preempts state regulation that requires or allows telephone companies to bundle charges for simple inside wiring services with charges for tariffed services, and decides not to preempt state regulation that requires telephone companies to act as providers of last resort for inside wiring services. The FCC requires local exchange carriers (LECs) having annual operating revenues of \$100 million or more to file information on state regulation of LEC prices for inside wiring services. The FCC also requires all telephone companies subject to the joint cost rules to classify inside wiring services as

nonregulated activities for federal accounting purposes on a permanent basis.

**EFFECTIVE DATE:** June 8, 1992. The rule requiring local exchange carriers to file information on state regulation of their prices for inside wiring services will take effect June 8, 1992. The other requirements of the Third Report and Order are effective as of that publication.

**FOR FURTHER INFORMATION CONTACT:** William A. Kehoe III at (202) 632-7500.

#### SUPPLEMENTARY INFORMATION:

##### Background

*National Association of Regulatory Utility Commissioners v. FCC*, 880 F.2d 422 (D.C. Cir. 1989) (*NARUC v. FCC*).

Detariffing the Installation and Maintenance of Inside Wiring, Second Further Notice of Proposed Rulemaking, 5 FCC Rcd 3407 (1990) 55 FR 23563, June 11, 1990 (*Second Further Notice*).

##### SUMMARY

This is a summary of the Commission's Third Report and Order in Detariffing the Installation and Maintenance of Inside Wiring, CC Docket No. 79-105, FCC 91-386, released February 14, 1992. The full text of this decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC 20054. The full text will be published in the FCC Record and may be purchased from the Commission's copying contractor, Downtown Copy Center, 1114 21st Street, NW., suite 140, Washington, DC 20037, (202) 452-1422.

This action finalizes the regulatory framework for simple inside wiring in response to *NARUC v. FCC*. The action is intended to promote the development of an increasingly competitive market for simple inside wiring services and to protect consumers against cross subsidization, while not infringing on state regulatory authority.

In *NARUC v. FCC*, the United States Court of Appeals for the District of Columbia Circuit determined that the FCC may preempt state regulation of inside wiring services when the regulation would necessarily thwart or impede achievement of a valid federal policy. The court held, however, that the Commission had failed to justify its preemption of all regulation of simple inside wiring services and remanded three orders to the FCC for further proceedings.

In the Second Further Notice, the Commission initiated the proceedings on remand by proposing a combination of measures in regard to simple inside wiring.

The Third Report and Order concludes the proceedings on remand. That Order preempts state regulation that requires or allows telephone companies to bundle charges for simple inside wiring services with charges for tariffed services. The FCC also decides not to preempt state regulation that requires telephone companies to act as providers of last resort for inside wiring services. In the interest of comity with the states, the Third Report and Order states that the FCC will monitor, but not at this time consider preempting, state regulation of the prices and terms and conditions of service under which telephone companies provide simple inside wiring services.

To facilitate the FCC's monitoring, that Order adopts a rule requiring local exchange carriers (LECs) having annual operating revenues of \$100 million or more to file information on state regulation of LEC prices for inside wiring services. Public reporting burden for this collection of information is estimated to average 2 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Federal Communications Commission, Office of the Managing Director, Paperwork Reduction Project (OMB Control Number 30670-0450) Washington, DC 20554, and to the Office of Management and Budget, Paperwork Reduction Project (OMB Control Number 3060-0450) Washington, DC 20503.

In order to protect interstate ratepayers against cross subsidization, the Third Report and Order requires all telephone companies subject to the FCC's joint cost rules to classify inside wiring services as nonregulated activities for federal accounting purposes on a permanent basis. The Order makes clear that this classification would not preclude those states, if any, that choose to regulate telephone company prices for simple inside wiring services from assigning all simple inside wiring services costs to the intrastate jurisdiction and setting unbundled rates based on those costs.

#### Ordering Clauses

1. Accordingly, *It is Ordered*, That pursuant to sections 1, 4(i), 4(j), 201-205, 218-220, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 201-05, 218-20, and 403, no

state shall require or allow telephone companies to bundle charges for simple inside wiring services with charges for tariffed services.

2. *It is further Ordered*, That pursuant to sections 1, 4(i), 4(j), 201-205, 218-220, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), 201-05, 218-20, and 403, Part 43 of this Commission's Rules is AMENDED by adding Section 43.41 as set forth below. This amendment shall become effective 80 days following the publication of the text of the rule in the *Federal Register*.

3. *It is further Ordered*, That pursuant to sections 1, 4(i), 4(j), 201-205, 218-220, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 201-05, 218-20, and 403, telephone companies shall classify their inside wiring operations as nonregulated activities for federal accounting purposes.

4. *It is further Ordered*, That the Secretary shall serve as a copy of this Third Report and Order on state regulatory commissions.

5. *It is further Ordered*, That this proceeding is terminated.

#### List of Subjects in 47 CFR Part 43

Nonregulated activities, Reports on inside wiring services, Telephone.

Federal Communications Commission.

**Donna R. Searcy,**

*Secretary.*

#### Rule Changes

Part 43 of title 47 of the Code of Federal Regulations is amended as follows:

#### **PART 43—REPORTS OF COMMUNICATION COMMON CARRIERS AND CERTAIN AFFILIATES**

1. The authority citation for part 43 is revised to read as follows:

**Authority:** Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154, unless otherwise noted. Interpret or apply secs. 211, 219, 220, 48 Stat. 1073, 1077, as amended; 47 U.S.C. 211, 219, 220.

2. Section 43.41 is added to read as follows:

#### **§ 43.41 Reports on Inside Wiring Services.**

Each local exchange carrier with annual operating revenues of \$100 million or more shall file, within thirty (30) days of its publication or release, a copy of any state or local statute, rule, order, or other document that regulates, or proposes to regulate, the price or prices the local exchange carrier charges for inside wiring services. This rule applies only to the local exchange carrier serving the greatest number of access lines within the portions of the state that are, or would be, subject to the state regulation.

[FR Doc. 92-6448 Filed 3-19-92; 8:45 am]

**BILLING CODE 6712-01-M**

# Proposed Rules

Federal Register

Vol. 57, No. 55

Friday, March 20, 1992

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.

## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Parts 1202, 1250, and 1254

RIN 3095-AA34

### NARA Privacy Act and Freedom of Information Act Regulations

**AGENCY:** National Archives and Records Administration.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The National Archives and Records Administration (NARA) is amending its Privacy Act regulations to make the NARA Privacy Act Officer the point of contact for Privacy Act requests and information, and to change the designation of officials who may sign denials of requests for disclosure to third parties and who may consider appeals of such denials. These changes are administrative in nature and will have no significant impact upon the public.

NARA is also amending its Freedom of Information Act regulations is 36 CFR parts 1250 and 1254 to reflect a recent U.S. Court of Appeals ruling in *Oglesby v. Department of the Army* (920 F.2d 57, D.C. Cir. 1990) that requesters may appeal a response that no responsive records were found.

**DATES:** Comments must be received by April 20, 1992.

**ADDRESSES:** Comments should be sent to Director, Policy and Program Analysis Division (NAA), National Archives and Records Administration, Washington, DC 20408.

**FOR FURTHER INFORMATION CONTACT:** Mary Ann Palmos or Nancy Allard at 202-501-5110.

**SUPPLEMENTARY INFORMATION:** NARA is reviewing all of its regulations on a periodic basis to identify outdated or incomplete material. This regulation was developed in the course of such a review.

This rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981. As required by the

Regulatory Flexibility Act, it is hereby certified that this proposed rule will not have a significant impact on small business entities.

#### List of Subjects

36 CFR Part 1202

Privacy.

36 CFR Part 1250

Administrative practice and procedure, Confidential business information, Freedom of information.

36 CFR Part 1254

Archives and records; Confidential business information; Freedom of information; Micrographics.

For the reasons set forth in the preamble, NARA proposes to amend Chapter XII of title 36, Code of Federal Regulations as follows:

#### PART 1202—REGULATIONS IMPLEMENTING THE PRIVACY ACT OF 1974

1. The authority citation for part 1202 continues to read as follows:

**Authority:** 44 U.S.C. 2104(a); 5 U.S.C. 552a.

2. Section 1202.32 is revised to read as follows:

#### § 1202.32 Procedures for disclosure.

(a) Address all requests for disclosure of records pertaining to a third party to the NARA Privacy Act Officer (NAA), National Archives and Records Administration, Washington, DC 20408. Upon receipt of such request, NARA shall verify the right of the requester to obtain disclosure pursuant to § 1202.30. Upon verification, the system manager shall make the requested records available. NARA shall acknowledge requests within 10 workdays and shall make a decision within 30 workdays, unless NARA notifies the requester that the time limit must be extended for good cause.

(b) If NARA determines that the disclosure is not permitted under § 1202.30, the Assistant Archivist for Management and Administration or the Inspector General (for records for which the Inspector General is the system manager) shall deny the request in writing. The requester shall be informed of the right to submit a request for review and final determination to the appropriate NARA Privacy Act Appeal Officer.

(1) Requests for review involving records for which the Inspector General is the system manager shall be addressed to the NARA Privacy Act Appeal Officer (N), National Archives and Records Administration, Washington, DC 20408.

(2) Requests for review involving all other records shall be addressed to the NARA Privacy Act Appeal Officer (ND), National Archives and Records Administration, Washington, DC 20408.

3. Section 1202.100 is revised to read as follows:

#### § 1202.100 Requests for assistance and referrals.

Requests for assistance and referral to the responsible system manager or other NARA employee charged with implementing these regulations should be made to the NARA Privacy Act Officer (NAA), National Archives and Records Administration, Washington, DC 20408.

#### PART 1250—PUBLIC AVAILABILITY OF NARA ADMINISTRATIVE RECORDS AND INFORMATIONAL MATERIALS

4. The authority citation for part 1250 is revised to read as follows:

**Authority:** 44 U.S.C. 2104(a); 5 U.S.C. 552; E.O. 12600, 52 FR 23781, 3 CFR, 1987 Comp., p. 235.

#### § 1250.34 [Amended]

5. In § 1250.34, the term "Program Policy and Evaluation Division" is revised to read "Policy and Program Analysis Division."

6. Section 1250.58 is amended by revising paragraphs (a) and (c) to read as follows:

#### § 1250.58 Appeal with NARA.

(a) A requester who receives a denial of access in whole or in part of a request or who receives a response that no responsive records were found, and who considers the latter response as adverse in nature, may appeal that decision or finding within NARA to the appropriate NARA FOIA Appeal Official. If the denial was signed by the Assistant Archivist for Management and Administration, the appeal shall be addressed to the Deputy Archivist of the United States, National Archives (ND), Washington, DC 20408. If the denial was signed by the Inspector General, the appeal shall be addressed to the

Archivist of the United States, National Archives (N), Washington, DC 20408.  
\* \* \* \* \*

(c) (1) The requester shall appeal in writing. The appeal letter shall include a brief statement of the reason(s):

(i) If an appeal of denial of access, why NARA should release the records, or

(ii) If an appeal of a requester category determination, why the requester should be considered to be a member of a different category, or

(iii) If an appeal of a denial of a fee reduction or waiver request that the requester is not otherwise entitled to, how disclosure of the information is likely to contribute significantly to public understanding of the operations or activities of government and why it is not a request primarily intended to benefit the commercial, trade, or profit interests of the requester, or

(iv) If no responsive records were found and the requester considers this to be an adverse determination, why the requester thinks that the search does not meet the requirements of the FOIA.

(2) The appeal letter shall include the words "Freedom of Information Appeal" on both the face of the appeal letter and the envelope, and the requester shall enclose with the appeal letter a copy of the initial request and denial.

(3) NARA has 20 workdays after receipt of an appeal to make a determination with respect to the appeal. The 20-workday time limit begins when the NARA FOIA Appeal Official receives the appeal.  
\* \* \* \* \*

#### PART 1254—AVAILABILITY OF RECORDS AND DONATED HISTORICAL MATERIALS

7. The authority citation for part 1254 continues to read as follows:

**Authority:** 44 U.S.C. 2101-2118, 5 U.S.C. 552, and E.O. 12600, 52 FR 23781, 3 CFR, 1987 Comp., p. 235.

8. Section 1254.38 is amended by revising paragraphs (f)(1) and (f)(4) to read as follows:

#### § 1254.38 Freedom of Information Act requests.

\* \* \* \* \*

(f) *Appeals.* (1) A requester whose request for access is denied in whole or in part, or who receives a response that no responsive records were found and who considers the latter response as adverse in nature, may appeal that decision or finding within NARA. The appeal shall be in writing and addressed to the Deputy Archivist of the United

States (ND), National Archives, Washington, DC 20408.  
\* \* \* \* \*

(4) In the appeal letter the requester shall briefly state the reasons why NARA should release the records, or, if no responsive records were found and the requester considers this to be an adverse determination, why the requester thinks that the search does not meet the requirements of the FOIA.  
\* \* \* \* \*

Dated: March 10, 1992.

Don W. Wilson,

Archivist of the United States.

[FR Doc. 92-6470 Filed 3-19-92; 8:45 am]

BILLING CODE 7515-01-M

#### 36 CFR Part 1228

RIN 3095-AA42

#### Disposition of Federal Records

**AGENCY:** National Archives and Records Administration.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This proposed rule makes substantive changes to NARA regulations relating to: Loans of permanent and unscheduled records by Federal agencies to non-Federal recipients, transfer of electronic records to the National Archives, and imposing restrictions on transferred records. In addition, minor changes are made to other provisions of the disposition regulations in 36 CFR part 1228 to improve the clarity of the regulation. The proposed rule was developed in the course of a periodic review of NARA regulations to identify outdated or incomplete material. These regulations are applicable to Federal agencies.

**DATES:** Comments must be received by April 20, 1992.

**ADDRESSES:** Comments should be sent to Director, Policy and Program Analysis Division (NAA), National Archives and Records Administration, Washington, DC 20408.

**FOR FURTHER INFORMATION CONTACT:** Mary Ann Palmos or Nancy Allard at 202-501-5110 (FTS 241-5110).

**SUPPLEMENTARY INFORMATION:** Following is a description of the specific changes included in this proposed rule.

In 36 CFR 1228.30(b)(3), we are specifying that agencies must provide a citation to the Privacy Act system notice published in the *Federal Register* or Privacy Act Compilation as the statement of Privacy Act restrictions on temporary records that must be submitted with the Standard Form 115, Request for Records disposition

Authority. Because the current provision is unclear, some agencies provide detailed information while others provide a reference to the *Federal Register* Privacy Act system notice. This change to the regulation should reduce the burden on agencies.

In 36 CFR part 1228, subpart E, we propose to specify that a written loan agreement is required whenever a Federal agency loans permanent or unscheduled records to non-Federal recipients. When provisions covering loan of permanent and unscheduled records were added to 36 CFR part 1228 in 1990, NARA intended that loan agreements to be made in writing. Sections 1228.74 and 1228.76 have been revised to specify that a written loan agreement is required. Agencies are currently required to provide to NARA the information that will be contained in the loan agreement. We also propose to add a new § 1228.78 to require agencies to contact loan recipients 30 days prior to end of the loan agreement to make arrangements for the return of the records. If the loan period is extended, the agency will be required to notify NARA in writing. These modifications to the regulation will provide further protection for permanent and unscheduled records.

The current 36 CFR 1228.180 contains procedures concerning agencies' retention of permanent records that are more than 30 years old and imposing agency restrictions on records transferred to the National Archives. So that § 1228.180 will not contain both policy and procedural provisions, the procedures have been moved to separate sections. In the new § 1228.183, no changes have been made to the procedures for certifying an agency's continued need for records that are eligible for transfer to the National Archives. The material on imposing agency restrictions, currently contained in § 1228.1180(c)(2), has been revised and placed in § 1228.192.

In § 1228.182(a)(2)(ii) we have removed the phrase "do not absolutely preclude use of the records by the public." We believe that the phrase is not needed because paragraph (a)(2)(ii) already contains the condition that "restrictions on the use of records are acceptable to NARA." NARA generally does not accession records that would be closed forever to public use; however, NARA does accession some records that are less than 30 years old which have statutory limitations prohibiting immediate public access, such as the population Census tapes, in order to ensure the proper preservation of the records.

Section 1228.184 has been modified to require a duplicate negative when the original black and white negative is unstable safety or acetate and to clarify that agencies shall transfer all of the specified copies of audiovisual records to the National Archives if such copies exist.

Section 1228.188 has been retitled "Electronic records" to correspond with the title of the related 36 CFR part 1234, Electronic Records Management. In addition, the accessioning policy has been changed to permit agencies to transfer electronic records on tape cartridges as well as 7 or 9 track tape reels. The NARA form 14097, Technical Description for Transfer of Electronic Records, will replace the canceled Standard Form 277, "Computer Magnetic Tape File Properties."

Nonsubstantive changes have been made to several other sections in subpart J. The introductory paragraph of § 1228.186 has been rewritten to improve its clarity. In § 1228.190, the names of the National Archives Field Branches have been corrected to Regional Archives. Section 1228.194 is revised to clarify that the Privacy Act notice must accompany the SF 258 that initiates the transfer of Privacy Act systems to the National Archives. Two paragraphs of § 1228.198 have been rewritten to remove redundant material and improve clarity.

This rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981. As required by the Regulatory Flexibility Act, it is hereby certified that this proposed rule will not have a significant impact on small business entities.

#### List of Subjects in 36 CFR Part 1228

Archives and records, Government property management.

For the reasons set forth in the preamble, NARA proposes to amend part 1228 of title 36 of the Code of Federal Regulations as follows:

#### PART 1228—DISPOSITION OF FEDERAL RECORDS

1. The authority citation for part 1228 continues to read as follows:

Authority: 44 U.S.C. chapters 21, 29, and 31.

2. In § 1228.30, paragraph (b)(3) is revised to read as follows:

#### § 1228.30 Scheduling temporary records.

(b) \* \* \*

(3) If the records are contained in a Privacy Act system of records, a citation to agency's alpha-numeric or numeric code designation for the system of records. If the system of records was

amended since the publication of the current Office of the Federal Register compilation of *Privacy Act Issuances*, the agency shall also cite the date and page of the *Federal Register* on which the amended system notice appears.

3. Section 1228.74 is revised to read as follows:

#### § 1228.74 Agency action.

(a) An agency proposing to loan permanent or unscheduled records shall execute a written loan agreement with the proposed recipient. The agreement shall include:

(1) The name of the department or agency and subdivisions thereof having custody of the records;

(2) The name and address of the proposed recipient of the records;

(3) A list containing:

(i) An identification by series or system of the records to be loaned,

(ii) The inclusive date for each series,

(iii) The volume and media of the records to be loaned, and

(iv) The NARA disposition job (SF 115) and item numbers covering the records, if any;

(4) A statement of the purpose and duration of the loan;

(5) A statement specifying any restrictions on the use of the records and how these restrictions will be administered by the donee; and

(6) A certification that the records will be stored according to the environmental specifications for archival records.

(b) The Archivist of the United States shall be a signatory on all loan agreements for permanent and unscheduled records. An agreement may not be implemented until the Archivist has signed.

(c) The head of the Federal agency shall request approval for the loan by sending a letter to NARA (NIR), Washington, DC 20408, transmitting the proposed loan agreement and specifying the name, title, and telephone number of the person NARA should contact about the proposed loan.

4. Section 1228.76 is revised to read as follows:

#### § 1228.76 NARA action on request.

NARA will review the request and, if found acceptable, return the approved agreement to the agency. NARA will deny the request if the records should be transferred to the National Archives or if the loan would endanger the records or otherwise contravene the regulations in 36 CFR chapter XII, subchapter B. If NARA disapproves the loan, the Archivist will notify the agency in

writing and provide instructions for the disposition of the records.

5. A new § 1228.78 is added to subpart E to read as follows:

#### § 1228.78 Retrieval of records.

An agency shall contact the recipient of the loan of permanent or unscheduled records 30 days prior to the expiration of the loan period (as stated in the loan agreement) to arrange for the return of the records. If the agency extends the duration of the loan, it shall notify NARA (NIR) in writing, specifying the reason for the extension and providing a new time limit for the loan.

#### §§ 1228.182 and 1228.190 [Amended]

6. In subpart J, the titles "National Archives Field Branch" and "National Archives Field Branches" are replaced by the title "Regional Archives" in the following places:

§ 1228.182(b)(2)

§ 1228.182(b)(3)(ii)

§ 1228.190(b)(2)

7. Section 1228.180 is amended by revising paragraphs (a)(2) and (c) to read as follows:

#### § 1228.180 Authority.

(a) \* \* \*

(2) Direct and effect the transfer to the National Archives of the United States of Federal agency records that have been in existence for more than 30 years and that have been determined by the Archivist of the United States to have sufficient historical or other value to warrant their continued preservation by the U.S. Government.

(c) *Transferred records subject to statutory or other restrictions.* When records, the use of which is subject to statutory limitations and restrictions, are so transferred, permissive and restrictive statutory provisions concerning the examination and use of records applicable to the head of the transferring agency are applicable to the Archivist of the United States and the employees of the National Archives and Records Administration.

8. In § 1228.182, paragraph (a)(2)(ii) is revised to read as follows:

#### § 1228.182 Types of records to be transferred.

(a) \* \* \*

(2) \* \* \*

(ii) Agency needs will be satisfied by use of the records in NARA research rooms or by copies of the records; and restrictions on the use of records are acceptable to NARA and do not violate the Freedom of Information Act (5 U.S.C. 552). Records appraised as permanent

that are not yet eligible for transfer because of agency needs or restrictions may be stored in a Federal records center pending transfer. (See subpart I of this part.)

9. A new § 1228.183 is added to read as follows:

**§ 1228.183 Certification for retention of records in agency custody.**

(a) Permanent records shall be transferred to the National Archives of the United States when the records have been in existence for more than 30 years unless the head of the agency which has custody of the records certifies in writing to the Archivist that the records must be retained in agency custody for use in the conduct of the regular current business of the agency. Records that are scheduled in a NARA-approved records schedule to be transferred to the National Archives of the United States after a specified period of time are subject to the certification requirement only if the records are not transferred as scheduled.

(b) In order to certify that records must be retained for the conduct of regular current business, an agency should consider the following factors:

(1) Character of use (to be retained by an agency, records should be used for the normal routine business of the agency at the time of certification);

(2) Frequency of use (to be retained by an agency, records should be used more than one time per month per file unit); and,

(3) Preservation of the records (to be retained by an agency, permanently valuable records should be preserved in accordance with NARA guidelines).

(c) The written certification of need of a series of 30 year-old records for current agency business must:

(1) Include a comprehensive description and location of records to be retained;

(2) Cite the NARA approved authority for the disposition of the records if scheduled (SF 115 item number);

(3) Describe the current business for which the records are required;

(4) Estimate the length of time the records will be needed by the agency for current business (if no date is provided by the agency, approved certification requests will be effective for a maximum of five years);

(5) Explain why the current needs of the agency cannot be met by the services NARA provides for records deposited with the National Archives of the United States; and,

(6) If the records are being retained to enable the agency to provide routine

public reference, cite the statute authorizing this agency activity.

(d) NARA will not accept an agency certification that a specific body of records over 30 years old, regardless of physical form or characteristics, is being used for the "conduct of the regular current business," if that agency is retaining such records primarily to:

(1) Provide to persons outside the agency access which can be provided by NARA; or

(2) Function as an agency archives, unless specifically authorized by statute or NARA.

10. Section 1228.184 is amended by revising the introductory text of the section, the introductory text of paragraphs (a), (b), and (c) and paragraphs (b)(1) and (e)(1) to read as follows:

**§ 1228.184 Audiovisual records.**

Audiovisual records appraised as permanent should be transferred to the National Archives as soon as they become inactive or whenever the agency cannot provide proper care and handling of the materials (see part 1232 of this chapter) to guarantee their preservation. Additionally, the following policies shall govern the transfer of audiovisual records to the National Archives:

(a) *Motion pictures.* The following copies are necessary for the preservation, duplication, and reference service of motion pictures transferred to the National Archives of the United States. Agencies shall transfer all specified copies, if they exist.

(b) *Still pictures.* The following elements are necessary for the preservation, duplication and reference service of each pictorial image transferred to the National Archives of the United States. Agencies shall transfer all specified copies, if they exist.

(1) For black and white photographs, an original negative and a captioned print. If the original negative is unstable safety, acetate, nitrate, or glass, a duplicate negative is also needed.

(c) *Sound recordings.* The following types of audio documents are necessary for the preservation, duplication, and reference service of sound recordings transferred to the National Archives of the United States. Agencies shall transfer all specified copies, if they exist.

(e) *Finding aids and production documentation.*

(1) Existing finding aids such as data sheets, shot lists, continuities, review

sheets, catalogs, indexes, lists of captions, and other documentation, whether in paper, electronic, or other form, that are necessary or helpful for the proper identification, retrieval, and use of the audiovisual records; and

11. In § 1228.186, the introductory paragraph is revised to read as follows:

**§ 1228.186 Cartographic and architectural records.**

The following classes of cartographic and architectural records appraised as permanent should be transferred to the National Archives as soon as they become inactive or whenever the agency cannot provide the proper care and handling of the materials to guarantee their preservation.

12. Section 1228.188 is revised to read as follows:

**§ 1228.188 Electronic records.**

(a) *Magnetic tape.* (1) Computer magnetic tape is a fragile medium, highly susceptible to the generation of error by improper care and handling. To ensure that permanently valuable information stored on magnetic tape is preserved, Federal agencies should schedule files for disposition as soon as possible after the tapes are written. When NARA has determined that a file is worthy of preservation, the agency should transfer the file to the National Archives as soon as it becomes inactive or whenever the agency cannot provide proper care and handling of the tapes (see part 1234 of this chapter) to guarantee the preservation of the information they contain.

(2) Agencies shall transfer electronic records to the National Archives either on open reel magnetic tape or on tape cartridges. Open reel magnetic tape shall be on one-half inch 7 or 9 track tape reels recorded at 800, 1600, or 6250 bpi. Tape cartridges shall be 18 track 3480-class cartridges recorded at 37,871 bpi. The data shall be written in ASCII or EBCDIC with all extraneous control characters removed from the data (except record length indicators for variable length records, or marks designating a datum, word, field, block or file), blocked at not higher than 32,760 bytes per block. The open reel magnetic tapes or the tape cartridges on which the data are recorded shall be new or recertified tapes (see part 1234 of this chapter) which have been passed over a tape cleaner before writing and shall be rewound under controlled tension.

(b) *Other magnetic media.* When an electronic file that has been designated for preservation by NARA is maintained

on a direct access storage device, the file shall be written on an open reel magnetic tape or on a magnetic tape cartridge that meets the specifications in paragraph (a)(2) of this section. This tape copy shall be transferred to the National Archives.

(c) *Documentation.* Documentation adequate for servicing and interpreting electronic records that have been designated for preservation by NARA shall be transferred with them. This documentation shall include, but not necessarily be limited to completed NARA Form 14097, Technical Description for Transfer of Electronic Records, or its equivalent. Where it has been necessary to strip data of its extraneous control characters (see paragraph (a)(2) of this section), the codebook specifications defining the data elements and their values must match the new format of the data. Guidelines for determining adequate documentation may be obtained from the Office of Records Administration (NI), National Archives and Records Administration, Washington, DC 20408.

13. Section 1228.190 is amended by revising paragraph (b)(1) to read as follows:

**§ 1228.190 Transfer of records.**

(b) *Initiation of request to transfer.* (1) NARA will provide the SF 258 for records scheduled for immediate transfer on an SF 115 approved after September 30, 1987. NARA will send the SF 258 to the agency with the approved SF 115. The agency will sign and return the SF 258 to the address indicated on the form.

14. Section 1228.192 is added to read as follows:

**§ 1228.192 Restrictions on transferred records.**

(a) *General.* Before records are transferred to the National Archives, the head of an agency may state in writing restrictions that appear to him or her to be necessary or desirable in the public interest on the use or examination of records. The head of an agency must, however, justify and cite the statute or Freedom of Information Act exemption (5 U.S.C. 552(b)) that authorizes placing restrictions on the use or examination of records being considered for transfer. If the Archivist agree, restrictions will be placed on the records.

(b) *Records less than 30 years old.* Unless required by law, the Archivist will not remove or relax restrictions placed upon records less than 30 years old without the concurrence in writing of the head of the agency from which the material was transferred or of his or her

successor, if any. If the transferring agency has been terminated and there is no successor in function, the Archivist is authorized to relax, remove or impose restrictions in the public interest.

(c) *Record 30 or more years old.* After the records have been in existence for 30 years or more, statutory or other restrictions referred to in this section shall expire unless the Archivist determines, after consulting with the head of the transferring agency, that restrictions shall remain in force for a longer period. Such restrictions may be extended by the Archivist beyond 30 years only for reasons consistent with standards established in relevant statutory law, including the Freedom of Information Act (5 U.S.C. 552). Restrictions are systematically extended beyond 30 years where agencies advise NARA on the SF 258 that a particular category of records requires such protection. NARA has identified specific categories of records, including classified information and information that would invade the privacy of an individual, which may require extended protection beyond 30 years. See 36 CFR part 1256.

15. Section 1228.194 is revised to read as follows:

**§ 1228.194 Records subject to the Privacy Act of 1974.**

For records constituting systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), the agency shall attach to the SF 258 the most recent agency Privacy Act system notice covering the records.

16. Section 1228.198 is amended by revising paragraphs (a) and (b)(4) to read as follows:

**§ 1228.198 Use of records transferred to the National Archives.**

(a) In accordance with 44 U.S.C. 2108, restrictions lawfully imposed on the use of transferred records will be observed and enforced by NARA to the extent to which they do not violate 5 U.S.C. 552. The regulations in subchapter B and C of this title, insofar as they relate to the use of records in the National Archives of the United States apply to official use of the records by Federal agencies as well as to the public.

(b) \* \* \*

(4) Each official who borrows records shall provide a receipt for them at the time they are delivered and shall be responsible for their prompt return upon the expiration of the loan period specified by NARA; and

\* \* \* \* \*

Dated: February 3, 1992.

Don W. Wilson,

Archivist of the United States.

[FR Doc. 92-6473 Filed 3-19-92; 8:45 am]

BILLING CODE 7515-01-M

**36 CFR Part 1258**

RIN 3095-AA33

**NARA Reproduction Fee Policies**

**AGENCY:** National Archives and Records Administration.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This proposed rule makes minor corrections and clarifications to 36 CFR part 1258 to reflect current NARA policies and practices concerning fees for reproductions. This regulation was developed during a periodic review of existing NARA regulations to identify outdated or incomplete material. Two substantive changes will affect members of the public who order reproductions. First, the policy on accepting rush orders has been modified to reflect that such service is only available from Presidential libraries. It should be noted that some libraries may not be able to provide rush service under this policy. Second, two changes have made to our payment policy. Persons who order reproductions will be allowed to pay by selected credit cards. Checks for more than \$200 will no longer need to be certified.

**DATES:** Comments must be received by April 20, 1992.

**ADDRESSES:** Comments should be sent to Director, Policy and Program Analysis Division (NAA), National Archives and Records Administration, Washington, DC 20408.

**FOR FURTHER INFORMATION CONTACT:** Mary Ann Palmos or Nancy Allard at (202) 501-5110 (FTS 241-5110).

**SUPPLEMENTARY INFORMATION:** This rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981. As required by the Regulatory Flexibility Act, it is hereby certified that this proposed rule will not have significant impact on small business entities.

**List of Subjects in 36 CFR Part 1258**

Archives and records.

For the reasons set forth in the preamble, NARA proposes to amend part 1258 of title 36 of the Code of Federal Regulations as follows:

**PART 1258—FEES**

1. The authority citation for part 1258 continues to read as follows:

Authority: 44 U.S.C. 2116(c).

2. Section 1258.2 is amended by revising paragraphs (c)(3), (c)(6)(ii), and (c)(8) to read as follows:

**§ 1258.2 Applicability**

(c) \* \* \*

(3) Motion picture, sound recording, and video recording materials among the holdings of the National Archives and Presidential libraries. Prices for reproduction of these materials are available from the Motion Picture, Sound and Video Branch (NNSM), National Archives, Washington, DC 20408, or from the Presidential library which has such materials (see § 1253.3 of this chapter for addresses).

(6) \* \* \*

(ii) Passenger arrival lists (order form NATF Form 81)—\$10.

(8) Orders for expedited service ("rush" orders) for reproduction of still pictures and motion picture and video recordings among the holdings of a Presidential library. Orders may be accepted on an expedited basis by the library when the library determines that sufficient personnel are available to handle such orders or that the NARA contractor making the reproduction can provide the service. Rush orders are subject to a surcharge to cover the additional cost of providing expedited service.

3. Section 1258.4 is amended by revising the introductory paragraph and paragraph (f), and removing paragraphs (g) through (i) to read as follows:

**§ 1258.4 Exclusions.**

No fee is charged for reproduction or certification in the following instances:

(f) For Federal records center (FRC) records only:

(1) when furnishing the service free conforms to generally established business custom, such as furnishing personal reference data to prospective employers of former Government employees;

(2) when the reproduction of not more than one copy of the document is required to obtain from the Government financial benefits to which the requesting person may be entitled (e.g., veterans or their dependents, employees with workmen's compensation claims, or persons insured by the Government);

(3) when the reproduction of not more than one copy of a hearing or other formal proceeding involving security requirements for Federal employment is requested by a person directly concerned in the hearing or proceeding; and

(4) when the reproduction of not more than one copy of a document is for a person who has been required to furnish a personal document to the Government (e.g., a birth certificate required to be given to an agency where the original cannot be returned to the individual).

4. Section 1258.12 is amended by revising paragraph (g) to read as follows:

**§ 1258.12 Fee schedule.**

(g) *Preservation of records.* In order to preserve certain records which are in poor physical condition, NARA may restrict customers to microfilm copies instead of electrostatic copies.

5. Section 1258.14 is revised to read as follows:

**§ 1258.14 Payment of fees.**

Fees may be paid in cash, by check or money order made payable to the National Archives Trust Fund, or by selected credit cards. Remittances from outside the United States must be made by international money order payable in U.S. dollars or a check drawn on a U.S. bank. Fees must be paid in advance except when the appropriate director approves a request for handling them on an account receivable basis. Purchasers with special billing requirements must state them when placing orders and must complete any special forms for NARA approval in advance.

Dated: January 23, 1992.

Don W. Wilson,

Archivist of the United States.

[FR Doc. 92-6471 Filed 3-19-92; 8:45 am]

BILLING CODE 7515-01-M

**36 CFR Part 1260**

RIN 3095-AA17

**Declassification Procedures**

**AGENCY:** National Archives and Records Administration.

**ACTION:** Notice of proposed rulemaking

**SUMMARY:** NARA is updating its regulations relating to mandatory review by Federal agencies of national security information contained in archival records, Presidential records, donated historical materials, and the Nixon Presidential materials. The

changes will reflect the present practice whereby agencies return all documents reviewed for declassification action to NARA, and NARA provides the appropriate notification and declassified or sanitized reproductions to the requester.

The proposed rule will also require agencies to return a complete copy of the reviewed documents to NARA. Some agencies only return the first page of a document that is either being released or denied in its entirety. Because NARA holdings include many documents with identical dates, correspondence, and subjects, return of the complete document will help NARA close out the mandatory review request more quickly and accurately.

We are also clarifying that 36 CFR part 1260 applies to Presidential records subject to the Presidential Records Act and to the Nixon Presidential materials subject to the Presidential Recordings and Materials Preservation Act.

This proposed rule will affect Federal agencies. There are no changes to the mandatory review request procedures followed by members of the public. The proposed rule was developed during a periodic review of NARA regulations to identify outdated or incomplete material.

**DATES:** Comments must be received by April 20, 1992.

**ADDRESSES:** Comments should be sent to Director, Policy and Program Analysis Division (NAA), National Archives and Records Administration, Washington, DC 20408.

**FOR FURTHER INFORMATION CONTACT:** Mary Ann Palmos or Nancy Allard at 202-501-5110 (FTS 241-5110).

**SUPPLEMENTARY INFORMATION:** This rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981. As required by the Regulatory Flexibility Act, it is hereby certified that this proposed rule will not have a significant impact on small business entities.

**List of Subjects in 36 CFR Part 1260**

Archives and records, Classified information.

For the reasons set forth in the preamble, NARA proposes to amend part 1260 of title 36 of the Code of Federal Regulations as follows:

**PART 1260—DECLASSIFICATION OF AND PUBLIC ACCESS TO NATIONAL SECURITY INFORMATION**

1. The authority citation for part 1260 continues to read as follows:

Authority: 44 U.S.C. 2104(a); Executive Order 12356 of April 2, 1982 (3 CFR 1982 Comp., p. 166).

2. Section 1260.1 is revised to read as follows:

§ 1260.1 Scope of part.

(a) Declassification of and public access to national security information and material (hereafter referred to as "classified information" or collectively termed "information") is governed by Executive Order 12356 of April 2, 1982 (47 FR 14874, 3 CFR 1982 Comp., p. 166) and by the Information Security Oversight Office Directive Number 1 of June 22, 1982 (47 FR 27836, June 25, 1982).

(b) Documents declassified in accordance with this regulation may be withheld from release under the provisions of 5 U.S.C. 552(b) for accessioned agency records; 36 CFR 1254.36 for donated historical materials; 44 U.S.C. 2201 et seq. and 36 CFR part 1270 for Presidential records; and 44 U.S.C. 2111 note and 36 CFR part 1275 for Nixon Presidential materials. Procedures for public requests for mandatory review of classified information under Executive Order 12356 are found in § 1254.46 of this chapter.

3. Section 1260.12 is amended by revising paragraph (a), the introductory text of paragraph (c), paragraphs (c)(2) and (d) and adding paragraph (e) to read as follows:

§ 1260.12 Agency action.

(a) Either make a prompt declassification determination and notify NARA accordingly, or inform NARA of the additional time needed to process the request. NARA will inform the requester of the agency action. Except in unusual circumstances, agencies shall make a final determination within one year.

(c) Return to NARA a complete copy of each declassified document with the agency determination. NARA will forward the reproduction to the requester. When a request cannot be declassified in its entirety, the agency must also furnish NARA, for transmission to the requester, the following:

(2) A statement of the requester's right to appeal within 60 calendar days of receipt of the denial; the procedures for taking such action; and the name, title, and address of the appeal authority.

(d) The agency appellate authority shall make a determination within 30 working days following receipt of an appeal. If additional time is required to

make a determination, the agency appellate authority shall notify NARA of the additional time needed and the reason for the extension. The agency appellate authority shall notify NARA in writing of the final determination and of the reasons for any denial. NARA will provide the researcher a copy of any notifications.

(e) Furnish to NARA a complete copy of each document to be released only in part, clearly marked to indicate the portions which remain classified.

4. Section 1260.46 is amended by revising paragraphs (b) and (c) to read as follows:

§ 1260.46 Agency action.

(b) Provide a brief statement of the reasons any requested information should not be declassified and return a complete copy of the reproductions to NARA; and

(c) Return all reproductions referred for consultation including a complete copy of each document which should be released only in part, clearly marked to indicate the portions which remain classified.

Dated: January 29, 1992.  
Claudine J. Weiher,  
*Acting Archivist of the United States.*  
[FR Doc. 92-6472 Filed 3-19-92; 8:45 am]

BILLING CODE 7515-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA11-1-5411; FRL-4116-8]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Bay Area Air Quality Management District

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

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to approve two volatile organic compound (VOC) rules submitted to EPA by the California Air Resources Board (ARB) as revisions to the California State Implementation Plan (SIP). The rules were adopted by the Bay Area Air Quality Management District (AQMD) on June 20, 1990 and were submitted by ARB on April 5, 1991. The rules, regulation 8, rule 3—Architectural Coatings (reg 8-3) and regulation 8, rule 48—Industrial Maintenance Coatings (reg 8-48), regulate the VOC content of various architectural coatings and industrial maintenance coatings used

within the Bay Area AQMD. EPA has evaluated these rules and is proposing to approve them under section 110(k)(3) as meeting the requirements of section 110(a) and part D.

DATES: Comments must be received on or before April 20, 1992.

ADDRESSES: Comments may be mailed to: Esther Hill, Chief, Northern California, Nevada, and Hawaii Rulemaking Section (A-5-4), Air and Toxics Division, Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105.

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

California Air Resources Board,  
Stationary Source Division, Rule  
Evaluation Section, 1219 "K" Street,  
Sacramento, CA 95814.

Bay Area Air Quality Management  
District, 939 Ellis Street, San  
Francisco, CA 94109.

FOR FURTHER INFORMATION CONTACT:  
John Ungvarsky, Southern California  
and Arizona Rulemaking Section (A-5-  
3), Air and Toxics Division,  
Environmental Protection Agency,  
Region IX, 75 Hawthorne Street, San  
Francisco, CA 94105, Telephone: (415)  
744-1188, FTS: 484-1188.

SUPPLEMENTARY INFORMATION:

Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in 1977 (1977 CAA), that included the San Francisco Bay Area. 43 FR 8964, 40 CFR 81.306. Because it was not possible for the Bay Area AQMD to reach attainment by the statutory attainment date of December 31, 1982, California requested under section 172(a)(2), and EPA approved, an extension of the attainment date for ozone in the Bay Area AQMD to December 31, 1987. 40 CFR 52.238. The Bay Area AQMD did not attain the ozone standard by the approved attainment date. On November 15, 1990, the Clean Air Act Amendments of 1990 (CAA) were enacted. Public Law 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q.

The CAA classifies ozone nonattainment areas by the seriousness of their nonattainment problems and published extended deadlines for such areas keyed to their classifications. The Bay Area AQMD is currently classified

as a moderate ozone nonattainment area<sup>1</sup> and is responsible for the implementation of VOC regulations applicable in the San Francisco Bay Area.<sup>2</sup> VOCs contribute to the production of ground level ozone and smog.

On April 5, 1991, ARB submitted to EPA Bay Area AQMD reg 8-3 and reg 8-48. This notice addresses EPA's proposed action for these rules. The rules were found to be complete on May 21, 1991, pursuant to EPA's completeness criteria as set forth in 40 CFR part 51, appendix V<sup>3</sup> and are being proposed for approval. The two rules addressed in this notice are intended to replace, expand, and further strengthen the current SIP version of reg 8-3, which was adopted into the SIP on October 3, 1984.

### Description of Regulations

Bay Area AQMD Reg 8-3 and Reg 8-48 control emissions of VOCs from architectural coatings and industrial maintenance coatings sold, offered for sale, applied, solicited, or manufactured for sale within the Bay Area AQMD. Architectural coatings and industrial maintenance coatings are defined as coatings<sup>4</sup> applied to stationary structures and their appurtenances, to mobile homes, to pavements, or to curbs.

On May 12, 1989, the ARB approved a Suggested Control Measure (SCM) for the architectural coatings category. The SCM was developed by the California Technical Review Group (TRG)<sup>5</sup> with close cooperation with the paints and coatings industry<sup>6</sup> and was intended to

serve as a model architectural coatings rule for ozone nonattainment areas (e.g., the Bay Area AQMD) in California. The SCM built upon previous architectural coating model rules adopted by ARB in 1977 and 1985. EPA supported the ARB's and TRG's adoption of the SCM and the Bay Area AQMD's adoption of reg 8-3 and reg 8-48<sup>7</sup> as demonstrating progress toward attainment of the National Ambient Air Quality Standard for ozone and as representing controls which are technically and economically feasible.<sup>8</sup> Reg 8-3 and reg 8-48 are modeled after the SCM. However, the Bay Area AQMD chose not to submit for SIP approval the future effective limits for twelve coating categories in reg 8-3 and reg 8-48.<sup>9</sup> Therefore, the submitted rules are not consistent with the SCM for eleven of the twelve coating categories previously mentioned. The following is EPA's evaluation for reg 8-3 and reg 8-48.

### EPA Evaluation

In determining the approvability of a VOC rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and part D of the CAA, 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). The EPA interpretation of these requirements, which form the basis for today's action, appears in the various EPA policy

approved the Suggested Control Measure adopted by ARB making in the "Air Resources Board—California Air Pollution Control Officers Association Suggested Control Measure for Architectural Coatings."

<sup>6</sup> Bay Area Reg 8-3 and Reg 8-48 are currently being challenged in the California courts by a group of paint manufacturers, retailers, and contractors. On September 20, 1991, the Superior Court of California for the County of San Francisco issued a writ of mandate ordering the Bay Area AQMD to set aside the regulations as of January 1, 1992, or adopt them (or adopt new regulations) after complying with the California Environmental Quality Act. *Dunn-Edwards Corp. v. Bay Area AQMD*, No. 930626 (Cal. Super. Ct. S.F.). On September 30, 1991, the Bay Area AQMD filed an appeal. *Dunn-Edwards Corp. v. Bay Area AQMD*, No. A055155 (Cal Ct. App., 1st Appl. Dist.). The appeal is pending.

<sup>7</sup> Regulation 8, rule 48 is a result of moving the Industrial Maintenance Coating category out of regulation 8, rule 3, to provide greater clarity and definition while remaining consistent with the Architectural Coatings, SCM.

<sup>8</sup> EPA has not developed a Control Techniques Guideline (CTG) for architectural coatings. As required under section 183(e) of the CAA, EPA is investigating the development of a CTG or regulations for consumer and commercial products, which will include paints, coatings, and solvents (e.g., architectural coatings).

<sup>9</sup> The twelve categories include the following coatings in Reg. 8-3: Below-ground wood preservatives, bond breakers, lacquers, sanding sealers, magnesite cement coatings, multi-color coatings, swimming pool coatings, and swimming

guidance documents.<sup>10</sup> Among those provisions is the requirement that a VOC rule must, at a minimum, provide for the implementation of Reasonably Available Control Technology (RACT) for major stationary sources of VOC emissions. This requirement was carried forth from the pre-amended Act.

For the purpose of assisting states and local agencies in developing RACT rules, EPA has prepared a series of CTG documents which specify the minimum requirements that a rule must contain in order to be approved into the SIP. The CTGs are based on the underlying requirements of the Act and specify the presumptive norms for what is RACT for specific source categories. There is not a CTG applicable to Bay Area AQMD reg 8-3 or 8-48 at this time (see footnote 8).

For the purposes of meeting the requirements of part D, EPA reviewed this submittal against current SIP limits and EPA policies as described in the previous paragraph. Overall, the requirements of reg 8-3 and reg 8-48 meet or exceed the current SIP requirements for reg 8-3.

EPA has evaluated the submitted rule for consistency with EPA requirements. The rule will achieve VOC reductions from: Amended definitions and additional administrative requirements; new emission limits for previously exempt specialty coatings; and revised emission limits for several specialty coating categories. The revisions include:

- Approximately twenty new or revised definitions which further clarify the applicable coating categories and delete non-substantive verbiage;
- New VOC content limits for approximately eighteen specialty categories and elimination of five specialty categories through consolidation with other categories; and

pool repair and maintenance coatings; and the following coatings in reg. 8-48: High temperature industrial maintenance coatings, industrial maintenance anti-graffiti coatings, industrial maintenance coatings, and pre-treatment wash primer (also in reg 8-3). With the exception of the lacquer limit, the submitted limits for the aforementioned coatings are not consistent with the SCM.

<sup>10</sup> Among other things, the pre-amendment guidance consists of those portions of the proposed Post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); "Issues Relating to VOC Regulation Cutpoints, Deficiencies and Deviations, Clarification to appendix D of November 24, 1987 Federal Register" (Blue Book) (notice of availability was published in the Federal Register on May 25, 1988); and the existing control technique guidelines (CTGs). In general, these guidance documents have been set forth to ensure that VOC rules are fully enforceable and strengthen or maintain the SIP.

<sup>1</sup> Upon the date of enactment of the amendments, the designation of the Bay Area AQMD as nonattainment continued under section 107(d) and the area was classified by operation of law, pursuant to section 181(a). See 56 FR 56694 (November 6, 1991).

<sup>2</sup> The Bay Area AQMD includes the counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and those portions of the counties of Solano and Sonoma as defined in 40 CFR 81.21.

<sup>3</sup> EPA has since adopted completeness criteria pursuant to section 110(k)(1)(A) of the amended Act. See 56 FR 42216 (August 26, 1991). These will replace the completeness criteria currently set forth in 40 CFR part 51, appendix V.

<sup>4</sup> Architectural coatings include but are not limited to: Ordinary house and trim paints, lacquers, varnishes, concrete curing compounds, industrial maintenance coatings, stains, primers, sealers, undercoaters, roof coatings, traffic coatings, and waterproof sealers.

<sup>5</sup> The TRG is a statewide regulatory workgroup comprised of representatives from the Air Resources Board, various California air pollution control districts, and the EPA. In California, the TRG has been instrumental in assisting the ARB and various air pollution control districts with the development of control strategies which represent RACT for a variety of pollutants, including various VOC categories. On May 24, 1989, the TRG

• The elimination of one and addition of eight administrative requirements.

For a detailed description of the revision, readers should contact the individual listed previously in this notice. In summary, the revisions strengthen the limits in and improve the enforceability of the current SIP rule. Thus reg 8-3 and reg 8-48 should be approved in order to strengthen the SIP.

#### EPA Proposed Action

EPA has evaluated Bay Area AQMD reg 8-3 and reg 8-48 for consistency with the CAA, EPA regulations and EPA policy. Therefore, Bay Area AQMD reg 8-3 and reg 8-48 are being proposed for approval under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and part D.

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

#### Regulatory Process

Under 5 U.S.C. section 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

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

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

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

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

Dated: March 13, 1992.

John Wise,

Acting Regional Administrator.

[FR Doc. 92-6543 Filed 3-19-92; 8:45 am]

BILLING CODE 6580-50-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 92-47, RM-7929]

#### Television Broadcasting Services; Bellingham and Anacortes, WA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

**SUMMARY:** The Commission requests comments on a petition by Prism Broadcasting Company, Inc., seeking the reallocation of vacant UHF television Channel 24 in lieu of Channel 64 at Bellingham, Washington, the modification of Station KBCB(TV)'s construction permit accordingly, and the reallocation of Channel 64 in lieu of Channel 24 at Anacortes, Washington. Channel 24 can be allotted to Bellingham and Channel 64 to Anacortes, in compliance with the Commission's minimum distance separation requirements. The coordinates for Channel 24 at Bellingham are North Latitude 48-40-48 and West Longitude 122-50-23. The coordinates for Channel 64 at Anacortes are North Latitude 48-30-06 and West Longitude 122-36-36. We will not accept competing expressions of interest in the use of television Channel 24 at Bellingham. See also Supplementary Information, *infra*.

**DATES:** Comments must be filed on or before May 4, 1992, and reply comment on or before May 19, 1992.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Garry Spire, Esq., suite 104, 23642 Calabasas Road, Calabasas, California 91302 (Counsel for Petitioner).

**FOR FURTHER INFORMATION CONTACT:** Sharon P. McDonald, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's notice of proposed rule making, MM Docket No. 92-47, adopted March 5, 1992, and released March 13, 1992. 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.

Since Anacortes and Bellingham are located within 400 kilometers (250 miles) of the U.S.-Canadian border, concurrence by the Canadian government has been requested.

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 1.1204(b) for rules governing permissible *ex parte* contacts.

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.  
Television Federal Communications Commission

Michael C. Ruger,

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

[FR Doc. 92-6457 Filed 3-19-92; 8:45 am]

BILLING CODE 6712-01-M

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

RIN 1018-AB10

#### Captive-bred Wildlife Regulation

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of extension of comment period and of public meeting.

**SUMMARY:** On January 7, 1992, the Fish and Wildlife Service (Service) published a notice of intent to propose a rule concerning regulation of captive-bred specimens of non-native species (57 FR 548). The comment period for that notice closed on March 9, 1992. At this time, the Service wishes to reopen the period for public comment. Also, the Service announces a public meeting for the purpose of examining the issue, answering questions and receiving comments.

**DATES:** The public meeting will be held from 1-3:30 p.m. Wednesday, April 1, 1992. The Service will consider all written comments on the notice of intent that are received by close of business on April 20, 1992.

**ADDRESSES:** Send comments to the U.S. Fish and Wildlife Service, Office of

Management Authority, 4401 N. Fairfax Drive, Room 432, Arlington, VA 22203.

The meeting will be in room 200, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia.

**FOR FURTHER INFORMATION CONTACT:** Marshall P. Jones or Richard K. Robinson at the above address or call (703) 358-2093.

**SUPPLEMENTARY INFORMATION:** The Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) prohibits any person subject to the jurisdiction of the United States from conducting certain activities with any endangered or threatened species of fish or wildlife. The Service has been striving to achieve an appropriate degree of control over prohibited activities involving living wildlife of non-native species born in captivity in the United States. Twelve years ago, the Service issued proposed and final rules to address the issue (44 FR 30044, May 23, 1979, and 44 FR 54002, September 17, 1979). The Service believes that this regulation, as currently implemented, may impose a substantial paperwork burden on the public as well as on the Service without contributing appreciably to the conservation of many affected species. Therefore, the Service is conducting a review of the system to determine whether changes are needed, and if so, what those changes should be.

Several alternative approaches, including no change, were outlined in the January 7 notice.

#### Public Comments Solicited

Comments, suggested alternatives not discussed in the January 7, 1992 notice (57 FR 548), or any germane information or statistics are hereby solicited.

#### Author

The primary author of this notice is Richard K. Robinson, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 N. Fairfax Drive, room 432, Arlington, Virginia 22203. This notice is issued under authority of the Endangered Species Act, 16 U.S.C. 1531-44.

Dated: February 27, 1992.

Richard N. Smith,

Director.

[FR Doc. 92-6532 Filed 3-19-92; 8:45 am]

BILLING CODE 4310-55-M

#### 50 CFR Part 17

RIN 1018-AB42

#### Endangered and Threatened Wildlife and Plants; Reopening of Comment Period on Proposed Endangered Status for Certain Populations of the African Elephant and Revision of Special Rule

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule; notice of reopening of comment period; notice of extension of 6-month statutory deadline.

**SUMMARY:** The Service announces that the comment period on the proposed rule to change the status for some populations of the African elephant has been reopened. This will allow all pertinent information obtained at the Eighth Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) at Kyoto, Japan, on March 2-March 13, 1992, to be considered in the development of a final decision. In addition, the Service has extended the statutory deadline for completing this rulemaking process by 6 months, based on its finding that substantial disagreement exists on the sufficiency or accuracy of the best available scientific and commercial information pertaining to the reclassification proposal.

**DATES:** All comments and information received through April 20, 1992, will be considered in making a final decision on the proposal and will be included in the administrative record.

**ADDRESSES:** Written comments and materials concerning the proposed rule should be sent to the Chief, Office of Scientific Authority; Mail Stop: Arlington Square, Room 725; U.S. Fish and Wildlife Service; Washington, DC 20240 (FAX number 703-358-2276). Express and messenger-delivered mail should be addressed to the Office of Scientific Authority; Room 750, 4401 North Fairfax Drive; Arlington, Virginia 22203. Comments and materials received will be available for public inspection, by appointment, from 8 a.m. to 4 p.m. Monday through Friday, at the Arlington, Virginia, address.

**FOR FURTHER INFORMATION CONTACT:** Dr. John L. Oldemeyer, Office of Scientific Authority, at the above address, or by phone (703-358-1708 or FTS 921-1708).

**SUPPLEMENTARY INFORMATION:** The Fish and Wildlife Service (Service), in the *Federal Register* of March 18, 1991, (56 FR 11392-11401), issued a notice proposing to reclassify most populations of the African elephant (*Loxodonta*

*african*) from threatened to endangered status. The proposal would classify all African elephants (including their parts and products) as endangered wherever found except in Botswana, Zimbabwe, and South Africa, where they would remain listed as threatened. The Service at that time also (1) withdrew its May 5, 1989, proposal (54 FR 19416-19421) to amend its regulations found in 50 CFR 14.91, 14.92, 17.3 and the African elephant special rule found in 50 CFR 17.40(e); and proposed to (2) amend the regulations found in 50 CFR 17.21; and (3) revise the African elephant special rule found in 50 CFR 17.40(e). The Service, in the *Federal Register* of January 8, 1992 (57 FR 658-659), had extended the comment period through January 24, 1992. The present notice further extends the comment period through April 20, 1992.

The CITES Conference was attended by credentialed delegates from over 100 nations to determine proposals on species status and to make recommendations on management policies about trade in species of fauna and flora. The African elephant, which was the subject of two specific downlisting proposals (from CITES appendix I to appendix II) was a major discussion topic at the Conference. Although the downlisting proposals were eventually withdrawn by the proponents after extensive debate among the delegations, new management and biological information was presented that illustrates the need for further scientific review. Incorporating information obtained at the CITES Conference will help ensure that the final rule will be as biologically accurate as possible.

During the Conference of the Parties, numerous expert scientific opinions were exchanged among the party countries and non-governmental organizations (NGO's). The Service has received the Panel of Experts reports on the various elephant populations covered by the downlisting proposals. The Service was also informed of range state management opinions, a report prepared by the Environmental Investigation Agency, and the expert judgments of Iain Douglas-Hamilton (Commission of the European Communities, Nairobi, Kenya) and experts affiliated with other NGO's. The various expert opinions pointed to contradictory positions on the assessment of threats posed to the populations under review. In light of this new information and recent scientific analysis, the Service finds that there is substantial disagreement among biological experts as to the sufficiency

or accuracy of data pertaining to the pending reclassification proposal. Therefore, under authority of section 4(b)(6)(B)(i) of the Endangered Species Act, the 12-month statutory period for completing the decision-making process on this reclassification proposal is extended for 6 months in order to further assess, as well as to receive additional, scientific data.

The Service intends that the final rule developed for the African elephant will be accurate and as effective as possible

in the conservation of the species. Therefore, comments, suggestions, and information concerning any aspect of the proposed rule are hereby solicited from the public, concerned governmental agencies within the United States, African range states, other interested countries, the scientific community, industry, private interests, and other parties.

**Authority:** 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.

**Lists of Subjects in 50 CFR Part 17**

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Dated: March 17, 1992.

John F. Turner,  
Director.

[FR Doc. 92-6623 Filed 3-18-92; 9:25 am]

**BILLING CODE 4310-55-M**

# Notices

Federal Register

Vol. 57, No. 55

Friday, March 20, 1992

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.

## ACTION

### Foster Grandparent and Senior Companion Programs

**AGENCY:** Action.

**ACTION:** Notice of revision of income eligibility levels for the Foster Grandparent Program and Senior Companion Program.

**SUMMARY:** This Notice revises the schedules of income eligibility levels for participation in the Foster Grandparent Program (FGP) and Senior Companion Program (SCP), published in 56 FR 11984, March 21, 1991 and 56 FR 41117, August 19, 1991. Because data used for determining FGP and SCP income eligibility levels is available at different times during the year, ACTION has determined that it will issue these guidelines twice a year so as to reflect the most current information and to assure the widest base of potential applicants.

The revised schedules are based on changes in the Poverty Income Guidelines from the Department of Health and Human Services (DHHS), published in 57 FR 5455, February 14, 1992 and Supplemental Security Income

(SSI) guidelines disseminated by the Social Security Administration in July 1991. This revision adopts as the income eligibility level for each State the higher amount of either: (a) 125 percent of the DHHS Poverty Income Guidelines, or (b) 100 percent of the DHHS Poverty Income Guidelines, plus the 1991 amount each State supplemented Federal SSI, rounded to the next highest multiple of \$5.00.

When the Social Security Administration disseminates the 1992 State supplements to the Federal SSI, ACTION will revise its income eligibility guidelines for those States with SSI supplements above 125 percent of the DHHS Poverty Income Guidelines.

### Schedule of Income Eligibility Levels: Foster Grandparent and Senior Companion Programs

#### 1992 FGP/SCP INCOME ELIGIBILITY LEVELS FOR ALL STATES (AND HAWAII), EXCEPT ALASKA, CALIFORNIA, COLORADO, CONNECTICUT (BASED ON 125 PERCENT OF DHHS POVERTY INCOME GUIDELINES)

States	Household Units of							
	One	Two	Three	Four	Five	Six	Seven	Eight
All.....	\$8,515	\$11,490	\$14,465	\$17,440	\$20,415	\$23,390	\$26,365	\$29,340
Hawaii.....	9,790	13,215	16,640	20,065	23,490	26,915	30,340	33,765

(For household units with more than eight members, add \$2,975 in all States and \$3,425 in Hawaii for each additional member.)

Below are adjusted income eligibility levels, which reflect either 1991 SSI supplements or 125 percent of the DHHS

1992 Poverty Income Guidelines, whichever is higher.

#### FGP/SCP INCOME ELIGIBILITY LEVELS FOR THE FOLLOWING SSI-ADJUSTED STATES

States	Household Units of							
	One	Two	Three	Four	Five	Six	Seven	Eight
Alaska.....	\$12,480	\$17,230	\$20,050	\$22,870	\$25,690	\$29,250	\$32,975	\$36,700
California.....	10,115	17,200	19,460	21,720	23,980	26,240	28,500	30,760
Colorado.....	8,515	12,410	14,670	17,440	20,415	23,390	26,365	29,340
Connecticut.....	10,930	15,145	17,405	19,665	21,925	24,185	26,445	29,340

(For household units with more than eight members, add \$3,725 in Alaska, add \$2,260 in California, and add \$2,975 in Connecticut and Colorado for each additional member.)

Any person whose income is not more than 100 percent of the DHHS Poverty Income Guideline for her/his specific household unit shall be given special consideration for participation in the Foster Grandparent and Senior

Companion Programs. The revised income eligibility levels presented here are calculated from the base DHHS Poverty Income Guidelines now in effect.

## 1992 DHHS POVERTY INCOME GUIDELINES FOR ALL STATES

States	Household Units of							
	One	Two	Three	Four	Five	Six	Seven	Eight
All Except Alaska/Hawaii	\$6,810	\$9,190	\$11,570	\$13,950	\$16,330	\$18,710	\$21,090	\$23,470
Alaska	8,500	11,480	14,460	17,440	20,420	23,400	26,380	29,360
Hawaii	7,830	10,570	13,310	16,050	18,790	21,530	24,270	27,010

**EFFECTIVE DATE:** March 20, 1992.

**FOR FURTHER INFORMATION CONTACT:** Rey Tejada, Program Officer, Foster Grandparent Program, 1100 Vermont Avenue, NW., Washington, DC 20525 or Telephone (202) 606-4849.

Thomas E. Endres, Program Officer, Senior Companion Program, 1100 Vermont Avenue, NW., Washington, DC 20525 or Telephone (202) 606-4851.

**SUPPLEMENTARY INFORMATION:** These ACTION programs are authorized pursuant to section 211 and 213 of the Domestic Volunteer Service Act of 1973, as amended, Public Law 93-113, 87 Stat. 394. The income eligibility levels are determined by the currently applicable guidelines published by DHHS pursuant to sections 652 and 673(2) of the Omnibus Budget Reconciliation Act of 1981 which requires poverty guidelines to be adjusted for Consumer Price Index changes.

Dated: March 13, 1992.

Jane A. Kenny,

Director of ACTION.

[FR Doc. 92-6547 Filed 3-19-92; 8:45 am]

BILLING CODE 6050-28-M

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Boundary Modification, Roosevelt National Forest, Colorado

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of boundary modification.

**SUMMARY:** The Secretary of Agriculture has modified the boundary in response to a Public Law enacted on November 29, 1989, which authorizes the National Park Service to acquire three non-Federal ownerships located within the boundaries of the Roosevelt National Forest. Upon completion of each acquisition, the Secretary of the Interior is directed to modify the boundary of Rocky Mountain National Park, and the Secretary of Agriculture is directed to correspondingly modify the boundary of the Roosevelt National Forest. The National Park Service has completed acquisition of two of the three parcels referred to in the Act and has requested

that the Forest boundary be modified accordingly. Efforts to acquire the third parcel have begun, but consummation is estimated to be two to three years in the future, when a second boundary modification will be necessary.

**DATES:** This boundary modification is effective November 22, 1991.

**ADDRESSES:** Copies of a map showing the proposed additions are on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture, Washington, DC 20090-6090.

**FOR FURTHER INFORMATION CONTACT:** Dave M. Sherman, Lands Staff, 4 South, Forest Service, USDA, P.O. Box 96090, Washington, DC 20090-6090 (202) 205-1362.

Dated: March 6, 1992.

George M. Leonard,  
Associate Chief.

#### Boundary Modification on the Roosevelt National Forest

Pursuant to authority vested in me by Section 1(b) of the Act of November 29, 1989 (103 Stat. 1700, 16 USC 192b-10), the boundary of the Roosevelt National Forest is hereby modified to exclude the following lands:

- T. 4N., R.73W., 6th P.M., Larimer County, Colorado  
 Sec. 10, W ½ SE ¼;  
 Sec. 14, That part of the SE ¼ NW ¼ and SW ¼ lying west of the westerly right-of-way line of Colorado Highway No. 7;  
 Sec. 15, NE ¼, N ½ SE ¼;  
 Sec. 23, That part of the NW ¼ NW ¼ lying west of the westerly right-of-way line of Colorado Highway No. 7.

Dated: November 22, 1991.

Edward Madigan

Secretary of Agriculture.

[FR Doc. 92-6503 Filed 3-19-92; 8:45 am]

BILLING CODE 3410-11-M

#### Santa Fe Ski Area EIS, Ski Area Improvements and Expansion Analysis, Santa Fe National Forest, Santa Fe County, NM

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of intent to prepare an environmental impact statement.

**SUMMARY:** The Forest Service, USDA, will prepare an environmental impact statement (EIS) to disclose effects of alternative plans for upgrading and/or expansion of recreational facilities at the Santa Fe Ski Area, which is on the Santa Fe National Forest and operated under a Forest Service special use permit.

**DATES:** Written comments concerning the scope of the analysis, the issues, or the alternatives should be received on or before April 30, 1992.

**ADDRESSES:** Send written comments to Lori D. Osterstock, District Ranger, P.O. Drawer R, Espanola, NM 87532.

**FOR FURTHER INFORMATION CONTACT:** Corey Wong, Project Coordinator, Espanola Ranger District. (505) 753-7331.

**RESPONSIBLE OFFICIAL:** Alan S. Deffler, Forest Supervisor, Santa Fe National Forest.

**SUPPLEMENTARY INFORMATION:** Special Use Permittee Santa Fe Ski Company has proposed to amend their Master Development Plan for the Santa Fe Ski Area. The Santa Fe Ski Company proposes additional developments at the Santa Fe Ski Area and also proposes development on public land adjacent to the Ski Area. The project area encompasses portions of the Rio en Medio and Tesuque Creek watersheds, located at the end of the Hyde Park Road (NM 475), 16 miles from the City of Santa Fe. The Tesuque Creek watershed area includes the Santa Fe Ski Company's Big Tesuque expansion proposal, a controversial part of the project.

The scope of the proposal includes expanding the Ski Area in size by adding (to the existing 588 acres) 75 acres in the Ravens Ridge area and 340 acres in the Big Tesuque area; removing one surface tow; adding 3 lifts and one surface tow; clearing 42 acres for ski runs; thinning 81 acres for tree skiing; replacing a mid-mountain restaurant; expanding the base lodge; adding a building at the base for skier and employee use; adding 50 acres of snowmaking within the Rio en Medio watershed and 2 acres within the Tesuque Creek watershed; expanding one small parking lot and creating 2 new

parking lots, totalling 750 new spaces; increasing skier capacity from 4,100 to 6,000 skiers at one time (SAOT); and providing a summertime mountain bicycling and hiking trail system. Implementation could begin in summer 1993 and would continue for about ten years.

The proposed project will be in compliance with the Forest Plan which provides the overall guidance for management of the area. Ski area expansion is an appropriate use of the areas around the existing Santa Fe Ski Area. The site-specific environmental analysis provided by the Ski Area EIS will assist the Forest Supervisor in determining which improvements are needed to meet the following objectives: Accommodate predicted short- and long-term demand for skiing; continue the supply of high quality recreational opportunities; maintain the attractiveness and viability of the permittee's operation; and, sustain the resource uses and amenity values which the local Santa Fe community and many visitors depend on and enjoy. Alternative development plans will be carefully examined for their potential impacts on the physical, biological, and social environments so their tradeoffs are apparent to the public and the Forest Supervisor.

Public participation will be fully incorporated into preparation of the EIS. The first step is the scoping process during which the Forest Service seeks information, comments, and assistance from Federal, State, and local agencies, and other individuals or groups who may be interested or affected by the proposed action. This information will be used in preparing the EIS. Scoping includes: Inviting participation, determining the project's scope and potential issues, and eliminating from detailed study those issues which are not significant. The public is also invited to participate in developing alternatives, and identifying and reviewing the potential environmental effects of the proposed action and its alternatives.

The Santa Fe National Forest, as the lead agency, began the scoping process for this project in 1988, and held several public meetings in 1988 and 1989. Environmental analysis was initiated during that period with the development of issues, alternatives, and completion of some surveys. There was an almost two-year break in the environmental analysis process in 1990 and 1991.

In December 1991, the Santa Fe National Forest began supplementing the scoping process via a letter, media coverage, and open houses held in January 1992. Comments on the issues

and alternatives were requested with an initial March 2, 1992 deadline, which was extended to April 30, 1992. Those people that have submitted comments do not need to resubmit their comments because of this **Federal Register** notice.

Preliminary issues include the potential effects of proposed actions on the following elements of the biological, physical, and social environments: Quality of and capacity for downhill skiing; four-season recreational resource opportunities and conflicts; water quantity, quality, and timing of snowmelt; Native American sacred areas; parking, traffic, and transportation systems; scenic quality (views); fish and wildlife habitat; noise levels; air quality; Wilderness resource values; the overall quality of life for local residents; jobs and personal income; and past and potential future scientific research studies. The direct, indirect, and cumulative, short-term, and long-term aspects of impacts on National Forest lands and resources, and those of connected or related effects off-site, will be fully disclosed.

Preliminary alternatives include the applicant's proposal (described above) and No Action, which in this case is the continuing current administration of the ski area. Additional preliminary alternatives include: Developments within the existing permitted boundary; developments within the permitted boundary plus the Ravens Ridge expansion; and developments within the permitted boundary plus the Ravens Ridge expansion plus a 475-acre expansion into the Big Tesuque area with cleared ski runs, a satellite base lodge, parking, and vehicular access from the Aspen Vista Picnic Area along NM 475 (the Hyde Park Road). These alternatives will be modified after the supplemental scoping period to ensure that the final issues are addressed. The Forest Supervisor will be presented with a wide range of feasible and practical alternatives.

Permits and licenses required to implement the proposed action will, or may, include the following: Amended Special Use Permit from the Forest Service; consultation with U.S. Fish and Wildlife Service for compliance with section 7 of the Threatened & Endangered Species Act; review from the New Mexico Environment Department, Department of Game & Fish, and Energy, Minerals, and Natural Resources Department; approval from the New Mexico Highway and Transportation Department for any state highway redesign or access improvement; approval from the New Mexico State Engineer on any additional

water rights acquired; clearance from the New Mexico State Historic Preservation Office; and various construction permits from State agencies.

The Forest Service predicts the Draft EIS will be filed in Fall 1992 and the Final EIS in Spring 1993.

The comment period on the Draft EIS will be 60 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

The Forest Service believes, at this early stage, it is important to give reviewers notice at this early stage of several court rulings related to public participation in the environmental review process. First, reviewers of Draft EIS's must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions, *Vermont Yankee Nuclear Power Corp v. NRDC*, 435 U.S., 519, 533 (1978). Also, environmental objections that could be raised at the Draft EIS stage but that are not raised until after completion of the Final EIS may be waived or dismissed by the courts, *City of Angoon v. Hodel*, 803 F.2d 1016m 1022 (9th Cir, 1986), and *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis 1980).

Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 60 day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the Final EIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the Draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the Draft EIS. Comments may also address the adequacy of the Draft EIS or the merits of the alternatives formulated and discussed in the statement. (Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.)

Dated: March 2, 1992.

Alan S. DeFler,

Forest Supervisor.

[FR Doc. 92-6512 Filed 3-19-92; 8:45 am]

BILLING CODE 3410-11-M

**Halfmoon Timber Sale; Flathead National Forest, Hungry Horse Ranger District, Flathead County, State of Montana**

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of intent to prepare an environmental impact statement.

**SUMMARY:** The Forest Service will prepare an Environmental Impact Statement (EIS) to analyze and disclose the environmental impacts of a proposal to harvest timber and construct roads in the area south of the town of West Glacier, Montana and north of the town of Coram, Montana on the Hungry Horse Ranger District, Flathead County, Montana. The decision to be made is whether or not to harvest timber and build roads in the Halfmoon areas, and if so, to what level is that development appropriate and also, whether or not to broadcast burn for wildlife forage production and, if so, how much. Finally, a decision will be made on which roads or areas to close to motorized traffic if any. This EIS will tie to the Flathead National Forest Land and Resource Management Plan (LRMP) and EIS of January, 1986, which provide overall guidance in achieving the desired future condition for the area. The purpose and goal of the proposed action is to help satisfy short-term demands for raw materials for wood products and provide for a continuous supply of forest resources in the future. In addition, it is the goal of the Forest Service to maintain or improve the health and productivity of forest stands, and to increase resistance to insect and disease outbreaks. Also, improving wildlife forage and maintaining cover distribution is a goal.

Extensive scoping has been done for this project during the initial stages of preparation of an Environmental Assessment, and during the analysis of alternatives over the past fourteen months. It has now been determined that an EIS will be prepared for this project.

**DATES:** The draft environmental impact statement (DIS) will be released to the public on or before April 20, 1992.

**ADDRESSES:** Send written comments to Al Christophersen, District Ranger, Hungry Horse Ranger District, P.O. Box 340, Hungry Horse, MT 59919.

**FOR FURTHER INFORMATION CONTACT:** Ed Lieser, Halfmoon Interdisciplinary Team Leader, or Al Christophersen District Ranger, at (406) 387-5243.

**SUPPLEMENTARY INFORMATION:** Management activities under consideration would occur in an area encompassing approximately 10,000

acres of National Forest lands in the Lake Five Geographic Unit, on the Hungry Horse Ranger District, as delineated in the Flathead LRMP. Included in the area of analysis are all or portions of the following: Sections 30-32, T. 32 N., R. 18 W., P.M.M.; all or portions of section 34-36, T. 32 N., R. 19 W., P.M.M.; all or portions of sections 1-5, 8-17, 21-24, T. 31 N., R. 19 W., P.M.M.; all or portions of sections 5-7, 18, T. 31 N., R. 18 W., P.M.M. Principal Meridian Montana. The stands considered for treatment are pure stands of even aged lodgepole pine approximately 60 years old. Management activities may include construction of approximately 4 miles, and reconstruction of approximately 3 miles and subsequent closure of roads. Harvesting approximately 210 acres of timber in 27 units, will include regeneration type cutting using the clearcut method with reserve trees on 23 of the 27 units and shelterwood harvesting on the remaining 4 units. All units will be tractor yarded and planted to supplement natural regeneration and ensure diversity in future stands. Units will vary in size from 2 acres to 23 acres with an average of 7 acres. Site preparation and hazard reduction will be accomplished by spot burning in areas of high fuel accumulation. Prescribed burning to improve forage for elk is planned on 17 acres in 4 units. Other activities include closing existing roads.

The LRMP for the Flathead National Forest provides the overall guidance for management activities in the potentially affected area through its goals, objectives, standards and guidelines, and management area direction. In the LRMP, timber harvest and road construction was tentatively scheduled in the Halfmoon Lake and Lake Five areas for sometime between 1991 and 1995.

Most areas of proposed harvest and road construction for the Halfmoon project are within Management Area (MA) 15. Some activity is also planned in MA 7. LRMP plan direction states that Management Area 15 consists of lands where timber management with roads is economical and feasible. The management goal is to manage those lands suitable for timber production for the long-term growth and production of commercially valuable wood products as well as provide for soil and water protection, wildlife habitat, and roaded recreation opportunities.

Management Area 7 includes forested lands in areas of high scenic value. One of the primary goals consists of maintaining a pleasing, natural-appearing landscape in which management activities are not

dominant. All resources will be managed with a partial retention visual quality objective.

The proposal was designed to meet the LRMP standards and guidelines. The analysis includes a full range of alternatives that respond to issues received from scoping. One of these is the "no-action" alternative, in which the tree harvest, road construction and closures, and burning for wildlife forage production would not be implemented. As a result of the scoping and analysis, alternatives to the proposed action include:

- (1) No management activities other than effectively closing all existing roads.
- (2) Maximizing the development of the area of the next planning period by regeneration harvesting 352 acres using the clearcut method with reserve trees, constructing 5.2 miles of new roads and 4.7 miles of reconstructed roads, and broadcast burn 17 acres of natural openings for wildlife forage production.
- (3) Commercial thinning and shelterwood harvesting on 63 acres, construct 0.7 mile of new road and reconstruct 2.2 miles existing roads, broadcast burn 21 acres of natural openings, and slash and burn 6 acres of dense, overstocked lodgepole pine for wildlife forage production.
- (4) Regeneration harvest 100 acres using the clearcut method with reserve trees, shelterwood harvest 13 acres, and broadcast burn 17 acres. Construct 1.5 miles of new roads and reconstruct 1.5 miles of existing roads.
- (5) Commercial thin and shelterwood harvest 130 acres, construct 0.7 mile of new road and reconstruct 2.2 miles of existing roads.
- (6) Shelterwood harvest 44 acres, clearcut with reserve trees 72 acres, and broadcast burn 17 acres. Construct 1 mile of road and reconstruct 2.3 miles of existing roads.

Alternative analysis examined various levels and locations of timber harvest and road construction to provide emphasis on differing mixes of timber and non-timber resource values.

The direct, indirect, and cumulative environmental effects of the alternatives have been analyzed and will be disclosed in the EIS. The EIS will also disclose the site specific features that reduce or eliminate potential environmental impacts.

Public participation has been emphasized and has occurred at several points during the analysis. An open house meeting will be scheduled sometime during the Draft EIS review period.

The Fish and Wildlife Service, Department of the Interior, has been and will be informally consulted throughout the analysis. To meet the requirements of the Endangered Species Act, the Fish and Wildlife Service will review the EIS and biological evaluation and if necessary, render a formal Biological Opinion of the effects on the Threatened and Endangered Species including grizzly bear, gray wolf, and bald eagle.

The public comment period on the draft EIS will be 45 days from the date the EPA's notice of availability appears in the *Federal Register*.

The Forest Service believes it is important to give reviewers notice at this early stage because of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *Wisconsin Heritage, Inc. v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when the agency can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. (Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.)

The effect of proposed activities of this project on various resources constituted the preliminary issues from initial scoping within the agency and

from public comments. These issues are listed below:

- Cover/forage and security for Threatened and Endangered Species,
- Wildlife travel corridor considerations between Glacier National Park and The Great Bear Wilderness,
- Cover/forage and security for deer, elk, and moose,
- Management Indicator Species (pileated woodpecker and pine marten) and old growth habitat,
- Short and long term timber supply to the local economy,
- Air quality from broadcast burning,
- The risk of escaped wildfire from National Forests to private lands,
- The vitality of even-aged pure lodgepole stands,
- Sensitive plants,
- Opportunities for motorized recreation,
- The quality of life of local residents (i.e. noise, nuisance, and wildlife viewing),
- Riparian areas,
- Noxious weeds,
- The comments received on the draft DEIS will be analyzed, considered, and responded to in the Final Environmental Impact Statement (FEIS). The FEIS is scheduled to be completed by July 1992. The District Ranger for the Hungry Horse Ranger District, Flathead National Forest is the responsible official for the preparation of this EIS and will make a decision regarding this proposal considering the comments and responses, environmental consequences discussed in the FEIS, and applicable laws, regulations, and policies. The decision and rationale for the decision will be documented in a Record of Decision. That decision will be subject to appeal under applicable Forest Service regulations.

Dated: March 11, 1992.

**Allen L. Christophersen,**

*District Ranger, Hungry Horse Ranger District, Flathead National Forest.*

[FR Doc. 92-6240 Filed 3-19-92; 8:45 am]

**BILLING CODE 3410-01-M**

## DEPARTMENT OF COMMERCE

### Bureau of Export Administration

#### Electronics Technical Advisory Committee; Partially Closed Meeting

A meeting of the Electronics Technical Advisory Committee will be held April 9, 1992, 9 a.m., Herbert C. Hoover Building, room 1617-M, 14th Street and Constitution Avenue, NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis with

respect to technical questions which affect the level of export controls applicable to semiconductors and related equipment or technology.

#### Agenda: General Session

1. Opening Remarks by the Chairman and Commerce Representative.
2. Introduction of Members and Visitors.
3. Presentation of Papers by the Public.
4. Discussion of General License Free World (GFW).
5. Australia Group/Chemical Biological Warfare—1B70E.
6. Segment A List Review (Category 3).
7. Focused Ion Beam Presentation.
8. Other Presentations (Semiconductor Equipment Mfg. Industry, Electronic Industry Association, Semiconductor Industry Association).

#### Executive Session

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

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, in order to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that you forward your public presentation materials or comments at least one week before the meeting to the address listed below: Ms. Ruth D. Fitts, Technical Advisory Committee Unit, BXA/EA, room 1621, U.S. Department of Commerce, 14th & Constitution Avenue, NW., Washington, DC 20230.

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

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, room 6628, U.S. Department of Commerce, Washington, DC. For further information or copies of the minutes call Ruth D. Fitts, 202-377-4959.

Dated: March 16, 1992.

Betty A. Ferrell,

Director, Technical Advisory Committee Unit,  
Office of Deputy Assistant Secretary for  
Export Administration.

[FR Doc. 92-6507 Filed 3-19-92; 8:45 am]

BILLING CODE 3510-DT-M

## International Trade Administration

[A-538-802]

### Antidumping Duty Order: Shop Towels from Bangladesh

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

**EFFECTIVE DATE:** March 20, 1992.

**FOR FURTHER INFORMATION CONTACT:**

John Beck or Raphael Hampton, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC, 20230; (202) 377-3464 or 377-0176, respectively.

**SCOPE OF ORDER:** The product covered by this order is shop towels. Shop towels are absorbent industrial wiping cloths made from a loosely woven fabric. The fabric may be either 100 percent cotton or a blend of materials. Shop towels are currently classifiable under items 6307.10.2005 and 6307.10.2015 of the Harmonized Tariff Schedule (HTS). Although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

**ANTIDUMPING DUTY ORDER:** In accordance with section 735(a) of the Tariff Act of 1930, as amended (the Act), on January 27, 1992, the Department of Commerce (Department) made its final determination that shop towels from Bangladesh are being sold at less than fair value (57 FR 3996 February 3, 1992). On March 11, 1992, in accordance with section 735(d) of the Act, the International Trade Commission notified the Department that such imports materially injure a U.S. industry.

Therefore, in accordance with section 736 of the Act, the Department will direct U.S. Customs officers to assess,

upon further advice by the administering authority pursuant to section 736(a)(1) of the Act, antidumping duties equal to the amount by which the foreign market value of the merchandise exceeds the United States price for all entries of shop towels from Bangladesh. These antidumping duties will be assessed on all unliquidated entries of shop towels from Bangladesh entered, or withdrawn from warehouse, for consumption on or after September 12, 1991, the date on which the Department published its preliminary determination notice in the Federal Register (56 FR 46411). On or after the date of publication of this notice in the Federal Register, U.S. Customs officers must require, at the same time as importers would normally deposit estimated duties, the following cash deposits for the subject merchandise.

Manufacturer/producer/exporter	Margin percentage
Eagle Star Textile Mills, Ltd.....	42.31
Sonar Cotton Mills (B.D.), Ltd.....	2.72
All Others.....	4.60

This notice constitutes the antidumping duty order with respect to shop towels from Bangladesh, pursuant to section 736(a) of the Act. Interested parties may contact the Central Records Unit, room B-099 of the Main Commerce Building, for copies of an updated list of antidumping duty orders currently in effect.

This order is published in accordance with section 736(a) of the Act and 19 CFR 353.21.

Dated: March 13, 1992.

Alan M. Dunn,

Assistant Secretary for Import  
Administration.

[FR Doc. 92-6560 Filed 3-19-92; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-020]

### Titanium Sponge From Japan; Final Results of Antidumping Duty Administrative Review

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

**ACTION:** Notice of final results of antidumping duty administrative review.

**SUMMARY:** On January 21, 1992, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on titanium sponge from Japan. We have

now completed this review and found no dumping margins for either manufacturer/exporter during the period November 1, 1989 to October 31, 1990.

**EFFECTIVE DATE:** March 20, 1992.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Levy or Michael Rollin, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

#### SUPPLEMENTARY INFORMATION:

##### Background

On January 21, 1992, the Department of Commerce (the Department) published in the Federal Register (57 FR 2251) the preliminary results of its administrative review of the antidumping duty order on titanium sponge from Japan (49 FR 47053; November 30, 1984). The Department has now completed this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

##### Scope of Review

Imports covered by the review are shipments of unwrought titanium sponge. Titanium sponge is a porous, brittle metal which has a high strength-to-weight ratio and is highly ductile. It is an intermediate product used to produce titanium ingots, slabs, billets, plates, and sheets. During the review period, such merchandise was classified under subheading 8108.10.50.10 of the Harmonized Tariff Schedule (HTS). The HTS number is provided for convenience and customs purposes. The written description remains dispositive.

The review covers two manufacturers/exporters to the United States of the subject merchandise, Showa Denko K.K. and Toho Titanium Co., Ltd. for the period November 1, 1989 through October 31, 1990.

##### Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received no comments.

##### Final Results of Review

As a result of this review, we determine the dumping margin to be:

Manufacturer/exporter	Time period	Margin (percent)
Showa Denko K.K.....	11/1/89-10/31/90	zero (0)
Toho Titanium Co., Ltd.	11/1/89-10/31/90	zero (0)

The Department will instruct the Customs Service to assess antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisal instructions directly to the Customs Service.

Further, the following deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of the subject merchandise, entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed companies will be as outlined above; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be zero percent. This rate represents the highest rate for any firm with shipments in these administrative reviews, other than those firms receiving a rate based entirely on best information available.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

These administrative reviews and notice are in accordance with section 751(a)(1) of the Act, as amended (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: March 16, 1992.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 92-6561 Filed 3-19-92; 8:45 am]

BILLING CODE 3510-DS-M

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Request for Public Comments on Bilateral Textile Consultations with the Government of Sri Lanka on Certain Cotton Textile Products

March 13, 1992.

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

**ACTION:** Issuing a directive to the Commissioner of Customs establishing a limit.

**EFFECTIVE DATE:** March 24, 1992.

**FOR FURTHER INFORMATION CONTACT:** Kim-Bang Nguyen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 343-6580. For information on embargoes and quota re-openings, call (202) 377-3715. For information on categories on which consultations have been requested, call (202) 377-3740.

#### SUPPLEMENTARY INFORMATION:

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

On February 28, 1992, under the terms of the Bilateral Textile Agreement, effected by exchange of notes dated May 23 and 24, 1988, as amended, between the Governments of the United States and the Democratic Socialist Republic of Sri Lanka, the United States Government requested consultations with the Government of the Democratic Socialist Republic of Sri Lanka with respect to cotton printcloth in Category 315.

According to the terms of the bilateral agreement, the Government of the United States has decided, pending a mutually satisfactory solution, to control imports in Category 315 exported during the period which began on February 28, 1992 and extends through June 30, 1992 at a level of 1,487,191 square meters.

A summary market statement concerning Category 315 follows this notice.

Anyone wishing to comment or provide data or information regarding the treatment of Category 315, under the agreement with the Government of the Democratic Socialist Republic of Sri Lanka, or to comment on domestic production or availability of products included in Category 315, is invited to submit 10 copies of such comments or

information to Auggie D. Tantillo, Chairman, Committee for the Implementation of Textile Agreements, U.S. Department of Commerce, Washington, DC 20230; ATTN: Helen L. LeGrande.

Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, room H3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Further comments may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

The United States remains committed to finding a solution concerning Category 315. Should such a solution be reached in consultations with the Government of the Democratic Socialist Republic of Sri Lanka, further notice will be published in the **Federal Register**.

A description of the textile and apparel categories in terms of HTS numbers is available in the **CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States** (see **Federal Register** notice 56 FR 60101, published on November 27, 1991).

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

#### Market Statement—Sri Lanka Category 315—Cotton Printcloth February 1992

##### Import Situation and Conclusion

U.S. imports of cotton printcloth fabric, Category 315, from Sri Lanka began in June 1991 and reached 3,774,140 square meters during June-December 1991. Sri Lanka is a new supplier of cotton printcloth fabric to the U.S. market. In the last seven months of 1991, Sri Lanka shipped an average of one-half million square meters of cotton printcloth fabric per month accounting for one percent of total Category 315 imports in 1991.

The sharp and substantial increase of Category 315 imports from Sri Lanka is

causing a real risk of disruption in the U.S. market for cotton printcloth fabric.

*Import Penetration and Market Share*

U.S. production of cotton printcloth fell to 292,937,000 square meters in 1990, 6 percent below the 1989 level and 24 percent below the 1988 level. Production continued downward in 1991, falling to 220,649,000 square meters during January-September 1991, 1 percent below the January-September 1990 level. In contrast, U.S. imports of Category 315 from all sources have been on the rise since 1988 reaching 351,309,387 square meters in 1991, an increase of 88 percent over the 1988 level.

The U.S. producers' share of the cotton printcloth market dropped 20 percentage points, falling from 67 percent in 1988 to 47 percent during January-September in 1991. The ratio of imports to domestic production more than doubled, increasing from 48 percent in 1988 to 113 percent during the January-September 1991 period.

*Duty-Paid Value and U.S. Producers' Price*

All of Category 315 imports from Sri Lanka during 1991 entered the U.S. under HTSUSA number 5208.12.6060—85 percent or more by weight cotton unbleached printcloth of yarn numbers 43-68, weighing between 100 and 200 grams per square meter. These fabrics entered the U.S. at duty-paid landed values below U.S. producers' prices for comparable fabrics.

**Committee for the Implementation of Textile Agreements**

March 24, 1992.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on July 31, 1991; pursuant to the Bilateral Textile Agreement, effected by exchange of notes dated May 23 and 24, 1988, as amended, between the Governments of the United States and the Democratic Socialist Republic of Sri Lanka; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on March 24, 1992, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 315, produced or manufactured in Sri Lanka and exported during the period beginning on February 28, 1992 and extending through June 30, 1992, in excess of 1,487,191 square meters<sup>1</sup>.

<sup>1</sup> The limit has not been adjusted to account for any imports exported after February 27, 1992.

Textile products in Category 315 which have been exported to the United States prior to February 28, 1992 shall not be subject to the limit established in this directive.

Textile products in Category 315 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

**Auggie D. Tantillo,**

*Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 92-6508 Filed 3-19-92; 8:45 am]

**BILLING CODE 3510-DR-F**

**COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED**

**Procurement List; Additions**

**AGENCY:** Committee for Purchase from the Blind and Other Severely Handicapped.

**ACTION:** Additions to procurement list.

**SUMMARY:** This action adds to the Procurement List commodities and a service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

**EFFECTIVE DATE:** April 20, 1992.

**ADDRESSES:** Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

**FOR FURTHER INFORMATION CONTACT:** Beverly Milkman, (703) 557-1145.

**SUPPLEMENTARY INFORMATION:** On January 17 and 31, 1992 the Committee for Purchase from the Blind and Other Severely Handicapped published notices (57 FR 2081 and 3750) of proposed additions to the Procurement List. After consideration of the material presented to it concerning capability of qualified nonprofit agencies to produce the commodities and provide the services at a fair market price and impact of the addition on the current or most recent contractors, the Committee has determined that the commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities or service to the Government.

2. The action will not have a severe economic impact on current contractors for the commodities or service.

3. The action will result in authorizing small entities to furnish the commodities or service to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the commodities or service proposed for addition to the Procurement List.

Accordingly, the following commodities and services are hereby added to the Procurement List:

**Commodities**

Short-Run Printing, Books & Pamphlets  
7690-00-NSH-0024  
(Government Printing Office requirements for Fairchild Air Force Base, WA only)  
Short-Run Printing, Flat Forms  
7690-00-NSH-0025  
(Government Printing Office requirements for Fairchild Air Force Base, WA only)

**Service**

Janitorial/Custodial  
Air Traffic Control Tower  
Airway Facilities Sector Field Office  
Flight Service Station  
Automated Flight Service Station,  
Casper, Wyoming.

This action does not affect contracts awarded prior to the effective date of this addition or options exercised under those contracts.

**G. John Heyer,**  
*General Counsel.*

[FR Doc. 92-6538 Filed 3-19-92; 8:45 am]

**BILLING CODE 6820-33-M**

**Procurement List; Proposed Addition**

**AGENCY:** Committee for Purchase from the Blind and Other Severely Handicapped.

**ACTION:** Proposed addition to procurement list.

**SUMMARY:** The Committee has received proposals to add to the Procurement List

a service to be furnished by nonprofit agencies employing persons with severe disabilities.

**COMMENTS MUST BE RECEIVED ON OR BEFORE:** April 20, 1992.

**ADDRESSES:** Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

**FOR FURTHER INFORMATION CONTACT:** Beverly Milkman (703) 557-1145.

**SUPPLEMENTARY INFORMATION:** This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51-2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed addition, all entities of the Federal Government (except as otherwise indicated) will be required to procure the service listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the service to the Government.

2. The action will result in authorizing small entities to furnish the service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the service proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

It is proposed to add the following service to the Procurement List:

Janitorial/Custodial, Federal Building, Washington and Linden Streets, Scranton, Pennsylvania.

G. John Heyer,  
General Counsel.

[FR Doc. 92-6539 Filed 3-19-92; 8:45 am]

BILLING CODE 6820-33-M

#### Procurement List; Proposed Additions

**AGENCY:** Committee for Purchase from the Blind and Other Severely Handicapped.

**ACTION:** Proposed additions to procurement list.

**SUMMARY:** The Committee has received proposals to add to the Procurement List a commodity and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

**COMMENTS MUST BE RECEIVED ON OR BEFORE:** April 20, 1992.

**ADDRESS:** Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

**FOR FURTHER INFORMATION CONTACT:** Beverly Milkman (703) 557-1145.

**SUPPLEMENTARY INFORMATION:** This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51-2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodity and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodity and services to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the commodity and services.

3. The action will result in authorizing small entities to furnish the commodity and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the commodity and services proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

It is proposed to add the following commodity and services to the Procurement List:

**Commodity**  
Chest, Tool

7310-00-310-8544

#### Services

Grounds Maintenance, U.S. Department of Energy, Southwestern Power Station, Battlefield and Golden, Springfield, Missouri

Sorting of Aperture Cards, EDCARS System Management Office (SMO), AFLC LMSC/SXMA, Wright-Patterson Air Force Base, Ohio  
Sorting of Time and Attendance Reports, Department of Transportation, 1777 Phoenix Parkway Building, College Park, Georgia.

G. John Heyer,  
General Counsel.

[FR Doc. 92-6540 Filed 3-19-92; 8:45 am]

BILLING CODE 6820-33-M

#### DEPARTMENT OF DEFENSE

##### Public Information Collection Requirement Submitted to OMB for Review

**ACTION:** Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

*Title, Applicable Form, and Applicable OMB Control Number:* EVALUATION OF COMMISSIONING APPLICANTS: AF Form 1145; OMN No. 0701-0104.

*Type of Request:* Reinstatement.  
*Average Burden Hours/Minutes per Response:* 20 Minutes.

*Responses per Respondent:* 1.  
*Number of Respondents:* 3,500.  
*Annual Burden Hours:* 1,167.  
*Annual Responses:* 3,500.

*Needs and Uses:* This form is needed to support Air Force officer procurement programs. Air Force application processing activities and approval authorities use the form to select applicants (civilian and military) who apply for training leading to a commission.

*Affected Public:* Individuals or households.

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

*OMB Desk Officer:* Mr. Edward C. Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer

for DoD, room 3235, New Executive Office Building, Washington, DC 20503.

*DOD Clearance Officer:* Mr. William P. Pearce.

Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, suite 1204, Arlington Virginia 22202-4302.

Dated: March 17, 1992.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 92-6526 Filed 3-19-92; 8:45 am]

**BILLING CODE 3810-01-M**

## Office of the Secretary

### Defense Policy Board Task Force on the Future of American Nuclear Forces

**ACTION:** Notice of Task Force Meeting.

**SUMMARY:** The Defense Policy Board Task Force on the Future of American Nuclear Forces will meet in closed session on 8-9 April 1992 from 0800 to 1700 at the RDA Logicon Facility located at 6053 West Century Blvd, Los Angeles, California. The mission of the Task Force is to provide the Secretary of Defense, Deputy Secretary of Defense and the Under Secretary of Defense for Policy with independent, informed advice and opinion concerning matters relating to U.S. nuclear force policy. At the meeting the Task Force will hold classified discussions on national security matters.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law No. 92-463, as amended (5 U.S.C. app. II, (1982), it has been determined that this Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly this meeting will be closed to the public.

Dated: March 17, 1992.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 92-6528 Filed 3-19-92; 8:45 am]

**BILLING CODE 3810-01-M**

### Special Operations Policy Advisory Group; Meeting

The Special Operations Policy Advisory Group (SOPAG) will meet on Thursday, April 30, 1992 in the Pentagon, Arlington, Virginia to discuss sensitive, classified topics.

The mission of the SOPAG is to advise the Office of the Secretary of Defense on key policy issues related to the development and maintenance of

effective Special Operations and Low-Intensity Conflict forces.

In accordance with section 10(d) of Public Law 92-463, the "Federal Advisory Committee Act," and section 552b(c)(1) of title 5, United States Code, this meeting will be closed to the public.

Dated: March 17, 1992.

**L.M. Bynum,**

*Alternate OSD Federal Register, Liaison Officer, Department of Defense.*

[FR Doc. 92-6527 Filed 3-19-92; 8:45 am]

**BILLING CODE 3810-01-M**

## Department of the Air Force

### USAF Scientific Advisory Board; Meeting

The USAF Scientific Advisory Board's Committee on Technology Options for Global Reach—Global Power: 1995-2020 (Mobility Panel) will meet on 6-7 April 1992, at Eglin AFB, FL, 8 a.m. to 5 p.m.

The purpose of this meeting is to receive briefings and gather information for the study.

The meeting will be closed to the public in accordance with section 552b(c) of title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697-4811.

**Patsy J. Conner,**

*Air Force Federal Register Liaison Officer.*

[FR Doc. 92-6552 Filed 3-19-92; 8:45 am]

**BILLING CODE 3910-01-M**

## Department of the Army

### Notice of Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following committee meeting:

*Name of the Committee:* Coastal Engineering Research Board.

*Date of the Committee:* April 7-9, 1992.

*Place:* Coastal Engineering Research Center, U.S. Army Engineer Waterways Experiment station, Vicksburg, Mississippi.

*Time:* 8:30 a.m. to 5 p.m. on April 7; 8:30 a.m. to 5 p.m. on April 8; 8:30 a.m. to 12 noon on April 9.

*Proposed Agenda:* The 1993 Coastal Engineering Program Review is to be held April 7-9, 1992. On Tuesday, April 7, the Coastal Research and Development Programs will be broken down into four breakout sessions. The four sessions will simultaneously review and discuss Coastal Flooding and Storm Protection; Harbor Entrances and Coastal Channels; Shore Protection and Restoration; and Coastal Structures Evaluation and Design. On Wednesday morning, April 8, a plenary

session will discuss the Coastal Research and Development Programs and make recommendations. The Wednesday afternoon session will be devoted to the review of the Coastal Field Data Collection Program. Monitoring Complete Coastal Projects Program will be reviewed Thursday morning, April 9. There will be discussion of completed, current, and proposed activities.

This meeting is open to the public, but since seating capacity of the meeting room is limited, advance notice of intent to attend, although not required, is requested in order to assure adequate arrangements for those wishing to attend.

Inquiries and notice of intent to attend the meeting may be addressed to Dr. James R. Houston, Chief, Coastal Engineering Research Center, U.S. Army Engineer Waterways Experiment Station, 3909 Halls Ferry Road, Vicksburg, Mississippi 39180-6199.

**Kenneth L. Denton,**

*Army Federal Register Liaison Officer.*

[FR Doc. 92-6597 Filed 3-19-92; 8:45 am]

**BILLING CODE 3710-08-M**

## DEPARTMENT OF ENERGY

### Conduct of Employees; Notice of Waiver

Section 602(a) of the Department of Energy ("DOE") Organization Act (Pub. L. No. 95-91, hereinafter referred to as the "Act") prohibits a "supervisory employee" (defined by section 601(a) of the Act) of the Department from knowingly receiving compensation from, holding any official relation with, or having any pecuniary interest in any "energy concern" (defined by section 601(b) of the Act).

Section 602(c) of the Act authorizes the Secretary of Energy to waive the requirements of section 602(a) in cases of exceptional hardship or where the interest is a pension, insurance, or other similarly vested interest.

Mr. Charles F. Vacek has recently been appointed to the position of Deputy Assistant Secretary for Fuels Programs in the Office of the Assistant Secretary for Fossil Energy. As a result of his previous employment with the Pacific Gas and Electric Company, Mr. Vacek has a vested pension interest, within the meaning of section 602(c) of the Act, in the Pacific Gas and Electric Company Retirement Plan. Accordingly, I have granted Mr. Vacek a waiver of the divestiture requirement of section 602(a) of the Act for the duration of his employment as a supervisory employee with the Department with respect to this pension interest.

In accordance with section 208, title 18, United States Code, Mr. Vacek has been directed not to participate

personally and substantially, as a Government employee, in any particular matter the outcome of which could have a direct and predictable effect upon the Pacific Gas and Electric Company, unless his supervisor and the Counselor agree that the financial interest in the particular matter is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect of him.

Dated: March 9, 1992.

James D. Watkins,

Admiral, U.S. Navy (Retired), Secretary of Energy.

[FR Doc. 92-6553 Filed 3-19-92; 8:45 am]

BILLING CODE 6450-01-M

### Intent To Prepare an Environmental Impact Statement for the Upgrade of Canyon Exhaust Systems at the Savannah River Site

**AGENCY:** Department of Energy (DOE).

**ACTION:** Notice of intent to prepare an environmental impact statement (EIS) for the Upgrade of Canyon Exhaust Systems at the Savannah River Site.

**SUMMARY:** The DOE announces its intent to prepare an EIS pursuant to the National Environmental Protection Act (NEPA) of 1969 (42 U.S.C. 4321, *et seq.*), as amended, for the proposed Upgrade of Canyon Exhaust Systems at the Savannah River Site (SRS). The DOE will conduct public scoping meetings to solicit input on the scope of the EIS. The proposed action is to replace and upgrade the existing canyon exhaust systems for the F- and H-Areas at the Savannah River Site (SRS). The underlying need for the proposed action is to ensure occupational safety, environmental protection, and regulatory compliance for activities within the F- and H-Areas. The canyon exhaust systems are the primary of control of radioactive and hazardous materials from the F- and H-Areas. These systems must provide constant and adequate airflow through the canyons. The EIS will consider reasonable alternatives to the proposed replacement and upgrade of the existing systems, including leaving the systems as they exist.

**INVITATION TO COMMENT:** To ensure that the full range of issues related to this proposal are addressed, comments on the proposed scope of the EIS are invited from all interested parties. Written comments or suggestions to assist DOE in identifying significant environmental issues and the appropriate scope of the EIS should be directed to Mr. Stephen R. Wright at the

address indicated below and should be postmarked by April 30, 1992. Comments postmarked after that date will be considered to the extent practicable. Agencies, organizations, and the general public are also invited to present oral comments or suggestions pertinent to the preparation of this EIS at the public scoping meetings scheduled as indicated below. Written comments will also be accepted at the meetings. Written and oral comments will be given equal weight in the scoping process.

Comments and suggestions received during the scoping period will be considered in preparing the draft EIS.

Following the completion of the public scoping process, an EIS Implementation Plan will be prepared and made available, upon request, to the public. The Implementation Plan will record the results of the scoping process and define the alternatives and issues to be evaluated in the EIS. A draft EIS is expected to be completed in November 1992, at which time its availability will be announced in the *Federal Register*, and public comments will again be solicited. Comments on the draft EIS will be considered in preparing the final EIS, tentatively scheduled for completion in May 1993.

**ADDRESSES:** Written comments or suggestions on the scope of the EIS, requests to speak at the public scoping meetings, questions concerning the proposed action, and requests to receive a copy of the Implementation Plan or the draft EIS should be directed to: Mr. Stephen R. Wright, U.S. Department of Energy, Savannah River Field Office, P.O. Box A, Aiken, South Carolina 29802 (803) 725-3957. All written correspondence related to this activity should have the envelopes marked: "Upgrade Canyon Exhaust Systems EIS."

**FOR FURTHER INFORMATION CONTACT:** For general information on the DOE NEPA process, please contact: Ms. Carol M. Borgstrom, EH-25, Director, Office of NEPA Oversight, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-4600 or (800) 472-2756.

**DATES:** Written comments and suggestions on the proposed scope of the EIS should be postmarked by April 30, 1992, to assure consideration in the preparation of the EIS. Comments postmarked after that date will be considered to the extent practicable.

#### SUPPLEMENTARY INFORMATION:

##### Background Information

The Savannah River Site (SRS) occupies an area of approximately 300 square miles adjacent to the Savannah

River, principally in Aiken and Barnwell counties of South Carolina. The site is approximately 25 miles southeast of Augusta, Georgia, and 20 miles south of Aiken, South Carolina. The primary mission of the SRS is to produce nuclear materials that support the defense, research, and medical programs of the United States. Included in the production process are fuel and target fabrication facilities, nuclear production reactors, separations facilities, product preparation facilities, and waste management facilities. The separations facilities are located in two areas: F-Area and H-Area. Each area contains a large chemical separation plant (approximately 800 feet long x 120 feet wide x 50 feet high), also known as "canyon," which is involved with the recovery and purification of the desired nuclear materials. Plutonium and uranium are the principal materials processed in the canyons.

The canyon exhaust systems must maintain a differential pressure between the canyons and the atmosphere, and among facilities within the canyons. The exhaust systems also provide for constant and adequate airflow to allow a margin of safety in the event of accidents, equipment failures, or natural disasters. The exhaust systems must be reliable to provide continuous contamination control and environmental protection. The EIS will address the potential environmental impacts of proposed replacement and upgrades to the canyon exhaust systems.

Reliable canyon exhaust systems are needed to contain and control atmospheric emissions of radioactive and hazardous materials and contaminants, whether the canyon buildings operate, are in standby, or undergo decontamination and decommissioning. The interiors of the canyon facilities have become contaminated with radionuclides, due to the nature of past operations. Controlled airflow/ventilation, which is provided by the exhaust systems, is necessary to assure that air existing in the canyon facilities is properly filtered before release to the atmosphere. Without the exhaust systems, natural airflow migration could lead to uncontrolled and unmonitored of radionuclides or hazardous material.

The current canyon exhaust systems have been operating for more than twenty years. During this time several additions to the canyons have reduced the reserve capacity of the exhaust systems. The exhaust systems are old, airflow requirements exceed the systems' design capacity, and

continuous operational availability is becoming increasingly suspect. The proposed upgrade would restore the original proportional reserve capacity and thus improve operational safety margins relative to current operations.

Although the current exhaust systems remain operable and are still capable of maintaining safe facility conditions, the reliability of the systems is degrading and becoming increasingly uncertain. Maintaining the existing systems is increasingly difficult, and continued maintenance may not be sufficient to assure proper airflows and controls.

#### Proposed Action

The proposed action is to construct new exhaust systems to replace and upgrade existing systems in both F- and H-Areas. This proposed action would include provision of new fan-houses, exhaust fans, exhaust stacks, exhaust monitoring instrumentation, underground ductwork, redundant utility power supplies with redundant emergency diesel generator backup, and fire protection and security systems. Safety class diesel fuel storage and transfer facilities would be provided for the generators. The proposed action would also include decontamination and disposal of existing exhaust systems components.

Replacing and upgrading the existing canyon exhaust systems would enhance DOE's ability to provide a margin of safety and environmental protection during either production of nuclear materials or decommissioning and decontamination (D&D) of the canyons. The replacement and upgrade of the canyon exhaust systems would not otherwise extend the production life of the canyons or influence rates of production, but would increase the safety of the canyons, whether operating or not.

The proposed project would help SRS to meet or maintain:

- Safety class system requirements contained in DOE Order 6430.1A for the new equipment;
- Environmental monitoring capabilities and requirements as contained in the DOE Order 5400 Series;
- Design requirements related to the SRS design-basis accident as contained in UCRL-159110.

The proposed action involves facilities that would be part of an EIS to be prepared for the Continuing Operation of the Nuclear Fuel Cycle and Product Preparation Facilities at the Savannah River Site. Preparation of the continuing operations EIS was a commitment that DOE made in the Final EIS for Continued Operation of K-, L-,

and P-Reactors, page C-318. However, the proposed Upgrade of Canyon Exhaust Systems complies with the criteria of § 1506.1(c) of the Council on Environmental Quality Regulations (40 CFR 1506.1(c)) for a permissible interim action. As noted above, the proposed replacement and upgrade of the canyon exhaust systems is needed to assure continuous operation with an adequate margin of safety to ensure environmental protection in the event of accident or abnormal events.

Furthermore, the proposed action would not prejudice any decision to be made from the Continuing Operation of the Nuclear Fuel Cycle and Product Preparation Facilities EIS, because the upgrade would be necessary whether the canyons operate, are in stand-by mode, or undergo decontamination and decommissioning. Upon completion of the EIS that is the subject of this NOI, the proposed action will be accompanied by an adequate EIS. For similar reasons, the proposed action is a permissible interim action during preparation of the Programmatic EIS for the Reconfiguration of the Nuclear Weapons Complex.

#### Alternative Proposed for Consideration

Several alternatives to the proposed action are proposed for consideration in the EIS:

(1) The refurbishment, as needed in whole or in part, of the existing facilities to meet the original ventilation system design margin of safety and implementation of DOE safety goals.

(2) Refurbishment of certain components and replacement and upgrade of other components of the exhaust systems (details of this alternative are to be developed during the scoping process).

(3) As required by the Council on Environmental Quality (CEQ) NEPA regulations, 40 CFR 1500, the EIS will also analyze the "no-action" alternative (i.e., no upgrade or replacement of the canyon exhaust systems).

The EIS will include a comparative assessment of the environmental impacts of each alternative.

#### Identification of Environmental and Other Issues

The following issues have been tentatively identified for analysis in the EIS. This list of issues is presented to facilitate discussion on the scope of the EIS and is not intended to be all-inclusive or to predetermine the scope. Additions to or deletions from this list may occur as a result of the scoping process. In accordance with CEQ NEPA regulations (40 CFR 1500.4 and 1502.21), other environmental documents, as

appropriate, may be incorporated by reference, in whole or in part, into these impact analyses. The EIS will address the environmental impacts of the proposed action and alternatives under both normal and accidental conditions. Therefore, DOE invites comments on these and additional issues relevant to the EIS.

#### Environmental Issues

1. Public and Worker Safety and Health Risks—Radiological and non-radiological impacts of construction, routine operation, and potential accidents.

2. Ecosystem Effects—Potential effects on ecosystems, including air and water quality, resulting from radiological and non-radiological emissions from routine operation and potential accidents.

3. Regulatory Compliance—Compliance with all applicable Federal, state, and local statutes and regulations; required Federal and state environmental consultations and notifications; and DOE Orders related to environmental protection and safety.

4. Waste Management—Impacts of the generation, treatment, storage, and disposal of high- and low-level radioactive waste, transuranic radioactive wastes, hazardous wastes, and mixed wastes.

5. Socioeconomics—Socioeconomic impacts, primarily on the six-county region identified in the data base report entitled Socioeconomic Characteristics of Selected Counties and Communities Adjacent to the Savannah River Site, dated January 1990.

6. Transportation—Impacts of the transportation of raw materials, supplies, equipment, products, and wastes under routine and accident scenarios.

7. Decontamination and Disposal—The environmental impacts of decontaminating and disposing of existing exhaust system components as they are removed from service. These components may include two 200 ft. stacks, canyon exhaust fans, process vessel vent fans, associated underground ducts, diesel generators and generator building, and electrical gear. The radioactive waste and the special considerations in the decontamination and disposing of the exhaust system components may contribute to the issues of public and worker safety, air quality, regulatory compliance, waste management, and transportation. The environmental impacts of future decontamination and disposal of the proposed canyon

exhaust system upgrades will also be discussed.

#### Related Documentation

Background information on the proposed action is available in the public reading rooms listed later in this notice. The background information includes the following:

DOE, 1987. Final Environmental Impact Statement, Waste Management Activities for Groundwater Protection, Savannah River Plant, Aiken, South Carolina. DOE/EIS-0120, Savannah River Operations Office, Aiken, South Carolina.

DOE, 1990. Final Environmental Impact Statement, Continued Operation of K-, L-, and P-Reactors, Savannah River Site, Aiken, South Carolina. DOE/EIS-0147, Savannah River Operations Office, Aiken, South Carolina.

E. I. du Pont de Nemours and Company, 1986. Safety Analysis, 200 Area, Savannah River Plant, F-Canyon Operations, DPSTSA-200-10, Supp. 4, Savannah River Laboratory, Aiken, South Carolina.

E. I. du Pont de Nemours and Company, 1986. Safety Analysis, 200 Area, Savannah River Plant, H-Canyon Operations, DPSTSA-200-10, Supp. 5, Savannah River Laboratory, Aiken, South Carolina.

Westinghouse Savannah River Company, 1990. Savannah River Site Environmental Report for 1989, WSRC-TM-90-60, Environmental Protection Department, Savannah River Site, Aiken, South Carolina.

#### Scoping Meetings

In addition to receiving written comments, DOE will conduct public scoping meetings to assist DOE in defining the appropriate scope of the EIS and identifying significant environmental issues to be addressed. Public scoping meetings will be held at the following locations:

(1) Columbia, South Carolina, on April 21, 1992, at the Holiday Inn-Express, 773 St. Andrews Road, Columbia, South Carolina 29210; for accommodations call (803) 772-7275.

(2) Savannah, Georgia, on April 24, 1992, at the Hyatt Regency, 2 West Bay Street, Savannah, Georgia 31401; for accommodations call (800) 233-1234.

(3) Aiken, South Carolina, on April 28, 1992, at the Aiken Municipal Center, 214 Park Avenue, SW., Aiken, South Carolina 29801; accommodations at Comfort Suites, Richland Avenue West, Aiken, South Carolina, call (803) 641-1100.

Each public scoping meeting will consist of both a morning session beginning at 9 a.m. and an evening

session beginning at 6 p.m. The public scoping process begins with this announcement, and will continue through April 30, 1992.

The public is invited to present oral and written comments concerning the scope of the EIS, including (1) the issues that should be addressed, and (2) the alternatives to be analyzed in the EIS.

Oral and written comments will be given equal consideration. Instructions for submitting written comments are given above. People desiring to speak at the public scoping meetings should submit their requests to Mr. Stephen R. Wright at the address presented above. Oral presentation requests for each meeting should be received by DOE at least 2 days before the meeting.

The meetings will be chaired by a presiding officer. They will not be conducted as evidentiary hearings. To give everyone an adequate opportunity to speak, 5 minutes will be allotted to each speaker. Depending on the number of persons requesting to speak, the presiding officer, at his/her discretion, may allow a longer time for speakers representing multiple parties or organizations. Persons wishing to speak on behalf of organizations should identify the organization in their request to speak. Persons who have not submitted a request to speak may register at the meetings.

DOE will make a transcript of each meeting. Copies will be made available for inspection at the DOE Freedom of Information Reading Room, room 1E-190, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-6020 and at the DOE Reading Room, University of South Carolina, Aiken Campus, University Library, 2nd Floor, 171 University Parkway, Aiken, SC 29801, (803) 648-6851 during business hours, Monday through Friday.

Signed in Washington, DC, this 11th day of March, 1992, for the United States Department of Energy.

**Paul L. Ziemer,**

*Assistant Secretary, Environment, Safety and Health.*

[FR Doc. 92-6558 Filed 3-19-92; 8:45 am]

BILLING CODE 6450-01-M

#### Energy International Corp.; Financial Assistance Award Intent To Award a Grant

**AGENCY:** Department of Energy.

**ACTION:** Notice of unsolicited financial assistance award.

**SUMMARY:** The Department of Energy (DOE) announces that pursuant to 10 CFR 600.6(a)(2), it is making a financial assistance award based on an

unsolicited application satisfying the criteria of 10 CFR 600.14(e)(1). This award will be made under Grant Number DE-FG01-92FE62585 to the Energy International Corporation. The financial assistance will provide partial support of a "Feasibility Study for the Commercial Application of Underground Coal Gasification to the Waikato Coal Resource in New Zealand." This study will foster development of international coal technology trade opportunities for U.S. industry, and further enhance the competitiveness of American firms in the world marketplace.

**SCOPE:** The grant will provide \$200,000 in funding to the Energy International Corporation to determine the feasibility of using the Underground Coal Gasification (UCG) technology in Waikato, N.Z. This study will involve: (1) The development of an environmental compliance plan, (2) Obtaining the geotechnical data and samples required to verify the suitability of the Huntly resource for the UCG process and, (3) Identification of design modifications required by the power station to properly handle and combust the raw UCG product gas.

**ELIGIBILITY:** Based on the receipt of an unsolicited proposal, eligibility for this award is being limited to Energy International Corporation. DOE support of this activity would enhance the public benefits to be derived. DOE knows of no other entity which is conducting or planning such a program.

The term of the grant shall be until February 28, 1993.

#### FOR FURTHER INFORMATION CONTACT:

U.S. Department of Energy, Office of Placement and Administration, ATTN: James F. Thompson, 1000 Independence Avenue, SW., Washington, DC 20585.

**Thomas S. Keefe,**

*Director, Operations Division "B", Office of Placement and Administration.*

[FR Doc. 92-6550 Filed 3-19-92; 8:45 am]

BILLING CODE 6450-01-M

#### Federal Energy Regulatory Commission

[Docket Nos. QF92-42-000, et al.]

#### Oyster Creek Limited, et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

Take notice that the following filings have been made with the Commission:

**1. Oyster Creek Limited**

[Docket No. QF92-42-000]  
March 10, 1992.

On March 5, 1992, Oyster Creek Limited tendered for filing an amendment to its filing in this docket. No determination has been made that the submittal constitutes a complete filing.

The amendment provides additional information pertaining to the ownership structure of the proposed cogeneration facility.

*Comment date:* March 27, 1992, in accordance with Standard Paragraph E at the end of this notice.

**2. Southern Company Services, Inc.**

[Docket No. ER92-153-000]  
March 10, 1992.

Take notice that on March 2, 1992, Southern Company Services, Inc., acting on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Savannah Electric and Power Company, tendered for filing supplemental information in connection with Amendment No 2 dated October 31, 1991 to the Southern Company System Intercompany Interchange Contract and Allocation Methodology and Periodic Rate Computation Manual ("Manual").

Southern Companies request that the amendment be allowed to become effective on January 1, 1992. The supplemental filing contains additional information regarding the revisions incorporated in Amendment No. 2.

*Comment date:* March 16, 1992, in accordance with Standard Paragraph E at the end of this notice.

**3. Nevada Cogeneration Associates #1**

[Docket No. QF90-210-003]  
March 10, 1992.

On February 28, 1992, Nevada Cogeneration Associates #1 (Applicant) of 420 N. Nellis Boulevard, #A3-148, Las Vegas, Nevada 89110, 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 is presently certified for 85 MW [53 FERC ¶ 62,021 (1990)]. The instant recertification is requested to reflect a change in the ownership structure and a change in the installation date. Under the proposed ownership structure Portland General Electric Company will have an indirect ownership interest in the facility. The construction of the facility began in the Spring of 1991.

*Comment date:* 30 days from publication in the Federal Register, in accordance with Standard Paragraph E at the end of this notice.

**4. Iowa-Illinois Gas and Electric Co.**

[Docket No. ES92-33-000]  
March 11, 1992.

Take notice that on March 6, 1992, Iowa-Illinois Gas and Electric Company filed an application with the Federal Energy Regulatory Commission under section 204 of the Federal Power Act requesting authority to issue from time to time not more than \$100 million of unsecured short-term debt with a final maturity date no later than June 30, 1993.

*Comment date:* April 3, 1992, in accordance with Standard Paragraph E at the end of this notice.

**5. Wisconsin Public Service Corp.**

[Docket No. ER92-356-000]  
March 13, 1992.

Take notice that Wisconsin Public Service Corporation (WPSC) on March 6, 1992, tendered for filing (1) an executed Limited Term Capacity Agreement with the Marshfield Electric and Water Department, Wood County, Wisconsin (MEWD); and (2) an executed Service Agreement for MWD under WPSC's W-2 Partial Requirements Tariff. The parties propose to make these agreements effective as of April 1, 1992, and therefore ask for waiver of the 60-day notice requirements.

WPSC states that copies of this filing have been served upon MEWD and the Public Service Commission of Wisconsin.

*Comment date:* March 27, 1992, in accordance with Standard Paragraph E at the end of this notice.

**6. PacifiCorp Electric Operations**

[Docket No. ER92-265-000]  
March 13, 1992.

Take notice that PacifiCorp Electric Operations (PacifiCorp) on March 4, 1992, tendered for filing an amendment to its filing under FERC Docket No. ER92-265-000.

Copies of this compliance filing were supplied to Pacific Gas and Electric Company, Southern California Edison Company, the Public Utility Commission of Oregon, the Utah Public Service Commission and the Public Utilities Commission of the State of California.

*Comment date:* March 27, 1992, in accordance with Standard Paragraph E at the end of this notice.

**7. Pennsylvania Power & Light Co.**

[Docket No. ER92-357-000]  
March 13, 1992.

Take notice that Pennsylvania Power & Light Company (PP&L) tendered for filing on March 6, 1992 for filing an executed agreement dated as of February 27, 1992 (Second Supplemental Agreement), between PP&L and Niagara Mohawk Power Corporation (Niagara Mohawk). PP&L and Niagara Mohawk are parties to the Electric Output Sales Agreement between PP&L and Niagara Mohawk dated as of July 11, 1989 (Basic Agreement), as amended by the First Supplement to the Electric Output Sales Agreement dated as of December 27, 1989, on file with the Commission as Rate Schedule No. 78. At present, the Basic Agreement, as amended, provides that Niagara Mohawk may reserve capability and energy from PP&L's Martin's Creek Units 3 and 4. PP&L states that the Second Supplemental Agreement provides for the addition of PP&L's Martin Creek Units 1 and 2 to the PP&L generating units from which Niagara Mohawk may reserve capability and energy.

PP&L requests waiver of the notice requirements of section 205 of the Federal Power Act and § 35.3 of the Commission's Regulations so that the proposed rate schedule can be made effective as of March 9, 1991. Initial service under the Second Supplemental Agreement will not begin before the requested effective date.

PP&L states that a copy of its filing was served on Niagara Mohawk, the Pennsylvania Public Utility Commission and the New York Public Service Commission.

*Comment date:* March 27, 1992, in accordance with Standard Paragraph E at the end of this notice.

**8. PacifiCorp Electric Operations**

[Docket No. ER92-359-000]  
March 13, 1992.

Take notice that on March 9, 1992, PacifiCorp Electric Operations (PacifiCorp) tendered for filing, in accordance with 18 CFR 35.13 of the Commission's Rules and Regulations a Power Sales Agreement between PacifiCorp and Nevada Power Company dated February 26, 1992.

Copies of this filing have been supplied to Nevada Power Company, the Public Service Commission of Nevada, the Public Utility Commission of Oregon and the Utah Public Service Commission.

*Comment Date:* March 27, 1992, in accordance with Standard Paragraph E at the end of this notice.

**9. San Diego Gas & Electric Co.**

[Docket No. ER92-344-000]

March 13, 1992.

Take notice that on March 2, 1992, San Diego Gas & Electric Company (SDG&E) tendered for filing a change of rates for transmission service as embodied in the following SDG&E Agreements with Southern California Edison Company (Edison), which reflects a decrease in the rate of return authorized by the California Public Utilities Commission (CPUC) to 10.75% from 10.91% for 1991, effective January 1, 1992.

1. Short Term Firm Transmission Service Agreement, Rate Schedule FERC 58;

2. Interruptible Transmission Service Agreement, Rate Schedule FERC 59; and

3. Firm Transmission Service Agreement, Rate Schedule FERC 60.

SD&G requests waiver of the Commission's prior notice requirements and an effective date of January 1, 1992.

Copies of this filing were served upon the Public Utilities Commission of the State of California and Edison.

*Comment date:* March 27, 1992, in accordance with Standard Paragraph E at the end of this notice.

**10. Montaup Electric Co.**

[Docket No. ER92-91-000]

March 13, 1992.

Take notice that on March 9, 1992, Montaup Electric Company tendered for filing an amendment to its October 7, 1991 filing in the above-referenced docket.

*Comment date:* March 27, 1992, in accordance with Standard Paragraph E at the end of this notice.

**11. Northern States Power Co.**

[Docket No. ER90-527-006]

March 13, 1992.

Take notice that on March 6, 1992, Northern States Power Company (NSP) tendered for filing its refund report in this docket pursuant to the Commission's order issued on February 6, 1992.

*Comment Date:* March 27, 1992, in accordance with Standard Paragraph E at the end of this notice.

**12. New England Power Co.**

[Docket No. ER92-335-000]

March 13, 1992.

Take notice that on February 28, 1992, New England Power Company (NEP) submitted for filing revisions to its FERC Electric Tariff, Original Volume No. 5—System Energy Sales and Exchange under that tariff more flexibility in entering into the covered transactions by (i) permitting the buyer to dispatch

energy purchased thereunder, and (ii) permitting the buyer under an Exchange transaction to provide system capacity in lieu of specified unit entitlements. NEP requests that these changes be made effective April 26, 1992.

*Comment date:* March 27, 1992, in accordance with Standard Paragraph E at the end of this notice.

**13. The Kansas Power and Light Co.**

[Docket No. ER92-245-000]

March 13, 1992.

Take notice that on March 5, 1992, The Kansas Power and Light Company (KPL) tendered for filing revised service schedules to KPL's Electric Interconnection Contract with Omaha Public Power District.

Copies of this filing were served upon Omaha Public Power District and the Utilities Division of the Kansas Corporation Commission.

*Comment date:* March 27, 1992, in accordance with Standard Paragraph E at the end of this notice.

**14. Pacific Gas & Electric Co.**

[Docket No. ER91-337-001]

March 13, 1992.

Take notice that Pacific Gas & Electric Company (PG&E) on February 3, 1992 tendered for filing its compliance refund report in the above-referenced docket.

*Comment date:* March 27, 1992, in accordance with Standard Paragraph E at the end of this notice.

**15. Public Service Electric and Gas Co.**

[Docket No. ER91-667-000]

March 13, 1992.

Take notice that on September 25, 1991, Public Service Electric and Gas Company (PSE&G) of Newark, New Jersey tendered for filing an initial Rate Schedule for the sale of energy to Long Island Lighting Company (LILCO). Pursuant to the agreement, PS&EG commenced selling on August 1, 1991 and will sell to LILCO energy from time to time as scheduled by LILCO.

In response to discussions with Commission Staff, PSE&G on March 5, 1992 tendered for filing the First Supplemental Agreement by and between Public Service Electric and Gas Company and Long Island Lighting Company which amends the methodology to develop the maximum reservation rate (CAP).

PSE&G requests the Commission to waive its notice requirements under § 35.3 of its rules and to permit the Energy Sales Agreement, as supplemented, to become effective as of the commencement of the transaction, August 1, 1991. Copies of the amended filing have been served upon LILCO.

*Comment date:* March 27, 1992, in accordance with Standard Paragraph E at the end of this notice.

**16. Blue Ridge Power Agency Central Virginia Electric Cooperative, Inc. and Craig-Botetourt Electric Cooperative, Inc. v. Appalachian Power Co.**

[Docket No. EL89-53-004 and Docket Nos. ER90-132-002 and ER90-133-002]

March 13, 1992.

Take notice that on March 6, 1992, Appalachian Power Company (APCo) tendered its compliance filing in the above-referenced dockets, in compliance with the Commission's February 20, 1992 Opinion and Order on Rehearing, which modified, in part, the Commission's June 28, 1991 Opinion and Order of Initial Decision and its October 24, 1991 Opinion and Order on Rehearing.

Copies of the filing were served upon APCo's jurisdictional customers, the Virginia State Corporation Commission, the Public Service Commission of West Virginia, the Tennessee Public Service Commission and all parties of record.

*Comment date:* March 27, 1992, in accordance with Standard Paragraph E at the end of this notice.

**17. Nevada Cogeneration Associates #1**

[Docket No. QF90-210-003]

March 13, 1992.

On March 10 and 11, 1992, Nevada Cogeneration Associates #1 (Applicant) tendered for filing amendments to its filing in this docket.

The amendments provide additional information pertaining to the ownership structure of its cogeneration facility. No determination has been made that the submittal constitutes a complete filing.

*Comment date:* April 1, 1992, in accordance with Standard Paragraph E at the end of this notice.

**18. Hadson Power 13—Hopewell**

[Docket No. QF88-85-003]

March 13, 1992.

On March 9, 1992, Hadson Power 13—Hopewell of 2030 Main Street, Irvine, California 92714, submitted for filing an application for recertification of a facility as a qualifying cogeneration facility pursuant to Section 292.207 of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility is located in Hopewell, Virginia. The Commission previously certified the facility as a qualifying cogeneration facility, *Ultra Cogen Systems, Inc.*, 43 FERC ¶ 62,103 (1988), and recertified the facility as a qualifying cogeneration

facility, *Hadson Power 13—Hopewell*, 53 FERC 62, 208 (1990). The instant request for recertification is due to change in ownership and increase in maximum net electric power production capacity from 60.147 MW to 62.7 MW.

*Comment date:* 30 days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

#### 19. Hadson Power 11—Southampton

[Docket No. QF88-84-003]

March 13, 1992.

On March 9, 1992, Hadson Power 11—Southampton, tendered for filing an amendment to its filing in this docket. No determination has been made that the submittal constitutes a complete filing.

The amendment provides additional information pertaining to ownership structure of the facility.

*Comment date:* April 3, 1992, in accordance with Standard Paragraph E at the end of this notice.

#### 20. Hadson Power 12—Altavista

[Docket No. QF88-94-003]

March 13, 1992.

On March 9, 1992, Hadson Power 12—Altavista, tendered for filing an amendment to its filing in this docket. No determination has been made that the submittal constitutes a complete filing.

The amendment provides additional information pertaining to ownership structure of the facility.

*Comment date:* April 3, 1992, in accordance with Standard Paragraph E at the end of this notice.

#### 21. Westmoreland—Hadson Partners)

[Docket No. QF90-147-002]

March 13, 1992.

On March 9, 1992, Westmoreland—Hadson Partners, c/o Westmoreland Energy, Inc., 2955 Ivy Road, Charlottesville, Virginia 22901, 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 Weldon Township, near Roanoke Rapids, North Carolina. The Commission previously certified the facility as a qualifying cogeneration facility, *Westmoreland—Hadson Partners*, 52 FERC ¶ 62,001 (1990). The instant request for recertification is due to change in ownership of partnership.

*Comment date:* 30 days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

#### Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6499 Filed 3-19-92; 8:45 am]

BILLING CODE 6717-01-M

[Project Nos. 9635-006, et al.]

#### Hydroelectric Applications [Clarence A. and Lottie E. Hawkins and Hawkins Hydro Co., et al.]; Applications

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection:

1. a. *Type of Application:* Surrender of License.
- b. *Project No.:* 9635-006.
- c. *Date Filed:* February 11, 1992.
- d. *Applicant:* Clarence A. and Lottie E. Hawkins and Hawkins Hydro Company.
- e. *Name of Project:* Hawkins Hydro
- f. *Location:* On Dirty George and Camp Creeks, partially on lands of the United States administered by the Bureau of Land Management in Delta County, Colorado.
- g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)—825(r).
- h. *Applicant Contact:* Mrs. Clarence A. Hawkins, 1824-2025 Road Eckert, CO 81418.
- i. *Commission Contact:* Mr. James Hunter (202) 219-2839.
- j. *Comment Date:* April 16, 1992.
- k. *Description of Proposed Action:* The licensees request surrender of their license, stating that their water supply has changed completely and because the electric company that agreed to buy the power has had severe financial problems, they have no market for the

power. The project would have utilized an existing dam on Dirty George Creek and an irrigation ditch, and would have also consisted of an intake on the irrigation ditch, a 9, 200-foot-long penstock connecting to a powerhouse containing a 650-kW generating unit, and a tailrace discharging into Camp Creek.

1. *This notice also consists of the following standard paragraphs:* B, C, and D2.

2. a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11200-000.

c. *Date Filed:* November 1, 1991.

d. *Applicant:* City of Boulder, Colorado.

e. *Name of Project:* Boulder Hydroelectric Development IV.

f. *Location:* At the terminus of the applicant's existing Silver Lake Raw Water Pipeline near the city of Boulder in Boulder County, Colorado.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. *Applicant Contact:* Eva June Busse, P.E., Hydro Projects Manager, City of Boulder, P.O. Box 791, Boulder, Colorado 80306 (303) 441-3200.

i. *FERC Contact:* Mr. Michael Strzelecki, (202) 219-2827.

j. *Comment Date:* April 23, 1992.

k. *Description of Project:* The proposed project would consist of: (1) The applicant's existing diversion structure and intake on Boulder Creek; (2) the applicant's existing 18-inch-diameter, 18,000-foot-long Silver Lake Raw Water Pipeline; (3) a powerhouse containing one generating unit with an installed capacity of 2,790 kW; (4) a 1,000-foot-long transmission line interconnecting with an existing Public Service Company of Colorado transmission line; and (5) appurtenant facilities.

No new access roads will be needed to conduct the studies. The approximate cost of the studies would be \$90,000.

1. *This notice also consists of the following standard paragraphs:* A5, A7, A9, A10, B, C, and D2.

3. a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11220-000.

c. *Date filed:* January 6, 1992.

d. *Applicant:* Seneca Hydro Acquisition Corporation.

e. *Name of Project:* Edward Falls.

f. *Location:* On Limestone Creek at Edward Falls, in the Town of Manlius, Onondaga County, New York.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)—825(r).

h. *Applicant contact:* Paul V. Notan, Esquire, 6219 North 19th Street, Arlington, VA 22205 (703) 534-5509.

i. *FERC Contact:* Mary Golato (202) 219-2804.

j. *Comment Date:* April 23, 1992.

k. *Competing Application:* Project No. 11202-000, Date Filed: November 7, 1991.

l. *Description of Project:* The proposed project would consist of the following facilities: (a) an existing 350-foot-long and 24-foot-high dam; (2) an existing reservoir having a surface area of 3.5 acres; (3) a 4.5-diameter and 730-foot-long penstock; (4) a proposed powerhouse containing two generating units having a total installed capacity of 800 kilowatts; (5) an existing 330-foot-long, 13.2-kilovolt transmission line; and (6) appurtenant facilities. The dam is owned by Enders Road Development Corporation and the average annual generation is 3.0212 gigawatthours. The applicant expects the cost of the studies to be \$150,000.00.

m. *This notice also consists of the following standard paragraphs:* A8, A10, B, C, and D2.

4. a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11223-000.

c. *Date filed:* January 13, 1992.

d. *Applicant:* L&D 24 Hydro Associates.

e. *Name of Project:* L&D 24 Hydroelectric Project.

f. *Location:* On the Mississippi River, near Clarksville, Pike County, Missouri and Calhoun County, Illinois.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)—825(r).

h. *Applicant Contact:* L&D 24 Hydro Associates, c/o Louis Rosenman, Suite 1200, 1875 Connecticut Ave., NW., Washington, DC 20009, (202) 986-8138.

i. *FERC Contact:* Mary Golato (dt) (202) 219-2804.

j. *Comment Date:* April 29, 1992.

k. *Description of Project:* The proposed project would utilize the existing U.S. Corps of Engineers Lock and Dam 24 and would consist of: (a) a proposed powerhouse containing four 7.5-meter pit-type units at a total installed capacity of 50 megawatts; and (b) existing transmission lines. The project would have an average annual generation of 245,000,000 kilowatt-hours. The applicant estimates that the cost of the studies will be approximately \$250,000.

l. *This notice also consists of the following standard paragraphs:* A3, A5, A7, A9, A10, B, C, and D2.

5. a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11224-000.

c. *Date filed:* January 13, 1992.

d. *Applicant:* L&D 25 Hydro Associates.

e. *Name of Project:* L&D 25 Hydroelectric Project.

f. *Location:* On the Mississippi River, near Winfield, Lincoln County, Missouri and Calhoun County Illinois.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a) 825(r).

h. *Applicant Contact:* L&D 25 Hydro Associates, c/o Louis Rosenman, Suite 1200, 1875 Connecticut Ave., NW., Washington, DC 20009 (202) 986-8138.

i. *FERC Contact:* Mary Golato (dt) (202) 219-2804.

j. *Comment Date:* April 29, 1992.

k. *Description of Project:* The proposed project would utilize the existing U.S. Corps of Engineers Lock and Dam 25 and would consist of: (a) a proposed powerhouse containing four 7.5 meter pit-type units at a total installed capacity of 50 megawatts; and (b) existing transmission lines. The project would have an average annual generation of 246,000,000 kilowatt-hours. The applicant estimates that the cost of the studies will be approximately \$200,000.

l. *This notice also consists of the following standard paragraphs:* A3, A5, A7, A9, A10, B, C, and D2.

6. a. *Type of applications:* Preliminary Permits.

b. *Project Nos.:* 11229-000 through 11238-000.

c. *Date filed:* January 15, 1992.

d. *Applicant:* Public Utility District No. 1 of Lewis County.

e. *Locations:* In Gifford Pinchot National Forest, in Lewis County, Washington.

f. *Filed Pursuant to:* Federal Power Act U.S.C. 791(a)—825(r).

g. *Applicant Contact:* Mr. Gary Kalish, PUD No. 1 of Lewis County, 321 N.W. Pacific Avenue, Chehalis, WA 98532, (206) 748-9261.

h. *FERC Contact:* Michael Spencer at (202) 219-2846.

i. *Comment Date:* May 6, 1992.

j. *Description of Project:* Each of the following projects is in competition for the site as noted.

P-11229 competes with P-11182. The project would consist of (1) a 13-foot-high concrete diversion dam on Summit Creek; (2) a 10-foot-high diversion dam on Carlton Creek; (3) 10-foot-diameter, 2,500-foot-long tunnel between the diversions; (4) a 10-foot-diameter, 14,000-foot-long tunnel to the powerhouse; (5) a powerhouse containing a generating unit with a capacity of 19 MW and an average annual generation of 72.3 GWh; (6) a 10-mile-long transmission line; and (7) three access roads, one 1,500 feet long to the powerhouse, one 1,000 feet long to the Summit Creek diversion, and one 1,200 feet long to the Carlton Creek diversion. Township 14 N, Range 10 E, and Sections 10, 11, 14, 15, 16, 17 and 20.

P-11230 competes with P-11183. The project would consist of (1) a 13-foot-high concrete diversion dam on Clear Fork Cowlitz River; (2) a 10-foot-high diversion dam on Cortright Creek; (3) a 10-foot-high diversion dam on Dam Creek; (4) 10-foot-diameter, 6,500-foot-long tunnel between the diversions on Cortright and Dam Creeks; (5) a 10-foot-diameter, 17,000-foot-long main tunnel to the powerhouse; (5) a powerhouse containing a generating unit with a capacity of 30.5 MW and an average annual generation of 128.5 GWh; (6) a 7-mile-long transmission line; and (7) four access roads, one 1,000 feet long to the powerhouse, one 3,000 feet long on the main stem, one 1,810 feet long to the Cortright Creek diversion, and one 400 feet long to the Dam Creek diversion. Township 14 N, Range 10 E, and Sections 22, 26, 27, 28, and 29.

P-11231 competes with P-11184. The project would consist of (1) a 10-foot-high diversion dam on Coal Creek; (2) a 5-foot-high diversion dam on Lost Creek; (3) 38-inch-diameter, 1,000-foot-long penstock between the diversions; (4) a 38-inch-diameter, 16,000-foot-long penstock to the powerhouse; (5) a powerhouse containing a generating unit with a capacity of 5.5 MW and an average annual generation of 21.2 GWh; (6) a 5-mile-long transmission line; and (7) two access roads, one 1,000 feet long to the powerhouse, and one along the penstock route. Township 13 N, Range 10 E, and Sections 6, 7, 8, 9, and 16.

P-11232 competes with P-11185. The project would consist of: (1) a 13-foot-high diversion dam on Johnson Creek; (2) a 10-foot-high diversion dam on Smith Creek; (3) 10-foot-diameter, 21,500-foot-long tunnel will connect the diversions to the powerhouse; (4) a powerhouse containing a generating unit with a capacity of 23.2 MW and an average annual generation of 85.2 GWh; (5) a 3-mile-long transmission line; and (6) two access roads, one 5,030 feet long to the Smith Creek diversion, and one 500 feet long to the Johnson Creek diversion Township 13 N, Range 9 E, and Sections 32 and 33, and Township 12 N, Range 9 E Sections 4, 9, 10, 11, and 12.

P-11233 competes with P-11186. The project would consist of: (1) a 13-foot-high diversion dam on Butter Creek; (2) 4.5-foot-diameter, 14,000-foot-long penstock; (3) a powerhouse containing a generating unit with a capacity of 7.2 MW and an average annual generation of 28.4 GWh; (4) a 2.5-mile-long transmission line; and (5) two access roads, one 2,210 feet long to the powerhouse and one 2,100 feet long to the Butter Creek diversion. Township 14

N, Range 9 E, Sections 28 and 33, and Township 13 N, Range 9 E Sections 3, 4, 9, and 10.

P-11234 competes with P-11187. The project would consist of two developments. The upper development will consist of: (1) a 10-foot-high diversion dam on upper Williame Creek; (2) 3.5-foot-diameter, 5,000-foot-long penstock; (3) a powerhouse containing a generating unit with a capacity of 2.9 MW; and (4) two access roads, one 1,700 feet long to the powerhouse, and one 3,000 feet long to the upper diversion.

The lower development will consist of: (1) a 12-foot-high diversion dam on the main stem; (2) a 10-foot-high diversion dam on the South Fork Williame Creek; (3) a 4-foot-diameter, 8,600-foot-long penstock from the main diversion to a confluence; (4) a 2.5-foot-diameter, 4,400-foot-long penstock from the South Ford diversion to a confluence; (5) a 4.75-foot-diameter, 5,400-foot-long penstock from the confluence to the powerhouse; (6) a powerhouse containing a generating unit with a capacity of 5.8 MW; and (7) three access roads, one 1,000 feet long to the powerhouse, one 1,200 feet long to the South diversion, and one 2,915 feet long to the main stem diversion. Township 13 N, Range 8 E, Sections 13 and 25, and Township 13 N, Range 9 E Sections 18, 19, 30, and 31.

P-11235 competes with P-11188. The project would consist of: (1) a 13-foot-high concrete diversion dam on Silver Creek; (2) a 13-foot-high diversion dam on Lynx Creek; (3) a 10-foot-high diversion dam on Lake Creek; (4) a 10-foot-diameter, 18,000-foot-long tunnel from Lynx Creek to a confluence; (5) a 10-foot-diameter, 5,300-foot-long tunnel from Silver Creek and Lake Creek to the confluence; (6) a 7.5-foot-diameter, 1,600-foot-long tunnel from the confluence to the powerhouse; (7) a powerhouse containing a generating unit with a capacity of 16 MW and an average annual generation of 59.3 GWh; (8) a 2-mile-long transmission line; and (9) three access roads, one 2,900 feet long to the Lake Creek diversion, one 2,910 feet long to the Lynx Creek diversion, and one 2,515 feet long to the Silver Creek diversion. Township 13 N, Range 7 E, and Sections 21, 22, 27, 28, 33, and 34, and Township 12 N, Range 7 E and Sections 3 and 10.

P-11236 competes with P-11189. The project would consist of: (1) a 15-foot-high diversion dam on Yellow Jacket Creek; (2) 10-foot-diameter, 11,900-foot-long tunnel; (3) a powerhouse containing a generating unit with capacity of 10.1 MW and an average annual generation of 37.5 GWh; (5) a 10-mile-long transmission line; and (6) two access

roads, one 1,910 feet long to the powerhouse, and one 7,340 feet long to the Yellow Jacket Creek diversion. Township 11 N, Range 8 E, Sections 20, 28, 29 and 33.

P-11237 competes with P-11190. The project would consist of: (1) a 13-foot-high diversion dam on Greenhorn Creek; (2) 38-inch-diameter, 13,400-foot-long penstock; (3) a powerhouse containing a generating unit with a capacity of 5.1 MW and an average annual generation of 19.7 GWh; (5) a 12-mile-long transmission line; and (6) two access roads, one 600 feet long to the powerhouse, and one 5,280 feet long to accommodate the penstock. Township 11 N, Range 7 E, Sections 14, 15, 23, 26, and 27.

P-11238 competes with P-11191. The project would consist of: (1) a 13-foot-high diversion dam on Iron Creek; (2) a 5.25-foot-diameter, 22,000-foot-long penstock; (3) a powerhouse containing a generating unit with a capacity of 14.1 MW and an average annual generation of 54.4 GWh; (5) a 8-mile-long transmission line; and (6) one access road 600 feet long to the powerhouse. Township 11 N, Range 7 E, Sections 19, 30, and 31. Township 10 N, Range 7 E, Sections 6, 7, and 8.

k. *Purpose of Projects:* Project power would be sold.

l. *This notice also consists of the following standard paragraphs: A8, A10, B, C, and D2.*

7. a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11239-000.

c. *Date filed:* January 16, 1992.

d. *Applicant:* Elkhart County, Board of County Commissioners, 117 North Second Street, Goshen, Indiana 46526.

e. *Name of Project:* Goshen Water Power Project.

f. *Location:* on the Elkhart River, near Goshen, Elkhart County, Indiana.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* John E. Fisher, Lawson-Fisher Associates, 525 West Washington Street, South Bend, Indiana 46601, (219) 534-3541.

i. *FERC Contact:* Mary Golato (202) 219-2804.

j. *Comment Date:* April 24, 1992.

k. *Description of Project:* The proposed project would consist of the following facilities: (a) an existing dam with a 200-foot-wide concrete spillway and a gabion emergency drawdown structure; (b) an existing reservoir with a maximum storage capacity of approximately 3,100 acre-feet with a surface area of about 765 acres; (c) a proposed powerhouse containing two turbine-generating units at a total installed capacity of 400 kilowatts; (d) a

proposed 1-mile-long transmission line; and (e) appurtenant facilities. The dam is owned by Elkhart County Department of Parks and Recreation. The average annual generation is estimated to be 2,223,000 kilowatt-hours.

l. *This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.*

8. a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11241-000.

c. *Date Filed:* January 21, 1992.

d. *Applicant:* Vermont Hydro Associates.

e. *Name of Project:* West Rutland Pumped Storage.

f. *Location:* Near the Casteleton River in the Town of West Rutland, Rutland County, Vermont.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)-825(r).

h. *Applicant Contact:* Louis Rosenman, 1725 DeSales Street, NW., suite 800, Washington, DC 20036, 202-659-6568.

i. *FERC Contact:* Charles T. Raabe (tag) (202) 219-2811.

j. *Comment Date:* April 30, 1992.

k. *Description of Project:* Applicant proposes to study two closed-loop alternatives. Alternative 1 would consist of: (1) an upper reservoir having 1,240 acre-foot useable storage capacity at water surface elevation 1400 feet msl; (2) a 13-foot-diameter, 1,170-foot-deep vertical shaft; (3) a 15-foot-diameter, 6,500-foot-long tunnel; (4) an underground powerhouse containing two turbine/pump units each rated at 80-MW at a 1,210-foot-maximum head; (5) existing quarries utilized as a lower reservoir having water surface elevation 500 feet msl; (6) a 13.8/115-kV switchyard; (7) a 1.8-mile-long, 115-kV transmission line; and (8) appurtenant facilities. Alternative 2 would consist of: (1) an upper reservoir having 1,500 acre-foot useable storage capacity at water surface elevation 1460 feet msl; (2) a 13-foot-diameter, 200-foot-deep vertical shaft; (3) a 15-foot-diameter, 8,700-foot-long tunnel; (4) an underground powerhouse containing two turbine/pump units each rated at 100-MW at a 1,270-foot-maximum head; (5) existing quarries utilized as a lower reservoir having water surface elevation 500 feet msl; (6) a 13.8/115-kV switchyard; (7) a 1.8-mile-long, 115-kV transmission line; and (8) appurtenant facilities.

The project would be interconnected to the existing West Rutland Substation. Applicant estimates that the cost of the studies under the permit would be \$350,000. Project energy would be sold to/purchased from one or more electric

utilities. The existing quarries are owned by Gawet Marble & Granite, Inc.

1. *This notice also consists of the following standard paragraphs:* A5, A7, A9, A10, B, C, and D2.

9. a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11245-000.

c. *Date filed:* February 4, 1992.

d. *Applicant:* Iowa Hydropower Development Corporation.

e. *Name of Project:* Mississippi River Lock & Dam No. 9 Project.

f. *Location:* On the Mississippi River, near Harpers ferry, Allamakee County, Iowa, and Crawford County, Wisconsin.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)—825(r).

h. *Applicant Contact:* Mr. Justin Rundle, Iowa Hydropower Development Corporation, 3900 Crosby Drive, suite 1620, Lexington, Kentucky 40515 (606) 271-4781.

i. *FERC Contact:* Mary Golato (202) 219-2804.

j. *Comment Date:* May 8, 1992.

k. *Description of Project:* The proposed project would utilize the existing Corps dam and would consist of the following facilities: (1) a proposed powerhouse consisting of four pit turbine-generator units rated at 2.5 megawatts (MW) each, for a total installed capacity of 10 MW and (2) a new, 35-kilovolt transmission line from the project powerhouse to the existing transmission line at Guttenberg, Iowa. The total estimated average annual energy production of the proposed project is 95.9 gigawatthours. The applicant estimates that the cost of the studies under permit would be \$100,000.

1. *This notice also consists of the following standard paragraphs:* A3, A5, A7, A9, A10, B, C, and D2.

10. a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11246-000.

c. *Date filed:* February 4, 1992.

d. *Applicant:* Iowa Hydropower Development Corporation.

e. *Name of Project:* Mississippi River Lock & Dam No. 10 Project.

f. *Location:* On the Mississippi River, near Guttenberg, Clayton County, Iowa, and Grant County, Wisconsin.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)—825(r).

h. *Applicant Contact:* Mr. Justin Rundle, Iowa Hydropower Development Corporation, 3900 Crosby Drive, Suite #1620, Lexington, Kentucky 40515 (606) 271-4781.

i. *FERC Contact:* Mary Golato (202) 219-2804.

j. *Comment Date:* May 7, 1992.

k. *Description of Project:* The proposed project would utilize the existing Corps dam and would consist of

the following facilities: (1) a proposed powerhouse consisting of four pit turbine-generator units rated at 4.2 megawatts (MW) each, for a total installed capacity of 16.8 MW and (2) a new, 35-kilovolt transmission line from the project powerhouse to the existing transmission line at Guttenberg, Iowa. The total estimated average annual energy production of the proposed project is 95.9 gigawatthours. The applicant estimates that the cost of the studies under permit would be \$170,000.

1. *This notice also consists of the following standard paragraphs:* A3, A5, A7, A9, A10, B, C, and D2.

11. a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11247-000.

c. *Date filed:* February 4, 1992.

d. *Applicant:* Iowa Hydropower Development Corporation.

e. *Name of Project:* Mississippi River Lock & Dam No. 11 Project.

f. *Location:* On the Mississippi River, near Dubuque, Dubuque County Iowa, and Jo Daviees County, Illinois.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)—825(r).

h. *Applicant Contact:* Mr. Justin Rundle, Iowa Hydropower Development Corporation, 3900 Crosby Drive, Suite #1620, Lexington, Kentucky 40515, (606) 271-4781.

i. *FERC Contact:* Mary Golato (202) 219-2804.

j. *Comment Date:* April 28, 1992.

k. *Description of Project:* The proposed project would utilize the existing Corps dam and would consist of the following facilities: (1) A proposed powerhouse consisting of four pit turbine-generator units rated at 3.5 megawatts (MW) each, for a total installed capacity of 14 MW and (2) a new, 35-kilovolt transmission line from the project powerhouse to the existing transmission line at Dubuque, Iowa. The total estimated average annual energy production of the proposed project is 91.1 gigawatthours. The applicant estimates that the cost of the studies under permit would be \$140,000.

1. *This notice also consists of the following standard paragraphs:* A3, A5, A7, A9, A10, B, C, and D2.

12. a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11248-000.

c. *Date filed:* February 4, 1992.

d. *Applicant:* Iowa Hydropower Development Corporation.

e. *Name of Project:* Mississippi River Lock & Dam No. 12 Project.

f. *Location:* On the Mississippi River, near Bellevue, Jackson County, Iowa, and Jo Daviees County, Illinois.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)—825(r).

h. *Applicant Contact:* Mr. Justin Rundle, Iowa Hydropower Development Corporation, 3900 Crosby Drive, Suite #1620, Lexington, Kentucky 40515 (606) 271-4781.

i. *FERC Contact:* Mary Golato (202) 219-2804.

j. *Comment Date:* May 7, 1992.

k. *Description of Project:* The proposed project would utilize the existing Corps dam and would consist of the following facilities: (1) A proposed powerhouse consisting of four pit turbine-generator units rated at 2.05 megawatts (MW) each, for a total installed capacity of 8.2 MW and (2) a new, 35-kilovolt transmission line from the project powerhouse to the existing transmission line at Bellevue, Iowa. The total estimated average annual energy production of the proposed project is 36.5 gigawatthours. The applicant estimates that the cost of the studies under permit would be \$82,000.

1. *This notice also consists of the following standard paragraphs:* A3, A5, A7, A9, A10, BB, C, and D2.

13. a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11249-000.

c. *Date filed:* February 4, 1992.

d. *Applicant:* Iowa Hydropower Development Corporation.

e. *Name of Project:* Mississippi River Lock & Dam No. 13 Project.

f. *Location:* On the Mississippi River, near Clinton, Clinton County, Iowa, and Whiteside County, Illinois.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)—825(r).

h. *Applicant Contact:* Mr. Justin Rundle, Iowa Hydropower Development Corporation, 3900 Crosby Drive, suite #1620, Lexington, Kentucky 40515, (606) 271-4781.

i. *FERC Contact:* Mary Golato (202) 219-2804.

j. *Comment Date:* May 7, 1992.

k. *Description of Project:* The proposed project would utilize the existing Corps dam and would consist of the following facilities: (1) A proposed powerhouse consisting of four pit turbine-generator units rated at 3.8 megawatts (MW) each, for a total installed capacity of 15.2 MW and (2) a new, 35-kilovolt transmission line from the project powerhouse to the existing transmission line at Highway 67, Iowa. The total estimated average annual energy production of the proposed project is 74.2 gigawatthours. The applicant estimates that the cost of the studies under permit would be \$150,000.

1. *This notice also consists of the following standard paragraphs:* A3, A5, A7, A9, A10, B, C, and D2.

14. a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11250-000.

c. *Date filed:* February 4, 1992.

d. *Applicant:* Iowa Hydropower Development Corporation.

e. *Name of Project:* Mississippi River Lock & Dam No. 18 Project.

f. *Location:* On the Mississippi River, near Muscatine, Muscatine County, Iowa, and Rock Island, Illinois.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Mr. Justin Rundle, Iowa Hydropower Development Corporation, 3900 Crosby Drive, suite #1620, Lexington, Kentucky 40515, (606) 271-4781.

i. *FERC Contact:* Mary Golato (202) 219-2804.

j. *Comment Date:* April 29, 1992.

k. *Description of Project:* The proposed project would utilize the existing Corps dam and would consist of the following facilities: (1) A proposed powerhouse consisting of four pit turbine-generator units rated at 3.25 megawatts (MW) each, for a total installed capacity of 13 MW and (2) a new, 35-kilovolt transmission line from the project powerhouse to the existing transmission line at Highway 61, Iowa. The total estimated average annual energy production of the proposed project is 67.8 gigawatthours. The applicant estimates that the cost of the studies under permit would be \$130,000.

l. *This notice also consists of the following standard paragraphs:* A3, A5, A7, A9, A10, B, C, and D2.

15. a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11251-000.

c. *Date filed:* February 4, 1992.

d. *Applicant:* Iowa Hydropower Development Corporation.

e. *Name of Project:* Mississippi River Lock & Dam No. 18 Project.

f. *Location:* On the Mississippi River, near Burlington, Des Moines County, Iowa, and Henderson County, Illinois.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)-825(r).

h. *Applicant Contact:* Mr. Justin Rundle, Iowa Hydropower Development Corporation, 3900 Crosby Drive, suite #1620, Lexington, Kentucky 40515, (606) 271-4781.

i. *FERC Contact:* Mary Golato (202) 219-2804.

j. *Comment Date:* April 29, 1992.

k. *Description of Project:* The proposed project would utilize the existing Corps dam and would consist of the following facilities: (1) A proposed powerhouse consisting of four pit turbine-generator units rated at 2.75 megawatts (MW) each, for a total installed capacity of 11 MW and (2) a

new, 35-kilovolt transmission line from the project powerhouse to the existing transmission line at Highway 99, Iowa. The total estimated average annual energy production of the proposed project is 44.8 gigawatthours. The applicant estimates that the cost of the studies under permit would be \$110,000.

l. *This notice also consists of the following standard paragraphs:* A3, A5, A7, A9, A10, B, C, and D2.

16. a. *Type of Filing:* Requests for Extensions of Time to Commence Project Construction.

b. *Applicant:* Arkansas Electric Cooperative, Corporation.

c. *Project No.:* P-3033-006, Lock & Dam No. 2 located on the Arkansas River in Desha and Arkansas Counties, in Arkansas.

d. *Project No.:* P-3034-006, Lock & Dam No. 3 located on the Arkansas River in Jefferson and Lincoln Counties, in Arkansas.

e. *Date Filed:* February 24, 1992.

f. *Pursuant to:* Federal Power Act, 16 U.S.C. 806.

g. *Applicants Contacts:* Carl S. Whillock, President and CEO, Arkansas Electric Cooperative Corporation, P.O. Box 194208, Little Roadk, AR 72219-4208, (501) 570-2200. Robert M. Lyford, Vice President and General Counsel for Arkansas Electric Cooperative Corporation, P.O. Box 194208, Little Rock, AR 72219-4208, (501) 570-2200.

h. *FERC Contact:* Mr. Lynn R. Miles, (202) 219-2671.

i. *Comment Date:* April 13, 1992.

j. *Description of the Request:* Pursuant to Public Law No. 102-240, 105 Stat. 1914, section 1075(b) of the Intermodal Surface Transportation Efficiency Act of 1991, the licensee requests that the deadline for the acquisition of real property and the commencement of construction on FERC Project No. 3033 be extended to August 10, 1994, and the deadline for completion of construction on FERC Project No. 3034 be extended to August 10, 1999. The licensee also requests that the deadline for the acquisition of real property and the commencement of construction on the project be extended to August 10, 1996, and the deadline for completion of construction on the project be extended to August 10, 2001.

k. *This notice also consists of the following standard paragraphs:* B, C, and D2.

17. a. *Type of Application:* Declaratory Order.

b. *Project No.:* EL92-16-000.

c. *Date Filed:* February 11, 1992.

d. *Applicant:* Carle E. Hitchcock.

e. *Name of Project:* Sheboygan Falls Hydropower Project.

f. *Location:* Sheboygan River, Sheboygan County, Sheboygan Falls, Wisconsin.

g. *Filed Pursuant to:* Section 23 (b) of the Federal Power Act, 16 U.S.C. 817(b).

h. *Applicant Contact:* Carl E. Hitchcock, 423 Green Tree Road, Kohler, WI 53044, (414) 452-2624.

i. *FERC Contact:* Etta Foster, (202) 219-2679.

j. *Comment Date:* April 20, 1992.

k. *Description of Project:* The existing Sheboygan Falls Project consists of: (1) A 10-foot-high, 175-foot-long dam; (2) a 10-foot-high reservoir with an estimated surface area of 3.75 acres and a storage of 15 acre-feet; (3) a power-house containing a 60 kW induction generator; (4) a 30-foot-long transmission line; and (5) appurtenant facilities.

When a Declaratory Order is filed with the Federal Energy Regulatory Commission, the Federal Power requires the Commission to investigate and determine if the interests of interstate or foreign commerce would be affected by the project. The Commission also determines whether or not the project: (1) Would be located on a navigable waterway; (2) would occupy or affect public lands or reservations of the United States; (3) would utilize surplus water or water power from a government dam; or (4) if applicable, has involved or would involve any construction subsequent to 1935 that may have increased or would increase the project's head or generating capacity, or have otherwise significantly modified the project's pre-1935 design or operation.

l. *Purpose of Project:* Applicant intends to sell energy to the Sheboygan Falls Utility for consumption in their grid.

m. *This notice also consists of the following standard paragraphs:* B, C, and D2.

#### Standard Paragraphs

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 a 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.

**A8. Preliminary Permit**—Public notice of the filing of the initial preliminary permit application, which has already been given, established the due date for filing competing preliminary permit applications or notices of intent. Any competing preliminary permit or development application or notice of intent to file a competing preliminary permit or development application must be filed in response to and in compliance with the public notice of the initial preliminary permit application. No competing applications or notices of intent to file competing applications may be filed in response to this notice. 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 (specify which type of application), and be served on the applicant(s) named in this public notice.

**A10. Proposed Scope of Studies under Permit**—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit 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 data 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, N.E., Washington, D.C. 20426. An additional copy must be sent to Director, Division of Project Review, Federal Energy Regulatory Commission, Room 1027, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

**D2. Agency Comments**—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: March 16, 1992, Washington, DC.  
Lois D. Cashell,  
Secretary.

[FR Doc. 92-6498 Filed 3-19-92; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. PL92-1-000]

**Incentive Ratemaking for Interstate Natural Gas Pipelines, Oil Pipelines, and Electric Utilities; Proposed Policy Statement on Incentive Regulation**

March 13, 1992.

**AGENCY:** Federal Energy Regulatory Commission, DOE

**ACTION:** Notice of proposed policy statement.

**SUMMARY:** The Commission is inviting comments on a proposed policy statement on incentive ratemaking for interstate natural gas pipelines, oil pipelines and electric utilities. The proposed policy statement would define the essential elements of incentive ratemaking policy. It also proposes to invite natural gas pipelines, oil pipelines and electric utilities to file incentive ratemaking proposals for gas and oil transportation and wholesale electric service, and it proposes guidelines for companies to use in fashioning incentive proposals.

**DATES:** Comments are due on April 27, 1992. Reply Comments are due on May 12, 1992.

**ADDRESSES:** An original and 14 copies of the written comments should be addressed to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, and should refer to Docket No. PL92-1-000.

**FOR FURTHER INFORMATION CONTACT:** Michael P. Lynch, Office of Economic Policy, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, (202) 208-2210.

**SUPPLEMENTARY INFORMATION:** In addition to publishing the full text of this document in the *Federal Register*, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in room 3308, 941 North Capitol Street, NE., Washington, DC.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (202) 208-1397. To access CIPS, set your communications software to use 300,1200, or 2400 baud, full duplex, nor parity, 8 data bits, and 1 stop bit. The full text of this notice of proposed policy statement will be available on CIPS for 30 days from the date of issuance. The complete text on

diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in 3104, 941 North Capitol Street NE., Washington, DC 20426.

### I. Introduction

The Commission has used cost-of-service rate regulation as a regulatory tool for preventing pipelines and electric utilities for exercising market power. Recently, the Commission has allowed individual companies to depart from cost-of-service regulation and set market-based rates if they could show they lacked significant market power or had mitigated market power.<sup>1</sup> Now, the Commission is interested in providing alternatives to traditional cost-of-service regulation for companies with market power, especially alternatives that encourage productive efficiency, result in lower rates to consumers and provide utilities the opportunity to earn higher returns. In this proceeding, the Commission proposes to define the essential elements of an incentive ratemaking policy and proposes to set guidelines for utilities that choose to submit specific incentive rate proposals for natural gas pipeline and oil pipeline transportation service and wholesale electric service.

It must be emphasized that incentive regulation is an alternative to cost-of-service regulation for utilities in non-competitive markets. The goals are to lower costs, reduce administrative burdens and improve pricing and services. The Commission also emphasizes that incentive rates are not a substitute for market-based rates where markets are workably competitive, or where there is no exercise of market power. Incentive regulation is an alternative to traditional cost-of-service regulation that gives greater emphasis to productive efficiency in non-competitive markets. The Commission proposes to invite companies to file incentive ratemaking proposals consistent with the principles laid out in a final policy statement issued after our review of the public comments. The Commission recognizes that there is a relationship between this

proposed policy statement and any restructuring proceedings necessitated as a result of the final rule in Docket No. RM91-11-000, Pipeline Service Obligations and Revisions to Regulations Governing Self-Implementing Transportation Under Part 284 of the Commission's Regulations. Thus, after a review of the comments filed here, the Commission will issue guidance on how this policy statement affects those restructuring proceedings.

### II. Overview

The key feature distinguishing incentive regulation from traditional cost-of-service regulation is the relationship between the utility's costs and its rates. Traditional regulation places limits on profits as a substitute for the downward pressure on prices that exists in competitive markets. Thus utility rates reflect the cost-of-service plus an allowed return on equity. Lower costs translate into lower rates, although possibly with a lag.

Incentive regulation places limitations on price rather than profit, with the expectation that utilities will aggressively cut costs in order to maximize their return. This is accomplished by relaxing the tie between a utility's costs and its rates. Lower costs do not automatically translate into dollar-for-dollar reductions in rates. Incentive regulation allows utilities to permanently retain a portion of cost savings as an inducement for further cost reductions. Consumers benefit by sharing in the cost savings through lower rates than would otherwise exist under traditional regulation.

Extending the time frame between rate reviews is another feature of incentive regulation, since currently, for example, traditional regulation for most natural gas pipelines entails a three-year periodic rate review. A longer interval between rate reviews gives the utility added incentives to minimize costs and operate more efficiently.

Of course, even under incentive regulation, rate reviews take place. However, there is symmetry in incentive regulation which distinguishes it from traditional regulation. Utilities will be allowed to retain a portion of any cost savings and they will be required to bear all losses during the period its incentive rate mechanism is in effect. This is not meant to imply that the Commission is abandoning its rights to conduct an investigation to determine the justness and reasonableness of natural gas pipeline rates under section 5 of the Natural Gas Act (NGA), oil pipeline rates under section 13 of the

Interstate Commerce Act (ICA), or an electric utility's rates under section 206 of the Federal Power Act (FPA).

Traditional regulation is asymmetrical. Between rate cases, utilities retain the benefits of cost savings. However, in a subsequent rate case, the full amount of the costs savings may generally be reflected in lower rates, thereby prospectively preserving all of the benefits for ratepayers.

### III. Legal Authority

Incentive ratemaking is consistent with our general ratemaking authority. As more fully discussed below, the Commission is not required to follow any specific type of ratemaking formula and is not limited to designing rates based upon traditional cost-of-service ratemaking under either the NGA, the ICA, or the FPA. Indeed, the Commission's history of ratemaking includes past use of "Fair value" rate base, "original cost" rate base and no rate base (i.e., market-based rates).

Section 4 of the NGA requires the rates and charges of natural gas companies to be "just and reasonable." As pointed out in *City of Charlottesville v. FERC*, 661 F.2d 945, 949 (D.C. Cir. 1981), "[t]he Natural Gas Act fails to prescribe specific standards for ratemakers to follow." However, the statute has been interpreted by the courts to provide a framework for determining what methods may be permissible. The Commission requests that parties comment on what standards the Commission should use in determining whether incentive rate proposals are just and reasonable.

In *FPC v. Hope Natural Gas Co.*,<sup>2</sup> the Supreme Court stated that:

Under the statutory standard of "just and reasonable" it is the result reached and not the method employed which is controlling \* \* \*. It is not the theory but the impact of the rate order which counts. If the total effect of the rate order cannot be said to be unjust and unreasonable, judicial inquiry \* \* \* is at an end. The fact that the method employed to reach that result may contain infirmities is not then important.<sup>3</sup>

In *Federal Power Commission v. Natural Gas Pipeline Co.*, 315 U.S. 575 (1941), the Supreme Court addressed the extent of the Commission's authority under section 4 of the NGA. The court stated that "[t]he Constitution does not bind rate-making bodies to the service of any single formula or combination of formulas. Agencies to whom this legislative power has been delegated are

<sup>1</sup> See, e.g., *El Paso Natural Gas Company*, 54 FERC ¶ 61,316, *reh'g granted and denied in part*, 56 FERC ¶ 61,290 (1991); *Transcontinental Gas Pipe Line Corp.*, 53 FERC ¶ 61,446, *reh'g granted and denied in part*, 57 FERC ¶ 61,345 (1991); *Darmouth Power Associates Limited Partnership*, 53 FERC ¶ 61,117 (1990); *Pacific Gas & Electric Co.*, 44 FERC ¶ 61,010 (1988); *Public Service Company of Indiana*, 51 FERC ¶ 61,367 (1990); *Enron Power Enterprise Corp.*, 52 FERC ¶ 61,193 (1990); *Commonwealth Atlantic Limited Partnership*, 54 FERC ¶ 61,208 (1991); and *Wallkill Generating Company, L.P.*, 56 FERC ¶ 61,067 (1991).

<sup>2</sup> 320 U.S. 591 (1944).

<sup>3</sup> *Id.* at 602.

free, within the ambit of their statutory authority, to make the pragmatic adjustments which may be called for by particular circumstances." 315 U.S. at 586.

In *Wisconsin v. FPC* 373 U.S. (1963), the Supreme Court, in affirming the FPC's use of area rates, rejected the argument that an individual company's cost-of-service was the only permissible basis upon which rates could be set. In subsequent area rate cases, the Supreme Court upheld the use of incentive pricing schemes in conjunction with area rates as a means of promoting natural gas exploration and the dedication of new supply to the interstate market. In the *Permian Basin Area Rate Cases*, 390 U.S. 747 (1967), the Court upheld the Federal Power Commission's (FPC) area rate proceeding, including a two-price rate structure comprised of one area maximum price for natural gas produced from gas wells and dedicated to interstate commerce after January 1, 1961, and a lower area maximum price for all other natural gas produced in the Permian Basin. The Commission expected that its adoption of separate maximum prices would provide a suitable incentive to exploration and prevent excessive producer profits. The Court stated that the Commission's responsibilities include the protection of future, as well as present, consumer interests. It found, on the basis of substantial evidence, that a two-price rate structure would both provide a useful incentive to exploration and prevent excessive producer profits. 390 U.S. at 798.

In *Mobil Oil Corporation v. FPC*, 417 U.S. 283 (1973), the Supreme Court reviewed a Commission order establishing an area rate structure for interstate sales of natural gas produced in the Southern Louisiana area. The program provided for price escalations if the gas industry as a whole found and dedicated new gas reserves from the Southern Louisiana area to the interstate market (contingent escalations). The program also created a refund workoff credit that allowed any company with a refund obligation to a pipeline to reduce the refund obligation if new gas reserves from the Southern Louisiana area were committed to the interstate market. The Commission concluded that the refund workoff credits and contingent escalations would generate additional capital to spur exploration and at the same time keep pace with rising costs. Consumers would be protected from excessive gas supply costs since rate increases would not be levied unless new gas supplies were dedicated to the interstate market.

The Supreme Court found the incentive provisions of the area rates acceptable. The Court stated that, because of a serious and growing domestic gas shortage, the lower court properly concluded that the Commission could reasonably decide that its responsibility to maintain adequate supplies at the lowest possible rate could be better discharged by means of the contingent escalation and refund credit provisions, rather than by case-by-case adjustments in the rate ceilings for gas producers. Finally, in *FPC v. Texaco, Inc.*, the Supreme Court stated the fact that the NGA requires "every rate of every natural gas company must be just and reasonable does not require that the cost of each company be ascertained and its rates fixed with respect to its own costs."<sup>4</sup>

In *Farmers Union Central Exchange Inc. v. FERC*, 734 F.2d 1486 (D.C. Circuit), cert. denied sub nom. 469 U.S. 1034 (1984), the Court stated that "changing characteristics of regulated industries may justify the agency's decision to take a new approach to the determination of just and reasonable rates" and that "non-cost factors may legitimate a departure from a rigid cost-based approach." With the exception of *Farmers Union*, which dealt with oil pipeline rates, these cases have arisen under the NGA. However, the rate provisions of the NGA substantially parallel sections 205 and 206 of the Federal Power Act (FPA). The courts have viewed the statutory interpretations of the just and reasonable standards of the FPA and NGA as interchangeable. In *Jersey Central Power and Light Co. v. FERC*, the Court stated that "The Federal Power Act, the source of claim in this case, also requires that the rates be just and reasonable, and the courts rely interchangeably on cases construing each of these Acts when interpreting the other."<sup>5</sup>

These cases affirm that the Commission is not required to follow any specific type of ratemaking formula and is not limited to designing rates for the utilities it regulates based on traditional cost-of-service ratemaking. The Commission is free to set rates to provide incentive so long as there is a correlation between the incentive and the result to be induced.<sup>6</sup>

<sup>4</sup> 417 U.S. 380 (1973).

<sup>5</sup> 810 F.2d 1168 at 1175 (1987). See also *Arkansas Louisiana Gas Co. v. Hall*, 453 U.S. 571, 577, n.7 (1981).

<sup>6</sup> See Public Service Commission, *State of New York v. FPC*, 407 F.2d 1043 (D.C. Cir. 1973); see also *City of Charlottesville, Virginia v. FERC*, 661 F.2d 945 (D.C. Cir. 1981).

## IV. Objectives of Incentive Regulation

### 1. General Principles

Regulated rates should foster both allocative and productive efficiency. Incentive ratemaking stresses productive efficiency by allowing regulated firms to profit or lose based on an objective performance standard. The Rate Design Policy Statement<sup>7</sup> requires efficient gas pipeline rates and stresses allocative efficiency.

Traditional regulation lacks mechanisms that foster long-run efficiency. Utilities face few explicit rewards for taking risks to aggressively cut their costs, and may face few penalties for excessive spending. However, traditional regulation is not without incentives to be efficient in the short-term. Regulatory lag provides some incentive to minimize costs, since savings achieved between rate cases accrue to the benefit of stockholders. However, this incentive is muted once the future benefits of the cost savings are allocated to ratepayers in the form of lower rates in a subsequent rate case. Incentive regulation differs from traditional regulation in that it fosters long-term efficiency.<sup>8</sup> It accomplishes this by: (1) Divorcing rates from the underlying cost of service, (2) lengthening the period between rate cases, and (3) sharing the benefits of cost savings between consumers and stockholders on a current basis.

Divorcing rates from costs provides the utility with the incentive to cut costs aggressively since it is assured that it will retain a portion of the savings it generates. Lengthening the period between rate cases increases the incentive for utilities to take risks associated with aggressive cost cutting measures.

The combination of the longer period between rate reviews and divorcing rates from costs allows the utility to aggressively cut costs, knowing in advance that it will permanently retain a share of the savings. This produces the incentive to pursue long-term productive efficiency that is lacking in traditional regulation. Since companies will have the opportunity to earn returns through retention of a portion of the savings, fairness dictates that customers receive a share of the costs savings on a current basis.

The Commission recognizes that natural gas pipelines' rates have been

<sup>7</sup> Interstate Natural Gas Pipeline Rate Design, et al., 47 FERC ¶ 61,295, order on reh'g, 48 FERC ¶ 61,122 (1989).

<sup>8</sup> See, e.g., FERC, Incentive Regulation: A Research Report, Office of Economic Policy, Technical Report 89-3, November, 1989.

designed to give pipelines an incentive to achieve a high throughput by conditioning their recovery of some fixed costs by including those costs in a commodity or usage charge. In the rulemaking proceeding in Docket No. RM91-11-000, referenced above, the Commission has proposed to adopt a different rate design methodology in which the pipeline's fixed costs would be recovered solely through a demand or reservation fee, unless the parties otherwise agree. The Commission specifically requests comments on how the policy proposal here relates to its rate design methodology proposal in Docket No. RM91-11-000.

## 2. Regulatory Standards

Incentive ratemaking *must* be fair. Properly done, all can benefit; improperly done, it may hurt parties—especially those the Commission has historically protected—as much as it helps. Incentive ratemaking must simultaneously protect customers' interests and offer potential rewards to the firm for good performance. Incentive rate proposals must be consistent with the four standards discussed below.

### a. Incentive Mechanisms Must Be Prospective

Incentive ratemaking must be prospective.<sup>9</sup> Utilities cannot assume that their existing rates will be the base to which an incentive mechanism will apply. The Commission must determine that the base rates, calculated on a cost-of-service basis, are just and reasonable at the inception of an incentive rate program.

### b. Participation Must be Voluntary

Incentive ratemaking must be voluntary for the firm. Fairness dictates that incentive ratemaking must not be made mandatory during this experimental period.<sup>10</sup>

### c. Incentive Mechanisms Must be Understood by all Parties

Incentive ratemaking programs must be specific and clearly state the expected benefits relative to cost-of-service regulation for both the utility and its customers.

### d. Benefits to Consumers Must be Quantifiable

All proposals must include a quantified estimate of the consumer benefits compared to cost-of-service regulation (i.e., a comparison of projected cost-of-service rates to prospective rates under the proposed incentive rate mechanism),<sup>11</sup> and a realistic estimate of the program's prospects for success and the risks of failure. The program must include a specific procedure and a time certain for review of the program by the Commission. Because incentive ratemaking is, at this time, an experiment, its merits can only be known by evaluating how firms performed. The Commission can modify, expand, or end the program based on the evaluation.

## V. Some Possible Mechanisms

The key to getting incentives to cut costs is to sever the tie between rate changes and changes in a company's current operating and investment costs. As long as rates only reflect the firm's current costs, the firm has little incentive to cut costs. Input prices (e.g., wages, capital costs, fuel, etc.) paid by the utility change because of changes throughout the economy, such as changes in inflation. Even if rates do not depend on the firm's recent costs, they still must respond to changes in demand if a company is to operate efficiently. Failure to operate efficiently results in earned returns below authorized returns. Under traditional regulation, a company in this circumstance would seek a rate increase to prospectively mitigate a decline in earnings. Under the incentive regulation, a company could not seek a rate increase at a time other than that specified by the incentive rate mechanism. In order to increase earnings, the company must achieve cost savings in excess of the change in rates permitted by the incentive rate mechanism. If it fails to do so, any losses incurred are borne by stockholders.

### 1. Automatic Rate Changes

Automatic rate changes increase regulatory lag by extending the interval between rate cases and permitting greater flexibility in intermediate price changes. Rates are indexed and change automatically to correspond to changes in an index developed by the utility and

approved by the Commission.<sup>12</sup> Adopting an automatic rate change mechanism does not presume existing rates (i.e., the base rates from which rates will be indexed) are just and reasonable. Rather, the base rates and indexing mechanism must be filed and reviewed as a package to assure that the historical costs upon which the indexing mechanisms are based are just and reasonable.

Actions taken by the utility should not change the value of the index used to adjust its rates. When it cuts costs, the utility would keep a portion of the savings. The more it cuts, the more it saves. Conversely, if costs rise, rates will not rise to recover all of the increase. Major issues for automatic rate changes are which indices to use, how to adjust them, and when to conduct a new rate case with a new cost study. Another concern may be quality of service. The proposal must contain standards to measure quality of service and incentives to maintain it. The Commission requests comments on what might be appropriate standards and how incentive rates might affect quality of service.

### a. Choosing an Index

The basic choice is between indices that track general prices—such as the Consumer Price Index (CPI) or Producer Price Index (PPI)—and those that track utility input prices. Either way, rates change as the prices change in the economy as a whole and do not reflect changes in a company's specific costs. Linking rates to a general price index has both the benefit and burden of simplicity. To the extent such indices have little direct connection to the electric, oil, or natural gas industries, they may completely miss important changes in a utility's costs, and rates could become unreasonably high or low.

Linking price changes to utility input prices has the opposite virtues and vices. Such an ARAM can track industry costs with much greater accuracy. But defining the index is difficult as it should include all major inputs. However, indices tracking utility input prices must not be so narrowly defined

<sup>9</sup> Canyon Creek Compression Company, 55 FERC ¶ 61,148, *reh'g denied* 56 FERC ¶ 61,140 (1991).

<sup>10</sup> In Western Systems Power Pool (WSSP), the Commission permitted a voluntary multi-year experiment to determine if flexible pricing and defined benefits sharing increased exchange efficiency in electricity coordination markets. The Commission ultimately approved the WSSP on a permanent basis with a modified cost-based price cap to mitigate the exercise of market power. See Western Systems Power Pool, 55 FERC ¶ 61,099 (1991), *reh'g granted and denied in part*, 55 FERC ¶ 61,495 (1991).

<sup>11</sup> For example, the Commission recently rejected Viking Gas Transmission Company's proposed incentive rate scheme because, *inter alia*, it seemed to guarantee that future rates would be higher than they would otherwise be under traditional embedded cost ratemaking. 57 FERC ¶ 61,417 (1991).

<sup>12</sup> The Commission has accepted rates that automatically adjust to an outside index, including: (1) The average percentage change in wholesale electric rates of neighboring utilities, Illinois Power Co., 36 FERC ¶ 61,409 (1986); (2) the Producer Price Index for finished goods, American Electric Power Co., 51 FERC ¶ 61,501 (1988); and (3) the GNP Price Deflator, Buckeye Pipeline Co., 53 FERC ¶ 61,473 (1990). These filings were not proposed as incentive rate mechanisms. Nevertheless, they are demonstrative of how rates can be decoupled from a company's own costs under an automatic rate adjustment mechanism.

that changes in a single company's costs can significantly affect the index value. To do so would undercut the goal of linking prices to a basket of cost factors that the company cannot affect.

#### b. Adjusting the Index for Productivity

Changes in rates may directly follow changes in an index or an adjusted version of the index with an offset for productivity. For example, to share productivity gains contemporaneously with ratepayers, the allowed rate change might be somewhat less than the change in the selected index.

#### c. Revisiting the Base Costs of the Index

The financial, operating and service assumptions of an incentive plan may become outdated because of various factors beyond a company's control. There may have been mistakes in designing the index or changes in governmental policy regarding the particular industry involved. Therefore, the index mechanism, its assumptions and the company's performance should be periodically revisited to assure the index still reflects a fair allocation of benefits and losses between the company and its customers. The issue is how often this should occur. We assume that the plan should contain a reopening date and its rationale.

Over a long enough period of time, the basic cost structure of any industry changes. So, in time, the costs on which all future rates depend may become an unreasonable basis for pricing. The company might begin making or losing money simply because of structural changes in the industry, not because of its own performance. Of course, structural change is partly a result of performance, so this may not be clearly definable. In the end, however, either the firm or its customers may have a strong argument to set rates from scratch. Whenever a rate case does revisit costs, however, the principle of incentive regulation must remain intact—the firm must be able to keep part of its productivity gains or suffer part of the losses over the long-term.

#### 2. Performance Targets

Performance targets also can encourage companies to cut costs. If the company achieves the target, it obtains a benefit. If not, it is sanctioned by a reduction in its profits. The Commission uses performance targets now—throughout projections for pipelines and off-system sales and transmission revenues for wholesale electric utilities. These give incentives to increase service but only indirectly to cut costs. Regulatory lag also provides a performance target of sorts but one that

may inspire high costs now to raise rates later. However, the use of performance targets could be expanded in a number of different ways. Targets could be set for almost any cost—interest, salaries, operation and maintenance, even taxes. Rates could be designed using the targets rather than actual costs. The firm could be designed using the targets rather than actual costs. The firm would be allowed to keep a portion of the savings if it beats its target, at least until the next rate case. And, it would absorb a portion of the losses if it failed to meet its targets. Or, the rate of return could be tied to performance.<sup>13</sup> Key issues to be addressed are which costs to target and how to set the targets. Therefore, the overall impact of the selected target on the utility's operations must be scrutinized to ensure its neutrality with respect to operations and ultimately rates.

#### a. What to Target

Which costs should be the subject of performance targets? Unless the interrelationship of all costs is clearly stated, a company could spend lavishly on non-targeted areas to save a little on targeted ones. For example, if a target applied only to maintenance costs, then a firm might choose to let a plant run down, expecting to charge customers later for the capital investment to replace it. That would benefit the firm now and burden customers later.

#### b. Setting the Target

One way to set a target is to index a utility's own costs to the average change in costs for similar companies. That may lead to pleas from some firms that they differ greatly from the norm. While looking at the special circumstances of each company complicates the process, it should not, presumably, differ much from the normal rate case. Another approach is to set specific performance or operating standards in conjunction with benefit sharing devices. Performance can be measured in economic terms such as fuel costs or purchased power costs, or in physical terms such as capacity factors and heat rates.<sup>14</sup>

<sup>13</sup> In Virginia Electric Power Company, 19 FERC ¶ 61,333 (1982), the Commission approved a sliding scale mechanism that would adjust the allowed rate of return relative to the performance characteristics (i.e., heat rates and unit availability) of selected fossil-fire generators.

<sup>14</sup> In Ocean State Power Company, 38 FERC ¶ 61,140 (1987), the Commission approved a unit sale contract under which capacity charges will be reduced if the unit fails to achieve a net design capability within a 90 to 95 percent range. Further reductions in capacity charges will occur if the unit's equivalent forced outage rate falls below 80

#### 3. Flexible Pricing

Incentive proposals may contain new techniques for flexible pricing. The Commission's selective discounting policy is a form of incentive regulation that encourages better utilization of existing facilities. Other forms of flexible pricing could include auctions for IT service when the maximum cost-of-service rate fails to ration capacity. Flexible pricing could be expanded to give utilities greater latitude to adjust rates and modify service terms and conditions when customers find such changes beneficial.

#### 4. Benefit Sharing

Incentive ratemaking must offer benefits to customers as well as utilities. Most automatic rate changes and performance targets can be combined with benefit sharing so that the utility does not keep all the gains from productive efficiency. These mechanisms are designed so that the utility shares gains with its customers on an ongoing basis. Although benefit sharing may dilute a utility's incentive to operate more efficiently, equity requires that customers should also benefit.

The Commission has, on an experimental basis, considered benefit sharing in the Southwest Bulk Power Market Experiment<sup>15</sup> and the Western System Power Pool (WSPP).<sup>16</sup> In the Bulk Power Market Experiment, the Commission, for purposes of testing "the proposition that utility managers are responsive to explicit pecuniary incentives and will increase their coordination sales efforts" allowed the utilities to retain for stockholders 25 percent of the revenue generated from coordination transactions and flow through the remaining 75 percent to ratepayers. The Commission adopted an identical revenue sharing proposal in the WSPP Experiment.<sup>17</sup>

Benefit sharing is also not a novel concept for the gas pipeline industry. The Rate Design Policy Statement suggests designing interruptible pipeline rates around benefit sharing. Some capacity brokering and release programs use benefit sharing usually with firm customers sharing benefit with the pipeline as an incentive to make the program work.

percent. Ocean State will be awarded additional capacity payments if unit availability exceeds specified levels.

<sup>15</sup> Public Service Company of New Mexico, Opinion No. 203, 25 FERC ¶ 61,409 (1983) rehearing denied, 27 FERC ¶ 61,154 (1984).

<sup>16</sup> Pacific Gas and Electric Company, 38 FERC ¶ 61,242 (1987).

<sup>17</sup> 38 FERC ¶ 61,242 at 61,799 (1987).

### 5. Consumer Welfare Bonus

Another way to satisfy customers is to give the utility a bonus for serving them well. For example, the rate of return could be adjusted to rise or fall depending on how well the pipeline improved the designated service parameters or how much it cuts prices. Customer satisfaction leads to repeat sales and an increase in the firm's return.

In the electric industry, demand-side management programs can act as a consumer welfare bonus. For instance, the utility may install conservation devices and share the savings from avoiding the construction of more generating capacity with its customer. However, defining customer welfare in monopoly or oligopoly markets is technically difficult. The idea may work best when more value can be added to the customer's quality of service. That may not be possible for pipelines or wholesale power suppliers.

### VI. Conclusion

Incentive ratemaking is an alternative regulatory mechanism that the Commission tentatively concludes can reward utilities for efficiency and benefit customers with lower rates. Incentive ratemaking can help achieve the goal of productive efficiency. It is not a substitute for market-based mechanisms where markets are workably competitive. Rather, it is a way to attempt to replicate incentives that occur naturally in a competitive market.

While the Commission proposes to invite utilities to propose incentive rate mechanisms, the Commission would not automatically accept any proposal filed that purports to meet the goals of this policy statement. Rather, a utility would be required to file specific detailed information concerning its proposal, and how it meets the policies contained herein. Prior to accepting any such filing the Commission would scrutinize that proposal closely. The Commission would reject, consistent with Commission and court precedent,<sup>18</sup> any proposal that is not consistent with the goals of this policy statement. In addition, the Commission would suspend such proposals for the full statutory period and provide for refunds, to the maximum extent possible, should that be found appropriate.

<sup>18</sup> *Southern Natural Gas Co. v. FPC*, 547 F.2d 828 (5th Cir. 1997); *Municipal Light Boards v. FPC*, 450 F.2d 1341, 1345 (D.C. Cir. 1971), cert. denied, 405 U.S. 989 (1972); *United Gas Pipeline Co. v. FERC*, 551 F.2d 460, 463 (D.C. Cir. 1977); *Stingray Pipeline Co.* 56 FERC ¶ 61,076 (1991); *Viking Gas Transmission Co.* 56 FERC ¶ 61,417 (1991).

### VII. Comment Procedures

The Commission invites interested persons to submit comments concerning all facets of this proposed policy statement and solicits suggestions on other criteria or other standards for evaluating incentive mechanisms that should be considered. All comments should include a one page executive summary of the commenter's major concerns. All copies should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426 and should refer to Docket No. PL92-1-000. Comments must be submitted no later than 45 days from the date of issuance of this order. Reply comments may be submitted no later than 60 days from the date of issuance of this order. This comment period should afford parties affected by the Commission's final rule in Docket No. RM91-11-000 an opportunity to review the rule before filing their comments here. In the event there is insufficient time, the Commission will extend the time for comments in this proceeding.

By direction of the Commission, Commissioner Trabandt concurred with a separate statement attached.

Lois D. Cashell,

Secretary.

Trabandt, Commissioner, concurring:

### I. Introduction

The instant Notice of Proposed Policy Statement (NOPPS) on Incentive Regulation includes a Proposed Policy Statement (PPS) of considerable significance for the Commission's regulatory program, primarily in the regulation of interstate natural gas pipelines. Under favorable circumstances, the PPS in theory could conceivably lead to improvements in the productive efficiency of services provided by interstate natural gas pipelines, with demonstrable benefits to consumers in the form of lower costs, improved quality of service and/or lower rates. Under other circumstances, which potentially could develop pursuant to a Final Policy Statement (FPS) in this docket, existing pipeline services at current levels of quality could be offered at rates in excess of those rates which would otherwise be established under current policy, without any quantifiable consumer benefit.

I write separately to discuss the relevant procedural and substantive issues for purposes of advancing the analytical debate about the PPS and focusing appropriate attention on the likely effect of a FPS. Paraphrasing

Douglas Jones, Director of the National Regulatory Research Institute, I attempt to provide a cautionary view with moderate skepticism from the regulatory vantage point. Hopefully, this discussion will provide a useful foundation for the analysis of the PPS by interested parties and the preparation of comments in response to the NOPPS. I should note that all of the studies and the bulk of the analysis included in this discussion were provided to Commission Terzic's Task Force for review over the last few months.

### II. Scope of the PPS

#### A. General

The NOPPS is styled as "incentive ratemaking for interstate natural gas pipelines, oil pipelines, and electric utilities." And, the introduction states, "[i]n this proceeding, the Commission proposes to define the essential elements of an incentive ratemaking policy and proposes to set guidelines for utilities that choose to submit specific incentive rate proposals for natural gas pipeline and oil pipeline transportation service and wholesale electric service." (Slip op. at 1, 2.) As developed at the Commission Meeting of March 11, 1992, and discussed below, the PPS in actuality is primarily, if not almost exclusively, focused on the transportation and related services of interstate natural gas pipelines. While at some point there could be a direct application of the PPS to oil pipeline transportation services and wholesale electric services, that is not the primary focus nor realistic contemplation of the instant order.

#### B. Competition vs. Incentive Regulation

As emphasized in the introduction and reiterated thereafter throughout the PPS, "incentive regulation is an alternative to cost-of-service regulation for utilities in non-competitive markets \* \* \* and not a substitute for market-based rates where markets are workably competitive, or where there is no exercise of market power." (Slip op. at 2.) Therefore, in order to assess the relevance of incentive regulation to any particular activity under the Commission's jurisdiction, it is necessary to assess qualitatively the extent to which competition exists or for which Commission policy seeks to engender or promote competition. In the end, incentive regulation will only be relevant to those activities and services for which competition does not serve as a substitute, in whole or in part, for traditional cost-based regulation. That

fact is of crucial importance in defining the jurisdictional scope of the PPS.

### C. Wholesale Electric Services

As pointed out at the March 11 Commission meeting, the Commission regulates only 10 to 15 percent of revenue a typical utility earns. Moreover, there are only five or six electric utility companies that have 100 percent FERC jurisdictional sales and which would be affected by incentive ratemaking. The vast majority of the electric sales business falls under retail jurisdiction, where several states already have incentive ratemaking in various stages of implementation. Beyond those five or six companies, it is not clear if or how incentive ratemaking would apply to our jurisdictional electric areas, such as transmission services and bulk power sales. I think it is also incumbent on the Commission to assess more specifically what exact electric utility services subject to our jurisdiction would be candidates for incentive ratemaking, for what reasons, with what objectives and with what particular incentive approach.

In addition, the Commission's current focus is on bringing additional competition to those electric services, such as transmission, which are subject to our jurisdiction. For example, wherever possible now, the Commission approves negotiated/market rates for eligible IPP transactions. Also, by law PURPA QF transactions are set at "avoided costs," as administered by the states pursuant to our general PURPA regulations. While I have not been completely enthusiastic about every competitive initiative proposed by the Commission staff or adopted by a majority of the Commission, that certainly is the general direction of the Commission today, as reiterated repeatedly in Chairman Allday's speeches and in a series of electric utility cases.

And, I would note that it shouldn't be that hard to work through analytically the electric jurisdictional services and competition questions. Such an analysis would give us a better grip also on the underlying question of interest to some of us: *i.e.*, to what extent is incentive ratemaking appropriate in our electric power regulation on a jurisdictional area specific basis. In the spirit of "truth in advertising," we ought to know the answer to that question anyway before proceeding on any generic basis to initiate Federal incentive ratemaking for electric utilities.

Consequently, I believe the Commission should concede that few electric jurisdictional areas will be subject to traditional regulation, in

whole or in part. Thus, by and large, areas accounting for very little revenue will remain subject to cost-based ratemaking in the face of the competitive policies in electricity.

I also would note that the discussion at the March 11 Commission meeting demonstrated in my judgment some of the real policy contradictions between the PPS as applied to electric utilities and current policies, even in areas subject to regulation. In the specific area of transmission pricing, for example, the Commission recently pronounced a new policy by which electric utilities could use a rate other than a traditional, embedded cost rate for transmission services, involving so called "opportunity costs." The Commission discussed in detail the circumstances under which the Commission is willing to approve some form of opportunity cost pricing for transmission services. (*Northeast Utilities Service Company, et al.*, 58 FERC ¶ 61, 070 (1992) (Opinion No. 364-A)).

I will not repeat that discussion here. But, of primary significance to this PPS, the Commission in Opinion No. 364-A articulated three goals governing the pricing of future third-party requests for firm transmission service. The goals are: (1) To hold harmless the native load customers of the utility providing transmission service; (2) to charge the lowest reasonable cost-based rate for third-party firm transmission service; and (3) to prevent the collection of monopoly rents by the transmission owner and promote efficient transmission decisions. The Commission further explained that in ruling on specific proposed rates, the Commission would balance the three goals in light of the facts and circumstances presented at that time.

The Opinion No. 364-A pronouncement was intended to support the Commission's general electric policy of fostering greater competition in the nation's wholesale bulk power markets, while recognizing the important economic interests of the native load customers of franchise utilities. Certainly, there is a quite obvious reluctance on the part of the Commission staff to allow incentive regulation proposals for transmission services to undercut or reverse the new Opinion No. 364-A policy, as I determined when I specifically inquired about the acceptability of such a proposal at the Commission Meeting. How, if at all, incentive regulation would apply to those transmission services and their rates is not only unclear, but such incentive regulation on its face would be contrary to the new policy in Opinion No. 364-A, for better or for worse.

There also has not been much analytical support or empirical evidence presented thus far to the Commission or reflected in the NOPPS to buttress the use of incentive regulation in this Commission's electric jurisdiction. The NOPPS does cite to the Southwest Bulk Power Experiment and the Western System Power Pool Experiment, as well as a few other electric cases. However, none of the cases cited had as a primary objective the use of an incentive ratemaking mechanism to achieve a demonstrable increase in productive efficiency with concomitant quantifiable consumer benefits, which is the proffered *sine qua non* of this proposal. Although certain mechanisms similar to those discussed in the PPS were employed in those cases, the use of the mechanisms in almost every case was intended to support another primary objective; *e.g.*, flexible transmission pricing in the Western System Power Pool Experiment to obtain greater transmission access (and such greater access was lost, when the Commission severely limited the pricing flexibility).

Those studies available from other sources raise considerable questions about the effectiveness more generally of incentive regulation in electric utility services. For example, the New York Public Service Commission has been actively reviewing incentive ratemaking for electric utilities for the past year and a half. The New York PSC published an "Issues Paper on Ratemaking Alternatives and Performance Incentive" for use in that docket. The Issues Paper provides a reasonably comprehensive discussion of the ratemaking options associated with a series of "alternative Regulatory Strategies" for electric utilities. Without personally endorsing any portion of the analysis, I believe the discussion of the advantages and disadvantages associated with the identified options and strategies would provide a useful starting point for further analysis and discussion by interested parties and should be considered by the Commission. A copy of the Issues Paper will be placed in the Public file in this docket.

Another recent study is by Berg and Jeong, "An Evaluation of Incentive Regulation for Electric Utilities" (*Journal of Regulatory Economics*; 3:45-55 (1991)). That empirical study attempted for the first time to identify the determinants of regulatory initiatives in this area and to test the effectiveness of incentive programs in lowering electricity production costs. The study examined the determinants and impacts of incentive regulations introduced by

state utility commissions in the late 1970s and early 1980s. Rewards for generating plant utilization and low heat rates were found to have been introduced in states whose firms exhibited relatively high managerial slack (or relatively higher costs). However, the empirical data did not find that the introduction of specific cost component incentives improved overall operating cost performance. Again, without personally endorsing any portion of the study or taking a position on such state incentive regulation programs, I believe this empirical study should be reviewed by interested parties and considered by the Commission. A copy of the study will be placed in the public file in this docket.

Another recent study is "The Michigan Regulatory Incentives Study for Electric Utilities, Phase I Final Report," April 25, 1991, Barakat and Chamberlin. Without personally endorsing any portion of the study, I have attached a detailed description of the study (attachment A)<sup>1</sup> for the purposes of postulating the analytical differences between the Michigan study and that of the NOPPS. The description is an excerpt from the 1991 Report of the Committee on Energy Conservation of the National Association of Regulatory Utility Commissioners. Interested parties may wish to review the study and it should be considered by the Commission. A copy of the study will be placed in the public file in this docket.

As these studies demonstrate, there is considerable analytical disagreement about whether and how incentive regulation should be applied to state electric utility regulation. A recent speech by Douglas N. Jones, Director of the National Regulatory Research Institute, provides a cautionary view with moderate skepticism from the regulatory vantage point. A copy of his remarks is attached for the information of interested parties (Attachment B). For the reasons discussed above, those factors are complicated by the limitation and type of Federal jurisdiction over the electric utility industry.

#### D. Oil Pipelines

The Task Force did not propose to include oil pipelines in the PPS. Oil pipelines were added to the NOPPS at the March 11 Commission meeting after I questioned the rationale for their absence. An explanation of the situation might assist interested parties in their review of the NOPPS.

<sup>1</sup> Copies of attachment A-D are not being printed in the Federal Register but are available in copies of the Notice from the Public Reference Room.

As we know, by settlement the Commission has successfully initiated a competitive experiment in the *Buckeye* case (*Buckeye Pipeline Company, L.P.*, 53 FERC ¶ 61,473 (1990); rehearing granted in part and denied in part, 55 FERC ¶ 61,084 (1991)) and other oil pipelines are in various stages of proceeding down the same path. However, there may continue to be some discrete markets, as in *Buckeye*, where the intermodal competition cannot be demonstrated to support market based rates and where, as a result, traditional ratemaking will continue for the foreseeable future. In essence, the competitive initiative is well underway on a case-by-case basis, but that is going to take a long time across the industry and there still may remain some traditional ratemaking before and after the transition. So, perhaps, the Commission would find upon further review that incentive regulation might be compatible with the competitive initiative for some oil pipeline services to particular discrete markets.

I wouldn't want to pre-judge that question, because it would involve a mix of incentive ratemaking with market prices for a particular pipeline, such as in *Buckeye*, but it might be worth exploring. In any event, again, we should know the answer ourselves in order to determine exactly what role, if any, incentive ratemaking should have under existing law for oil pipelines, taking into account the *Buckeye* competitive initiative. I would encourage the Commission to conduct such an analysis.

At the March 11 meeting, the Commission staff argued that the Commission might be better advised to defer consideration of incentive regulation for oil pipelines until after the Commission receives the results of a staff technical conference on April 30, 1992. The staff is convening the technical conference to examine the potential for streamlining the regulation of the interstate oil pipeline industry and to consider generic, market-based rates for oil pipelines under existing law. I continue to believe, as I have testified before Congress and argued to the Commission previously, that a generic initiative proposing market-based rates for much of the industry could be effective.

So, I strongly support the technical conference initiative to explore that possibility, as well as procedural reforms. At the same time, however, unless and until some form of generic action is taken under existing law, the case-by-case approach with time

consuming and costly market analyses will remain the only option to traditional cost-based regulation for oil pipeline companies. On that basis, the Commission should probably consider whether and how incentive regulation might be applicable as an alternative to continued traditional regulation for the foreseeable future for many oil pipelines.

As an aside, I would note that I found particularly ironic the advice of the Commission staff that the Commission defer action on incentive regulation for oil pipelines because of a forthcoming staff technical conference, while at the same time urging immediate action without public comment for incentive regulation for natural gas pipelines in the face of an imminent *Final Rule* in the so-called "Mega-NOPR" proceedings in Docket No. RM91-11-000. More on that later.

#### E. Natural Gas Regulation

This for me is the most difficult jurisdictional regulation for which to assess the appropriate role of incentive ratemaking at this time for several reasons. First, the predicate for the Task Force's support of incentive regulation is the need to provide a financial incentive for interstate pipelines to cut costs under traditional regulation, where there is inadequate competition to impose cost reduction as a competitive matter. At the same time, the objective of the Mega-NOPR is to increase competition on a gas-to-gas basis on individual pipelines by establishing full comparability of firm transportation and related services, which in turn will support more flexible pricing and regulation for both pipeline sales and services. Additionally, pipeline-on-pipeline competition should be enhanced significantly by the proposed measures in markets served by two or more pipelines. And, concepts such as capacity brokering add additional dimensions of competition for pipeline capacity entitlements.

It also is important to bear in mind that the natural gas market now deals in two basic commodities—(1) the physical natural gas molecule and (2) the pipeline capacity to deliver it. After the Mega-NOPR final rule, there probably will be at least one additional commodity, if not more, and that is the storage capacity which can serve as a competitive alternative (1) to direct wellhead sales and (2) to pipeline capacity (particularly for peak demand service). So, the Mega-NOPR should introduce additional competition in several different forms in several different (existing and new) markets. Thus, it is not clear today how

incentive ratemaking either could or should be introduced into the interstate pipeline industry under the Mega-NOPR proposals.

For that reason, I am not persuaded we should initiate any action on incentive ratemaking for pipelines until we enact a final rule in the Mega-NOPR docket. We do need to decide in that docket (1) what services will be provided by pipelines, (2) under what terms and conditions, (3) with what degree of potential competition, (4) with what resulting degree of pricing flexibility or market rates, and (5) with what remaining degree of traditional cost-based regulation. There may be a different outcome for firm vs. interruptible for a particular service and as between (1) storage, (2) transportation, (3) balancing, (4) gathering, and (5) sales, for example. It also is noteworthy that the initial comments of various parties in the Mega-NOPR propose various forms of flexible pricing, negotiated rates and incentive ratemaking in alternative formulations, *i.e.*, let us have negotiated market rates, or failing that flexible pricing, or failing that incentive or "motivator" rates (*e.g.*, for capacity release programs).

Consequently, I believe we need to develop some threshold notion of where we are going to land on those issues in the Mega-NOPR in order to assess whether, and if so, how incentive ratemaking will get into the final mix. I also believe that it would be appropriate for us to look at the specific services then remaining under traditional cost-based regulation, *if any*, to assess how incentive ratemaking could or should apply. Depending on how the final rule comes out, we may find that incentive ratemaking could be a good generic supplement for services other than more competitive services, or we may find it will have little generic value because services then will be largely competitive.

If it is the former, then we can assess how best to proceed on either a case-by-case basis or by generic policy statement. However, I do not believe we should do an incentive ratemaking policy statement right after the Mega-NOPR final rule, because we will still need to make the pipeline specific decisions under the final rule. In fact, it is likely that we will not have a clear picture of a general industry nature as to how much comparability has really been achieved and what formulation competitive pipeline services have really taken, until the settlement negotiations on many pipelines are complete.

Fourth, I am not sure I can agree with the underlying assumption that there is inadequate competition in *today's* market for cost cutting. Take, for example, interruptible transportation rates (IT). They are set at max-min's based on cost recovery factors, but subject to selective discounting. And, most pipelines in off-peak periods (whenever the pipeline is not largely full with FT and firm sales) discount almost continuously by electronic bulletin board to maximize throughput in a market where one or two pennies can make a real difference.

Also, sophisticated computer software now makes it instantaneously possible to trace IT discounts on pipelines serving the same geographic market area to determine the least cost path on a real time basis. Additionally, the "contemporaneous and comparable" correlative discount requirement in Order No. 497 for all similarly situated shippers, when a discount is given to a pipeline affiliate, has served to make discounting a far more fair and effective competitive tool. As a result, most pipelines today have a great incentive for cost cutting in the face of discounting, as we have seen in many pipelines. This is just one example of why we need to have a careful assessment of the need for incentive ratemaking for cost reduction on a pipeline service-by-service basis, that reflects the actual competitive conditions advanced by the Final Rule in the Mega-NOPR docket. And I do believe, by the way, that our several initiatives since 1984 have advanced, if not created, much of the competitive situation in the natural gas industry today, just as will the Mega-NOPR Final Rule.

#### F. Conclusion

As a practical matter, the NOPPS is really focused on transportation services provided by natural gas pipelines. There is as yet no demonstration that incentive regulation has a particular place in wholesale electric services. And, there even is apparent opposition to its use in Federal jurisdictional services, as well as considerable doubt as to its effectiveness more generally for electric services. Additionally, oil pipelines are clearly an afterthought, however, meritorious incentive regulation might be for them, and oil pipelines are the subject of the staff technical conference in any event. By rather obvious deduction, therefore, the NOPPS, despite its styling, and the PPS, despite its inclusive phrasing, target transportation services of natural gas pipelines for incentive regulation. For that reason, the

balance of this opinion will focus on that subject.

#### III. The Legal Question

The Bible teaches us, *Ecclesiastes*, 1:9, "And there is nothing new under the sun." That applies to incentive regulation as well. Though narrower in scope than the Task Force's program, the Commission has tried incentive ratemaking before in natural gas. We departed from strict cost of service regulation in order to provide various incentives to gas companies. The efforts regarding exploration come to mind.

For example, in the years before the Natural Gas Policy Act, the Commission allowed gas pipelines to extract higher rates from customers, to pay producers more (the advance payment program). Providing an incentive also formed the original rationale for allowing pipelines to keep for shareholders, rather than give to ratepayers, the benefits of consolidated tax savings that come from production losses. Both programs wound up under review in court, and as a result, considerable case law exists on how properly to fashion an incentive regulation under the "just and reasonable" standard of the Natural Gas Act.

The more recent, *City of Charlottesville v. FERC*, 661 F.2d 945 (D.C. Cir. 1981), struck down the Commission's consolidated tax policy for gas pipelines. The court held, 661 F.2d 945, 950, that a more rigorous standard of review applies when the Commission "seeks, \* \* \* to encourage [a particular activity] through increased rates to consumers." Quoting the *City of Detroit v. FPC*, 230 F.2d 810 (D.C. Cir. 1955), the court admonished (*id.*):

[I]f the Commission contemplates increasing rates for the purpose of encouraging exploration and development \* \* \* it must see to it that *the increase is in fact needed and is no more than is needed for the purpose*. Further than this we think the Commission cannot go without additional authority from Congress.

(Emphasis added)

In addition, the *Charlottesville* case stands for the proposition that the Commission must, through evidence, show that the incentive works. The court, 661 F.2d at 953-954, examined the record and found, as had the Administrative Law Judge, that the extra money the pipeline took in went, not to exploration, but to general corporate purposes. The court, 661 F.2d at 954, refused to "take it on faith that such funneling of tax savings does occur." (Footnote omitted.)

Even this cursory legal analysis should tell us that we cannot just decide

to give companies undefined "incentives," such as tying rates to some external index. Rather, after overcoming the hurdle that we need incentive ratemaking at all, the Commission must show how that the mechanism we choose gives companies enough, but not too much, money and, in fact, will bring about cost reductions. I also think that we will have to introduce a rigorous monitoring program to make sure that a particular form of incentive does more than degenerate into windfalls for the pipeline. I also invite the attention of the reader to the Commission's inquiry about what standards the Commission should use in determining whether incentive rate proposals are just and reasonable (slip op. at 5).

#### IV. Procedural Aspects

##### A. Proposed Policy Statement

It is particularly important that this is, in fact, a *proposed policy statement*. As such, as of this time, the PPS does not represent a final policy of the Commission. That point is emphasized repeatedly in the Introduction of the NOPPS, where it is stated that, "the Commission proposes to define \* \* \* proposes to set guidelines \* \* \* and proposes to invite companies to file incentive ratemaking proposals consistent with the principles laid out in a *final policy statement issued after our review of the public comments*. (Slip op. at 1, 2.)

The Commission certainly could have adopted an immediately effective policy statement, without any prior public comments and subject only to requests for rehearing after issuance. Speaking only for myself, I believe that the decision not to proceed with an immediately effective policy statement, but rather only issuing the instant NOPPS for initial and reply comments before considering a final policy statement, is very significant. In my judgment, that decision reflects a perceived need for industry-wide input in advance of any decision about (1) *whether* and (2) if so, *how* to proceed with incentive regulation for transportation services provided by interstate pipelines, particularly in the face of the Mega-NOPR and its impending Final Rule. The NOPPS approach will ensure that the Commission has the benefit of industry-wide comment, as well as the Task Force recommendation, before becoming committed to any form of incentive regulation for natural gas pipeline transportation services.

Consequently, it would be quite premature, in my judgment, to conclude today that the Commission on any

consensus basis has already embraced incentive regulation for such services without any hesitation or reservation. And, I would submit that any suggestion to the contrary "just ain't so." Therefore, I would urge analysts and commenters to address fully *whether* and *why* incentive regulation for such natural gas pipeline services should be adopted as Commission policy, as well as where, when, and how any policy of incentive regulation for those same services should be implemented.

##### B. Relationship to the Mega-NOPR

###### 1. Timing

The NOPPS provides for 45 days for initial comments and 15 days for reply comments after issuance. However, there remains considerable pressure to rush to adoption of a FPS for reasons apparently related to the Mega-NOPR final rule.

The order states that, "(t)his comment period should afford parties affected by the Commission's Final Rule in Docket No. RM91-11-000 an opportunity to review the rule before filing comments here (and) in the event there is insufficient time, the Commission will extend the time for comments in this proceeding." (Slip op. at 22, 23.) And, as discussed at the March 11 Commission meeting, the Commission is expected to act on the final rule in early to mid-April. Thus, commenters in this proceeding would have two to three weeks after that Final Rule issues to file initial comments here by late April and then reply comments by mid-May, in the absence of an extension.

Correspondingly, requests for rehearing of the final rule would be required by statute 30 days after its issuance, or in early to mid-May. Consequently, the Commission by mid-May would probably have pending before it the record of public comments on incentive regulation for natural gas pipeline transportation services for decision in a FPS in this docket, at the same time we would have pending the requests for rehearing in the Mega-NOPR docket. I am concerned that the apparent coincidence of the pendency of the two decisions (final policy here and rehearing order there) may suggest or invite a linkage in the implementation of the final rule, which I would oppose.

###### 2. Linkage

The Commission in the instant order could have announced an intent to issue a final policy statement as close as possible to the time companies and other interested parties begin discussions on restructuring in response to the final rule in Docket No. RM91-11-

000, thus indicating a clear policy direction that incentive regulation proposals could or even should be considered as part of those restructuring negotiations. Rather, the Commission in the NOPPS stated that it, "recognizes that there is a relationship between this proposed policy statement and any restructuring proceedings necessitated as a result of the final rule \* \* \* (and) (t)hus, after a review of the comments filed here, the Commission will issue guidance on how this policy statement affects those restructuring proposals." (Slip op. at 2.)

This is hardly a matter of purely academic or mere procedural concern. The Reply Comments of the Natural Gas Supply Association and Indicated Producers (NGSA/IP) in Docket No. RM91-11-000 address this linkage issue quite well, as follows:

While the term "incentive rate" apparently has different meanings to different segments of the natural gas industry, at the very least, incentive rates must be designed to encourage a pipeline to operate in the interest of all parties, including shippers, and to enhance pipeline efficiency. Therefore, any future incentive rate mechanism must produce a "win-win" situation for pipelines and shippers.

NGSA/IP are troubled, however, that some pipelines have recently filed market-based transportation rates and one-sided profit enhancement schemes with the Commission under the guise of "incentive rates." Those proposals benefit only the pipeline's shareholders at the expense of all other parties. They do not have the offsetting and commensurate benefits which are the foundation for economic enhancements and efficiencies under incentive rates. NGSA/IP urge the Commission to examine carefully purported "incentive rate" filings to make sure pipelines do not utilize incentive rates primarily to enhance revenue flow or to avoid declining rate bases.

Additionally, the Commission should carefully review "incentive rates" which are filed even as settlements under the implementation filings required under the Final Rule. The Commission should assure itself that the parties have not been coerced into accepting one-sided "incentive rates" as an inducement to the pipeline to become comparable, something the Final Rule will require the pipeline to do anyway. Incentive rates must be economically beneficial to all parties when examined on a stand-alone basis.

Finally, it is clear to NGSA/IP that regulations for incentive rates should not be addressed in the instant rulemaking. It is premature to fashion rules for incentives until pipeline services are unbundled and comparable. Only when embedded, historic cross-subsidies are eliminated will it be clear which functions and services the pipeline offers will benefit from incentive rate treatment. Without the clear pricing signals that unbundling of services offers the

purported positive effects of incentive ratemaking will be counterproductive to the efficient operation of the market. (Footnote omitted.)

I am quite concerned that, in the absence of substantial public comment on this linkage issue, pipelines may be authorized, if not affirmatively encouraged, to incorporate incentive regulation proposals pursuant to a Final Policy Statement in this docket into the restructuring proceedings. And, to the extent that settlements including incentive regulation for pipeline services are negotiated in those proceedings and filed with the Commission, I would deem it very unlikely that the Commission would be in a position procedurally to reach the merits of the four principles set forth in the PPS, such as quantifiable consumer benefits, for any given incentive regulation proposal. Under those circumstances, the potential for coercion suggested by NGS/IA could be manifest, without any realistically available remedy.

Consequently, I strongly would prefer to require that any incentive ratemaking for natural gas pipelines under the FPS must be the subject of a separate filing and a separate docket without any linkage or incorporation into the restructuring proceedings. Such a complete separation would ensure that the Commission will have the full legal and policy flexibility to review any such incentive mechanism on the substantive merits, without any settlement limitations. In my judgment, that is not only the best way, but probably the only effective way to ensure that any incentive ratemaking for natural gas pipeline transportation services will be consistent with applicable legal requirements and the Commission's competitive policy objectives in the Mega-NOPR.

I encourage all interested parties to address the linkage issue in their initial and reply comments.

### 3. Straight Fixed Variable

The NOPPS includes a discussion about the current rate design of natural gas pipelines and the Commission's proposal in the Mega-NOPR "to adopt a different rate design methodology in which the pipeline's fixed costs would be recovered solely through a demand or reservation fee, unless the parties otherwise agree (and) (t)he Commission specifically requests comments on how the policy proposal here relates to its rate design methodology proposal in Docket No. RM91-11-000." (Slip op. at 11.) Of course, this is a rather obtuse way of inviting commenters to tell the Commission *again* that the Straight Fixed Variable (SFV) proposal in the

Mega-NOPR (assuming it survives in the final rule) would leave the pipeline with no incentive to maximize throughput. And, further, that the fix for that problem really should be incentive regulation for transportation rates, *ergo*, we must adopt the instant PPS. And, oh by the way, we better hurry up to adopt this PPS in order that incentive ratemaking can be included in the Mega-NOPR restructuring proceedings to ensure that pipelines have an incentive to maximize throughput, even under SFV if adopted in the final rule.

For those of us poor (and probably perverted) souls who sadly delight in the analytical chess game of the regulatory process, that line of attack is a fascinating gambit. Of course, the whole issue of maximizing throughput goes to the heart of *allocative* efficiency, rather than *productive* efficiency. If allocative efficiency is the primary objective here, then that is the subject of the 1989 Rate Design Policy Statement and very much the focus of the Mega-NOPR. Indeed, if maximizing throughput is a serious concern, then as discussed earlier, the *existing* Order No. 436 rate structure for transportation services with maximum rates subject to non-discriminatory, selective discounting provides a *perfect* answer, because the discounting feature (i) achieves allocative efficiency by maximizing throughput *and* at the same time, (ii) achieves productive efficiency by creating a decided incentive to cut costs in providing transportation services in order to maximize profits realized from discounted volumes. And, candidly, that is the essence of the debate which has continued since the early days of the Task Force with regard to the fundamental need for incentive ratemaking for natural gas transportation services.

In any event, all interested parties should address the question at page 11 with this explanation in mind, after checking the final rule to see whether and, if so, how the SFV proposal in the Mega-NOPR fared in the final rule. And, if SFV is retained in some form, what effect does that have on (i) the allocative efficiency and (ii) the productive efficiency of pipeline transportation services? And, then how would incentive regulation for those services affect those separate efficiencies generally? And, more specifically, is there any resulting justification for replacing current transportation rate policies with incentive ratemaking, apart from the aforementioned gambit?

### C. Experimental Nature of the Proposal

There has been some suggestion that the intention of the PPS really is only to

commission "experiments" in incentive ratemaking for natural gas pipeline transportation services, in order to build a body of knowledge for further policy development in this area. Traditionally, the Commission has used experiments on occasion to develop operating experience and obtain empirical data for such purposes. The Southwest Bulk Power Experiment and the Western Systems Power Pool initiative are examples of such experiments. The Commission articulated at the outset the objectives it hoped to achieve, set up criteria for evaluation, provided for the collection of data for analysis, and used outside consultants to provide an independent analysis of the data and an objective assessment of the results of the experiment.

Then, the Commission carefully considered the results of the analysis, the conclusions of the experts, and the recommendations of the participants, other interested parties and the Commission staff *before* deciding how to proceed with a more general policy. In the Western Systems Power Pool case, for example, the Commission extended the experiment at the request of the parties, when it became clear that certain delays had prevented the timely collection of adequate data for analysis. And, there was considerable debate in that case at the Commission about the degree of transmission pricing flexibility necessary to achieve the bulk of the consumer benefits.

It is also noteworthy that courts reviewing such traditional experiments, including the Western Systems Power Pool, have been willing to provide the Commission with considerably more latitude than might otherwise be available under a typically more rigid application of statutory standards, such as "just and reasonable" for natural gas pipeline rates. Courts in those cases have emphasized, however, that to qualify for such greater latitude the Commission must be quite precise in establishing the objectives, evaluation criteria, data collection, analytical process, monitoring mechanism, and specific review procedures, such as in Western Systems Power Pool.

The legal discussion in the original Western Systems Power Pool order set out the proper standard for supporting experimental departures from traditional cost-based rates. Citing to *Maryland People's Counsel v. FERC*, 761 F.2d 768,779 (D.C. Cir. 1985), we said, "[T]he law demand[s] an articulation \* \* \* of the Commission's reasons for believing that more harm than good" will result from the experiment. *Pacific Gas & Electric Company*, 38 FERC ¶

61,242 at 61,793 (1987). (For the full text of that discussion, see Attachment D to this opinion).

By all of those legal and past practice indicia, this PPS is decidedly not an "experiment" *per se* for purposes of any analysis or public comment. While the Task Force may have in mind the notion of having a series of incentive ratemaking mechanisms in place on any number of natural gas pipelines across the country as some form of grand "experiment" to see how they all work, that is not tantamount to a true regulatory "experiment" in legal or policy terms. Rather, as the attempted linkage to the Mega-NOPR restructuring cases make clear, the clear and unambiguous direction is to make any one of several incentive ratemaking mechanisms available to *all* pipelines at the same time, *i.e.*, mid-1992 for incorporation in those restructuring proceedings. That may be a "grand experiment" in continental terms, but it quite simply is not an "experiment" in traditional regulatory terminology.

#### VI. Substantive Merits of the PPS

##### A. Regulatory Standards

The PPS includes a discussion of Regulatory Standards involving (1) incentive mechanisms must be prospective, (2) participation must be voluntary, (3) incentive mechanisms must be understood by all parties and, perhaps most significant (4) benefits to consumers must be quantifiable. (Slip op. at 11-13.)

In order to assess these proposed standards, my office has attempted to review, as best time allows, the FCC experience and AT&T price cap regulation. The middle of 1990 was the end of the first year of price cap regulation pursuant to the landmark order issued by the FCC, after the original NOPR was re-noticed by the Bush Administration appointees. In that first year, the FCC calculated that AT&T customers benefited by \$727 million in *reduced* rates under price cap regulation.

AT&T services are now divided into 17 separate categories. There are limits on increases in any given category each year, and AT&T is also required to reduce the average residential rate by 2 percent annually in real terms. The caps on each group of services (1. residential and small business; 2. 800 service, and 3. all other business services) also are adjusted to reflect changes in exogenous costs, productivity and rate restructuring. The following discussion is based on a report to the House Subcommittee on Telecommunications and Finance by the FCC Common

Carrier Bureau in October, 1990 entitled "AT&T's Performance Under Price Cap Regulation," which is one of several documents we have obtained from the FCC for review of their program.

After one year, service prices were, on average, 4.3 percent *lower*. Prices in 15 of the 17 service categories decreased and the largest increase was less than .3 percent. Adjustments in the price caps after one year reduced the limits in all three baskets—down 2.4 percent in basket 1; down 2.9 percent in basket 2; and down 1.6 percent in basket 3. In addition, the FCC allowed 12 filings for below-band pricing of AT&T offerings to take effect after determining that they met the "average variable costs" test standard to guard against predatory pricing. AT&T earnings remained within their historic benchmark and yet were sufficient to support needed investments in service and modernization during the first years of price cap regulation, according to the FCC, with a rate of return of 11.62% during the period.

Significantly, the FCC in its order established a number of key measurements to monitor the effectiveness of price cap regulation. They included new and restructured services, as a measure of innovation and efficiency, where AT&T introduced 27 new services in the first year. The AT&T market share was monitored to determine, if other interstate carriers could continue to compete. The quality of service was monitored specifically to guard against undetected service degradation.

The FCC also reviewed the technical standards contained in all AT&T tariffs and monitored the customer complaint process maintained by the Enforcement Division. The FCC also tracked capital expenditure variations to assess the potential impact on network capacity, service quality, and facilities modernization, to ensure that modernization and network upgrading proceed apace across the system. Additionally, the FCC order provides for an ongoing "reconsideration process" for future adjustments as required, as well as the possibility of changes if the ongoing monitoring of tariffs and new data indicate problem areas. Finally, the FCC will conduct a comprehensive reexamination of the price cap regulation at the end of the first three years, in mid-1992.

I submit this summary of the FCC's first year of experience with AT&T price cap regulation to point out the highly complex approach adopted by the FCC after almost three years of analysis and two separate industry wide NOPRs. I also recognize fully that this particular price cap regulation remains very

controversial in many quarters where the FCC's approach has been challenged and criticized. And, of course, one could argue, "see it really can work for the benefit of ratepayers, to enhance competition, etc., etc."

But the real point is that it takes a very specific and detailed approach (we can provide citations to the relevant FCC documents for anyone wanting to study them) in order to ensure that ratepayers, in fact, benefit from any particular incentive ratemaking proposal. The PPS may be a good concept or "Foundation" discussion to spur further analysis and debate, but it does not strike me as anywhere near specific-enough or detailed-enough to support a decision to implement incentive ratemaking at this point on any generic basis for interstate natural gas pipeline transportation services.

##### B. Productive Efficiency

The PPS concludes that none of the current incentive approaches used by the Commission has a strong long-term effect on costs. Apart from general theory, we do not have any empirical data to support that conclusion for interstate pipelines. For example, the issue of how best to establish throughout projections reflecting discounted volumes is a hotly contested matter in most rate cases and much debated by the Commission during and since the 1989 Rate Design Policy Statement, as discounted volumes have become increasingly significant in aggregate totals. And, as discussed much earlier, selective discounting appears to have led to significant pressures to cut costs throughout the industry.

The PPS then asserts that incentive regulation differs from traditional regulation in that it fosters long-term productive efficiency, which the PPS declares as the primary objective of the proposed policy, citing to the 1989 Research Report of the Commission's Office of Economic Policy (OEP). Whether incentive regulation for transportation services of natural gas pipelines will, in fact, achieve any demonstrable level of incrementally increased productive efficiency in the post Mega-NOPR era, therefore, becomes a crucial threshold analytical issue, (assuming, of course, that there is a consensus that the productive efficiency of those services require such improvement under current policy, such as discounting of interruptible transportation services discussed above). Thus, the analysis and conclusions of the 1989 OEP Report

become directly relevant to the substantive merits of the PPS.

A May, 1991, NRRI Research Report entitled, "A Review of FERC's Technical Reports on Incentive Regulation" provides a useful analysis of the 1989 OEP report. At my request, OEP provided the Commission with a response to the NRRI report in the best spirit of analytical discourse about this issue. Upon further review and study, I remain impressed with the attached conclusion of the NRRI report and the critical analysis it presents.

When one compares the PPS with the NRRI report, there are many substantive similarities with regard to the particular aspects of the incentive ratemaking alternatives discussed in the paper. At the same time, however, the NRRI report reaches *different* conclusions in terms of (1) the cost cutting incentives under existing traditional regulation and competitive initiatives already underway (and also contemplated by the Mega-NOPR for interstate pipeline and by the Commission's electric power regulatory policies for electric utilities) and (2) the likely benefits for ratepayers under the incentive proposals, as opposed to the regulated companies.

I would still like to see an effort by the Commission to reconcile those differences between the NRRI report and the PPS on an objective analytical basis. For example, it might be appropriate to invite the NRRI staff members to review the PPS and address the differing conclusions. Failing that, I would separately approach NRRI for further discussion of their report and conclusions, as can any Commissioner.

#### C. Some Possible Mechanisms

The PPS discusses in general conceptual terms five possible incentive mechanisms for the transportation services if interstate natural gas pipelines, including: (1) Automatic rate changes, (2) performance targets, (3) flexible pricing, (4) benefit sharing, and (5) consumer welfare bonus.

As discussed earlier, the Michigan State Regulatory Incentives Study, the NRRI Report, the Berg and Jeong study, and the New York PSC Issues Paper, among others, provide useful reference material related to the various incentive mechanisms, including the five discussed in the PPS.

I also believe that the New York PSC Issues Paper provides a useful basis as a reference frame for how to analyze the various ratemaking options and the resulting Alternative Regulatory Strategies, including the identified advantages and disadvantages. I believe the Issues Paper should serve as a model for how the Commission should

proceed to flesh out the options and Alternative Strategies for electric utilities, oil pipelines, and natural gas pipelines, with particular attention to the specific jurisdictional rate or service to be considered for incentive ratemaking, as discussed above. I think such an analysis would be a useful step before we decide to adopt the largely, otherwise unsupported conclusions in the proposed policy statement.

I also should note a new study by Brown, Williams, Quinn & Chinn, Inc., "An Overview of Incentive Ratemaking Mechanisms: Application to Interstate Natural Gas Pipelines," December, 1991. This "White Paper," according to the Foster Report of February 27, 1992 (Report No. 1865-p.2), "was apparently circulated in anticipation of a discussion of a proposed policy statement on incentive ratemaking at FERC's open meeting on February 26," but the item was removed from the meeting agenda, so the discussion did not take place. I personally have no knowledge about how or why the White Paper was prepared by Brown, Williams, Quinn & Chinn, Inc., nor anything about the timing of the white paper's release. According to the Foster Report:

The white paper describes five workable mechanisms to design and implement incentive rates. According to the study, "these mechanisms result in win-win outcomes where both the pipeline and its customers stand to gain economic benefits." All reflect "the same philosophy of offering the pipeline a financial incentive to achieve higher productivity." Five mechanisms were explored because "pipeline systems are so different in their mix or services, cost structure and degree of completion that no single incentive rate design will work on all of them." For that reason, the paper declared, incentive rates could be implemented through individual rate case filings under NGA Section 4, not through a generic FERC rulemaking.

With respect to each of the five incentive rate mechanisms, the white paper described how rates would be set, the flexibility to change rates, the impact on frequency of rate cases, benefits, and applicability to pipelines in different states of development. Examples were also provided.

The five "workable" mechanisms described in the report include: (1) rate cap regulation, (2) zone of reasonableness, (3) bounded rates, (4) sharing of efficiency gains, and (5) incentive rate of return. Those mechanisms in varying degrees relate analytically to the five possible mechanisms set forth in the PPS, although in some cases there is a mix of competitive and non-competitive factors inconsistent with the underlying premise of the PPS that the incentive regulation is solely for non-competitive activities,

such as pipeline transportation. I mention the Brown, Williams, Quinn and Chinn report in order that interested parties will have the benefit of this recent, natural gas pipeline-specific analysis by that knowledgeable consulting group. We are still reviewing the report at this time to assess its analysis of the incentive mechanisms.

#### D. The Viking Case

The most recent decision of the Commission regarding incentive regulation occurred in *Viking Gas Transmission Company* (57 FERC ¶ 61,417) (*Viking*), cited in the PPS for the proposition that an incentive rate proposal must have a quantifiable benefit for consumers. The Commission rejected the company's "proposed incentive rate scheme because, *inter alia*, it seemed to guarantee that future rates would be higher than they would otherwise be under traditional embedded cost ratemaking." (Slip op. at 13, n.11.) Nevertheless, the rejection of Viking's mechanism was without prejudice to its refiling at a later date and, to that end, a technical conference was to be established to explore other incentive mechanisms (as well as an FT bidding program) that might be acceptable in the future.

*Viking* provides an interesting and valuable case study, in my judgment, of the potential problems associated with incentive ratemaking for natural gas pipelines, particularly in the context of the Mega-NOPR restructuring proceedings. I believed the protestors raised concerns which justified summary rejection of Viking Gas Transmission Company's (*Viking*) so-called "incentive" and "market oriented" proposals on the substantive merits. The order included questions in Appendix C which would elicit information to respond to the protestors' and the Commission's concerns. I would much prefer to have the answers to such questions *before* accepting any incentive rate proposals in the future. And, I suggest that a FPS should impose such a requirement.

First, although the pipeline had chosen to term its proposal an "incentive" mechanism, there is no incentive for the pipeline to reduce costs and no showing of increased efficiency. As proposed by Viking, this "incentive rate" proposal is just another way to increase revenues to the pipeline without any increase in efficiency or in the quality of services. I see no justification to depart from traditional cost of service ratemaking *unless* there is a clear indication that the customers will be better off under the new proposal; *i.e.* lower rates for the

same quality service or higher quality service for the same rates otherwise established under current policy. As pointed out by Northern Minnesota Utilities (NMU), "The QRAM guarantees recovery of continually escalating rates at a time when Viking's rates should be decreasing to reflect its steadily declining rate base."

Second, Viking proposed market-oriented rate structures for new firm transportation (FT) capacity which becomes available and for interruptible transportation (IT) capacity. The Commission has permitted pipelines to depart from traditional cost of service rates and charge market based rates for services for which it has shown that the pipeline does not exercise significant market power. However, Viking had neither shown, nor attempted to show, that it does not have significant market power over its transportation capacity. The Commission should not accept such proposals until that determination is made. Again, I do not see how the customers will be better off under these proposals. In addition, as the NSP Companies note in their protest, these market-oriented mechanisms would "artificially raise the price of transportation at the expense of producer netbacks, thus discouraging gas exploration to the detriment of the consumers and the nation's energy policy." (emphasis added)

Third, the Commission summarily rejected Viking's proposal to design maximum FT rates on the basis of replacement costs. In a non-competitive environment, rates should not be designed to recover more than the original construction cost incurred by the pipeline. As a practical matter, the use of replacement costs here to establish a so-called "cost based cap" results in a maximum rate which is so high as to not provide any reasonable constraint on prices. The end result, again, is unreasonably high rates with no increase in efficiency or quality of services. The NSP Companies point out in their protest that the Commission has previously rejected the use of replacement costs for the design of open-access transportation rates, citing to *Bayou Interstate Pipeline System*, 41 FERC ¶ 61,086 (1987).

Fourth, Viking had mixed a so-called "incentive" proposal with a market based proposal for the same services. Not only would shippers be required to bid for new FT capacity, subject to an unreasonably high so-called "cost based" cap, their bid would then escalate through the application of the QRAM, thus further enhancing Viking's revenues for no efficiency gains.

It is possible that these rate mechanisms could have been put into effect, subject to refund, after the five month suspension period. However, I did not believe that the refund obligation provided adequate protection to Viking's customers against the severe disruptions which would be caused by, in effect, permitting a monopoly to charge "market based" rates. Therefore, I supported summary rejection of Viking's "incentive" and "market oriented" proposals.

I would note that the incorporation of incentive ratemaking proposals in the restructuring proceedings and any subsequent settlements could deny the Commission as a practical matter the flexibility to suspend or reject a proposal similar to that of Viking. To that extent, the discussion in the conclusion of the NOPPS about scrutinizing closely any incentive ratemaking proposal, rejecting any proposal not consistent with the goals of the PPS, and suspending others for the full statutory period could ring hollow in practice, as argued by NCSA/IP in their reply comments to the Mega-NOPR. That settlement circumstance also could frustrate the opportunity for the Commission to require the analysis and information contained in Appendix C to the Viking order and deemed necessary by the Commission there for our review before we would act on any such Viking proposal.

As noted above, I believe the Commission in any FPS should adopt a requirement that any filing of an incentive ratemaking proposal must include the same detailed type of information and analysis specified in the Appendix C for Commission review prior to any decision on the proposal. Such a requirement would enable the Commission to assess whether there was any quantifiable consumer benefit, particularly in the form of a rate reduction from otherwise applicable rates under current policy, among other features of the proposal. I request that commenters consider such a requirement, as well as the concomitant requirement that incentive ratemakings be included only in separate dockets outside of the restructuring proceedings, so we could actually consider the data adduced by the information requirement.

For the convenience of the interested parties, I have attached a copy of Appendix C of the Viking order (Attachment C). I also would note that certain of the questions in Appendix C are quite relevant to the analysis of the PPS, as well as any specific incentive

ratemaking proposal that might be filed in response to a FPS.

#### E. Specific Questions

The PPS includes a wide ranging discussion of current ratemaking policies and suggestions about the potential benefits of incentive ratemaking, as an alternative to those policies where competitive forces are inadequate to support market-based options. The following comments and questions are intended to provide interested parties with an analytical basis for approaching key aspects and factors. The page citations are to the slip opinion.

(1) The NOPPS states that a larger interval between rate periods gives the utility added incentives to minimize costs and operate more efficiently (slip op. at 3).

However, the Commission's current three-year rate requirement is only applicable to companies which have a Purchased Gas Adjustment (PGA) clause for tracking gas costs. In the Mega-NOPR, the Commission has proposed to issue pipelines blanket sales certificates under which sales would be made at market-based prices thus eliminating the need for a PGA. As a result, pipelines will not be subject to a mandatory three-year review. Would this elimination of the three-year rate review provide the pipeline with sufficient incentives to minimize costs and operate more efficiently?

(2) In addition, the NOPPS states "Lengthening the period between rate cases increases the incentive for utilities to take risks associated with aggressive cost cutting measures." (Slip op. at 10.)

What type of risks might the pipeline take to aggressively cut costs? Can the pipeline be expected to take such risks without negatively impacting on the current quality of service or reliability of service? Could the "incentive to aggressively cut costs" slow the implementation or adoption of the type of new technology which will be beneficial, if not necessary, for the post-Mega-NOPR restructuring of the natural gas industry? How might the Commission address these concerns in its review of individual incentive rate proposals?

(3) The NOPPS states that proposals must contain standards to measure quality of service and incentives to maintain it. (Slip op. at 14.)

What are some standards the Commission might expect to be included to measure quality of service? What sort of incentives might be proposed to ensure current quality of service is maintained? Should not the industry be

concerned with improving quality of service and reliability in order to improve the current perception in certain markets that natural gas is less reliable than other energy sources?

(4) The Brown, Williams, Quinn and Chinn white paper discussed how difficult developing a productivity index can be and appears to conclude that setting the level would be a matter of negotiation.<sup>2</sup> Please comment on how such indices may be developed. Would negotiating a productivity index provide the pipeline with additional leverage in the upcoming restructuring proceedings? How might the Commission ensure that an index that is the result of negotiations is a fair measure of productivity and won't merely serve to provide the pipeline with additional revenues for the same costs and same services?

(5) The NOPPS states that incentive proposals may contain new techniques for flexible pricing. In response to my questions regarding the value of flexible pricing in relation to other incentive rate mechanisms, staff responded that flexible pricing is one way to achieve greater allocative efficiency. However, staff stated that it is not an integral part of incentive regulation, which is focused on productive efficiency (*i.e.*, cost reduction measures, such as reducing O&M). In staff's opinion, flexible pricing is valuable, but it has little to do with getting pipelines to minimize costs. Rather, it has everything to do with getting pipelines to use their existing facilities most efficiently (*i.e.*, tailoring services and prices to be responsive to the needs and operating characteristics of individual customers). In addition, staff recognized that selective discounting, one type of flexible pricing, has been valuable in getting pipelines to increase volumes on under-used systems and customers receiving the discounts have certainly benefitted from lower rates. However, staff asserted that this is not the same as saying that pipelines have cut costs as a result of selective discounting.

Flexible pricing in the context of the NOPPS (slip op. at 19) seems to mean the ability of the company to charge rates above the current maximum cost based rate as necessary to ration capacity. How might the Commission analyze flexible pricing proposals to ensure that they don't result in excessive cost shifting between captive and non-captive customers or excessive revenues to the pipelines? Is it true that

pipelines have not cut costs as a result of selective discounting?

(6) Flexible pricing raises additional equity issues. Staff explained to the Task Force that some firms have so few costs left (due to highly depreciated rate bases) that they cannot raise rates high enough to retain capacity without over-recovering costs. Conversely, other are so seldom constrained that their rates are always higher than needed to ration capacity. That tends to raise a problem of equity, not efficiency, raising the question of who is left paying for surplus capacity. Although raised to the Task Force, staff later said this is not a problem intended to be addressed by incentive regulations as proposed in the NOPPS. I would like industry comment concerning this equity issue and how it might be negatively or positively impacted by incentive regulation and how the Commission might address these concerns. Are there other equity issues involved in Incentive Regulation or Flexible Pricing mechanisms which the Commission should address when analyzing these proposals?

(7) In its discussion of Consumer Welfare (slip op. at 21) the NOPPS seems to say that it may not be possible to add value to the pipeline customers' quality of service. If so, then logically incentive ratemaking may only lead to higher prices for the same quality of service. I would like comments on whether that is true, and if so, what benefit is there to the consumer in adopting incentive rate proposals?

#### V. Conclusion

While I strongly would have preferred to defer action on incentive regulation of natural gas pipeline transportation services until after implementation of the Mega-NOPR Final Rule, I am willing reluctantly to support a proposed policy statement subject to meaningful public comment as a compromise. I have attempted in this separate opinion to set forth as much of the analytical thought which has occasioned our internal debate about this subject as time would allow. Hopefully, this discussion will provide some measure of analytical foundation for interested parties to assess the PPS, draw their own conclusions, and file public comments, if they so choose.

At the March 11 Commission meeting, my distinguished colleague, Commissioner Terzic recounted, as only he could, an old Serbian joke. He said that this NOPPS reminded him of the huge elephant that goes into extended labor and after much travail brings forth a meek little field mouse. I would most respectfully suggest that interested parties would be well served to

approach the analysis with the anticipation that this will be one Serbian mouse that roars thunderously before these proceedings are over.

Seriously, though, the debate about the incentive regulation issue is now joined publicly. I sincerely commend Commissioner Terzic for his concerted and tenacious efforts to advance the debate to this point. And, I look forward with great interest to the public comments adduced by the instant NOPPS.

For these reasons, I concur.

Charles A. Trabandt,  
Commissioner.

[FR Doc. 92-6497 Filed 3-19-92; 8:45 am]

BILLING CODE 6717-01-M

#### Office of Civilian Radioactive Waste Management

#### Availability of "Report of Early Site Suitability Evaluation of the Potential Repository Site at Yucca Mountain, Nevada"

**AGENCY:** Department of Energy.

**ACTION:** Notice of availability.

**SUMMARY:** The "Report of Early Site Suitability Evaluation of the Potential Repository Site at Yucca Mountain, Nevada," has been published and is available for public review. The report may be obtained as provided in "ADDRESSES" below.

**DATES:** Written comments on the "Report of Early Site Suitability Evaluation of the Potential Repository Site at Yucca Mountain, Nevada," must be received on or before June 15, 1992, in order to ensure full consideration.

**ADDRESSES:** Persons wishing to review the "Report of Early Site Suitability Evaluation of the Potential Repository Site at Yucca Mountain, Nevada," may obtain a copy by contacting the Project Manager, U.S. Department of Energy, Yucca Mountain Site Characterization Project Office, suite 200, 101 Convention Center Drive, Las Vegas, Nevada, 89109. Written comments should be addressed to the Project Manager, Yucca Mountain Site Characterization Project Office, at the above mentioned address. Comments received are available for public inspection at the Yucca Mountain Site Characterization Project Office.

**FOR FURTHER INFORMATION CONTACT:** Jeremy M. Boak at the above address (telephone 702-794-7588 or FTS 544-7588).

**SUPPLEMENTARY INFORMATION:** This study evaluated the technical suitability of Yucca Mountain, Nevada, for

<sup>2</sup> The NOPPS discussed productivity adjustments on p. 15 of the slip op.

characterization as a potential site for a mined geologic repository for the permanent disposal of radioactive waste. In the judgment of the team conducting this evaluation, the presently available evidence continues to support the findings of the Environmental Assessment (DOE, 1986) that the site is suitable for site characterization. This evaluation, however, found that additional information is needed in a number of specific areas before a final recommendation can be made by the Secretary of Energy to the President regarding the suitability of the site for repository development.

The judgments presented in this report are those of the team that conducted this study, referred to as the "Core Team," and are not findings or conclusions made or endorsed by the U.S. Department of Energy (DOE). The Core Team included representatives from those organizations that are participating with the DOE in characterizing and evaluating the Yucca Mountain site. To ensure that the evaluation was technically sound and logically consistent, the Early Site Suitability Evaluation Report underwent two formal reviews. The first review was performed by technical personnel within the Yucca Mountain Site Characterization Project who were not involved in preparing the Early Site Suitability Evaluation Report and its site suitability evaluations. The second review was conducted by a panel of experts (university faculty members and private consultants) who have had only minimal involvement, and in most cases, no specific involvement with the geologic repository program.

John W. Bartlett,

Director, Office of Civilian Radioactive Waste Management.

[FR Doc. 92-6551 Filed 3-19-92; 8:45 am]

BILLING CODE 6450-01-M

#### Office of Fossil Energy

[FE Docket No. 92-02-NG]

#### Bray Terminals, Inc.; 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 of the Department of Energy (DOE) gives notice of receipt on January 15, 1992, of an application filed by Bray Terminals, Inc. requesting blanket authorization to

import from Canada up to 43.8 Bcf of natural gas over a two-year period commencing with the date of first delivery. Bray Terminals, Inc. intends to use only existing pipeline facilities within the United States and states that it will submit quarterly reports detailing each transaction.

The application was 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 at the address listed below no later than 4:30 p.m., eastern time, April 20, 1992.

**ADDRESSES:** Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Room 3F-056, FE-50, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9482.

**FOR FURTHER INFORMATION CONTACT:**

Charles E. Blackburn, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-094, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-7751.  
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:** Bray Terminals, Inc. is a New York corporation with its principal place of business in Glens Falls, New York. Bray Terminal, Inc. is engaged in the petroleum industry, including the sale of lubricating oil and equipment, for the commercial, industrial, and retail sector. Bray Terminals, Inc. proposes to import gas from a variety of Canadian suppliers for sale to various United States customers, which might include end-users, LDC's, and other pipeline companies. The specific terms of each transaction, including price, would be negotiated in response to prevailing market conditions.

The decision on the application for import authority will be made consistent with the 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 on the issue of competitiveness as set forth in

the policy guidelines regarding the requested import authority. The applicant asserts that imports made under the proposed arrangement will be competitive. Parties opposing the 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 their 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, notice of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notice of intervention, 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 schedule, notice will be provided to all parties. If no party request additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of the Bray Terminal, Inc. application is available for inspection and copying in the Office of Fuels Programs Docket Room, 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 March 16, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92-6555 Filed 3-19-92; 8:45 am]

BILLING CODE 6450-01-M

[FE Docket No. 92-21-NG]

### Exxon Corp.; 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 of an application filed on February 20, 1992, as revised on February 25, 1992, by Exxon Corporation (Exxon) requesting blanket authorization to import up to 36.5 Bcf of natural gas per year over a two-year period beginning on April 26, 1992, the day after the date on which Exxon's current authority to import natural gas from Canada expires.

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 at the address listed below no later than 4:30 p.m., eastern time, April 20, 1992.

**ADDRESSES:** Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-056, FE-50, 1000 Independence Avenue SW., Washington, DC 20585.

**FOR FURTHER INFORMATION CONTACT:**

Peter Lagiovane Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-094, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-8116.

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:** Exxon is a publicly owned corporation incorporated in the State of New Jersey with offices in Houston, Texas. On December 8, 1989, the DOE, in Opinion and Order No. 357, authorized Exxon to import up to 73 Bcf of natural gas from Canada over a two-year term beginning on the date of first delivery (1 FE Para. 70,272). The first import under that authorization took place on April 26, 1990.

In its February 20, 1992, application, Exxon requests that this authorization be further extended for two years. Exxon proposes to import the gas for its own account and as agent for U.S. purchasers of natural gas from Esso Resources Canada, or its affiliates, or other individual producers, producer groups and associates, or pipeline companies. In addition, Exxon stated it will only transport the imported natural gas through facilities that exist at the time the import authorization is issued. Exxon stated it would continue to comply with the quarterly reporting requirements contained in its previous blanket authorization.

The decision on the request for import authority will be made consistent with the DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the market served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). Parties should comment in their responses on the issue of competitiveness as set forth in the policy guidelines. Exxon states that the proposed imports would be purchased under market-responsive arrangements of no more than two years in length. The specific terms of each transaction will be negotiated among the parties based upon market conditions. Exxon asserts such transactions will only take place to the extent that sellers can provide short-term or spot volumes, purchasers require

such volumes, and prices remain competitive. Further, Exxon notes that Canada has been an extremely stable source of natural gas and there has been no instance of a major supply interruption that would call into question the reliability of the imported gas supply. Parties opposing Exxon's request for import authorization bear the burden of overcoming these assertions.

All parties should be aware that if DOE approves this requested blanket import authorization, it may designate a total authorized volume for the two-year term, or 73 Bcf of natural gas, rather than the 36.5 Bcf per year requested by Exxon, in order to maximize the applicant's flexibility of operation.

### 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 their 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 responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of Exxon'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 March 13, 1992.

Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs Fossil Energy.

[FR Doc. 92-6549 Filed 3-19-92; 8:45 am]

BILLING CODE 6450-01-M

#### Office of Fossil Energy

[FE Docket No. 92-11-NG]

#### Highland Energy Co.; Application for Blanket Authorization To Export Natural Gas

**AGENCY:** Department of Energy, Office of Fossil Energy.

**ACTION:** Notice of application for blanket authorization to export natural gas to Mexico.

**SUMMARY:** The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt on February 5, 1992, of an application filed by Highland Energy Company (Highland) requesting blanket authorization to export to Mexico up to 75,000 MMBtu per day of natural gas over a two-year term beginning on the date of first delivery. Highland intends to use existing pipeline

facilities on the U.S.-Mexican border, and states it will submit quarterly reports detailing each transaction.

The application is filed under section 3 of the Natural Gas Act (NGA) 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 at the address listed below no later than 4:30 p.m., eastern time, April 20, 1992.

**ADDRESSES:** Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-056, FE-50, 1000 Independence Avenue, SW., Washington, DC 20585.

#### FOR FURTHER INFORMATION:

Peter Lagiovane, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-056, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-8116.  
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:** Highland is a Texas corporation with its principal place of business in Dallas, Texas. Highland proposes to export natural gas to Mexican purchasers for varying terms but not to exceed one year. The identity of actual purchasers is presently unknown but would be reported in Highland's quarterly filing with DOE.

The decision on the application for export authority will be made in accordance with section 3 of the NGA and the authority contained in DOE Delegation Orders Nos. 0204-111 and 0204-127. In deciding whether the proposed export is in the public interest, domestic need for the gas will be considered, and any other issues determined to be appropriate. Highland asserts there currently exists no national or regional need for the gas proposed for export. Moreover, Highland notes that the short-term nature of the requested export authorization protects against the possibility that a national or regional need for these supplies might develop in the future. Parties opposing the arrangement bear the burden of overcoming these assertions.

All parties should be aware that if DOE approves this requested blanket export authorization, it may designate a total authorized volume for the two-year term, or approximately 54.8 Bcf of

natural gas, rather than the 75,000 MMBtu per day requested by Highland, in order to maximize the applicant's flexibility of operation.

#### 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 their 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 responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of Highland'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 March 13, 1992.

Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Program, Fossil Energy.

[FR Doc. 92-6557 Filed 3-19-92; 8:45 am]

BILLING CODE 6450-01-M

[FE Docket No. 91-108-NG]

#### HPL Gas Co.; Order Granting Blanket Authorization To Export Natural Gas to Mexico

**AGENCY:** Office of Fossil Energy, Department of Energy.

**ACTION:** Notice of order granting blanket authorization to export natural gas.

**SUMMARY:** The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting HPL Gas Company blanket authorization to export up to 275 Bcf of natural gas to Mexico over a two-year period beginning on the date of first delivery.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585. (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, March 11, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92-6556 Filed 3-19-92; 8:45 am]

BILLING CODE 6450-01-M

#### ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-4116-5]

#### Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared March 2, 1992 through March 6, 1992 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 260-5076.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 5, 1991 (56 FR 14096).

#### Draft EISs

ERP No. D-AFS-F02020-OH Rating EC2, Wayne National Forest, Amendment 7 Land and Resource Management Plan, Oil and Gas Leasing, Implementation, Application for Permit Drilling and Section 404 Permit, Several Counties, OH.

**Summary:** EPA expressed concerns regarding potential environmental impacts associated with the preferred alternative. Additional information on mitigation for noise, water, wetland and wildlife impacts and a contingency plan for oil spills should be provided in the final EIS. EPA also expressed environmental objections to several of the high-development scenario alternatives in the draft EIS.

ERP No. D-AFS-J65133-UT Rating EC1, Roundy Reservoir Area Timber Sale and Road Construction, Implementation, Dixie National Forest, Aquarius Plateau, Escalante Ranger District, Garfield County, UT.

**Summary:** EPA expressed environmental concerns regarding the viability of old-growth habitat units under the proposed management criteria.

ERP No. D-COE-C32034-00 Rating EC2, Delaware River Comprehensive Navigation Channel Improvement, Beckett Street Terminal in New Jersey through Philadelphia Harbor, Implementation, Several Counties, NJ, DE and PA.

**Summary:** EPA has concerns regarding the proposed project's alternatives, sediment sample results, water quality and dredging operations. Accordingly, additional information is needed in the final EIS to address these concerns.

ERP No. D-COE-J50008-ND Rating LO, Lake Oahe Bridge Construction,

midway between Bismarck, and Mobridge, SD, Funding, Emmons and Sioux Counties, ND.

**Summary:** EPA recommended that greater emphasis be placed on restoring old wetlands and creating new ones.

ERP No. D-DOT-A52168-00 Rating EC2, Commercial Reentry Vehicles Launched into and from Space, Licensing.

**Summary:** EPA expressed concerns for the possible effects of ablation on the stratospheric ozone layer and would like to see the section on air pollutants clarified.

ERP No. D-IBR-J31022-UT Rating EU2, Price-San Rafael Rivers Unit of the Colorado River Water Quality Improvement Program (CRWQIP) and the on-farm Colorado River Salinity Control Program (CRSC), Improvements, Funding and Possible Section 404 Permit, Carbon, Emery Counties, UT.

**Summary:** EPA has identified adverse environmental impacts and has concerns regarding the magnitude of projected wetland losses associated with the "on-farm" portion of the project, sufficiency of impact disclosure, and the narrow range of action alternatives among other issues. The DOI Bureau of Reclamation has proposed that project authorization include mitigation of the on-farm wetland losses. This could satisfy EPA's concern with the project.

ERP No. D-IBR-L28005-OR Rating EC2, Milltown Hill Project, Dam and Reservoir Construction and Operation, Funding and Implementation, Elk Creek Subbasin, Umpqua River Basin, Douglas County, OR.

**Summary:** EPA continues to have environmental concerns based on the potential for adverse water quality effects resulting from secondary growth and effects on already depleted anadromous fish stocks. Additional information is needed to describe project monitoring, describe the effectiveness of mitigation measures, describe the detailed wetlands mitigation plan, and clarify the ability of the local government to deal with the induced growth resulting from this project.

ERP No. D-USA-E65040-MS Rating EC2, Camp Shelby Continued Military Training Activities, Use of National Forest Lands, Special Use Permit, Desoto National Forest, Forrest, George and Perry Counties, MS.

**Summary:** EPA expressed environmental concerns regarding the proposal to upgrade mechanized training at Camp Shelby, MS. The final EIS and ROD should describe and commit to design modification and

mitigation measures, necessary to offset wetlands, water quality, air quality and noise impacts.

ERP No. DS-COE-C32034-00 Rating EC2, Delaware River Comprehensive Navigation Channel Improvement, Additional Information, Beckett Street Terminal in New Jersey through Philadelphia Harbor, Implementation, Several Counties, NJ, DE, PA.

**Summary:** EPA has concerns regarding the proposed project's alternatives, sediment sample results, water quality and dredging operations. Accordingly, additional information is needed in the final EIS to address these concerns.

#### Final EISs

ERP No. F-CDB-C80019-NY Northeast Middle School Project Construction and Operation, Site Approval and CDB Grant, City of Rochester, Monroe County, NY.

**Summary:** EPA has no objections to the implementation of the proposed project.

ERP No. F-FHW-F40314-WI WI-TH-67/Oconomowoc Bypass Corridor Improvement and Relocation, Summit Avenue to existing WI-TH-67 near Lang Road, Funding and Section 404 Permit, City of Oconomowoc, Waukesha County, WI.

**Summary:** EPA continues to express concern for water quality impacts due to bridge construction and highway run-off, affects on fish spawning areas, and insufficient information on secondary development. EPA recommended additional mitigation measures be included in project design.

Dated: March 17, 1992.

William D. Dickerson,

Deputy Director, Office of Federal Activities.

[FR Doc. 92-6569 Filed 3-19-92; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-4116-4]

#### Environmental Impact Statements; Availability

**Responsible Agency:** Office of Federal Activities, General Information (202) 260-5076 or (202) 260-5075. Availability of Environmental Impact Statements Filed March 9, 1992 Through March 13, 1992 Pursuant to 40 CFR 1506.9.

EIS No. 920077, Final EIA, USA, UT, Dugway Proving Ground, Biological Aerosol Test Facility (BATF), Construction and Operation, Baker Laboratory, Tooele and Juab Counties, UT, Due: April 20, 1992, Contact: Melynda Petrie (801) 831-2116.

EIS No. 920078, Draft EIS, AFS, ID, Far East Salvage Project, Rehabilitation and

Recovery of Insect Damaged Resources Timber Management Plan, Implementation, Upper South Fork Payette River, Boise National Forest, Lowman Ranger District, Boise County, ID, Due: May 04, 1992, Contact: Dautis Pearson (208) 259-3361.

EIS No. 920079, Draft EIA, COE, TX, Fort Polk, Louisiana Realignment of the 5th Infantry Division (Mechanized) to Fort Hood, Texas, Implementation, Bell, Coryell, McClennan, West Bell and Lampasas Counties, TX, Due: May 04, 1992, Contact: Arver Ferguson (817) 334-3246.

EIS No. 920080, Final EIS, COE, TX, Sargent Beach Gulf Intracoastal Waterway (Section 216 Study) Flood Control Plan and Erosion Protection, Implementation, San Bernard National Wildlife Refuge, Galveston District, Matagorda County, TX, Due: April 20, 1992, Contact: Richard Medina (409) 766-3044.

EIS No. 920081, Draft Supplement, UMT, HI, Honolulu Rapid Transit System Improvements, Additional Information, Waiaua through downtown Honolulu to Waikiki and the University of Hawaii, Funding, Coast Guard Bridge, EPA and Possible COE Permits, Honolulu County, HI, Due: May 07, 1992, Contact: Robert Hom (415) 744-3116.

EIS No. 920082, Draft EIS, FTA, CA, San Francisco International Airport Extension, Transportation Improvements, Bay Area Rapid Transit District (BART) Funding, San Mateo County, CA, Due: May 04, 1992, Contact: Robert Hom (415) 744-3116.

EIS No. 920083, Final Supplement, NOAA, AK, Groundfish Fishery of the Bering Sea, Aleutian Islands, Fishery Management Plan, Updated Information, Amendment 18/23 Inshore/Offshore Allocation, Alternative Approval and Implementation, AK, Due: April 20, 1992, Contact: William W. Fox, Jr. (301) 437-2239.

EIS No. 920084, Draft EIS, VAD, OH, Cleveland Area National Cemetery Construction and Operation, Site Selection, Franklin, Concord and Guilford Townships, North Ridgeville and Massillon Cities, Summit, Lake, Lorain, Stark and Medina Counties, OH, Due: May 04, 1992, Contact: Mart Kibena (202) 233-8450.

EIS No. 920085, Draft Supplement, AFS, ID, Accelerated Englemann Spruce Harvest and Reforestation in Brush Creek, Hendricks Creek and Copet Creek, Salvage Timber Sales Updated Information, Implementation, Payette National Forest, McCall Ranger District, Idaho and Valley Counties, ID, Due: May 04, 1992, Contact: Linda Fitch (203) 634-0401.

EIS No. 920086, Final EIS, BPA, WA, ID, WY, CA, OR, MT, UT, NV, Initial Northwest Power Act, Power Sales and Residential Exchange Contracts, Guidelines and Implementation, OR, WA, ID, MT, WY, CA, UT and NV, Due: April 20, 1992, Contact: Don Wolfe (503) 230-5145.

Dated: March 17, 1992.

William D. Dickerson,

Deputy Director, Office of Federal Activities.

[FR Doc. 92-6570 Filed 3-19-92; 8:45 am]

BILLING CODE 6560-50-M

[OPP-100103; FRL-4050-6]

#### Integrated Laboratory Systems; Transfer of Data

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This is a notice to certain persons who have submitted information to EPA in connection with pesticide information requirements imposed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA). Integrated Laboratory Systems (ILS) has been awarded a contract to perform work for the EPA Office of Pesticide Programs, and will be provided access to certain information submitted to EPA under FIFRA and the FFDCA. Some of this information may have been claimed to be confidential business information (CBI) by submitters. This information will be transferred to ILS consistent with the requirements of 40 CFR 2.307(h)(3) and 2.308(h)(2). This transfer will enable ILS to fulfill the obligations of the contract and serves to notify affected persons.

**DATES:** ILS will be given access to this information no sooner than March 25, 1992.

**FOR FURTHER INFORMATION CONTACT:** By mail: Clare Grubbs, Program Management and Support Division (H7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 212, Crystal Mall 2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 305-7460.

**SUPPLEMENTARY INFORMATION:** Under Contract No. 68-CO-0059, ILS will provide technical support in the review and development of health risk assessment methodologies in order for the EPA to better assess the health hazards from exposure to chemicals in

the environment. This contract involves no subcontractor.

The Office of Pesticide Programs has determined that access by ILS to information on all pesticide chemicals is necessary for the performance of this contract.

Some of this information may be entitled to confidential treatment. The information has been submitted to EPA under sections 3, 4, 6, and 7 of FIFRA and under sections 408 and 409 of the FFDCA.

In accordance with the requirements of 40 CFR 2.307(h)(2), the contract with ILS prohibits use of the information for any purpose other than purposes specified in the contract; prohibits disclosure of the information in any form to a third party without prior written approval from the Agency; and requires that each official and employee of the contractor sign an agreement to protect the information from unauthorized release and to handle it in accordance with the FIFRA Information Security Manual. In addition, ILS is required to submit for EPA approval a security plan under which any CBI will be secured and protected against unauthorized release or compromise. No information will be provided to this contractor until the above requirements have been fully satisfied. Records of information provided to this contractor will be maintained by the Project Officer for this contract in the EPA Office of Pesticide Programs.

All information supplied to ILS by EPA for use in connection with this contract will be returned to EPA when ILS has completed its work.

Dated: March 5, 1992.

Douglas D. Camp, Jr.

Director, Office of Pesticide Programs.

[FR Doc. 92-6393 Filed 3-19-92; 8:45 am]

BILLING CODE 8560-50-F

[OPP-50738; FRL-4052-3]

#### Receipt of Application for an Experimental Use Permit; Genetically Engineered Microbial Pesticide

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has received an application (EUP No. 58788-EUP-L) from Crop Genetics International (CGI) requesting an experimental use permit for a genetically engineered microbial pesticide. The first EUP on this organism was issued June 14, 1988 (EUP No. 58788-EUP-1). The Agency has determined that the application may be

of regional and national significance. Therefore, in accordance with 40 CFR 172.11(a), the Agency is soliciting public comments on this application.

**DATES:** Written comments must be received on or before April 20, 1992.

**ADDRESSES:** Comments in triplicate, must bear the docket control number OPP-50738 and be submitted to: Public Docket and Freedom of Information Section, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person bring comments to: Rm. 246, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment(s) concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked, will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment(s) that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. Information on the proposed test and all written comments will be available for public inspection in Rm. 246 at the Virginia address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

**FOR FURTHER INFORMATION CONTACT:** By mail: Phil Hutton, Product Manager (PM) 18, Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 213, CM #2, 1921 Jefferson Davis Highway, Arlington, VA (703-557-7690).

**SUPPLEMENTARY INFORMATION:** An application for an EUP has been received from Crop Genetics International of 7170 Standard Drive, Hanover, MD 21076. This EUP application EPA File Symbol is 58788-EUP-L. The proposed experiment involves the endophytic (plant-dwelling) bacterium *Clavibacter xyli* subspecies *cynodontis* that has been genetically engineered to contain a delta-endotoxin gene obtained from *Bacillus thuringiensis* subspecies *kurstaki*. After inoculation, the endophytic bacterium grows within the corn plants and produces the pesticidal agent which is active against the larval stages of the European corn borer (ECB), *Ostrinia nubilalis*. The product is referred to as Cxc/Bt.

Field activity of the Cxc/Bt construction (MDR1.586) against the

European corn borer (ECB), *Ostrinia nubilalis* was demonstrated in several field corn hybrids during the 1991 field tests. Therefore, the purpose of this EUP application is to conduct two small-scale Cxc/Bt recombinant field trials to evaluate further insecticidal activity of one or more new Cxc/Bt constructions against ECB in several corn genotypes of commercial interest in Maryland and Nebraska. Data on the incidence of Cxc/Bt colonization, population levels of Cxc/Bt, and activity of Cxc/Bt will be obtained during the growing season. In addition, genetic segregation of the Cxc/Bt constructions will be studied using colonies isolated from plants in these field tests.

CGI is proposing to test a prototype recombinant microorganism (MDR1.586) and a series of closely related Cxc/Bt constructions at two small-scale sites in 1992: Ingleside, Queen Anne's County, Maryland; and Hastings, Clay County, Nebraska. In both Maryland and Nebraska, the total for each site will occupy 96,900 ft<sup>2</sup> or 2.2 acres. At each site, the test plants will occupy a maximum of 1.7 acres of this total, with the remaining space consisting of fallow zones between and around test margins to allow for plot maintenance and working areas for study personnel. Test sites at both the Maryland and Nebraska locations will consist of two field experiments designated as Test A and Test B (optional). Test A will be designed to evaluate the activity of one to five Cxc/Bt constructions in four corn hybrids against ECB. Treatments will include an untreated control and plants or seeds inoculated with: (1) wild-type Cxc (MDE1), (2) Cxc/Bt construction (MDR1.586), and (3) up to four additional Cxc/Bt constructions. Test B (an optional component of the proposed recombinant field trials may be included at one or both locations) will consist of one to six corn hybrids or inbreds and up to four treatments. Treatments may include an untreated control, seeds or plants inoculated with wildtype Cxc (MDE1), and /or up to three Cxc/Bt constructions. Tests at both sites will be initiated at planting and will continue through harvest. Planting will take place between late April and late May depending upon weather conditions. The proposed field test sites in both Maryland and Nebraska would allow the use of 1.0 kg active ingredient on seeds and plants sufficient to plant approximately 4.4 test plot acres. The actual amount of active ingredient present in the seeds after seed inoculation is estimated to be not more than 5 g, and the actual amount of active ingredient used to stab-inoculate plants

is estimated to be not more than 19 g. The amount active ingredient requested per State is less than 9.5 g. The test sites will consist of the two field experiments planted side-by-side and separated by a 20 ft. wide buffer zone, with the entire study area surrounded by a 20 ft. wide fallow zone. Corn seeds inoculated with Cxc/Bt using Crop Genetic's International standard inoculation process will be planted at the two study areas. If Crop Genetics International chooses to test less than four new constructions, then site dimensions will be less than discussed above. The fallow zone will be 20 ft. wide and will separate individual tests and the general study area from other crops grown outside the test site at both locations, the zone will be maintained using tillage and/or chemical herbicides. In the event that certain hybrids are determined based on greenhouse tests not to inoculate well using CGI's standard process, these varieties may be stab-inoculated in the field using a suspension of Cxc/Bt. CGI's 1992 field tests are designed: to evaluate activity of Cxc/Bt constructions against the European corn borer (ECB), *Ostrinia nubilalis* (Hubner) in Maryland and Nebraska; and to evaluate the segregation of Cxc/Bt constructions. Upon completion of the tests, all plant debris and stubble will be buried by disking. Harvested grain will be destroyed by either (1) Grinding the harvested grain, spreading the residue onto the test site, and incorporating the residue into the soil, or (2) roasting the grain and disposing of the residue either at a landfill or by incorporating the residue into the soil in the test site. Based on previous data submitted (EUP No. 58788-EUP-2), no overwintering of Cxc is anticipated.

The labeling proposed by CGI that would govern the conduct of the experiment states:

Applicator should wear protective clothing and waterproof gloves. For use only in accordance with the terms and conditions of the experimental use permit.

Following the review of the CGI application and any comments received in response to this notice, EPA will decide whether to issue or deny the EUP request for this EUP program, and if issued, the conditions under which it is to be conducted. Any issuance of an EUP will be announced in the *Federal Register*.

Dated: March 5, 1992.

**Stephanie R. Irene,**  
*Acting Director, Registration Division, Office of Pesticide Programs.*

[FR Doc. 92-6544 Filed 3-19-92; 8:45 am]

BILLING CODE 6560-50-F

[FRL4116-6]

### **Revision of the Connecticut National Pollutant Discharge Elimination System (NPDES) Program to Add Authority to Issue General Permit**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of approval of the National Pollutant Discharge Elimination System General Permit Program of the State of Connecticut.

**SUMMARY:** On March 10, 1992, the Regional Administrator for the Environmental Protection Agency (EPA), Region I approved the State of Connecticut's National Pollutant Discharge Elimination System General Permit Program. This action authorizes the State of Connecticut to issue general permits in lieu of individual NPDES permits.

**FOR FURTHER INFORMATION CONTACT:** Edward K. McSweeney, Chief, Wastewater Management Branch, Water Management Division, U.S. EPA, Region I, John F. Kennedy Federal Building, Boston, Massachusetts, 02203, (617) 565-3560.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

EPA regulations at 40 CFR 122.28 provide for the issuance of general permits to regulate discharges of wastewater which result from substantially similar operations, contain the same types of wastes, require the same effluent limitations or operating conditions, require similar monitoring, and are appropriately controlled under a general permit rather than individual permits.

Connecticut was authorized to administer the NPDES Permit program in 1973. Its program is previously approved, did not include provisions for the issuance of general permits. There are several categories of discharges which could appropriately be regulated by general permits in Connecticut, including stormwater. Therefore, the Connecticut Department of Environment Protection requested a revision of its NPDES program to provide for issuance of general permits.

Each general permit will be subject to EPA review as provided by 40 CFR

123.44. Public notice and opportunity to request a hearing is also provided for each general permit.

##### **II. Discussion**

The State of Connecticut submitted, in support of its request a Program Description and revised NPDES Memorandum of Agreement between EPA and the State, as well as copies of relevant statutes and regulations. The State also submitted a statement by the Attorney General certifying, with appropriate citations to the statutes and regulations, that the State has adequate legal authority to administer a general permit program consistent with the applicable federal regulations. Based upon Connecticut's submission and its experience in administering an approved NPDES program, EPA has concluded that the State will have the necessary approved procedures and resources to administer the general permits program.

Under 40 CFR 123.62, NPDES program revisions are either substantially (requiring publication of proposed program approval in the *Federal Register* for public comment) or non-substantial (where approval may be granted by letter from EPA to the State). EPA has determined that assumption by Connecticut of general permit authority is a non-substantial revision of its NPDES program. EPA has generally viewed approval of such authority as non-substantial because it does not alter the substantive obligations of any discharger under the State program, but merely simplifies the procedures by which permits are issued to a number of similar point sources.

Moreover, under the approved program, the State retains authority to issue individual permits where appropriate, and any person may request the State to issue an individual permit to a discharger otherwise eligible for general permit coverage. While not required under 40 CFR 123.62, EPA is publishing notice of this approval action to keep the public informed of the status of its general permits program approvals.

##### **III. Federal Register Notice of Approval of State NPDES Program or Modifications**

The following table provides the public with an up-to-date list of the status of State NPDES permitting authority throughout the country. Today's Federal Register notice is to announce the approval of Connecticut's authority to issue general permits.

STATE NPDES PROGRAM STATUS

	Approved State NPDES permit program	Approved to regulate Federal facilities	Approved State pretreatment program	Approved general permit program
Alabama.....	10/19/79	10/19/79	10/19/79	06/26/91
Arkansas.....	11/01/86	11/01/86	11/01/86	11/01/86
California.....	05/14/73	05/05/78	09/22/89	09/22/89
Colorado.....	03/27/75	—	—	03/04/83
Connecticut.....	09/26/73	01/09/89	06/03/81	03/10/92
Delaware.....	04/01/74	—	—	—
Georgia.....	06/28/74	12/08/80	03/12/81	01/28/91
Hawaii.....	11/28/74	06/01/79	08/12/83	09/30/91
Illinois.....	10/23/77	09/20/79	—	01/04/84
Indiana.....	01/01/75	12/09/78	—	04/02/91
Iowa.....	08/10/78	08/10/78	06/03/81	—
Kansas.....	06/28/74	08/28/85	—	—
Kentucky.....	09/30/83	09/30/83	09/30/83	09/30/83
Maryland.....	09/05/74	11/10/87	09/30/85	09/30/91
Michigan.....	10/17/73	12/09/78	06/07/83	—
Minnesota.....	06/30/74	12/09/78	07/16/79	12/15/87
Mississippi.....	05/01/74	01/28/83	05/13/82	09/27/91
Missouri.....	10/30/74	06/26/79	06/03/81	12/12/85
Montana.....	06/10/74	06/23/81	—	04/29/83
Nebraska.....	06/12/74	11/02/79	09/07/84	07/20/89
Nevada.....	09/19/75	08/31/78	—	—
New Jersey.....	04/13/82	04/13/82	04/13/82	04/13/82
New York.....	10/28/75	06/13/80	—	—
North Carolina.....	10/19/75	09/28/84	06/14/82	09/06/91
North Dakota.....	06/13/75	01/22/90	—	01/22/90
Ohio.....	03/11/74	01/28/83	07/27/83	—
Oregon.....	09/26/73	03/02/79	03/12/81	02/23/82
Pennsylvania.....	06/30/78	06/30/78	—	08/02/91
Rhode Island.....	09/17/84	09/17/84	09/17/84	09/17/84
South Carolina.....	06/10/75	09/26/80	04/09/82	—
Tennessee.....	12/28/77	09/30/86	08/10/83	04/18/91
Utah.....	07/07/87	07/07/87	07/07/87	07/07/87
Vermont.....	03/11/74	—	03/16/82	—
Virgin Islands.....	06/30/76	—	—	—
Virginia.....	03/31/75	02/09/82	04/14/89	05/20/91
Washington.....	11/14/73	—	09/30/86	09/26/89
West Virginia.....	05/10/82	05/10/82	05/10/82	05/10/82
Wisconsin.....	02/04/74	11/26/79	12/24/80	12/19/86
Wyoming.....	01/30/75	05/18/81	—	09/24/91
Totals.....	39	34	27	29

Number of Fully Authorized (Federal Facilities, Pretreatment, General permit) = 21.

**IV. Review Under Executive Order 12291 and the Regulatory Flexibility Act**

The Office of Management and Budget has exempted this rule from the review requirements of Executive Order 12291 pursuant to section 8(b) of that Order.

Under the Regulatory Flexibility Act, EPA is required to prepare a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. Pursuant to section 605(d) of the Regulatory Flexibility Act (5 U.S.C. 601 et seq), I certify that this State General Permit Program will not have a significant impact on a substantial number of small entities. Approval of the Connecticut NPDES State General Permit Program establishes no new substantive requirements, nor does it alter the regulatory control over any industrial category. Approval of the Connecticut NPDES State General

Permit Program merely provides a simplified administrative process.

Dated: March 13, 1992.

Paul Keough,

Acting Regional Administrator.

[FR Doc. 92-6545 Filed 3-19-92; 8:45 am]

BILLING CODE 6560-50-M

**FEDERAL DEPOSIT INSURANCE CORPORATION**

**Information Collection Submitted to OMB for Review**

**AGENCY:** Federal Deposit Insurance Corporation.

**ACTION:** Notice of information collection submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

**SUMMARY:** In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the FDIC hereby gives notice that it has submitted to the Office of

Management and Budget a request for OMB review of the information collection system described below.

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

*Title:* Application for a bank to (1) establish a branch, (2) move its main branch, or (3) establish a remote service facility.

*Form Number:* None (letter application).  
*OMB Number:* 3064-0070.

*Expiration Date of OMB Clearance:* May 31, 1992.

*Respondents:* Insured state nonmember banks applying for FDIC's consent to establish and operate new branches, move main offices or branches, or establish remote service facilities.

*Frequency of Response:* On occasion.

*Number of Respondents:* 1,325.

*Number of Responses per Respondent:* 1.

*Total Annual Responses:* 1,325.

*Average Number of Hours per Response: 7.*

*Total Annual Burden Hours: 9,275.*

*OMB Reviewer: Gary Waxman, (202) 395-7340, Office of Management and Budget, Paperwork Reduction Project 3064-0070, Washington, DC 20503.*

*FDIC Contact: Steven F. Hanft, (202) 898-3907, Office of the Executive Secretary, room F-400, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.*

*Comments: Comments on this collection of information are welcome and should be submitted by May 19, 1992.*

**ADDRESSES:** A copy of the submission may be obtained by calling or writing the FDIC contact listed above. Comments regarding the submission should be addressed to both the OMB reviewer and the FDIC contact listed above.

**SUPPLEMENTARY INFORMATION:** The FDIC uses the information collected in letter applications to evaluate the factors required by statute before approving applications.

Dated: March 16, 1992.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,  
*Executive Secretary.*

[FR Doc. 92-6536 Filed 3-19-92; 8:45 am]

BILLING CODE 6714-01-M

## FEDERAL MARITIME COMMISSION

[Docket No. 92-10]

**Autoliners Inc., General Agents for Hoegh-Ugland Auto Liners A/S v. American Transportation Group, Inc. Dba AAA Phoenix Transportation Group; Filing of Complaint and Assignment**

Notice is given that a complaint filed by Autoliners, Inc., General Agents for Hoegh-Ugland Auto Liners A/S ("Complainant") against American Transportation Group, Inc. dba AAA Phoenix Transportation Group ("Respondent") was served March 16, 1992. Complainant alleges that Respondent engaged in violations of section 10(a)(1) of the Shipping Act of 1984, 46 U.S.C. 1709(a)(1), by presenting checks for ocean freight without having sufficient funds in its account and continuing to refuse to pay the lawful ocean freight charges on nine shipments of automobiles.

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 March 16, 1993, and the final decision of the Commission shall be issued by July 14, 1993.

Joseph C. Polking,

*Secretary.*

[FR Doc. 92-6493 Filed 3-19-92; 8:45 am]

BILLING CODE 6730-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

[Program Announcement No. 93631-92-01]

#### Development Disabilities: Request for Public Comment on Developmental Disabilities Funding Priorities for Projects of National Significance for Fiscal Year 1992

**AGENCY:** Administration on Developmental Disabilities (ADD), Administration for Children and Families (ACF).

**ACTION:** Notice of request for public comments on developmental disabilities funding priorities for Projects of National Significance for Fiscal Year 1992.

**SUMMARY:** The Administration on Developmental Disabilities, Administration for Children and Families, announces that public comments are being requested on funding priorities for Fiscal Year 1992 Projects of National Significance.

**DATES:** Closing date for receipt of public comments is May 19, 1992.

**ADDRESSES:** Comments should be sent to: Deborah L. McFadden, Commissioner, Administration on Developmental Disabilities, Administration for Children and Families, Department of Health and Human Services, room 349-F HHH Building, 200 Independence Avenue SW., Washington, DC 20201.

**FOR FURTHER INFORMATION CONTACT:** Kay Smith, Program Development Division, Administration on

Developmental Disabilities, (202) 245-2984.

#### SUPPLEMENTARY INFORMATION:

##### Part I. Background

###### A. Goals of the Administration on Developmental Disabilities

The Administration on Developmental Disabilities (ADD) is located within the Administration for Children and Families (ACF), Department of Health and Human Services (DHHS). ADD's goals relate to increased familial and individual self-sufficiency, and improved services for persons with developmental disabilities. Emphasis on these goals, and progress towards them will help more persons with developmental disabilities to live productive and independent lives, integrated into communities. It is through the Projects of National Significance Program that ADD attempts to promote the achievement of these goals.

In addition, at least biennially the ADD Commissioner holds a national meeting for the purpose of discussing current and emerging issues of national significance within the field of developmental disabilities and to share significant accomplishments. The Commissioner has also developed a national initiative to create innovative, effective and goal-oriented collaboration among all network components of the Developmental Disabilities Programs (Developmental Disabilities Planning Councils, Protection and Advocacy Systems, and University Affiliated Programs) and the principal organizations involved with persons with developmental disabilities in the States. This program, "Leadership Through Collaboration," is a direct result of working with the States to create the Administration on Developmental Disabilities' National Agenda.

Therefore, in Fiscal Year 1992, ADD will be focusing its efforts on implementing the Commissioner's National Agenda and in providing technical assistance to programs and agencies nationwide in the implementation of those activities.

The technical assistance meetings will bring together State and Territorial leadership and other organizations to work on skill and coalition-building activities, and to provide technical assistance in implementing those activities as they relate to each of the topic areas.

### *B. Purpose of the Administration on Developmental Disabilities*

The Administration on Developmental Disabilities (ADD) is the lead agency within ACF and DHHS responsible for planning and administering programs which promote the self-sufficiency and protect the rights of persons with developmental disabilities.

The Developmental Disabilities Assistance and Bill of Rights Act of 1990 (Pub. L. 101-496) (the Act) supports and provides assistance to States and public and private nonprofit agencies and organizations to assure that all persons with developmental disabilities receive the services, assistance and opportunities necessary to enable them to achieve their maximum potential through increased independence, productivity and integration into the community.

The Act emphasizes that persons with developmental disabilities include those with severe functional limitations attributable to physical impairments, mental impairments, and combinations of physical and mental impairments. It recognizes that, notwithstanding their severe disabilities, these persons have capabilities, competencies, and personal needs and preferences. Most importantly, the Act points out that a substantial portion of persons with developmental disabilities remain unserved or underserved.

The Act also stresses that the family and members of the community can play a central role in enhancing the lives of persons with developmental disabilities, especially when the family is provided with the necessary support services; that public and private employers tend to be unaware of the capability of persons with developmental disabilities to be engaged in competitive work in integrated settings; and that it is in the national interest to offer persons with developmental disabilities the opportunity to make decisions for themselves and to live in homes and communities where they can exercise their full rights and responsibilities as citizens.

In addition, in administering the Act at the Federal level, ADD seeks to enhance the role of the family in assisting persons with developmental disabilities to achieve their maximum potential (through self-advocacy and empowerment); in supporting the increasing ability of persons with developmental disabilities to perform leadership functions, and determine changes of their choice; as well as in ensuring the protection of the legal and human rights as these individuals.

Programs funded under the Act are:

- Basic State formula grants;
- State system for the protection and advocacy of individual rights;
- Grants to University Affiliated Programs for interdisciplinary training, exemplary services, technical assistance, and information dissemination; and
- Grants for Projects of National Significance.

### *C. Description of Projects of National Significance*

Under Part E of the Act, grants and contracts are awarded for projects of national significance to increase and support the independence, productivity, and integration into the community of persons with developmental disabilities, and to support the development of national and state policy which enhances the independence, productivity, and integration of these individuals. These projects may include, but are not limited to:

- Projects to conduct data collection and analysis;
- Projects to provide technical assistance to program components;
- Projects to provide technical assistance for the development of information and referral systems;
- Projects which improve supportive living and quality of life opportunities which enhance recreation, leisure and fitness;
- Projects to educate policymakers;
- Projects to pursue Federal interagency initiatives;
- Projects that support the enhancement of minority participation in public and private sector initiatives in developmental disabilities; and
- Other projects of sufficient size and scope, and which hold promise of expanding or otherwise improving opportunities for persons with developmental disabilities (especially those who are multihandicapped or disadvantaged, including minority groups, Native Americans, Native Hawaiians, and other underserved groups).

In addition, funds may be awarded for technical assistance and demonstration projects (including research, training, and evaluation in connection with such projects) which expand or improve the advocacy functions of the State Planning Councils, the functions performed by University Affiliated Programs and Satellite Centers, and the Protection and Advocacy System.

Section 162(c) of the Act requires that ADD publish in the **Federal Register** its priorities for grants and contracts to carry out Projects of National Significance. The Act also requires a period of 60 days for public comment

concerning such priorities. After analyzing and considering such comments, ADD must publish in the **Federal Register** final priorities for such grants and contracts, and solicit applications for funding based on the final priorities selected.

The following section presents ADD's funding priorities for Fiscal Year 1992 Projects of National Significance. We welcome specific comments and suggestions as well as suggestions for additional funding priorities. We would also like to receive suggestions on topics which are timely and relate to specific needs in the field of developmental disabilities.

### **Part II. Fiscal Year 1992 Funding Priorities for Projects of National Significance**

ADD is interested in all comments and recommendations which address areas of existing or evolving national significance related to the field of developmental disabilities.

Comments should be addressed to: Deborah L. McFadden, Commissioner, Administration on Developmental Disabilities, Department of Health and Human Services, room 349-F HHH Building, 200 Independence Avenue, SW., Washington, DC 20201.

In FY 1992, ADD will not be funding any new start grant awards. However, we will be awarding continuation funds for projects funded in FY 1991 (in self-advocacy and empowerment, youth leadership development, ongoing data collection, cultural diversity, and home ownership). We are also planning to award contract funds to provide technical assistance for the implementation of the ADD Commissioner's national initiative, "Leadership through Collaboration," and to provide technical assistance to improve the functions of the University Affiliated Program. Those activities are described as follows:

#### *Funding Priority Area 1: Technical Assistance for Implementing the National Agenda*

Through the conduct of technical assistance activities, ADD will implement its "Leadership through Collaboration" initiative. The purpose of this initiative is to create innovative, effective and goal-oriented collaboration among all network components of the Developmental Disabilities Programs (Developmental Disabilities Planning Councils, Protection and Advocacy Systems, and University Affiliated Programs) and the principal organizations involved with persons with developmental disabilities in the

States. This program, "Leadership Through Collaboration," is a direct result of working with the States to create the Administration on Developmental Disabilities' National Agenda.

The technical assistance that will be provided through this initiative will assist state agencies and organizations in establishing collaborative programs within their respective states, as well as with other state agencies. The initiative activities that will be conducted include a national conference, state meetings, and topic-specific workshops.

In addition, this initiative will provide the necessary technical assistance to potential funding applicants in the development of collaborative programs in anticipation of possible funding of PNS projects in FY 1993.

#### *Funding Priority Area 2: Continuation Grant Awards*

ADD will expend approximately \$1.7 million in continuation funding for Projects of National Significance in support of the National Agenda and state-of-the-art projects. These projects include priorities in self-advocacy and empowerment, youth leadership development, ongoing data collection, minority participation in development disabilities, and home ownership.

#### *Funding Priority Area 3: Technical Assistance*

Under separate contractual solicitations, ADD will award funds to provide technical assistance to improve the functions of the University Affiliated Program. (RCFs were awarded in FY 1991 to provide technical assistance to the DD Councils and P&As, and therefore, will not be recompeted in FY 1992.)

In addition, ADD will conduct topic-specific conferences throughout the country to provide technical assistance to interested agencies and organizations in implementing the National Agenda.

This announcement is a public comment notice only. No proposals, concept papers or other forms of application should be submitted at this time. Any such submission will be discarded.

No acknowledgments will be made of the comments in response to this notice, but all comments will be considered in preparing the final priorities for developmental disabilities Projects of National Significance for fiscal year 1992.

(Federal Catalog of Domestic Assistance Number 93.631 Developmental Disabilities—Projects of National Significance)

Dated: February 21, 1992.

**Deborah L. McFadden,**  
*Commissioner, Administration on  
Developmental Disabilities.*

[FR Doc. 92-6529 Filed 3-19-92; 8:45 am]

BILLING CODE 4130-01-M

#### **U.S. Advisory Board on Child Abuse and Neglect; Meeting**

**AGENCY:** U.S. Advisory Board on Child Abuse and Neglect, ACF, HHS.

**ACTION:** Notice of the tenth meeting of the U.S. Advisory Board on Child Abuse and Neglect.

**SUMMARY:** The U.S. Advisory Board on Child Abuse and Neglect will hold its tenth meeting in Los Angeles, California from 9 a.m. March 31, 1992 through 5 p.m. April 3, 1992. A portion of the Board meeting on Thursday, April 2, from 1 p.m. to 6 p.m. is closed to the public due to the need for confidentiality in connection with a site visit by the Board to the Child Death Review Team of the Los Angeles County Inter-Agency Council on Child Abuse and Neglect and with a Board discussion about a proposed paper on child maltreatment-related fatalities.

**ADDRESSES:** The meeting will be held at: Sheraton Grande Hotel, 333 South Figueroa Street, Los Angeles, California 90071.

**FOR FURTHER INFORMATION CONTACT:** Joan M. Williams, Special Projects Specialist, U.S. Advisory Board on Child Abuse and Neglect, room 300E, Humphrey Building, Washington, DC 20201, (202) 245-0208.

**SUPPLEMENTARY INFORMATION:** During portions of this meeting the Executive Committee on the Board will discuss: The form, content, nature and scope of the 1992 and 1993 annual reports of the Board; developments in connection with reauthorization of the Child Abuse Prevention Act; progress toward the accomplishment of the FY 1992-FY 1993 Board Program Plan; the special 1993 Board report on Progress in Achieving National Child Protection Reform; and Board governance and administrative issues. During other portions of this meeting, the Board will: Participate in a site visit with the Los Angeles County Inter-Agency Council on Child Abuse and Neglect Child Death Review Team (Closed Session); conduct a hearing on child maltreatment-related fatalities; discuss developments related to the reauthorization of the Child Abuse Prevention Act; discuss the special 1993 Board report on Progress in Achieving National Child Protection Reform; discuss the form, content, nature, and scope of the 1992 and 1993 reports;

receive an updating on the activities of the Inter-Agency Task Force, the DHHS initiative on child abuse and neglect, and the National Center on Child Abuse and Neglect and the Children's Bureau since the January, 1992 meeting; and discuss Board papers on research, child fatalities (Closed Session), and child protective services reform.

Dated: March 13, 1992.

**Donna N. Givens,**  
*Deputy Assistant Secretary for Children and Families.*

[FR Doc. 92-6530 Filed 3-19-92; 8:45 am]

BILLING CODE 4130-01-M

#### **Interagency Committee on Developmental Disabilities; Meeting**

**AGENCY:** Administration on Developmental Disabilities, Administration for Children and Families (ACF), HHS.

**ACTION:** Notice of meeting

**SUMMARY:** The Interagency Committee on Developmental Disabilities (ICDD) was established in 1984 by section 106(b) of the Developmental Disabilities Assistance and Bill of Rights Act of 1984 (42 U.S.C. 6007(b)) to "meet regularly to coordinate and plan activities by Federal departments and agencies for persons with developmental disabilities." In 1990, the Act was amended to provide that the meetings be open to the public and that a notice of the meeting be published in the **Federal Register**. The ICDD is chaired by the Assistant Secretary for Special Education and Rehabilitative Services and the Commissioner of the Administration on Developmental Disabilities.

The ICDD meets regularly on the first Tuesday in December, April, and August. The meeting is open to the public.

**DATES:** Tuesday, April 7, 1992. 9:30 a.m. to 11:30 a.m.

**ADDRESSES:** Auditorium of the Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201.

**FOR FURTHER INFORMATION CONTACT:** Ronald W. Conley, room 348F, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201 (202) 245-7617 or Wendell Johnson, room 3014A, Mary E. Switzer Building, 330 C Street SW., Washington, DC 20202 (202) 732-1274.

**SUPPLEMENTARY INFORMATION:** At the meeting the ICDD will discuss: (1) Long-term funding for people in supported employment; (2) the application of the

Fair Labor Standards Act to students with severe disabilities engaging in transitional work activities; (3) the adoption of a mission and goals statement for the ICDD; and other matters that may arise.

Dated: March 16, 1992.

Deborah L. McFadden,

Commissioner Administration on  
Developmental Disabilities.

[FR Doc. 92-6531 Filed 3-19-92; 8:45 am]

BILLING CODE 4130-01-M

## Food and Drug Administration

[Docket No. 91N-0438]

### Cooperative Research and Development Agreement Between Nicolet Instrument Corp. and the Center for Drug Evaluation and Research

AGENCY: Food and Drug Administration  
HHS.

ACTION: Notice

**SUMMARY:** The Food and Drug Administration (FDA), Center for Drug Evaluation and Research (CDER) is announcing its intention to enter into a Cooperative Research and Development Agreement (CRADA) with Nicolet Instrument Corp. of Madison, WI, to develop a Fourier Transform Infrared (FTIR) spectral library of United States Pharmacopeia reference standards. The execution of this CRADA will result in a licensing agreement between CDER and Nicolet Instrument Corp. to market the finished library as allowed by the Federal Technology Transfer Act

(FTTA) of 1986. This notice is being published to inform the public of FDA's intention of entering into a CRADA with Nicolet Instrument Corp. This collaboration will be done under the provisions of the FTTA.

**DATES:** Written Comments by April 20, 1992.

**ADDRESSES:** Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857, with a copy sent to Thomas Layloff, Division of Drug Analysis, 1114 Market St., rm. 1002, St. Louis, MO 63101, 314-539-2135, FAX 314-539-2113.

**FOR FURTHER INFORMATION CONTACT:** Beatrice Droke, Division of Contracts and Grants Management (HFA-500), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6890, or Thomas Layloff (address above).

**SUPPLEMENTARY INFORMATION:** CDER needs to be abreast with advancements in analytical technology. This CRADA with Nicolet Instrument Corp., with offices at 5225 Verona Rd., Madison, WI 53711, would assist FDA laboratories by developing a FTIR spectral library of United States Pharmacopeia reference standards. This library will enable FDA laboratories to more readily make correct identification of substances by their molecular and chemical structure. CDER will provide Nicolet with water vapor, background, and sample interferograms that have been collected on a Nicolet 710SX FTIR. Nicolet will form these interferograms into an acceptable spectral library.

Dated: March 16, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92-6509 Filed 3-19-92; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 92N-0135]

### Hoffmann-La Roche Inc., et al.; Withdrawal of Approval of 40 New Drug Applications

AGENCY: Food and Drug Administration,  
HHS.

ACTION: Notice.

**SUMMARY:** The Food and Drug Administration (FDA) withdraws approval of 40 new drug applications (NDA's). The holders of the NDA's notified the agency in writing that the drug products were no longer being marketed under the NDA and requested that the approval of the applications be withdrawn.

**EFFECTIVE DATE:** April 20, 1992.

**FOR FURTHER INFORMATION CONTACT:** Nancy Maizel, Center for Drug Evaluation and Research (HFD-53), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4320.

**SUPPLEMENTARY INFORMATION:** The holders of the NDA's listed below have informed FDA that these drug products are no longer being marketed under the NDA and requested that FDA withdraw approval of the applications. The applicants have also, by request, waived their opportunity for a hearing.

NDA No.	Drug name	Applicant name and address
776	Ephynal (vitamin E) Tablets	Hoffmann-La Roche Inc., 340 Kingstand St., Nutley, NJ 07110-1199.
2-402	Fergon Iron Tablets	Sterling Drug Inc., 90 Park Ave., New York, NY 10016.
6-467	d-Panthenol	Hoffmann-La Roche Inc.
6-646	Vitamin A	Do.
6-698	Biotin Tablets	Do.
7-765	Itrumil (iothiouracil sodium)	Ciba-Geigy Corp., Pharmaceuticals Division, 556 Morris Ave., Summit, NJ 07901.
8-036	Riboflavin 5'-Phosphate	Hoffman-La Roche Inc.
8-188	Apamide (acetaminophen) Tablets	Miles Inc., Pharmaceutical Division, 400 Morgan Lane, West Haven, CT 06516.
9-194	Crest (stannous fluoride) Dentifrice	The Procter & Gamble Co., Sharon Woods Technical Center, 11511 Reed Hartman Hwy., Cincinnati, OH 45241-9974.
9-215	Rautensin (alseroxylon) Tablets	Dorsey Laboratories, Division of Sandoz Inc., Box 83288, Lincoln, NE 68501-3288.
9-255	Wolfina (rauwolfia serpentina) Tablets	Forest Pharmaceuticals Inc., Subsidiary of Forest Laboratories Inc., 150 East 58th St., New York, NY 10155-0015.
9-347	Reserpid Tablets (reserpine tablets, USP)	Upjohn Co., 7000 Portage Rd., Kalamazoo, MI 49001-0199.
9-373	Ansolsen Tablets	Wyeth Laboratories Inc., P.O. Box 8299, Philadelphia, PA 19101.
9-376	Sandril (reserpine tablets)	Lilly Research Laboratories, Division of Eli Lilly and Co., Lilly Corporate Center, Indianapolis, IN 46285.
9-453	Serpate	Vale Chemical Co. Inc., 1201 Liberty St., Allentown, PA 18102.
9-592	Medomin Tablets	Ciba-Geigy Corp.
9-895	Cort-Dome (hydrocortisone) Lotion	Miles Inc.
11-771	Athrombin (sodium warfarin) & Athrombin-K (potassium warfarin) Tablets	Purdue Frederick Co., 100 Connecticut Ave., Norwalk, CT 06850-3590.
13-927	Hydromox-R	Lederle Laboratories, Division of American Cyanamid Co., Pearl River, NY 10965.
14-598	Scope Mouthwash	The Procter & Gamble Co.
14-762	Celestone (betamethasone) Cream	Schering-Plough Research, 2000 Galloping Hill Rd., Kenilworth, NJ 07033.
14-861	Exna-R Tablets	A.H. Robins Co., Research Laboratories, 1211 Sherwood Ave., Richmond, VA 23220.

NDA No.	Drug name	Applicant name and address
16-625	Pentaerythritol Tetranitrate Tablets	Bolar Pharmaceutical Co. Inc., 33 Ralph Ave., P.O. Box 30, Copiague, NY 11726-0030.
16-880	Voranil (clortermine HCl) Tablets	Rorer Pharmaceutical Corp., Fort Washington, PA 19034.
17-405	Soy-Dome (hexachlorophene) Cleanser	Miles Inc.
17-807	Proferdex (iron dextran injection, USP)	Fisons Pharmaceuticals, Fisons Corp., Jefferson Rd., P.O. Box 1710, Rochester, NY 14603.
18-224	Merital (nomifensine maleate) Capsules	Hoechst-Roussel Pharmaceuticals Inc., Route 202-206 North, Somerville, NJ 08876.
18-543	Sterile Lidocaine Hydrochloride, USP	International Medication Systems Ltd., 1886 Santa Anita Ave., South El Monte, CA 91733.
18-885	Embolex (dihydroergotamine meyslate and heparin sodium with lidocaine HCl) Injection	Sandoz Pharmaceuticals Corp., Division of Sandoz Inc., 59 Route 10, East Hanover, NJ 07936-1080.
50-024	VERSAPEN-K (hetacillin) Capsules	Bristol-Myers U.S. Pharmaceutical Group, Bristol-Myers Squibb Co., Evansville, IN 47721-0001.
50-025	VERSAPEN (hetacillin) Tablets	Do.
50-098	POLYCILLIN (ampicillin) Injection	Do.
50-133	Syncillin (phenethicillin potassium) Tablets	Do.
50-135	Syncillin (phenethicillin potassium) O.S.	Do.
50-139	Syntetrim (rolitetracycline) IM	Do.
50-235	Nystafirm (nystatin-iodochlorhydroxyquin) Ointment	Miles Inc.
50-308	POLYCILLIN (ampicillin) O.S./Pediatric Drops	Bristol-Myers U.S. Pharmaceutical Group.
50-309	POLYCILLIN-N (ampicillin) Injection	Do.
50-310	POLYCILLIN (ampicillin) Capsules	Do.
50-457	POLYCILLIN-PRB (ampicillin/probenecid) O.S.	Do.

Therefore, under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) and under authority delegated to the Director of the Center for Drug Evaluation and Research (21 CFR 5.82), approval of the NDA's listed above, and all amendments and supplements thereto, is hereby withdrawn, effective April 20, 1992.

Dated: March 11, 1992.

Gerald F. Meyer,

Deputy Director, Center for Drug Evaluation and Research.

[FR Doc. 92-6510 Filed 3-19-92; 8:45 am]

BILLING CODE 4160-01-M

### Social Security Administration

[Social Security Ruling SSR 92-4p]

#### State and Local Coverage— Commissioner's Ruling on Definition of a "Fee" for Social Security Coverage Purposes Under Section 218 of the Social Security Act

**AGENCY:** Social Security Administration, HHS.

**ACTION:** Notice of Social Security Ruling.

**SUMMARY:** In accordance with 20 CFR 422.406(b)(1), the Commissioner of Social Security gives notice of Social Security Ruling 92-4p. This Policy Interpretation Ruling concerns the fact that since there is no Federal statutory definition of a "fee," the Social Security Administration (SSA) had defined what constitutes a "fee" for Social Security coverage purposes under section 218 of the Social Security Act differently than the Internal Revenue Service (IRS) had defined the term for taxation purposes under the Internal Revenue Code.

Consequently, in some cases, different outcomes have been reached by the two agencies when determining whether remuneration received by certain individuals, e.g., tax collectors, is a "fee." After consideration of the issues involved, the Commissioner concluded that it would be appropriate for SSA to adopt the IRS definition of a "fee." Therefore, effective January 1, 1992, SSA, for Social Security coverage purposes, will treat remuneration received by certain State and local public officials, in the same manner as the IRS. This Ruling reflects this change

**EFFECTIVE DATE:** March 20, 1992.

#### FOR FURTHER INFORMATION CONTACT:

Joanne K. Castello, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235. (410) 965-1711.

**SUPPLEMENTARY INFORMATION:** Although we are not required to do so pursuant to 5 U.S.C. 552(a)(1) and (a)(2), we are publishing this Social Security Ruling in accordance with 20 CFR 422.406(b)(1).

Social Security Rulings make available to the public precedential decisions relating to the Federal old-age, survivors, disability, supplemental security income, and black lung benefits programs. Social Security Rulings may be based on case decisions made at all administrative levels of adjudication, Federal court decisions, Commissioner's decisions, opinions of the Office of the General Counsel, and other policy interpretations of the law and regulations.

Although Social Security Rulings do not have the force and effect of the law or regulations, they are binding on all components of the Social Security

Administration, in accordance with 20 CFR 422.406(b)(1), and are to be relied upon as precedents in adjudicating other cases.

If this Social Security Ruling is later superseded, modified, or rescinded, we will publish a notice in the **Federal Register** to that effect.

(Catalog of Federal Domestic Assistance Programs Nos. 93.802 Social Security—Disability Insurance; 93.803 Social Security—Retirement Insurance; 93.805 Social Security—Survivor's Insurance)

Dated: March 9, 1992.

Gwendolyn S. King,

Commissioner of Social Security.

#### Policy Interpretation Ruling

*Title II: State and Local Coverage—  
Commissioner's Ruling Definition of a  
"Fee" for Social Security Coverage  
Purpose Under Section 218 of the Social  
Security Act*

**Purpose:** The state the policy change by which the Social Security Administration (SSA) adopted the Internal Revenue Service (IRS) definition of a "fee" for purposes of Social Security coverage under section 218 of the Social Security Act (the Act), of compensation of certain State and local public officials, effective January 1, 1992.

**Citation (Authority):** Section 218(c) and 218(m) of the Social Security Act (42 U.S.C. 418(c) and 418(m)); 20 CFR 404.1073(b)(1) and 404.1210.

**Pertinent History:** There is no Federal statutory definition of a "fee," and as a result, IRS and SSA in some instances have used different definitions as to what constitutes a "fee." Consequently, in these situations, different outcomes

have been reached by the two agencies when determining whether compensation received by certain individuals, such as State or local tax collectors, is a fee. The definition of a "fee" is significant for determining: (1) Whether certain positions may be excluded from Social Security coverage under the optional fee-basis exclusion; and (2) whether certain positions are compensated solely by fees and, therefore, whether occupants of these positions may be treated as self-employed individuals. This issue affects certain State and local public officials nationwide.

SSA's policy prior to 1992 defined a "fee" as compensation for a particular act or service without regard to the amount of time spent in its performance. Furthermore, whether compensation was a "fee" was determined by the method of payment and the appropriate State statute and/or any related court decision. SSA had held that a "fee" may be paid by the State, one of its political subdivisions, or a third party.

The IRS position holds that the source of the remuneration paid is an important factor in determining whether the remuneration is a "fee." When a public official receives remuneration for services in the form of a "fee" directly from members of the public with whom he or she does business, that is considered to be a "fee." Otherwise, if payment is made to a public official from government funds, and no portion of the monies collected by him or her belongs to or can be retained by him or her as compensation, that remuneration is not considered to be a "fee." IRS concludes that, in the later case, the public official is not engaged in a trade or business under section 1402(c)(1) of the Internal Revenue Code and the remuneration for services is not net earnings from self-employment.

Because of the differences between the SSA and IRS interpretations of what constituted a "fee," State and local political employing entities have received inconsistent advice regarding how to report the compensation of individuals in certain positions, e.g., tax collectors in Pennsylvania. As a result of this new policy interpretation, SSA and IRS will now have a single, coordinated position on the definition of a "fee."

#### Policy Interpretation:

#### *SSA's Change in Its Definition of a "Fee"*

After full consideration of the issue, the Commissioner of Social Security concluded that it would be appropriate for SSA to adopt the IRS definition because it related to the source of the

payment and the official's authority to retain the payment as compensation. Therefore, SSA has adopted the IRS definition for Social Security coverage purposes under section 218 of the Act, effective January 1, 1992.

Adopting the IRS definition means that, effective January 1, 1992, SSA will consider the remuneration for service received by a State or local public official, such as a tax collector or any other official who performs service in a position compensated solely on a fee basis, a "fee" if the payment is made directly by a member of the public with whom he or she does business, and the public official is authorized to retain the payment or a portion thereof as compensation. In this situation, the official is engaged in a trade or business as set forth in sections 211(c)(1) and 211(c)(2)(E) of the Act and thus, self-employed. Conversely, when a State or local public official has no authority to retain the monies collected by him or her from a member of the public as compensation, but instead receives payment from government funds, that payment is not a "fee." In the latter situation, the official is not engaged in a trade or business, and his earnings are not net earnings from self-employment but are wages received as an employee.

#### *Treatment of Remuneration Paid to Public Officials Affected by the SSA Change of Definition of a "Fee"*

Under SSA's policy prior to 1992, a "fee" was distinguishable from a salary in that a "fee" was usually paid as compensation for a particular act of service regardless of the amount of time spent in its performance, while a salary was normally related to the amount of time worked.

Beginning January 1, 1992, SSA will find that a "fee" is distinguishable from a salary only when the compensation for a particular act or service is paid directly to the State or local public official by a member of the public for whom the act or service is performed and the official is authorized to retain the payment or a portion thereof as compensation.

#### *Treatment of Positions Compensated Solely by Fees*

For services first covered after 1967, services in any class or classes of positions compensated solely by fees are excluded from coverage under agreements pursuant to section 218 of the Act unless the State specifically includes these services. Consequently, services performed after 1967 by State and local public officials in positions solely compensated by fees which are not covered under a section 218

agreement, are compulsorily covered as self-employment for Social Security purposes under sections 211(c)(1) and 211(c)(2)(E) of the Act.

The above principle is not affected by SSA's change in position as it applies to individuals whose services are actually compensated by a "fee." Therefore, SSA uses the definition of a "fee" for years prior to January 1, 1992, to determine whether compensation for services is made solely on the basis of fees.

Beginning January 1, 1992, SSA determines whether services are compensated solely by a fee by using the revised definition of a "fee."

#### *Treatment of Positions Compensated by Salary and Fees*

After 1967, a State may exclude services from coverage under an agreement, as provided in section 218(c) of the Act, in any class or classes of fee-basis positions compensated by both salary and fees. If the exclusion is taken, none of the compensation, whether salary or fees, is covered as wages. If the exclusion is not taken, all of the compensation received, including the fees, is covered as wages under the State's section 218 agreement.

**Effective Date:** This policy is effective for all remuneration received for services after December 31, 1991.

**Cross References:** Program Operations Manual System, part 03, chapter 015, subchapter 05, Sections .007 and .042; part 03, chapter 018, subchapter 02, sections .200 and .220; Handbook for State Social Security Administrators, section 238; SSR 77-17, Pennsylvania Justice of the Peace; and SSR 73-58c, Nebraska Constables, Justices of the Peace, and Registrars. The revised definition as cited in this Policy Interpretation Ruling does not affect the herein cross-referred Rulings. These two Rulings continue to provide examples of a "fee."

[FR Doc. 92-6526 Filed 3-19-92; 8:45am]

BILLING CODE 4190-29-M

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of the Secretary

[Docket No. D-92-982; FR-3198-D-01]

### Delegation of Authority for the Shelter Plus Care Program

**AGENCY:** Office of the Secretary, Department of Housing and Urban Development.

**ACTION:** Notice of delegation of authority.

**SUMMARY:** This notice delegates from the Secretary of Housing and Urban Development to the Assistant Secretary for Community Planning and Development the power and authority to administer the Shelter Plus Care Program authorized by section 837 of the National Affordable Housing Act (Pub. L. 101-625, enacted November 28, 1990), amending Title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11403) by adding subtitle F.

**EFFECTIVE DATE:** March 12, 1992.

**FOR FURTHER INFORMATION CONTACT:** James N. Forsberg, Director, Special Needs Assistance Program, Office of Community Planning and Development, Department of Housing and Urban Development, 451 7th Street, SW., room 7262, Washington, DC, 20410, (202) 708-4300. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** The Shelter Plus Care program is a new program authorized by section 837 of the National Affordable Housing Act (Pub. L. 101-625, enacted November 28, 1990), amending title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11403) by adding Subtitle F, to provide rental housing assistance, in connection with supportive services funded from sources other than this program, to homeless persons with disabilities (primarily persons who are seriously mentally ill, have chronic problems with alcohol, drugs, or both; or have acquired immunodeficiency syndrome and related diseases) and their families. The Notice of Program Guidelines and the Notice of Funds Availability (NOFA) which are applicable to the competition for FY92 funding under the Shelter Plus Care Program have been published previously in the *Federal Register*. Under this delegation of authority, the Secretary of Housing and Urban Development delegates all power and authority with respect to the Shelter Plus Care Program to the Assistant Secretary for Community Planning and Development.

#### Section A. Authority Delegated

The Assistant Secretary for Community Planning and Development is authorized to exercise the power and authority of the Secretary of Housing and Urban Development with respect to the Shelter Plus Care Program as authorized by section 837 of the National Affordable Housing Act (Pub. L. 101-625, enacted November 28, 1990), amending Title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11403) by adding subtitle F, except as indicated in section B below. This includes the authority to issue or

waive rules, regulations or guidelines under the program.

#### Section B. Authority Excepted

There is excepted from the authority delegated under section A the power to sue or be sued.

#### Section C. Authority to Redelegate

The Assistant Secretary of Community Planning and Development is authorized to redelegate to employees of the Department any of the power and authority delegated under section A and not excepted under Section B of this delegation. However, the authority to issue or waive rules, regulations and guidelines under the Program cannot be redelegated.

**Authority:** Section 837 of the National Affordable Housing Act (Pub. L. 101-625, enacted November 28, 1990), amending Title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11403); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: March 12, 1992.

Alfred A. DelliBovi,

Deputy Secretary.

[FR Doc. 92-6563 Filed 3-19-92; 8:45 am]

BILLING CODE 4210-32-M

#### Office of the Assistant Secretary for Community Planning and Development

[Docket No. N-92-1917; FR-2934-N-70]

#### Federal Property Suitable as Facilities to Assist the Homeless

**AGENCY:** Office of the Assistant Secretary for Community Planning and Development, HUD.

**ACTION:** Notice.

**SUMMARY:** This notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

**ADDRESSES:** For further information, contact James N. Forsberg, room 7262, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708-4300; TDD number for the hearing- and speech-impaired (202) 708-2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1-800-927-7588.

**SUPPLEMENTARY INFORMATION:** In accordance with 56 FR 23789 (May 24, 1991) and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this notice to identify Federal buildings and other real property that

HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless v. Veterans Administration*, No. 88-2503-OG (D.D.C.).

Properties reviewed are listed in this notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Judy Breitman, Division of Health Facilities Planning, U.S. Public Health Service, HHS, room 17A-10, 5600 Fishers Lane, Rockville, MD 20857; (301) 443-2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 56 FR 23789 (May 24, 1991).

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screen for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for

use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1-800-927-7588 for detailed instructions or write a letter to James N. Forsberg at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: U.S. Army: Robert Conte, Dept. of Army, Military Facilities, DAEN-ZCI-P; rm. 1E671, Pentagon, Washington, DC 20310-2600; (202) 693-4583; Corps of Engineers: Gary B. Paterson, Chief, Base Realignment and Closure Office, Directorate of Real Estate, 20 Massachusetts Ave., NW., rm. 4133, Washington, DC 20314-1000; (202) 272-0520; GSA: Ronald Rice, Federal Property Resources Services, GSA, 18th and F Streets NW., Washington, DC 20405; (202) 501-0067; Dept. of Transportation: Ronald D. Keefer, Director, Administrative Services & Property Management, DOT, 400 Seventh St., SW., room 10319, Washington, DC 20590; (202) 366-4246; (These are not toll-free numbers).

Dated: March 13, 1992.

Paul Roitman Bardack,

Deputy Assistant Secretary for Economic Development.

**TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 03/20/92**

**California—Fort Ord**

Fort Ord is located 7 miles north of the City of Monterey and 120 miles southeast of San Francisco, California 93941-5000. The installation is scheduled for closure on or about September 1995. Properties shown below are suitable/available will be available at that time. The Army Corps of Engineers has advised HUD that some properties may be available for interim lease for use to assist the homeless prior to that date.

The installation consists of approximately 26,720 acres and 14 million square feet of permanent facilities that have been reviewed by HUD for suitability for use to assist the homeless. The properties that HUD has determined suitable and which are available include various types of housing: office and

administrative buildings; recreational, maintenance and storage facilities; and other more specialized structures.

For specific information concerning Fort Ord, please contact Commander, 7th ID, ATTN: AFZW-RM (LTC Anderson), Fort Ord, California 93941-5000.

*Suitable/Available Properties*

Property Number: 329210039

Type Facility: Housing—1431 family houses; majority are 2-story.

Property Number: 329210040

Type Facility: Temporary Living Quarters—254 buildings; wood, concrete and concrete block structures including barracks.

Property Number: 329210041

Type Facility: Office/Administration—311 buildings; wood, concrete, concrete block and steel structures including personnel bldgs. and general purpose bldgs.

Property Number: 329210042

Type Facility: Recreation—53 facilities including bowling center, guest houses, community and youth centers, library, gym and recreation bldgs.

Property Number: 329210043

Type Facility: Aircraft/Airport Facilities—18 facilities including hangars, runway, taxiways, aprons, fire station, maintenance bldgs. and control tower.

Property Number: 329210044

Type Facility: Maintenance/Engineering Facilities—24 buildings; wood, concrete block and steel structures.

Property Number: 329210045

Type Facility: Mess/Dining Halls—95 buildings; wood, concrete and concrete block dining facilities.

Property Number: 329210046

Type Facility: Child Care—7 buildings; wood and concrete child care centers.

Property Number: 329210047

Type Facility: Stores and Services—23 buildings; wood, concrete, concrete block and steel structures including stores, snack bars, commissary and service station exchange.

Property Number: 329210048

Type Facility: Hospital Facilities—10 buildings; wood, concrete and concrete block structures including a hospital, clinics and vet. facilities.

Property Number: 329210049

Type Facility: Chapels—10 buildings; wood, concrete, concrete block chapels and chapel center facilities.

Property Number: 329210050

Type Facility: Fire Facilities—2 fire stations.

Property Number: 329210051

Type Facility: Audio Visual Facilities—8 buildings; wood, concrete and steel structures including photo labs and training centers.

Property Number: 329210052

Type Facility: Communications/Electronics Facilities—6 buildings; concrete block and steel structures including a communication center and radio bldgs.

Property Number: 329210053

Type Facility: Warehouses—224 buildings; wood, concrete, concrete block and steel

structures including storage bldgs. and sheds.

Property Number: 329210054

Type Facility: Vehicle Shops—84 buildings; wood, concrete, concrete block and steel structures including maintenance shops and oil storage bldgs.

Property Number: 329210055

Type Facility: Miscellaneous Facilities—440 facilities including hdqts. bldgs., reserve centers, classrooms, day rooms, roads, vehicle parks and training areas.

Property Number: 329210056

Type Facility: Multi-Purpose Facilities—27 facilities.

Property Number: 329210057

Type Facility: Fuel Facilities—31 buildings; concrete, concrete block and steel structures including gas station bldgs.

Property Number: 329210058

Type Facility: Hazardous Storage Facilities—6 buildings; concrete, concrete block and steel structures.

Property Number: 329210059

Type Facility: Explosives/Munitions Facilities—31 buildings; concrete and steel structures including igloo storages and magazine storages.

**Hawaii—Kapalama Military Reservation Phase III**

Kapalama Military Reservation is located in the Harbor district in the City of Honolulu. All the properties will be excess to the needs of the Army Corps of Engineers on or about September 30, 1994. Properties shown below as suitable will be available at that time. The Army Corps of Engineers has advised HUD that some properties may be available for interim lease for use to assist the homeless prior to that date.

The base comprises 21.22 acres and contains nine buildings which are currently being used for storage.

*Suitable/Available Properties*

Property Numbers: 329210003-329210011

Type Facility: Nine buildings currently used for storage; 116 to 39854 sq. ft.; one story wood frame; needs minor rehab.

**Massachusetts—Fort Devens**

Fort Devens military base is located at Fort Devens, Massachusetts 01433-5000. It is approximately 45 miles west of Boston. All the properties will be excess to the needs of the Army Corps of Engineers on or about October 31, 1995. Properties shown below as suitable/available will be available at that time. The Army Corps of Engineers has advised HUD that some properties may be available for interim lease for use to assist the homeless prior to that date.

The installation covers 9,283 acres and has approximately 7.4 million square feet of facilities. The properties that HUD has determined suitable and which are available include over 550 single family and multifamily housing units; office and administration buildings, indoor and outdoor recreational facilities; warehouses and multi-use buildings; hospital facilities; stores and service facilities; dining facilities; a chapel; a

child care facility; and other miscellaneous and specialized structures.

For specific information concerning Fort Devens, please contact Commander, Fort Devens, Attn: AFZD-T (Mr. Carter Hunt), Fort Devens, Massachusetts 01433-5000.

#### Suitable/Available Properties

Property Number: 329210012

Type Facility: 54 Office/Administration Buildings; 1,174 to 71,781 sq. ft.; wood, brick or concrete block frame including personnel bldgs., general purpose and support services bldgs.

Property Number: 329210029

Type Facility: 404 Housing units; 1,200 to 4,380 sq. ft.; wood or brick frame; single and duplex residences, multifamily residences—up to 14 units per bldg.

Property Number: 329210015

Type Facility: 150 Temporary Living Quarters; 1,028 to 19,120 sq. ft.; wood, brick or concrete block structures including barracks.

Property Number: 329210013

Type Facility: 27 Recreational Facilities; 155 to 30,000 sq. ft.; wood, brick, steel or concrete block construction including a gym, library, swimming pool, golf clubhouse, and bowling center.

Property Number: 329210016, 329210025

Type Facility: Aircraft/Fuel Facilities—7; six gas station bldgs. and pump stations; wood, steel or concrete block structures.

Property Number: 329210017, 329210021

Type Facility: Maintenance Engineering/Vehicle Shops—34 buildings; 120 to 20,310 sq. ft.; wood, brick, steel or concrete block frame including maintenance shops, entomology facility, vehicle maintenance bldgs., oil storage bldgs.

Property Number: 329210018

Type Facility: 11 Stores/Service Buildings; 271 to 107,208 sq. ft.; wood, concrete block or brick frame including commissary, sales store, exchange service station, exchange retail stores.

Property Number: 329210019

Type Facility: 7 Hospital Facilities; 493 to 126,835 sq. ft.; wood concrete, concrete block or brick frame including clinics, hospital, veterinarian facility, and dental clinic.

Property Number: 329210022

Type Facility: 4 Audio Visual/Photo Labs; 480 to 10,612 sq. ft.; wood or concrete block construction.

Property Number: 329210027

Type Facility: 24 Mess/Dining Halls; 2,403 to 2,717 sq. ft.; wood frame.

Property Number: 329210024

Type Facility: 2 Communication Buildings; 1,322 to 1,749 sq. ft.; concrete block or brick frame; communication centers.

Property Number: 329210026

Type Facility: 92 Warehouses; 49 to 85,790 sq. ft.; wood, concrete, concrete block or steel construction including sheds, storehouse, medical supply, vehicle storage, general purpose bldgs.

Property Number: 329210014

Type Facility: Child Care Facility; 6,012 sq. ft.; wood frame.

Property Number: 329210020

Type Facility: Chapel; 22,250 sq. ft.; brick frame.

Property Number: 329210023

Type Facility: 8 Hazardous Storage Buildings; 64 to 6,000 sq. ft.; concrete, steel or concrete block structures including oxygen storage facilities and flammable materials storage.

Property Number: 329210028

Type Facility: 172 Miscellaneous Facilities; 320 to 114,000 sq. ft.; wood, concrete block, brick or steel construction including general purpose bldgs., training facilities, RG houses, reserve centers, garages.

Property Number: 329210030

Type Facility: 4 Multi-purpose buildings.

#### Unsuitable Properties

Property Number: 329210032

Type Facility: 3 Recreation Facilities; within 2,000 feet from flammable or explosive material.

Property Numbers: 329210033, 329210038

Type Facility: One Temporary Living Quarters and 2 housing residences; within 2,000 feet from flammable or explosive material.

Property Number: 329210031

Type Facility: One Office/Administration Building; within 2,000 feet from flammable or explosive material.

Property Numbers: 329210034, 329210037

Type Facility: 6 Miscellaneous Buildings— including stores, service facilities, etc.

Property Number: 329210035

Type Facility: One Vehicle Shop; within 2,000 feet from flammable explosive material.

Property Number: 329210036

Type Facility: One Warehouse; within 2,000 feet from flammable explosive material.

#### Virginia—Harry Diamond Laboratories

Harry Diamond Laboratories, Woodbridge Facility is located in Prince William County, Virginia, 22191. The installation is scheduled for closure on or about September 1994. Properties shown below as suitable/available will be available at that time. The Army Corps of Engineers has advised HUD that some properties may be available for interim lease for use to assist the homeless prior to that date.

The installation consists of approximately 76,000 square feet of facilities that have been reviewed by HUD for suitability for use to assist the homeless. The properties that HUD has determined suitable and which are available include a warehouse, communications facilities and miscellaneous facilities.

For specific information concerning Harry Diamond Laboratories, please contact Commander, U.S. Army Laboratory Command, ATTN: AMSLC-MC (Ms. Ann Barnett), 2800 Powder Mill Road, Adelphi, Maryland 20783-1145.

#### Suitable/Available Properties

Property Number: 329210060

Type Facility: Communications/Electronics Facilities—3 brick structures.

Property Number: 329210061

Type Facility: Warehouse—1 brick storehouse.

Property Number: 329210062

Type Facility: Miscellaneous Facilities—3 facilities including roads and a vehicle park.

Property Number: 329210063

Type Facility: Multi-Purpose Facilities—2 brick structures including an administrative building.

#### Suitable/Available Properties

##### Land (by State)

##### Georgia

Land—Fort Gordon

Between Windermere Dr. & Wyevale Rd.

Augusta Co: Richmond GA 30909—

Landholding Agency: Army

Property Number: 219210382

Status: Unutilized

Comment: Approximately .54 acres, entire parcel under easement to State Hwy. Dept.

##### Washington

##### Land

Goodnoe Hills Substation & Wind Study Site

Co: Klickitat WA 98620—

Location: 15 mi SE of Goldendale on S side of St. Hwy. 122

Landholding Agency: GSA

Property Number: 549210005

Status: Excess

Comment: 123 acres w/ a 20'x20' visitors center and a 6'x6' substation bldg. which has secured areas.

GSA Number: 9-B-WA-1017

#### Suitable/Unavailable Properties

##### Land (by State)

##### Guam

Former Navy Seismograph Site

Nimitz Hill

Asan GU

Landholding Agency: GSA

Property Number: 549210017

Status: Excess

Comment: 1.5 acres, historic property, subject to easements.

GSA Number: 9-N-GU-415C

190 acres—Submerged Lands

Located offshore of Asan Point

Asan GU

Landholding Agency: GSA

Property Number: 549210018

Status: Excess

Comment: 190 acres, most recent use—naval waterway

GSA Number: 9-N-GU-436

42 acres—Submerged Land

In Agat Bay

Located offshore of Apaca Point

Agat GU

Landholding Agency: GSA

Property Number: 549210019

Status: Excess

Comment: 42 acres, most recent use—naval waterway

GSA Number: 9-N-GU-426B

##### Oregon

83.0 Acre Portion

Tongue Point Job Corps Center

Astoria Co: Clatsop OR 97103—

Landholding Agency: GSA

Property Number: 549210006

Status: Excess

Comment: 83 acres, bounded on 3-sides by the Columbia River, mostly wooded and steeply sloped, environmentally protected.  
GSA Number: 9-L-OR-508L

#### Unsuitable Properties

##### Buildings (by State)

###### Alaska

Bldg. 28  
USCG Support Center  
Kodiak Co: Kodiak Island AK 99619-5000  
Landholding Agency: DOT  
Property Number: 879210126  
Status: Excess  
Reason: Within airport runway clear zone, Secured Area

Bldg. 24  
USCG Support Center  
Kodiak Co: Kodiak Island AK 99619-5000  
Landholding Agency: DOT  
Property Number: 879210127  
Status: Excess  
Reason: Within airport runway clear zone, Secured Area, Within 2000 ft. of flammable or explosive material

Bldg. 19  
USCG Support Center  
Kodiak Co: Kodiak Island AK 99619-5000  
Landholding Agency: DOT  
Property Number: 879210128  
Status: Excess  
Reason: Within airport runway clear zone, Secured Area, Other  
Comment: Extensive deterioration

Bldg. 94  
USCG Support Center  
Kodiak Co: Kodiak Island AK 99619-5000  
Landholding Agency: DOT  
Property Number: 879210129  
Status: Excess  
Reason: Secured Area, Other  
Comment: Extensive deterioration

Bldg. 85  
USCG Support Center  
Kodiak Co: Kodiak Island AK 99619-5000  
Landholding Agency: DOT  
Property Number: 879210130  
Status: Excess  
Reason: Secured Area, Other  
Comment: Extensive deterioration

Bldg. 30  
USCG Support Center  
Kodiak Co: Kodiak Island AK 99619-5000  
Landholding Agency: DOT  
Property Number: 879210131  
Status: Excess  
Reason: Secured area, Within airport runway clear zone GSA Number: 10-U-AK-655T

Bldg. 18  
USCG Support Center  
Kodiak Co: Kodiak Island AK 99619-5000  
Landholding Agency: DOT  
Property Number: 879210132  
Status: Excess  
Reason: Secured Area, Within airport runway clear zone GSA Number U-ALAS-655A

Bldg. A512  
USCG Support Center  
Kodiak Co: Kodiak Island AK 99619-5000  
Landholding Agency: DOT  
Property Number: 879210133  
Status: Excess

Reason: Secured Area, Within airport runway clear zone, Within 2000 ft. of flammable or explosive material

###### California

Bldg. 10, USCG Support Center  
Coast Guard Island  
Alameda Co: Alameda CA 94501-5100  
Landholding Agency: DOT  
Property Number: 879210134  
Status: Excess  
Reason: Secured Area

##### Land (by State)

###### Arizona

11.217 Acre Site  
Davis-Monthan AFB  
Tucson Co: Pima AZ 85707-5000  
Landholding Agency: GSA  
Property Number: 549210020  
Status: Excess  
Reason: Floodway GSA Number: 9-GR1-AZ-437HHH, 9-GR2-AZ-437Y

[FR Doc. 92-8301 Filed 3-19-92; 8:45 am]

BILLING CODE 4210-29-M

#### Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-92-3385; FR-3149-C-02]

#### Fund Availability (NOFA) for Supportive Housing for the Elderly, Fund Availability for FY 92; Correction

**AGENCY:** Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

**ACTION:** Notice of fund availability for FY 92; correction.

**SUMMARY:** On March 6, 1992 (57 FR 8218), the Department published in the *Federal Register*, a NOFA that announced HUD's funding for supportive housing for the elderly. The chart titled, Fiscal Year 1992 Allocations for Supportive Housing for the Elderly, erroneously listed the Nonmetropolitan Units for Region 3 to be 730. The purpose of this document is to correct that chart by indicating that the correct number of Nonmetropolitan Units for Region 3 is 130.

**DATES:** The deadline date for receipt of applications in response to this NOFA is June 3, 1992.

**ADDRESSES:** Applications must be delivered to the HUD Field Office for your jurisdiction. HUD will date and time stamp incoming applications to evidence timely receipt, and upon request, provide the applicant with an acknowledgement of receipt. Applications submitted by facsimile are not acceptable.

**FOR FURTHER INFORMATION CONTACT:** The HUD Field Office for your jurisdiction.

#### SUPPLEMENTARY INFORMATION:

Accordingly, the following correction is made to FR Doc. 92-5233, published in the *Federal Register* on Friday, March 6, 1992 (57 FR 8218), to read as follows:

On page 8218, at the bottom of the page, under paragraph B. Allocation Amounts, in the chart titled, FISCAL YEAR 1992 ALLOCATIONS FOR SUPPORTIVE HOUSING FOR THE ELDERLY, correct the Nonmetropolitan Units for Region 3 to read "130" instead of "730".

**Authority:** Section 202, Housing Act of 1959, as amended (12 U.S.C. 1701q), section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: March 16, 1992.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 92-6562 Filed 3-19-92; 8:45 am]

BILLING CODE 4210-27-M

[Docket No. N-92-3242; FR-2997-N-02]

#### Funding Availability; Housing Counseling; Announcement of Funding Awards

**AGENCY:** Office of the Assistant Secretary for Housing—Federal Housing Commissioner, 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 under HUD's Housing Counseling Program for Fiscal Year 1991. The announcement contains the names and addresses of the award winners and the amounts of the awards.

**FOR FURTHER INFORMATION CONTACT:** Thomas Miles, Program Advisor, Single Family Servicing Division, Department of Housing and Urban Development, room 9178, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 708-1672 or (202) 708-4594 (TDD). (These are not toll-free numbers.)

**SUPPLEMENTARY INFORMATION:** Section 106 of the Housing and Urban Development Act of 1968 (section 106) authorizes HUD to provide a program of housing counseling services to designated homeowners and tenants. The program authorized by section 106 (Housing Counseling Program) is divided into two components: the housing counseling services provided under

section 106(a), and those provided under section 106(c).

Under the Housing Counseling Program, HUD contracts with public or private organizations to provide the housing counseling services authorized by section 106. When the Congress makes funds available to assist the Housing Counseling Program, HUD announces the availability of these funds, and invites applications from eligible agencies (i.e. HUD-approved counseling agencies), through a notice of funding availability (NOFA) published in the **Federal Register**.

In a NOFA published on April 30, 1991 (56 FR 19902), HUD announced that a total amount of \$8,000,000 was appropriated for housing counseling by the HUD Appropriations Act of 1991. Of this amount, the National Affordable Housing Act of 1990 authorized up to

\$2,000,000 of the total appropriated amount to be used by HUD for the establishment of a toll-free telephone number through which interested parties may obtain lists of housing counseling agencies. (This toll-free number was announced in a notice published in the **Federal Register** on December 12, 1991, 56 FR 64724.) Of the remaining \$6,000,000 available for counseling activities, HUD set aside \$425,000 to help resolve two litigation matters that involved housing counseling; and announced the availability of \$5,575,000 in FY 1991 funds for the counseling services specified in section 106.

In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, the Department is publishing the names, addresses and the amounts of the awards made under the

Housing Counseling Program for FY 1991. This information is provided in appendix A to this document. The total amount of the awards equaled \$8,465,480. The difference between the amount awarded and the amount announced as available in the April 30, 1991 NOFA results from the fact that HUD did not use the full amount of the \$2,000,000 authorized for the toll-free telephone number, or the full amount of the \$425,000 set aside for two litigation matters. Accordingly, HUD was able to make available the funds remaining from these matters to HUD-approved counseling agencies for the counseling activities provided under section 106.

Dated: March 13, 1992.

Arthur J. Hill,

Assistant Secretary for Housing—Federal Housing Commissioner.

#### HOUSING COUNSELING AGENCIES RECEIVING GRANTS IN FY 1991

	Grant amount
<b>Region 1:</b>	
City of Lynn, City Hall, Room 315, Lynn, MA 01901 .....	\$6,790.00
Blackstone Valley Community Action Program, 129 School St., Pawtucket, RI 02860 .....	4,370.00
Central Maine Area Agency on Aging, P.O. Box 248, Gardiner, ME 04345 .....	3,500.00
Urban League of Rhode Island, 246 Prairie Ave., Providence, RI 02905 .....	9,275.00
Consumer Credit Counseling Service, 151 New Park Ave., Hartford, CT 06106 .....	10,000.00
Housing Allowance Project, 322 Main Street, Springfield, MA 01105 .....	10,465.00
Rural Housing Improvement, Inc., 218 Central St., Winchendon, MA 01475 .....	10,000.00
Construct, Inc., 144 Main Street, Great Barrington, MA 01230 .....	2,100.00
Urban League of Greater Hartford, 1229 Albany Ave., Hartford, CT 06112 .....	10,000.00
<b>Region 2:</b>	
Housing Assistance Program of Essex County, Church St., Elizabethtown, NY 12932 .....	6,125.00
Bellport, Hagerman, E. Patchogue Alliance, 1731 Montauk Hwy, Bellport, NY 11713 .....	5,005.00
Bayonne Economic Opportunity Foundation, 555 Kennedy Blvd., Bayonne, NJ 07002 .....	15,085.00
Ocean Community Economic Action Now, P.O. Box 1029, Toms River, NJ 08753 .....	8,750.00
Albany County Rural Housing Alliance, 34 Main St., Voorheesville, NY 12186 .....	6,300.00
Check Mate, Inc., 649 Mattison Ave., Asbury Park, NJ 07712 .....	8,750.00
Consumer Credit Counseling Service, 120 E. Washington St., Syracuse, NY 13202 .....	8,750.00
Better Neighborhoods, 986 Albany St., Schenectady, NY 12307 .....	22,750.00
Catholic Charities, 540-550 Route #22 E., Bridgewater, NJ 08807 .....	5,320.00
Cayuga County Homesite Development, 60 Clark St., Auburn, NY 13021 .....	5,005.00
Senior Citizens United Community Serv., 146 Black Horse Pike, Mt. Ephraim, NJ 08059 .....	9,905.00
Housing Coalition of Middlesex County, 9 Elm Row, New Brunswick, NJ 08901 .....	8,750.00
Metro Interfaith Services, 21 New St., Binghamton, NY 13903 .....	23,310.00
Housing Council in the Monroe County Area, 242 Andrews St., Rochester, NY 14604 .....	38,920.00
Family Service Association of Nassau County, 336 Fulton Ave., Hempstead, NY 11550 .....	9,975.00
Rensselaer County Community Restoration Board, P.O. Box 244, Rensselaer, NY 12144 .....	10,430.00
Jersey Counseling & Housing Development, 1840 S. Broadway, Camden, NJ 08104 .....	37,275.00
Urban League of Bergen County, 106 W. Palisade Ave., Englewood, NJ 07631 .....	25,095.00
Morris County Fair Housing Counsel, 19 Market St., Morristown, NJ 07960 .....	14,875.00
Lewis County Opportunities, P.O. Box 111, New Bremen, NY 13367 .....	7,000.00
Stoneleigh Housing, Inc., 120 E. Center St., Canastota, NY 13032 .....	4,970.00
Urban League of Onondaga County, 505 E. Fayette St., Syracuse, NY 13202 .....	8,750.00
Monmouth County Board of Chosen Freeholders, P.O. Box 1255, Freehold, NJ 07728 .....	38,920.00
Urban League of Union County, 272 N. Broad St., Elizabeth, NJ 07208 .....	8,750.00
Middlesex County Econ. Oppor., 841 Georges Rd., 2nd Flr., N. Brunswick, NJ 08902 .....	8,750.00
United Tenants of Albany, 33 Clinton Ave., Albany, NY 12207 .....	6,125.00
Paterson Task Force for Community Action, 155 Ellison St., Paterson, NJ 07505 .....	16,135.00
The Home Partnership, 450 7th St., Hoboken, NJ 07030 .....	24,850.00
Troy Rehabilitation and Improvement Program, P.O. Box 1249, Troy, NY 12181 .....	8,960.00
Housing Assistance Center of Niagara, 1233 Main St., Buffalo, NY 14209 .....	37,590.00
Atlantic Human Resources, 10 So. Tennessee Ave., Atlantic City, NJ 08401 .....	4,970.00
Urban League of Essex County, 3 William St., Suite 300, Newark, NJ 07102 .....	27,265.00
Housing Development Council of Orleans County, 109 N. Main St., Albion, NY 14411 .....	8,750.00
Long Island Housing Services, 1747-42a Veterans Memorial Highway, Aslandia, NY .....	26,565.00
<b>Region 3:</b>	
Criss-Cross, Inc., 166 Washington Ave., Clarksburg, WV 26301 .....	8,750.00
Community Housing Inc., 613 Washington St., Wilmington, DE 19801 .....	19,250.00
Community Assistance Network, 7701 Dunmanway Road, Baltimore, MD 21222 .....	15,750.00
University Legal Services, 324 "H" St., NE, Washington, DC 20002 .....	39,970.00
Prince William Coop Extension, 8805 Sudley Rd., Suite 200, Manassas, VA 22110 .....	15,750.00

## HOUSING COUNSELING AGENCIES RECEIVING GRANTS IN FY 1991—Continued

	Grant amount
Warren-Forest Countys Economic Opportunity, P.O. Box 547, Warren, PA 16365.....	4,900.00
Elder-ado, Inc., 320 Brownsville Rd., Pittsburgh, PA 15210.....	14,000.00
Consumer Credit Counseling Service, P.O. Box 6282, Bluefield, WV 24701.....	8,750.00
Urban League of Pittsburgh, 304 Ross St., 6th Floor, Pittsburgh, PA 15219.....	15,750.00
Sussex County Community Action Agency, 310 N. Railroad Ave., Georgetown, DE 19947.....	10,500.00
Housing Council of York, 116 N. George St., York, PA 17401.....	10,500.00
Newport News Office of Human Affairs, P.O. Box 37, Newport News, VA 23607.....	19,250.00
Urban League of Philadelphia, 4601 Market St., Suite 2 South, Philadelphia, PA 19139.....	5,250.00
Center for Independent Living, 7110 Penn Ave., Pittsburgh, PA 15208.....	9,625.00
Housing Opportunities Inc., 133 7th St., McKeesport, PA 15134.....	24,980.00
Commission on Economic Opportunity, 211-213 S. Main St., Wilkes-Barre, PA 18701.....	4,900.00
Consumer Credit Counseling Service, P.O. Box 3720, Charleston, WV 25301.....	14,980.00
Far South East Community Organization, 2041 M.L. King Ave., SE, Washington, DC 20020.....	9,625.00
United Communities Against Poverty, 1400 Doewood Lane, Capitol Heights, MD 20743.....	10,500.00
Family Service Inc., 1304 E. 5th Ave., Huntington, WV 25701.....	11,620.00
Community Resources for Independence, 2222 Filmore Ave., Erie, PA 16506.....	5,250.00
Housing Association of Delaware Valley, 1314 Chestnut St., Philadelphia, PA 19107.....	2,030.00
Consumer Credit Counseling Service, 51 11th St., Wheeling, WV 26003.....	24,500.00
Bayfront NATO Inc., 312 Chestnut St., Erie, PA 16507.....	4,375.00
Garfield Jubilee Association, 5138 Penn Ave., Pittsburgh, PA 15224.....	5,775.00
Near NE Community Improvement Corp., 1326 Florida Ave., NE, Washington, DC 20062.....	3,500.00
Berks Community Action Program, 227-229 N. 5th St., Reading, PA 19601.....	7,000.00
SE Tidewater Opportunity Project, P.O. Box 1078, Norfolk, VA 23510.....	9,625.00
Housing Opportunities Made Equal, 1218 N. Carry St., Richmond, VA 23220.....	24,500.00
Housing Counseling Service, 2430 Ontario Rd., NW, Washington, DC 20009.....	21,000.00
Phil. Council for Commun. Advan., 100 N. 17th St., Suite 600, Philadelphia, PA 19102.....	24,500.00
MAC, Inc., Area Agency on Aging, 1504 Riverside Rd., Salisbury, MD 21801.....	5,075.00
Housing Opportunities Commission, 10400 Detrick Ave., Kensington, MD 20895.....	8,750.00
Neighborhood House, Inc., 601 New Castle Ave., Wilmington, DE 19801.....	8,750.00
Washington/Greene Community Action Group, 315 N. Hallam St., Washington, PA, 15301.....	3,500.00
Fayette County Community Action Agency, 137 N. Beeson Ave., Uniontown, PA 15401.....	5,250.00
Harford County, P.H.A., 15 S. Main St., Suite 106, Bel Air, MD 21014.....	14,000.00
Philadelphia Housing Devel., 1234 Market St., 10th Flr., Philadelphia, PA 19107.....	10,500.00
Consumer Credit Counseling Service, 3671 Crescent Court E., Whitehall, PA 18052.....	4,900.00
St. Ambrose Housing Aid Center, 321 E. 25th St., Baltimore, MD 21218.....	28,000.00
DC Housing Finance Agency, 275 "K" St., Washington, DC.....	24,500.00
Shore Up Inc., 520 Snowhill Road, Salisbury, MD 21801.....	15,750.00
Tabor Community Services, 439 E. King St., Lancaster, PA 17602.....	21,000.00
Monticello Area Community Action Agency, 215 E. High St., Charlottesville, VA 22901.....	8,750.00
Consumer Credit Counseling Serv., 2715 Murdock Ave., R4, Parkersburg, WV 26101.....	17,500.00
Booker T. Washington Center, 1720 Holland St., Erie, PA 16503.....	5,250.00
Marshall Heights Community Development, 3917 Minnesota Ave., NE, Washington, DC 20019.....	9,625.00
<b>Region 4:</b>	
Tenant Services and Housing Counseling Inc., 200 E. Main St., Lexington, KY 40507.....	15,015.00
MS Division of Aging and Adult Service, 421 W. Pascagoula, Jackson, MS 39203.....	3,500.00
Louisville Urban League, 1535 W. Broadway, Louisville, KY 40203.....	29,995.00
CAA of North Central Alabama, 107 2nd Ave. NE, Decatur, AL 35602.....	23,555.00
Knoxville Area Urban League, 2416 Magnolia Ave., Knoxville, TN 37901.....	39,970.00
Broward County Housing Authority, 1773 N. State Road #7, Lauderhill, FL 33313.....	40,005.00
Joint Orange-Chatham Comm. Action, 105 W. Chatham St., Pittsboro, NC 27312.....	14,980.00
Trident United Way, 32 Ann Street, Charleston, SC 29401.....	26,250.00
Johnston Lee Community Action, 1102 Massey St., Smithfield, NC 27577.....	24,990.00
Tallahassee Housing Counseling, 923 Old Bainbridge Rd., Tallahassee, FL 32301.....	12,600.00
Jefferson County Homeownership Program, 810 Barret Ave., Louisville, KY 40204.....	19,985.00
Metro Fair Housing Serv., 1083 Aastin Ave., N.E., Atlanta, GA 30307.....	9,975.00
Target Community Association, 1233 E. College, Pulaski, TN 38478.....	9,975.00
Housing Authority of Auburn, 931 Booker St., Auburn, AL 36830.....	14,980.00
Consumer Credit Counsel., 50 S. French Broad Ave., Suite 236, Asheville, NC 28801.....	9,975.00
Spectrum Institute, 1108 Woodrow St., Columbia, SC 29205.....	24,980.00
Metropolitan Social Services, 25 Middleton St., Nashville, TN 37210.....	39,970.00
Housing Authority of Montgomery, 1020 Bell St., Montgomery, AL 36197.....	14,980.00
North Carolina Client Councils, 216 Church St., Smithfield, NC 27577.....	19,985.00
Savannah Chatham County EOA, 618 W. Anderson St., Savannah, GA 31402.....	49,980.00
The Atlanta Urban League, 100 Edgewood Ave., Suite 600, Atlanta, GA 30303.....	4,970.00
Hope, Inc., 1501 Herman St., Suite S, Nashville, TN 37208.....	24,990.00
Jacksonville Urban League, 223 W. Duvall St., 14th Flr., Jacksonville, FL 32202.....	14,525.00
Human Resources Development Corp., Route 5, Box 139, Suite A, Enterprise, AL 36331.....	7,000.00
Housing Authority of Birmingham, 1826 3rd Ave. S., Birmingham, AL 35233.....	39,970.00
Housing Opportunities Corp., 147 Jefferson Ave., Suite 800, Memphis, TN 38103.....	22,995.00
Instituto Ponceño Del Hogar, Calle Sol. Esq. Capitan Correa, Ponce, PR 00733.....	24,990.00
CCC Service of Palm Beach County, 224 Datura St., Suite 205, W. Palm Beach, FL 33401.....	42,980.00
Hillsborough County, 9260 Bay Plaza Blvd., Suite 510, Tampa, FL 33619.....	19,985.00
Mobile Housing Board, 151 S. Clairborne St., Mobile, AL 36633.....	49,000.00
HEED, 3405 Medgar Evers Blvd., Jackson, MS 39213.....	39,220.00
Mid-East Comm. Area Agency on Aging, 1 Harding Sq., Washington, NC 27889.....	19,985.00
Gulf Coast Community Action Agency, 500 24th St., Gulfport, MS 39501.....	9,975.00
Palmetto Legal Services, 2109 Bull Street, Columbia, SC 29202.....	19,985.00
Metro Columbus Urban League, 802 First Ave., Columbus, GA 31901.....	8,750.00
Greenville Urban League, 15 Regency Hill Dr., Greenville, SC 29603.....	29,995.00
Consumer Credit Counseling Service, 1900 N. Mills Ave., Suite 5, Orlando, FL 32803.....	64,995.00

## HOUSING COUNSELING AGENCIES RECEIVING GRANTS IN FY 1991—Continued

	Grant amount
Family Housing Services, 910 N. Alexander St., Charlotte, NC 28206.....	61,985.00
CAA of Calhoun, Cleburne & Cherokee, 1702 Noble St., Anniston, AL 36202.....	26,075.00
E. Tenn. Human Resource Agency, 408 N. Cedar Bluff Rd., Rm 400, Knoxville, TN 37923.....	19,985.00
Community Service Programs of Western Alabama, 601 17th St., Tuscaloosa, AL 35401.....	23,555.00
Douglas-Cherokee Economic Authority, 525 E 1st North St., Morristown, TN 37814.....	7,000.00
Metropolitan Development and Housing Agency, 701 S. 6th St., Nashville, TN 37201.....	19,985.00
Chattanooga Department of Human Services, 501 12th St. W., Chattanooga, TN 37402.....	9,975.00
Coastal Plains Area Economic Opportunity, 1126 W. Gordon St., Valdosta, GA 31603.....	19,985.00
Dekalb/Fulton Housing Counseling Center, 3471 Memorial Dr., Decatur, GA 30032.....	84,980.00
Aiken/Barnwell Counties CAA, Inc., 291 Beaufort St., Aiken, SC 29801.....	20,475.00
Cumberland County Community Action, 328 Gillespie St., Fayetteville, NC 28301.....	49,980.00
City of Tampa/Community Redevel. Agency, 1310 9th Ave., Tampa, FL 33605.....	49,980.00
Consumer Credit Counseling Service, 13014 N.E. 8th Ave., North Miami, FL 33161.....	49,980.00
Nashville Urban League, Mr. Joseph Carroll, 1219 9th Ave. N., Nashville, TN 37208.....	11,970.00
Consumer Credit Counseling Serv., 926 Brookston Ave., Winston-Salem, NC 27101.....	20,125.00
Citizens for Affordable Housing, 1719 West End Ave., Suite 225, Nashville, TN 37203.....	31,955.00
PEE DEE Community Actions, Inc., 2685 S. Irby St., Florence, SC 29501.....	24,990.00
Manatee Opportunity Council, 236 9th Ave. W., Bradenton, FL 34205.....	9,975.00
CAA of Northwest Alabama, 502 E. College St., Florence, AL 35630.....	9,975.00
American Red Cross (ACCEPT), Inc., 510 E. Chestnut St., Louisville, KY 40202.....	14,980.00
Agriculture and Labor Program, Inc., 7301 Lynchburg Rd., Winter Haven, FL 33881.....	9,975.00
Birmingham Urban League, 1717 4th Ave. N., Birmingham, AL 35202.....	22,470.00
Piedmont Legal Services, 148 East Main St., Spartanburg, SC 29301.....	19,985.00
NW Piedmont Council of Government, 280 S. Liberty St., Winston-Salem, NC 27101.....	19,985.00
Northern Kentucky Community Center, 824 Greenup St., Covington, KY 41011.....	29,995.00
Consumer Credit Counsel/Greater Knoxville, 1012 Heiskell Ave., Knoxville, TN 37921.....	12,950.00
Memphis Urban League, 2279 Lamar Ave., Memphis, TN 38114.....	3,500.00
Isothermal Planning and Development Div., 101 W. Court St., Rutherfordton, NC 28139.....	4,200.00
Athens-Clarke Co. Unified Government, 155 E. Washington St., Athens, GA 30601.....	62,790.00
Middle Georgia Community Action Agency, 708 Elberta Rd., Warner Robins, GA 31099.....	7,000.00
Brighton Center, Inc., 7th and Park Sts., Newport, KY 41071.....	14,980.00
Chesterfield-Marlboro Economic Opportunity, 71 2nd St., Cheraw, SC 29520.....	5,250.00
Ceiba Housing and Economic Development Corp. 252 Lauro Pinero Ave., Ceiba, PR 00636.....	15,750.00
Carolina Regional Legal Services, 279 W. Evans St., Florence, SC 29501.....	9,975.00
CCCS, Family Service Center, 1800 Main St., Columbia, SC 29202.....	19,985.00
West Tennessee Legal Services, 210 W. Main St., Jackson, TN 38302.....	19,985.00
Upper East Tennessee Human Development Agency, 301 Louis St., Kingsport, TN 37662.....	9,975.00
<b>Region 5:</b>	
Credit Counseling Centers, Inc., 27780 Novi Road, Suite 250, Novi, MI 48050.....	24,990.00
Housing Assistance Office, P.O. Box 1448, South Bend, IN 46634.....	8,750.00
Springfield Fair Housing Board, 227 S. 7th Street, Suite 204, Springfield, IL 62701.....	7,000.00
Consumer Credit Counseling Service, 1111 3rd Ave. S., Suite 336, Minneapolis, MN 55404.....	15,190.00
Racine/Kenosha Community Action, 72 7th St., Racine, WI 53403.....	1,995.00
Lutheran Housing Corporation, 4208 Prospect Ave., Cleveland, OH 44103.....	50,015.00
Senior Housing Inc., 1885 University Ave., Suite 190, St. Paul, MN 55104.....	4,200.00
Consumer Credit Counseling Service, 363 S. Main St., Suite 205, Decatur, IL 62523.....	15,015.00
Spanish Coalition for Housing, 3439 W. North Ave., Chicago, IL 60647.....	24,990.00
Consumer Credit Counseling Service, 697 E. Broad St., Columbus, OH 43215.....	31,500.00
Hammond Housing Authority, 7329 Columbia Circle West, Hammond, IN 46324.....	5,005.00
Catholic Charities, 225 Elm St., Youngstown, OH 44503.....	24,990.00
Detroit Non-Profit Housing Corp., 1200 6th St., Suite 404, Detroit, MI 48226.....	19,985.00
Madison County Urban League, 210 William St., Alton, IL 62002.....	10,010.00
Portsmouth Inner City Development Corp., 1206 Waller St., Portsmouth, OH 45662.....	2,030.00
Marion-Crawford Community Action Commission, 240 E. Church St., Marion, OH 43302.....	3,500.00
Housing Resource Center, 300 N. Washington Square, Suite 302, Lansing, MI 48933.....	15,015.00
Anderson Housing Authority, 528 W. 11th St., Anderson, IN 46016.....	24,990.00
Community Action Inc., 2300 Kellogg Ave., Janesville, WI 53546.....	8,050.00
Michigan Housing Counselors, 237 S. Gratiot, Mount Clemens, MI 48043.....	29,995.00
Regional Housing Center, P.O. Box 7050, Columbus, OH 43205.....	50,015.00
Housing Authority of the City of Fort Wayne, P.O. Box 13489, Fort Wayne, IN 46869.....	19,985.00
Near West Side Multi-Service Corp., 4115 Bridge Ave., Cleveland, OH 44113.....	8,015.00
CONSON, 90 E. Goodale St., Columbus, OH 43215.....	29,995.00
R.E.A.L. Services, 622 N. Michigan, South Bend, IN 46634.....	8,750.00
Urban League of Greater Cleveland, 12001 Shaker Blvd., Cleveland, OH 44120.....	10,010.00
NW Michigan Human Service Agency, 3963 Three Mile Rd., Traverse City, MI 49684.....	3,010.00
Community Advocates, 4906 W. Fond Du Lac, Milwaukee, WI 53216.....	8,750.00
Hoosier Uplands Economic Development Corp., 521 W. Main St., Mitchell, IN 47446.....	15,015.00
Lake County Community Action Project, 106 S. Sheridan Rd., Waukegan, IL 60085.....	5,285.00
Westside Conservation Corp., 3209 W. Highland Blvd., Milwaukee, WI 53208.....	29,995.00
TULC Non-Profit Housing Corp., 3901 Grand River, Detroit, MI 48208.....	29,995.00
Community & Economic Development Assoc., 224 N. Des Plaines St., Chicago, IL 60661.....	49,980.00
Lake County, 2293 N. Main St., Crown Point, IN 46307.....	10,010.00
Human Development Commission, 429 Montague Ave., Caro, MI 48723.....	4,970.00
Chicago Urban League, 4510 S. Michigan Ave., Chicago, IL 60653.....	29,995.00
Chicago Roseland Coalition for Community Control, IL.....	19,985.00
Pilot City Regional Center, 1315 Penn Ave. North, Minneapolis, MN 55411.....	19,985.00
Walker's Point Development Corp., 734 S. 5th St., Milwaukee, WI 53204.....	15,015.00
Family Service Agency, 535 Marmion Ave., Youngstown, OH 44502.....	6,300.00
Urban League of NW Indiana, 3101 Broadway, Gary, IN 46409.....	39,970.00
Youngstown Area Urban League, 2516 Market St., Youngstown, OH 44507.....	4,970.00

## HOUSING COUNSELING AGENCIES RECEIVING GRANTS IN FY 1991—Continued

	Grant amount
Community Action of Indianapolis, 2445 N. Meridian St., Indianapolis, IN 46208	8,750.00
Montgomery County Community Action, 318 S. Main St., P.O. Box 4008, Dayton, OH 45401	8,750.00
Milwaukee United for Better Housing, 4011 W. Capitol Dr., Milwaukee, WI 53216	9,975.00
New Cities Community Development Corp., 400 E. Sibley Blvd., Harvey, IL 60426	8,750.00
Southern Minnesota Regional Legal Services, 46 E. 4th St., St. Paul, MN 55101	24,990.00
Community Serv. Council of North Will Cnty., 719 Parkwood Ave., Romeoville, IL 60441	34,855.00
St. Paul Housing Information Office, 21 W. 4th St., St. Paul, MN 55102	15,015.00
Better Housing League of Cincinnati, 2400 Reading Rd., Cincinnati, OH 45202	50,015.00
Family Service Association, 1704 N. Warren Road SE, Warren, OH 44484	20,020.00
Urban League of Flint, 202 E. Boulevard Dr., Suite 200, Flint, MI 48503	24,990.00
<b>Region 6:</b>	
Christians Assisting People, Inc., 600 Foley Ave., Port Arthur, TX 77640	1,200.00
Credit Counseling Service, 3230 N. Rockwell, Bethany, OK 73008	40,000.00
Desire Community Housing Corp., 3251 St. Ferdinand St., New Orleans, LA 70126	27,000.00
Colonias Del Valle, Inc., 1203 E. Ferguson, Pharr, TX 78577	5,785.00
Consumer Credit Counseling Service, 4600 Gulf Freeway, Suite 500, Houston, TX 77023	37,800.00
Genia Community Action Committee, 230 Bolton Ave, Alexandria, LA 71301	30,000.00
White River Regional Housing Authority, Hwy 69 E., Melbourne, AR 72556	20,000.00
Ouachita Multi-Purpose CAP Inc., 210 Harrison St., Monroe, LA 71210	20,000.00
Greater El Paso Service, 4838 Montana Ave., El Paso, TX 79903	32,000.00
Housing Auth./City of Slidell, 1230 Martin Luther King, Apt. 1, Slidell, LA 70459	6,000.00
Urban League of Arkansas, 2200 South Main Street, Little Rock, AR 72216	17,000.00
Consumer Credit Counseling Service, 1949 N. Stemmons Frwy, Suite 200, Dallas, TX 75207	90,000.00
Family Services Agency, 2700 Willow St., North Little Rock, AR 72115	25,000.00
Parish of Jefferson, 1221 Elmwood Park Blvd., Suite 402, Harahan, LA 70123	20,000.00
Sac & Fox Nation Housing Authority, 526 N. Kimberly St., Shawnee, OK 74801	10,000.00
Guadalupe Economic Service Corp., 1416 1st St., Lubbock, TX 79401	73,000.00
Chickasaw Housing Authority, 901 Country Club, Ada, OK 74820	40,000.00
Credit Counseling Centers of OK, 2140 South Harvard, Tulsa, OK 74159	80,000.00
St. Mary Community Action, 1407 Barrow St., Franklin, LA 70538	8,400.00
St. James Parish, Highway 44, Courthouse St., Convent, LA 70723	26,000.00
Community Devel. Corp. of Brownsville, 1150 E. Adams, 2nd Fl., Brownsville, TX 78520	20,000.00
Child and Family Service, 1221 W. Ben White Blvd., Suite 112-B, Austin, TX 78704	37,000.00
Consumer Credit Counseling of NM, 5318 Menaul NE, Albuquerque, NM 87110	45,000.00
Housing Opportunity of Fort Worth, 1305 W. Magnolia Ave., Fort Worth, TX 76104	62,000.00
Houston Area Urban League, 3215 Fannin, Houston, TX 77004	20,000.00
City of Austin Housing Counseling Program, 1640 E. 2nd St., Austin, TX 78704	68,500.00
Association of South Central OK Governments, 802 Main St., Duncan, OK 73534	12,000.00
L'Anmar Communications, Inc., 301 South Frio, Suite 100, San Antonio, TX 78207	4,000.00
Consumer Credit Counseling Service, 4203 Woodcock, Suite 251, San Antonio, TX 78228	20,000.00
Housing Opportunities, Inc., 2900 Woodbridge, Suite 302, Houston, TX 77087	47,000.00
Housing Authority of Choctaw Nation, 1005 S. 5th St., Hugo, OK 74743	14,000.00
Dallas Urban League, Inc., 2121 Main St., Suite 410, Dallas, TX 75201	32,000.00
City of San Antonio, 115 Plaza de Armas, Suite 200, San Antonio, TX 78205	20,000.00
Deep Fork Community Action Foundation, 220 North Wood Dr., Okmulgee, OK 74447	5,000.00
Central City Housing Development Corp., 2020 Jackson Ave., New Orleans, LA 70113	30,000.00
Marshall Housing Authority, 406 Poplar St., Marshall, TX 75671	20,800.00
Crawford Sebastian Community Development Council, 4831 Armour, Ft. Smith, AR 72914	40,000.00
St. Landry Parish Community Action, Highway 749, Airport Rd., Opeolousas, LA 70571	17,885.00
Metro Tulsa Urban League, Inc., 240 East Apache St., Tulsa, OK 74106	10,000.00
St. Martin, Lafayette Community Action (SMILE), 501 St. John St., Lafayette, LA 70502	30,000.00
Neighborhood Housing Services, 3034 Lakeshore Dr., Shreveport, LA 71133	20,000.00
Community Care Hsg. Devel. Corp., 44625 N. Freeway, Suite 260, Houston, TX 77022	7,980.00
Gulf Coast Community Services, 6300 Bowling Green, Houston, TX 77021	60,000.00
<b>Region 7:</b>	
Missouri Valley Human Resources Community Action, 1415 S. Odell, Marshall, MO 65340	1,000.00
North East Community Action Corp., P.O. Box 470, Bowling Green, MO 63334	5,250.00
Housing & Credit Counseling Inc., 1195 S.W. Buchanan, Suite 203, Topeka, KS 66604	8,000.00
Metropolitan Lutheran Ministry, 3031 Holmes Street, Kansas City, MO 64109	22,300.00
Hawkeye Area Community Action Program, P.O. Box 789, Cedar Rapids, IA 53406	7,875.00
Housing Information Center, 3810 Paseo, Kansas City, MO 64109	32,000.00
City of Des Moines, E. 1st & Des Moines St., Des Moines, IA 50209	6,200.00
North Area Community Forum, 1005 Dunn Road, Florissant, MO 63031	18,050.00
The Urban Housing Foundatio, 2416 Lake St., Omaha, NE 68111	13,000.00
Holy Name Housing Corp., 3014 N. 45th St., Omaha, NE 68104	5,000.00
United Methodist Urban Ministry, 1611 N. Mosley, Wichita, KS 67214	5,000.00
A.I.D. (Assistance, Info Direction) Center, 206 Sixth St., Sioux City, IA, 51101	6,500.00
Economic Opportunity Foundation Inc., 1542 Minnesota Ave., Kansas City, KS 66102	7,500.00
Lincoln Action Program, 2202 S. 11th St., Lincoln, NE 68502	3,000.00
West Central MO Comm. Action Agency, 106 W. 4th, Appleton City, MO 64724	2,000.00
Goodwill Center for Independent Living, 1804 S Eddy St., Grand Island, NE 68801	2,000.00
Consumer Credit Counseling, 742 Duvall, Salina, KS 67402	5,000.00
Northside Residential Housing Corp., 5647 Delmar, St. Louis, MO 63112	27,000.00
<b>Region 8:</b>	
Adams Cnty. Housing Author., 7190 Colorado Blvd., 6th Fl., Commerce City, CO 80022	49,493.00
Consumer Credit Counsel. Serv./Pikes Peak, 1233 Lake Plaza Dr., Colo. Spngs., CO 80906	23,603.00
Brothers Redevelopment, 111 Osage St., Suite 210, Denver, CO 80204	30,776.00
Neighbor to Neighbor, 424 Pine Street, Suite 203, FT. Collins, CO 80524	24,911.00
Salt Lake Community Action, 764 South 200 West, Salt Lake City, UT	34,611.00
SE North Dakota Community Action Agency, 3343 S. 15th St., Fargo, ND 58108	12,000.00

## HOUSING COUNSELING AGENCIES RECEIVING GRANTS IN FY 1991—Continued

	Grant amount
City of Aurora, 9801 E. Colfax Ave., Aurora, CO 80010	19,207.00
Boulder County Housing, P.O. Box 471, Boulder, CO 80306	27,932.00
Community Action, Hwy 281 North, P.O. Box 507, Jamestown, ND 58402	9,111.00
Consumer Credit Coun. Serv./Black Hills, 621 6th St., Suite 201, Rapid City, SD 57709	13,899.00
North West Montana Human Resources, #8 First & Main Bldg., Kalispell MT. 59903	4,576.00
Consumer Credit Couns. Serv. of Lutheran Soc. Serv., 617 W. 11th, Sioux Falls, SD 57104	9,027.00
Community Action Program, 2105 Lee Ave., Bismarck, ND 58504	18,898.00
Weber State University, 3750 Harrison Blvd., Ogden UT 84408	29,053.00
Catholic Social Services, 302 Jefferson St., Pueblo, CO 81004	23,934.00
Quad Community Action Agency, 27 1/2 S. 3rd St., Grand Forks, ND 48201	8,203.00
Community Action Opportunity, 420 3rd St. S.W., Minot ND 58702	15,881.00
NorthEast Denver Housing Center, 1735 Gaylord St., Denver, CO 80206	40,000.00
<b>Region 9:</b>	
Hate Mahalou, Inc., 200 Hina Ave., Kahului, HA 96732	11,340.00
Consumer Credit Counseling Serv. of Arizona, 1930 W. Peoria #103, Phoenix, AZ 85029	39,970.00
Eden Council for Hope & Opportunity (ECHO Housing), 770 A St., Hayward, CA 94541	32,585.00
Inland Mediation Board, 420 North Lemon Ave., Ontario, CA 91764	40,005.00
Neighborhood Improvement and Housing Dev., 920 E. Madison, #B, Phoenix, AZ 85034	39,970.00
Better Valley Services, 8000 Laurel Canyon Blvd., N. Hollywood, CA 91605	37,975.00
Westminster Neighborhood Assoc. Inc., 1776 E. Century Blvd., Los Angeles, CA 90002	30,030.00
Project Match, Inc., 1671 Park Avenue, #21, San Jose, CA 95126	4,200.00
Council on Aging of Sonoma, 730 Bennet Valley Rd., Santa Rosa, CA 95404	3,500.00
Pacific Community Services Inc., 501 Railroad Ave., Pittsburg, CA 94565	29,995.00
Fair Housing Council of OC, 1222 N. Broadway, Santa Ana, CA 92701	50,015.00
Chicanos Por La Causa Phoenix, 1112 E. Buckeye Rd., Phoenix, AZ 85034	53,935.00
Operation Life C.D.C., P.O. Box 4397, Las Vegas, NV 89127	6,860.00
Catholic Social Services, 155 W. Helen St., Tucson, AZ 85705	10,010.00
City of Oakland, 300 Lakeside Dr., 15th Fir, Oakland, CA 94612	39,970.00
Consumer Credit Counseling Service of Arizona, 6135 E. Grant Road, Tucson, AZ 85712	38,010.00
Hawaii Credit Counseling Serv., 429 Waiakamilo Rd., Suite 8, Honolulu, HI, 96817	7,000.00
Housing Authority of the Cnty. of Stanislaus, 1701 Robertson Rd., Modesto, CA 95351	7,000.00
Chicanos Por La Causa Tucson, 1525 N. Oracle, Tucson, AZ 85705	20,020.00
Housing Authority of the County of Santa Barbara, 815 W. Ocean, Lompoc, CA 93436	10,010.00
Housing Authority of the County of Santa Cruz, 2160 41st Ave., Capitola, CA 95010	10,010.00
Neighborhood House Association, 841 S. 41st St., San Diego, CA 92113	32,550.00
Independent Living Resource, 70 Tenth St., San Francisco, CA 94103	4,515.00
Consumer Credit Counselor of L.A., 1308 W. 8th St., Suite 300, Los Angeles, CA 90017	45,850.00
Poor People Pulling Together, 1801 N. "J" St., Las Vegas, NV 89106	14,875.00
<b>Region 10:</b>	
Human Investment Project, 364 South Railroad Ave., San Mateo, CA 94401	6,125.00
Human Solutions Inc., 2900 S.E. 122nd Ave., Portland, OR 97236	13,475.00
UMPQUA Community Action Network, 2448 West Harvard Blvd., Roseburg, OR 97436	13,475.00
Pierce County Commun. Action Agency, 8811 South Tacoma Way, Bldg 2, Tacoma WA 98499	12,005.00
Consumer Credit Counseling Serv. of Alaska, 208 E. Fourth Ave., Anchorage, AK 99501	5,005.00
Spokane Neighborhood Centers, E. 226 1st Ave., Spokane, WA 99202	27,125.00
Freemont Public Association, 3601 Fremont Ave. N., P.O. Box 31151, Seattle, WA 98103	19,750.00
Anchorage Neighborhood Housing Serv., 3700 Woodland Dr., Suite 500, Anchorage AK 99517	9,450.00
Oregon Housing & Assoc. Serv., 525 Glen Creek Rd., NW, Suite 210, Salem, OR 97304	18,585.00
Housing Services of Oregon, 34420 S.W. Tualatin Valley Highway, Hillsboro, OR 97123	23,205.00
Total	6,485,480.00

[FR Doc. 92-6566 Filed 3-19-92; 8:45 am]

BILLING CODE 4210-27-M

**Office of Administration**

[Docket No. N-92-3417]

**Submission of Proposed Information Collections to OMB****AGENCY:** Office of Administration, HUD.**ACTION:** Notices.

**SUMMARY:** The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comment on the subject proposals.

**ADDRESSES:** Interested persons are invited to submit comment regarding these proposals. Comments should refer to the proposal by name and should be sent to: Jennifer Main, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708-0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

**SUPPLEMENTARY INFORMATION:** The Department has submitted the proposal for the collection of information, as

described below, to OMB for review, as required by the Paperwork Reduction Act [44 U.S.C. chapter 35].

The notice lists the following information:

- (1) The title of the information collection proposal;
- (2) The office of the agency to collect the information;
- (3) The description of the need for the information and its proposed use;
- (4) The agency form number, if applicable;
- (5) What members of the public will be affected by the proposal;
- (6) How frequently information submissions will be required;
- (7) An estimate of the total number of hours needed to prepare the information submission including number of

respondents, frequency of response, and hours of response;

(8) Whether the proposal is new or an extension, rein statement, or revision of an information collection requirement; and

(9) The names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

**Authority:** Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535 (d).

Dated: March 11, 1992.

**John T. Murphy,**  
Director, Information Resources,  
Management Policy and Management  
Division.

**Notice of Submission of Proposed Information Collection to OMB**

**Proposal:** Application for Insurance of Advance Mortgage Proceeds.

**Office:** Housing.

**Description of the Need for the Information and its Proposed Use:** The form is used by mortgagees to request

the advancement of mortgage proceeds to reimburse the mortgagor for funds expended or obligated for construction related items. HUD needs this information to verify and approve the amount requested.

**Form Number:** HUD-92403.

**Respondents:** Businesses or Other For-Profit.

**Frequency of Submission:** On Occasion.

**Reporting Burden:**

	No. of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
HUD-92403	5,000		1		.20		1,000

**Total Estimated Burden Hours:** 1,000.  
**Status:** Extension.

**Contact:** Kerry J. Mulholland, HUD, (202) 708-0283 Jennifer Main, OMB, (202) 395-6880.

Dated: March 11, 1992.

**Proposal:** Section 8 Random Digit Fair Market Rent Telephone Surveys.

**Office:** Policy Development and Research.

**Description of the Need for the Information and its Proposed Use:** The telephone surveys will provide the Department with a fast and inexpensive way of estimating Section 8 Fair Market Rents (FRMs). The surveys will be used to derive FMR updating factors and to

test the accuracy of FMRs in selected areas.

**Form Number:** None.

**Respondents:** Individuals or Households.

**Frequency of Submission:** On Occasion and Annually.

**Reporting Burden:**

	No. of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Interviews	433,900		6		.00208		5,418

**Total Estimated Burden Hours:** 5,418.  
**Status:** Extension.

**Contact:** Joseph Riley, HUD, (202) 708-0590, Jennifer Main, OMB, (202) 395-6880.

Dated: March 11, 1992.

**Proposal:** Preliminary Site Report by Indian Housing Authority (IHA).

**Office:** Public and Indian Housing.

**Description of the Need for the Information and its Proposed Use:** This information, submitted by IHAs, details the type of site proposed for housing construction in terms of land status, size of site and proposed density, zoning status, physical characteristics, and

availability of utilities to determine whether a site is suitable for housing.

**Form Number:** HUD-3188.

**Respondents:** State and Local Governments and Non-Profit Institutions.

**Frequency of Submission:** On Occasion.

**Reporting Burden:**

	No. of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
HUD-3188	100		1.5		4		600

**Total Estimated Burden Hours:** 600.  
**Status:** Reinstatement.

**Contact:** Ralph Gonzales, HUD, (202) 708-0296 Jennifer Main, OMB, (202) 395-6880.

Dated: March 11, 1992.

[FR Doc. 92-6564 Filed 3-19-92; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-92-3418]

**Submission of Proposed Information Collection to OMB**

**AGENCY:** Office of Administration, HUD.

**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is

soliciting public comments on the subject proposal.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Jennifer Main, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Kay F. Weaver, Reports Management Office, Department of Housing and

Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708-0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

**SUPPLEMENTARY INFORMATION:** The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the paperwork Reduction Act (44 U.S.C. chapter 35).

The Notice lists the following information:

- (1) The title of the information collection proposal;
- (2) The office of the agency to collect the information;
- (3) The description of the need for the information and its proposed use;
- (4) The agency form number, if applicable;
- (5) What members of the public will

be affected by the proposal;

(6) How frequently information submissions will be required;

(7) An estimate of the total number of hours needed to prepare the information submission including number or respondents, frequency of response, and hours of response;

(8) Whether the proposal is new or an extension, rein statement, or revision of an information collection requirement; and

(9) The names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

**Authority:** Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: March 16, 1992.

**Kay Weaver,**

*Acting Director, Information Resources, Management Policy and Management Division.*

**Notice of Submission of Proposed Information Collection to OMB**

**Proposal:** Single family Development; Acceptance of Individual Residential Water Purification Equipment (FR-2855).

**Office:** Housing.

**Description of the Need for the Information and its Proposed Use:** This information is necessary to assure that approved residential water treating equipment or a water purification unit will provide safe potable drinking water. Without the information required in this rule, no assurance can be given that safe drinking water can be provided. Without an adequate supply of safe potable water, no mortgage insurance can be issued.

**Form Number:** None.

**Respondents:** Business or Other For-Profit.

**Frequency of Submission:** Annually.

**Reporting Burden:**

	No. of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Information Collection.....	1,000		1		9.5		9,500

*Total Estimated Burden Hours: 9,500.*  
*Status: New.*

**Contact:** Donald R. Fairman, HUD, (202) 708-0718, Jennifer Main, OMB, (202) 395-6880.

Dated: March 16, 1992.

[FR Doc. 92-8565 Filed 3-19-92; 8:45 am]

BILLING CODE 4210-01-M

**DEPARTMENT OF THE INTERIOR**

**Bureau of Land Management**

[OR-123-02-6334-10; GP-109]

**Closures and Restrictions**

**AGENCY:** Bureau of Land Management (BLM), Interior.

**ACTION:** Notice of closures and restrictions, Dean Creek Elk Viewing Area.

**SUMMARY:** Pursuant to 43 CFR part 8364, the BLM will close designated areas of the Dean Creek Elk Viewing Area to the public. Subject to valid existing rights, use of 1,033 acres of Dean Creek Elk Viewing Area outside of designated parking areas; viewing areas or interpretive trails by foot, automobile, or

off-road motorized vehicles is prohibited. This Closure shall apply year round. Hunting, shooting firearms, and igniting fireworks or other explosive devices is prohibited. Vehicular parking, for a period of more than twelve hours in a twenty four hour period is prohibited. Designated public use areas will be open from dawn to dusk; overnight use is prohibited. Any Bureau of Land Management, Oregon Department of Fish and Wildlife, employee, agent, contractor or cooperator, while in the performance of official duties are exempt from this closure. Either agency may authorize volunteers, or other parties to enter Dean Creek for administrative, maintenance or other authorized purposes.

The pastures at the Dean Creek Elk Viewing Area support a large herd of resident Roosevelt elk that are highly visible from the highway. The purpose of this closure and restriction notice is to provide a means by which the Secretary of the Interior through the Bureau of Land Management, may control and manage public use of the area to effectively carry out management objectives and provide wildlife with habitat that is free from

public disturbance or harassment. The area is designated as a watchable wildlife site; the closure will also provide for public safety by designating safe viewing areas with greater opportunities to view wildlife.

The closed area is depicted on a Dean Creek Elk Viewing Area Map. The map and copies of this closure and restriction notice are available from the Coos Bay District Office, Bureau of Land Management, 1300 Airport Lane, North Bend, Oregon 97459.

This closure and restriction order is effective immediately and shall remain in effect until revised, revoked or amended by the authorized officer pursuant to 43 CFR part 8360.

Any person who violates this closure and restriction notice may be subject to a maximum fine of \$1,000 and/or imprisonment not to exceed 12 months under authority of 43 CFR 8360.0-7.

**Closed Areas**

Dean Creek Elk Viewing Area is located approximately 3 miles east of Reedsport, Oregon, adjacent to Oregon State Highway 38 and is further described as follows:

*Township 21 South, Range 11 West,  
Williamette Meridian*

Sec. 31 M & B within lot 4 So. of Hwy 38  
Sec. 32 M & B within lots, 5, 6, 7 and 8  
Sec. 33 M & B within S $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$   
So. of Hwy 38, SE $\frac{1}{4}$ SE $\frac{1}{4}$ , lot 8  
Sec. 34 lots 5 and 6

*Township 22 South, Range 11 West,  
Williamette Meridian*

Sec. 3 lot 15, M & B within lot 14  
Sec. 4 NW $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NE $\frac{1}{4}$ , M & B  
SE $\frac{1}{4}$ NE $\frac{1}{4}$   
Sec. 5 W $\frac{1}{2}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ ,  
SW $\frac{1}{4}$ NW $\frac{1}{4}$   
Sec. 6 SE $\frac{1}{4}$ NE $\frac{1}{4}$ , M & B within NE $\frac{1}{4}$ , lots 1,  
2 and 3  
All south of Oregon State Highway 38.

**FOR FURTHER INFORMATION, CONTACT:**

Kathy Jo Wall, Natural Resource  
Specialist, Umpqua Resource Area,  
Coos Bay District, Bureau of Land  
Management, 1300 Airport Lane, North  
Bend, Oregon 97459 (telephone 503/756/  
0100).

Terry A. Richards,  
Umpqua Area Manager.

[FR Doc. 92-4488 Filed 3-19-92; 8:45 am]

[CA-060-4410-08]

**1992 Amendment Review of the  
California Desert Conservation Area  
Plan**

**AGENCY:** Bureau of Land Management,  
Interior.

**ACTION:** Notice of intent.

**SUMMARY:** Notice is hereby given that  
the Bureau of Land Management is  
initiating the 1992 Review of the  
California Desert Conservation Area  
Plan in accordance with the amendment  
procedures outlined in chapter 7 of the  
Plan. The purpose of this review is to  
consider the need for possible  
amendments to the Plan based on  
requests from individuals, public and  
private organizations, and the Bureau's  
own observations.

**DATES:** Proposed amendments are being  
accepted from the public until May 4,  
1992.

**ADDRESSES:** Send written proposals to:  
Gerald E. Hillier, District Manager, Attn:  
1992 Plan Amendments, California  
Desert District, 6221 Box Springs Blvd.,  
Riverside, California 92507.

**FOR FURTHER INFORMATION CONTACT:**  
Contact Molly Brady, Chief of Planning  
and Environmental Assistance at (714)  
697-5230 if you have any questions  
regarding this notice.

**SUPPLEMENTARY INFORMATION:** Requests  
for amendments or changes in the

California Desert Plan are now being  
accepted from public agencies,  
interested individuals, and  
organizations. Supporting rationale is  
necessary for each proposed change.  
Requests will be considered in light of  
the following criteria:

(1) Is the proposed amendment based  
on new data not considered while the  
Plan was developed?

(2) Does the information represent a  
change in legal or regulatory mandate?

(3) Is the supporting detail sufficient  
and the problem clearly stated so that  
the request can be considered?

(4) Does the information represent a  
formal change in a State or local  
government or agency plan?

The California Desert District  
Advisory Council will review suggested  
amendments at its public meeting on  
June 3-4, 1992. Please contact the  
California Desert District Office for  
additional details regarding the meeting.

Dated: March 16, 1992.

Gerald E. Hillier,  
District Manager.

[FR Doc. 92-8629 Filed 3-19-92; 8:45 am]

BILLING CODE 4310-40-M

[AZ 020-02-4212-13 (AZA-26504)]

**Realty Action: Exchange of Public  
Land, Maricopa County, Arizona**

BLM proposes to exchange public  
minerals for patented minerals in order  
to achieve more efficient management of  
the public land through consolidation of  
ownership.

All Federal minerals in the following  
sections are being considered for  
disposal by exchange pursuant to  
section 206 of the Federal Land Policy  
and Management Act of October 21,  
1976, 43 U.S.C. 1716.

**Gila and Salt River Meridian, Arizona**

T. 6 N., R. 3 W.,

Secs. 3, 4, 5 and 8.

Containing 2,003.90 more or less.

In accordance with the regulations of  
43 CFR 2201.1(b), publication of this  
notice will segregate the affected public  
minerals from appropriation under the  
public land laws and the mining laws,  
but not the mineral leasing laws or  
Geothermal Steam Act.

The segregation of the above-  
described lands shall terminate upon  
issuance of a document conveying such  
lands or upon publication in the *Federal  
Register* of a notice of termination of the  
segregation; or the expiration of two

years from the date of publication,  
whichever occurs first.

For a period of forty-five (45) days  
from the date of publication of this  
Notice in the *Federal Register*, interested  
parties may submit comments to the  
District Manager, Phoenix District  
Office, 2015 West Deer Valley Road,  
Phoenix, Arizona 85027.

Dated: March 13, 1992.

Henri R. Bisson,

District Manager.

[FR Doc. 92-8465 Filed 3-19-92; 8:45 am]

BILLING CODE 4310-32-M

[G-010-G2-0109-4212-11; NMMN 87545]

**Classification of Public Land in Santa  
Fe County, NM**

**AGENCY:** Bureau of Land Management,  
Interior.

**ACTION:** Notice of realty action; Bureau  
Motion Recreation and Public Purposes  
(R&PP) Act classification; NM.

**SUMMARY:** The following public lands  
near the community of Espanola, Santa  
Fe County, New Mexico have been  
examined and found suitable for lease  
or conveyance for recreational or public  
purposes under the provisions of the  
Recreation and Public Purposes Act, as  
amended (43 U.S.C. 869 et seq.)

**New Mexico Principal Meridian, New Mexico**

T.20 N., R.9 E.,

Section 7: Lots 1, 2, 3, 6, E $\frac{1}{2}$  SW $\frac{1}{4}$ , SE $\frac{1}{4}$

Section 8: Lots 2, 7, 24, 30, SW $\frac{1}{4}$  SW $\frac{1}{4}$

Section 18: N $\frac{1}{2}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$ , N $\frac{1}{2}$  NW $\frac{1}{4}$

NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$ , NE $\frac{1}{4}$  NE $\frac{1}{4}$ .

Containing 649.76 acres more or less.

This action is a motion by the Bureau  
to make available lands identified in the  
Taos Resource Management Plan not  
needed for Federal purposes and having  
potential for disposal to support  
community needs and recreational  
resources. Lease or conveyance of the  
lands for recreational or public purposes  
use would be in the public interest.  
Detailed information concerning this  
action is available for review at the  
office of the Bureau of Land  
Management, Taos Resource Area, 224  
Cruz Alta Road, Taos, New Mexico,  
87571.

Lease or conveyance of the lands will  
be subject to the following terms,  
conditions, and reservations:

1. Provisions of the Recreation and  
Public Purposes Act and to all  
applicable regulations of the Secretary  
of the Interior.

2. All valid existing rights documented  
on the official public land records at the  
time of lease/patent issuance.

3. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove the minerals.

4. Any other reservations that the authorized officer determines appropriate to ensure public access and proper management of Federal lands and interests therein.

Upon publication of this notice in the *Federal Register*, the lands will be segregated from all forms of appropriation under the public land laws, including the general mining laws, except for lease or conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws. For a period of 45 days from the date of publication of this notice, interested persons may submit comments regarding the proposed lease/conveyance or classification of the lands to the District Manager, Albuquerque District Office, 435 Montano Road NE., Albuquerque, New Mexico 87107. Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice.

Upon the effective date of classification, the lands will be open to the filing of an application under the Recreation and Public Purposes Act by any interested, qualified applicant. If, after 18 months following the effective date of classification, an application has not been filed, the segregative effect of the classification shall return to their former status without further action by the authorized officer.

Dated: March 13, 1992.

**Robert T. Dale,**

*District Manager.*

[FR Doc. 92-6511 Filed 3-19-92; 8:45 am]

BILLING CODE 4310-FB-M

[ID 942-01-4730-12]

#### Idaho; Filing of Plats of Survey; Idaho

The supplemental plat of the following described land was officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 9 a.m., March 12, 1992.

The supplemental plat prepared to amend the lottings in section 7 in T. 3 N., R. 3 E., Boise Meridian, Idaho, was accepted March 12, 1992.

This plat was prepared to meet certain administrative needs of the Bureau of Land Management.

All inquiries concerning the survey of the above described land must be sent to the Chief, Branch of Cadastral Survey, Idaho State Office, Bureau of

Land Management, 3380 Americana Terrace, Boise, Idaho, 83706.

Dated: March 12, 1992.

**Gary T. Oviatt,**

*Acting Chief Cadastral Surveyor for Idaho.*

[FR Doc. 92-6469 Filed 3-19-92; 8:45 am]

BILLING CODE 4310-GG-M

[ID-942-02-4730-12]

#### Idaho; Filing of Plats of Survey; Idaho

The plat of the following described land was officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 9 a.m., March 12, 1992.

The plat representing the dependent resurvey of portions of the east boundary, T. 2 N., R. 43 E., portions of the north boundary, subdivisional lines and Homestead Entry Survey No. 118, and the subdivision of certain sections, T. 2 N., R. 44 E., Boise Meridian, Idaho, Group No. 763, was accepted, March 10, 1992.

This survey was executed to meet certain administrative needs of the USDA Forest Service, Region IV, Targhee National Forest.

All inquiries concerning the survey of the above described land must be sent to the Chief, Branch of Cadastral Survey, Idaho State Office, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho, 83706.

Dated: March 12, 1992.

**Gary T. Oviatt,**

*Acting Chief Cadastral Surveyor for Idaho.*

[FR Doc. 92-6468 Filed 3-19-92; 8:45 am]

BILLING CODE 4310-GG-M

[ID-942-02-4730-12]

#### Idaho; Filing of Plats of Survey

The plat of the following described land was officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 9 a.m., March 12, 1992.

The plat representing the dependent resurvey of portions of the north boundary and subdivisional lines, and subdivision of certain sections, T. 2 N., R. 43 E., Boise Meridian, Idaho, Group No. 765, was accepted, March 10, 1992.

This survey was executed to meet certain administrative needs of the USDA Forest Service, Region IV, Targhee National Forest.

All inquiries concerning the survey of the above described land must be sent to the Chief, Branch of Cadastral Survey, Idaho State Office, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho, 83706.

Dated: March 12, 1992.

**Gary T. Oviatt,**

*Acting Chief Cadastral Surveyor for Idaho.*

[FR Doc. 92-6467 Filed 3-19-92; 8:45 am]

BILLING CODE 4310-GG-M

[ID-943-4214; IDI-15633]

#### Proposed Continuation of Withdrawal; Idaho

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The Bureau of Land Management proposes that a 1,063.39 acre withdrawal for Powersite Reserve No. 106, continue for an additional 20 years. The land is still needed for waterpower purposes. These lands will remain closed to surface entry, but have been and would remain open to mineral leasing and mining.

**EFFECTIVE DATE:** Comments should be received on or before June 18, 1992.

**FOR FURTHER INFORMATION CONTACT:** Larry R. Lievsay, Idaho State Office, BLM, 3380 Americana Terrace, Boise, Idaho 83706, 208-384-3166.

The Bureau of Land Management proposes that the existing land withdrawal made by the Executive Order dated July 2, 1910, for Powersite Reserve No. 106, be continued for a period of 20 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, insofar as it affects the following described land:

#### Boise Meridian

- T. 37 N., R. 3 W.,
  - Sec. 25, lot 8;
  - Sec. 26, lot 3;
  - Sec. 27, lot 1;
  - Sec. 32, lot 1, NE $\frac{1}{4}$ SE $\frac{1}{4}$  and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;
  - Sec. 34, lots 1 and 6.
- T. 36 N., R. 3 W.,
  - Sec. 4, lots 5 and 6;
  - Sec. 5, lots 9 and 10;
  - Sec. 6, lots 12 and 13 and NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;
  - Sec. 7, lots 4 to 7 inclusive and NE $\frac{1}{4}$ SE $\frac{1}{4}$ .
- T. 37 N., R. 2 W.,
  - Sec. 28, lot 4;
  - Sec. 29, lot 8;
  - Sec. 30, lot 1.
- T. 37 N., R. 1 W.,
  - Sec. 31, lot 2.
- T. 36 N., R. 1 W.,
  - Sec. 1, lot 1;
  - Sec. 2, lot 5;
  - Sec. 4, lots 8 and 9 and SW $\frac{1}{4}$ SE $\frac{1}{4}$ .
- T. 36 N., R. 1 E.,
  - Sec. 1, lot 5;
  - Sec. 2, S $\frac{1}{2}$  of lot 2;
  - Sec. 3, lot 1;
  - Sec. 6, lots 1 to 3 inclusive.
- T. 37 N., R. 1 E.,
  - Sec. 32, lots 2, 3 and 7.

The areas described aggregate 1,063.39 acres in Clearwater and NezPerce counties.

The withdrawal is essential for protection of potential waterpower development. The existing withdrawal closes the described land to surface entry but not to mineral leasing and mining. No change in the segregative effect or use of the land is proposed by this action.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the Idaho State Director at the above address.

The authorized officer of the Bureau of Land Management will undertake such investigations as necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued; and if so, for how long. The final determination of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

Dated: March 11, 1992.

William E. Ireland,

Chief, Realty Operations Section.

[FR Doc. 92-6466 Filed 3-19-92; 8:45 am]

BILLING CODE 4310-GG-M

[NM-930-4214-10; NMNM 88049]

### Proposed Withdrawal and Opportunity for Public Meeting; New Mexico

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The United States Department of Agriculture, Forest Service, has filed an application to withdraw 3,760.08 acres of National Forest System land for protection of the Guadalupe Canyon Zoological Botanical Area. This notice closes the land for up to 2 years from location and entry under the United States mining laws. The land will remain open to all other uses which may by law be made of National Forest System land.

**DATES:** Comments and requests for meeting should be received on or before June 18, 1992.

**ADDRESSES:** Comments and meeting requests should be sent to the New Mexico State Director, BLM, P.O. Box 27115, Santa Fe, New Mexico 87502-7115.

**FOR FURTHER INFORMATION CONTACT:** Clarence F. Hougland, BLM, New Mexico State office, 505-438-7400.

**SUPPLEMENTARY INFORMATION:** On December 16, 1991, the United States Department of Agriculture filed an application to withdraw the following described National Forest System land from location and entry under the United States mining laws, subject to valid existing rights:

#### New Mexico Principal Meridian

##### Coronado National Forest

T. 33 S., R. 21 W.,

Sec. 17, SW  $\frac{1}{4}$ SW  $\frac{1}{4}$ ;

Sec. 18, lots 1 to 4, inclusive, E  $\frac{1}{2}$ , and E  $\frac{1}{2}$ W  $\frac{1}{2}$ ;

Sec. 19, lots 1 to 4, inclusive, E  $\frac{1}{2}$ , and E  $\frac{1}{2}$ W  $\frac{1}{2}$ ;

Sec. 20, W  $\frac{1}{2}$ W  $\frac{1}{2}$ ;

Sec. 29, W  $\frac{1}{2}$ ;

Sec. 30, lots 1 to 4, inclusive, E  $\frac{1}{2}$ , and E  $\frac{1}{2}$ W  $\frac{1}{2}$ ;

Sec. 31, lots 1 to 4, inclusive, E  $\frac{1}{2}$ , and E  $\frac{1}{2}$ W  $\frac{1}{2}$ .

T. 33 S., R. 22 W.,

Sec. 24, SE  $\frac{1}{4}$ SE  $\frac{1}{4}$ ;

Sec. 25, E  $\frac{1}{2}$ ;

Sec. 36, E  $\frac{1}{2}$ .

The area described contains 3,760.08 acres in Hidalgo County.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the New Mexico State Director of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the New Mexico State Director within 90 days from the date of publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR part 2300.

For a period of 2 years from the date of publication of this notice in the **Federal Register**, the land will be segregated as specified above unless the application is denied or canceled or the withdrawal is approved prior to that date. The temporary uses which will be permitted during this segregative period are any land uses, except location under the mining laws, permitted by the Forest Service under existing laws and

regulations including, but not limited to, necessary protection for the flora and fauna and threatened and endangered plants and animals.

Dated: March 11, 1992.

Larry L. Woodard,

State Director.

[FR Doc. 92-6464 Filed 3-19-92; 8:45 am]

BILLING CODE 4310-FB-M

#### Fish and Wildlife Service

### Availability of Draft Recovery Plan for *Lepidium Barnebyanum* (Barneby Ridge-Cress), A Utah Plant, for Review and Comment

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of document availability.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) announces the availability for public review of the draft recovery plan for *Lepidium barnebyanum* (Barneby ridge-cress), a species of mustard from Indian Creek Canyon in the Uinta Basin of northeastern Utah. This species is known from only one population along shale ridge tops south of the town of Duchesne, Utah. The Service solicits review and comment from the public on this draft recovery plan.

**DATES:** Comments on the draft recovery plan must be received on or before May 19, 1992 to ensure they receive consideration by the Service.

**ADDRESSES:** Persons wishing to review the draft recovery plan may obtain a copy by contacting the Field Supervisor, Fish and Wildlife Enhancement, U.S. Fish and Wildlife Service, 2060 Administration Building, 1745 West 1700 South, Salt Lake City, Utah 84104, (801) 524-4430 or (FTS) 588-4430. Written comments and materials regarding this plan should be sent to the Field Supervisor at the Salt Lake City address given above. Comments and materials received are available on request for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** John L. England, Botanist, (801) 524-4430 or (FTS) 588-4430 (see **ADDRESSES** above).

**SUPPLEMENTARY INFORMATION:**

#### Background

Restoring an endangered or threatened animal or plant to the point where it is again a secure, self-sustaining member of its ecosystem is a primary goal of the U.S. Fish and

Wildlife Service's (Service) endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for conservation of the species, establish criteria for recovery levels for downlisting or delisting them, and estimate time and cost for implementing the recovery measures needed.

The Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*) requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. The Service and other Federal Agencies also will take these comments into account in the course of implementing recovery plans when approved.

*Lepidium barnebyanum* was listed under the Act as an endangered species on September 28, 1990 (55 FR 39860), due to current and potential threats to the species' population and habitat, as a consequence of current and potential habitat destruction from off-road vehicle and oil and gas development in its limited habitat. Initial recovery efforts will focus on protecting the species' population and habitat from habitat-destroying activities, through the section 7 responsibilities of Federal Agencies, to ensure the conservation of the species and section 9 prohibitions of the Act for plan species on Indian lands, and assisting in maintenance of the species' habitat through cooperative efforts with the Ute Indian Tribe. The species' entire known habitat is on the Uintah and Ouray Reservation of the Ute Indian Tribe. Additional recovery efforts will focus on habitat inventory and minimum viable population studies. The initial goal of the recovery plan is to prevent the extirpation of the species. Downlisting of the species to threatened status is a long-term goal.

#### Public Comments Solicited

The Service solicits written comments on the *Lepidium barnebyanum* Recovery Plan. All comments received by the date specified in the DATES section will be considered prior to approval of the Recovery Plan.

**Authority:** The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: March 10, 1992.

Galen L. Buterbaugh,

Regional Director.

[FR Doc. 92-6463 Filed 3-19-92; 8:45 am]

BILLING CODE 4310-55-M

#### National Park Service

**AGENCY:** National Park Service, Interior.

**ACTION:** Public Notice.

**SUMMARY:** Public notice is hereby given that the National Park Service proposes to negotiate a concession contract with the Mount Rushmore Mountain Company, Inc., authorizing it to continue to provide food and beverage, merchandising, and other visitor facilities and services for the public at Mount Rushmore National Memorial in South Dakota for a period of ten (10) years from January 1, 1993, through December 31, 2002.

**EFFECTIVE DATE:** May 22, 1992.

**ADDRESSES:** Interested parties should contact the Regional Director, Rocky Mountain Region, 12795 W. Alameda Parkway, P.O. Box 25287, Denver, Colorado 80225, for information as to the requirements of the proposed contract.

**SUPPLEMENTARY INFORMATION:** The proposed contract requires a construction and improvement program. The construction and improvement program required has been addressed in the National Environmental Policy Act document dated March 3, 1990, and amended October 4, 1990, amending the General Management Plan for Mount Rushmore National Memorial.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expired by limitation of time on February 28, 1991, and therefore pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract as defined in 36 CFR 51.5.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be received by the Regional Director, Rocky Mountain Region, 12795 W. Alameda Parkway, P.O. Box 25287, Denver, Colorado 80225 not later than the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Dated: February 6, 1992.

Boyd Evison,

Acting Regional Director, Rocky Mountain Region.

[FR Doc. 92-6559 Filed 3-19-92; 8:45 am]

BILLING CODE 4310-70-M

#### INTERSTATE COMMERCE COMMISSION

[Docket No. AB-55; Sub #416X]

#### CSX Transportation, Inc.— Abandonment Exemption—in Polk County, FL

Applicant has filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon its 0.9-mile line of railroad between mileposts SV-862.43 and SV-863.37, in West Lake Wales, Polk County, FL.

Applicant has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; and (3) no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use this exemption, any employee affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on April 19, 1992 (unless stayed). Petitions to stay that do not involve environmental issues,<sup>1</sup> formal expressions of intent to

<sup>1</sup> A stay will be routinely issued by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Section of Energy and Environment in its independent investigation) cannot be made prior to the effective date of the notice of exemption. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any entity seeking a stay involving environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

file an offer of financial assistance under 49 CFR 1152.27(c)(2),<sup>2</sup> and trail use/rail banking statements under 49 CFR 1152.29 must be filed by March 30, 1992.<sup>3</sup> Petitions to reopen or request for public use conditions under 49 CFR 1152.28 must be filed by April 9, 1992, with:

Office of the Secretary, Case Control Branch,  
Interstate Commerce Commission,  
Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative:

Charles M. Rosenberger, CSX Transportation, Inc., 500 Water Street J150, Jacksonville, FL 32202.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

Applicant has filed an environmental report which addresses environmental or energy impacts, if any, from this abandonment.

The Section of Energy and Environment (SEE) will prepare an environmental assessment (EA). SEE will issue the EA by March 25, 1992. Interested persons may obtain a copy of the EA from SEE by writing to it (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief, SEE at (202) 927-6248. Comments on environmental and energy concerns must be filed within 15 days after the EA becomes available to the public.

Environmental, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

*Decided:* March 16, 1992.

By the Commission, David M. Konschnik,  
Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92-6515 Filed 3-19-92; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-117; Sub 5A]

### Elgin, Joliet & Eastern Railway Company—Abandonment—Hammond Branch in Hammond, IN; Findings

The Commission has issued a certificate authorizing Elgin, Joliet and Eastern Railway Company to abandon a 0.81-mile segment of its Hammond Branch from a point west of Calumet Avenue to a point near Columbia Avenue in Hammond, IN. The abandonment certificate will become

<sup>2</sup> See Exempt. of Rail Abandonment—Offers of Finan. Assist., 4 I.C.C.2d 164 (1987).

<sup>3</sup> The Commission will accept a late-filed trail use statement as long as it retains jurisdiction to do so.

effective on April 19, 1992, unless the Commission also finds that:

(1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and

(2) It is likely that the assistance would fully compensate the railroad.

Any financial assistance offered must be filed with the Commission and served on the applicant no later than March 30, 1992. The following notation must be typed in bold face on the lower left-hand corner of the envelope: "Rail Section AB-OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

*Decided:* March 11, 1992.

By the Commission, Chairman Philbin, Vice Chairman McDonald, Commissioners Simmons, Phillips, and Emmett.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92-6514 Filed 3-19-92; 8:45 am]

BILLING CODE 7035-01-M

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Job Training Partnership Act: Youth Apprenticeship Research and Demonstration Project

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Notice of availability of funds and of solicitation for grant applications (SGA); withdrawal of solicitation.

**SUMMARY:** On March 10, 1992, the Employment and Training Administration published a notice in the *Federal Register* announcing the availability of funds and of a solicitation for grant applications (SGA) (SGA/DAA 92-006) for a Youth Apprenticeship Research and Demonstration Project (FR Doc. 92-5564, 57 FR 8493). ETA has determined that further time is needed to refine the SGA, and, therefore, is withdrawing its availability at this time. A new notice of availability is expected to be published in the near future. Requests for copies of the SGA received in response to the March 10, 1992, notice will be returned.

Accordingly, FR Doc. 92-5564, 57 FR 8493 (March 10, 1992), is withdrawn.

**FOR FURTHER INFORMATION CONTACT:** Laura Cesario. Telephone: (202) 535-8702.

Signed at Washington, DC, this 13th day of March, 1992.

Robert D. Parker,

ETA Grant Officer.

[FR Doc. 92-6506 Filed 3-19-92; 8:45 am]

BILLING CODE 4510-30-M

## Employment Standards Administration

### Wage and Hour Division

#### Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and superseded decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue NW., room S-3014, Washington, DC 20210.

#### New General Wage Determination Decisions

The numbers of the decisions added to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" are listed by Volume, State, and page number(s).

#### Volume I

Vermont:  
VT91-6 (Mar. 20, 1992)..... p.All.

#### Modifications to General Wage Determination Decisions

The numbers of the decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume, State, and page number(s). Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

#### Volume I

Florida:  
FL91-17 (Feb. 22, 1991)..... p. 141, pp. 142-143.

Massachusetts:  
MA91-1 (Feb. 22, 1991)..... p. 421, p. 433.  
MA91-3 (Feb. 22, 1991)..... p. 453, pp. 454-455.

New York:  
NY91-2 (Feb. 22, 1991)..... p. 777, pp. 778-796a.  
NY91-20 (Feb. 22, 1991)..... p. 949, p. 952.

Vermont:  
VT91-4 (Feb. 22, 1991)..... p. All.

Virginia:  
VA91-14 (Feb. 22, 1991)..... p. All.

#### Volume II

Illinois:  
IL91-1 (Feb. 22, 1991)..... p. 69, pp. 70-72.

Missouri:  
MO91-1 (Feb. 22, 1991)..... p. 651, pp. 654, 663-664.  
MO91-2 (Feb. 22, 1991)..... p. 673, pp. 675, 678-679.

Wisconsin:  
WI91-19 (Feb. 22, 1991)..... p. 1285, pp. 1286-1300.

#### Volume III

Alaska:  
AK91-1 (Feb. 22, 1991)..... p. All.  
AZ91-2 (Feb. 22, 1991)..... p. All.

California:  
CA91-2 (Feb. 22, 1991)..... p. All.  
CA91-4 (Feb. 22, 1991)..... p. All.

Idaho:  
ID91-1 (Feb. 22, 1991)..... p. All.

Montana:  
MT91-6 (Feb. 22, 1991)..... p. All.  
MT91-7 (Feb. 22, 1991)..... p. All.  
MT91-8 (Feb. 22, 1991)..... p. All.

Oregon:  
OR91-1 (Feb. 22, 1991)..... p. 371, pp. 372-375.

#### General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783-3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered by any or all of the three separate volumes, arranged by State. Subscriptions include

an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC this 13th day of March 1992.

Alan L. Moss,

Director, Division of Wage Determinations.  
[FR Doc. 92-8323 Filed 3-19-92; 8:45 am]

BILLING CODE 4510-27-M

#### NATIONAL SCIENCE FOUNDATION

##### Advisory Panel for Cultural Anthropology; Meeting

In accordance with the Federal Advisory Committee Act [Pub. L. 92-463, as amended], the National Science Foundation announces the following meeting.

*Name:* Advisory Panel for Cultural Anthropology.

*Date and Time:* April 9, 1992, 9 a.m.-5 p.m., April 10, 1992, 9 a.m.-5 p.m.

*Place:* Room 500-C, National Science Foundation, 1110 Vermont Ave., Washington, DC 20550.

*Type of Meeting:* Closed.

*Contact Person:* Dr. Stuart Plattner, Program Director for Cultural Anthropology, room 320, National Science Foundation, Washington, DC 20550 Telephone (202) 357-7804.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate unsolicited proposals submitted to the Anthropology Program.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552 b. (c) (4) and (6) of the Government in the Government in the Sunshine Act.

Dated: March 16, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-6535 Filed 3-19-92; 8:45 am]

BILLING CODE 7555-01-M

#### Meetings

In accordance with the Federal Advisory Committee Act [Pub. L. 92-463, as amended], the National Science Foundation announces the following meetings:

*Name:* Special Emphasis Panel in Mechanical and Structural Systems.

*Date and Time:* April 2-3, 1992; 8:30 a.m. to 5 p.m.

*Place:* NSF, rm. 540, 1800 C St., NW., Washington, DC.

*Agenda:* Review and evaluate National Science Foundation Young Investigator nominations.

*Date and Time:* April 16-17, 1992; 8:30 a.m. to 5 p.m.

*Place:* Rm. 540, NSF, 1800 G St. NW., Washington, DC.

*Agenda:* To review and evaluate Materials Synthesis and Processing Proposals.

*Contact Persons:* Huseyin Sehitoglu or Jerome Sackman, Program Directors, Mechanics and Materials Program, room 1108, NSF, Washington, DC 20550. Telephone: (202) 357-9542.

*Purpose of Meetings:* To provide advice and recommendations to the Division of Mechanical and Structural Systems concerning proposals submitted to the Division for financial support.

*Type of Meetings:* Closed.

*Reason for Closing:* The nominations and proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the nominations and proposals. These matters are exempt under 5 U.S.C. 552 b(c) (4) and (8) of the Government in the Sunshine Act.

Dated: March 17, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-6534 Filed 3-19-92; 8:45 am]

BILLING CODE 7555-01-M

## NUCLEAR REGULATORY COMMISSION

### GE Nuclear Energy; Receipt of Application for Design Certification

On September 29, 1987, GE Nuclear Energy (GE) filed an application pursuant to section 103 of the Atomic Energy Act of 1954, as amended, and 10 CFR part 50, appendix O which sought design certification of the Advanced Boiling Water Reactor (ABWR), in accordance with 10 CFR part 50, appendix O. Subsequently, on May 18, 1989, 10 CFR part 52 was adopted. Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has received a request from GE dated December 20, 1991, to have their application for design certification of the ABWR under amendment O of 10 CFR part 50, as supplemented by amendments 1 through 19, be considered as an application for design certification pursuant to 10 CFR part 52.

A copy of the application, as amended, is available for public inspection at the Commission's Public Document Room, The Gelman Building,

2120 L Street NW., Washington, DC. Previous correspondence on this application is filed under docket number 50-605. The new docket number established for this application is 52-001. A notice relating to the rulemaking pursuant to 10 CFR 52.51 for design certification including provisions for participation of the public and other parties will be published at the appropriate time in the future.

Dated at Rockville, Maryland this 13th day of March, 1992.

For the Nuclear Regulatory Commission.

Jerry N. Wilson,

Acting Director, Standardization Project Directorate, Division of Advanced Reactors and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 92-6537 Filed 3-19-92; 8:45 am]

BILLING CODE 7590-01-M

## OFFICE OF MANAGEMENT AND BUDGET

### Office of Federal Procurement Policy

#### Revision of the Office of Management and Budget (OMB) Circular No. A-119, Request for Public Comment

**AGENCY:** Office of Federal Procurement Policy, OMB.

**ACTION:** OMB is requesting comments on Circular No. A-119, "Federal Participation in the Development and Use of Voluntary Standards." This Circular is being revised to foster greater agency use of voluntary standards, particularly in light of recently stated national objectives, and to increase the effectiveness of the Circular.

**SUMMARY:** OMB Circular No. A-119 provides policies on Federal use of private standards, and agency participation in voluntary standard bodies and standards-developing groups. Participation in such groups should occur when it is in the public interest and is compatible with agencies' missions, authorities, priorities, and budget resources.

As part of the Circular A-119 review process, we would welcome comments on all aspects of the Circular and its implementation.

**DATES:** Comments must be received on or before April 20, 1992.

**ADDRESSES:** Written comments should be sent to Office of Management and Budget, Office of Federal Procurement Policy, 725 17th Street, NW.—suite 9001, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Chris Jordan, Policy Analyst, Office of Federal Procurement Policy, 725 17th

Street, NW., Washington, DC 20503. Telephone (202) 395-6810.

**SUPPLEMENTARY INFORMATION:** The following is a brief summary of the changes proposed in the draft revision of OMB Circular A-119:

(1) Clarification of existing Administration policy in the areas of international standards and conformity assessment procedures;

(2) Incorporation of recently stated national goals and objectives in the areas of metrication and the use of environmentally sound and energy efficient standards; and

(3) Strengthening of the reporting and other mechanisms to ensure full implementation of this Circular, including the designation of a Standards Executive within each agency who will be responsible for implementing the Circular as well as developing certain agency reports.

New or revised parts of the Circular appear in italics in the text of the Circular.

Dated: March 17, 1992.

Allan V. Burman,

Administrator.

Circular No. A-119

Revised

To the Heads of Executive Departments and Establishments

Subject: Federal Participation in the Development and use of Voluntary Standards.

1. *Purpose.* The Circular establishes policy to be followed by executive agencies in working with voluntary standards bodies. It also establishes policy to be followed by executive branch agencies in adopting and using voluntary standards.

2. *Rescissions.* This Circular supersedes OMB Circular No. A-119, dated October 28, 1982, which is rescinded.

3. *Background.* Government functions often involve products or services that must meet reliable standards. Many such standards, appropriate or adaptable for the Government's purposes, are available from private voluntary standards bodies. Government participation in the standards-related activities of these voluntary bodies provides incentives and opportunities to establish standards that serve national needs, and the adoption of voluntary bodies provides incentives and opportunities to establish standards that serve national needs, and the adoption of voluntary standards, whenever practicable and appropriate, eliminates the cost to the Government of developing its own standards. Adoption of voluntary standards also furthers the policy of reliance upon the private sector to supply Government needs for goods and services, as enunciated in OMB Circular No. A-76, "Performance of Commercial Activities."

4. *Applicability.* This Circular applies to all Executive agency participation in voluntary

standards activities, domestic and international, but not to activities carried out pursuant to treaties and international standardization agreements.

5. *Definitions.* As used in this Circular:

a. *Executive agency* (hereinafter referred to as "agency") means any executive department, independent commission, board, bureau, office, agency, Government-owned or controlled corporation or other establishment of the Federal Government, including regulatory commission or board. It does not include the legislative or judicial branches of the Federal Government.

b. *Standard* means a prescribed set of rules, conditions, or requirements concerned with the definition of terms; classification of components; delineation of procedures, including conformity assessment procedures; specification of dimensions, materials, performance, design, or operations; measurement of quality and quantity in describing materials, products, systems, services, or practices; or descriptions of fit and measurement of size.

c. *Voluntary Standards* are established generally by private sector bodies, both domestic and international, and are available for use by any person or organization, private or governmental. The term includes what are commonly referred to as "industry standards" as well as "consensus standards", but does not include professional standards of personal conduct, institutional codes of ethics, private standards of individual firms, or standards mandated by law, such as those contained in the United States Pharmacopeia and the National Formulary, as referenced in 21 U.S.C. 351.

d. *Government Standards* include individual agency standards and specifications as well as Federal and Military standards and specifications.

e. *Voluntary standards bodies* are private sector domestic or international organizations—such as nonprofit organizations, industry associations, professional and technical societies, institutes, or groups, and recognized test laboratories—that plan, develop, establish, or coordinate voluntary standards.

f. *Standards-developing groups* are committees, boards, or any other principal subdivisions of voluntary standards bodies, established by such bodies for the purpose of developing, revising, or reviewing standards, and which are bound by the procedures of those bodies.

g. *Adoption* means the use of the latest edition of a voluntary standard in whole, in part, or by reference for procurement purposes and the inclusion of the latest edition of a voluntary standard in whole, in part, or by reference in regulation(s).

h. *Secretary* means the Secretary of Commerce or that Secretary's designee.

6. *Policy.* It is the policy of the Federal Government in its procurement and regulatory activities to:

a. Rely on voluntary standards, both domestic and international, whenever feasible and consistent with law and regulation pursuant to law;

b. Participate in voluntary standards bodies when such participation is in the public interest and is compatible with

agencies' missions, authorities, priorities, and budget resources; and

c. Coordinate agency participation in voluntary standards bodies so that (1) the most effective use is made of agency resources and representatives; and (2) the views expressed by such representatives are in the public interest and, as a minimum, do not conflict with the interests and established views of the agencies.

7. *Policy Guidelines.* In implementing the policy established by this Circular, agencies should recognize the positive contribution of standards development and related activities. When properly conducted, standards development can increase productivity and efficiency in Government and industry, expand opportunities for international trade, conserve resources, and improve health and safety. It also must be recognized, however, that these activities, if improperly conducted, can suppress free and fair competition, impede innovation and technical progress, exclude safer and less expensive products, or otherwise adversely affect trade, commerce, health, or safety. Full account in carrying out this policy shall be taken of the import on the economy, applicable Federal laws, policies, and national objectives, including, for example, laws and regulations relating to antitrust, national security, small business, product safety, environment, metrication, technological development, and conflicts of interests. It should also be noted, however, that the provisions of this Circular are intended for internal management purposes only and are not intended to (1) create delay in the administrative process, (2) provide new grounds for judicial review, or (3) create legal rights enforceable against agencies or their officers. The following policy guidelines are provided to assist and govern implementation of the policy enunciated in paragraph 6.

a. *Reliance on Voluntary Standards*

(1) Voluntary standards that will serve agencies' purposes and are consistent with applicable laws and regulations should be adopted and used by Federal agencies in the interests of greater economy and efficiency, unless they are specifically prohibited by law from doing so.

(2) Voluntary standards that are internationally recognized or accepted should be considered in procurement and regulatory applications in the interests of promoting trade and implementing the provisions of the Standards Code in the General Agreement on Tariffs and Trade.

(3) Voluntary standards should be given preference over non-mandatory Government standards unless use of such voluntary standards would adversely affect performance or cost, reduce competition, or have other significant disadvantages.

(4) In adopting and using voluntary standards preference should be given to those based on performance criteria when such criteria may reasonably be used in lieu of design, material, or construction criteria. Preference should also be given, in light of stated national goals and objectives, to the adoption and use of voluntary standards that (i) reflect the metric system of measurement, and (ii) foster materials, products, systems, services, or practices that are environmentally sound and energy efficient.

(5) Voluntary standards adopted by Federal agencies should be referenced, along with their dates of issuance and sources of availability, in appropriate publications, regulatory orders, and related in-house documents. Such adoption should take into account the requirements of copyright and other similar restrictions.

(6) Agencies should not be inhibited, if within their statutory authorities, from developing and using Government standards in the event that voluntary standards bodies cannot or do not develop a needed, acceptable standard in a timely fashion. Nor should the policy contained in this Circular be construed to commit any agency to the use of a voluntary standard which, after due consideration, is, in its opinion, inadequate, does not meet statutory criteria, or is otherwise inappropriate.

b. *Participation in Voluntary Standards Bodies*

(1) Participation by knowledgeable agency employees in the standards activities of voluntary standards bodies and standards-developing groups, both domestic and international, should be actively encouraged and promoted by agency officials when consistent with the provisions of paragraph 6b.

(2) Agency employees who, at Government expense, participate in standards activities of voluntary standards bodies and standards-developing groups should do so as specifically authorized agency representatives.

(3) Agency participation in voluntary standards bodies and standards-developing groups does not, of itself, connote agency agreement with, or endorsement of, decisions reached by such bodies and groups or of standards approved and published by voluntary standards bodies.

(4) Participation by agency representatives should be aimed at contributing to the development of voluntary standards that (a) will eliminate the necessity for development or maintenance of separate Government standards, and (b) will further such national goals and objectives as increased use of (i) the metric system of measurement, and (ii) environmentally sound and energy efficient materials, products, systems, services, or practices.

(5) Agency representatives serving as members of standards-developing groups should participate actively and on a basis of equality with private sector representatives. In doing so, agency representatives should not seek to dominate such groups. Active participation is intended to include full involvement in discussions and technical debates, registering of opinions and, if selected, serving as chairpersons or in other official capacities. Agency representatives may vote, in accordance with the procedures of the voluntary standards body, at each stage of standards development, unless specifically prohibited from doing so by law or their agencies.

(6) The number of individual agency participants in a given voluntary standards activity should be kept to the minimum required for effective presentation of the

various program, technical, or other concerns of Federal agencies.

(7) The providing of Agency support to a voluntary standards activity should be limited to that which is clearly in furtherance of an agency's mission and responsibility. Normally, the total amount of Federal support should be no greater than that of all private sector participants in that activity except when it is in the direct and predominant interest of the Government to develop a standard or revision thereto and its development appears unlikely in the absence of such support. The form of agency support, subject to legal and budgetary authority, may include:

(a) Direct financial support; e.g., grants, sustaining memberships, and contracts;

(b) Administrative support; e.g., travel costs, hosting of meetings, and secretarial functions;

(c) Technical support; e.g., cooperative testing for standards evaluation and participation of agency personnel in the activities of standards-developing groups; and

(d) Joint planning with voluntary standards bodies to facilitate a coordinated effort in identifying and developing needed standards.

(8) Participation by agency representatives in the policymaking process of voluntary standards bodies, in accordance with the procedures of those bodies, is encouraged—particularly in matters such as establishing priorities, developing procedures for preparing, reviewing, and approving standards, and creating standards-developing groups. In order to maintain the private, nongovernmental nature of such bodies, however, agency representatives should refrain from decisionmaking involvement in the internal day-to-day management of such bodies (e.g., selection of salaried officers and employees, establishment of staff salaries and administrative policies).

(9) This Circular does not provide guidance concerning the internal operating procedures that may be applicable to voluntary standards bodies because of their relationships to agencies under this Circular. Agencies should, however, carefully consider what laws or rules may apply in a particular instance because of these relationships. For example, these relationships may involve the Federal Advisory Committee Act, as amended (5 U.S.C. app. I), or a provision of an authorizing statute for a particular agency. Agencies are best able to determine what laws and policies should govern particular relationships and to assess the extent to which competition may be enhanced and cost-effectiveness increased. Questions relating to anti-trust implications of such relationships should be addressed to the Attorney General.

**8. Responsibilities.** a. The Secretary will:

(1) Coordinate and foster executive branch implementation of the policy in paragraph 6 of this Circular, and may provide administrative guidance to assist agencies in implementing paragraph 8.b(2)(d) of this Circular;

(2) Establish an interagency consultative mechanism to advise the Secretary and agency heads in implementing the policy contained herein. That mechanism shall

provide for participation by all affected agencies and ensure that their views are considered;

(3) Report to the Office of Management and Budget concerning implementation of this Circular; and

(4) Pursue, with other nations and international organizations, the mutual recognition of standards, including conformance assessment procedures.

b. The heads of agencies concerned with standards will:

(1) Implement the policy in paragraph 6 of this Circular in accordance with the policy guidelines in paragraph 7 within 120 days of issuance;

(2) Within 120 days of issuance, shall designate a senior level official with agency-wide responsibility as the Standards Executive who will implement this Circular. The Standards Executive's responsibilities will include, but not be limited to:

(a) Establishing procedures to ensure that agency representatives participating in voluntary standards bodies and standards-developing groups will, to the extent possible, ascertain the views of that agency on matters of paramount interest and will, as a minimum, express views that are not inconsistent or in conflict with established agency views;

(b) Ensuring, when two or more agencies participate in a given voluntary standards body or standards-developing group, that they coordinate their views on matters of paramount importance so as to present, whenever feasible, a single, unified position;

(c) Cooperating with the Secretary in carrying out his responsibilities under this Circular;

(d) Consulting with the Secretary, as necessary, in the development and issuance of internal agency procedures and guidance implementing this Circular, including the development of an agency-wide directory identifying agency employees participating in standards developing groups; and

(e) Submitting, in response to the request of the Secretary, reports on the status of agency interaction with voluntary standards bodies.

(3) Review their existing standards within five years of issuance of this Circular, and at least once every five years thereafter, and cancel those for which an adequate and appropriate voluntary standard can be substituted.

**9. Reporting Requirements.** One year from the date of issuance of this Circular, and every year thereafter, the Secretary will submit to the Office of Management and Budget a brief, summary report on the status of agency interaction with voluntary standards bodies. As a minimum, the report will include the following information:

a. The nature and extent of agency participation in the development and utilization of voluntary standards, including:

(1) The number of voluntary standards each agency currently utilizes for procurement and the number utilized for regulation;

(2) The number of voluntary standards each agency has adopted since the last report;

(3) The number of agency employees participating in at least one standards developing group;

b. Identification of any environmentally sound and energy efficient voluntary standard developed with agency support and/or implemented by the agency.

c. An evaluation of the effectiveness of the policy promulgated in this Circular and recommendations for change.

**10. Policy Review.** The policy contained in this Circular shall be reviewed for effectiveness by the Office of Management and Budget three years from the date of issuance.

**11. Inquiries.** For information concerning this Circular, contact the Office of Management and Budget, Office of Federal Procurement Policy, telephone 202/395-6810.

[FR Doc. 92-6568 Filed 3-19-92; 8:45 am]

BILLING CODE 3110-01-M

## SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-18615; 812-7866]

### North American Security Trust, et al.; Application

March 13, 1992.

**AGENCY:** Securities and Exchange Commission ("SEC").

**ACTION:** Notice of Application for Exemption under the Investment Company Act of 1940 ("Act").

**APPLICANTS:** North American Security Trust (the "Fund"), Goldman, Sachs & Co. ("Goldman Sachs"), Salomon Brothers Asset Management Inc ("SBAM"), and Wellington Management Company ("Wellington").

**RELEVANT ACT SECTIONS:** Order requested pursuant to section 6(c) of the Act granting an exemption from section 15(a) of the Act.

**SUMMARY OF APPLICATION:** Applicants seek an order that would permit Goldman Sachs, SBAM, and Wellington to serve as investment subadvisers to certain portfolios of the Fund until the earlier of July 10, 1992 or the date of shareholder approval or disapproval of their respective subadvisory agreements.

**FILING DATE:** The application was filed on February 11, 1992 and an amended and restated application was filed on March 13, 1992.

**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 April 7, 1992, 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. The Fund, 116 Huntington Avenue, Boston, MA 02116. Goldman Sachs, 32 Old Slip, New York, NY 10005. SBAM, 7 World Trade Center, New York, NY 10048. Wellington, 75 State Street, Boston, MA 02109.

**FOR FURTHER INFORMATION CONTACT:** Barry A. Mendelson, Staff Attorney, at (202) 504-2284, or Barry D. Miller, Branch Chief, at (202) 272-3018 (Division of Investment Management, Office of Investment Company Regulation).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

#### Applicants' Representations

1. The Fund is an open-end, diversified, management investment company organized as a Massachusetts business trust. The Fund currently has nine separate investment portfolios, each of which has a specific investment objective and offers a separate series of shares of beneficial interest to the public. The nine portfolios are: The Global Growth Trust, the Growth Trust, the Growth and Income Trust, the Investment Quality Bond Trust, the Money Market Trust, the U.S. Government Securities Trust, the Conservative Asset Allocation Trust, the Moderate Asset Allocation Trust, and the Aggressive Asset Allocation Trust (the "Trusts").

2. The Fund's investment adviser is NASL Financial Services, Inc. (the "Adviser"), a wholly-owned subsidiary of the Fund's sponsor, North American Security Life Insurance Company, which in turn is a wholly-owned subsidiary of North American Life Assurance Company. The Adviser provides certain expense guarantees and administrative services to the Fund pursuant to an investment advisory contract (the "Advisory Agreement"). In addition, the Adviser contracts with and compensates other parties ("Subadvisers") that provide portfolio management services to the nine Trusts pursuant to subadvisory contracts ("Subadvisory Agreements"). Currently there are four Subadvisers: Goldman Sachs Asset Management ("GSAM"),

SBAM, Wellington, and Oechsle International Advisers, L.P. ("Oechsle").

3. Goldman Sachs is a New York limited partnership whose separate operating division, GSAM, serves as Subadviser to the Growth, Conservative Asset Allocation, Moderate Asset Allocation and Aggressive Asset Allocation Trusts. SBAM, an indirect, wholly-owned subsidiary of Salomon Inc. is a Delaware corporation that serves as Subadviser to the U.S. Government Securities Trust. Wellington is a Massachusetts general partnership that serves as Subadviser to the Growth and Income, Investment Quality Bond, and Money Market Trusts. Oechsle is a Delaware limited partnership that serves as Subadviser to the Global Growth Trust.

4. Prior to December 13, 1991, the Subadviser to the Growth, Conservative Asset Allocation, Moderate Asset Allocation, Aggressive Asset Allocation, U.S. Government Securities, and Money Market Trusts was M.D. Sass Investors Services, Inc. ("Sass Investors"). On that date, the Fund's trustees accepted the resignation of Sass Investors as Subadviser to each of those Trusts. Thereafter, the Fund's trustees—including a majority of the trustees who are not "interested persons," as defined in section 2(a)(19) of the Act, of either the Fund, the Adviser, or any of the Subadvisers (the "Independent Trustees")—approved new Subadvisory Agreements for each of the Trusts for which Sass Investors formerly served as Subadviser. In each case, the fee payable to the new Subadviser was less than the fee formerly payable to Sass Investors. Under the terms of rule 15a-4 under the Act (see below), GSAM, SBAM, and Wellington will be able to serve until April 11, 1992 as Subadvisers without obtaining shareholder approval of the applicable Subadvisory Agreements.

5. At a meeting held on January 31, 1992, the Fund's trustees approved changes in the Advisory Agreement to provide lower advisory fees for the Growth, Growth and Income, Investment Quality Bond, Money Market, and U.S. Government Securities Trusts. The trustees also approved combining the three Asset Allocation Trusts into a new Asset Allocation Trust with an investment objective of seeking the highest total return consistent with a moderate level of risk tolerance. The proposed new Asset Allocation Trust, like the three Trusts that would be combined into it, would be managed by GSAM.

6. Although the Fund does not hold annual meetings of shareholders, a shareholders' meeting will be required

in 1992 for each of the nine Trusts. The new Subadvisory Agreements must be submitted to the shareholders of the six Trusts that have a new Subadviser in order to satisfy the requirements of section 15(a) of the Act. The amendment to the Advisory Agreement approved at the January 31, 1992 meeting will have to be submitted to shareholders of the five affected Trusts for approval. The proposed combination of the three Asset Allocation Trusts also must be approved or disapproved by the shareholders of such Trusts. Finally, in accordance with undertakings in the Fund's registration statement, the Investment Quality Bond, Growth and Income, and Global Growth Trusts will be holding shareholder meetings in 1992 to vote upon their respective Subadvisory Agreements and the Fund's 12b-1 distribution plan.

#### Applicants' Legal Analysis

1. Section 15(a) of the Act makes it unlawful for any person to serve as investment adviser except pursuant to a written contract that has been approved by a majority vote of the outstanding voting securities of the investment company. Applicants request an order pursuant to section 6(c) of the Act exempting them from the provisions of section 15(a) to the extent necessary to permit:

(a) GSAM to continue to serve as Subadviser to the Growth, Conservative Asset Allocation, Moderate Asset Allocation and Aggressive Asset Allocation Trusts;

(b) SBAM to continue to serve as Subadviser to the U.S. Government Securities Trust; and

(c) Wellington to continue to serve as Subadviser to the Money Market Trust, in each case until the earlier of July 10, 1992 or the date of shareholder approval of the applicable Subadvisory Agreement.

2. Rule 15a-4 provides a temporary exemption from the shareholder approval requirement of section 15(a) for a period of 120 days after termination of an advisory contract if (i) the contract is approved by the investment company's board, including a majority of the disinterested directors, and (ii) the compensation does not exceed that prescribed under the most recent contract approved by the company's shareholders.

3. Applicants submit that a 90-day extension of the time period provided by rule 15a-4 (from April 11, 1992 to July 10, 1992) is in the best interests of the Fund and its shareholders in that it will enable all matters on which a shareholder vote is required to be considered at a single meeting. Holding

a single meeting with a single proxy solicitation will be less costly to the Fund and less confusing to its shareholders.

4. Applicants believe that shareholders of the five Trusts who must vote to amend the Advisory Agreement should vote on adopting new Subadvisory Agreements at the same time, since these matters are related and could influence one another. In addition, applicants believe that shareholders of the three Asset Allocation Trusts should consider the proposed combination of those Trusts at the same meeting that the new Subadvisory Agreements are being considered. If shareholders vote to approve the combination at a meeting held after approval of the new Subadvisory Agreements, the terms of the new Subadvisory Agreements applicable to the Asset Allocation Trusts prior to their combination would be rendered moot.

5. A single meeting to consider changes in the Advisory Agreement, the proposed combination of the Asset Allocation Trusts, and the new Subadvisory Agreements can not be held within the time limitations of rule 15a-4. To solicit shareholder approval of the combination, a registration statement on Form N-14 must be filed under the Securities Act of 1933. Applicants believe they should allow at least 60 days for review of the registration statement by the SEC staff. Moreover, based on its prior experience, the Fund believes that it should allow a period of approximately six weeks after the effective date of the registration statement to solicit and obtain the necessary proxies in order to proceed with the meeting. Accordingly, even if the Fund had filed a registration statement on February 3, 1992, the earliest practicable date following the January 31 meeting, it might not have been possible to mail the proxies until the early part of April or hold a meeting until middle-to-late May, well after the April 11, 1992 deadline necessary to comply with rule 15a-4.

6. Even if shareholders were to consider the combination of the Asset Allocation Trusts at a separate meeting, holding a meeting with respect to all other matters on which a shareholder vote is anticipated within the time frame prescribed by rule 15a-4 would be difficult. As noted, changes made in the Advisory Agreement in light of the new Subadvisory Agreements and other factors were considered by the trustees on January 31, 1992. Although the trustees had sufficient time and

information to make determinations with respect to the new Subadvisory Agreements at the December 13 meeting, they lacked the time and information to decide whether the compensation to be paid to the Adviser should be adjusted. Because that issue potentially involved as many as six of the Fund's portfolios, the trustees allowed management until the end of January to complete the necessary analysis to enable the trustees to make an informed decision.

7. The circumstances of this application are much more complicated than those that could be expected when an investment company replaces a single adviser or subadviser. First, the potentially adversarial nature of the relationship between Sass Investors and the Fund rendered impractical the continuation of Sass Investors as Subadviser pending shareholder approval of new Subadvisory Agreements. Second, the trustees' consideration of a proposed merger of the three Asset Allocation Trusts was secondary to their consideration of whether and with whom to replace Sass Investors, the predominant subject matter of the December 13, 1991 trustees' meeting. Following the resignation of Sass Investors, the trustees determined that such a merger should be considered, because the investment policies of the Asset Allocation Trusts had been based in part on a proprietary asset allocation model developed by Sass Investors. As a practical matter, information necessary to consideration of such a merger could not be provided to the trustees until their January 31, 1992 meeting, and the trustees did not decide to seek shareholder approval of such a merger (requiring the filing of Form N-14) until that meeting. Third, the most efficient and cost-effective method for shareholder consideration of the various matters scheduled to be presented to them is to have the Form N-14 filing serve as the proxy statement for a single meeting encompassing all such matters. Multiple proxy statements for one or more meetings would result in additional costs to the Fund, particularly in light of the fact that certain persons are shareholders of more than one Trust.

8. Applicants cite several no-action letters and exemptive orders in support of their request for relief. In particular, applicants rely on Hartford Fund, Inc., Investment Company Act Release Nos. 12446 (May 24, 1982) (notice) and 12501 (June 23, 1982) (order). In Hartford, the Commission permitted an investment adviser to serve for a period of eight months without shareholder approval of

the advisory contract, four months beyond the period allowed by rule 15a-4. The relief was granted to allow the advisory contract to be considered at the annual shareholders' meeting rather than at a special meeting, avoiding the necessity of holding two meetings and conducting two proxy solicitations. Applicants assert that the circumstances justifying their request for relief are at least as compelling as those presented in Hartford.

9. In accordance with rule 15a-4, each of the new Subadvisory Agreements for which shareholder approval would be delayed has been approved by the trustees, including a majority of the Independent Trustees, and provides for compensation lower than that paid under the previous Subadvisory Agreement with Sass Investors. In light thereof, the reasonable period of the delay requested, and the avoidance of confusion and unnecessary expense to shareholders that grant of the requested relief would permit, applicants submit that the requested order is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 92-6533 Filed 3-19-92; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-25490]

#### Filings Under the Public Utility Holding Company Act of 1935 ("Act")

March 13, 1992.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by April 6, 1992 to the Secretary, Securities

and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

**The Columbia Gas System, Inc. (70-7921)**

The Columbia Gas System, Inc. ("Columbia"), 20 Montchanin Road, Wilmington, Delaware 19807, a registered holding company, has filed an application-declaration under sections 9(a), 10, 12(b) and 12(f) of the Act and rules 43 and 45 thereunder.

Since January 16, 1991, Shell LNG Company ("Shell LNG") has held 9.2% of the common stock of Columbia LNG Corporation, a nonutility subsidiary of Columbia, ("Columbia LNG"). Columbia proposes to sell its remaining 90.8% interest in the common stock of Columbia LNG to Shell LNG for a total price of \$110 million under an agreement for the sale of stock dated November 25, 1991 between Columbia, Shell Oil Company and Shell LNG ("Agreement"). In addition, the Agreement provides that Columbia LNG shall pay the balance of all its outstanding debt to Columbia, together with interest accrued thereon (the "Debt"). Such Debt is anticipated to be approximately \$44 million at the time of final closing. Shell LNG shall arrange refinancing of the Debt and shall issue guarantees to ensure Columbia LNG's refinancing of the Debt.

The Agreement also provides that in the event that Shell LNG elects not to go forward with the interim closing, or the interim closing is not completed by July 29, 1992, or the Agreement is terminated, Columbia shall be entitled, but not obligated, to purchase all (but not part of) the 9.2% of Columbia LNG common stock previously purchased by Shell LNG for a repurchase price equal to the amount Shell LNG had paid for such common stock. Furthermore, if Columbia enters into an agreement to sell any portion of the Columbia LNG common stock to a third party, Columbia must offer to repurchase all the common stock then owned by Shell LNG for a repurchase price equal to the amount paid by Shell LNG for such common stock.

The Agreement further provides for Columbia's indemnification of Shell LNG and Columbia LNG with respect to certain employee claims arising prior to the final closing and certain taxes.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 92-6496 Filed 3-19-92; 8:45 am]

BILLING CODE 8010-01-M

**TENNESSEE VALLEY AUTHORITY**

**Acid Rain Program Designated Representative**

**AGENCY:** Tennessee Valley Authority.

**ACTION:** Notice.

**SUMMARY:** TVA is announcing the selection of a "designated representative" and "alternative designated representative" to serve as the agency's point of contact with the U.S. Environmental Protection Agency and States on acid rain program matters.

**FOR FURTHER INFORMATION CONTACT:** Jerry L. Golden, Manager, Clean Air Program, 2C Missionary Ridge Place, 1101 Market Street, Chattanooga, Tennessee 37402-2801; (615) 751-6779.

**SUPPLEMENTARY INFORMATION:** Under title IV of the Clean Air Act Amendments, Sec. 402, Public Law 101-549, 104 Stat. 2588, affected utility units are authorized to act through a "designated representative" (DR) and "alternate designated representative" (ADR) in the conduct of SO<sub>2</sub> allowance and acid rain permitting activities. On February 19, 1992, at a public meeting, the TVA Board of Directors selected TVA's Senior Vice President, Fossil and Hydro Power, J. W. Dickey, to be TVA's DR for its affected utility units, and TVA's Vice President, Fossil and Hydro Projects, W. M. Bivens, to be TVA's ADR who will act when the DR is unavailable. TVA's affected utility units are those at its Allen, Bull Run, Cumberland, Gallatin, John Sevier, Johnsonville, Kingston, and Watts Bar fossil plants in Tennessee; Colbert and Widows Creek fossil plants in Alabama; and Paradise and Shawnee fossil plants in Kentucky.

Dated: March 6, 1992.

**Edward S. Christenbury,**

*General Counsel and Secretary.*

[FR Doc. 92-6149 Filed 3-19-92; 8:45 am]

BILLING CODE 8120-02-M

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**Announcement of Receipt of Notice to Extend Public Comment Period on Proposed Restriction on Operations of Stage 2 Aircraft at Minneapolis-St. Paul International Airport in Minneapolis, MN**

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

**ACTION:** Notice.

The Federal Aviation Administration (FAA) has been notified by the Metropolitan Airports Commission (MAC) that it is extending its public comment period by an additional 31 days. The MAC's original public comment period ended January 23, 1992, and was extended to March 9, 1992. Comments will now be received by the MAC through April 9, 1992.

The MAC's notice of the proposed restriction and an opportunity to comment was published on December 9, 1991, pursuant to the Airport Noise and Capacity Act of 1990 and 14 CFR 161.203. Notice of the first extension of the comment period was issued by MAC on January 21, 1992. The second extension of the comment period was issued by MAC on March 5, 1992.

In its original notice, published on December 9, 1991, in the Star Tribune in Minneapolis, Minnesota and Pioneer Press in St. Paul, Minnesota, the Metropolitan Airports Commission indicated that the initial phase of the ordinance restricting operators to their Stage 2 baseline would take effect not earlier than 180 days from the date of publication of MAC's Notice. This date is June 6, 1992. The second phase, a ban on nighttime Stage 2 operations, would take effect on or after that date, as determined by the Commission. These effective dates are not proposed to be changed by the MAC.

Ms. Jennifer Unruh, Committee Secretary at Metropolitan Airports Commission, General Offices, 6040 28th Avenue South, Minneapolis, Minnesota 55450, (612) 726-8100.

Copies of the complete text of the proposed restriction and the supporting analysis may be obtained by phoning or writing MAC. These documents are also available for public inspection at MAC's General Offices. MAC has indicated that extension of the comment period does not change the proposed restriction or its analysis in any way. Comments to MAC on the proposed restriction should be received by April 9, 1992.

Issued in Des Plaines, Illinois, March 9, 1992.

W. Robert Billingsley,

Manager, Airports Division, Great Lakes Region.

[FR Doc. 92-6522 Filed 3-19-92; 8:45 am]

BILLING CODE 4910-13-M

**Environmental Document and Scoping Meeting on the Proposed Parallel Runway at 10L-28R at Syracuse Hancock International Airport, Syracuse, New York**

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

**ACTION:** Notice to hold public scoping meeting.

**SUMMARY:** The Federal Aviation Administration (FAA) in conjunction with the City of Syracuse, Department of Aviation, is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for a proposed parallel Runway 10L-28R at Syracuse Hancock International Airport (SYR) located in Syracuse, New York. To ensure all significant issues related to the proposed action are identified, a public scoping meeting will be held Tuesday, March 31, 1992, to discuss pertinent environmental issues.

**FOR FURTHER INFORMATION CONTACT:**

Frank Squeglia, Environmental Specialist, FAA—Eastern Regional Office, Airports Division, AEA-610, Fitzgerald Federal Building, JFK International Airport, Jamaica, NY 11430, (718) 553-0902.

Ralph Napolitano, Commissioner of Aviation, or

Bill Simmons, Noise Abatement Officer, City of Syracuse, Department of Aviation, Syracuse Hancock Int'l Airport, Syracuse, NY 13212, (315) 454-3263.

**SUPPLEMENTARY INFORMATION:** The FAA, in conjunction with the City of Syracuse, Department of Aviation, will prepare an EIS as part of the planning process for a proposed parallel Runway 10L-28R at SYR. Should a "build" alternative be selected in the planning process, a draft EIS will be prepared and circulated. A scoping meeting is scheduled for March 31, 1992 among Federal, State, and local agencies to discuss the scope of work proposed for the preparation of the EIS.

The proposed project will include the following:

1. Acquisition of approximately 220 acres of land and some improvements thereon.
2. Construction of Runway 10L-28R 3,600 feet (centerline to centerline) north of existing Runway 10-28.
3. The proposed runway would be 150 feet wide with an ultimate length of

9,000 feet. Initially, the runway would be built to a length of 7,500 feet.

Potential significant environmental consequences associated with the runway construction are aircraft noise exposure, compatible land use, social impacts, wetlands, and floodplains.

As stated above, Federal, State and local agencies will be contacted to obtain their comments and suggestions. In conjunction with the Federal notice, this publication serves as positive declaration and notice of intent to prepare a Draft EIS pursuant to part 617 of the implementing regulations pertaining to article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law. Comments and suggestions are invited from all other interested parties to ensure that the full range of issues related to this proposed project are addressed and all significant issues relative to the planning process are identified. Copies of materials to be evaluated can be obtained from Ralph E. Napolitano, the Commissioner of Aviation, Syracuse Hancock International Airport, Syracuse, New York 13212.

**Public Scoping Meeting**

To facilitate receipt of comments at this stage of the process, a public scoping meeting will be held on March 31, 1992, at 7 p.m. e.s.t., at Syracuse Airport Inn, Syracuse Hancock International Airport. If unable to present verbal and/or written comments at the public scoping meeting, written comments will be accepted on or before Tuesday, April 21, 1992 at the FAA address noted under the above heading "FOR FURTHER INFORMATION CONTACT".

Issued in Jamaica, NY on March 13, 1992.

Louis P. DeRose,

Manager, Airports Division, Eastern Region.

[FR Doc. 92-6520 Filed 3-19-92; 8:45 am]

BILLING CODE 4910-13-M

**Transport Airplane and Engine Subcommittee of the Aviation Rulemaking Advisory Committee; Meeting**

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

**ACTION:** Notice of meeting.

**SUMMARY:** The FAA is issuing this notice to advise the public of a meeting of the Federal Aviation Administration Transport Airplane and Engine Subcommittee of the Aviation Rulemaking Advisory Committee.

**DATES:** The meeting will be held on April 17, 1992, at 9 a.m. Arrange for oral presentations by March 30, 1992.

**ADDRESSES:** The meeting will be held in the Boardroom, Air Transport Association of America, 5th floor, 1709 New York Avenue, NW., Washington, DC 20006-5206.

**FOR FURTHER INFORMATION CONTACT:**

Ms. Marge Ross, Aircraft Certification Service (AIR-1), 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267-8235.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. II), notice is hereby given of a meeting of the Transport Airplane and Engine Subcommittee to be held on April 7, 1992, in the Boardroom, Air Transport Association of America, 5th floor, 1709 New York Avenue, NW., Washington, DC 20006-5206. The agenda for this meeting will include:

- Status reports from working groups.
- Plans for near-term priorities.
- Discussion of team building session.

Attendance is open to this interested public, but will be limited to the space available. The public must make arrangements by March 30, 1992, to present oral statements at the meeting. The public may present written statements to the committee at any time by providing 25 copies to the Executive Director, or by bringing the copies to him at the meeting. Arrangements may be made by contacting the person listed under the heading "FOR FURTHER INFORMATION CONTACT."

Issued in Washington, DC, on March 16, 1992.

William J. Sullivan,

Executive Director, Transport Airplane and Engine Subcommittee, Aviation Rulemaking Advisory Committee.

[FR Doc. 92-6521 Filed 3-19-92; 8:45 am]

BILLING CODE 4910-13-M

**Federal Highway Administration**

**Environmental Impact Statement; San Francisco, CA**

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in San Francisco, California.

**FOR FURTHER INFORMATION CONTACT:**

John R. Schultz, District Engineer, Federal Highway Administration, P.O. 1915, Sacramento, California 95812-1915, telephone: (916) 551-1314.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the California Department of Transportation and the City and County of San Francisco Department of Public Works, will prepare an environmental impact statement (EIS) on a proposed replacement project for the Embarcadero Freeway which has been demolished as a result of the 1989 Loma Prieta Earthquake.

The proposed project would involve an area bounded by the eastern edge of the Embarcadero Roadway on the east side, Broadway on the north, and Folsom Street on the south side, while portions of Main, Battery, and Sansome Streets form the boundary to the west.

The proposed project is located in an existing urban area and will affect public, commercial, and residential properties, some of which have an historic interest. The project is funded in part by Federal Emergency Relief funds. Alternatives under consideration include:

(1) Taking no action: Local surface roadway (with no connection to the Bay Bridge) which would link the Embarcadero north and south.

(2) Constructing an aerial, surface, subsurface roadway, which includes on/off ramps between a new Bay Bridge terminal connector and the Embarcadero, an underground roadway in front of the Ferry Building, and surface access at Washington Street and at Broadway which would replace demolished on/off ramps at those locations.

(3) Constructing a surface roadway which would have connecting ramps to the new Bay Bridge terminal connector.

(4) Combinations of Alternatives 2 and 3.

(5) Others that may be developed during the scoping session. Alternatives will require reconstructing the existing Embarcadero Roadway.

A Citizens Advisory Committee Embarcadero Replacement Project (CACEP) was formed to provide a public forum for discussing the array of concerns such as transportation, including transit and bicycle, urban design, and open space engendered by the removal of the Embarcadero Freeway. CACEP's recommendations will be considered by the environmental document. Public scoping sessions will be held during June, July, and August, 1992. The draft EIS will be available for public and agency review prior to the required public hearing. Public notice will be given of the time and place of meetings and the hearing.

To ensure that the full range of issues related to this proposed action are addressed, and all significant issues are

identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address previously provided in this document.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation of Federal Programs and activities apply to this program)

Issued on: March 13, 1992.

**G. B. Wong,**

Senior Area Engineer, Sacramento, California.

[FR Doc. 92-6474 Filed 3-19-92; 8:45 am]

BILLING CODE 4910-22-M

### Federal Railroad Administration

#### Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of 49 CFR Part 236

Pursuant to 49 CFR part 235 and 49 app. U.S.C. 26, the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR part 236 as detailed below.

#### Block Signal Application (BS-AP)-No. 3151

*Applicant:* Union Pacific Railroad Company, Mr. P. M. Abaray, Chief Engineer-Signals, 1416 Dodge Street, Room 920, Omaha, Nebraska 68179.

The Union Pacific Railroad Company seeks approval of the proposed modification of the traffic control system, at milepost 4.3 and milepost 5.4, near North Wells Creek, Texas, on the Red River Division, Longview Subdivision, consisting of the conversion of one power-operated switch and one switch to hand-operation equipped with electric locks, the removal of four controlled signals, and the installation of two automatic signals.

The reason given for the proposed changes is that the siding is rarely used for the passing of trains.

#### BS-AP-No. 3152

*Applicant:* Union Pacific Railroad Company, Mr. P. M. Abaray, Chief Engineer-Signals, 1416 Dodge Street, room 920, Omaha, Nebraska 68179.

The Union Pacific Railroad Company seeks approval of the proposed discontinuance and removal of the automatic block signal system, between

milepost 0.5 and milepost 1.6, near Albina Yard in Portland, Oregon, on the Columbia River Division, Portland Subdivision, consisting of the removal of circuit controllers from 11 hand-operated switches, the removal of 10 automatic block signals, and the conversion of 2 automatic block signals to operative approach signals, one requiring relocation. The reason given for the proposed changes is to alleviate excess highway-rail crossing blockage in the Portland area.

#### BS-AP-No. 3153

*Applicant:* Union Pacific Railroad Company, Mr. P. M. Abaray, Chief Engineer-Signals, 1416 Dodge Street, room 920, Omaha, Nebraska 68179.

The Union Pacific Railroad Company seeks approval of the proposed discontinuance and removal of the traffic control system, between milepost 399.8 and milepost 406.8, near McGehee, Arkansas, on the Arkansas Division, Wynne Subdivision, consisting of the removal of circuit controllers from two hand-operated switches, the removal of two automatic signals, and the removal of one controlled signal.

The reason given for the proposed changes is that due to the discontinuance of through train service, the signal system is unnecessary.

#### BS-AP-No. 3154

*Applicant:* Twin Cities and Western Railroad Company, Mr. Dennis E. Shaffer, President, 723 11th Street East, Glencoe, Minnesota 55336.

The Twin Cities and Western Railroad Company seeks approval of the proposed discontinuance and removal of the traffic control system, between Glencoe, Minnesota, milepost 466.9 and Appleton, Minnesota, milepost 578.9, on the Glencoe Subdivision, a distance of approximately 112 miles.

The reason given for the proposed changes is the low traffic density over the trackage.

#### BS-AP-No. 3155

*Applicant:* Burlington Northern Railroad Company, Mr. W. G. Peterson, Chief Engineer-Control Systems, 9401 Indian Creek Parkway, P.O. Box 29136, Overland Park, Kansas 66201-9136.

The Burlington Northern Railroad Company seeks approval of the proposed modification of the traffic control system on the single main track, between Yakt, Montana, milepost 1344.0, and Leonia, Montana, milepost 1349.0, on the Montana Division, Third Subdivision, consisting of the removal of four automatic signals and the

installation of two back to back automatic signals at milepost 1346.6.

The reason given for the proposed changes is due to pole line elimination associated with the installation of electronic coded track circuits.

**BS-AP-No. 3156**

*Applicant:* Burlington Northern Railroad Company, Mr. W. G. Peterson, Chief Engineer-Control Systems, 9401 Indian Creek Parkway, P.O. Box 29136, Overland Park, Kansas 66201-9136.

The Burlington Northern Railroad Company seeks approval of the proposed modification of the traffic control system on the single main track, between Vista, Montana, milepost 1225.4, and Lupfer, Montana, milepost 1230.9, on the Montana Division, Third Subdivision, consisting of the removal of four automatic signals and the installation of two back to back automatic signals at milepost 1228.0.

The reason given for the proposed changes is due to pole line elimination associated with the installation of electronic coded track circuits.

**BS-AP-No. 3157**

*Applicant:* Burlington Northern Railroad Company, Mr. W. G. Peterson, Chief Engineer-Control Systems, 9401 Indian Creek Parkway, P.O. Box 29136, Overland Park, Kansas 66201-9136.

The Burlington Northern Railroad Company seeks approval of the proposed modification of the traffic control system on the double main track, between milepost 7.0 and milepost 10.0, near Fairlawn, Missouri, on the Springfield Division, First Subdivision, consisting of the removal of automatic signal numbers 83 and the relocation of automatic signal numbers 73, 98 and 99.

The reason given for the proposed changes is the equalization track circuit associated with the installation of electronic coded track circuits.

**BS-AP-No. 3158**

*Applicant:* CSX Transportation, Inc., Mr. W. J. Scheerer, Chief Engineer-Train Control, 500 Water Street, Jacksonville, Florida 32202.

The CSX Transportation, seeks approval of the proposed discontinuance and removal of the traffic control system between Laughlin Junction, Pennsylvania, milepost 325.1 and Pittsburgh, Pennsylvania, milepost 327.8, on the Baltimore Division, Western Subdivision, consisting of the removal of one controlled signal and two electric locks from hand-operated switches.

The reason given for the proposed changes is that present day operation does not warrant retention of the signal system.

**BS-AP-No. 3159**

*Applicants:* Union Pacific Railroad Company, Mr. P.M. Abaray, Chief Engineer-Signals, 1416 Dodge Street, room 920, Omaha, Nebraska 68179. Kansas City Southern Railway Company, Mr. M.W. Hahn, Vice President, Transportation, 114 W. Eleventh Street, Kansas City, Missouri 64105.

The Union Pacific Railroad Company (UP) and Kansas City Southern Railway Company (KCS) jointly seek approval of the proposed modification to Kerr McGee Interlocking, UP milepost 2.43, near Texarkana, Texas, where a single main track of the KCS crosses at grade two main tracks of the UP, Red River Division, Dallas Subdivision, consisting of the discontinuance and removal of electrically locked derail numbers 3 and 4 and replace them with an electric lock gate.

The reason given for the proposed changes is to improve operations.

**BS-AP-No. 3160**

*Applicant:* Consolidated Rail Corporation, Mr. J.F. Noffsinger, Chief Engineer-C&S, 15 North 32nd Street, Room 1215, Philadelphia, Pennsylvania 19104-2849.

Consolidated Rail Corporation seeks approval of the proposed modification of the automatic block signal system on the two main tracks between "CP Rock" Interlocking, milepost 8.7, and "CP Norris" Interlocking, milepost 18, near Norristown, Pennsylvania, on the Harrisburg Line, Philadelphia Division, consisting of the removal of automatic signal numbers 167, 173, 176, and 182.

The reason given for the proposed changes is to retire facilities no longer required for present operation.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the protestant in the proceeding. The original and two copies of the protest shall be filed with the Associate Administrator for Safety, FRA, 400 Seventh Street SW., Washington, DC 20590 within 45 calendar days of the date of issuance of this notice. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

FRA expects to be able to determine these matters without oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC on March 13, 1992.

**Phil Olekszyk,**

*Deputy Associate Administrator for Safety.*  
[FR Doc. 92-6546 Filed 3-19-92; 8:45 am]

BILLING CODE 4910-06-M

**DEPARTMENT OF THE TREASURY**

**Public Information Collection Requirements Submitted to OMB for Review**

Date: March 13, 1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

**Bureau of Alcohol, Tobacco and Firearms**

*OMB Number:* 1512-0082.

*Form Number:* ATF F 5120.24 (1582-A).

*Type of Review:* Extension.

*Title:* Drawback on Wine Exported.

*Description:* When proprietors export wines that have been produced, packaged, manufactured or bottled in the United States, they file a claim for a drawback or refund for the taxes that have already been paid on the wine. This form notifies ATF that the wine was in fact exported and helps to protect the revenue and prevent fraudulent claims.

*Respondents:* Individuals or households, Businesses or other for-profit, Small businesses or organizations.

*Estimated Number of Respondents:* 900.

*Estimated Burden Hours Per Respondent:* 1 hour, 8 minutes.

*Frequency of Response:* On occasion.

*Estimated Total Reporting Burden:* 2,025 hours.

*OMB Number:* 1512-0096.

*Form Number:* ATF F 5130.12 (1689).

*Type of Review:* Extension.

*Title:* Beer for Exportation.

*Description:* Untaxpaid beer may be removed from a brewery for exportation without payment of the excise taxes normally due. In order that this will be

accomplished, and for ATF to monitor such transactions, brewers complete ATF F 5130.12 (1689). This form monitors exports on ships and aircraft or to military bases. The form is certified by U.S. Customs and ensures that untaxed beer does not reach domestic markets.

*Respondents:* Businesses or other for-profit.

*Estimated Number of Respondents:* 101.

*Estimated Burden Hours Per Respondent:* 1 hour, 39 minutes.

*Frequency of Response:* On occasion.

*Estimated Total Reporting Burden:* 10,000 hours.

*OMB Number:* 1512-0117.

*Form Number:* ATF F 5620.7 (2147).

*Type of Review:* Extension.

*Title:* Claim for Drawback of Tax on Cigars, Cigarettes, Cigarette Papers and Cigarette Tubes.

*Description:* ATF F 5620.7 documents that cigars, cigarettes, cigarette papers and tubes were shipped to a foreign country, Puerto Rico or the Virgin Islands, and that the tax was already paid on these products. ATF F 5620.7 is used as the claim filed by a person who paid the tax to claim a drawback for the tax that has already been paid.

*Respondents:* Businesses or other for-profit.

*Estimated Number of Respondents:* 288.

*Estimated Burden Hours Per Respondent:* 30 minutes.

*Frequency of Response:* On occasion.

*Estimated Total Reporting Burden:* 144 hours.

*OMB Number:* 1512-0190.

*Form Number:* ATF F 5100.11.

*Type of Review:* Extension.

*Title:* Withdrawal of Spirits, Denatured Spirits, or Wines for Exportation (Supplemental).

*Description:* ATF F 5100.11 is completed by exporters to report the withdrawal of spirits, denatured spirits, and wines from internal revenue bonded premises, without payment of tax for direct exportation, transfer to a foreign trade zone, customs manufacturers bonded warehouse, or customs bonded warehouse or for use as supplies on vessels or aircraft.

*Respondents:* Businesses or other for-profit, Small businesses or organizations.

*Estimated Number of Respondents:* 300.

*Estimated Burden Hours Per Respondent:* 1.

*Frequency of Response:* On occasion.

*Estimated Total Reporting Burden:* 6,000 hours.

*OMB Number:* 1512-0200.

*Form Number:* ATF F 5110.31.

*Type of Review:* Extension.

*Title:* Application and Permit to Ship Puerto Rican Spirits to the U.S. Without Payment of Tax.

*Description:* ATF F 5110.31 is used to allow a person to ship spirits in bulk into the U.S. The form identifies the person in Puerto Rico from where shipments are to be made, the person in the U.S. receiving the spirits, amount of spirits to be shipped, and the bond of the U.S. person to cover taxes on such spirits.

*Respondents:* Businesses or other for-profit, Small businesses or organizations.

*Estimated Number of Respondents:* 20.

*Estimated Burden Hours Per Respondent:* 27 minutes.

*Frequency of Response:* On occasion.

*Estimated Total Reporting Burden:* 450 hours.

*Clearance Officer:* Robert N. Hogarth (202) 927-8930, Bureau of Alcohol, Tobacco and Firearms, room 3200, 650 Massachusetts Avenue, NW., Washington, DC 20226.

*OMB Reviewer:* Milo Sunderhauf (202) 395-6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.  
*Lois K. Holland,*

*Departmental Reports Management Officer.*  
[FR Doc. 92-6494 Filed 3-19-92; 8:45 am]

**BILLING CODE 4810-31-M**

#### Public Information Collection Requirements Submitted to OMB for Review

Date: March 12, 1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

#### Internal Revenue Service

*OMB Number:* 1545-0257.

*Form Number:* IRS Forms 8109, 8109-B and 8109-C.

*Type of Review:* Extension.

*Title:* Federal Tax Deposit Coupon (8109 and 8109-B) FTD Address Change (8109C).

*Description:* Federal Tax Deposit Coupons are used to deposit certain types of taxes at authorized depositories. Coupons are sent to IRS Center for crediting to taxpayers' accounts. Data is used by IRS to make the credit and to verify tax deposits claimed on the returns. The FTD Address Change is used to change the address on the FTD coupons. All taxpayers required to make deposits are affected.

*Respondents:* State and local governments, Farms, Businesses or other for-profit, Federal agencies or employees, Non-profit institutions, Small businesses or organizations.

*Estimated Number of Respondents:* 9,800,700.

#### ESTIMATED BURDEN HOURS PER RESPONDENT

Form No.	Response time (minutes)
8109.....	2
8109-B.....	3
8109C.....	1

*Frequency of Response:* On occasion, Monthly, Quarterly, Other (eighth-monthly, semi-monthly).

*Estimated Total Reporting Burden:* 2,016,425 hours.

*Clearance Officer:* Garrick Shear (202) 535-4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

*OMB Reviewer:* Milo Sunderhauf (202) 395-6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.  
*Lois K. Holland,*

*Departmental Reports Management Officer.*  
[FR Doc. 92-6495 Filed 3-19-92; 8:45 am]

**BILLING CODE 4830-01-M**

#### Public Information Collection Requirements Submitted to OMB for Review

Date: March 17, 1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the

Treasury, Room 3171 Treasury Annex,  
1500 Pennsylvania Avenue, NW.,  
Washington, DC 20220.

#### Internal Revenue Service

OMB Number: 1545-0959.

Regulation ID Number: LR-213-76

Final Regulations.

Type of Review: Extension.

Title: Estate and Gift Taxes; Qualified Disclaimers of Property.

Description: Section 2518 allows a person to disclaim an interest in property received by gift or inheritance. The interest is treated as if the disclaimant never received or transferred such interest for Federal gift tax purposes. A qualified disclaimer must be in writing and delivered to the transferor or trustee.

Respondents: Individual or households.

Estimated Number of Respondents: 2,000.

Estimated Burden Hours Per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 1,000 hours.

Clearance Officer: Garrick Shear, (202) 535-4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.  
Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 92-6517 Filed 3-19-92; 8:45 am]

BILLING CODE 4830-01-M

#### Public Information Collection Requirements Submitted to OMB for Review

Date: March 16, 1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

#### Internal Revenue Service

OMB Number: 1545-1036.

Form Number: IRS Form 8716.

Type of Review: Revision.

Title: Election to Have a Tax Year Other Than a Required Tax Year.

Description: Election by partnerships, S Corporations, and personal service corporations, under section 444(a), to retain or to adopt a tax year that is not a required tax year. Service Centers accept Form 8716 and use the form information to assign master-file codes that allow the Center to accept the filer's tax return filed for a tax year (fiscal year) that would not otherwise be acceptable.

Respondents: Farms, Businesses or other, Small businesses or organizations.

Estimated Number of Respondents/Recordkeepers: 40,000.

Estimated Burden Hours Per Respondent/Recordkeepers:

Recordkeeping: 2 hours, 23 minutes.

Learning about the law or the form: 1 hour, 12 minutes.

Preparing and sending the form to the IRS: 1 hour, 17 minutes.

Frequency of Response: Other (Nonrecurring, one-time filing to elect a nonrequired tax year).

Estimated Total Reporting/Recordkeeping Burden: 194,400 hours.

Clearance Officer: Garrick Shear, (202) 535-4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 92-6518 Filed 3-19-92; 8:45 am]

BILLING CODE 4830-01-M

#### Public Information Collection Requirements Submitted to OMB for Review

Date: March 16, 1992.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

#### Internal Revenue Service

OMB Number: New.

Form Number: None.

Type of Review: New collection.

Title: Coordinated Examination Program; Examination Post Closing Survey.

Description: The data collected will be used to evaluate the level of satisfaction of the largest corporate taxpayers examined by the IRS. Examination Function, to identify possible areas of program improvement, and thereby, improve the quality and effectiveness of the Coordinated Examination Program.

Respondents: Businesses or other for-profit.

Estimated Number of Respondents: 300.

Estimated Burden Hours Per Respondent: 2 hours, 30 minutes.

Frequency of Response: Other (One time at conclusion of taxpayer examination).

Estimated Total Reporting Burden: 750 hours.

Clearance Officer: Garrick Shear, (202) 535-4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Department Reports Management Officer.

[FR Doc. 92-6519 Filed 3-19-92; 8:45 am]

BILLING CODE 4830-01-M

#### UNITED STATES INFORMATION AGENCY

##### Islamic Culture and Civilization Today

AGENCY: United States Information Agency.

ACTION: Notice—request for proposals.

SUMMARY: The Bureau of Educational and Cultural Affairs of the U.S. Information Agency (USIA) seeks a non-profit educational or professional organization to assist in the administration of the FY 1992 Fulbright "Islamic Culture and Civilization Today" program. The organization, in cooperation with USIA, shall solicit and receive applications from faculty of colleges, universities and community colleges in the U.S. The organization also shall coordinate the competitive review of technically eligible applications and provide panel recommendations and assessments on each application based on academic criteria to be provided by USIA.

The Islamic Culture and Civilization Today program shall support a seminar in a country with a substantial Muslim

population. Eligible seminar sites are limited to selected countries which represent USIA's geographic priorities for this method of academic exchange.

Interested organizations may propose to develop and administer a seminar of up to four to six weeks beginning June 1993 in one of the following countries: Egypt, Jordan, Morocco, Pakistan, Turkey, or Yemen. The seminar, conducted in English for up to 12 U.S. faculty who are neither area nor Islamic studies specialists and who are U.S. citizens with limited or no previous experience in the area, shall examine the political, social, economic, educational and cultural institutions of the subject country, in light of its recent history and current development.

The seminar's perspective shall be interdisciplinary and the sessions led by experts in fields concerned with seminar topics and who are resident in the subject country. The seminar may include sessions or meetings in various locales within the subject country, as well as visits to relevant institutions in the country. The organization shall publicize the opportunity among and accept applications from faculty of social sciences and humanities, such as history, religious studies, political science, art, geography. A Ph.D. shall be generally required and candidacy restricted to applicants who hold full-time teaching appointments and meet other requirements.

**DATES:** Deadline for proposals: All copies must be received at USIA by 5 p.m. Washington, DC, time on May 15, 1992. Faxed documents will not be accepted, nor will documents postmarked on May 15, 1992, but received at a later date. It is the responsibility of each organization to ensure that proposals are received by USIA by the above deadline. Grants should begin September 1, 1992, and run through August 31, 1993.

**FOR FURTHER INFORMATION CONTACT:** To request detailed submission material and information additional to this announcement, interested organizations should contact:

For Turkey—Mr. Ted Kniker, U.S. Information Agency, European Academic Exchange Programs (E/AEE), room 208, 301 Fourth Street, SW., Washington, DC 20547 (tel. 202-619-5341).

For Egypt, Jordan, Morocco, Pakistan, Yemen—Mr. Michael B. Graham, U.S. Information Agency, Near East/South Asia Academic Exchange Programs (E/AEN), room 212, 301 Fourth Street SW., Washington, DC 20547 (Tel. 202-619-5368)

**ADDRESSES:** The original and fifteen (15) copies of the completed submission, including required forms, should be submitted by the deadline to Office of the Executive Director (E/X), Islamic Culture and Civilization, room 357, U.S. Information Agency, 301 Fourth Street SW., Washington, DC 20547.

**SUPPLEMENTARY INFORMATION:**

**Overview**

Authority for this activity is the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87-256 (Fulbright-Hays Act). Through the Fulbright program USIA seeks to increase mutual understanding between the people of the United States and people of other countries. 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.

**Eligibility**

Non-profit organizations with experience in international education, such as educational and professional organizations and institutions, American overseas research centers, colleges and universities, are invited to submit proposals for a USIA cooperative agreement.

**Guidelines**

In preparing a proposal, organizations should address the subjects of program design and scheduling, as well as program administration. At a minimum a successful proposal should clearly cover publicity, logistical and scheduling measures. A plan for post-seminar follow-up evaluation and reporting must also be submitted.

**Proposed Budget**

A comprehensive line item budget not to exceed \$100,000 must be submitted with the proposal. Specific guidelines for budget preparation are included in the application material available from USIA. (Grants awarded to eligible organizations with less than four years' experience conducting international exchange activities and services will be limited to \$60,000. Budget submissions from such organizations may not exceed this amount.)

**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 adhere to the guidelines established herein. Ineligible proposals will not be considered for funding. Eligible

proposals will be forwarded to panels of USIA officers for advisory review. Funding decisions are at the discretion of the Associate Director for Educational and Cultural Affairs. Final technical authority for awarding a grant resides with USIA's Office of Contracts.

*Review Criteria*

Technically eligible proposals for this competition will be reviewed according to the following criteria and funding will be allocated on the basis of the degree to which the criteria are met:

1. **Quality/responsiveness**—Quality of administrative plan and adherence of the proposed activity to the criteria and conditions described in the application material available from USIA. Proposals should clearly demonstrate how the organization will meet the program's objectives and plan.

2. **Institutional capacity**—Proposed personnel and institutional resources to be applied to the project should be adequate and appropriate to achieve all goals and objectives.

3. **Cost-effectiveness**—The overhead and administrative components of the proposal, including salary/benefits and indirect costs applied to administrative and program expenses, should be kept to not more than 20 percent of the total request. All budget items should be necessary and appropriate. Proposals should demonstrate cost-sharing and in-kind support.

4. **Track record/potential**—Proposals should demonstrate potential for excellence and/or a track record of the organization's involvement in international education, particularly academic exchange.

5. **Evaluation plan**—Proposals should provide a plan for follow up and evaluation by the grantee organization.

6. **Reasonableness, feasibility, flexibility**—Proposals should demonstrate how the objectives will be met.

7. **Multiplier effect/impact**—A particular priority is that the seminar strengthen long-term mutual understanding, include maximum sharing of information and views among participants, and provide opportunities to facilitate the establishment of broader institutional and individual scholarly ties for collaborative teaching and research in the U.S. and the subject country.

8. **Mutuality of benefits**—Proposals should show evidence of strong mutual benefits to the U.S. and foreign institutions and individuals involved, as well as evidence of strong commitment to the goals of the program.

**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 U.S. 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 of full proposals on or about July 15, 1992. Grant awards will be subject to standard periodic reporting and evaluation requirements.

Dated: 13 March 1992.

**William P. Glade,**

*Associate Director, Bureau of Educational and Cultural Affairs.*

[FR Doc. 92-6572 Filed 3-19-92; 8:45 am]

BILLING CODE 8230-01-M

### **University Development Program in Business Management for Estonia, Latvia and Lithuania**

**AGENCY:** United States Information Agency.

**ACTION:** Notice—request for proposals.

**SUMMARY:** Subject to the availability of funds, the United States Information Agency (USIA) invites applications from accredited U.S. educational institutions to conduct exchange programs with post-secondary educational institutions in Estonia, Latvia, and Lithuania to develop their business management capability.

**DATES:** Deadline for proposals: All copies must be received at the U.S. Information Agency by 5 p.m. Washington, DC time on April 22, 1992. Faxed documents will not be accepted, nor will documents postmarked on April 22, 1992, but received at a later date. It is the responsibility of each grant applicant to ensure that proposals are received by the above deadline. Grants may not begin prior to September 1, 1992, but must begin no later than September 30, 1992, but must begin no later than September 30, 1992. The duration of the grant should be from twelve (12) to eighteen (18) months.

**ADDRESSES:** The original and 15 complete copies of the completed application, including required forms, should be submitted by the deadline to: U.S. Information Agency, Ref.: University Development in Business

Management for Estonia, Latvia and Lithuania, Office of Grants Management, E/XE, room 357, 301 4th Street SW., Washington, DC 20547.

**FOR FURTHER INFORMATION CONTACT:** Interested U.S. organizations and institutions should contact Mr. Ted Kniker at the U.S. Information Agency, 301 4th Street SW., European Branch, Academic Exchanges Division, E/AEE room 208, Washington, DC 20547; telephone (202) 619-5341 to request detailed application packets, which include award criteria additional to this announcement, all necessary forms, and guidelines for preparing proposals, including specific budget preparation information. Other proposal requirements are stipulated and described in the application guidelines for this program.

**SUPPLEMENTARY INFORMATION:** Overall authority for these exchanges is contained in the Mutual Educational and Cultural Exchange Act of 1961, as amended, Public Law 87-256 (Fulbright-Hays Act). The purpose of the Act is "to enable the Government of the United States to increase mutual understanding between the people of the United States and people of other countries by means of educational and cultural exchange; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations \* \* \* and thus to assist in the development of friendly, sympathetic, and peaceful relations between the United States and other countries of the world." Pursuant to the Bureau of Educational and Cultural Affairs 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. Programs shall also "maintain their scholarly integrity and shall meet the highest standards of academic excellence or artistic achievement."

**Overview**

The independence of the Baltic States provides a historic opportunity to contribute to the region's successful transition to a free market economy. Under the auspices of the U.S. assistance program for Eastern Europe, the USIA is undertaking a new program in Fiscal Year 1992 to help foster greater expertise in business management in the Baltics.

**Guidelines**

The purpose of this program is to promote the development of business

management programs in Estonia, Latvia, and Lithuania. Applications will be accepted from accredited U.S. colleges and universities to conduct a program with one, two or three foreign partners located in the same country. Regional programs (e.g. programs spanning more than one country) will be considered technically ineligible. Partner institutions may be college or university business departments, faculties, or business education institutes. Preference will be given to projects in which the overseas partner is a university or college. Proposals that are extensions or enhancements of past or current relationships with a partner institution will be acceptable. The development of these programs can be advanced by assisting the Baltic institutions with faculty development and enrichment, curriculum design, administrative organization, and direct teaching. Courses developed may include, but are not limited to, marketing, production management, economics, industrial relations, finance, accounting, and international business. The project may include components for university to private sector linkages. Proposals should provide provisions for a two-way exchange. The length of visits by Americans may vary, but it is expected that at least one of the American participants will be in residence overseas for at least one semester. The length of visits by Estonians, Latvians, or Lithuanians may vary, but should not exceed six weeks.

A proposal will be deemed technically ineligible if:

1. The applicant is neither an accredited U.S. college nor university;
2. The project does not constitute a direct partnership with a post-secondary business management program in a Baltic country;
3. The project involves partnerships in more than one country; or
4. The project does not seek to address the faculty, curriculum, and administrative aspects entailed in developing the business management program identified.

**Institutional Commitment**

Proposals must include documentation of institutional support for the proposed program in the form of signed letters of endorsement from the U.S. and foreign institutions' presidents, chancellors, or directors, or in the form of a signed agreement by the same persons. The Letters of Endorsement must describe each institution's commitment and activities in support of an on-going partner linkage and make specific reference to the proposed

program and each institution's activities in support of that program. The documentation must be included with the proposal submission. Applying institutions are expected to make their own arrangements with the appropriate Estonian, Latvian, or Lithuanian institutions.

#### Proposed Budget

Project awards to the U.S. institutions will be made in a wide range of amounts but will not exceed \$400,000. USIA anticipates awarding three to six grants in amounts ranging from \$60,000 to \$400,000, with at least one grant awarded for a project in each of the three Baltic countries. The Agency reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program. For organizations with less than four years of experience in international exchange activities, grants will be limited to a maximum of \$60,000. All organizations must submit a comprehensive line item budget, the details and format of which are contained in the application packet.

#### Allowable Costs

Allowable costs are limited to the following categories:

- International Travel (via American flag carriers);
- Domestic travel;
- Maintenance (including lodging, meals and incidental expenses);
- Educational materials (including books, reference materials, computers, etac.);
- Administration (salaries, benefits, communications, other direct and indirect costs)<sup>1</sup>
- Application should demonstrate substantial cost-sharing (dollar and in-kind) in both program and administrative expenses, including overseas partner contributions.

#### 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 and in the application packet (E/AEE-92-02). Eligible proposals will be forwarded to panels of USIA officers for advisory review. All eligible proposals will also be reviewed by the appropriate geographic area office, and the budget and contracts offices. Proposals may also be reviewed by the Agency's Office of General Counsel. 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

Technically eligible applications will be competitively reviewed according to the following criteria:

- a. Quality of program plan, including academic rigor, thorough conception of project, demonstration of meeting partner needs, contributions to understanding the partner country, proposed follow-up, and qualifications of program staff and participants.
- b. Feasibility of the program plan and the capacity of the organization to conduct the exchange. Proposals should clearly demonstrate how the institution will meet the program objectives and plan.
- c. Track record—relevant Agency and outside assessments of the organization's experience with international exchanges; for organizations that have not worked with USIA, the demonstrated potential to achieve program goals will be evaluated.
- d. Multiplier effect/impact—the impact of the exchange activity on the wider community and on the development of continuing ties, as well as the contribution of the proposed activity in promoting mutual understanding.
- e. Value of U.S.-partner country relations—the assessment by USIA's geographic area office of the need, potential impact, and significance of the project with the partner country.
- f. Cost effectiveness—greatest return on each grant dollar; degree of cost-sharing exhibited.
- g. Adherence of proposed activities to the criteria and conditions described above.
- h. Institutional commitment as demonstrated by financial and other support to the program.
- i. Follow-on Activities—proposals should provide a plan for continued follow-on activity (without USIA support) which ensures that USIA supported programs are not isolated events. There must be a clear demonstration by both institutions to a long-term commitment.
- j. Evaluation plan—proposals should provide a plan for evaluation by the grantee institution.

#### Notice

The terms and conditions published in the 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 August 15, 1992. Awarded grants will be subject to periodic reporting and evaluation requirements.

Dated: March 13, 1992.

William P. Glade,

Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 92-6571 Filed 3-19-92; 8:45 am]

BILLING CODE 8230-01-M

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Determinations Under Sections 304 and 305; Thailand Patent Protection

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice of determinations under sections 304 and 305 of the Trade Act of 1974, as amended (Trade Act).

**SUMMARY:** The United States Trade Representative (USTR) has determined pursuant to section 304(a)(1)(A)(ii) of the Trade Act that the Government of Thailand's acts, policies, and practices related to the protection of patents are unreasonable and burden or restrict U.S. commerce. The USTR has further determined, pursuant to section 304(a)(1)(B) of the Trade Act, that action in response to these unreasonable acts, policies and practices is appropriate, but has also determined, pursuant to section 305(2)(A)(ii), that a delay of implementation of such action is desirable to obtain a satisfactory solution with respect to the Government of Thailand's acts, policies and practices relating to patent protection.

**EFFECTIVE DATE:** March 15, 1992.

**FOR FURTHER INFORMATION CONTACT:** Peter Collins, Director, Southeast Asian and Indian Affairs (202) 295-6813, or Catherine Field, Associate General Counsel (202) 395-3432, Office of the United States Trade Representative.

#### SUPPLEMENTARY INFORMATION:

On January 30, 1991, the Pharmaceutical Manufacturers' Association (PMA) filed a petition under section 302(a) of the Trade Act, alleging that the Royal Thai Government denies adequate and effective patent protection for pharmaceutical products. Deficiencies in the Thai patent law included lack of product patent

<sup>1</sup> **Please Note:** It is required that requested administrative funds not exceed 20 percent of the total amount requested, including administrative expenses for orientation and indirect costs applied to all administrative and program costs; administrative expenses should be cost-shared.

protection for pharmaceuticals, a short term of protection, requirements to manufacture a product or use a process in Thailand, and excessively broad compulsory licensing provisions. PMA also seeks transitional, i.e., "pipeline" protection, for pharmaceutical products that have been patented in other countries but have not been marketed in Thailand.

On February 27, 1992, Thailand's National Legislative Assembly enacted amendments to the current law. These amendments become effective 180 days after the law is signed and published in the Government Gazette. Although the amendments make some improvements in the overall level of patent protection, including providing product patent protection for pharmaceuticals and a 20 year from filing term of protection, other provisions undercut many of these improvements. Some of the amendments diminish the effective level of patent protection, and there is no protection for existing patented pharmaceuticals that have not been marketed in Thailand. The newly-created Pharmaceutical Patent Board has been granted unprecedentedly broad authority to compel owners of pharmaceutical patents to appear and present sensitive information and to subject patent owners to sanctions if patent owners do

not comply with the Board's requests. Compulsory licensing provisions remain overly broad, and the exclusions from patented subject matter are vague and cover important technologies.

Section 304(a)(2)(B) of the Trade Act requires USTR to determine by March 15, 1992, whether the Government of Thailand's acts, policies and practices under investigation are unreasonable and are a burden or restriction on U.S. commerce. If that determination is affirmative, USTR must determine, subject to the direction of the President, what action, if any, is appropriate in response to that unreasonable act, policy or practice.

#### Section 304 Determinations

##### *(1) Thailand's Acts, Policies and Practices*

On the basis of the investigation pursuant to section 302 of the Trade Act, and consultations with the Government of Thailand and affected U.S. industries, USTR has determined that the Government of Thailand's acts, policies and practices related to the protection of patents are unreasonable and burden or restrict U.S. commerce. The deficiencies in the Thai patent law and amendments adversely affect U.S. owners of patents

and trade in products protected by patents.

##### *(2) U.S. Action*

The USTR had determined that action under section 301 in response to these unreasonable acts, policies and practices is appropriate and has directed the Section 301 Committee to recommend specific options for consideration.

#### Determination On Implementation

Section 305(a)(1) provides that any action to be taken under section 301 shall be implemented within 30 days, in this case by April 14, 1992. Section 305(a)(2) further provides that such implementation may be delayed by not more than 180 days if the USTR determines that a delay is necessary or desirable to obtain a satisfactory solution to the acts, policies or practices that are the subject of the action. The USTR has decided that it is necessary and desirable to delay implementation of action under section 301 in this case beyond April 14, 1992, to allow for additional bilateral and multilateral consultations on this matter.

Jeanne E. Davidson,

*Chairman, Section 301 Committee.*

[FR Doc. 92-6567 Filed 3-19-92; 8:45 am]

BILLING CODE 3190-01-M

# Sunshine Act Meetings

Federal Register

Vol. 57, No. 55

Friday, March 20, 1992

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

## U.S. COMMISSION ON CIVIL RIGHTS

March 17, 1992.

**DATE AND TIME:** Friday, March 27, 1992.

**PLACE:** U.S. Commission on Civil Rights, 1121 Vermont Avenue, NW., Room 512, Washington, DC 20425.

**STATUS:** Open to the Public.

March 27, 1992

- I. Approval of Agenda
- II. Approval of Minutes of March 9 and March 16 Meetings
- III. Announcements
- IV. Briefing by Victor Canto concerning Racial Tensions
- V. Briefing by the Department of State representatives concerning Haitian Refugee Policy
- VI. Approval of *Constructing Denver's New Airport: Are Minorities and Women Benefiting?*
- VII. Appointments for the Alabama and Kansas Advisory Committees
- VIII. Approval of Police-Community Relations in Reno, Nevada
- IX. Review of Commission Meeting Dates for Remainder of Calendar Year 1992
- X. Staff Director's Report
- Review of Commission Meeting Rules
- XI. Future Agenda Items

### CONTACT PERSON FOR FURTHER

**INFORMATION:** Barbara Brooks, Press and Communications, (202) 376-8312. Emma Monroig, Solicitor.

[FR Doc. 92-6591 Filed 3-18-92; 9:04 am]

**BILLING CODE** 6335-01-M

## DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission  
(March 16, 1992)

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:** April 3, 1992, 9:00 a.m.

**PLACE:** 825 North Capitol Street, NE, Room 9306, Washington, DC 20426.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** FERC and State Public Utility Commissioners will discuss issues concerning Transmission Access and Pricing.

### CONTACT PERSON FOR MORE

**INFORMATION:** Patrick O. Goss, Division

of Public and Intergovernmental Affairs, Telephone (202) 208-1088.

Lois D. Cashell,  
Secretary.

[FR Doc. 92-6607 Filed 3-18-92; 9:07 am]

**BILLING CODE** 6717-01-M

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 10:00 a.m. on Tuesday, March 24, 1992, to consider the following matters:

**Summary Agenda:** No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Reports of actions approved by the standing committees of the Corporation and by officers of the Corporation pursuant to authority delegated by the Board of Directors.

Memorandum and resolution re: Delegations of Authority to the Corporation's General Counsel.

Memorandum re: Contract for Security Service.

Memorandum re: Contract for Custodial Service.

### Discussion Agenda:

Memorandum and resolution re: Statement of Policy Regarding Applications for Deposit Insurance.

Memorandum and resolution re: Proposed amendments to Part 325 of the Corporation's rules and regulations, entitled "Capital Maintenance," which would assign loans secured by multifamily residential properties ("multifamily housing loans") that meet certain prudential criteria to the 50 percent risk weight category.

Memorandum and resolution re: Proposed amendments to Part 325 of the Corporation's rules and regulations, entitled "Capital Maintenance," which would allow limited amounts of purchased mortgage servicing rights and purchased credit card relationships to be recognized for regulatory capital purposes.

Memorandum and resolution re: Proposed amendments to Part 337 of the Corporation's rules and regulations, entitled "Unsafe and Unsound Banking Practices," which are designed to implement changes made by the Federal Deposit Insurance Corporation

Improvement Act in the regulatory scheme for brokered deposits.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550-17th Street, N.W., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 898-6757.

Dated: March 17, 1992.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 92-6630 Filed 3-18-92; 10:57 am]

**BILLING CODE** 6714-01-M

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:30 a.m. on Tuesday, March 24, 1992, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of Title 5, United States Code, to consider the following matters:

**Summary Agenda:** No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Matters relating to the Corporation's corporate activities.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured depository institutions or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of depository institutions authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

**Note.**—Some matters falling within this category may be placed on the discussion

agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

**Discussion Agenda:**

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

Matters relating to the possible closing of certain insured banks:

Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, N.W., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 898-6757.

Dated: March 17, 1992.

Federal Deposit Insurance Corporation.

**Hoyle L. Robinson,**

*Executive Secretary.*

[FR Doc. 92-6631 Filed 3-18-92; 10:57 am]

BILLING CODE 6714-01-M

**FEDERAL ELECTION COMMISSION**

**DATE AND TIME:** Wednesday, March 25, 1992, 10:00 a.m.

**PLACE:** 999 E Street, NW., Washington, DC.

**STATUS:** This meeting will be closed to the public.

**ITEMS TO BE DISCUSSED:**

Compliance matters pursuant to 2 U.S.C.

§ 437g.

Audits conducted pursuant to 2 U.S.C. § 437g, § 438(b), and Title 26, U.S.C.

Matters concerning participation in civil actions or proceedings or arbitration. Internal personnel rules and procedures or matters affecting a particular employee.

**DATE AND TIME:** Thursday, March 26, 1992, 10:00 a.m.

**PLACE:** 999 E Street, NW., Washington, DC (ninth floor).

**STATUS:** This meeting will be open to the public.

**ITEMS TO BE DISCUSSED:** Correction and Approval of Minutes title 26 Certification Matters Final Audit Report on Americans for Robertson Advisory Opinion 1991-30: Mr. Frank M. Northam

on behalf of Citizens for a Sound Economy, Inc. Bank Loan Final Rules: Announcement of Effective Date Administrative Matters

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**PERSON TO CONTACT FOR INFORMATION:**

Mr. Fred Eiland, Press Officer,  
Telephone: (202) 219-4155.

**Delores Harris,**

*Administrative Assistant.*

[FR Doc. 92-6668 Filed 3-18-92; 1:10 pm]

BILLING CODE 6715-01-M

**FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS**

**TIME AND DATE:** 10:00 a.m., Wednesday, March 25, 1992.

**PLACE:** Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:**

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

**CONTACT PERSON FOR MORE INFORMATION:**

Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: March 17, 1992.

**Jennifer J. Johnson,**

*Associate Secretary of the Board.*

[FR Doc. 92-6612 Filed 3-18-92; 9:08 am]

BILLING CODE 6210-01-M

**FEDERAL TRADE COMMISSION**

**"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:**

57 F.R., Friday, January 31, 1992, Page No. 3826.

**PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING:**

2:00 p.m., Thursday, March 26, 1992.

**CHANGES IN THE AGENDA:** The Federal Trade Commission has changed the date of its previously scheduled Oral Argument in Textron, Inc., Docket No. 9226, from Thursday, March 26, 1992, at 2:00 p.m., to Tuesday, April 28, 1992, at 2:00 p.m.

**Donald S. Clark,**

*Secretary.*

[FR Doc. 92-6721 Filed 3-18-92; 4:01 pm]

BILLING CODE 6750-01-M

**NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE**

**DATE AND TIME:** April 13, 1992, 1:00 p.m. to 5:00 p.m.; April 14, 1992, 8:30 a.m. to 1:30 p.m.

**PLACE:** Canterbury Hotel, 1733 N St., NW., Washington, DC.

**STATUS:** Open.

**MATTERS TO BE DISCUSSED:**

Chairman Farrell's Report, including March 10 open forum; House hearings on FY 1993 appropriation  
Executive Director Young's report  
WHCLIS closeout  
FY 1992 NCLIS planning, including projects, meeting schedule and budget  
FY 1993 programs and meeting schedule  
Old business; new business  
Presentation on GPO 2001: Vision for a New Millennium  
Public comment  
Reports on individual Commissioners' activities

Special provisions will be made for handicapped individuals by calling Barbara Whiteleather (202) 254-3100, no later than one week in advance of the meeting

**FOR FURTHER INFORMATION CONTACT:** Barbara Whiteleather, NCLIS, Suite 310, 1111 18th Street, NW., Washington, DC. 20036, (202) 254-3100.

Dated: March 17, 1992.

**Peter R. Young,**

*NCLIS Executive Director.*

[FR Doc. 92-6639 Filed 3-18-92; 10:58 am]

BILLING CODE 7527-01-M

**NATIONAL CREDIT UNION ADMINISTRATION**

Notice of Meeting

**TIME AND DATE:** 1:00 p.m., Tuesday, March 24, 1992.

**PLACE:** Filene Board Room, 7th Floor, 1776 G Street, NW., Washington, DC 20456.

**STATUS:** Closed.

**MATTER TO BE CONSIDERED:**

1. Administrative Action under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii), and (9)(B).

**FOR MORE INFORMATION CONTACT:** Becky Baker, Secretary of the Board, Telephone (202) 682-9600.

**Becky Baker,**

*Secretary of the Board.*

[FR Doc. 92-6596 Filed 3-18-92; 9:05 am]

BILLING CODE 7535-01-M

**SECURITIES AND EXCHANGE COMMISSION Agency Meeting**

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 March 23, 1992.

A closed meeting will be held on Tuesday, March 24, 1992, 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 Roberts, 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, March 24, 1992, at 2:30 p.m., will be:

Institution of administrative proceedings of an enforcement nature.

Institution of injunctive actions.

Settlement of administrative proceedings of an enforcement nature.

Settlement of injunctive actions.

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: Kaye Williams at (202) 272-2400.

Dated: March 17, 1992.

**Jonathan G. Katz,**  
Secretary.

[FR Doc. 92-6604 Filed 3-18-92; 9:06 am]

BILLING CODE 8010-01-M

# Federal Register

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Friday  
March 20, 1992

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## Part II

### Securities and Exchange Commission

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17 CFR Part 210 et al.  
Small Business Initiatives; Proposed  
Rules and a Final Rule

## SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 210, 228, 229, 230, 239, 240, 249 and 260

[Release No. 33-6924, 34-30468, 39-2280; File No. S7-4-92]

RIN 3235-AD88

### Small Business Initiatives

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Commission today is publishing for comment proposed revisions to the rules and forms under the Securities Act of 1933 ("Securities Act"), the Securities Exchange Act of 1934 ("Exchange Act") and the Trust Indenture Act of 1939 ("Trust Indenture Act") to facilitate capital raising by small businesses and reduce the compliance burdens placed on these companies by the Federal securities laws. The Commission's general small issues exemption from the Securities Act registration requirements, regulation A, as well as the rule 504 exemption, would be revised. The proposals also include simplified registration and reporting disclosure requirements for "small business issuers," as defined.

**DATES:** Comments must be submitted on or before June 18, 1992.

**ADDRESSES:** Comments should be submitted in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Comment letters should refer to File No. S7-4-92. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549.

**FOR FURTHER INFORMATION CONTACT:** Questions should be directed to the Division of Corporation Finance, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, as follows: (1) Regulation A and rule 504, Richard Wulff (202-272-2644); (2) Regulation S-B, Securities Act Rules and Forms, Exchange Act Rules and Forms and Trust Indenture Act Rules, Amy S. Bowerman and Martin P. Dunn (202-272-2573); and (3) Financial statement requirements, Teresa E. Iannaconi (202-272-2553).

**SUPPLEMENTARY INFORMATION:** The Commission is publishing for comment proposed amendments to the Regulation A<sup>1</sup> exemption from the registration

requirements of the Securities Act<sup>2</sup> and Forms 1-A<sup>3</sup> and 2-A<sup>4</sup> used for such offerings. In connection with these amendments, the Commission is proposing to repeal current Forms 3-A,<sup>5</sup> 4-A,<sup>6</sup> 5-A,<sup>7</sup> 6-A<sup>8</sup> and 7-A.<sup>9</sup> The proposed changes will simplify the required disclosure. To facilitate the new disclosure format, Securities Act rule 175<sup>10</sup> and Exchange Act rule 3b-6,<sup>11</sup> the Commission's "safe harbor" provisions for forward looking statements, would be revised to include such statements in a regulation A offering statement.

The proposals to modify regulation A will increase from \$1.5 million to \$5 million the exemption's yearly dollar limit, and simplify the procedural requirements for use of the exemption. Regulation A also is proposed to be amended to permit an issuer to solicit indications of interest in the company before filing its mandated offering document.

The Commission also is proposing to streamline the conditions to use of rule 504<sup>12</sup> of regulation D.<sup>13</sup> rule 504 permits non-Exchange Act reporting issuers to raise up to \$1 million in a 12-month period without a prescribed disclosure document.

The Commission today also is publishing for comment simplified disclosure requirements both for the registration of securities under the Securities Act and the on-going reporting requirements of the Exchange Act, to be used by "small business issuers." The simplified disclosure requirements for "small business issuers" are contained in proposed regulation S-B.<sup>14</sup> Amendments to rule 405<sup>15</sup> under the Securities Act and rule 12b-2<sup>16</sup> under the Exchange Act<sup>17</sup> would define the "small business issuers" that will be eligible to use the simplified disclosure forms. The Commission is proposing to repeal Form S-18<sup>18</sup> and replace it with Form SB-1.<sup>19</sup>

Further, "small business issuers" eligible to use Form S-2,<sup>20</sup> Form S-3<sup>21</sup> or Form S-8,<sup>22</sup> as well as those "small business issuers" using Form S-4,<sup>23</sup> would be permitted to use the revised disclosure requirements of regulation S-B. Small business issuers would use proposed Form 10-SB,<sup>24</sup> Form 10-KSB<sup>25</sup> and Form 10-QSB<sup>26</sup> to satisfy registration, annual and quarterly reporting obligations under the Exchange Act. Item 7 of Form 8-K<sup>27</sup> is proposed to be amended to provide consistent financial statement instructions regarding small business acquisitions. Revised disclosure requirements would also be available to small business issuers providing information to investors in accordance with Schedule 14A,<sup>28</sup> Schedule 14C,<sup>29</sup> and rule 14a-3<sup>30</sup> under the Exchange Act.

The Commission is proposing to revise rule 4a-1<sup>31</sup> under the Trust Indenture Act<sup>32</sup> to increase the dollar ceiling of the exemption from the requirement to issue securities pursuant to an indenture. It is also proposed that rule 4a-2<sup>33</sup> be redesignated rule 4a-3<sup>34</sup> and be amended to increase the dollar ceiling of the exemption from the requirement that the securities be issued pursuant to a qualified indenture. Finally, the Commission is proposing new rule 4a-2<sup>35</sup> which would permit an exemption from the Trust Indenture Act for issuances of securities under regulation A.

### I. BACKGROUND

Small businesses are the cornerstone of the U.S. economy. The approximately 20 million small businesses in the United States employ more than half of the domestic labor force,<sup>36</sup> produce nearly half of the gross domestic product<sup>37</sup>

<sup>20</sup> 17 CFR 239.12.

<sup>21</sup> 17 CFR 239.13.

<sup>22</sup> 17 CFR 239.16b.

<sup>23</sup> 17 CFR 239.25.

<sup>24</sup> 17 CFR 249.210b.

<sup>25</sup> 17 CFR 249.310b.

<sup>26</sup> 17 CFR 249.308b.

<sup>27</sup> 17 CFR 249.308.

<sup>28</sup> 17 CFR 240.14a-101.

<sup>29</sup> 17 CFR 240.14c-101.

<sup>30</sup> 17 CFR 240.14a-3.

<sup>31</sup> 17 CFR 260.4a-1.

<sup>32</sup> 15 U.S.C. 77aaa et seq.

<sup>33</sup> 17 CFR 260.4a-2.

<sup>34</sup> 17 CFR 260.4a-3.

<sup>35</sup> 17 CFR 260.4a-2.

<sup>36</sup> U.S. Small Business Administration, The Annual Report on Small Business and Competition, 125 (1990).

<sup>37</sup> *Id.* at 12-13.

<sup>1</sup> 17 CFR 230.251-262.

<sup>2</sup> 15 U.S.C. 77a et seq.

<sup>3</sup> 17 CFR 239.90.

<sup>4</sup> 17 CFR 239.91.

<sup>5</sup> 17 CFR 239.92.

<sup>6</sup> 17 CFR 239.93.

<sup>7</sup> 17 CFR 239.94.

<sup>8</sup> 17 CFR 239.95.

<sup>9</sup> 17 CFR 239.96.

<sup>10</sup> 17 CFR 230.175.

<sup>11</sup> 17 CFR 240.3b-8.

<sup>12</sup> 17 CFR 230.504.

<sup>13</sup> 17 CFR 230.501-508.

<sup>14</sup> 17 CFR 228.10-702.

<sup>15</sup> 17 CFR 230.405.

<sup>16</sup> 17 CFR 240.12b-2.

<sup>17</sup> 15 U.S.C. 78a et seq.

<sup>18</sup> 17 CFR 239.28.

<sup>19</sup> 17 CFR 239.29.

and created the vast preponderance of new jobs during the period from 1988 through 1990.<sup>38</sup> These small businesses are frequently in the vanguard of developing new technology, patents, products and services.<sup>39</sup>

A critical factor in the viability of these small business ventures is access to capital and debt financings, both in their start-up and development stages, as well as their ability, when they are ready, to have their securities traded in the public markets without undue regulatory complexity and cost. The vital importance to the nation's economy and society of simplifying the regulatory requirements for capital formation, particularly for small businesses, was specifically recognized in the Small Business Securities Act Amendments to the Securities Act, Exchange Act and Trust Indenture Act in 1980.<sup>40</sup>

Likewise, the Commission has historically recognized the distinct financing concerns of start-up and development stage businesses and companies newly entering the public markets. In 1978 and 1980, the Commission sought authority from Congress to raise its small issue exemptive authority from \$500,000 to \$1,500,000 to \$2,000,000 to \$5,000,000.<sup>41</sup> Concurrently in 1978, the Commission provided a simplified registration form, Form S-18, to register small IPOs, raising the registrable amount to \$7.5 million in 1982. A series of limited offering exemptions was adopted as regulation D in 1982, and the threshold for Exchange Act registration under section 12(g) was raised to \$5 million in total assets in 1986. In 1988, the Commission, using its small issue exemptive authority, adopted Securities

Act Rule 701<sup>42</sup> to exempt from registration securities of non-Exchange Act reporting companies offered to employees as compensation.

Recent market developments warrant the Commission's review of its exemptive and regulatory requirements as they apply to small businesses, with a view to simplifying access to the public financing markets. While initial public offerings of equity rose to \$16 billion in 1991, a four-fold increase over 1990 levels,<sup>43</sup> the availability of financings for companies not yet ready to enter the public market has declined dramatically in the last several years. The availability of both venture capital<sup>44</sup> and bank financing<sup>45</sup> reportedly has substantially contracted.

Since 1986, equity IPOs have declined each year until the turnaround in 1991. Forty-four Regulation A financings were filed in fiscal year 1991 with the Commission, representing financings of \$41.5 million, in contrast with 439 filings covering financings of \$408 million in fiscal year 1981. Further, the number of start-up businesses decreased significantly in 1991, with more than 50,000 fewer new businesses founded in 1991 than 1990.<sup>46</sup>

Today, a small business that needs capital beyond the resources of the founder and that of his or her family confronts an array of regulations that govern the offering of securities, whether in a limited private offering or in a widespread public offering. Under current requirements, an entrepreneur who wants to tap public financing typically must incur the full costs of preparing mandated disclosures and financial statements—costs that can exceed \$200,000—without knowing whether there is any interest in investing in his or her business.

There are, of course, exemptions for limited offerings to more sophisticated professional investors that may reduce compliance costs. The restricted nature of these offerings, however, does not replace the advantages of having access to the public capital markets, and the potentially greater liquidity that publicly offered securities enjoy. The Commission, therefore, has focused its proposals on facilitating access to the public market for start-up and developing companies, and on lowering the costs for small businesses that undertake to have their securities traded in the public market.

Key to the success of these proposals to reduce the impediments to small business financing in the securities markets is that the revisions do not compromise the basic protection of investors mandated by the federal securities laws. As historically recognized by the Commission, and articulated by the Congress in passing the 1980 Small Business Securities Acts Amendments, "reform that results in undermining investor confidence in the integrity of the marketplace would have an effect precisely the opposite of its intended benefits on capital formation."<sup>47</sup> Thus, the proposals published today focus on increasing the utility of regulation A, which assures investors of a mandated disclosure document subject to Commission review, and on simplifying compliance with disclosure requirements for those small businesses that become subject to registration under the Exchange Act, or that choose to have their securities traded on a national exchange or on NASDAQ. By lowering these compliance costs, small companies may, in fact, be encouraged to provide their investors with the benefits of trading in these markets, and the concomitant continuous reporting under the Exchange Act.

## II. Small Business Initiatives

### A. Executive Summary of Proposals

#### 1. Exempt Offerings

A start-up company, with no established market, is at great risk of loss when it must expend funds to prepare for an offering of securities without knowing whether there will be any investor interest in the company. To remedy this situation, the Commission today is proposing for the first time to permit those companies to "test the waters" for potential interest in the company before beginning an offering exempt from registration under the

<sup>38</sup> See, U.S. Small Business Administration, *The Annual Report on Small Business and Competition*, (unpublished report) table A.30 (1992). See also, "Fears Mount that Small Business Sector Is in a State of Permanent Retrenchment," *The Wall Street Journal*, February 14, 1992, p. B1. Source: U.S. Small Business Administration.

<sup>39</sup> U.S. Small Business Administration, *The Annual Report on Small Business and Competition*, 121-128 (1983); Senate Report No. 96-958, *Small Business Securities Act Amendments of 1980*, p. 4 (Sept. 18, 1980). See also, *The Small Business Credit Crunch*, Hearings Before the Comm. on Small Business, House of Representatives, 101st Cong., 2nd Sess., (April 25, 1990 and June 6, 1990) (Introductory Statement of Hon. Joseph McDade).

<sup>40</sup> See *The Small Business Investment Incentive Act of 1980*, Public Law 96-477 (October 21, 1980). The Omnibus Small Business Capital Formation Act of 1980 and the Small Business Issuers' Simplification Act of 1980 comprise title V and title VI, respectively, of the Small Business Investment Incentive Act of 1980.

<sup>41</sup> 59 Stat. 16, Public Law 95-283 (May 21, 1976); 92 Stat. 962 (October 6, 1978); and Public Law 96-477 (October 21, 1980).

<sup>42</sup> 17 CFR 230.701.

<sup>43</sup> Liebowitz, "Reversing four-year trend and swooning economy, Wall Street explodes in 1991," *Investment Dealers' Digest*, January 6, 1992. This dollar amount does not include closed-end funds.

<sup>44</sup> Total private equity financing decreased from \$17.7 billion in 1986 to \$6.4 billion in 1991. See, "Wild venture capitalists now aren't quite as wild," *The Philadelphia Inquirer*, March 8, 1992, p. C1. Source: *The Private Equity Analyst Newsletter*.

<sup>45</sup> "Today, the evidence of a credit crunch is overwhelming. Small businesses, not surprisingly, are among the primary victims." See, *The Credit Crunch*, Hearings Before the House of Representatives Committee on Small Business, 102nd Cong., 1st Sess. (March 5, 6 and 11, 1991) (statement of John G. Heimann, Chairman, Global Financial Institutions, Merrill Lynch & Co.). See also, *id.*, statement of Richard F. Syron, President and Chief Executive Officer, Federal Reserve Bank of Boston and oral statement of Robert D. Hormats, Vice Chairman, Goldman Sachs International.

<sup>46</sup> See, "Fears Mount that Small-Business Sector Is in a State of Permanent Retrenchment," *The Wall Street Journal*, February 14, 1992, p. B1. Source of statistics: U.S. Small Business Administration.

<sup>47</sup> Senate Report at 5.

Securities Act, without bringing into play at that early stage the full range of regulatory prescriptions.<sup>48</sup>

The Commission is also proposing other significant revisions to the availability and operation of the regulation A exemption. Regulation A would be extended to offerings up to \$5 million, an increase from the present \$1.5 million limit, and a new disclosure format—the question-and-answer form now being used in over 20 states—would be used in regulation A offering documents.

To facilitate further the ability of small companies to raise seed capital, the Commission is proposing amendments to rule 504, one of the exemptive rules under Regulation D. Under current rule 504, the Commission exempts from registration annual offerings of up to \$1 million by non-Exchange Act reporting issuers. While rule 504 does not restrict the kind or number of investors to whom the securities may be sold, it does limit the company's ability to engage in general advertising or other general offering activity. These limitations result in the investor receiving restricted securities, unless the securities are state registered. Similarly, state registration is required to rely on the exemption for securities offered in excess of \$500,000. As proposed, a company could issue up to \$1 million per year through sales of securities which could be freely traded without registration and without the conditions regarding state registration currently imposed by that rule. As proposed, rule 504 would permit general solicitation and general advertisement in connection with all offers and sales under the exemption.

## 2. Registration and Reporting

Smaller businesses are disproportionately affected by the complexities in the disclosure requirements for both the initial registration of securities and on-going disclosure under the Exchange Act. Building on its successful experience with current Form S-18, the Commission is proposing to provide new disclosure requirements for use by small companies, which will be used for both Securities Act registration and Exchange Act proxy and reporting requirements.

The proposed forms would continue to require audited financial statements and narrative disclosure of information necessary to make an informed

investment decision. As in the case of Form S-18,<sup>49</sup> GAAP financial statements will suffice; compliance with Regulation S-X<sup>50</sup> will not be required. The disclosure requirements have been rewritten to be more easily understood by persons less familiar with the federal securities laws and regulations and, thus, reduce the filing costs for smaller companies. To facilitate this small business disclosure system, a new regulation containing all of the small business disclosure requirements, regulation S-B,<sup>51</sup> is proposed.

Finally, the Commission is proposing to amend the rules under the Trust Indenture Act to increase the levels of debt which may be offered without full compliance with that Act.

## B. Regulation A

### 1. Background

Regulation A permits the unregistered, public offering of securities under specified conditions. Currently, an issuer may use the exemption to offer up to \$1.5 million in any 12-month period.<sup>52</sup> Use of the exemption requires qualification of an offering statement, which must be filed with and reviewed by the Commission.<sup>53</sup> The core of the offering statement is the offering circular, which must be delivered to prospective purchasers<sup>54</sup> and includes narrative disclosure similar to that required by the Commission's registration statement forms, particularly Form S-18.

Unlike offerings under the Securities Act, unaudited financial statements, covering only one year, may be used for a regulation A offering. Further, the use of regulation A does not automatically give rise to a reporting obligation under section 15(d) of the Exchange Act.<sup>55</sup>

<sup>49</sup> 17 CFR 239.29.

<sup>50</sup> 17 CFR 210.1 *et seq.*

<sup>51</sup> 17 CFR 228.10 *et seq.*

<sup>52</sup> See Rule 254(a) (17 CFR 230.254(a)).

<sup>53</sup> Filings made under regulation A currently are reviewed by the staff of the Commission's regional offices. This practice would be modified to offer issuers a choice of filing locally or with the Commission's office in Washington, DC.

<sup>54</sup> Rule 257 (17 CFR 230.257) currently permits issuers to make offerings of up to \$100,000 without the delivery of an offering document. Under the proposals, this provision would be eliminated as unnecessary in view of the changes proposed to rule 504.

<sup>55</sup> 15 U.S.C. 78o(d). An issuer may as a result of one or more exempt equity offerings, become subject to Exchange Act registration under section 12(g) if any class of equity securities becomes held by more than 500 record holders, and the company also has assets of at least \$5 million.

Since they are exempt from the registration requirements of the Securities Act, regulation A offering documents are not subject to the strict liability provisions of Section 11 of the Securities Act.<sup>56</sup> However, the anti-fraud and other civil liability provisions of the securities laws are applicable to the offer and sale of securities in reliance upon regulation A.<sup>57</sup>

## 2. Proposed Revisions to Regulation A

Regulation A is an effective tool for developing companies that may not be able to raise sufficient funds to justify the significant costs of registration and the further costs of reporting under the federal securities laws. The current limitations of the exemption, including the relatively low dollar ceiling and strict prohibition on pre-offering communications, constrain its usefulness and, as previously noted, regulation A offerings have declined markedly. The reform of regulation A proposed by the Commission would reduce costs, expand the exemption's availability, streamline its procedural regimen and allow pre-offering solicitation of indications of interests subject to Commission oversight.

a. *Dollar limit.* The proposals would raise the dollar ceiling for a regulation A offering to the statutory limit of \$5 million in any 12-month period for issuer sales,<sup>58</sup> including no more than \$1.5 million in secondary offerings.<sup>59</sup> Use of other "small issues" exemptions would not reduce the regulation A dollar ceiling.<sup>60</sup>

<sup>56</sup> 15 U.S.C. 77k.

<sup>57</sup> See sections 12(2) and 17 of the Securities Act (15 U.S.C. 77j(2) and q) and section 10(b) of the Exchange Act (15 U.S.C. 78j(b)).

<sup>58</sup> Regulation A has been adopted pursuant to the authority granted to the Commission under section 3(b) of the Securities Act (15 U.S.C. 77c(b)) to provide exemptions from the registration requirements for issues of securities which do not exceed \$5 million under conditions which further the public interest and protection of investors.

<sup>59</sup> Secondary offerings by affiliates would continue to be ineligible for a regulation A exemption where the issuer has had no net income for each of the two most recent fiscal years. See proposed rule 251(b) (17 CFR 230.251(b)).

In addition to the restriction upon affiliate resales for non-income generating issuers under current rule 253 (17 CFR 230.253), securities held by certain affiliates and promoters are deducted from the regulation A ceiling, unless they are placed in escrow. Form 7-A provides a format for satisfaction of the escrow requirement. Since the proposal would no longer call for that deduction, the optional escrow provision would be deleted.

<sup>60</sup> E.g., Securities Act rules 236, 504, and 505 (17 CFR 230.236, 504 and 505) and regulations B (17 CFR 230.300-346), E (17 CFR 230.601-610a) and F (17 CFR 230.651-656).

<sup>48</sup> Pre-offering material soliciting indications of interest would be subject to the antifraud and other civil liability provisions of the securities laws. This material would be required to be filed with the Commission not later than its first use.

The proposed regulation also would provide a "safe harbor" provision regarding integration of other offerings. A regulation A offering would not be integrated with any previously completed registered or exempt offering or with any subsequent offering that was registered under the Securities Act, made pursuant to an employee benefit plan, in reliance on rule 701 or under regulation S, or made more than six months after the regulation A offering.<sup>61</sup>

b. *Scope of exemption.* As proposed, regulation A would continue to be available to a wide range of operating businesses organized in the United States. Canadian issuers have rarely used regulation A,<sup>62</sup> and it is proposed that the exemption be available only to domestic issuers.<sup>63</sup>

As is the case today, issuers of fractional undivided interests in certain oil, gas or mineral rights<sup>64</sup> and investment companies<sup>65</sup> could not use the exemption. In addition, under the proposals, regulation A also would not be available to "blank check" companies,<sup>66</sup> commodity pools and other non-operating entities.<sup>67</sup> As under

the current rules, an issuer's securities could not be sold in a regulation A offering if the company, or a controlling person or underwriter were subject to one of a series of enumerated legal remedies and sanctions.<sup>68</sup>

Reporting issuers have rarely used regulation A.<sup>69</sup> In light of the simplified registration and reporting forms being proposed to meet the needs for capital raising by reporting small business issuers, they would no longer be permitted to rely upon the regulation A exemption.<sup>70</sup> Comments are specifically requested as to the appropriateness of this exclusion. Commenters who believe that the exclusion is not appropriate should also address whether regulation A should be available for all reporting companies or only those that are small business issuers. Comment is requested as to whether other aspects of the issuer qualification provisions of regulation A should be revised. In particular, commenters are requested to address whether offerings of "penny stocks" should be prohibited under the regulation A exemption.<sup>71</sup>

c. *Fee.* The Commission proposes to increase the filing fee for regulation A filings to \$500 to parallel the increase in the offering ceiling.

d. *Disclosure requirements.* Regulation A would continue to be conditioned upon the qualification of an offering statement filed with the Commission and reviewed by the staff.<sup>72</sup> The form and content of the required offering circular is proposed to be revised substantially<sup>73</sup> to allow

companies to use the question and answer format currently used by a number of the states for registration of small offerings. This format was developed through a cooperative effort of the state securities administrators, working through NASAA, and the securities bar, working through the ABA State Regulation of Securities Committee. The SCOR form, as it is frequently called, has been endorsed by NASAA<sup>74</sup> and represents a balanced approach to the capital raising process, providing a registration form that small business can easily use at a reduced cost while still maintaining investor protection. From all reports, the form has proved to be user friendly,<sup>75</sup> with one commentator describing it as "an elegant solution to a long-standing problem."<sup>76</sup> Two alternative models are permitted for non-corporate issuers and those preferring not to use the question-and-answer format, responding to the narrative disclosure items of Form SB-1 or using the existing disclosure model in regulation A.

The question-and-answer format calls for significant forward-looking or "soft" information. The Commission is proposing to extend the Commission's "safe harbor" rules regarding such statements, rule 175 under the Securities Act and rule 3b-6 under the Exchange Act, to apply to statements made in the offering circular mandated to be distributed pursuant to regulation A. The Commission requests comment on the appropriateness of the inclusion of regulation A filings within the scope of the safe harbors in view of the non-reporting status of the company following the offering.

Proposed Part F/S of Form 1-A would contain all of the financial statement requirements for a regulation A offering.

<sup>74</sup> The Form U-7 guideline was adopted by the membership of the North American Securities Administrators Association, Inc. ("NASAA") to satisfy the state registration requirement for a qualifying public offering under the existing terms of rule 504 of regulation D. Twenty-three states have adopted or permit the use of Form U-7 for this purpose: Alaska, Arizona, Idaho, Indiana, Iowa, Kansas, Maine, Massachusetts, Mississippi, Missouri, Montana, Nevada, New Jersey, North Carolina, North Dakota, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Washington, Wisconsin and Wyoming. NASAA reports that 9 additional states are expected to adopt the Form U-7 also is referred to as ULOR (uniform limited offering registration) and SCOR (small corporate offering registration).

<sup>75</sup> "Use of the fifty question Form U-7 has resulted in lower costs for issuers and has provided investors with an offering document that is clear and easily understood." Harris, "Introduction to the Review of Developments in State Securities Regulation," 47 Bus. Law. 271 (1991).

<sup>76</sup> See, Sargent, "Blue Sky Law: The SCOR Solution," 18 Sec. Reg. L. J. 93 (1990).

<sup>61</sup> See proposed rule 251(c) (17 CFR 230.251(c)). The longstanding Commission guidance regarding the integration of offerings would continue to be applicable to those offerings which are not within the "safe harbor" provision. See, Release No. 33-4552 (November 6, 1982) (27 FR 11318).

<sup>62</sup> In the past three years, there have been 177 regulation A filings. During that time, no Canadian issuers have filed under regulation A.

<sup>63</sup> Canadian persons are required to consent to service of process on forms established by the Commission. (Forms 3-A, 4-A, 5-A and 6-A have been adopted for this purpose.) As Canadian issuers would no longer be eligible for use of regulation A, these forms would be rescinded.

<sup>64</sup> Current rule 252(b) (17 CFR 230.252(b)) contains this prohibition. Regulation B provides exemptive relief for such issuers.

<sup>65</sup> Companies registered or required to be registered under the Investment Company Act of 1940, 15 U.S.C. 80a-1 *et seq.*, including business development companies, are prohibited from using regulation A. See current rule 252(b)(2) (17 CFR 230.252(b)(2)). A "business development company" is a closed-end company which is permitted to provide significant managerial assistance to its portfolio companies under certain conditions. See also regulation E. The Commission is issuing a companion release concerning regulation E.

<sup>66</sup> A "blank check" company is one that has no specific business or plan except to locate and acquire a presently unknown business or opportunity. See section 7(b) of the Securities Act, 15 U.S.C. 77g(b). See also proposed rule 419(a)(2) under the Securities Act (17 CFR 230.419), Release No. 33-6891 (April 17, 1991).

<sup>67</sup> Only entities with operating businesses would be permitted to use regulation A. The exemption thus would be available only to raise funds to put into the operations of an actual business and not simply for investment. Proposed rule 251(a)(4) (17 CFR 230.251(a)(4)) specifically excludes those enterprises with the principal business of investing or reinvesting funds in securities, properties, commodities, business opportunities or similar media of speculative opportunity.

<sup>68</sup> The disqualification provisions describe specific sanctions against the issuer, its controlling persons and any underwriter in its employ which preclude reliance upon regulation A. Current rule 252(c), (d) and (e) (17 CFR 230.252(c), (d) and (e)). The Commission may, in appropriate circumstances, waive such disqualifications upon a showing of good cause. Current rule 252(g) (17 CFR 230.252(g)).

<sup>69</sup> Of the 177 regulation A filings made with the Commission in the past three years, only 30 were made by reporting companies.

<sup>70</sup> Since it is proposed that reporting companies no longer be eligible to use regulation A, the disqualification provision regarding failure to file Exchange Act reports, current rule 252(f) (17 CFR 230.252(f)), would be eliminated.

<sup>71</sup> See The Penny Stock Reform Act of 1990 (S.647, Public Law 109-429). See also proposed Exchange Act Rule 3a51-1 (17 CFR 240.3a51-1), Release No. 34-29093 (April 17, 1991).

<sup>72</sup> Current rule 255 (17 CFR 230.255) requires that the offering statement be on file with the Commission for no less than 10 days prior to commencement of any offering. No contact of any type is permitted with investors during this waiting period, unless the offering is underwritten by broker-dealers registered with the Commission, in which case a preliminary offering circular procedure may be used.

<sup>73</sup> While the proposal would not change significantly either the notification of the offering (part I) or exhibit (part III) requirements for the Form 1-A offering statement.

regardless of the narrative disclosure format used. Unaudited financial statements would continue to be permitted, unless the issuer already has audited financial statements available.

e. "Testing the waters". Under the proposals, for the first time, an issuer relying upon the regulation A exemption would be permitted to solicit indications of interest prior to filing the mandated offering statement. Under this "test the waters" provision, a regulation A-eligible issuer could use a written statement to gauge investor receptiveness to a possible offering. The issuer should then be better able to determine whether to incur the expense of proceeding with a public offering of its securities under regulation A or to follow some other capital-raising plan.

The proposals generally do not specify the content of the written material that can be used to solicit indications of interest. However, while issuers would be permitted to "free write" and include whatever factual information would be useful to inform potential investors about the company and its business, only factual presentation would be permitted.

An issuer could send the solicitation material to prospective investors, or publish it in a newspaper or other print media. Use of broadcast media for this purpose, whether radio or television, would not be permitted. Commenters should address whether only one-on-one delivery to individual investors, and not general advertising or publication, should be permitted.

The issuer is not permitted to accept any consideration in response to the "test the waters" material, and no commitments to buy, formal or otherwise, can be made. The material is required to so state, and to include a statement that an offering circular containing financial statements and other required disclosure will be delivered to the purchaser prior to any sale being made. The issuer would be permitted to include a coupon that potential investors could return to the company apprising it of their interest.

Any solicitation of interest document would be required to be filed with the Commission on the date it is first used. The issuer must provide the name and telephone number of a person who can respond to questions regarding the document. The filing would be made at the Commission office (whether a Regional Office or Headquarters) where the issuer intends to file its regulation A offering statement. Comment is requested on whether it would be more appropriate to require that the solicitation document be transmitted to, rather than filed with, the Commission

when first used. Comment is also requested on whether the solicitation document should be filed simultaneously with the offering circular. On the other hand, comment is also requested on whether it would be more appropriate to require that the document be filed with the Commission for a period of time—such as one or two business days—before it is used. Would such a pre-use filing requirement deter public exempt offerings under regulation A?

As proposed, the rules would permit oral communications between the issuer and prospective investors, but only after a solicitation of interest document had been filed with the Commission. The Commission requests comment on whether the rules should be revised to incorporate a simple notice filing, so that an issuer could choose to begin the regulation A "test the waters" process with oral communications. On the other hand, should oral communications before the filing of the required offering statement be prohibited? In any case, any oral communications will be subject to the antifraud and civil liability provisions of the federal securities laws.

After filing the required offering statement, the issuer would no longer be permitted to use its written "test the waters" solicitation materials, under the rules as proposed. Would it be preferable, however, to permit such post-offering statement filing use, if the solicitation of interest statement were required to be accompanied or preceded by the offering circular, which will contain the mandated financial statements and other disclosures about the issuer and the offering?

The proposals require that at least 20 calendar days elapse between last use of the solicitation of interest document and any sale of securities in the regulation A offering. Is such a "cooling off" period necessary or appropriate to guard against potential abuse? If so, is 20 calendar days, as proposed, the appropriate length of time, or should it be longer or shorter, such as 30 or 10 calendar days?

In addition, the Commission more generally requests comment on whether the "test the waters" provision proposed to be added to regulation A will be useful, and on whether it provides adequate protection to prospective investors.

f. *Procedural provisions and timing of offers and sales.* The procedural and timing requirements for commencement of a regulation A offering would be revised to conform to those used for registered offerings. Requirements as to form, legibility and signatures for the

required offering statement are specified in the proposed regulation.<sup>77</sup>

The proposals would accelerate the time when an issuer could begin to offer the securities to be sold in a regulation A offering. Today, offers, like sales, must be postponed until 10 business days after the offering statement is filed. Under the proposals, oral and written offers could be made as soon as the offering statement is filed with the Commission.

Once an offering statement is filed, a written offer could be made only through the use of a preliminary or final offering circular.<sup>78</sup> No further distribution or publication of the pre-filing indication of interest document would be permitted. As is the case today, advertisements and radio and television broadcasts containing limited information concerning the issuer and the securities being offered may be used, so long as they indicate from whom an offering circular may be obtained. The Commission requests specific comment on the reliance on the offering circular as the principal selling document after the offering statement is filed.

Sales may not be made under regulation A until the offering statement is qualified. Regulation A currently prohibits sales until 10 business days after the filing of the offering statement with the Commission.<sup>79</sup> In practice, however, regulation A offerings are rarely commenced immediately upon the tenth business day after filing; issuers prefer to have the benefit of the staff's comments prior to proceeding with the offering. In recognition of industry practice, it is proposed that the timing of qualification of the offering statement be conformed to that in registered offerings.<sup>80</sup> Under this proposal, absent the use of a delaying procedure,<sup>81</sup> an

<sup>77</sup> A specific provision would be added with respect to the confidential treatment of certain information in the offering statement, which mirrors the approach used for both Securities Act registration statements and Exchange Act filings. Compare proposed rule 252(c) (17 CFR 230.252(c)) with Securities Act rule 406 (17 CFR 230.406) and Exchange Act rule 24b-2 (17 CFR 240.24b-2).

<sup>78</sup> See proposed rule 255 (17 CFR 230.255).

<sup>79</sup> See current rule 255 (17 CFR 230.255).

<sup>80</sup> Technical requirements relating to the procedure which will be followed in the case of a withdrawal or the abandonment of a regulation A offering statement would be specified and generally adopt the same approach and procedures which are used with respect to registration statements filed under the Securities Act. See rules 477 and 479 (17 CFR 230.477 and 479) under the Securities Act.

<sup>81</sup> This delaying procedure would operate in the same manner as the delaying amendment procedure for registered offerings. See section 8(a) of the Securities Act (15 U.S.C. 77h(a)) and rule 473 under the Securities Act (17 CFR 230.473).

offering statement would be deemed qualified 20 calendar days after being first filed with the Commission.<sup>82</sup>

Delivery of a preliminary or final offering circular at least 48 hours prior to the confirmation of sale would continue to be required. Offering circulars would continue to be subject to annual updating during the term of a continuous offering,<sup>83</sup> as well as revision whenever the information presented becomes false and misleading, material developments have occurred, or there has been a fundamental change in the information initially presented.<sup>84</sup>

Under the proposed procedures, periodic information regarding the course of the distribution, as well as information about the application of the proceeds from the offering, would continue to be filed with the Commission. Form 2-A, the form now used for that purpose, would be substantially revised to parallel the data sought in connection with registered offerings.<sup>85</sup> Comment is requested as to whether these filings are needed or should be discontinued.

Regulation A provides specific bases upon which the Commission may suspend any regulation A offering. It is not proposed that those provisions or the procedures for such suspension be revised.<sup>86</sup>

*g. Substantial and good faith compliance.* The Commission proposes to add a rule protecting those who substantially and in good faith comply with the terms, conditions and

requirements of regulation A. Under this proposed rule, which is patterned after a similar provision in regulation D,<sup>87</sup> an issuer would not lose the exemption with respect to a particular investor if the issuer failed to comply with a requirement under regulation A, provided that the failure did not pertain to a provision of the rule directly intended to protect that person. The failure would violate a Commission rule. Thus, for example, failure to deliver the mandated offering circular to a single investor, would preclude reliance on the exemption for that particular sale, but would not, in and of itself, preclude reliance on the exemption for other offers and sales made in compliance with the regulation.

As proposed, the exemption would continue to be available if the issuer could show that the requirement was not intended to protect the particular investor, the violation was not material to the offering as a whole and the issuer had made a good faith attempt to comply with all of the requirements of regulation A. The rule would specify that the issuer qualification, as well as the requirements to file an offering statement and to stay within specified dollar limitations, are always material to the offering as a whole. Should the filing of the solicitation of indications of interest document be included as always material to the offering as a whole? If so, should the timing of that filing also be material to the offering as a whole? Similarly, should other requirements be included as always material?

#### C. Rule 504

The Commission is proposing to eliminate the current restrictions on the rule 504 exemption. As proposed, general solicitations would be permitted for all rule 504 offerings. Under this proposal, a public offering of up to \$1 million in a 12-month period by a non-Exchange Act reporting company<sup>88</sup> would be subject only to the anti-fraud and other civil liability provisions of the federal securities laws. Further, securities sold under this provision would be available for immediate resale by non-affiliates of the issuer. The filing of a Form D with the Commission would continue to be required, but the availability of the exemption would continue to be not contingent on that filing.<sup>89</sup>

<sup>87</sup> See rule 508 (17 CFR 230.508).

<sup>88</sup> Rule 504 is not available to investment companies.

<sup>89</sup> See Securities Act rules 504(b)(1), 505(a)(1) and 506(a)(1) (17 CFR 230.504(b)(1), 505(a)(1), and 506(a)(1)).

In light of the proposed revisions to rule 504, it appears that the special \$100,000 exemption under regulation A,<sup>90</sup> which permits offerings of that size to be made without the use of an offering circular<sup>91</sup> would no longer be useful and thus would be eliminated. The Commission requests comment as to whether the \$100,000 exemption would continue to have some utility and thus should be retained.

#### D. Proposed System of Integrated Registration and Reporting for Small Business Issuers

##### 1. Introduction

The Commission today is proposing a comprehensive registration, reporting and qualification system for "small business issuers" under the Securities Act, Exchange Act and Trust Indenture Act. Based upon the Commission's successful experience with the simplified disclosure requirements of Form S-18, that form would be redesignated Form SB-1 and made available as the registration form upon which small business issuers may offer an unlimited amount of securities. The simplified disclosure requirements of Form SB-1 would be placed in proposed Regulation S-B and would serve as the disclosure requirements for small business issuers throughout the registration and reporting system. In addition, the Commission is proposing rules that would permit offerings of debt securities up to \$10 million without full compliance with the Trust Indenture Act.

##### 2. Definition of "Small Business Issuer"

The Commission proposes to define "small business issuer" based upon an issuer's revenues and the eligibility criteria for current Form S-18. Accordingly, a "small business issuer" would be an entity: (1) With revenues of less than \$15,000,000 for its most recent fiscal year; (2) which is not a foreign private issuer or foreign government; (3) which is not an investment company; and (4) which is not a majority-owned subsidiary of a non-"small business issuer."

Comment is requested with regard to this proposed definition of "small business issuer." Is a revenue standard

<sup>90</sup> In the past three years, only 6 of the 177 regulation A filings made with the Commission were pursuant to the terms of rule 257.

<sup>91</sup> Current rule 257 is not available for issues of assessable stock or by those within the descriptions of rule 253(a), i.e., an entity incorporated or organized within one year prior to filing without a net income from operations, or if a longer existence but no net income from operations in at least one of the prior two fiscal years.

<sup>82</sup> Interim amendments to the offering statement would restart the 20 calendar day period.

<sup>83</sup> The Commission is proposing to revise rule 263 (17 CFR 230.263), the exemption's current provision regarding continuous offerings. See proposed rule 251(d)(3) (17 CFR 230.251(d)(3)). Under the revised provision, those continuous or delayed offerings permitted by rule 415 could be made under regulation A.

<sup>84</sup> See proposed rule 253(e)(1) (17 CFR 230.253(e)(2)).

<sup>85</sup> See rule 463 (17 CFR 230.463) and Form SR (17 CFR 239.61). Several of the post-commencement provisions in regulation A, such as the filing of additional sales materials used and the filing of Form 2-A, have caused concern that failure of compliance with these rules alone would cause the loss of the regulation A exemption. These rules would be amended to clearly show that such failure of compliance would not necessarily cause the exemption to be lost (see section II.B.2.g., *infra*); however such failures would continue to be grounds for suspending the exemption.

<sup>86</sup> Current rule 261 (17 CFR 230.261) permits a temporary suspension, which after notice and opportunity to be heard may be made permanent. The grounds for suspension include unavailability of the exemption, provision of false and misleading information, violation of section 17 of the Securities Act, proceedings which could lead to application of the disqualification provisions and failure to cooperate or obstructing a Commission investigation of the offering.

appropriate and, if so, should the dollar level be placed at a higher level, such as \$20-25 million, or a lower level, such as \$5-10 million?

Comment is requested as to whether another measure, such as assets or market capitalization, should be used to define "small business issuers." Comment is also requested as to whether a test based on assets would discriminate against capital intensive companies.

Commenters favoring an asset or market capitalization test should indicate what dollar level, such as \$5 million, \$10 million, \$15 million, \$20 million, or \$25 million, would be appropriate. Commenters should consider the following table, which provides information with regard to the revenues, assets and market capitalization of Exchange Act reporting companies:<sup>92</sup>

Market capitalization	No. (percentage) of public companies
<b>Public Companies—Classified by Market Capitalization</b>	
Less than \$5 million	3,003 (38%)
Less than \$10 million	3,909 (49%)
Less than \$15 million	4,393 (55%)
Less than \$20 million	4,756 (60%)
Less than \$25 million	5,017 (63%)
<b>Public Companies—Classified by Assets</b>	
Assets	No. (percentage) of public companies
Less than \$5 million	2,325 (25%)
Less than \$10 million	2,961 (32%)
Less than \$15 million	3,326 (36%)
Less than \$20 million	3,612 (39%)
Less than \$25 million	3,769 (41%)
<b>Public Companies—Classified by Revenues</b>	
Revenues	No. (percentage) of public companies
Less than \$5 million	1,845 (22%)
Less than \$10 million	2,494 (29%)
Less than \$15 million	2,937 (35%)
Less than \$20 million	3,287 (39%)
Less than \$25 million	3,562 (42%)

### 3. Registration Requirements of the Securities Act

The Commission has over ten years of experience with the simplified disclosure requirements of Form S-18.<sup>93</sup>

<sup>92</sup> Data is provided for those companies for which it was readily available—market capitalization, 7,956; assets, 9,157; and revenues, 8,456.

<sup>93</sup> See Release No. 33-6048 (April 3, 1979). Form S-18 does not require disclosure of the following

Since its adoption in 1979 on an experimental basis,<sup>94</sup> small issuers have registered more than \$25 billion of securities on more than 6,000 Form S-18 registration statements. By replacing Form S-18 with Form SB-1, which has no size limitations on its use, and further simplifying the disclosure requirements, the Commission intends to extend the benefits of streamlined disclosure requirements to additional small businesses seeking to tap the public capital markets.

**a. Form SB-1 eligibility requirements.** Under the proposals, Form SB-1 could be used by any "small business issuer" to offer an unlimited dollar amount of securities for cash.<sup>95</sup> Form SB-1 would have no dollar limit for primary offerings. In recognition of the fact that resales of securities may increase the investment liquidity for insiders, affiliates, and public stockholders, and thereby release funds for reinvestment in new small businesses, secondary offerings of small business securities similarly would be subject to no dollar limit.

Form SB-1 would be limited to small business issuers. Thus, a company that exceeds the size specified for a small business issuer that previously would have been able to use Form S-18 for an initial public offering of up to \$7.5 million will not be eligible to use Form SB-1.

Comment is requested regarding the proposed absence of a dollar limit. Commenters favoring the retention of a dollar limit for primary offerings should address what dollar amount, such as \$10-25 million annually, would be appropriate. Comment also is requested as to whether Form SB-1 should be

items that would be required to be disclosed if a company were using Form S-1: (1) Ratio of earnings to fixed charges; (2) foreign and domestic financial information and export sales; (3) selected financial information; (4) supplementary quarterly financial information; and (5) management's discussion and analysis. In addition, Form S-18 requires only 2 years certified financial statements, while Form S-1 requires 3 years.

<sup>94</sup> As Form S-18 was an experimental form, the Commission limited the issuers that were eligible to use the Form as well as the amount of securities that could be registered. As adopted, Form S-18 was not available for limited partnerships, mining companies, oil and gas companies, non-Canadian foreign private issuers, investment companies, Exchange Act exempt insurance companies and any majority owned subsidiary of the foregoing, and was limited to the registration of \$5 million in securities (later raised to \$7.5 million). The Commission nevertheless undertook to monitor Form S-18 and to revisit those limitations if it proved beneficial to small issuers in raising capital.

<sup>95</sup> This proposal is consistent with and responds to the recommendations of small businesses to the Commission. See, e.g., Recommendation of the SEC Government-Business Forum on Small Business Capital Formation, Final Report p. 4 (1982); Release No. 33-6471 (July 8, 1983).

available for all initial public offerings. Similarly, should secondary offerings on Form SB-1 be restricted and, if so, should the dollar amount be different from any limitation applicable to a primary offering?

Canadian issuers would not be eligible to use proposed Form SB-1.<sup>96</sup> Given the significant steps taken by the Commission to facilitate offerings in the United States by all foreign private issuers, and particularly Canadian issuers, since the adoption of Form S-18,<sup>97</sup> the availability of proposed Form SB-1 appears unnecessary.

Issuers making initial public offerings on Form SB-1 would have the option of filing the registration statement with the Commission's regional office or at the Commission's headquarters in Washington, DC.<sup>98</sup> All subsequent filings by small business issuers would be made at the Commission's headquarters.

### 4. Registration and Reporting under the Exchange Act

**a. Background of proposals.** Building on Form SB-1, the Commission proposes to fully integrate the disclosures required of small business issuers under the Securities Act and Exchange Act. The disclosure requirements of Form SB-1, based on Form S-18, are proposed to be incorporated into the Exchange Act disclosure requirements applicable to these small business issuers.

A new series of forms for registration and periodic reporting by small business issuers is proposed,<sup>99</sup> as well as amendment of the annual report and proxy requirements of Exchange Act companies.<sup>100</sup> The proposed series of forms and amendments to existing Exchange Act forms and rules (collectively the "SB series") will integrate the Securities Act and the Exchange Act disclosure requirements for small business issuers.

As proposed, the disclosure requirements of the SB series of forms

<sup>96</sup> Canadian issuers are currently eligible to use Form S-18. See Instruction I.A.(1) to Form S-18.

<sup>97</sup> For example, the adoption of the Multijurisdictional Disclosure System, Form F-1, Form 20-F and Form 40-F.

<sup>98</sup> Post-effective amendments to initial public offerings on Form S-B would be filed in the Commission office which accepted the initial registration statement.

<sup>99</sup> The Commission is proposing Form 10-SB as an Exchange Act registration statement form for small business issuers. It also is proposing Form 10-KSB as an annual report form and Form 10-QSB as a quarterly report form for small business issuers. An instruction to Item 7 of Form 8-K, relating to small business acquisitions, is also proposed.

<sup>100</sup> The Commission is proposing the inclusion of "small business issuer" instructions to Schedules 14A and 14C, as well as rule 14a-3.

would consist of references to proposed regulation S-B, which tracks in simple and understandable language the requirements of Form S-18 and regulation S-K. While the proposed forms would be available only to small business issuers, the use of those forms would be optional for those companies.

b. *Financial information required by regulation S-B.* Consistent with current Form S-18, the financial statement requirements of regulation S-B would be based solely on GAAP for the determination of form and content to be provided. Regulation S-B will not require conformity with Commission regulation S-X, which governs the form and content of financial statements, except for the requirements relating to the qualification of accountants and audit reports and certain requirements related to oil and gas operations.<sup>101</sup>

The periods for which audited fiscal year financial statements are proposed to be required are consistent with the current requirements of Form S-18. Thus, an audited balance sheet for the latest fiscal year and audited statements of income, cash flows and changes in stockholders' equity for each of the latest two fiscal years would be required.

Where interim financial statements would be required, the periods for which such statements would be necessary would track the current requirements of Form 10-Q—a balance sheet as of the end of the latest fiscal quarter, statements of income and cash flows for the interim period since the end of the latest fiscal year as well as the comparable period of the preceding fiscal year, and statements of income for the latest interim quarter and the comparable period of the preceding fiscal year.

The financial statement requirements of regulation S-B will include requirements applicable to:

(1) Historical and pro forma financial statements for significant acquired businesses including real estate operations;

(2) The maximum age of financial statements at the expected effective date; and

(3) Limited partnerships.<sup>102</sup>

c. *Narrative disclosure in SB series of forms.* The proposed narrative disclosure requirements for small business issuers in regulation S-B will be applicable to all registration and reporting obligations of small business issuers. The simplified format of regulation S-B is intended to present the disclosure requirements in a "plain English" format. More easily understandable disclosure requirements should reduce the costs of compliance with those requirements.

The disclosure requirements in regulation S-B are based on regulation S-K. However, where such requirements were simplified or not required by Form S-18, proposed regulation S-B tracks Form S-18. For example, like Form S-18, proposed regulation S-B does not require a disclosure equivalent to Item 301 (selected financial data) or Item 302 (supplementary financial information) of regulation S-K.<sup>103</sup> The exhibits which are not applicable to small business issuers have been deleted from regulation S-B.<sup>104</sup> Executive compensation disclosure is based upon Form S-18,<sup>105</sup> rather than Item 402 of regulation S-K.<sup>106</sup> The description of business, including the industry segment disclosure standard, is derived from Form S-18, rather than Item 101 of regulation S-K. Finally, the financial statement requirements for "small business issuers" are contained in proposed Item 310 of regulation S-B.<sup>107</sup>

Of particular note, for both registration statements on proposed Form SB-1 and in regulation S-B, is proposed Item 303. Currently, Form S-18, anticipating its use principally by startup and developing companies, requires business plan disclosure and does not include the Management's Discussion and Analysis required currently of all issuers reporting under the Exchange Act. Proposed regulation

S-B would require business plan disclosure comparable to that in Form S-18 for small business issuers that have not had operating revenues in each of their last three fiscal years; where such operating revenues exist, however, MD&A disclosure requirements will apply in place of the business plan disclosures. This would be the case for both Securities Act registration on Form SB-1 and Exchange Act reporting purposes.

The Commission staff applies the disclosure requirements of Item 17A of Form S-18 to all Securities Act and Exchange Act filings of mining companies. As this disclosure requirement applies generally, it is proposed that the mining disclosure requirements be placed in new Industry Guide 7,<sup>108</sup> rather than regulation S-B.

With respect to issuers primarily involved in real estate, Form SB-1 would include a cross-reference to the disclosure required by Item 13 (Investment Policies of Registrant), Item 14 (Description of Real Estate) and Item 15 (Operating Data) of Form S-11.<sup>109</sup> This cross-reference is necessary in light of the specialized disclosure requirements for real estate companies. Comment is requested as to the appropriateness of this cross-reference.

Comment is requested as to the appropriateness of proposed regulation S-B. Commenters should address whether each of the distinctions between Form S-18 and regulation S-K disclosures should be carried forward in regulation S-B.

d. *Operation of SB reporting system.* As proposed, the Exchange Act SB series of forms would be optional for small business issuers. The election to use the SB series of forms would be made in the annual report filed by the issuer.<sup>110</sup> If an issuer selected the SB disclosure format, it would use the SB forms until its next annual report under section 13(a).

At the time an issuer that was using the SB format filed its next annual report, it would be faced with three possibilities. First, the issuer might no longer fall within the definition of small business issuer. In this instance, the annual report would be filed on Form 10-K and the issuer would be required to use the traditional disclosure format throughout that fiscal year.

<sup>108</sup> See proposed Items 801(g) and 802(g) of regulation S-K (17 CFR 229.801(g) and 802(g)).

<sup>109</sup> 17 CFR 239.18.

<sup>110</sup> It is proposed that the cover page of Form 10-KSB require disclosure of the issuer's revenues for its most recent fiscal year. This disclosure would provide the basis for determining an issuer's eligibility for the SB series of forms.

<sup>102</sup> A financial statement requirement in current Form S-18, which relates to accounting for internally developed software costs, is not being carried forward since it has been superseded by promulgated accounting standards which address that issue. The Commission proposes to delete the obsolete item.

<sup>103</sup> 17 CFR 229.301 and 229.302.

<sup>104</sup> The proposal would delete the exhibits required by Item 801(b) (6), (12), (20) and (23) of regulation S-K (17 CFR 229.801(b) (6), (12), (20) and (23)).

<sup>105</sup> See Items 18 and 20 of Form S-18.

<sup>106</sup> 17 CFR 229.402. The Commission expects to publish proposed changes to the executive compensation disclosure requirements as part of a separate rulemaking initiative.

<sup>107</sup> 17 CFR 228.310.

<sup>101</sup> Rule 4-10 of regulation S-X (17 CFR 210.4-10) sets forth the Commission's "full cost ceiling" requirement which limits the capitalized carrying cost of oil and gas properties. Rule 4-10(j) requires application of the deferred method of income tax accounting and rule 4-10(k) requires extensive disclosures. Accounting standards issued by FASB permit the liability method of income tax accounting and require disclosures, which are substantially the same as those in 410-(k). The Commission has proposed amendments to rule 4-10, which would conform the rule to the recently issued tax accounting standards and would eliminate duplicative requirements. Pending final rule adoption, registrants are permitted to apply rule 4-10 in a manner which conforms with promulgated accounting standards.

Second, a company might continue to be a small business issuer but elect to use the traditional disclosure format for its Exchange Act periodic reports. The issuer would evidence this election by filing its annual report on Form 10-K and would then be subject to the traditional disclosure format until its next annual report.

Third, a company might continue to be a small business issuer and elect to continue to use the SB disclosure format. This election would be evidenced by filing a Form 10-KSB.

Comment is requested regarding the procedure by which small business issuers may enter and exit the SB Exchange Act reporting system.

e. *Use of forms S-2, S-3, S-4 and S-8 by small business issuers.* The Commission is proposing amendments to the disclosure requirements of Forms S-2, S-3 and S-8 to enable small business issuers to take advantage of these disclosure formats. Under the proposed amendments, "small business issuers" would be permitted to register securities on Forms S-2, S-3 and S-8 if they otherwise met the requirements for use of those forms.<sup>111</sup> Accordingly, small business issuers would use their simplified Exchange Act reports to satisfy the eligibility requirements of Forms S-2 and S-3 relating to Exchange Act reporting by the issuer.<sup>112</sup> The narrative and financial disclosure requirements of Forms S-2, S-3 and S-8 would be satisfied through disclosure complying with regulation S-B.

Business combination transactions are not uncommon in the growth of small businesses. As proposed, Form S-4, the Securities Act registration form for business combinations, would be amended to permit its use by small business issuers through satisfaction of the regulation S-B requirements.<sup>113</sup> The

<sup>111</sup> The proposed inclusion of a "small business issuer" disclosure item in Form S-3 is intended to recognize the potential use of that Form by "small business issuers" for offerings which do not require the non-affiliate public float specified in General Instruction B.1. to Form S-3.

<sup>112</sup> All other eligibility requirements for the use of Form S-2 and Form S-3 are not proposed to be revised.

<sup>113</sup> As proposed, Form SB-1 would be available only in "for cash" offerings of securities. Accordingly, "small business issuers" wishing to enter business combination transactions which involve the offer and sale of securities would continue to be required to register those transactions on Form S-4 or Form S-1. Small business issuers engaged in roll-up transactions on Form S-4 would also furnish the disclosure required by Item 901 *et seq.* of regulation S-K. See, Securities Act Release No. 33-8922, n.15 (October 30, 1991). Furthermore, small business issuers using Form S-1 would be subject to the disclosure requirements of Regulation S-K.

proposed disclosure provisions of Form S-4 would be available to Form S-2 eligible small business issuers which are registering securities or are being acquired in the business combination transaction.

f. *Form 8-K revisions.* To complete the "SB" series of forms, the instructions to Item 7 of Form 8-K, which includes a requirement to file historical and pro forma financial statements for significant business acquisitions, would be amended. Item 7 refers to Regulation S-X for the determination of the periods for which the financial statements are required. A parallel instruction is included in Form SB-1 but the criteria for significance and the periods for which financial statements are required differs from regulation S-X. The proposed amendments would incorporate an instruction in Form 8-K cross referencing financial statement requirements in regulation S-B which tracks the standard of significance which is found in Form SB-1, and derived from Form S-18.

#### E. Amendments to Rules Under Trust Indenture Act.

Under the current Trust Indenture Act rules, issuers may offer annually up to \$2 million worth of debt securities without an indenture. Issuers offering between \$2 million and \$5 million of debt securities in a 36-month period are required to issue such securities pursuant to an indenture, but that indenture need not be qualified under the Act. The indenture qualification provisions of the Act must be satisfied for offerings of more than \$5 million of debt securities. This graduated application of the Act recognizes the relatively greater Trust Indenture Act compliance costs associated with offering smaller amounts of debt securities, particularly the cost of retaining an independent trustee through the maturity of the debt securities.

The Commission is proposing to amend the rules under the Trust Indenture Act to parallel its proposed limited offering exemptive scheme. Under the Securities Act exemptive proposals issued today, an issuer would be entitled to raise \$5 million in a regulation A offering, as well as an additional \$5 million under rules 504 and 505.

Rule 4a-1 under the Trust Indenture Act is proposed to be amended to increase to \$5 million the aggregate principal amount of securities that could be issued without an indenture.<sup>114</sup> This

<sup>114</sup> See rule 4a-1 (17 CFR 260.4a-1) promulgated under section 304(a)(8) of the Trust Indenture Act. Section 304(a)(8) exempts from the provisions of the

proposal thus would permit, for example, the issuance of up to \$5 million in securities pursuant to rules 504 and 505.

Using its authority under section 304(d) of the Trust Indenture Act, the Commission is proposing new rule 4a-2 that would exempt from compliance with the Trust Indenture Act any offering of debt securities exempt from registration pursuant to regulation A.<sup>115</sup> In this regard, the Commission is proposing the exemption from the Trust Indenture Act in order to facilitate the operation of the revised scheme for the offering of securities under regulation A. Application of the Trust Indenture Act could unnecessarily complicate the offering of securities under regulation A and would place an unneeded burden on small issuers attempting to take advantage of the revised regulation. In addition, the Commission reviews the offering statements used in connection with the issuance of securities under regulation A. Investor protection does not call for compliance with the requirements of the Trust Indenture Act in these limited offerings.

Finally, current rule 4a-2 under the Trust Indenture Act is proposed to be redesignated as rule 4a-3 and amended to increase to \$10 million the aggregate principal amount of debt securities that may be issued under an indenture which need not be qualified.<sup>116</sup> Issuers making

Trust Indenture Act any security issued otherwise than under an indenture. This exemption is limited within a twelve month period to the amount of securities stated in section 3(b) of the Securities Act, or such lesser amount as the Commission shall establish by rule. Section 3(b) of the Securities Act, as noted previously in this release, states that its provisions shall apply to the offering of securities of no more than \$5,000,000. Rule 4a-1 currently limits the section 304(a)(8) exemption to \$2,000,000.

<sup>115</sup> Section 304(d) of the Trust Indenture Act permits the Commission to adopt rules to exempt securities or transactions from the provisions of the Act to the extent that "such exemption is necessary or appropriate in the public interest and consistent with the protection of investors \* \* \*"

<sup>116</sup> See Rule 4a-2 (17 CFR 260.4a-2) promulgated under section 304(a)(9) of the Trust Indenture Act. The rights of the holders of the securities issued would be evidenced by the instrument sold to the holder and contract (indenture) under which that instrument was issued. Where debt securities are proposed to be issued without qualification of an indenture in reliance upon section 304(a)(9) of the Trust Indenture Act, the staff of the Division of Corporation Finance takes the following interpretive position: "Among the provisions which we believe should be included in the indenture are the usual covenants, events of default, and the procedures by which the collective rights of security holders may be enforced. Although it is possible that a provision for the enforcement of collective rights might be effected without providing an indenture trustee, as a practical matter such collective rights are best enforced by a trustee who is accorded specific powers for this purpose. Such trustee need not meet the qualification and conflict requirements of

a registered offering of debt securities that will be issued under such an indenture should file the indenture as an exhibit to the Securities Act registration statement.<sup>117</sup>

Comment is requested as to whether the proposed exemptions from compliance with the Trust Indenture Act should extend to all issuers of debt securities or should be limited to "small business issuers." Comment also is requested as to whether, instead of increasing the current exemptive dollar limits to those set by the statute, the current limits should be retained, or lesser dollar limits should be set. Will the proposed increase for debt securities issued under an unqualified indenture from \$5 million to \$10 million be helpful to issuers? Should the Commission require that such an indenture meet minimal standards? For example, should the Commission formalize the requirement that an indenture meet certain requirements under the Act, such as provisions for enforcement of collective rights of security holders, events of default and an independent trustee for the benefit of security holders? On the other hand, given the newly self-executing nature of the Trust Indenture Act,<sup>118</sup> is it unduly burdensome to require qualification of the indenture?

#### F. General Request for Comment

Any interested person wishing to submit written comments on the proposed rules and forms amendments or suggest additional changes or comments on other matters that might have an impact on the proposals set forth in this release are invited to do so by submitting them in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Comment is requested on the impact of the proposals from the point of view of the public, as well as the entities or persons making filings with the Commission. Comments on this inquiry will be considered by the Commission in complying with its responsibilities under section 19(a) of the Securities Act.<sup>119</sup>

Section 310 of the 1939 Act." Division of Corporation Finance Interpretive letter to Allied-Carson Corporation (February 12, 1976).

<sup>117</sup> The indenture, which is an "[i]nstrument[]" affecting the rights of security holders," is required to be filed as an exhibit to the registration statement by Item 601(b)(4) of regulation S-K (17 CFR 229.601(b)(4)).

<sup>118</sup> Under the Trust Indenture Reform Act of 1990, the duties previously imposed by contract now also are imposed by statutory command. Section 318 of the Trust Indenture Act, 15 U.S.C. 77ss.

<sup>119</sup> 15 U.S.C. 77s(a).

The Commission further requests comment on any competitive burdens that may result from adoption of the proposals. Comments on this inquiry will be considered by the Commission in complying with its responsibilities under section 23(a) of the Exchange Act.<sup>120</sup> Comment letters should refer to File No. S7-4-92. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549.

#### G. Summary of Initial Regulatory Flexibility Analysis

The Commission has prepared an Initial Regulatory Flexibility Analysis in accordance with 5 U.S.C. 603 regarding the proposed revisions.

The analysis notes that regulation A is proposed to be amended, in order to aid small businesses in connection with their needs to raise capital. It would accomplish this goal by making the exemption more useful and complementary to exemptions as well as registration alternatives currently offered under the Securities Act. Changes to the Trust Indenture Act rules would help to carry out this intent.

The analysis also notes that small businesses seeking to register their securities and become reporting issuers will benefit from the proposed simplified Form SB-1 and the Exchange Act reporting forms based on regulation S-B.

A copy of the Initial Regulatory Flexibility Analysis may be obtained from Amy S. Bowerman, Division of Corporation Finance, U.S. Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

#### H. Cost-Benefit Analysis

As an aid in the evaluation of the costs and benefits of these proposals, the Commission requests the views and other supporting information from the public. It appears to the Commission that the proposals if adopted would work significant cost savings for issuers without compromising investor protection.

#### III. Statutory Basis, Text of Proposals and Authority

The amendments to the Commission's rules and forms are being proposed pursuant to sections 3(b), 6, 7, 8, 10, and 19(a) of the Securities Act, sections 12, 13, 15(d) and 23(a) of the Exchange Act, and sections 304(a)(8), 304(a)(9) and 304(d) of the Trust Indenture Act.

<sup>120</sup> 15 U.S.C. 78w(a).

#### List of Subjects

17 CFR Parts 210, 228, 229, 230, 239, 240 and 249

Reporting and recordkeeping requirements, Securities.

17 CFR Parts 260

Trusts and trustees.

For the reasons set out in the preamble, title 17, chapter II of the Code of Federal Regulations is proposed to be amended as follows:

1. Part 228 is added to read as follows:

#### PART 228—SMALL BUSINESS DISCLOSURE REQUIREMENTS

##### Subpart A—Regulation S-B

- Sec.
- 228.10 (Item 10) General.
- 228.101 (Item 101) Description of business.
- 228.102 (Item 102) Description of property.
- 228.103 (Item 103) Legal proceedings.
- 228.201 (Item 201) Market for common stock and related stockholder matters.
- 228.202 (Item 202) Description of securities.
- 228.303 (Item 303) Management's discussion and analysis or plan of operation.
- 228.304 (Item 304) Changes in and disagreements with accountants on accounting and financial disclosure.
- 228.310 (Item 310) Financial statements.
- 228.401 (Item 401) Directors, Executive Officers, promoters and control persons.
- 228.402 (Item 402) Executive compensation.
- 228.403 (Item 403) Security ownership of certain beneficial owners and management.
- 228.404 (Item 404) Certain relationships and related transactions.
- 228.405 (Item 405) Compliance with section 16(a) of the Exchange Act.
- 228.501 (Item 501) Front of registration statement and outside front cover of prospectus.
- 228.502 (Item 502) Inside front and outside back cover pages of prospectus.
- 228.503 (Item 503) Summary information and risk factors.
- 228.504 (Item 504) Use of proceeds.
- 228.505 (Item 505) Determination of offering price.
- 228.506 (Item 506) Dilution.
- 228.507 (Item 507) Selling security holders.
- 228.508 (Item 508) Plan of distribution.
- 228.509 (Item 509) Interest of named experts and counsel.
- 228.510 (Item 510) Disclosure of Commission position on indemnification for Securities Act liabilities.
- 228.511 (Item 511) Other expenses of issuance and distribution.
- 228.512 (Item 512) Undertakings.
- 228.601 (Item 601) Exhibits.
- 228.701 (Item 701) Recent sales of unregistered securities.
- 228.702 (Item 702) Indemnification of directors and officers.

Authority: 15 U.S.C. 77e, 77f, 77g, 77h, 77j, 77k, 77s, 77aa[25], 77aa[26], 77ddd, 77eee, 77ggg, 77hhh, 77jjj, 77nnn, 77sss, 781, 78m.

78n, 78o, 78w, 80a-8, 80a-29, 80a-30, 80a-37, 80b-11, unless otherwise noted.

**§ 228.10 (Item 10) General.**

(a) *Application of regulation S-B.* Regulation S-B is the source of disclosure requirements for filings under the Securities Act of 1933 (the "Securities Act") and the Securities Exchange Act of 1934 (the "Exchange Act"). Filings must also conform to the General Rules and Regulations under the Securities Act and the Exchange Act (parts 230 and 240 of this chapter), and the forms under these Acts (parts 239 and 249 of this chapter).

(b) To use regulation S-B, a company must be a "small business issuer." A small business issuer is a company that meets all of the following criteria:

- (1) Had revenues of less than \$15,000,000 during its last fiscal year;
- (2) Is not a foreign private issuer or a foreign government;
- (3) Is not an investment company; and
- (4) Is not a wholly owned subsidiary of a non-small business issuer.

(c) *Definitions of terms.*—(1) *Capital stock* means common stock and preferred stock or other equity interest in the small business issuer.

(2) *Common stock* means the small business issuer's common equity. If the small business issuer is a limited partnership, the term means the equity interests in the partnership.

(3) *Market value* means the trading price for the securities if there is a public market. If there is no public market (sporadic trades do not constitute a public market) then market value means the public offering price for the securities.

(4) *Reporting company* means a company that is obligated to file periodic reports with the Securities and Exchange Commission under section 15(d) or 13(a) of the Exchange Act.

(5) *Small business issuer* refers to the issuer and all of its subsidiaries. Financial statements of the small business issuer must be presented on a consolidated basis.

(d) *Preparing the disclosure document.* (1) The purpose of a disclosure document is to inform investors. Hence, information should be presented in a clear, concise and understandable fashion. Avoid details, repetition or the use of technical language. The responses to the items of this regulation should always be brief and to the point. Small business issuers should disclose only material information.

(2) Small business issuers should consult the General Rules and Regulations under the Securities Act and Exchange Act for requirements

concerning the preparation and filing of documents. Small business issuers should be aware that there are special rules concerning such matters as the kind and size of paper that is allowed and how filings should be bound. These special rules are located in regulation C of the Securities Act (17 CFR 230.400 *et seq.*) and in regulation 12B of the Exchange Act (17 CFR 240.12b-1 *et seq.*) and apply to all disclosure documents.

(e) *Commission policy on projections.* The Commission encourages the use of management's projections of future economic performance that have a reasonable basis and are presented in an appropriate format. The guidelines below set forth the Commission's views on important factors to be considered in preparing and disclosing such projections.

(1) *Basis for projections.* Management has the option to present in Commission filings its good faith assessment of a small business issuer's future performance. Management, however, must have a reasonable basis for such an assessment. An outside review of management's projections may furnish additional support in this regard. If management decides to include a report of such a review in a Commission filing, it should also disclose the qualifications of the reviewer, the extent of the review, the relationship between the reviewer and the registrant, and other material factors concerning the process by which any outside review was sought or obtained. Moreover, in the case of a registration statement under the Securities Act, the reviewer would be deemed an expert and an appropriate consent must be filed with the registration statement.

(2) *Format for projections.* Traditionally, projections have been given for three financial items generally considered to be of primary importance to investors (revenues, net income (loss) and earnings (loss) per share). Projection information need not necessarily be limited to these three items. However, management should take care to assure that the choice of items projected is not susceptible of misleading inferences through selective projection of only favorable items. It generally would be misleading to present sales or revenue projections without one of the foregoing measures of income. The period that appropriately may be covered by a projection depends to a large extent on the particular circumstances of the company involved. For certain companies in certain industries, a projection covering a two or three year period may be entirely reasonable. Other companies may not

have a reasonable basis for projections beyond the current year.

(3) *Investor understanding.* Disclosures accompanying the projections should facilitate investor understanding of the basis for and limitations of projections. The Commission believes that investor understanding would be enhanced by disclosure of the assumptions which in management's opinion are most significant to the projections or are the key factors upon which the financial results of the enterprise depend and encourages disclosure of assumptions in a manner that will provide a framework for analysis of the projection. Management also should consider whether disclosure of the accuracy or inaccuracy of previous projections would provide investors with important insights into the limitations of projections.

(f) *Commission policy on security ratings.* In view of the importance of security ratings ("ratings") to investors and the marketplace, the Commission permits small business issuers to disclose ratings assigned by rating organizations to classes of debt securities, convertible debt securities and preferred stock in registration statements and periodic reports. In addition, the Commission permits, disclosure of ratings assigned by any nationally recognized statistical rating organizations ("NRSROs") in certain communications deemed not to be a prospectus ("tombstone advertisements"). Below are the Commission's views on important matters to be considered in disclosing security ratings.

(1)(i) If a small business issuer includes in a filing any rating(s) assigned to a class of securities, it should consider including any other rating assigned by a different NRSRO that is materially different. A statement that a security rating is not a recommendation to buy, sell or hold securities and that it may be subject to revision or withdrawal at any time by the assigning rating organization should also be included.

(ii)(A) If the rating is included in a filing under the Securities Act, the written consent of any rating organization that is not a NRSRO whose rating is included should be filed. The consent of any NRSRO is not required. (See rule 436(g) under the Securities Act (§ 230.436(g) of this chapter.)

(B) If a change in a rating already included is available before effectiveness of the registration statement, the small business issuer should consider including such rating

change in the prospectus. If the rating change is material, consideration should be given to recirculating the preliminary prospectus.

(C) If a materially different additional NRSRO rating or a material change in a rating already included becomes available during any period in which offers or sales are being made, the small business issuer should consider disclosing this information in a sticker to the prospectus.

(iii) If there is a material change in the rating(s) assigned by any NRSRO(s) to any outstanding class(es) of securities of a reporting company, the registrant should consider filing a report on Form 8-K (§ 249.308 of this chapter) or other appropriate report under the Exchange Act disclosing such rating change.

**§ 228.101 (Item 101) Description of business.**

(a) *Business development.* Describe the development of the small business issuer during the last five years. If the small business issuer has not been in business for five years, give the same information for predecessor(s) of the small business issuer if there are any. This business development description should include:

- (1) Form and year of organization;
- (2) Any bankruptcy, receivership or similar proceeding;
- (3) Any material reclassification, merger, consolidation, or purchase or sale of a significant amount of assets not in the ordinary course of business; and
- (4) Number of total employees and number of full time employees.

(b) *Business of issuer.* Briefly describe the business and include, to the extent material to an understanding of the issuer:

- (1) Principal products or services and their markets;
- (2) Distribution methods of the products or services;
- (3) Status of any publicly announced new product or service;
- (4) Competitive business conditions and the small business issuer's competitive position in the industry and methods of competition;
- (5) Sources and availability of raw materials and the names of principal suppliers;
- (6) Name of any customer(s), the loss of whom would have a material adverse effect upon the business, and the importance of the named customer(s) to the small business issuer's business (for example, percentage of total sales);
- (7) Patents, trademarks, licenses, franchises, concessions, royalty agreements or labor contracts, including duration;

(8) Need for any government approval of principal products or services. If government approval is necessary and the small business issuer has not yet received that approval, discuss the status of the approval within the government approval process;

(9) Effect of existing or probable governmental regulations on the business;

(10) Dollar amount of firm backlog orders, as of a recent date and as of a comparable date in the preceding fiscal year;

(11) Estimate of the amount spent during each of the last two fiscal years on sponsored research activities for the development of new products or services or the improvement of existing products or service; and

(12) Costs and effects of compliance with environmental laws (federal, State and local).

**§ 228.102 (Item 102) Description of property.**

(a) Give the location of the principal plants and other property of the small business issuer and describe the condition of the property. If the small business issuer does not have complete ownership of the property, for example, others also own the property or there is a mortgage or lien on the property, describe the limitations on the ownership.

*Instructions to Item 102*

1. Small business issuers engaged in significant mining operations also should provide the information in Guide 7 (§ 229.801(g) and § 229.802(g) of this chapter).
2. Small business issuers engaged in oil and gas producing activities also should provide the information in Guide 2 (§ 229.801(b) and § 229.802(b) of this chapter).
3. Small business issuers engaged in real estate activities should provide the information in Guide 5 (§ 229.801(e) of this chapter) and Items 13, 14 and 15 of Form S-11 (§ 239.18 of this chapter).

**§ 228.103 (Item 103) Legal proceedings.**

(a) If a small business issuer is a party to any pending legal proceeding (or its property is the subject of a pending legal proceeding), give the following information (no information is necessary as to routine litigation that is incidental to the business):

- (1) Name of court or agency where proceeding is pending;
- (2) Date proceeding began;
- (3) Principal parties;
- (4) Description of facts underlying the proceedings; and
- (5) Relief sought, if damages also include amount.

(b) Include the information called for by paragraphs (a) (1) through (5) of this item for any proceeding that a

governmental authority is contemplating (if the small business issuer is aware of the proceeding).

*Instructions to Item 103*

1. A proceeding that primarily involves a claim for damages does not need to be described if the amount involved, exclusive of interest and costs, does not exceed 10% of the current assets of the small business issuer. If any proceeding presents the same legal and factual issues as other proceedings pending or known to be contemplated, the amount involved in such other proceedings shall be included in computing such percentage.

2. The following types of proceedings are not "routine litigation incidental to the business" and, notwithstanding instruction 1 of this Item, must be described: Bankruptcy, receivership, or similar proceeding.

3. Any proceeding that involves Federal, State or local environmental laws must be described if it is material; involves a damages claim for more than 10% of the current assets of the issuer; or potentially involves more than \$100,000 in sanctions and a governmental authority is a party.

4. Any material proceeding to which any director, officer or affiliate of the issuer, any owner of record or beneficially of more than 5% of any class of voting securities of the small business issuer, or security holder is a party adverse to the small business issuer or has a material interest adverse to the small business issuer.

**§ 228.201 (Item 201) Market for common stock and related stockholder matters.**

(a) *Market information.* Identify the principal market or markets where the small business issuer's common stock is traded. If there is no public trading market, so state. Limited or sporadic quotations are not considered a "public trading market."

(1) If the principal market for the small business issuer's common stock is an exchange, give the high and low sales prices for each quarter within the last two fiscal years and to date in the current year.

(2) If the principal market is not an exchange, give the range of high and low bid information for the small business issuer's common stock for each quarter within the last two fiscal years and to date in the current year. Show the source of the high and low bid information. If over-the-counter market quotations are provided, also state that the quotations reflect inter-dealer prices, without retail mark-up, mark-down or commission and may not represent actual transactions.

(b) *Holders.* Give the approximate number of holders of each class of common stock.

(c) *Dividends.* (1) Discuss any cash dividends declared on each class of

common stock for the last two fiscal years and to date in the current year.

(2) Describe any restrictions that limit the ability to pay dividends on common stock or that are likely to do so in the future.

**§ 228.202 (Item 202) Description of securities.**

(a) *Common or preferred stock.* (1) If the small business issuer is offering common stock, describe any dividend, voting and preemption rights.

(2) If the small business issuer is offering preferred stock, describe the dividend, voting, conversion and liquidation rights as well as redemption or sinking fund provisions.

(3) Describe any other material rights of common or preferred stockholders.

(4) Describe any provision in the charter or by-laws that would delay, defer or prevent a change in control of the small business issuer.

(b) *Debt securities.* (1) If the small business issuer is offering debt securities, describe the maturity date, interest rate, conversion or redemption features and sinking fund requirements.

(2) Describe all other provisions giving or limiting the rights of debtholders. For example, describe subordination provisions, limitations on the declaration of dividends, restrictions on the issuance of additional debt, maintenance of asset ratios, etc.

(3) Give the name of any trustee(s) designated by the indenture and describe the circumstances under which the trustee must act on behalf of the debtholders.

(4) Discuss the tax effects of any securities offered at an "original issue discount."

(c) *Other securities to be registered.* If the small business issuer is registering other securities, provide similar information concerning the material provisions of those securities.

**§ 228.303 (Item 303) Management's discussion and analysis or plan of operation.**

Small business issuers that have not had revenues in each of the last three fiscal years shall provide the information in paragraph (a) of this Item. All other issuers shall provide the information in paragraph (b) of this Item.

(a) *Plan of operation.* (1) Describe the small business issuer's plan of operation for the next twelve months. This description should include such matters as:

(i) A discussion of how long the small business issuer can satisfy its cash requirements and whether it will have to

raise additional funds in the next twelve months;

(ii) A summary of product research and development that the small business issuer will perform for the term of the plan;

(iii) Any expected purchase or sale of plant and significant equipment; and

(iv) Any expected significant changes in the number of employees.

(b) *Management's discussion and analysis of financial condition and results of operations—(1) Full fiscal years.* Discuss the small business issuer's financial condition, changes in financial condition and results of operations for each of the last two fiscal years. This discussion should address the past and future financial condition and results of operation of the small business issuer, with particular emphasis on the prospects for the future. The discussion should also address those key variable and other qualitative and quantitative factors which are necessary to an understanding and evaluation of the small business issuer. If material, the small business issuer should disclose the following:

(i) Any known trends, events or uncertainties that have or are reasonably likely to have a material impact on the small business issuer's short-term or long-term liquidity;

(ii) Internal and external sources of liquidity;

(iii) Any material commitments for capital expenditures and the expected sources of funds for such expenditures;

(iv) Any known trends, events or uncertainties that have had or that are reasonably expected to have a material impact on the net sales or revenues or income from continuing operations;

(v) Any significant elements of income or loss that do not arise from the small business issuer's continuing operations;

(vi) The causes for any material changes from period to period in one or more line items of the small business issuer's financial statements; and

(vii) Any seasonal aspects that had a material effect on the financial condition or results of operation.

(2) *Interim periods.* If the small business issuer must include interim financial statements in the registration statement or report, provide a comparable discussion that will enable the reader to assess material changes in financial condition and results of operations since the end of the last fiscal year and for the comparable interim period in the preceding year.

*Instruction to Item 303*

1. In preparing MD&A disclosure, registrants should be guided by the general purpose of the MD&A requirement: To give

investors an opportunity to look at the registrant through the eyes of management by providing a historic and prospective analysis of the registrant's financial condition and results of operation with particular emphasis on the small business issuer's prospects for the future.

**§ 228.304 (Item 304) Changes in and disagreements with accountants on accounting and financial disclosure.**

(a)(1) If, during the small business issuer's two most recent fiscal years or any later interim period, the principal independent accountant or a significant subsidiary's independent accountant on whom the principal accountant expressed reliance in its report, resigned (or declined to stand for re-election) or was dismissed, then the small business issuer shall state:

(i) Whether the former accountant resigned, declined to stand for re-election or was dismissed and the date;

(ii) Whether the principal accountant's report on the financial statements for either of the past two years contained an adverse opinion or disclaimer of opinion, or was modified as to uncertainty, audit scope, or accounting principles, and also describe the nature of each such adverse opinion, disclaimer of opinion or modification;

(iii) Whether the decision to change accountants was recommended or approved by the board of directors or an audit or similar committee of the board of directors; and

(iv)(A) Whether there were any disagreements with the former accountant, whether or not resolved, on any matter of accounting principles or practices, financial statement disclosure, or auditing scope or procedure, which, if not resolved to the former accountant's satisfaction, would have caused it to make reference to the subject matter of the disagreement(s) in connection with its report; or

(B) The following information only if applicable. Indicate whether the former accountant advised the small business issuer that:

(1) Internal controls necessary to develop reliable financial statements did not exist; or

(2) Information has come to the attention of the former accountant which made the accountant unwilling to rely on management's representations, or unwilling to be associated with the financial statements prepared by management; or

(3) The scope of the audit should be expanded significantly, or information has come to the accountant's attention that the accountant has concluded will, or if further investigated might, materially impact the fairness or

reliability of a previously issued audit report or the underlying financial statements, or the financial statements issued or to be issued covering the fiscal period(s) subsequent to the date of the most recent audited financial statements (including information that might preclude the issuance of an unqualified audit report), and the issue was not resolved to the accountant's satisfaction prior to its resignation or dismissal; and

(C) The subject matter of each such disagreement or event identified in response to paragraph (a)(1)(iv) of this Item;

(D) Whether any committee of the board of directors, or the board of directors, discussed the subject matter of the disagreement with the former accountant; and

(E) Whether the small business issuer has authorized the former accountant to respond fully to the inquiries of the successor accountant concerning the subject matter of each of such disagreements or events and, if not, describe the nature of and reason for any limitation.

(2) If during the period specified in paragraph (a)(1) of this Item, a new accountant has been engaged as either the principal accountant to audit the issuer's financial statements or as the auditor of a significant subsidiary and on whom the principal accountant is expected to express reliance in its report, identify the new accountant and the engagement date. Additionally, if the issuer (or someone on its behalf) consulted the new accountant regarding:

(i) The application of accounting principles to a specific completed or contemplated transaction, or the type of audit opinion that might be rendered on the small business issuer's financial statements and either written or oral advice was provided that was an important factor considered by the small business issuer in reaching a decision as to the accounting, auditing or financial reporting issue; or

(ii) Any matter that was the subject of a disagreement or event identified in response to paragraph (a)(1)(iv) of this Item, then the small business issuer shall:

(A) Identify the issues that were the subjects of those consultations;

(B) Briefly describe the views of the new accountant given to the small business issuer and, if written views were received by the small business issuer, file them as an exhibit to the report or registration statement;

(C) State whether the former accountant was consulted by the small business issuer regarding any such issues, and if so, describe the former accountant's views; and

(D) Request the new accountant to review the disclosure required by this Item before it is filed with the Commission and provide the new accountant the opportunity to furnish the small business issuer with a letter addressed to the Commission containing any new information, clarification of the small business issuer's expression of its views, or the respects in which it does not agree with the statements made in response to this Item. Any such letter shall be filed as an exhibit to the report or registration statement containing the disclosure required by this Item.

(3) The small business issuer shall provide the former accountant with a copy of the disclosures it is making in response to this Item no later than the day that the disclosures are filed with the Commission. The small business issuer shall request the former accountant to furnish a letter addressed to the Commission stating whether it agrees with the statements made by the issuer and, if not, stating the respects in which it does not agree. The small business issuer shall file the letter as an exhibit to the report or registration statement containing this disclosure. If the letter is unavailable at the time of filing, the small business issuer shall request the former accountant to provide the letter so that it can be filed with the Commission within ten business days after the filing of the report or registration statement. Notwithstanding the ten business day period, the letter shall be filed within two business days of receipt. The former accountant may provide an interim letter highlighting specific areas of concern and indicating that a more detailed letter will be forthcoming within the ten business day period noted above. The interim letter, if any, shall be filed with the report or registration statement or by amendment within two business days of receipt.

(b) If the conditions in paragraphs (b)(1) through (3) of this Item exist, the small business issuer shall describe the nature of the disagreement or event and the effect on the financial statements if the method had been followed which the former accountants apparently would have concluded was required (unless that method ceases to be generally accepted because of authoritative standards or interpretations issued after the disagreement or event):

(1) In connection with a change in accountants subject to paragraph (a) of this item, there was any disagreement or event as described in paragraph (a)(1)(iv) of this item;

(2) During the fiscal year in which the change in accountants took place or during the later fiscal year, there have

been any transactions or events similar to those involved in such disagreement or event; and

(3) Such transactions or events were material and were accounted for or disclosed in a manner different from that which the former accountants apparently would have concluded was required.

#### Instructions to Item 304

1. The disclosure called for by paragraph (a) of this item need not be provided if it has been previously reported as that term is defined in rule 12b-2 under the Exchange Act (§ 240.12b-2); the disclosure called for by paragraph (a) of this item must be provided, however, notwithstanding prior disclosure, if required pursuant to item 9 of schedule 14A (§ 249.14a-101 *et seq.*). The disclosure called for by paragraph (b) of this item must be furnished, where required, notwithstanding any prior disclosure about accountant changes or disagreements.

2. When disclosure is required by paragraph (a) of this item in an annual report to security holders pursuant to rule 14a-3 or rule 14c-3 (§§ 240.14a-3 and 240.14c-3 of this chapter), or in a proxy or information statement filed pursuant to the requirements of schedule 14A (§ 240.14a-101 *et seq.*) or 14C (§ 240.14c-101 *et seq.*), in lieu of a letter pursuant to paragraph (a)(2)(ii)(D) or (a)(3) of this item, before filing such materials with or furnishing such materials to the Commission, the small business issuer shall furnish the disclosure required by paragraph (a) of this item to each accountant who was engaged during the period set forth in paragraph (a) of this item. If any such accountant believes that the statements made in response to paragraph (a) of this item are incorrect or incomplete, it may present its views in a brief statement, ordinarily expected not to exceed 200 words, to be included in the annual report or proxy or information statement. This statement shall be submitted to the small business issuer within ten business days of the date the accountant receives the small business issuer's disclosure. Further, unless the written views of the newly engaged accountant required to be filed as an exhibit by paragraph (a)(2)(ii)(D) of this item have been before filed with the Commission, the small business issuer shall file a Form 8-K (§ 249.308 of this chapter) along with the annual report or proxy or information statement for the purpose of filing the written views as exhibits.

3. The information required by this item need not be provided for a company being acquired by the small business issuer if such acquiree has not been subject to the filing requirements of either section 13(a) or 15(d) of the Exchange Act, or, because of section 12(i) of the Exchange Act, has not furnished an annual report to security holders pursuant to rule 14a-3 or rule 14c-3 (§§ 240.14a-3 and 240.14c-3 of this chapter) for its latest fiscal year.

4. In determining whether any disagreement or reportable event has occurred, an oral communication from the engagement partner or another person

responsible for rendering the accounting firm's opinion (or their designee) will generally suffice as the accountant advising the small business issuer of a reportable event or as a statement of a disagreement at the "decision-making level" within the accounting firm and require disclosure under this item.

**§ 226.310 (Item 310) Financial statements.**

**Notes**

1. Financial statements of a small business issuer, its predecessors or any businesses to which the small business issuer is a successor shall be prepared in accordance with generally accepted accounting principles in the United States.

2. Regulation S-X (17 CFR 210.1 through 210.12), Form and Content of and Requirements for Financial Statements, shall not apply to the preparation of such financial statements, except that the report and qualifications of the independent accountant shall comply with the requirements of article 2 of regulation S-X (17 CFR 210.2), and small business issuers engaged in oil and gas producing activities shall follow the financial accounting and reporting standards specified in article 4-10 of regulation S-X (17 CFR 210.4-10) with respect to such activities. To the extent that article 11-01 (17 CFR 210.11-01) (Pro Forma Presentation Requirements) offers enhanced guidelines for the preparation, presentation and disclosure of pro forma financial information, small business issuers may wish to consider these items.

3. The Commission, where consistent with the protection of investors, may permit the omission of one or more of the financial statements or the substitution of appropriate statements of comparable character. The Commission by informal written notice may require the filing of other financial statements where necessary or appropriate.

(a) *Annual financial statements.* Small business issuers shall file an audited balance sheet as of the end of the most recent fiscal year and audited statements of income, cash flows and changes in stockholders' equity for each of the two fiscal years preceding the date of such audited balance sheet (or such shorter period as the registrant has been in business).

(b) *Interim financial statements.* Interim financial statements, which may be unaudited, shall include a balance sheet as of the end of the issuer's most recent fiscal quarter or other more recent interim period and income statements and statements of cash flows for the interim period up to the date of such balance sheet and the comparable period of the preceding fiscal year.

*Instructions to Item 310(b)*

1. Where Item 310 is applicable to a Form 10-QSB (§ 249.308b) and the interim period is more than one quarter, income statements must also be provided for the most recent interim quarter and the comparable quarter of the preceding fiscal year.

2. Interim financial statements must include all adjustments which in the opinion of management are necessary in order to make the financial statements not misleading. An affirmative statement that the financial statements have been so adjusted must be included with the interim financial statements.

(1) *Condensed format.* Interim financial statements may be condensed as follows:

(i) Balance sheets should include separate captions for each balance sheet component presented in the annual financial statements which represents 10% or more of total assets. Cash and retained earnings should be presented regardless of relative significance to total assets. Registrants which present a classified balance sheet in their annual financial statements should present totals for current assets and current liabilities.

(ii) Income statements should include net sales or gross revenue, each cost and expense category presented in the annual financial statements which exceeds 20% of sales or gross revenues, provision for income taxes, discontinued operations, extraordinary items and cumulative effects of changes in accounting principles or practices. (Financial institutions should substitute net interest income for sales for purposes of determining items to be disclosed.) Dividends per share should be presented.

(iii) Cash flow statements should include cash flows from operating, investing and financing activities as well as cash at the beginning and end of each period and the increase or decrease in such balance.

(iv) Additional line items may be presented to facilitate the usefulness of the interim financial statements including their comparability with annual financial statements.

(2) *Disclosure required and additional instructions as to content—(i) Footnotes.* Footnote and other disclosures should be provided as needed for fair presentation and to ensure that the financial statements are not misleading.

(ii) *Material subsequent events and contingencies.* Disclosure must be provided of material subsequent events and material contingencies notwithstanding disclosure in the annual financial statements.

(iii) *Significant equity investees.* Sales, gross profit, net income (loss) from continuing operations and net income must be disclosed for equity investees which constitute 20% or more of a registrant's consolidated assets, equity or income from continuing operations.

(iv) *Significant dispositions and purchase business combinations.* If a significant disposition or purchase business combination has occurred during the most recent interim period and the transaction required the filing of a Form 8-K (§ 249.308 of this chapter), pro forma data must be presented which reflects revenue, income from continuing operations, net income and income per share for the current interim period and the corresponding interim period of the preceding fiscal year as though the transaction occurred at the beginning of the periods.

(v) *Material accounting changes.* Disclosure must be provided of the date and reasons for any material accounting change. The registrant's independent accountant must provide a letter in the first Form 10-QSB (§ 249.308b of this chapter) filed subsequent to the change indicating whether or not the change is to a preferable method. Disclosure must be provided of any retroactive change to prior period financial statements, including the effect of any such change on income and income per share.

(vi) *Development stage companies.* A registrant in the development stage must provide cumulative from inception financial information.

(c) *Financial statements of businesses acquired or to be acquired.* (1) Financial statements for the periods specified in paragraph (c)(3) of this item should be furnished if any of the following conditions exist:

(i) Consummation of a significant business combination accounted for as a purchase has occurred or is probable (the term "purchase" encompasses the purchase of an interest in a business accounted for by the equity method); or

(ii) Consummation of a significant business combination to be accounted for as a pooling is probable.

(2) A business combination is considered significant if a comparison of the most recent annual financial statements of the business acquired or to be acquired and the small business issuer's most recent annual financial statements filed at or prior to the date of acquisition indicates that the business would be significant pursuant to the conditions specified in rule 405 of regulation C (§ 230.405 of this chapter).

(3)(i) Financial statements shall be furnished for the periods prior to the date of acquisition, for those periods for which the small business issuer is required to furnish financial statements.

(ii) The financial statements covering fiscal years shall be audited.

(iii) The separate audited balance sheet of the acquired business is not required when the small business

issuer's most recent audited balance sheet filed is for a date after the acquisition was consummated.

(iv) If none of the conditions in the definitions of significant subsidiary in rule 405 (§ 230.405 of this chapter) exceeds 20%, income statements of the acquired business for only the most recent fiscal year and any interim period need be filed.

(4) If consummation of more than one transaction has occurred or is probable, the significance tests shall be made using the aggregate impact of the businesses and the financial statements may be presented on a combined basis, if appropriate.

(d) *Pro Forma financial information.*

(1) Pro forma information shall be furnished if any of the following conditions exist (for purposes of this item, the term "purchase" encompasses the purchase of an interest in a business accounted for by the equity method):

(i) During the most recent fiscal year or subsequent interim period for which a balance sheet is required by paragraph (b) of this item, a significant business combination accounted for as a purchase has occurred;

(ii) After the date of the most recent balance sheet filed pursuant to paragraph (a) or (b) of this item, consummation of a significant business combination accounted for as a purchase or a pooling has occurred or is probable.

(2) The provisions of paragraphs (c)(2) and (4) of this item apply to this paragraph.

(3) Pro forma statements should be condensed, in columnar form showing pro forma adjustments and results and should include the following:

(i) If the transaction was consummated during the most recent fiscal year or subsequent interim period, pro forma statements of income reflecting the combined operations of the entities for the latest fiscal year and interim period, if any, or;

(ii) If consummation of the transaction has occurred or is probable after the date of the most recent balance sheet required by paragraph (a) or (b) of this item, a pro forma balance sheet giving effect to the combination as of the date of the most recent balance sheet. For a purchase, pro forma statements of income reflecting the combined operations of the entities for the latest fiscal year and interim period, if any, and for a pooling of interests, pro forma statements of income for all periods for which income statements of the small business issuer are required.

(e) *Real estate operations acquired or to be acquired.* If, during the period for which income statements are required,

the small business issuer has acquired one or more properties which in the aggregate are significant, or since the date of the latest balance sheet required by paragraph (a) or (b) of this item, has acquired or proposes to acquire one or more properties which in the aggregate are significant, the following shall be furnished with respect to such properties:

(1) Audited income statements (not including earnings per unit) for the two most recent years, which shall exclude items not comparable to the proposed future operations of the property such as mortgage interest, leasehold rental, depreciation, corporate expenses and Federal and State income taxes; *Provided, however,* That such audited statements need be presented for only the most recent fiscal year if:

(i) The property is not acquired from a related party;

(ii) Material factors considered by the small business issuer in assessing the property are described with specificity in the registration statement with regard to the property, including source of revenue (including, but not limited to, competition in the rental market, comparative rents, occupancy rates) and expenses (including but not limited to, utilities, ad valorem tax rates, maintenance expenses, capital improvements anticipated); and

(iii) The small business issuer indicates that, after reasonable inquiry, it is not aware of any material factors relating to the specific property other than those discussed in response to paragraph (e)(1)(ii) of this item that would cause the reported financial information not to be necessarily indicative of future operating results.

(2) If the property will be operated by the small business issuer a statement shall be furnished showing the estimated taxable operating results of the small business issuer based on the most recent twelve month period including such adjustments as can be factually supported. If the property will be acquired subject to a net lease, the estimated taxable operating results shall be based on the rent to be paid for the first year of the lease. In either case, the estimated amount of cash to be made available by operations shall be shown. Disclosure must be provided of the principal assumptions which have been made in preparing the statements of estimated taxable operating results and cash to be made available by operations.

(3) If appropriate under the circumstances, a table should be provided which shows, for a limited number of years, the estimated cash distribution per unit indicating the

portion reportable as taxable income and the portion representing a return of capital with an explanation of annual variations, if any. If taxable net income per unit will be greater than the cash available for distribution per unit, that fact and approximate year of occurrence shall be stated, if significant.

(f) *Limited partnerships.* (1) Small business issuers which are limited partnerships must provide the balance sheets of the general partners as described in paragraphs (f)(2) through (4) of this item.

(2) Where a general partner is a corporation, the audited balance sheet of the corporation as of the end of its most recently completed fiscal year must be filed. Receivables, other than trade receivables, from affiliates of the general partner should be deducted from shareholders' equity of the general partner. Where an affiliate has committed itself to increase or maintain the general partner's capital, the audited balance sheet of such affiliate must also be presented.

(3) Where a general partner is a partnership, there shall be filed an audited balance sheet of such partnership as of the end of its most recently completed fiscal year.

(4) Where the general partner is a natural person, there shall be filed, as supplemental information, a balance sheet of such natural person as of a recent date. Such balance sheet need not be audited. The assets and liabilities should be carried at estimated fair market value, with provisions for estimated income taxes on unrealized gains. The net worth of such general partner(s), based on such balance sheet(s), singly or in the aggregate, shall be disclosed in the registration statement.

(g) *Age of financial statements.* If required financial statements are as of a date 135 days or more prior to the date a registration statement becomes effective or proxy material is expected to be mailed, the financial statements shall be updated to include financial statements for an interim period ending within 135 days of the effective or expected mailing date. Interim financial statements should be prepared and presented in accordance with paragraph (b) of this item:

(1) When the anticipated effective or mailing date falls within 45 days after the end of the fiscal year, the filing may include financial statements only as current as the end of the third fiscal quarter; *Provided, however,* That if the audited financial statements for the recently completed fiscal year are available or become available prior to

effectiveness or mailing, they must be included in the filing;

(2) If the effective date or anticipated mailing date falls after 45 days but within 90 days of the end of the small business issuer's fiscal year, the small business issuer is not required to provide the audited financial statements for such year end provided that the following conditions are met:

(i) The small business issuer is a reporting company and all reports due have been filed;

(ii) For the most recent fiscal year for which audited financial statements are not yet available, the small business issuer reasonably and in good faith expects to report income from continuing operations before taxes; and

(iii) For at least one of the two fiscal years immediately preceding the most recent fiscal year the small business issuer reported income from continuing operations before taxes.

**§ 228.401 (Item 401) Directors, executive officers, promoters and control persons.**

(a) *Identify directors and executive officers.* (1) List the names and ages of all directors and executive officers and all persons nominated or chosen to become such (however do not name any such person who has not consented to act as a director or executive officer);

(2) List the positions and offices that each such person held with the small business issuer;

(3) Give the person's term of office and the period during which the person has served;

(4) Briefly describe the person's business experience during the past five years; and

(5) If a director, identify other directorships held naming the company.

(b) *Identify significant employees.* Give the information specified in paragraph (a) of this item for each person who is not an executive officer but who is expected by the small business issuer to make a significant contribution to the business.

(c) *Family relationships.* Describe any family relationships between directors, executive officers, or persons nominated or chosen by the small business issuer to become directors or executive officers.

(d) *Involvement in certain legal proceedings.* Describe any of the following events that occurred during the past five years that are material to an evaluation of the ability or integrity of any director, person nominated to become a director, executive officer, promoter or control person of the small business issuer:

(1) Any bankruptcy petition filed by or against any business of which such

person was a general partner or executive officer either at the time of the bankruptcy or within two years prior to that time;

(2) The person was convicted in a criminal proceeding or is the subject of a pending criminal proceeding (excluding traffic violations and other minor offenses);

(3) The person was the subject of any order, judgment, or decree, not subsequently reversed, suspended or vacated, of any court of competent jurisdiction, permanently or temporarily enjoining, barring, suspending or otherwise limiting his involvement in any type of business, securities or banking activities; and

(4) The person was found by a court of competent jurisdiction (in a civil action), the Commission or the Commodity Futures Trading Commission to have violated a federal or state securities or commodities law, and the judgment has not been reversed, suspended, or vacated.

**§ 228.402 (Item 402) Executive compensation.**

(a) *Cash compensation.* Complete the following table and include all cash compensation paid or to be paid to the following persons for services rendered in all capacities to the small business issuer during the last fiscal year:

(1) Each of the small business issuer's five most highly paid executive officers whose cash compensation exceeds \$60,000, giving their names; and

(2) All executive officers as a group, stating the number of persons in the group without naming them.

CASH COMPENSATION TABLE

A	B	C
Name of individual or number in group	Capacities in which served	Cash compensation

*Instructions to Item 402(a)*

1. This table shall include:

(a) All cash bonuses paid or to be paid for all services rendered during the last fiscal year unless the amounts have not been allocated at the time of filing the registration statement or report and

(b) All compensation that would have been paid in cash but was deferred.

2. Paragraph (a) of this item applies to any person who was an executive officer at any time in the most recent fiscal year. However, information need not be given for any part of that year during which a person was not an executive officer of the small business issuer, if it so states.

(b)(1) *Compensation under plans.* Describe briefly all plans under which

the small business issuer paid or distributed cash or non-cash compensation during the most recent fiscal year and all plans under which the small business issuer proposes to pay or distribute cash or non-cash compensation in the future to the individuals and group named in paragraph (a) of this item. State the amounts provided. No information need be given for:

(i) Any plans that do not discriminate in favor of officers or directors and that are available to all salaried employees; or

(ii) Any pension or retirement benefits where amounts to be paid are computed on an actuarial basis under any plan that provides for fixed benefits for retirement at a specified age or after a specified number of years of service.

(2) *Stock option plans.* (i) For stock options granted during the last fiscal year, indicate:

(A) the title and amount of securities subject to options;

(B) the average per share exercise price; and

(C) if the exercise price was less than 100 percent of the market value of the security on the date of grant, so state and give the market price on such date.

(ii) For stock options exercised during the last fiscal year, regardless of the year that the small business issuer granted the options, give the net value realized upon the exercise, calculated by subtracting the exercise price from the market value.

(c) *Other compensation.* Give the amount and a description of any other compensation paid or distributed during the last fiscal year to the named individuals and group specified in paragraph (a) of this Item. The compensation shall be valued on the basis of the issuers' aggregate incremental cost. No information need be provided if:

(1) For any individual, the total amount of such other compensation is less than \$25,000 or 10% of the compensation reported in the Cash Compensation Table for that person; or

(2) For the group, the total amount of such other compensation is the lesser of \$25,000 times the number of persons in the group or 10% of the compensation reported in the Cash Compensation Table for the group under paragraph (a) of this Item and a statement to that effect is made.

(d) *Compensation of directors.* Describe and give the amounts of all compensation received by directors of the small business issuer for all services as a director.

**§ 228.403 (Item 403) Security ownership of certain beneficial owners and management.**

(a) *Security ownership of certain beneficial owners.* Complete the table

below for any person (including any "group") who is known to the small business issuer to be the beneficial owner of more than 5 percent of any

class of the small business issuer's voting securities.

(1)	(2)	(3)	(4)
Title of class	Name and address of beneficial owner	Amount and nature of beneficial owner	Percent of class
(b) <i>Security ownership of management.</i> Complete the following table for each class of equity securities	of the small business issuer or its parent beneficially owned by all directors and nominees, naming them, and directors		and officers of the small business issuer as a group, without naming them.

(1)	(2)	(3)	(4)
Title of class	Name and address of beneficial owner	Amount and nature of beneficial owner	Percent of class

(c) *Changes in control.* Describe any arrangements which may result in a change in control of the small business issuer.

purpose or effect of divesting such person of beneficial ownership of a security or preventing the vesting of such beneficial ownership.

the persons in paragraph (a)(1), (2) or (3) of this Item.

**Instructions to Item 403**

1. Of the number of shares shown in column (3) of paragraphs (a) and (b) of this Item, state in a footnote the amount which the listed beneficial owner has the right to acquire within sixty days, from options, warrants, rights, conversion privilege or similar obligations.

5. All securities of the same class beneficially owned by a person, regardless of the form that such beneficial ownership takes, shall be totaled in calculating the number of shares beneficially owned by such person.

(b) No information need be included for any transaction where:

2. Where persons hold more than 5% of a class under a voting trust or similar agreement, provide the following:

- The title of such securities;
- The amount that they hold under the trust or agreement (if not clear from the table);
- The duration of the agreement;
- The names and addresses of the voting trustees; and
- A brief outline of the voting rights and other powers of the voting trustees under the trust or agreement.

6. The small business issuer is responsible for knowing the contents of any statements filed with the Commission under section 13(d) or 13(g) of the Exchange Act concerning the beneficial ownership of securities and may rely upon the information in such statements unless it knows or has reason to believe that the information is not complete or accurate.

(1) Competitive bids determine the rates or charges involved in the transaction;

(2) The transaction involves services at rates or charges fixed by law or governmental authority;

(3) The transaction involves services as a bank depository of funds, transfer agent, registrar, trustee under a trust indenture, or similar services;

(4) The amount involved in the transaction or a series of similar transactions does not exceed \$60,000; or

(5) The interest of the person arises solely from the ownership of securities of the small business issuer and the person receives no extra or special benefit that was not shared equally (pro rata) by all holders of securities of the class.

3. Calculate the percentages on the basis of the amount of outstanding securities (not including securities held by or for the account of the small business issuer). Securities that are subject to options, warrants, rights, conversion privilege or similar obligations that provide the holder with the right to acquire beneficial ownership of that security within sixty days shall be "outstanding."

4. In this Item, a beneficial owner of a security means:

- Any person who, directly or indirectly, through any contract, arrangement, understanding, relationship or otherwise has or shares:
  - Voting power, which includes the power to vote, or to direct the voting of, such security; or
  - Investment power, which includes the power to dispose, or to direct the disposition of, such security.

(b) Any person who, directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement or any other contract, arrangement or device with the

7. The term *group* means two or more persons acting as a partnership, syndicate, or other group for the purpose of acquiring, holding or disposing of securities of an issuer.

8. Where the small business issuer lists more than one beneficial owner for the same securities, adequate disclosure should be included to avoid confusion.

**§ 228.404 (Item 404) Certain relationships and related transactions.**

(a) Describe any transaction during the last two years, or proposed transactions, to which the small business issuer was or is to be a party, in which any of the following persons had or is to have a direct or indirect material interest. Give the name of the person, the relationship to the issuer, nature of the person's interest in the transaction and, the amount of such interest:

- Any director or executive officer of the small business issuer;
- Any nominee for election as a director;
- Any security holder named in response to item 403 (§ 228.403); and
- Any member of the immediate family (including spouse, parents, children, siblings, and in-laws) of any of

(c) List all parents of the small business issuer showing the basis of control and as to each parent, the percentage of voting securities owned or other basis of control by its immediate parent if any.

(d) *Transactions with promoters.* Issuers organized within the past five years shall:

(1) State the names of the promoters, the nature and amount of anything of value (including money, property, contracts, options or rights of any kind) received or to be received by each promoter, directly or indirectly, from the issuer and the nature and amount of any assets, services or other consideration therefore received or to be received by the registrant; and

(2) As to any assets acquired or to be acquired from a promoter, state the

amount at which the assets were acquired or are to be acquired and the principle followed or to be followed in determining such amount and identify the persons making the determination and their relationship, if any, with the registrant or any promoter. If the assets were acquired by the promoter within two years prior to their transfer to the issuer, also state the cost thereof to the promoter.

Instructions to Item 404

1. A person does not have a material indirect interest in a transaction within the meaning of this Item where:

(a) The interest arises only:

(1) From such person's position as a director of another corporation or organization (other than a partnership) which is a party to the transaction and/or

(2) From the total (direct or indirect) by all specified persons of less than a 10% equity interest in another person (other than a partnership) which is a party to the transaction;

(b) The interest arises only from such person's position as a limited partner in a partnership in which he and all other specified persons had an interest of less than 10 percent; or

(c) The interest of such person arises solely from holding an equity interest (but not a general partnership interest) or a creditor interest in another person that is a party to the transaction and the transaction is not material to such other person.

2. Include information for any material underwriting discounts and commissions upon the sale of securities by the small business issuer where any of the specified persons was or is to be a principal underwriter or is a controlling person or member of a firm that was or is to be a principal underwriter.

3. As to any transaction involving the purchase or sale of assets by or to the small business issuer otherwise than in the ordinary course of business, state the cost of the assets to the purchase and if acquired by the seller within two years before the transaction, the cost thereof to the seller.

§ 228.405 (Item 405) Compliance with section 16(a) of the Exchange Act.

Every small business issuer that has a class of equity securities registered pursuant to section 12 of the Exchange Act (15 U.S.C. 78f) shall:

(a) Based solely upon a review of Forms 3 and 4 (§§ 249.103 and 249.104 of this chapter) and amendments thereto furnished to the registrant under Rule 16a-3(d) (§ 240.16a-3(e) of this chapter) during its most recent fiscal year and Forms 5 and amendments thereto (§ 249.105 of this chapter) furnished to the registrant with respect to its most recent fiscal year, and any written representation referred to in paragraph (b)(2)(i) of this item:

(1) Identify each person who, at any time during the fiscal year, was a director, officer, beneficial owner of more than ten percent of any class of equity securities of the registrant registered pursuant to section 12 ("reporting person") that failed to file on a timely basis, as disclosed in the above Forms, reports required by section 16(a) during the most recent fiscal year or prior years.

(2) For each such person, set forth the number of late reports, the number of transactions that were not reported on a timely basis, and any known failure to file a required Form.

**Note:** The disclosure requirement is based on a review of the forms submitted to the registrant during and with respect to its most recent fiscal year, as specified above. Accordingly, a failure to file timely need only be disclosed once. For example, if in the most recently concluded fiscal year a reporting person filed a Form 4 disclosing a transaction that took place in the prior fiscal year, and should have been reported in that year, the registrant should disclose that late filing and transaction pursuant to this Item for the most recent fiscal year, but not in material filed with respect to subsequent years.

(b) With respect to the disclosure required by paragraph (a) of this Item:

(1) A form received by the registrant within three calendar days of the

required filing date may be presumed to have been filed with the Commission by the required filing date.

(2) If the registrant:

(i) Receives a written representation from the reporting person that no Form 5 is required; and

(ii) Maintains the representation for two years, making a copy available to the Commission or its staff upon request, the registrant need not identify such reporting person pursuant to paragraph (a) of this item as having failed to file a Form 5 with respect to that fiscal year.

§ 228.501 (Item 501) Front of registration statement and outside front cover of prospectus.

(a) On the outside front cover page of prospectus, give the following information:

- (1) Name of the small business issuer;
- (2) Title, amount and description of securities offered;
- (3) If there are selling security holders, a statement to that effect;
- (4) Cross reference to the risk factors section of the prospectus;
- (5) The following statement in capital letters:

THESE SECURITIES HAVE NOT BEEN APPROVED OR DISAPPROVED BY THE SECURITIES AND EXCHANGE COMMISSION NOR HAS THE COMMISSION PASSED UPON THE ACCURACY OR ADEQUACY OF THIS PROSPECTUS. ANY REPRESENTATION TO THE CONTRARY IS A CRIMINAL OFFENSE.

(6) If the small business issuer is not reporting and a preliminary prospectus will be circulated, a bona fide estimate of the range of the maximum offering price and maximum number of shares or other units of securities to be offered, or a bona fide estimate of the principal amount of debt securities to be offered;

(7) The following table as to all securities to be registered (estimated, if necessary):

	Price to public	Underwriting discounts and commissions	Proceeds to issuer or other persons	Other expenses of issuance and distribution
Per unit.....				
Total .....				
Total minimum.....				
Total maximum.....				

The "total minimum" and "total maximum" items are required only if the offering is made on a best efforts basis. If so, disclose in the summary section (or on the cover page if material): The

date the offering will end; any minimum purchase requirement and any arrangements to place funds in an escrow, trust, or similar account. If there is an over-allotment option, the

maximum-minimum information must be based on the purchase of all or none of the shares subject to that option;

(8) If a prospectus will be used before the effective date of the registration

statement (or, prior to the determination of the initial public offering price in the case of a prospectus that omits information as permitted by rule 430A under the Securities Act (§ 230.430A of this chapter)), include, in red ink, the caption "Subject to Completion," the date of its issuance, and the following statement printed in type as large as that generally used in the body of the prospectus:

Information contained herein is subject to completion or amendment. A registration statement relating to these securities has been filed with the Securities and Exchange Commission. These securities may not be sold nor may offers to buy be accepted prior to the time the registration statement becomes effective. This prospectus shall not constitute an offer to sell or the solicitation of an offer to buy nor shall there be any sale of these securities in any State in which such offer, solicitation or sale would be unlawful prior to registration or qualification under the securities laws of any such State.

(9) Any legend or information required by the law of any State in which the securities are to be offered; and

(10) The date of the prospectus.

**§ 228.502 (Item 502) Inside front and outside back cover pages of prospectus.**

On the inside front cover page of the prospectus (or on the outside back cover page for paragraphs (e) and (f) of this Item) disclose the following:

(a)(1) *Available information.* State whether or not the small business issuer is a reporting company.

(2) If the small business issuer is a reporting company, state that the reports and other information filed by the small business issuer may be inspected and copied at the public reference facilities of the Commission in Washington, DC, and at some of its Regional Offices, (include addresses), and that copies of such material can be obtained from the Public Reference Section of the Commission, Washington, DC 20549 at prescribed rates; and

(3) Name any national securities exchange on which the small business issuer's securities are listed and state that reports and other information concerning the small business issuer can be inspected at such exchanges.

(b) *Reports to security holders.* Where a small business issuer is not required to deliver an annual report to security holders, indicate whether voluntary reports will be sent and, if so, the frequency of such reports and whether they will include audited financial statements.

(c) *Incorporation by reference.* State that small business issuer will provide without charge to each person who receives a prospectus, upon written or oral request of such person, a copy of

any of the information that was incorporated by reference in the prospectus (not including exhibits to the information that is incorporated by reference unless the exhibits are themselves specifically incorporated by reference) and the address (including title or department) and telephone number to which such a request is to be directed.

(d) *Stabilization.* (1) Include the following statement, if true:

IN CONNECTION WITH THIS OFFERING, THE UNDERWRITERS MAY OVER-ALLOT OR EFFECT TRANSACTIONS WHICH STABILIZE OR MAINTAIN THE MARKET PRICE OF (IDENTIFY EACH CLASS OF SECURITIES IN WHICH SUCH TRANSACTIONS MAY BE EFFECTED) AT A LEVEL ABOVE THAT WHICH MIGHT OTHERWISE PREVAIL IN THE OPEN MARKET. SUCH TRANSACTIONS MAY BE EFFECTED ON (IDENTIFY EACH EXCHANGE ON WHICH STABILIZING TRANSACTIONS MAY BE EFFECTED; IF NONE, OMIT THIS SENTENCE.) SUCH STABILIZING, IF COMMENCED, MAY BE DISCONTINUED AT ANY TIME.

(2) If the stabilizing began before the effective date of the registration statement, state the amount of securities bought, the prices at which they were bought and the period within which they were bought. In the event that Rule 430A under the Securities Act (§ 230.430A of this chapter) is used, the final prospectus must include information as to stabilizing transactions before the public offering price was set.

(3) If the securities are to be offered to existing security holders pursuant to warrants or rights and any securities not taken by security holders are to be reoffered to the public after the expiration of the rights offering period, state in the prospectus used to reoffer the securities:

(i) The amount of securities bought in stabilization activities during the rights offering period and the price or range of prices at which such securities were bought;

(ii) The amount of the offered securities subscribed for during such period;

(iii) The amount of the offered securities subscribed for by the underwriters during such period;

(iv) The amount of the offered securities sold during such period by the underwriters and the price, or range of prices, at which such securities were sold; and

(v) The amount of the offered securities to be reoffered to the public and the public offering price.

(e) *Delivery of prospectuses by dealers.* The following legend shall be printed in bold-face or italic type:

Until (insert date) all dealers effecting transactions in the registered securities, whether or not participating in this distribution, may be required to deliver a prospectus. This is in addition to the obligation of dealers to deliver a prospectus when acting as underwriters and with respect to their unsold allotments or subscriptions.

The date to be inserted should be determined by reference to section 4(3) of the Securities Act and rule 174 (§ 230.174 of this chapter).

(f) *Table of contents.* Include a detailed table of contents showing the various sections or subdivisions of the prospectus and the page number on which each such section or subdivision begins.

**§ 228.503 (Item 503) Summary information and risk factors.**

(a) *Summary.* A summary of the information contained in the prospectus where the length and complexity of the prospectus make a summary useful.

(b) *Address and telephone number.* In the beginning of the prospectus the complete mailing address and the telephone number of their principal executive offices.

(c) *Risk factors.* Immediately following the cover page of the prospectus or the summary section, discuss the factors that make the offering speculative or risky. These factors may include no operating history, no recent profit from operations, poor financial position, the kind of business in which the small business issuer is engaged or proposes to engage, or no market for the small business issuer's securities.

**§ 228.504 (Item 504) Use of proceeds.**

State how the net proceeds of the offering will be used, indicating the amount to be used for each purpose and the priority of each purpose, if all of the securities are not sold. If all or a substantial part of the proceeds are not allocated for a specific purpose, so state and discuss the principal reasons for the offering.

*Instructions to Item 504*

1. If a material amount of proceeds will discharge debt, state the interest rate and maturity. If that debt was incurred within one year, describe the use of the proceeds of that debt other than short-term borrowings used for working capital.

2. If any material amount of the proceeds is to be used to acquire assets or finance the acquisitions of other businesses, describe the assets or businesses and identify the persons from whom they will be bought. State the cost of the assets and, where such assets are to be acquired from affiliates of the small business issuer or their associates, give the names of the persons from whom they are to be acquired and set forth the principle

followed in determining the cost to the small business issuer.

**§ 228.505 (Item 505) Determination of offering price.**

(a) If there is no established public trading market for the common stock being registered or if there is a significant difference between the offering price and the market price of the stock, give the factors that were considered in determining the offering price. (Sporadic trades do not constitute a public trading market.)

(b) If warrants, rights and convertible securities are being registered and there is no public trading market for the underlying securities, describe the factors considered in determining the exercise or conversion price.

**§ 228.506 (Item 506) Dilution.**

(a) If the small business issuer is not a reporting company and is selling common stock at a price significantly less than the price paid by officers, directors, promoters and affiliated persons for common stock purchased by them during the past five years (or which they have rights to purchase), compare these prices.

(b) If paragraph (a) of this Item applies and the issuer had losses in each of its last three fiscal years and there is a material dilution of the purchasers' equity interest, disclose the following:

- (1) The net tangible book value per share before and after the distribution;
- (2) The amount of the increase in such net tangible book value per share attributable to the cash payments made by purchasers of the shares being offered; and
- (3) The amount of the immediate dilution from the public offering price which will be absorbed by such purchasers.

**§ 228.507 (Item 507) Selling security holders.**

If security holders of a small business issuer is offering securities, name each selling security holder, state any position, office, or other material relationship which the selling security holder has had within the past three years with the small business issuer or any of its predecessors or affiliates, and state the amount of securities of the class owned by such security holder before the offering, the amount to be offered for the security holder's account, the amount and (if one percent or more) the percentage of the class to be owned by such security holder after the offering is complete.

**§ 228.508 (Item 508) Plan of distribution.**

(a) *Underwriters and underwriting obligation.* If the securities are to be

offered through underwriters, name the principal underwriters, and state the respective amounts underwritten. Identify each such underwriter having a material relationship with the small business issuer and state the nature of the relationship. State the nature of the obligation of the underwriter(s) to take the securities, i.e., firm commitment, best efforts.

(b) *New underwriters.* Describe the business experience of managing or principal underwriters that have been in business less than three years, state their principal business function and identify any material relationships between the promoters of the issuer and the underwriter(s). This information need not be given if:

- (1) The issuer is a reporting company; and
- (2) An offering has no material risks.

(c) *Other distributions.* Outline briefly the plan of distribution of any securities to be registered that are to be offered otherwise than through underwriters.

(d) *Underwriter's representative on board of directors.* Describe any arrangement whereby the underwriter has the right to designate or nominate a member or members of the board of directors of the small business issuer. Identify any director so designated or nominated and indicate any relationship with the small business issuer.

(e) *Indemnification of underwriters.* If the underwriting agreement provides for indemnification by the small business issuer of the underwriters or their controlling persons against any liability arising under the Securities Act, furnish a brief description of such indemnification provisions.

(f) *Dealers' compensation.* State briefly the discounts and commissions to be allowed or paid to dealers, including all cash, securities, contracts or other considerations to be received by any dealer in connection with the sale of the securities.

(g) *Finders.* Identify any finder and describe the nature of any material relationship between such finder and the small business issuer or associates or affiliates of the small business issuer.

(h) *Discretionary accounts.* If the small business issuer is not a reporting company, identify any principal underwriter that intends to sell to any discretionary accounts and include an estimate of the amount of securities so intended to be sold. The response to this paragraph shall be contained in a pre-effective amendment which shall be circulated if the information is not available when the registration statement is filed.

**§ 228.509 (Item 509) Interest of named experts and counsel.**

If an "expert" or "counsel" was hired on a contingent basis, will receive a direct or indirect interest in the small business issuer or was a promoter, underwriter, voting trustee, director, officer, or employee, of the small business issuer, describe the contingent basis, interest, or connection.

(a) *Expert* is a person who is named as preparing or certifying all or part of the small business issuer's registration statement or a report or valuation for use in connection with the registration statement.

(b) *Counsel* is counsel named in the prospectus as having given an opinion on the validity of the securities being registered or upon other legal matters concerning the registration or offering of the securities.

*Instruction to Item 509*

1. The small business issuer does not need to disclose the interest of an expert (other than an accountant) or counsel if their interest (including the fair market value of all securities of the small business issuer received and to be received, or subject to options, warrants or rights received or to be received) does not exceed \$50,000.

**§ 228.510 (Item 510) Disclosure of commission position on indemnification for securities act liabilities.**

If the small business issuer does not request acceleration of the effective date of the registration statement, describe the indemnification provisions for directors, officers and controlling persons of the small business issuer against liability under the Securities Act. This includes any provision in the underwriting agreement which indemnifies the underwriter or its controlling persons against such liabilities where a director, officer or controlling person of the small business issuer is such an underwriter or controlling person or a member of any firm which is such an underwriter. In addition, include the following statement:

Insofar as indemnification for liabilities arising under the Securities Act of 1933 (the "Act") may be permitted to directors, officers or persons controlling the issuer under the foregoing provisions, the issuer has been informed that in the opinion of the Securities and Exchange Commission such indemnification is against public policy as expressed in the Act and is therefore unenforceable.

**§ 228.511 (Item 511) Other expenses of issuance and distribution.**

(a) Give an itemized statement of all expenses of the offering, other than underwriting discounts and

commissions. If any of the securities are registered for sale by security holders, state how much of the expenses the security holders will pay.

(1) The itemized list should generally include registration fees, federal taxes, state taxes and fees, trustees' and transfer agents' fees, costs of printing and engraving, and legal, accounting, and engineering fees.

(2) Include as a separate item any premium paid by the small business issuer or any selling security holder on any policy to insure or indemnify directors or officers against any liabilities they may incur in the registration, offering, or sale of these securities.

*Instruction to Item 511*

1. If the amounts of any items are not known, give estimates but identify them as such.

**§ 228.512 (Item 512) Undertakings.**

Include each of the following undertakings that apply to the offering.

(a) *Rule 415 offering.* If the small business issuer is registering securities under rule 415 of the Securities Act (§ 230.415 of this chapter), that the small business issuer will:

(1) File, during any period in which it offers or sells securities, a post-effective amendment to this registration statement to:

(i) Include any prospectus required by section 10(a)(3) of the Securities Act;

(ii) Reflect in the prospectus any facts or events which, individually or together, represent a fundamental change in the information in the registration statement; and

(iii) Include any additional or changed material information on the plan of distribution.

**Note:** Small business issuers do not need to give the statements in paragraphs (a)(1)(i) and (a)(1)(ii) of this Item if the registration statement is on Form S-3 or S-8 (§§ 239.13 and 239.16b), and the information required in a post-effective amendment is incorporated by reference from periodic reports filed by the small business issuer under the Exchange Act.

(2) For determining liability under the Securities Act, treat each post-effective amendment as a new registration statement of the securities offered, and the offering of the securities at that time to be the initial bona fide offering.

(3) File a post-effective amendment to remove from registration any of the securities that remain unsold at the end of the offering.

(b) *Warrants and rights offerings.* If the small business issuer will offer the securities to existing security holders under warrants or rights and the small business issuer will reoffer to the public

any securities not taken by security holders, with any modifications that suit the particular case:

(1) The small business issuer will supplement the prospectus, after the end of the subscription period, to include the results of the subscription offer, the transactions by the underwriters during the subscription period, the amount of unsubscribed securities that the underwriters will purchase and the terms of any later reoffering. If the underwriters make any public offering of the securities on terms different from those on the cover page of the prospectus, the small business issuer will file a post-effective amendment to state the terms of such offering.

(c) *Competitive bids.* If the small business issuer is offering securities at competitive bidding, with modifications to suit the particular case, that the small business issuer will:

(1) use its best efforts to distribute before the opening of bids, to prospective bidders, underwriters, and dealers, a reasonable number of copies of a prospectus that meet the requirements of section 10(a) of the Securities Act, and relating to the securities offered at competitive bidding, as contained in the registration statement, together with any supplements, and

(2) file an amendment to the registration statement reflecting the results of bidding, the terms of the reoffering and related matters where required by the applicable form, not later than the first use, authorized by the issuer after the opening of bids, of a prospectus relating to the securities offered at competitive bidding, unless the issuer proposes no further public offering of such securities by the issuer or by the purchasers.

(d) *Equity offerings of nonreporting small business issuers.* If a small business issuer that before the offering had no duty to file reports with the Commission under section 13(a) or 15(d) of the Exchange Act is registering equity securities for sale in an underwritten offering:

(1) The small business issuer will provide to the underwriter at the closing specified in the underwriting agreement certificates in such denominations and registered in such names as required by the underwriter to permit prompt delivery to each purchaser.

(e) *Request for acceleration of effective date.* If the small business issuer will request acceleration of the effective date of the registration statement under rule 461 under the Securities Act, include the following:

Insofar as indemnification for liabilities arising under the Securities Act of 1933 (the

"Act") may be permitted to directors, officers and controlling persons of the small business issuer pursuant to the foregoing provisions, or otherwise, the small business issuer has been advised that in the opinion of the Securities and Exchange Commission such indemnification is against public policy as expressed in the Act and is, therefore, unenforceable.

In the event that a claim for indemnification against such liabilities (other than the payment by the small business issuer of expenses incurred or paid by a director, officer or controlling person of the small business issuer in the successful defense of any action, suit or proceeding) is asserted by such director, officer or controlling person in connection with the securities being registered, the small business issuer will, unless in the opinion of its counsel the matter has been settled by controlling precedent, submit to a court of appropriate jurisdiction the question whether such indemnification by it is against public policy as expressed in the Securities Act and will be governed by the final adjudication of such issue.

(f) If a registration statement is filed under rule 430A of the Securities Act (§ 230.430A of this chapter), that the small business issuer will:

(1) For determining any liability under the Securities Act, treat the information omitted from the form of prospectus filed as part of this registration statement in reliance upon rule 430A and contained in a form of prospectus filed by the small business issuer under rule 424(b) (1) or (4) or 497(h) under the Securities Act (§§ 230.424(b) (1), (4) or 230.497(h)) as part of this registration statement as of the time the Commission declared it effective.

(2) For determining any liability under the Securities Act, treat each post-effective amendment that contains a form of prospectus as a new registration statement for the securities offered in the registration statement, and that offering of the securities at that time as the initial bona fide offering of those securities.

**§ 228.601 (Item 601) Exhibits.**

(a) *Exhibits and index of exhibits.* (1) The exhibits required by the exhibit table must be filed or incorporated by reference.

(2) Each filing must have an index of exhibits. The exhibit index must list exhibits in the same order as the exhibit table. If the exhibits are incorporated by reference, this fact should be noted in the exhibit index. In the manually signed registration statement or report, the exhibit index should give the page number of each exhibit.

*Instructions to Item 601*

1. If an exhibit (other than an opinion or consent) is filed in preliminary form and is later changed to include only interest, dividend or conversion rates, redemption or conversion prices, purchase or offering prices, underwriters' or dealers' commissions, names, addresses or participation of underwriters or similar matters and the information appears elsewhere in the registration statement or a prospectus, no amendment need be filed.

2. Small business issuers may file copies of each exhibit, rather than originals, except as otherwise specifically noted.

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	Securities Act forms					Exchange Act forms			
	SB-1	S-2	S-3	S-4***	S-8	10SB	8-K	10-QSB	10-KSB
(1) Underwriting agreement	X	X	X	X			X		
(2) Plan of acquisition, reorg., arrgmt, liquid, or succession.	X	X	X	X		X	X		
(3) Articles of Incorporation and by-laws	X	X	X	X		X	X		X
(4) Instruments defining the rights of holders, incl. indentures	X	X	X	X		X	X		X
(5) Opinion re: legality	X	X	X	X					
(6) No exhibit required	X	X		X					
(7) Opinion re: liquidation preference	X	X	X	X		X			
(8) Opinion re: tax matters	X	X	X	X		X			
(9) Voting trust agreement	X	X	X	X		X			
(10) Material contracts	X	X	X	X		X			
(11) Statement re: computation of per share earnings	X	X	X	X		X			
(12) No exhibit required	X	X	X	X					
(13) Annual or quarterly reports, Form 10-Q*	X	X	X	X					
(14) Material foreign patents	X	X	X	X		X			
(15) Letter on unaudited interim financial information	X	X	X	X		X			
(16) Letter on change in certifying accountant****	X	X	X	X		X			
(17) Letter on director resignation	X	X	X	X		X			
(18) Letter on change in accounting principles	X	X	X	X		X			
(19) Previously unfiled documents	X	X	X	X		X			
(20) No exhibit required	X	X	X	X					
(21) Other documents or statements to security holders	X	X	X	X		X			
(22) Subsidiaries of the registrant	X	X	X	X		X			
(23) No exhibit required	X	X	X	X					
(24) Consent of experts and counsel	X	X	X	X		X			
(25) Power of attorney	X	X	X	X		X			
(26) Statement of eligibility of trustee	X	X	X	X		X			
(27) Invitations for competitive bids	X	X	X	X		X			
(28) Additional exhibits	X	X	X	X		X			
(29) Info. from reports furnished to State insurance authorities	X	X	X	X		X			

\* Only if incorporated by reference into a prospectus and delivered to holders along with the prospectus as permitted by the registration statement; or in the case of a Form 10-KSB, where the annual report is incorporated by reference into the text of the Form 10-KSB.

\*\* Where the opinion of the expert or counsel has been incorporated by reference into a previously filed Securities Act registration statement.

\*\*\* An issuer need not provide an exhibit if: (1) an election was made under Form S-4 to provide S-2 or S-3 disclosure; and (2) the form selected (S-2 or S-3) would not require the company to provide the exhibit.

\*\*\*\* If required under Item 304 of Regulation S-B.

(b) *Description of exhibits.* Below is a description of each document listed in the exhibit table.

(1) *Underwriting agreement.* Each agreement with a principal underwriter for the distribution of the securities. If the terms have been determined and the securities are to be registered on Form S-3 (§ 239.13), the agreement may be filed on Form 8-K (§ 249.308) after the effectiveness of the registration statement.

(2) *Plan of purchase, sale, reorganization, arrangement, liquidation or succession.* Any such plan described in the filing. Schedules or attachments may be omitted if they are listed in the index and provided to the Commission upon request.

(3) *Articles of incorporation and by-laws.* The complete copies of articles of incorporation and by-laws or comparable instruments, as amended.

(4) *Instruments defining the rights of security holders, including indentures.*

(i) All instruments that define the rights of holders of the equity or debt securities that the issuer is registering, including the pages from the articles of incorporation or by-laws that define those rights.

(ii) All instruments defining the rights of holders of long term debt unless the total amount of debt covered by the instrument does not exceed 10% of the total assets of the small business issuer.

(iii) Copies of indentures to be qualified under the Trust Indenture Act of 1939 shall include an itemized table of contents and a cross reference sheet showing the location of the provisions inserted in accordance with sections 310 through 318(a) of that Act.

(5) *Opinion on legality.* (i) An opinion of counsel on the legality of the securities being registered stating whether they will, when sold, be legally issued, fully paid and non-assessable, and, if debt securities, whether they will be binding obligations of the small business issuer.

(ii) If the securities being registered are issued under a plan that is subject to the requirements of ERISA furnish either:

(A) An opinion of counsel which confirms compliance with ERISA; or

(B) A copy of the Internal Revenue Service determination letter that the plan is qualified under section 401 of the Internal Revenue Code.

If the plan is later amended, the small business issuer must have the opinion of counsel and the IRS determination letter updated to confirm compliance and qualification.

(6) *No exhibit required.*

(7) *Opinion on liquidation preference.*

If the liquidation preference of shares exceeds their par or stated value, an opinion of counsel as to whether there are any resulting restrictions on surplus. The opinion should also state any remedies available to security holders before or after payment of any dividend that would reduce surplus to an amount less than the amount of such excess. The opinion shall cite to applicable constitutional and statutory provisions and controlling case law.

(8) *Opinion on tax matters.* If tax consequences of the transaction are material to an investor, an opinion of counsel, an independent public or certified public accountant or, a revenue ruling from the Internal Revenue Service, supporting the tax matters and consequences to the shareholders. The exhibit is required for filings to which Securities Act Industry Guide 5 applies.

(9) *Voting trust agreement and amendments.*

(10) *Material contracts.* (i) Every material contract, not made in the ordinary course of business, that will be performed after the filing of the registration statement or report or was entered into not more than two years before such filing. Also include the following contracts:

(A) Any contract to which directors, officers, promoters, voting trustees, security holders named in the registration statement or report, or underwriters are parties other than contracts involving only the purchase or sale of current assets having a determinable market price, at such market price;

(B) Any contract upon which the small business issuer's business is substantially dependent, such as contracts with principal customers, principal suppliers, franchise agreements, etc.;

(C) Any contract for the purchase or sale of any property, plant or equipment for a consideration exceeding 15 percent of such assets of the small business issuer; or

(D) Any material lease under which a part of the property described in the registration statement or report is held by the small business issuer.

(ii)(A) Any management contract or any compensatory plan, contract or arrangement in which any director or any of the five most highly compensated executive officers of the small business issuer participates and any other management contract or any compensatory plan in which any other executive officer of the small business issuer participates shall be filed unless immaterial in amount or significance.

(B) The following management contracts or compensatory plans need not be filed:

(1) Ordinary purchase and sales agency agreements;

(2) Agreements with managers of stores in a chain organization or similar organization;

(3) Contracts providing for labor or salesmen's bonuses or payments to a class of security holders, as such;

(4) Any compensatory plan which is available to employees, officers or directors generally and which in operation provides for the same method of allocation of benefits between management and nonmanagement participants; and

(5) Any compensatory plan if the issuer is a wholly owned subsidiary of a reporting company and is filing a report on Form 10-KSB (§ 249.310b), or registering debt or non-voting preferred stock on Form S-2 (§ 239.12).

*Instruction to Item 601(b)(10)*

1. Only copies of the various remunerative plans need be filed. Each individual director's or executive officer's personal agreement under the plans need not be filed, unless they contain material provisions.

(11) *Statement re computation of per share earnings.* An explanation of the computation of per share earnings on both a primary and fully diluted basis unless the computation can be clearly determined from the registration statement or report.

(12) *No exhibit required.*

(13) *Annual report to security holders, Form 10-QSB (§ 249.308b) or quarterly report to security holders, if incorporated by reference in the filing.* Such reports, except for the parts which are expressly incorporated by reference in the filing are not deemed "filed" as part of the filing. If the financial statements in the report have been incorporated by reference in the filing, the accountant's certificate shall be manually signed in one copy. See rule 411(b) (§ 230.411(b) of this chapter).

(14) *Material foreign patents.* Each material foreign patent for an invention not covered by a United States patent.

(15) *Letter on unaudited interim financial information.* A letter, where applicable, from the independent accountant which acknowledges awareness of the use in a registration statement of a report on unaudited interim financial information. The letter is not considered a part of a registration statement prepared or certified by an accountant or a report prepared or certified by an accountant within the meaning of sections 7 and 11 of the Securities Act. Such letter may be filed

with the registration statement, an amendment thereto, or a report on Form 10-QSB (§ 249.308b) which is incorporated by reference into the registration statement.

(16) *Letter on change in certifying accountant.* File the letter required by Item 304(a)(3).

(17) *Letter on director resignation.* Any letter from a former director which describes a disagreement with the small business issuer that led to the director's resignation or refusal to stand for reelection and which requests that the matter be disclosed.

(18) *Letter on change in accounting principles.* Unless previously filed, a letter from the issuer's accountant stating whether any change in accounting principles or practices followed by the issuer, or any change in the method of applying any such accounting principles or practices, which affected the financial statements being filed with the Commission in the report or which is expected to affect the financial statements of future fiscal years is to an alternative principle which in his judgment is preferable under the circumstances. No such letter need be filed when such change is made in response to a standard adopted by the Financial Accounting Standards Board that creates a new accounting principle, that expresses a preference for an accounting principle, or that rejects a specific accounting principle.

(19) *Previously unfiled documents.* (i) Any unfiled document, which was executed or in effect during the reporting period, if such document would have been required to be filed as an exhibit to a registration statement on Form 10SB (§ 249.210b).

(ii) Any amendment or change to a document which was previously filed.

(20) *No exhibit required.*

(21) *Other documents or statements to security holders or any document incorporated by reference.*

(22) *Subsidiaries of the small business issuer.* A list of all subsidiaries, the state or other jurisdiction of incorporation or organization of each, and the names under which such subsidiaries do business.

(23) *No exhibit required.*

(24) *Consents of experts and counsel.*

(i) Securities Act filings. Dated and manually signed written consents or a reference in the index to the location of the consent.

(ii) Exchange Act reports. If required to file a consent for material incorporated by reference in a previously filed registration statement under the Securities Act, the dated and manually signed consent to the material

incorporated by reference. The consents shall be dated and manually signed.

(25) *Power of attorney.* If a person signs a registration statement or report under a power of attorney, a manually signed copy of such power of attorney or if located elsewhere in the registration statement, a reference in the index to where it is located. In addition, if an officer signs a registration statement for the small business issuer by a power of attorney, a certified copy of a resolution of the board of directors authorizing such signature.

(26) *Statement of eligibility of trustee.* Form T-1 (§ 269.1 of this chapter) if an indenture is being qualified under the Trust Indenture Act, bound separately from the other exhibits.

(27) *Invitations for competitive bids.* If the registration statement covers securities that the small business issuer is offering at competitive bidding, any invitation for competitive bid that the small business issuer will send or give to any person shall be filed.

(28) *Additional exhibits.* Any additional exhibits if listed and described in the exhibit index.

(29) *Information from reports furnished to state insurance regulatory authorities.* (i) If reserves for unpaid property-casualty ("P/C") claims and claim adjustment expenses of the small business issuer, its unconsolidated subsidiaries and the proportionate share of the small business issuer and the other subsidiaries in the unpaid P/C claims and claim adjustment expenses of its 50%-or-less-owned equity investees, taken in the aggregate after small business issuer eliminations, exceed one-half of the common stockholders' equity of the small business issuer as of the beginning of the latest fiscal year the following information should be supplied.

(ii) The information included in schedules O and P of Annual Statements provided to state regulatory authorities by the small business issuer or its P/C insurance small business issuer affiliates for the latest year on a combined or consolidated basis as appropriate, separately for each of the following:

(A) The small business issuer;  
(B) Its unconsolidated subsidiaries; and

(C) Fifty percent-or-less-owned equity investees of the small business issuer and its subsidiaries.

(iii) Small business issuers may omit the combined or consolidated schedules O and P of fifty percent-or-less-owned equity investees, if they file the same information with the Commission as companies in their own right, and if they state that fact and the name and

ownership percentage of such companies.

(iv) If ending reserves in paragraphs (b)(29)(ii) (A) and (B) of this Item or the proportionate share of the small business issuer and its other subsidiaries in paragraph (b)(29)(ii)(C) of this item are less than 5% of the total ending reserves in paragraphs (b)(29)(ii) (A) and (B) of this Item, and the proportionate share of (C) of this item, small business issuers may omit that category and note that fact. If the amount of the reserves attributable to fifty percent-or-less-owned equity investees that file this information as companies in their own right exceeds 95% of the total paragraph (b)(29)(ii)(C) of this item small business issuers do not need to provide reserves, information for the other fifty percent-or-less-owned equity investees.

(v) Small business issuers do not need to include schedules O and P information if they are not required to file schedules O and P with insurance regulatory authorities. However, clearly note the nature and extent of any such exclusions in the Exhibit.

(vi) Companies whose fiscal year differs from the calendar year should present schedules O and P as of the end of the calendar year that falls within their fiscal year.

(vii) The nature and amount of the difference between reserves for claims and claim adjustment expenses reflected on schedules O and P and the total P/C statutory reserves for claims and disclose claim adjustment expenses as of the latest calendar year in a note to those schedules.

#### § 228.701 (Item 701) Recent sales of unregistered securities.

Give the following information for all securities that the small business issuer sold within the past three years without registering the securities under the Securities Act.

(a) The date, title and amount of securities sold.

(b) Give the names of the principal underwriters, if any. If the small business issuer did not publicly offer any securities, identify the persons or class of persons to whom the small business issuer sold the securities.

(c) For securities sold for cash, the total offering price and the total underwriting discounts or commissions. For securities sold other than for cash, describe the transaction and the type and amount of consideration received by the small business issuer.

(d) The section of the Securities Act or the rule of the Commission under which the small business issuer claimed

exemption from registration and the facts relied upon to make the exemption available.

**§ 228.702 (Item 702) Indemnification of directors and officers.**

State whether any statute, charter provisions, by-laws, contract or other arrangements that insures or indemnifies a controlling person, director or officer of the small business issuer affects his or her liability in that capacity.

**PART 229—STANDARD INSTRUCTIONS FOR FILING FORMS UNDER SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934 AND ENERGY POLICY AND CONSERVATION ACT OF 1975—REGULATION S-K**

2. The authority citation for part 229 continues to read as follows:

**Authority:** 15 U.S.C. 77e, 77f, 77g, 77h, 77j, 77k, 77s, 77aa[25], 77aa[26], 77ddd, 77eee, 77ggg, 77hhh, 77jjj, 77nnn, 77sss, 78l, 78m, 78n, 78o, 78w, 80a-8, 80a-29, 80a-30, 80a-37, 80b-11, unless otherwise noted.

3. In § 229.801, paragraph (g) is added to read as follows:

**§ 229.801 Securities Act industry guides.**

(g) *Guide 7. Description of Property by Issuers Engaged or To Be Engaged in Significant Mining Operations.*

**Note:** The text of Guide 7 will not appear in the CFR.

**Guide 7—Description of Property by Issuers Engaged or to be Engaged in Significant Mining Operations**

(a) *Definitions.* The following definitions apply to registrants engaged or to be engaged in significant mining operations:

(1) *Reserve.* That part of a mineral deposit which could be economically and legally extracted or produced at the time of the reserve determination.

**Note:** Reserves are customarily stated in terms of "ore" when dealing with metalliferous minerals; when other materials such as coal, oil, shale, tar, sands, limestone, etc. are involved, an appropriate term such as "recoverable coal" may be substituted.

(2) *Proven (measured) reserves.* Reserves for which (a) quantity is computed from dimensions revealed in outcrops, trenches, workings or drill holes; grade and/or quality are computed from the results of detailed sampling and (b) the sites for inspection, sampling and measurement are spaced so closely and the geologic character is so well defined that size, shape, depth and mineral content of reserves are well-established.

(3) *Probable (indicated) reserves.* Reserves for which quantity and grade and/or quality are computed from information similar to that used for proven (measured) reserves, but the sites for inspection, sampling, and measurement are farther apart or are otherwise less adequately spaced. The degree of assurance, although lower than that for proven (measured) reserves, is high enough to assume continuity between points of observation.

(4) (i) *Exploration stage* includes all issuers engaged in the search for mineral deposits (reserves) which are not in either the development or production stage.

(ii) *Development stage* includes all issuers engaged in the preparation of an established commercially minable deposit (reserves) for its extraction which are not in the production stage.

(iii) *Production stage* includes all issuers engaged in the exploitation of a mineral deposit (reserve).

*Instruction to paragraph (a)*

1. Mining companies in the exploration stage should not refer to themselves as development stage companies in the financial statements, even though such companies should comply with FASB Statement No. 7, if applicable.

(b) *Mining operations disclosure.* Furnish the following information as to each of the mines, plants and other significant properties owned or operated, or presently intended to be owned or operated, by the registrant:

(1) The location and means of access to the property;

(2) A brief description of the title, claim, lease or option under which the registrant and its subsidiaries have or will have the right to hold or operate the property, indicating any conditions which the registrant must meet in order to obtain or retain the property. If held by leases or options, the expiration dates of such leases or options should be stated. Appropriate maps may be used to portray the locations of significant properties;

(3) A brief history of previous operations, including the names of previous operators, insofar as known;

(4)(i) A brief description of the present condition of the property, the work completed by the registrant on the property, the registrant's proposed program of exploration and development, and the current state of exploration and/or development of the property. Mines should be identified as either open-pit or underground. If the property is without known reserves and the proposed program is exploratory in

nature, a statement to that effect shall be made;

(ii) The age, details as to modernization and physical condition of the plant and equipment, including subsurface improvements and equipment. Further, the total cost for each property and its associated plant and equipment should be stated. The source of power utilized with respect to each property should also be disclosed.

(5) A brief description of the rock formations and mineralization of existing or potential economic significance on the property, including the identity of the principal metallic or other constituents insofar as known. If proven (measured) or probable (indicated) reserves have been established, state (i) the estimated tonnages and grades (or quality, where appropriate) of such classes of reserves, and (ii) the name of the person making the estimates and the nature of his relationship to the registrant.

*Instructions to paragraph (b)(5)*

1. It should be stated whether the reserve estimate is of in-place material or of recoverable material. Any in-place estimate should be qualified to show the anticipated losses resulting from mining methods and beneficiation or preparation.

2. The summation of proven (measured) and probable (indicated) ore reserves is acceptable if the difference in degree of assurance between the two classes of reserves cannot be readily defined.

3. Estimates other than proved (measured) or probable (indicated) reserves, and any estimated values of such reserves shall not be disclosed unless such information is required to be disclosed by foreign or state law; provided, however, that where such estimates previously have been provided to a person (or any of its affiliates) that is offering to acquire, merge, or consolidate with, the registrant or otherwise to acquire the registrant's securities, such estimates may be included.

(6) If technical terms relating to geology, mining or related matters whose definition cannot readily be found in conventional dictionaries (as opposed to technical dictionaries or glossaries) are used, an appropriate glossary should be included in this report.

(7) Detailed geographic maps and reports, feasibility studies and other highly technical data should not be included in the report but should be, to the degree appropriate and necessary for the Commission's understanding of the registrant's presentation of business and property matters, furnished as supplemental information.

(c) *Supplemental information.* (1) If an estimate of proven (measured) or

probable (indicated) reserves is set forth in the report, furnish:

- (i) Maps drawn to scale showing any mine workings and the outlines of the reserve blocks involved together with the pertinent sample-assay thereon.
- (ii) All pertinent drill data and related maps.
- (iii) The calculations whereby the basic sample-assay or drill data were translated into the estimates made of the grade and tonnage of reserves in each block and in the complete reserve estimate.

*Instructions to paragraph (c)(1).*

1. Maps and drawings submitted to the staff should include:

- (a) A legend or explanation showing, by means of pattern or symbol, every pattern or symbol used on the map or drawing; the use of the symbols used by the U.S. Geological Survey is encouraged;
- (b) A graphical bar scale should be included; additional representations of scale such as "one inch equals one mile" may be utilized provided the original scale of the map has not been altered;
- (c) A north arrow on the maps;
- (d) An index map showing where the property is situated in relationship to the state or province, etc., in which it was located;
- (e) A title of the map or drawing and the date on which it was drawn;
- (f) In the event interpretive data is submitted in conjunction with any map, the identity of the geologist or engineer that prepared such data; and
- (g) Any drawing should be simple enough or of sufficiently large scale to clearly show all features on the drawing.

(2) Furnish a complete copy of every material engineering, geological or metallurgical report concerning the registrant's property, including governmental reports, which are known and available to the registrant. Every such report should include the name of its author and the date of its preparation, if known to the registrant.

*Instruction to paragraph (c)(2).*

1. Any of the above-required reports as to which the staff has access need not be submitted. In this regard, issuers should consult with the staff prior to filing the report. Any reports not submitted should be identified in a list furnished to the staff. This list should also identify any known governmental reports concerning the registrant's property.

(3) Furnish copies of all documents such as title documents, operating permits and easements needed to support representations made in the report.

(4) In § 229.802, paragraphs (e) and (f) are reserved and paragraph (g) is added to read as follows:

**229.802 Exchange Act industry guides.**

- (e) [Reserved].
- (f) [Reserved].
- (g) *Guide 7. Description of Property by Issuers Engaged or To Be Engaged in Significant Mining Operations.*

**Note:** The text of Guide 7 will not appear in the CFR. The text of Guide 7 is identical to § 229.801(g) of this chapter and is not reprinted here.

**PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933**

5. The authority citation for part 230 continues to read as follows:

**Authority:** 15 U.S.C. 77b, 77f, 77g, 77h, 77j, 77s, 77sss, 78c, 78l, 78m, 78n, 78o, 78w, 79t, and 80a-37, unless otherwise noted.

**§ 230.175 [Amended]**

6. By amending paragraph (b)(1)(i) of § 230.175 after the words "Securities Act of 1933" add the words ", offering statement under Regulation A" and in paragraph (b)(2)(i) after the parenthetical "(§ 229.303 of this chapter)" add the words "or regulation S-B (§ 228.303 of this chapter)".

7. By revising Regulation A—Conditional Small Issues Exemption, §§ 230.251-230.262, to read as follows:

**Regulation A—Conditional Small Issues Exemption**

Sec.	
230.251	Scope of Exemption.
230.252	Offering Statement.
230.253	Offering Circular.
230.254	Solicitation of Interest Document for Use Prior to an Offering Statement.
230.255	Preliminary Offering Circulars.
230.256	Filing of Sales Material.
230.257	Reports of Sales and Use of Proceeds.
230.258	Suspension of the Exemption.
230.259	Withdrawal or Abandonment of Offering Statements.
230.260	Insignificant Deviations from a Term, Condition or Requirement of Regulation A.
230.261	Definitions.
230.262	Disqualification Provisions.

**Authority:** Secs. 230.251 to 230.262 issued under 15 U.S.C. 77c, 77s.

**Regulation A—Conditional Small Issues Exemption**

**§ 230.251 Scope of exemption.**

A public offer or sale of securities that meets the following terms and conditions shall be exempt under section 3(b) from the registration requirements of the Securities Act of 1933 (the "Securities Act"):

- (a) *Issuer.* The issuer of the securities:
  - (1) Is an entity organized under the laws of the United States, any State,

Territory or possession thereof, or the District of Columbia, with its principal place of business in the United States;

(2) Is not subject to section 13 or 15(d) of the Securities Exchange Act of 1934 (the "Exchange Act") (15 U.S.C. 78a *et seq.*) immediately before the offering;

(3) Is not a blank check company within the meaning of section 7(b) of the Securities Act;

(4) Is not a partnership or other entity organized primarily for the purpose of investing or reinvesting monies in securities, properties, commodities, business opportunities or similar media of speculative opportunity;

(5) Is not an investment company registered or required to be registered under the Investment Company Act of 1940 (15 U.S.C. 80a-1 *et seq.*);

(6) Is not issuing fractional undivided interests in oil or gas rights as defined in § 230.300, or a similar interest in other mineral rights; and

(7) Is not disqualified because of § 230.262.

(b) *Aggregate offering price.* The sum of all cash and other consideration to be received for the securities ("aggregate offering price") in any continuous 12-month period does not exceed \$5,000,000, including no more than \$1,500,000 offered by all selling security holders. No affiliate resales are permitted if the issuer has not had net income from continuing operations in at least one of its last two fiscal years.

**Note:** Where a mixture of cash and non-cash consideration is to be received, the aggregate offering price shall be based on the price at which the securities are offered for cash. Any portion of the aggregate offering price attributable to cash received in a foreign currency shall be translated into United States currency at a currency exchange rate in effect on or at a reasonable time prior to the date of the sale of the securities. If securities are not offered for cash, the aggregate offering price shall be based on the value of the consideration as established by bona fide sales of that consideration made within a reasonable time, or, in the absence of sales, on the fair value as determined by an accepted standard. Valuations of non-cash consideration must be reasonable at the time made.

(c) *Integration with other offerings.* Offers and sales made in reliance on this Regulation A will not be integrated with:

(1) Prior offers or sales of securities; or

(2) Subsequent offers or sales of securities that are:

- (i) Registered under the Securities Act;
- (ii) Made in reliance on § 230.701;
- (iii) Made pursuant to an employee benefit plan;

(iv) Made in reliance on Regulation S (§ 230.901-904); or

(v) Made more than six months after the completion of the Regulation A offering.

**Note:** If the issuer offers or sells securities for which the safe harbor rules are unavailable, such offers and sales still may not be integrated with the Regulation A offering, depending on the particular facts and circumstances. See Securities Act Release No. 4552 (November 6, 1962) (27 FR 11316).

(d) *Offering conditions*—(1) *Offers.* (i) Except as allowed by § 230.254, no offer of securities shall be made unless a Form 1-A offering statement has been filed with the Commission. No money or other consideration sent in response to a notice allowed by § 230.254 shall be accepted.

(ii) After the Form 1-A offering statement has been filed:

(A) Oral offers may be made;

(B) Written offers under § 230.255 may be made;

(C) Printed advertisements may be published or radio or television broadcasts made, if they state from whom a Preliminary Offering Circular or Final Offering Circular may be obtained, and contain no more than the following information:

(1) The name of the issuer of the security;

(2) The title of the security, the amount being offered and the per unit offering price to the public;

(3) The general type of the issuer's business; and

(4) A brief statement as to the general character and location of its property.

(iii) After the Form 1-A offering statement has been qualified, other written offers may be made, but only if accompanied with or preceded by a Final Offering Circular.

(2) *Sales.* (i) No sale of securities shall be made until:

(A) The Form 1-A offering statement has been qualified;

(B) A Preliminary Offering Circular or Final Offering Circular is furnished to the prospective purchaser at least 48 hours prior to the mailing of the confirmation of sale to that person; and

(C) A Final Offering Circular is delivered to the purchaser with the confirmation of sale, unless it has been delivered to that person at an earlier time.

(ii) Sales by a dealer (including an underwriter no longer acting in that capacity for the security involved in such transaction) that take place within 90 days after the qualification of the Regulation A offering statement may be made only if the dealer delivers a copy of the current offering circular to the

purchaser before or with the confirmation of sale. The issuer or underwriter of the offering shall provide requesting dealers with reasonable quantities of the offering circular for this purpose.

(3) *Continuous or delayed offerings.* Continuous or delayed offerings may be made under this regulation A if permitted by § 230.415.

#### § 230.252 Offering Statement.

(a) *Documents to be included.* The offering statement consists of the facing sheet of Form 1-A (§ 239.90 of this chapter), the contents required by the form and any other material information necessary to make the required statements, in the light of the circumstances under which they are made, not misleading.

(b) *Paper, printing, language and pagination.* The requirements for offering statements are the same as those specified in § 230.403 for registration statements under the Act.

(c) *Confidential treatment.* A request for confidential treatment may be made under § 230.406 for information required to be filed, and § 200.83 of this chapter for information not required to be filed.

(d) *Signatures.* The issuer, its Chief Executive Officer, Chief Financial Officer, a majority of the members of its board of directors or other governing body, and each selling security holder shall sign the offering statement. If a signature is by a person on behalf of any other person, evidence of authority to sign shall be filed, except where an executive officer signs for the issuer. If the issuer is a limited partnership, a majority of the board of directors of any corporate general partner also shall sign.

(e) *Number of copies and where to file.* Seven copies of the offering statement, at least one of which is manually signed, shall be filed either with the Commission's Office for the region in which the issuer's principal business operations are conducted or are proposed to be conducted or with the Commission's main office in Washington, DC. Since no filing may be made with the Philadelphia Regional Office, filings within the jurisdiction of that office may be made either at the Atlanta or New York Regional Office or in Washington, DC.

(f) *Fee.* There is a filing fee of \$500 which shall accompany the initial filing of the offering statement. There is no fee for amendments.

(g) *Qualification.* (1) If there is no delaying notation as permitted by paragraph (g)(2) of this section or suspension proceeding under § 230.258, an offering statement is qualified

without Commission action on the 20th calendar day after its filing.

(2) An offering statement containing the following notation can be qualified only by order of the Commission, unless such notation is removed prior to Commission action as described in paragraph (g)(3) of this section:

This offering statement shall only be qualified upon order of the Commission, unless a subsequent amendment is filed indicating the intention to become qualified by operation of the terms of Regulation A.

(3) The delaying notation specified in paragraph (g)(2) of this section can be removed only by an amendment to the offering statement that contains the following language:

This offering statement shall become qualified on the 20th calendar day following the filing of this amendment.

(h) *Amendments.* If any information in the offering statement is amended, an amendment, signed in the same manner as the initial filing, shall be filed. Seven copies of every amendment shall be filed with the Commission's Office that accepted the initial filing. Subsequent amendments to an offering shall recommence the time period for qualification.

#### § 230.253 Offering circular.

(a) *Contents.* An offering circular shall include the narrative and financial information required by Form 1-A.

(b) *Presentation of information.* Information in the offering circular shall be presented in a clear, concise and understandable manner and in a type size that is easily readable. Repetition of information should be avoided; cross-referencing of information within the document is permitted.

(c) *Date.* An offering circular shall be dated approximately as of the date of the qualification of the offering statement of which it is a part.

(d) *Cover page legend.* The cover page of every offering circular shall display the following statement in capital letters printed in boldfaced type at least as large as that used generally in the body of such offering circular:

The United States Securities and Exchange Commission does not pass upon the merits of or give its approval to any securities offered or the terms of the offering, nor does it pass upon the accuracy or completeness of any offering circular or other selling literature. These securities are offered pursuant to an exemption from registration with the Commission; however, the Commission has not made an independent determination that the securities offered hereunder are exempt from registration.

(e) *Revisions.* (1) An offering circular shall be revised during the course of an

offering whenever the information it contains has become false or misleading in light of existing circumstances, material developments have occurred, or there has been a fundamental change in the information initially presented.

(2) An offering circular for a continuous offering shall be updated to include, among other things, updated financial statements, 12 months after the date the offering statement was qualified.

(3) Every revised or updated offering circular shall be filed as an amendment to the offering statement and requalified in accordance with § 230.252.

**230.254 Solicitation of interest document for use prior to an offering statement.**

(a) An issuer may publish or deliver to prospective purchasers a written document to determine whether there is any interest in a contemplated securities offering. Following publication or delivery, oral communications with prospective investors are permitted. The written document and oral communications are subject to the antifraud provisions of the federal securities laws, and neither may be the basis to solicit or receive money, or any commitment, binding or otherwise, from any prospective investor.

(b) Any written document under this section shall state:

(1) that no money or other consideration sent in response will be accepted; and

(2) that no sales of the securities will be made or commitment to purchase will be accepted until delivery of an offering circular that will include complete information about the issuer and the offering.

(c) Any written document under this section may include a coupon, returnable to the issuer indicating interest in a potential offering, revealing the name, address and telephone number of the prospective investor.

(d) On or before the date of its first use, the issuer shall file a copy of any written document under this section to the Commission's Regional Office for the region in which the issuer's principal business operations are conducted or are proposed to be conducted or with the Commission's main office in Washington, DC. The document shall either contain or be accompanied by the name and telephone number of a person able to answer questions about the document.

(e) No sale may be made until qualification of the offering statement and in no event may sales be made until 20 calendar days after the publication or delivery of the document.

(f) For purposes of this section, no radio or television broadcast is permitted.

**§ 230.255 Preliminary offering circulars.**

(a) Prior to qualification of the required offering statement, but after its filing, a written offer of securities may be made if it meets the following requirements:

(1) The outside front cover page of the material bears the caption "Preliminary Offering Circular," the date of issuance, and the following statement, which shall run along the left hand margin of the page and be printed perpendicular to the text, in boldfaced type at least as large as that used generally in the body of such offering circular:

An offering statement pursuant to Regulation A relating to these securities has been filed with the \_\_\_\_\_ Office of the Securities and Exchange Commission.

Information contained in this Preliminary Offering Circular is subject to completion or amendment. These securities may not be sold nor may offers to buy be accepted prior to the time an offering circular which is not designated as a Preliminary Offering Circular is delivered and the offering statement filed with the Commission becomes qualified. This Preliminary Offering Circular shall not constitute an offer to sell or the solicitation of an offer to buy nor shall there be any sales of these securities in any state in which such offer, solicitation or sale would be unlawful prior to registration or qualification under the laws of any such state.

(2) The Preliminary Offering Circular contains substantially the information required in an offering circular by Form 1-A (§ 239.90 of this chapter), except that information with respect to offering price, underwriting discounts or commissions, discounts or commissions to dealers, amount of proceeds, conversion rates, call prices, or other matters dependent upon the offering price may be omitted. The outside front cover page of the Preliminary Offering Circular shall include a bona fide estimate of the range of the maximum offering price and maximum number of shares or other units of securities to be offered or a bona fide estimate of the principal amount of debt securities to be offered.

(3) The material is filed as a part of the offering statement.

(b) If a Preliminary Offering Circular is inaccurate or inadequate in any material respect, a revised Preliminary Offering Circular or a complete Offering Circular shall be furnished to all persons to whom securities are to be sold at least 48 hours prior to the mailing of any confirmation of sale to such persons, or shall be sent to such persons under such circumstances that it would normally be

received by them 48 hours prior to receipt of confirmation of the sale.

**§ 230.256 Filing of sales material.**

Seven copies of any advertisement or written communication, or the script of any radio or television broadcast, shall be filed with the Office of the Commission where the offering statement was initially filed when the material is first published or delivered.

**§ 230.257 Reports of sales and use of proceeds.**

The issuer and/or each selling security holder shall file seven copies of a report concerning sales and use of proceeds on Form 2-A (§ 239.91 of this chapter), or other form prescribed by the Commission, with the Office of the Commission where the offering statement was initially filed. This report shall be filed at the following times:

(a) Every six months after the qualification of the offering statement or any amendment until substantially all the proceeds have been applied; and

(b) Within 30 calendar days after the termination, completion or final sale of securities in the offering, or the application of the proceeds from the offering, whichever is the latest event. This report should be labeled the final report. For purposes of this section, the temporary investment of proceeds pending final application shall not constitute application of the proceeds.

**§ 230.258 Suspension of the exemption.**

(a) The Commission may at any time enter an order temporarily suspending a Regulation A exemption if it has reason to believe that:

(1) No exemption is available or any of the terms, conditions or requirements of the Regulation have not been complied with, including failures to provide the Commission a copy of the document under § 230.254, to file any sales material as required by § 230.256 or report as required by § 230.257;

(2) The offering statement or any sales material contains any untrue statement of a material fact or omits to state a material fact necessary in order to make the statements made, in light of the circumstances under which they are made, not misleading;

(3) The offering is being made or would be made in violation of section 17 of the Securities Act;

(4) An event has occurred after the filing of the offering statement which would have rendered the exemption hereunder unavailable if it had occurred prior to such filing;

(5) Any person specified in paragraph (a) of § 230.262 has been indicted for

any crime or offense of the character specified in paragraph (a)(3) of § 230.262, or any proceeding has been initiated for the purpose of enjoining any such person from engaging in or continuing any conduct or practice of the character specified in paragraph (a)(4) of § 230.262;

(6) Any person specified in paragraph (b) of § 230.262 has been indicted for any crime or offense of the character specified in paragraph (b)(1) of § 230.262, or any proceeding has been initiated for the purpose of enjoining any such person from engaging in or continuing any conduct or practice of the character specified in paragraph (b)(2) of § 230.262; or

(7) The issuer or any promoter, officer, director or underwriter has failed to cooperate, or has obstructed or refused to permit the making of an investigation by the Commission in connection with any offering made or proposed to be made in reliance on regulation A.

(b) Upon the entry of an order under paragraph (a) of this section, the Commission will promptly give notice to the issuer, any underwriter and any selling security holder:

(1) That such order has been entered, together with a brief statement of the reasons for the entry of the order; and

(2) That the Commission, upon receipt of a written request within 30 calendar days after the entry of the order, will within 20 calendar days after receiving the request, order a hearing at a place to be designated by the Commission.

(c) If no hearing is requested and none is ordered by the Commission, an order entered under paragraph (a) of this section shall become permanent on the 30th calendar day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission. Where a hearing is requested or is ordered by the Commission, the Commission will, after notice of and opportunity for such hearing, either vacate the order or enter an order permanently suspending the exemption.

(d) The Commission may, at any time after notice of and opportunity for hearing, enter an order permanently suspending the exemption for any reason upon which it could have entered a temporary suspension order under paragraph (a) of this section. Any such order shall remain in effect until vacated by the Commission.

(e) All notices required by this section shall be given by personal service, registered or certified mail to the addresses given by the issuer, any underwriter and any selling security holder in the offering statement.

**§ 230.259 Withdrawal or abandonment of offering statements.**

(a) If none of the securities which are the subject of an offering statement have been sold and such offering statement is not the subject of a proceeding under § 230.258, the offering statement may be withdrawn with the Commission's consent. The application for withdrawal shall state the reason the offering statement is to be withdrawn, to be signed by an authorized representative of the issuer and to be directed to the Commission's Office where the offering statement was filed.

(b) When an offering statement has been on file with the Commission for nine months without amendment and has not become qualified, the Commission may, in its discretion, proceed in the following manner to determine whether such offering statement has been abandoned by the issuer. If the offering statement has been amended, the 9-month period shall be computed from the date of the latest amendment.

(1) Notice will be sent to the issuer, and to any counsel for the issuer named in the offering statement, by registered or certified mail, return receipt requested, addressed to the most recent addresses for the issuer and issuer's counsel as reflected in the offering statement. Such notice will inform the issuer and issuer's counsel that the offering statement or amendments thereto is out of date and must be either amended to comply with applicable requirements of regulation A or be withdrawn within 30 calendar days after the notice.

(2) If the issuer or issuer's counsel fail to respond to such notice by filing a substantive amendment or withdrawing the offering statement or do not furnish a satisfactory explanation as to why the issuer has not done so within 30 calendar days, the Commission may declare the offering statement abandoned.

**§ 230.260 Insignificant deviations from a term, condition or requirement of regulation A.**

(a) A failure to comply with a term, condition or requirement of regulation A will not result in the loss of the exemption from the requirements of section 5 of the Securities Act for any offer or sale to a particular individual or entity, if the person relying on the exemption establishes:

(1) the failure to comply did not pertain to a term, condition or requirement directly intended to protect that particular individual or entity;

(2) the failure to comply was insignificant with respect to the offering

as a whole, provided that any failure to comply with paragraphs (a), (b), (d) (1) and (3) of § 230.251 shall be deemed to be significant to the offering as a whole; and

(3) a good faith and reasonable attempt was made to comply with all applicable terms, conditions and requirements of regulation A.

(b) A transaction made in reliance upon regulation A shall comply with all applicable terms, conditions and requirements of the regulation. Where an exemption is established only through reliance upon paragraph (a) of this section, the failure to comply shall nonetheless be actionable by the Commission under section 20 of the Act.

(c) This provision provides no relief or protection from a proceeding under § 230.258.

**§ 230.261 Definitions.**

As used in this regulation A, all terms have the same meanings as in § 230.405, except that all references to *registrant* in those definitions shall refer to the issuer of the securities to be offered and sold under regulation A. In addition, these terms have the following meanings:

(a) *Final offering circular.* The current offering circular contained in a qualified offering statement;

(b) *Preliminary offering circular.* The offering circular described in § 230.255(a).

**§ 230.262 Disqualification provisions.**

Unless, upon a showing of good cause and without prejudice to any other action by the Commission, the Commission determines that it is not necessary under the circumstances that the exemption provided by this regulation A be denied, the exemption shall not be available for the offer or sale of securities, if:

(a) The issuer, any of its predecessors or any affiliated issuer:

(1) Has filed a registration statement which is the subject of any pending proceeding or examination under section 8 of the Act, or has been the subject of any refusal order or stop order thereunder within 5 years prior to the filing of the offering statement required by § 230.252;

(2) Is subject to any pending proceeding under § 230.258 or any similar section adopted under section 3(b) of the Securities Act, or to an order entered thereunder within 5 years prior to the filing of such offering statement;

(3) Has been convicted within 5 years prior to the filing of such offering statement of any felony or misdemeanor in connection with the purchase or sale

of any security or involving the making of any false filing with the Commission;

(4) Is subject to any order, judgment, or decree of any court of competent jurisdiction temporarily or preliminarily restraining or enjoining, or is subject to any order, judgment or decree of any court of competent jurisdiction, entered within 5 years prior to the filing of such offering statement, permanently restraining or enjoining, such person from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security or involving the making of any false filing with the Commission; or

(5) Is subject to a United States Postal Service false representation order entered under 39 U.S.C. 3005 within 5 years prior to the filing of the offering statement, or is subject to a temporary restraining order or preliminary injunction entered under 39 U.S.C. 3007 with respect to conduct alleged to have violated 39 U.S.C. 3005. The entry of an order, judgment or decree against any affiliated entity before the affiliation with the issuer arose, if the affiliated entity is not in control of the issuer and if the affiliated entity and the issuer are not under the common control of a third party who was in control of the affiliated entity at the time of such entry does not come within the purview of this paragraph (a) of this section.

(b) Any director, officer or general partner of the issuer, beneficial owner of 10 percent or more of any class of its equity securities, any promoter of the issuer presently connected with it in any capacity, any underwriter of the securities to be offered, or any partner, director or officer of any such underwriter:

(1) Has been convicted within 10 years prior to the filing of the offering statement required by § 230.252 of any felony or misdemeanor in connection with the purchase or sale of any security, involving the making of a false filing with the Commission, or arising out of the conduct of the business of an underwriter, broker, dealer, municipal securities dealer, or investment adviser;

(2) Is subject to any order, judgment, or decree of any court of competent jurisdiction temporarily or preliminarily enjoining or restraining, or is subject to any order, judgment, or decree of any court of competent jurisdiction, entered within 5 years prior to the filing of such offering statement, permanently enjoining or restraining such person from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security, involving the making of a false filing with the Commission, or arising out of the conduct of the business of an

underwriter, broker, dealer, municipal securities dealer, or investment adviser;

(3) Is subject to an order of the Commission entered pursuant to section 15(b), 15B(a), or 15B(c) of the Exchange Act, or section 203(e) or (f) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 *et seq.*);

(4) Is suspended or expelled from membership in, or suspended or barred from association with a member of, a national securities exchange registered under section 6 of the Exchange Act or a national securities association registered under section 15A of the Exchange Act for any act or omission to act constituting conduct inconsistent with just and equitable principles of trade; or

(5) Is subject to a United States Postal Service false representation order entered under 39 U.S.C. 3005 within 5 years prior to the filing of the offering statement required by § 230.252, or is subject to a restraining order or preliminary injunction entered under 39 U.S.C. 3007 with respect to conduct alleged to have violated 39 U.S.C. 3005.

(c) Any underwriter of such securities was an underwriter or was named as an underwriter of any securities:

(1) Covered by any registration statement which is the subject of any pending proceeding or examination under section 8 of the Act, or is the subject of any refusal order or stop order entered thereunder within 5 years prior to the filing of the offering statement required by § 230.252; or

(2) Covered by any filing which is subject to any pending proceeding under § 230.258 or any similar rule adopted under section 3(b) of the Securities Act, or to an order entered thereunder within 5 years prior to the filing of such offering statement.

8. Section 230.405 is amended by adding the following definition of *small business issuer* in the appropriate alphabetical order to read as follows:

**§ 230.405 Definitions of terms.**

*Small business issuer.* The term *small business issuer* means an entity that meets the following criteria:

- (1) Had revenues of less than \$15,000,000 during its last fiscal year;
- (2) Is not a foreign private issuer or a foreign government;
- (3) Is not an investment company; and
- (4) Is not a wholly owned subsidiary of a non-small business issuer.

**§ 230.502 [Amended]**

9. In § 230.502 by amending the note to paragraph (b) by removing the last sentence and in the flush text of

paragraph (d) by removing the words "and § 230.504(b)(2)(ii) require" and adding the word "requires".

10. By revising paragraphs (b) (1) and (2), and Notes 1 and 2 to paragraph (b)(2) and removing paragraph (b)(2)(ii) of § 230.504 to read as follows:

**§ 230.504 Exemption for limited offerings and sales of securities not exceeding \$1,000,000.**

(b) *Conditions to be met.* (1) To qualify for exemption under this § 230.504, offers and sales must satisfy the terms and conditions of §§ 230.501 and 230.502, except that the provisions of § 230.502(c) and (d) shall not apply to offers and sales made under this § 230.504.

(2) The aggregate offering price for an offering of securities under this § 230.504, as defined in § 230.501(c), shall not exceed \$1,000,000, less the aggregate offering price for all securities sold within the twelve months before the start of and during the offering of securities under this § 230.504, in reliance on any exemption under section 3(b), or in violation of section 5(a) of the Securities Act.

**Note 1:** The calculation of the aggregate offering price is illustrated as follows:

If an issuer sold \$900,000 on June 1, 1987 under this § 230.504 and an additional \$4,100,000 on December 1, 1987 under § 230.505, the issuer could not sell any of its securities under this § 230.504 until December 1, 1988. Until then the issuer must count the December 1, 1987 sale towards the \$1,000,000 limit within the preceding twelve months.

**Note 2:** If a transaction under § 230.504 fails to meet the limitation on the aggregate offering price, it does not affect the availability of this § 230.504 for the other transactions considered in applying such limitation. For example, if an issuer sold \$1,000,000 worth of its securities on January 1, 1988 under this § 230.504 and an additional \$500,000 worth on July 1, 1988, this § 230.504 would not be available for the later sale, but would still be applicable to the January 1, 1988 sale.

11. By revising paragraph (a)(2) of § 230.508 to read as follows:

**§ 230.508 Insignificant deviations from a term, condition or requirement of regulation D.**

(a) \* \* \*

(2) The failure to comply was insignificant with respect to the offering as a whole, provided that any failure to comply with paragraph (c) of § 230.502, paragraph (b)(2) of § 230.504, paragraphs (b)(2)(i) and (ii) of § 230.505 and paragraph (b)(2)(i) of § 230.506 shall be

deemed to be significant to the offering as a whole; and

**PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933**

12. The authority citation for part 239 continues to read as follows:

Authority: 15 U.S.C. 77a, *et seq.*, unless otherwise noted.

§§ 239.28, 239.92, 239.93, 239.94, 239.95 and 239.96 [Removed]

13. By removing §§ 239.28, 239.92, 239.93, 239.94, 239.95, and 239.96.

14. Section 239.29 is added to read as follows:

§ 239.29 **Form SB-1, optional form for the registration of securities to be sold to the public by small business issuers.**

Small business issuers defined in rule

405 (17 CFR 230.405 of this chapter) may use this form to register securities to be sold for cash.

Note: The Text and Instructions of Form SB-1 will not appear in the Code of Federal Regulations.

**OMB APPROVAL**

OMB Number: xxxx-xxxx  
Expires: Approval Pending  
Estimated average burden hours per response..... 1.0

U.S. Securities and Exchange Commission, Washington, DC 20549

Form SB-1

Registration Statement Under the Securities Act of 1933

(Amendment No. )

(Name of small business issuer in its charter)

(State or jurisdiction of incorporation or organization)

(Primary Standard Industrial Classification Code Number)

(I.R.S. Employer Identification No.)

(Address and telephone number of principal executive offices)

(Address of principal place of business or intended principal place of business)

(Name, address and telephone number of agent for service)

Approximate date of proposed sale to the public \_\_\_\_\_

**Calculation of Registration Fee**

Title of each class of securities to be registered	Dollar amount to be registered	Proposed maximum offering price per unit	Proposed maximum aggregate offering price	Amount of registration fee
--	--------------------------------	--	---	----------------------------

The following delaying amendment is optional, but see rule before omitting it: The registrant hereby amends this registration statement on such date or dates as may be necessary to delay its effective date until the registrant shall file a further amendment which specifically states that this registration statement shall thereafter become effective in accordance with section 8(a) of the Securities Act of 1933 or until the registration statement shall become effective on such date as the Commission, acting pursuant to said section 8(a), may determine.

**General Instructions**

**A. Use of Form and Place of Filing**

1. A "small business issuer," defined in rule 405 of the Securities Act of 1933 (the "Securities Act") may use this form to register securities to be sold for cash.

2. If the small business issuer is not a reporting company, it should file the registration statement in the regional office that is closest to its principal place of business or the Washington DC office. However, no filing may be made in the Philadelphia regional office; small business issuers in that region should file in the Atlanta, New York or Washington, DC offices.

3. If the small business issuer is a reporting company or a holding company of a bank (see the definition of "bank" in section 12(i) of the Exchange Act), it should file the registration statement in the Commission's Washington DC headquarters.

4. Post-effective amendments should be filed with the office that declare the registration statement effective.

5. The Commission will attempt to process the registration statement at the place of filing. However, due to workload or other special considerations, the Commission may refer processing to a different office.

**B. General Requirements**

1. Regulation S-B (17 CFR 228.10 *et seq.*) contains the disclosure requirements for Form SB-1. In preparing a registration statement on this Form, reference also should be made to the General Rules and Regulations under the Securities Act, particularly regulation C which sets forth requirements for the preparation and filing of a registration statement such as paper type and size.

2. Issuers registering securities for the first time should be aware of Form SR and rule 463 under the Securities Act concerning sales of registered securities and the use of proceeds. First time issuers also should be aware of Exchange Act rule 15c2-8 (240.15c2-8) which requires broker dealers to deliver a prospectus 48 hours before a sale of securities can be confirmed.

3. Issuers engaged in real estate, oil and gas or mining activities should consult the Industry Guides in Item 801 of Regulation S-K (17 CFR 229.801). Real estate companies also should refer to Item 13 (Investment Policies of Registrant), Item 14 (Description of Real Estate), and Item 15 (Operating Data) of Form S-11 (17 CFR 239.18).

**Part I—Information Required in Prospectus**

Item 1. Front of Registration Statement and Outside Front Cover of Prospectus.

Furnish the information required by Item 501 of regulation S-B.

Item 2. Inside Front and Outside Back Cover Pages of Prospectus.

Furnish the information required by Item 502 of regulation S-B.

Item 3. Summary Information and Risk Factors.

Furnish the information required by Item 503 of regulation S-B.

Item 4. Use of Proceeds.

Furnish the information required by Item 504 of regulation S-B.

Item 5. Determination of Offering Price. Furnish the information required by Item 505 of regulation S-B.

Item 6. Dilution.

Furnish the information required by Item 506 of regulation S-B.

Item 7. Selling Security Holders.

Furnish the information required by Item 507 of regulation S-B.

Item 8. Plan of Distribution.

Furnish the information required by Item 508 of regulation S-B.

Item 9. Legal Proceedings.

Furnish the information required by Item 103 of regulation S-B.

Item 10. Directors, Executive Officers, Promoters and Control Persons.

Furnish the information required by Item 401 of regulation S-B.

Item 11. Security Ownership of Certain Beneficial Owners and Management.

Furnish the information required by Item 403 of regulation S-B.

Item 12. Description of Securities.

Furnish the information required by Item 202 of regulation S-B.

Item 13. Interest of Named Experts and Counsel.

Furnish the information required by Item 509 of regulation S-B.

Item 14. Disclosure of Commission position on Indemnification for Securities Act Liabilities.

Furnish the information required by Item 510 of regulation S-B.

Item 15. Organization within Last Five Years.

Furnish the information required by Item 404 of regulation S-B.

Item 16. Description of Business.

Furnish the information required by Item 101 of regulation S-B.

Item 17. Management's Discussion and Analysis or Plan of Operation.

Furnish the information required by Item 303 of regulation S-B.

Item 18. Description of Property.

Furnish the information required by Item 102 of regulation S-B.

Item 19. Certain Relationships and Related Transactions.

Furnish the information required by Item 404 of regulation S-B.

Item 20. Market for Common Stock and Related Stockholder Matters.

Furnish the information required by Item 201 of regulation S-B.

Item 21. Executive Compensation.

Furnish the information required by Item 402 of regulation S-B.

Item 22. Financial Statements.

Furnish the information required by Item 310 of regulation S-B.

Item 23. Changes In and Disagreements With Accountants on Accounting and Financial Disclosure.

Furnish the information required by Item 304 of regulation S-B.

**Part II—Information Not Required in Prospectus**

Item 24. Indemnification of Directors and Officers.

Furnish the information required by Item 702 of regulation S-B.

Item 25. Other Expenses of Issuance and Distribution.

Furnish the information required by Item 511 of regulation S-B.

Item 26. Recent Sales of Unregistered Securities.

Furnish the information required by Item 701 of regulation S-B.

Item 27. Exhibits.

Furnish the exhibits required by Item 601 of regulation S-B.

Item 28. Undertakings.

Furnish the undertakings required by Item 512 of regulation S-B.

**Signatures**

In accordance with the requirements of the Securities Act of 1933, the registrant certifies that it has reasonable grounds to believe that it meets all of the requirements of filing on Form SB-1 and authorized this registration statement to be signed on its behalf by the undersigned, in the City of \_\_\_\_\_, State of \_\_\_\_\_, on \_\_\_\_\_, 19\_\_\_\_.

(Registrant) \_\_\_\_\_  
By (Signature and Title) \_\_\_\_\_

In accordance with the requirements of the Securities Act of 1933, this registration statement was signed by the following

persons in the capacities and on the dates stated.

(Signature) \_\_\_\_\_  
(Title) \_\_\_\_\_  
(Date) \_\_\_\_\_

**Instructions for Signatures**

(1) Who must sign: The small business issuer, its principal executive officer or officers, its principal financial officer, its controller or principal accounting officer and at least the majority of the board of directors or persons performing similar functions. If the issuer is a limited partnership then the general partner and a majority of its board of directors if a corporation.

(2) Beneath each signature, type or print the name of each signatory. Any person who occupies more than one of the specified positions shall indicate each capacity in which he or she signs the registration statement. See rule 402 of regulation C concerning manual signatures and Item 601 of regulation S-B concerning signatures by powers of attorney.

**§ 239.12 [Amended]**

15. Form S-2 (§ 239.12) is amended by adding paragraph C to General Instruction II to read as follows:

**Note:** The text of Form S-2 does not appear in the Code of Federal Regulations.

Form S-2  
\* \* \* \* \*

General Instruction  
\* \* \* \* \*

**II. Application of General Rules and Regulations**  
\* \* \* \* \*

C. A "small business issuer," defined in rule 405 (17 CFR 230.405), that is eligible to use Form S-2, shall refer to the disclosure items in regulation S-B (17 CFR 228.10 *et seq.*) and not regulation S-K. For example, while Item 1 of Form S-2 requires the information required by Item 501 of regulation S-K, a small business issuer shall provide the information in Item 501 of regulation S-B. Where regulation S-B does not contain a comparable item, for example, there is no Item "301" in regulation S-B, then a small business issuer may omit the item. A small business issuer shall provide the financial information in item 310 of regulation S-B in lieu of the financial information called for by item 11 of Form S-2.

**§ 239.13 [Amended]**

16. Form S-3 (§ 239.13) is amended by adding paragraph C to General Instruction II to read as follows:

**Note:** The text of Form S-3 does not appear in the Code of Federal regulations.

Form S-3  
\* \* \* \* \*

General Instruction  
\* \* \* \* \*

**II. Application of General Rules and Regulations**  
\* \* \* \* \*

C. A "small business issuer," defined in rule 405 (17 CFR 230.405), that is eligible to use Form S-3 shall refer to the disclosure items in regulation S-B (17 CFR 228.10 *et seq.*) and not regulation S-K. For example, while item 1 of Form S-3 requires the information required by item 501 of regulation S-K, small business issuers shall provide the information in item 501 of regulation S-B. Where regulation S-B does not contain a comparable item, for example, there is no item "301" in regulation S-B, then small business issuers may omit the item. Small business issuers shall provide the financial information called for by item 310 of regulation S-B in lieu of the financial information called for by item 11.

**§ 239.16b [Amended]**

17. Form S-8 (§ 239.16b) is amended by adding instruction 3 to General Instruction B to read as follows:

**Note:** The text of Form S-8 does not appear in the Code of Federal Regulations.

Form S-8  
\* \* \* \* \*

General Instruction  
\* \* \* \* \*

**B. Application of General Rules and Regulations**  
\* \* \* \* \*

3. A "small business issuer," defined in § 230.405, shall refer to the disclosure items in regulation S-B (17 CFR 228.10 *et seq.*) and not regulation S-K (17 CFR 229.10 *et seq.*)

**§ 239.25 [Amended]**

18. Form S-4 (§ 239.25) is amended by adding paragraph 3 to General Instruction D to read as follows:

**Note:** The text of Form S-4 will not appear in the Code of Federal Regulations.

Form S-4  
\* \* \* \* \*

General Instructions  
\* \* \* \* \*

**D. Application of General Rules and regulations**  
\* \* \* \* \*

3. A "small business issuer," defined in § 230.405, shall refer to the disclosure items in regulation S-B (17 CFR 228.10 *et seq.*) and not regulation S-K except with respect to disclosure called for by subpart 900 of regulation S-K. Small business issuers shall provide or incorporate by reference the information called for by item 310 of regulation S-B.

19. By revising §§ 239.90 and 239.91 to read as follows:

**§ 239.90 Form 1-A, offering statement under regulation A.**

This form shall be used for filing under regulation A (§§ 230.251-230.262 of this chapter).

**239.91 Form 2-A, report pursuant to rule 257 of regulation A.**

This form shall be used for reports of sales and use of proceeds pursuant to rule 257 of regulation A (§ 230.257 of this chapter).

**§§ 239.90 and 239.91 [Amended]**

20. By revising Form 1-A (§ 239.90) and Form 2-A (§ 239.91) to read as follows:

Note: Forms 1-A and 2-A do not appear in the Code of Federal Regulations.

**Securities and Exchange Commission****Form 1-A****Regulation A Offering Statement Under the Securities Act of 1933**

(Exact name of issuer as specified in its charter)

(State or other jurisdiction of incorporation or organization)

(Address, including zip code, and telephone number, including area code of issuer's principal executive offices)

(Name, address, including zip code, and telephone number, including area code, of agent for service)

(Primary Standard Industrial Classification Code Number)

(I.R.S. Employer Identification Number)

**General Instructions****I. Eligibility Requirements for Use of Form 1-A**

This form is to be used for securities offerings made pursuant to regulation A, 17 CFR 230.251 *et seq.* Careful attention should be directed to the terms, conditions and requirements of the regulation, especially rule 251, inasmuch as the exemption is not available to all issuers or to every type of securities transaction. Further, the aggregate offering amount of securities which may be sold in any 12 month period is strictly limited to \$5 million.

**II. Preparation and Filing of the Offering Statement**

An offering statement shall be prepared by all persons seeking exemption pursuant to the provisions of regulation A. Parts I, II and III shall be addressed by all issuers. Part II of the form which relates to the content of the required offering circular provides several alternate formats depending upon the nature and/or business of the issuer; only one format needs to be followed and provided in the offering statement. General information regarding the preparation, format, content of, and where to file the offering statement is contained in rule 252. Requirements relating to the offering circular are contained in rules 253 and 255. The offering statement may be printed, mimeographed, lithographed, or typewritten or prepared by any similar

process which will result in clearly legible copies.

**III. Supplemental Information**

The following information shall be furnished to the Commission as supplemental information:

(1) A statement as to whether or not the amount of compensation to be allowed or paid to the underwriter has been cleared with the NASD.

(2) Any engineering, management or similar report referenced in the offering circular.

(3) Such other information as requested by the staff in support of statements, representations and other assertions contained in the offering statement.

**Part I—Notification**

The information requested shall be provided in the order which follows specifying each item number; the text of each item as presented in this form may be omitted. All items shall be addressed and negative responses should be included.

**Item 1. Significant Parties**

(a) List the full names and business and residential addresses, as applicable, for the following persons:

- (1) The issuer's directors;
  - (2) The issuer's officers;
  - (3) The issuer's general partners;
  - (4) Record owners of 5 percent or more of any class of the issuer's equity securities;
  - (5) Beneficial owners of 5 percent or more of any class of the issuer's equity securities;
  - (6) Promoters of the issuer;
  - (7) Affiliates of the issuer;
  - (8) Counsel to the issuer with respect to the proposed offering;
  - (9) Each underwriter with respect to the proposed offering;
  - (10) The underwriter's directors;
  - (11) The underwriter's officers;
  - (12) The underwriter's general partners;
- and
- (13) Counsel to the underwriter.

**Item 2. Application of Rule 262**

(a) State whether any of the persons identified in response to Item 1 are subject to any of the disqualification provisions set forth in rule 262.

(b) If any such person is subject to these provisions, provide a full description including pertinent names, dates and other details, as well as whether or not an application has been made pursuant to rule 262 for a waiver of such disqualification and whether or not such application has been granted or denied.

**Item 3. Affiliate Sales**

If any part of the proposed offering involves the resale of securities by affiliates of the issuer, confirm that the following description does not apply to the issuer.

The issuer has not had a net income from operations of the character in which the issuer intends to engage for at least one of its last two fiscal years.

**Item 4. Jurisdictions in Which Securities Are to be Offered**

(a) List the jurisdiction in which the securities are to be offered by underwriters, dealers or salespersons.

(b) List the jurisdictions in which the securities are to be offered other than by underwriters, dealers or salesmen and state the method by which such securities are to be offered.

**Item 5. Unregistered Securities Issued or Sold Within One Year**

(a) As to any unregistered securities issued by the issuer or any of its predecessors or affiliated issuers within one year prior to the filing of this Form 1-A, state:

- (1) The name of such issuer;
- (2) The title and amount of securities issued;

(3) The aggregate offering price or other consideration for which they were issued and the basis for computing the amount thereof;

(4) The names and identities of the persons to whom the securities were issued.

(b) As to any unregistered securities of the issuer or any of its predecessors or affiliated issuers which were sold within one year prior to the filing of this Form 1-A by or for the account of any person who at the time was a director, officer, promoter or principal security holder of the issuer of such securities, or was an underwriter of any securities of such issuer, furnish the information specified in subsections (1) through (4) of paragraph (a).

(c) Indicate the section of the Securities Act or Commission rule or regulation relied upon for exemption from the registration requirements of such Act and state briefly the facts relied upon for such exemption.

**Item 6. Other Present or Proposed Offerings**

State whether or not the issuer or any of its affiliates is currently offering or contemplating the offering of any securities in addition to those covered by this Form 1-A. If so, describe fully the present or proposed offering.

**Item 7. Marketing Arrangements**

(a) Briefly describe any arrangement known to the issuer or to any person named in response to Item 1 above or to any selling securityholder in the offering covered by this Form 1-A for any of the following purposes:

- (1) To limit or restrict the sale of other securities of the same class as those to be offered for the period of distribution;
- (2) To stabilize the market for any of the securities to be offered;
- (3) For withholding commissions, or otherwise to hold each underwriter or dealer responsible for the distribution of its participation.

(b) Identify any underwriter that intends to confirm sales to any accounts over which it exercises discretionary authority and include an estimate of the amount of securities so intended to be confirmed.

**Item 8. Relationship With Issuer of Experts Named in Offering Statement**

If any expert named in the offering statement as having prepared or certified any

part thereof was employed for such purpose on a contingent basis or, at the time of such preparation or certification or at any time thereafter, had a material interest in the issuer or any of its parents or subsidiaries or was connected with the issuer or any of its subsidiaries as a promoter, underwriter, voting trustee, director, officer or employee furnish a brief statement of the nature of such contingent basis, interest or connection.

**Item 9. Use of a Solicitation of Interest Document**

Indicate whether or not a publication authorized by rule 254 was used prior to the filing of this notification. If so, indicate the date(s) of publication and of the last communication with prospective purchasers.

**Part II—Offering Circular**

Financial Statement requirements, regardless of the applicable disclosure model, are specified in Part F/S of this Form 1-A.

The narrative disclosure contents of offering circulars are specified as follows:

A: For all corporate issuers—the information required by Model A of this Part II of Form 1-A.

B: For all other issuers and for any issuer that so chooses—the information required by either Part I of Form S-B, 17 CFR 239.28, except for the financial statements called for there, or Model B of this Part II of Form 1-A. Offering circulars prepared pursuant to this instruction need not follow the order of the items or other requirements of the disclosure form. Such information shall not, however, be set forth in such a fashion as to obscure any of the required information or any information necessary to keep the required information from being incomplete or misleading. Information requested to be presented in a specified tabular format shall be given in substantially the tabular form specified in the item.

**Offering Circular Model A**

**General Instructions**

Each question in each paragraph of this part shall be responded to; and each question and any notes, but not any instructions thereto, shall be restated in its entirety. If the question or series of questions is inapplicable, so state. If the space provided in the format is insufficient, additional space should be created by cutting and pasting the format to add more lines.

Be very careful and precise in answering all questions. Give full and complete answers so that they are not misleading under the circumstances involved. Do not discuss any future performance or other anticipated event unless you have a reasonable basis to believe that it will actually occur within the foreseeable future. If any answer requiring significant information is materially inaccurate, incomplete or misleading, the Company, its management and principal shareholders may have liability to investors. The selling agents should exercise appropriate diligence to determine that no such inaccuracy or incompleteness has occurred, or they may be liable.

**Cover Page**

(Exact name of Company as set forth in Charter)  
 Type of securities offered: \_\_\_\_\_  
 Maximum number of securities offered: \_\_\_\_\_  
 Minimum number of securities offered: \_\_\_\_\_  
 Price per security: \$ \_\_\_\_\_  
 Total proceeds: If maximum sold: \$ \_\_\_\_\_  
 If minimum sold: \$ \_\_\_\_\_

(See Questions 9 and 10)

Is a commissioned selling agent selling the securities in this offering?  
 Yes  No

If yes, what percent is commission of price to public? \_\_\_\_\_%.

Is there other compensation to selling agent(s)?  
 Yes  No

Is there a finder's fee or similar payment to any person?  
 Yes  No (See Question No. 22)

Is there an escrow of proceeds until minimum is obtained?  
 Yes  No (See Question No. 26)

Is this offering limited to members of a special group, such as employees of the Company or individuals?  
 Yes  No (See Question No. 25)

Is transfer of the securities restricted?  
 Yes  No (See Question No. 25)

Investment in small businesses involves a high degree of risk, and investors should not invest any funds in this offering unless they can afford to lose their entire investment. See question No. 2 for the risk factors that management believes present the most substantial risks to an investor in this offering.

In making an investment decision investors must rely on their own examination of the issuer and the terms of the offering, including the merits and risks involved. These securities have not been recommended or approved by any Federal or state securities commission or regulatory authority. Furthermore, these authorities have not passed upon the accuracy or adequacy of this document. Any representation to the contrary is a criminal offense.

The U.S. Securities and Exchange Commission does not pass upon the merits of any securities offered or the terms of the offering, nor does it pass upon the accuracy or completeness of any offering circular or selling literature. These securities are offered under an exemption from registration; however, the Commission has not made an independent determination that these securities are exempt from registration.

This Company:  
 Has never conducted operations.  
 Is in the development stage.  
 Is currently conducting operations.  
 Has shown a profit in the last fiscal year.

Other (Specify): \_\_\_\_\_  
 (Check at least one, as appropriate)  
 This offering has been registered for offer and sale in the following states:

State	State file No.	Effective date
_____	_____	_____
_____	_____	_____
_____	_____	_____

*Instruction:* The Cover Page of the Offering Circular is a summary of certain essential information and should be kept on one page if at all possible. For purposes of characterizing the Company on the cover page, the term "development stage" has the same meaning as that set forth in Statement of Financial Accounting Standards No. 7 (June 1, 1975).

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This offering circular contains all of the representations by the company concerning this offering, and no person shall make different or broader statements than those contained herein. Investors are cautioned not to rely upon any information not expressly set forth in this offering circular.

This Offering Circular, together with Financial Statements and other Attachments, consists of a total of \_\_\_\_\_ pages.

The Company \_\_\_\_\_  
 1. Exact corporate name: \_\_\_\_\_  
 State and date of incorporation: \_\_\_\_\_

Street address of principal office: \_\_\_\_\_

Company Telephone Number: (\_\_\_\_) \_\_\_\_\_  
 Fiscal year: (month) \_\_\_\_\_ (day) \_\_\_\_\_  
 Person(s) to contact at Company with respect to offering: \_\_\_\_\_

Telephone Number (if different from above): (\_\_\_\_) \_\_\_\_\_

**Risk Factors**

2. List in the order of importance the factors which the Company considers to be the most substantial risks to an investor in this offering in view of all facts and circumstances or which otherwise make the offering one of high risk or speculative (i. e.,

those factors which constitute the greatest threat that the investment will be lost in whole or in part, or not provide an adequate return).

- (1) \_\_\_\_\_
- (2) \_\_\_\_\_
- (3) \_\_\_\_\_
- (4) \_\_\_\_\_
- (5) \_\_\_\_\_
- (6) \_\_\_\_\_
- (7) \_\_\_\_\_
- (8) \_\_\_\_\_
- (9) \_\_\_\_\_
- (10) \_\_\_\_\_
- (11) \_\_\_\_\_
- (12) \_\_\_\_\_
- (13) \_\_\_\_\_
- (14) \_\_\_\_\_
- (15) \_\_\_\_\_
- (16) \_\_\_\_\_

**Note:** In addition to the above risks, businesses are often subject to risks not foreseen or fully appreciated by management. In reviewing this Offering Circular potential investors should keep in mind other possible risks that could be important.

**Instruction:** The Company should avoid generalized statements and include only those factors which are unique to the Company. No specific number of risk factors is required to be identified. If more than 10 significant risk factors exist, add additional lines and number as appropriate. Risk factors may be due to such matters as cash flow and liquidity problems, inexperience of management in managing a business in the particular industry, dependence of the Company on an unproven product, absence of an existing market for the product (even

though management may believe a need exists), absence of an operating history of the Company, absence of profitable operations in recent periods, an erratic financial history, the financial position of the Company, the nature of the business in which the Company is engaged or proposes to engage, conflicts of interest with management, arbitrary establishment of offering price, reliance on the efforts of a single individual, or absence of a trading market if a trading market is not expected to develop. Cross references should be made to the Questions where details of the risks are described.

**Business and Properties**

3. With respect to the business of the Company and its properties:

(a) Describe in detail what business the Company does and proposes to do, including what products or goods are or will be produced or services that are or will be rendered.

(b) Describe how these products or services are to be produced or rendered and how and when the Company intends to carry out its activities. If the Company plans to offer a new product(s), state the present stage of development, including whether or not a working prototype(s) is in existence. Indicate if completion of development of the product would require a material amount of the resources of the Company, and the estimated amount. If the Company is or is expected to be dependent upon one or a limited number of suppliers for essential raw materials, energy or other items, describe. Describe any major existing supply contracts.

(c) Describe the industry in which the Company is selling or expects to sell its products or services and, where applicable, any recognized trends within that industry. Describe that part of the industry and the geographic area in which the business competes or will compete.

Indicate whether competition is or is expected to be by price, service, or other basis. Indicate (by attached table if appropriate) the current or anticipated prices or price ranges for the Company's products or services, or the formula for determining prices, and how these prices compare with those of competitors' products or services, including a description of any variations in product or service features. Name the principal competitors that the Company has or expects to have in its area of competition. Indicate the relative size and financial and market strengths of the Company's competitors in the area of competition in which the Company is or will be operating. State why the Company believes it can effectively compete with these and other companies in its area of competition.

**Note:** Because this Offering Circular focuses primarily on details concerning the Company rather than the industry in which the Company operates or will operate, potential investors may wish to conduct their own separate investigation of the Company's industry to obtain broader insight in assessing the Company's prospects.

(d) Describe specifically the marketing strategies the Company is employing or will employ in penetrating its market or in developing a new market. Set forth in response to Question 4 below the timing and size of the results of this effort which will be necessary in order for the Company to be profitable. Indicate how and by whom its products or services are or will be marketed (such as by advertising, personal contact by sales representatives, etc.), how its marketing structure operates or will operate and the basis of its marketing approach, including any market studies. Name any customers that account for, or based upon existing orders will account for a major portion (20% or more) of the Company's sales. Describe any major existing sales contracts.

(e) State the backlog of written firm orders for products and/or services as of a recent date (within the last 90 days) and compare it with the backlog of a year ago from that date.

As of: \_\_\_/\_\_\_/\_\_\_ \$ \_\_\_\_\_  
(a recent date)

As of: \_\_\_/\_\_\_/\_\_\_ \$ \_\_\_\_\_  
(one year earlier)

Explain the reason for significant variations between the two figures, if any. Indicate what types and amounts of orders are included in the backlog figures. State the size of typical orders. If the Company's sales are seasonal or cyclical, explain.

(f) State the number of the Company's present employees and the number of employees it anticipates it will have within the next 12 months. Also, indicate the number by type of employee (i.e., clerical, operations, administrative, etc.) the Company will use, whether or not any of them are subject to collective bargaining agreements, and the expiration date(s) of any collective bargaining agreement(s). If the Company's employees are on strike, or have been in the past three years, or are threatening to strike, describe the dispute. Indicate any supplemental benefits or incentive arrangements the Company has or will have with its employees.

(g) Describe generally the principal properties (such as real estate, plant and equipment, patents, etc.) that the Company

owns, indicating also what properties it leases and a summary of the terms under those leases, including the amount of payments, expiration dates and the terms of any renewal options. Indicate what properties the Company intends to acquire in the immediate future, the cost of such acquisitions and the sources of financing it expects to use in obtaining these properties, whether by purchase, lease or otherwise.

(h) Indicate the extent to which the Company's operations depend or are expected to depend upon patents, copyrights, trade secrets, know-how or other proprietary information and the steps undertaken to secure and protect this intellectual property, including any use of confidentiality agreements, covenants-not-to-compete and the like. Summarize the principal terms and expiration dates of any significant license agreements. Indicate the amounts expended by the Company for research and development during the last fiscal year, the amount expected to be spent this year and what percentage of revenues research and development expenditures were for the last fiscal year.

(i) If the Company's business, products, or properties are subject to material regulation (including environmental regulation) by federal, state, or local governmental agencies, indicate the nature and extent of regulation and its effects or potential effects upon the Company.

(j) State the names of any subsidiaries of the Company, their business purposes and ownership, and indicate which are included in the Financial Statements attached hereto. If not included, or if included but not consolidated, please explain.

(k) Summarize the material events in the development of the Company (including any

material mergers or acquisitions) during the past five years, or for whatever lesser period the Company has been in existence. Discuss any pending or anticipated mergers, acquisitions, spin-offs or recapitalizations. If the Company has recently undergone a stock split, stock dividend or recapitalization in anticipation of this offering, describe (and adjust historical per share figures elsewhere in this Offering Circular accordingly).

4.(a) If the Company was not profitable during its last fiscal year, list below in chronological order the events which in management's opinion must or should occur or the milestones which in management's opinion the Company must or should reach in order for the Company to become profitable, and indicate the expected manner of occurrence or the expected method by which the Company will achieve the milestones.

Event or milestone	Expected manner of occurrence or method of achievement	Date or number of months after receipt of proceeds when should be accomplished
(1)		
(2)		
(3)		
(4)		
(5)		

(b) State the probable consequences to the Company of delays in achieving each of the

events or milestones within the above time schedule, and particularly the effect of any delays upon the Company's liquidity in view of the Company's then anticipated level of operating costs. (See Question Nos. 11 and 12)

Note: After reviewing the nature and timing of each event or milestone, potential investors should reflect upon whether achievement of each within the estimated time frame is realistic and should assess the consequences of delays or failure of achievement in making an investment decision.

Instruction: The inquiries under Business and Properties elicit information concerning the nature of the business of the Company and its properties. Make clear what aspects of the business are presently in operation and what aspects are planned to be in operation in the future. The description of principal properties should provide information which will reasonably inform investors as to the suitability, adequacy, productive capacity and extent of utilization of the facilities used in the enterprise. Detailed descriptions of the physical characteristics of the individual properties or legal descriptions by metes and bounds are not required and should not be given.

As to Question 4, if more than five events or milestones exist, add additional lines as necessary. A "milestone" is a significant point in the Company's development or an obstacle which the Company must overcome in order to become profitable.

Offering Price Factors

If the securities offered are common stock, or are exercisable for or convertible into common stock, the following factors may be relevant to the price at which the securities are being offered.

5. What were net, after-tax earnings for the last fiscal year? (If losses, show in parenthesis.)

Total \$ \_\_\_\_\_ (\$ \_\_\_\_\_ per share)

6. If the Company had profits, show offering price as a multiple of earnings. Adjust to reflect for any stock splits or recapitalizations, and use conversion or exercise price in lieu of offering price, if applicable.

Offering Price Per Share

Net After-Tax Earnings Last Year Per Share = (price/earnings multiple)

7. (a) What is the net tangible book value of the Company? (If deficit, show in parenthesis.) For this purpose, net tangible book value means total assets (exclusive of copyrights, patents, goodwill, research and development costs and similar intangible items) minus total liabilities.

\$ \_\_\_\_\_ (\$ \_\_\_\_\_ per share)

If the net tangible book value per share is substantially less than this offering (or exercise or conversion) price per share, explain the reasons for the variation.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(b) State the dates on which the Company sold or otherwise issued securities during the last 12 months, the amount of such securities sold, the number of persons to whom they were sold, any relationship of such persons to the Company at the time of sale, the price at which they were sold and, if not sold for cash, a concise description of the consideration. (Exclude bank debt.)



monies loaned or advanced, or otherwise, explain:

11. Indicate whether the Company is having or anticipates having within the next 12 months any cash flow or liquidity problems and whether or not it is in default or in breach of any note, loan, lease or other indebtedness or financing arrangement requiring the Company to make payments. Indicate if a significant amount of the Company's trade payables have not been paid within the stated trade term. State whether the Company is subject to any unsatisfied judgments, liens or settlement obligations and the amounts thereof. Indicate the Company's plans to resolve any such problems.

12. Indicate whether proceeds from this offering will satisfy the Company's cash requirements for the next 12 months, and whether it will be necessary to raise additional funds. State the source of additional funds, if known.

**Instruction:** Use of net proceeds should be stated with a high degree of specificity. Suggested (but not mandatory) categories are: leases, rent, utilities, payroll (by position or type), purchase or lease of specific items of equipment or inventory, payment of notes, accounts payable, etc., marketing or advertising costs, taxes, consulting fees, permits, professional fees, insurance and supplies. Categories will vary depending on the Company's plans. Use of footnotes or other explanation is recommended where appropriate. Footnotes should be used to indicate those items of offering expenses that are estimates. Set forth in separate categories all payments which will be made immediately to the Company's executive officers, directors and promoters, indicating by footnote that these payments will be so made to such persons. If a substantial amount is allocated to working capital, set forth separate sub-categories for use of the funds in the Company's business.

If any substantial portion of the proceeds has not been allocated for particular purposes, a statement to that effect as one of the Use of Net Proceeds categories should be included together with a statement of the amount of proceeds not so allocated and a footnote explaining how the Company expects to employ such funds not so allocated.

**Capitalization**

13. Indicate the capitalization of the Company as of the most recent balance sheet date (adjusted to reflect any subsequent stock splits, stock dividends, recapitalizations or refinancings) and as adjusted to reflect the sale of the minimum and maximum amount of securities in this

offering and the use of the net proceeds therefrom:

	Amount outstanding		
	As of: / / (date)	As adjusted	
		Minimum	Maximum
<b>Debt:</b>			
Short-term debt (average interest rate ___%)	\$	\$	\$
Long-term debt (average interest rate ___%)	\$	\$	\$
Total debt	\$	\$	\$
<b>Stockholders equity (deficit):</b>			
Preferred stock—par or stated value (by class of preferred in order of preferences)	\$	\$	\$
Common stock—par or stated value	\$	\$	\$
Additional paid in capital	\$	\$	\$
Retained earnings (deficit)	\$	\$	\$
Total stockholders equity (deficit)	\$	\$	\$
Total Capitalization	\$	\$	\$

Number of preferred shares authorized to be outstanding:

Number of class of preferred	Par Value	
	Shares authorized	Per share
		\$
		\$
		\$

Number of common shares authorized: \_\_\_\_\_ shares. Par or stated value per share, if any: \$ \_\_\_\_\_

Number of common shares reserved to meet conversion requirements or for the issuance upon exercise of options, warrants or rights: \_\_\_\_\_ shares.

**Instruction:** Capitalization should be shown as of a date no earlier than that of the most recent Financial Statements provided pursuant to Question 46. If the Company has mandatory redeemable preferred stock, include the amount thereof in "long term

debt" and so indicate by footnote to that category in the capitalization table.

**Description of Securities**

14. The securities being offered hereby are:  
 Common Stock  
 Preferred or Preference Stock  
 Notes or Debentures  
 Units of two or more types of securities composed of: \_\_\_\_\_  
 Other: \_\_\_\_\_

15. These securities have:

Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	Cumulative voting rights
<input type="checkbox"/>	<input type="checkbox"/>	Other special voting rights
<input type="checkbox"/>	<input type="checkbox"/>	Preemptive rights to purchase in new issues of shares
<input type="checkbox"/>	<input type="checkbox"/>	Preference as to dividends or interest
<input type="checkbox"/>	<input type="checkbox"/>	Preference upon liquidation
<input type="checkbox"/>	<input type="checkbox"/>	Other special rights or preferences (specify): _____

Explain:

16. Are the securities convertible?  Yes  No  
 If so, state conversion price or formula.

Date when conversion becomes effective: \_\_\_/\_\_\_/\_\_\_

Date when conversion expires: \_\_\_/\_\_\_/\_\_\_

17.(a) If securities are notes or other types of debt securities:

(1) What is the interest rate? \_\_\_%  
 If interest rate is variable or multiple rates, describe:

(2) What is the maturity date? \_\_\_/\_\_\_/\_\_\_  
 If serial maturity dates, describe:

(3) Is there a mandatory sinking fund?  
 Yes  No  
 Describe:

(4) Is there a trust indenture?  Yes  No  
 Name, address and telephone number of Trustee \_\_\_\_\_

(5) Are the securities callable or subject to redemption?  Yes  No  
 Describe, including redemption prices: \_\_\_\_\_

(6) Are the securities collateralized by real or personal property?  
 Yes  No Describe: \_\_\_\_\_

(7) If these securities are subordinated in right of payment of interest or principal, explain the terms of such subordination.

How much currently outstanding indebtedness of the Company is senior to the securities in right of payment of interest or principal? \$ \_\_\_\_\_

How much indebtedness shares in right of payment on an equivalent (pari passu) basis? \$ \_\_\_\_\_

How much indebtedness is junior (subordinated) to the securities? \$ \_\_\_\_\_

(b) If notes or other types of debt securities are being offered and the Company had earnings during its last fiscal year, show the ratio of earnings to fixed charges on an actual and pro forma basis for that fiscal year.

Earnings means pretax income from continuing operations plus fixed charges and capitalized interest. Fixed charges means interest (including capitalized interest), amortization of debt discount, premium and expense, preferred stock dividend requirements of majority owned subsidiary, and such portion of rental expense as can be demonstrated to be representative of the interest factor in the particular case. The pro forma ratio of earnings to fixed charges should include incremental interest expense as a result of the offering of the notes or other debt securities.

Last fiscal year

"Earnings"	Last fiscal year		
	Actual	Pro forma minimum	Maximum
"Fixed charges"			

If no earnings show "Fixed Charges" only \_\_\_\_\_

Note: Care should be exercised in interpreting the significance of the ratio of earnings to fixed charges as a measure of the "coverage" of debt service, as the existence of earnings does not necessarily mean that the Company's liquidity at any given time will permit payment of debt service requirements to be timely made. See Question Nos. 11 and 12. See also the Financial Statements and especially the Statement of Cash Flows.

18. If securities are Preference or Preferred stock: Are unpaid dividends cumulative? [ ] Yes [ ] No Are securities callable? [ ] Yes [ ] No Explain: \_\_\_\_\_

Note: Attach to this Offering Circular copies or a summary of the charter, bylaw or contractual provision or document that gives rise to the rights of holders of Preferred or Preference Stock, notes or other securities being offered.

19. If securities are capital stock of any type, indicate restrictions on dividends under loan or other financing arrangements or otherwise: \_\_\_\_\_

20. Current amount of assets available for payment of dividends if deficit must be first made up, show deficit in parenthesis): \$ \_\_\_\_\_

Plan of Distribution

21. The selling agents (that is, the persons selling the securities as agent for the

Company for a commission or other compensation) in this offering are: Name: \_\_\_\_\_ Address: \_\_\_\_\_

Telephone No. ( ) \_\_\_\_\_ Name: \_\_\_\_\_ Address: \_\_\_\_\_

22. Describe any compensation to selling agents or finders, including cash, securities, contracts or other consideration, in addition to the cash commission set forth as a percent of the offering price on the cover page of this Offering Circular. Also indicate whether the Company will indemnify the selling agents or finders against liabilities under the securities laws. (Finders are persons who for compensation act as intermediaries in obtaining selling agents or otherwise making introductions in furtherance of this offering.) \_\_\_\_\_

23. Describe any material relationships between any of the selling agents or finders and the Company or its management. \_\_\_\_\_

Note: After reviewing the amount of compensation to the selling agents or finders for selling the securities, and the nature of any relationship between the selling agents or finders and the Company, a potential investor should assess the extent to which it may be inappropriate to rely upon any recommendation by the selling agents or finders to buy the securities.

24. If this offering is not being made through selling agents, the names of persons at the Company through which this offering is being made: Name: \_\_\_\_\_ Address: \_\_\_\_\_

Telephone No. ( ) \_\_\_\_\_ Name: \_\_\_\_\_ Address: \_\_\_\_\_

25. If this offering is limited to a special group, such as employees of the Company, or is limited to a certain number of individuals (as required to qualify under Subchapter S of the Internal Revenue Code) or is subject to any other limitations, describe the limitations and any restrictions on resale that apply: \_\_\_\_\_

Will the certificates bear a legend notifying holders of such restrictions? [ ] Yes [ ] No

26. (a) Name, address and telephone number of independent bank or savings and loan association or other similar depository institution acting as escrow agent if proceeds are escrowed until minimum proceeds are raised: \_\_\_\_\_

(b) Date at which funds will be returned by escrow agent if minimum proceeds are not raised: \_\_\_\_\_

Will interest on proceeds during escrow period be paid to investors? [ ] Yes [ ] No 27. Explain the nature of any resale restrictions on presently outstanding shares, and when those restrictions will terminate, if this can be determined: \_\_\_\_\_

Note: Equity investors should be aware that unless the Company is able to complete a further public offering or the Company is able to be sold for cash or merged with a public company that their investment in the Company may be illiquid indefinitely.

Dividends, Distributions and Redemptions

28. If the Company has within the last five years paid dividends, made distributions upon its stock or redeemed any securities, explain how much and when: \_\_\_\_\_

Officers and Key Personnel of the Company

29. Chief Executive Officer: Name: \_\_\_\_\_ Office Street Address: \_\_\_\_\_

Title: \_\_\_\_\_ Age: \_\_\_\_\_ Telephone No.: ( ) \_\_\_\_\_

Name of employers, titles and dates of positions held during past five years with an indication of job responsibilities. \_\_\_\_\_

Education (degrees, schools, and dates): \_\_\_\_\_

Also a Director of the Company [ ] Yes [ ] No

Indicate amount of time to be spent on Company matters if less than full time: \_\_\_\_\_

30. Chief Operating Officer: Name: \_\_\_\_\_ Office Street Address: \_\_\_\_\_

Title: \_\_\_\_\_ Age: \_\_\_\_\_ Telephone No.: ( ) \_\_\_\_\_

Names of employers, titles and dates of positions held during past five years with an indication of job responsibilities. \_\_\_\_\_

Education (degrees, schools, and dates): \_\_\_\_\_  
 Also a Director of the Company? [ ] Yes  
 [ ] No  
 Indicate amount of time to be spent on  
 Company matters if less than full time:  
 \_\_\_\_\_  
 \_\_\_\_\_

31. Chief Financial Officer:  
 Name: \_\_\_\_\_  
 Office Street Address: \_\_\_\_\_  
 \_\_\_\_\_

Title: \_\_\_\_\_  
 Age: \_\_\_\_\_  
 Telephone No.:  
 (\_\_\_\_) \_\_\_\_\_  
 Names of employers, titles and dates of  
 positions held during past five years with an  
 indication of job responsibilities.  
 \_\_\_\_\_  
 \_\_\_\_\_

Education (degrees, schools, and dates): \_\_\_\_\_  
 Also a Director of the Company? [ ] Yes  
 [ ] No  
 Indicate amount of time to be spent on  
 Company matters if less than full time:  
 \_\_\_\_\_  
 \_\_\_\_\_

32. Other Key Personnel:  
 (A) Name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Office Street Address: \_\_\_\_\_  
 \_\_\_\_\_

Age: \_\_\_\_\_  
 Telephone No.:  
 (\_\_\_\_) \_\_\_\_\_  
 Names of employers, titles and dates of  
 positions held during past five years with an  
 indication of job responsibilities.  
 \_\_\_\_\_  
 \_\_\_\_\_

Education (degrees, schools, and dates): \_\_\_\_\_  
 Also a Director of the Company? [ ] Yes  
 [ ] No  
 Indicate amount of time to be spent on  
 Company matters if less than full time:  
 \_\_\_\_\_  
 \_\_\_\_\_

(B) Name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Office Street Address: \_\_\_\_\_  
 \_\_\_\_\_

Age: \_\_\_\_\_  
 Telephone No.:  
 (\_\_\_\_) \_\_\_\_\_  
 Names of employers, titles and dates of  
 positions held during past five years with an  
 indication of job responsibilities.  
 \_\_\_\_\_  
 \_\_\_\_\_

Education (degrees, schools, and dates): \_\_\_\_\_

Also a Director of the Company? [ ] Yes  
 [ ] No  
 Indicate amount of time to be spent on  
 Company matters if less than full time:  
 \_\_\_\_\_  
 \_\_\_\_\_

*Instruction: The term Chief Executive Officer means the officer of the Company who has been delegated final authority by the board of directors to direct all aspects of the Company's affairs. The term Chief Operating Officer means the officer in charge of the actual day-to-day operations of the Company's business. The term Chief Financial Officer means the officer having accounting skills who is primarily in charge of assuring that the Company's financial books and records are properly kept and maintained and financial statements prepared.*

The term *key personnel* means persons such as vice presidents, production managers, sales managers, or research scientists and similar persons, who are not included above, but who make or are expected to make significant contributions to the business of the Company, whether as employees, independent contractors, consultants or otherwise.

Directors of the Company  
 33. Number of Directors: \_\_\_\_ If Directors are not elected annually, or are elected under a voting trust or other arrangement, explain:  
 \_\_\_\_\_  
 \_\_\_\_\_

34. Information concerning outside or other Directors (i.e. those not described above):  
 (A) Name: \_\_\_\_\_  
 Office Street Address: \_\_\_\_\_  
 \_\_\_\_\_

Age: \_\_\_\_\_  
 Telephone No.:  
 (\_\_\_\_) \_\_\_\_\_  
 Names of employers, titles and dates of  
 positions held during past five years with an  
 indication of job responsibilities.  
 \_\_\_\_\_  
 \_\_\_\_\_

Education (degrees, schools, and dates): \_\_\_\_\_  
 (B) Name: \_\_\_\_\_  
 Office Street Address: \_\_\_\_\_  
 \_\_\_\_\_

Age: \_\_\_\_\_  
 Telephone No.:  
 (\_\_\_\_) \_\_\_\_\_  
 Names of employers, titles and dates of  
 positions held during past five years with an  
 indication of job responsibilities.  
 \_\_\_\_\_  
 \_\_\_\_\_

Education (degrees, schools, and dates): \_\_\_\_\_

(C) Name: \_\_\_\_\_  
 Office Street Address: \_\_\_\_\_  
 \_\_\_\_\_

Age: \_\_\_\_\_  
 Telephone No.:  
 (\_\_\_\_) \_\_\_\_\_  
 Names of employers, titles and dates of  
 positions held during past five years with an  
 indication of job responsibilities.  
 \_\_\_\_\_  
 \_\_\_\_\_

Education (degrees, schools, and dates): \_\_\_\_\_

35.(a) Have any of the Officers or Directors ever worked for or managed a company (including a separate subsidiary or division of a larger enterprise) in the same business as the Company? [ ] Yes [ ] No Explain:  
 \_\_\_\_\_  
 \_\_\_\_\_

(b) If any of the Officers, Directors or other key personnel have ever worked for or managed a company in the same business or industry as the Company or in a related business or industry, describe what precautions, if any, (including the obtaining of releases or consents from prior employers) have been taken to preclude claims by prior employers for conversion or theft of trade secrets, know-how or other proprietary information.  
 \_\_\_\_\_  
 \_\_\_\_\_

(c) If the Company has never conducted operations or is otherwise in the development stage, indicate whether any of the Officers or Directors has ever managed any other company in the start-up or development stage and describe the circumstances, including relevant dates.  
 \_\_\_\_\_  
 \_\_\_\_\_

(d) If any of the Company's key personnel are not employees but are consultants or other independent contractors, state the details of their engagement by the Company.  
 \_\_\_\_\_  
 \_\_\_\_\_

(e) If the Company has key man life insurance policies on any of its Officers, Directors or key personnel, explain, including the names of the persons insured, the amount of insurance, whether the insurance proceeds are payable to the Company and whether there are arrangements that require the proceeds to be used to redeem securities or pay benefits to the estate of the insured person or a surviving spouse.  
 \_\_\_\_\_  
 \_\_\_\_\_

36. If a petition under the Bankruptcy Act or any State insolvency law was filed by or against the Company or its Officers, Directors or other key personnel, or a receiver, fiscal agent or similar officer was appointed by a court for the business or property of any such persons, or any partnership in which any of such persons was a general partner at or within the past five years, or any corporation or business association of which any such person was an executive officer at or within the past five years, set forth below the name of such persons, and the nature and date of such actions.

**Note:** After reviewing the information concerning the background of the Company's Officers, Directors and other key personnel, potential investors should consider whether or not these persons have adequate background and experience to develop and operate this Company and to make it successful. In this regard, the experience and ability of management are often considered the most significant factors in the success of a business.

**Principal Stockholders**

37. Principal owners of the Company (those who beneficially own directly or indirectly 10% or more of the common and preferred stock presently outstanding) starting with the largest common stockholder. Include separately all common stock issuable upon conversion of convertible securities (identifying them by asterisk) and show average price per share as if conversion has occurred. Indicate by footnote if the price paid was for a consideration other than cash and the nature of any such consideration.

Class of shares	Average price per share	No. of shares now held	Percent-age of total	No. of shares held after offering if all securities sold	Percent-age of total
Name: ..... Office Street Address: ..... Telephone No. ( ) - - Principal occupation: .....					
Name: ..... Office Street Address: ..... Telephone No. ( ) - - Principal occupation: .....					
Name: ..... Office Street Address: ..... Telephone No. ( ) - - Principal occupation: .....					
Name: ..... Office Street Address: ..... Telephone No. ( ) - - Principal occupation: .....					

38. Number of shares beneficially owned by Officers and Directors as a group:  
 Before offering: \_\_\_ shares (\_\_\_% of total outstanding)  
 After offering: (a) Assuming minimum securities sold:  
 \_\_\_ shares (\_\_\_% of total outstanding)  
 (b) Assuming maximum securities sold:  
 \_\_\_ shares (\_\_\_% of total outstanding)  
 (Assume all options exercised and all convertible securities converted.)  
*Instruction:* If shares are held by family members, through corporations or partnerships, or otherwise in a manner that

would allow a person to direct or control the voting of the shares (or share in such direction or control—as, for example, a co-trustee) they should be included as being "beneficially owned." An explanation of these circumstances should be set forth in a footnote to the "Number of Shares Now Held."  
**Management Relationships, Transactions and Remuneration**  
 39.(a) If any of the Officers, Directors, key personnel or principal stockholders are related by blood or marriage, please describe.

(b) If the Company has made loans to or is doing business with any of its Officers, Directors, key personnel or 10% stockholders, or any of their relatives (or any entity controlled directly or indirectly by any such persons) within the last two years, or proposes to do so within the future, explain. (This includes sales or lease of goods, property or services to or from the Company, employment or stock purchase contracts, etc.) State the principal terms of any significant

loans, agreements, leases, financing or other arrangements.

(c) If any of the Company's Officers, Directors, key personnel or 10% stockholders has guaranteed or co-signed any of the Company's bank debt or other obligations, including any indebtedness to be retired from the proceeds of this offering, explain and state the amounts involved.

40.(a) List all remuneration by the Company to Officers, Directors and key personnel for the last fiscal year:

	Cash	Other
Chief Executive Officer	\$.....	\$.....
Chief Operating Officer	\$.....	\$.....
Chief Accounting Officer	\$.....	\$.....
Key Personnel:		
.....	\$.....	\$.....
.....	\$.....	\$.....
.....	\$.....	\$.....
Others:		
.....	\$.....	\$.....
.....	\$.....	\$.....
.....	\$.....	\$.....
Total:	\$.....	\$.....
Directors as a group (number of persons ..)	\$.....	\$.....

(b) If remuneration is expected to change or has been unpaid in prior years, explain:

(c) If any employment agreements exist or are contemplated, describe:

41.(a) Number of shares subject to issuance under presently outstanding stock purchase agreements, stock options, warrants or rights: \_\_\_\_\_ shares (\_\_\_\_% of total shares to be outstanding after the completion of the offering if all securities sold, assuming exercise of options and conversion of convertible securities). Indicate which have been approved by shareholders. State the expiration dates, exercise prices and other basic terms for these securities:

(b) Number of common shares subject to issuance under existing stock purchase or option plans but not yet covered by outstanding purchase agreements, options or warrants: \_\_\_\_\_ shares.

(c) Describe the extent to which future stock purchase agreements, stock options, warrants or rights must be approved by shareholders.

42. If the business is highly dependent on the services of certain key personnel, describe any arrangements to assure that these persons will remain with the Company and not compete upon any termination:

Note: After reviewing the above, potential investors should consider whether or not the compensation to management and other key personnel directly or indirectly, is reasonable in view of the present stage of the Company's development.

Instruction: For purposes of Question 39(b), a person directly or indirectly controls an entity if he is part of the group that directs or is able to direct the entity's activities or affairs. A person is typically a member of a control group if he is an officer, director, general partner, trustee or beneficial owner of a 10% or greater interest in the entity. In Question 40, the term "Cash" should indicate salary, bonus, consulting fees, non-accountable expense accounts and the like. The column captioned "Other" should include the value of any options or securities given, any annuity, pension or retirement benefits, bonus or profit-sharing plans, and personal benefits (club memberships, company cars, insurance benefits not generally available to employees, etc.). The nature of these benefits should be explained in a footnote to this column.

Litigation

43. Describe any past, pending or threatened litigation or administrative action which has had or may have a material effect upon the Company's business, financial condition, or operations, including any litigation or action involving the Company's Officers, Directors or other key personnel. State the names of the principal parties, the nature and current status of the matters, and amounts involved. Give an evaluation by management or counsel, to the extent feasible, of the merits of the proceedings or litigation and the potential impact on the Company's business, financial condition, or operations.

Federal Tax Aspects

44. If the Company is an S corporation under the Internal Revenue Code of 1986, and it is anticipated that any significant tax benefits will be available to investors in this offering, indicate the nature and amount of such anticipated tax benefits and the material risks of their disallowance. Also, state the name, address and telephone number of any tax advisor that has passed upon these tax benefits. Attach any opinion or description of the tax consequences of an investment in the securities by the tax advisor.

Name of Tax Advisor: \_\_\_\_\_  
Address: \_\_\_\_\_

Telephone No. (\_\_\_\_) \_\_\_\_\_

Note: Potential investors are encouraged to have their own personal tax consultant contact the tax advisor to review details of the tax benefits and the extent that the benefits would be available and advantageous to the particular investor.

Miscellaneous Factors

45. Describe any other material factors, either adverse or favorable, that will or could affect the Company or its business (for example, discuss any defaults under major contracts, any breach of bylaw provisions, etc.) or which are necessary to make any other information in this Offering Circular not misleading or incomplete.

Financial Statements

46. Provide the financial statements required by Part F/S of this Offering Circular section of Form 1-A.

Management's Discussion and Analysis of Certain Relevant Factors

47. If the Company's financial statements show losses from operations, explain the causes underlying these losses and what steps the Company has taken or is taking to address these causes.

48. Describe any trends in the Company's historical operating results. Indicate any changes now occurring in the underlying economics of the industry or the Company's business which, in the opinion of Management, will have a significant impact (either favorable or adverse) upon the Company's results of operations within the next 12 months, and give a rough estimate of the probable extent of the impact, if possible.

49. If the Company sells a product or products and has had significant sales during its last fiscal year, state the existing gross margin (net sales less cost of such sales as presented in accordance with generally accepted accounting principles) as a percentage of sales for the last fiscal year: \_\_\_\_%. What is the anticipated gross margin for next year of operations? Approximately \_\_\_\_%. If this is expected to change, explain. Also, if reasonably current gross margin figures are available for the industry, indicate these figures and the source or sources from which they are obtained.

50. Foreign sales as a percent of total sales for last fiscal year: \_\_\_\_%. Domestic government sales as a percent of total domestic sales for last fiscal year: \_\_\_\_%. Explain the nature of these sales, including any anticipated changes:

## Offering Circular Model B

## Item 1. Cover Page

The cover page of the offering circular shall include the following information:

- (a) Name of the issuer;
- (b) The mailing address of the issuer's principal executive offices including the zip code and the issuer's telephone number;
- (c) Date of the offering circular;
- (d) Description and amount of securities offered (Note: this description should include, for example, appropriate disclosure of redemption and conversion features of debt securities);
- (e) The statement required by rule 253;
- (f) The table(s) required by Item 2;
- (g) The name of the underwriter or underwriters;
- (h) Any materials required by the law of any state in which the securities are to be offered;
- (i) If applicable, identify material risks in connection with the purchase of the securities; and
- (j) Approximate date of commencement of proposed sale to the public.

*Instruction:* Where the name of the issuer is the same as the name of another well-known company or indicates a line of business in which the issuer is not engaged or is engaged to only a limited extent, a statement should be furnished to that effect. In some circumstances, however, disclosure may not be sufficient, and a change of name may be the only way to cure its misleading character.

## Item 2. Distribution Spread

(a) The information called for by the following table shall be given, in substantially the tabular form indicated, on the outside front cover page of the offering circular as to all securities being offered (estimate, if necessary).

	Price to public	Underwriting discount and commissions	Proceeds to issuer or other persons
Per unit.....			
Total.....			

If the securities are to be offered on a best efforts basis, the cover page should set forth the termination date, if any, of the offering, any minimum required sale and any arrangements to place the funds received in an escrow, trust, or similar arrangement. The following tabular presentation of the total maximum and minimum securities to be offered should be combined with the table required above.

	Price to public	Underwriting discount and commissions	Proceeds to issuer or other persons
Total minimum.....			
Total maximum.....			

## Instructions

1. The term *commissions* shall include all cash, securities, contracts, or anything else of value, paid, to be set aside, disposed of, or understandings with or for the benefit of any other persons in which any underwriter is interested, made in connection with the sale of such security.

2. Only commissions paid by the issuer in cash are to be indicated in the table. Commissions paid by other persons or any form of non-cash compensation shall be briefly identified in a note to the table with a cross-reference to a more complete description elsewhere in the offering circular.

3. Prior to the commencement of sales pursuant to regulation A, the issuer shall inform the Commission whether or not the amount of compensation to be allowed or paid to the underwriters, as described in the offering statement, has been cleared with the National Association of Securities Dealers, Inc.

4. If the securities are not to be offered for cash, state the basis upon which the offering is to be made.

5. If it is impracticable to state the price to the public, the method by which it is to be determined shall be explained.

(b) Any finder's fees or similar payments shall be disclosed on the cover page with a reference to a more complete discussion in the offering circular. Such disclosure should identify the finder, the nature of the services rendered and the nature of any relationship between the finder and the issuer, its officers, directors, promoters, principal stockholders and underwriters (including any affiliates thereof).

(c) The amount of the expenses of the offering borne by the issuer, including underwriting expenses to be borne by the issuer, should be disclosed in a footnote to the table.

## Item 3. Summary Information, Risk Factors and Dilution

(a) Where appropriate to a clear understanding by investors, there should be set forth in the forepart of the offering circular, under an appropriate caption, a carefully organized series of short, concise paragraphs, summarizing the principal factors which make the offering one of high risk or speculative. **Note:** These factors may be due to such matters as an absence of an operating history of the issuer, an absence of profitable operations in recent periods, an erratic financial history, the financial position of the issuer, the nature of the business in which the issuer is engaged or proposes to engage, conflicts of interest with management, reliance on the efforts of a single individual,

or the method of determining the market price where no market currently exists. Issuers should avoid generalized statements and include only those factors which are unique to the issuer.

(b) Where there is a material disparity between the public offering price and the effective cash cost to officers, directors, promoters and affiliated persons for shares acquired by them in a transaction during the past three years, or which they have a right to acquire, there should be included a comparison of the public contribution under the proposed public offering and the effective cash contribution of such persons. In such cases, and in other instances where the extent of the dilution makes it appropriate, the following shall be given: (1) The net tangible book value per share before and after the distribution; (2) the amount of the increase in such net tangible book value per share attributable to the cash payment made by purchasers of the shares being offered; and (3) the amount of the immediate dilution from the public offering price which will be absorbed by such purchasers.

## Item 4. Plan of Distribution

(a) If the securities are to be offered through underwriters, give the names of the principal underwriters, and state the respective amounts underwritten. Identify each such underwriter having a material relationship to the issuer and state the nature of the relationship. State briefly the nature of the underwriters' obligation to take the securities.

(b) State briefly the discounts and commissions to be allowed or paid to dealers, including all cash, securities, contracts or other consideration to be received by any dealer in connection with the sale of the securities.

(c) Outline briefly the plan of distribution of any securities being issued which are to be offered through the selling efforts of brokers or dealers or otherwise than through underwriters.

(d) If any of the securities are to be offered for the account of security holders, indicate on the cover page the total amount to be offered for their account and include a cross-reference to a fuller discussion elsewhere in the offering circular. Such discussion should identify each selling security holder, state the amount owned by him, the amount offered for his account and the amount to be owned after the offering.

(e)(1) Describe any arrangements for the return of funds to subscribers if all of the securities to be offered are not sold; if there are no such arrangements, so state.

(2) If there will be a material delay in the payment of the proceeds of the offering by the underwriter to the issuer, the salient provisions in this regard and the effects on the issuer should be stated.

## Instruction

Attention is directed to the provisions of rules 10b-9 (17 CFR 240.10b-9) and 15c2-4 (17 CFR 240.15c2-4) under the Securities Exchange Act of 1934. These rules outline, among other things, antifraud provisions concerning the return of funds to subscribers

and the transmission of proceeds of an offering to a seller.

*Item 5. Use of Proceeds to Issuer*

State the principal purposes for which the net proceeds to the issuer from the securities to be offered are intended to be used, and the approximate amount intended to be used for each such purpose.

*Instructions*

1. If any substantial portion of the proceeds has not been allocated for particular purposes, a statement to that effect shall be made together with a statement of the amount of proceeds not so allocated and how the registrant expects to employ such funds not so allocated.

2. Include a statement as to the use of the actual proceeds if they are not sufficient to accomplish the purpose set forth and the order of priority in which they will be applied. However, such statement need not be made if the underwriting arrangements are such that, if any securities are sold to the public, it can be reasonably expected that the actual proceeds of the issue will not be substantially less than the estimated aggregate proceeds to the issuer as shown under Item 2.

3. If any material amounts of other funds are to be used in conjunction with the proceeds, state the amounts and sources of such other funds.

4. If any material part of the proceeds is to be used to discharge indebtedness, describe the terms of such indebtedness. If the indebtedness to be discharged was incurred within one year, describe the use of the proceeds of such indebtedness.

5. If any material amount of the proceeds is to be used to acquire assets, otherwise than in the ordinary course of business, briefly describe and state the cost of the assets. If the assets are to be acquired from affiliates of the issuer or their associates, give the names of the persons from whom they are to be acquired and set forth the principle followed in determining the cost to the issuer.

6. The issuer may reserve the right to change the use of proceeds provided that such reservation is due to certain contingencies which are adequately disclosed.

*Item 6. Description of Business*

(a) Narrative description of business.

(1) Describe the business done and intended to be done by the issuer and its subsidiaries and the general development of the business during the past five years or such shorter period as the issuer may have been in business. Such description should include, but not be limited to, a discussion of the following factors if such factors are material to an understanding of the issuer's business:

(i) The principal products produced and services rendered and the principal markets for and method of distribution of such products and services.

(ii) The status of a product or service if the issuer has made public information about a new product or service which would require the investment of a material amount of the assets of the issuer or is otherwise material.

(iii) The estimated amount spent during each of the last two fiscal years on company-sponsored research and development activities determined in accordance with generally accepted accounting principles. In addition, state the estimated dollar amount spent during each of such years on material customer-sponsored research activities relating to the development of new products, services or techniques or the improvement of existing products, services or techniques.

(iv) The number of persons employed by the issuer, indicating the number employed full time.

(v) The material effects that compliance with Federal, State and local provisions which have been enacted or adopted regulating the discharge of materials into the environment, may have upon the capital expenditures, earnings and competitive position of the issuer and its subsidiaries. The issuer shall disclose any material estimated capital expenditures for environmental control facilities for the remainder of its current fiscal year and for such further periods as the issuer may deem material.

(2) The issuer should also describe those distinctive or special characteristics of the issuer's operation or industry which may have a material impact upon the issuer's future financial performance. Examples of factors which might be discussed include dependence on one or a few major customers or suppliers (including suppliers of raw materials or financing), existing or probable governmental regulation, material terms of and/or expiration of material labor contracts or patents, trademarks, licenses, franchises, concessions or royalty agreements, unusual competitive conditions in the industry, cyclicity of the industry and anticipated raw material or energy shortages to the extent management may not be able to secure a continuing source of supply.

(3) The following requirement in subparagraph (i) applies only to issuers (including predecessors) which have not received revenue from operations during each of the three fiscal years immediately prior to the filing of the offering statement.

(i) Describe, if formulated, the issuer's plan of operation for the twelve months following the commencement of the proposed offering. If such information is not available, the reasons for its unavailability shall be stated. Disclosure relating to any plan should include, among other things, a statement indicating whether, in the issuer's opinion, the proceeds from the offering will satisfy its cash requirements and whether, in the next six months, it will be necessary to raise additional funds.

(ii) Any engineering, management or similar reports which have been prepared or provided for external use by the issuer or by a principal underwriter in connection with the proposed offering should be furnished to the Commission at the time of filing the offering statement or as soon as practicable thereafter. There should also be furnished at the same time a statement as to the actual or proposed use and distribution of such report or memorandum. Such statement should identify each class of persons who have received or will receive the report or

memorandum, and state the number of copies distributed to each such class. If no such report or memorandum has been prepared, the Commission should be so informed in writing at the time the report or memorandum would otherwise have been submitted.

(b) Segment Data. If the issuer is required to include segment information in its financial statements, an appropriate cross-reference shall be included in the description of business.

*Item 7. Description of Property*

State briefly the location and general character of the principal plants, and other materially important physical properties of the issuer and its subsidiaries. If any such property is not held in fee or is held subject to any major encumbrance, so state and briefly describe how held.

*Instruction*

What is required is information essential to an investor's appraisal of the securities being offered. Such information should be furnished as will reasonably inform investors as to the suitability, adequacy, productive capacity and extent of utilization of the facilities used in the enterprise. Detailed descriptions of the physical characteristics of individual properties or legal descriptions by metes and bounds are not required and should not be given.

*Item 8. Directors, Executive Officers and Significant Employees*

(a) List the names and ages of each of the following persons stating his term of office and any periods during which he has served as such and briefly describe any arrangement or understanding between him and any other person(s) (naming such person(s)) pursuant to which he was or is to be selected to his office or position:

- (1) Directors;
- (2) Persons nominated to be chosen to become directors;
- (3) Executive officers;
- (4) Persons chosen to become executive officers;
- (5) Significant employees.

*Instructions*

1. No nominee or person chosen to become a director or person chosen to be an executive officer who has not consented to act as such should be named in response to this item.

2. The term *executive officer* means the president, secretary, treasurer, any vice-president in charge of a principal business function (such as sales, administration, or finance) and any other person who performs similar policy making functions for the issuer.

3. The term *significant employee* means persons such as production managers, sales managers, or research scientists, who are not executive officers, but who make or are expected to make significant contributions to the business of the issuer.

(b) Family relationships. State the nature of any family relationship between any director, executive officer, person nominated or chosen by the issuer to become a director or executive officer or any significant employee.

*Instruction*

The term *family relationship* means any relationship by blood, marriage, or adoption, not more remote than first cousin.

(c) **Business experience.** Give a brief account of the business experience during the past five years of each director, person nominated or chosen to become a director or executive officer, and each significant employee, including his principal occupations and employment during that period and the name and principal business of any corporation or other organization in which such occupations and employment were carried on. When an executive officer or significant employee has been employed by the issuer for less than five years, a brief explanation should be included as to the nature of the responsibilities undertaken by the individual in prior positions to provide adequate disclosure of this prior business experience. What is required is information relating to the level of his professional competence which may include, depending upon the circumstances, such specific information as the size of the operation supervised.

(d) **Involvement in certain legal proceedings.** Describe any of the following events which occurred during the past five years and which are material to an evaluation of the ability or integrity of any director, person nominated to become a director or executive officer of the issuer.

(1) A petition under the Bankruptcy Act or any State insolvency law was filed by or against, or a receiver, fiscal agent or similar officer was appointed by a court for the business or property of such person, or any partnership in which he was general partner at or within 2 years before the time of such filing, or any corporation or business association of which he was an executive officer at or within two years before the time of such filing;

(2) Such person was convicted in a criminal proceeding (excluding traffic violations and other minor offenses).

*Item 9. Remuneration of Directors and Officers*

(a) Furnish, in substantially the tabular form indicated, the aggregate annual remuneration of each of the three highest paid persons who are officers or directors as a group during the issuer's last fiscal year. State the number of persons in the group referred to above without naming them.

Name of individual or identity of group	Capacities in remuneration was received	Aggregate remuneration
---	---	------------------------

*Instructions*

1. In case of remuneration paid or to be paid otherwise than in cash, if it is impracticable to determine the cash value thereof, state in a note to the table the nature and amount thereof.

2. This item is to be answered on an accrual basis if practicable; if not so answered, state the basis used.

(b) Briefly describe all remuneration payments proposed to be made in the future

pursuant to any ongoing plan or arrangement to the individuals and group specified in Item 9(a). The description should include a summary of how each plan operates, any performance formula or measure in effect (or the criteria used to determine payment amounts), the time periods over which the measurements of benefits will be determined, payment schedules, and any recent material amendments to the plan. Information need not be furnished with respect to any group life, health, hospitalization, or medical reimbursement plans which do not discriminate in scope, terms or operation in favor of officers or directors of the registrant and which are available generally to all salaried employees.

*Item 10. Security Ownership of Management and Certain Securityholders*

(a) Voting securities and principal holders thereof. Furnish the following information, in substantially the tabular form indicated, with respect to voting securities held of record by:

- (1) Each of the three highest paid persons who are officers and directors of the issuer; **Note**—In the event none of the issuer's officers or directors have received a salary in the past twelve months, this item should be responded to for every officer and director;
- (2) All officers and directors as a group;
- (3) Each shareholder who owns more than 10% of any class of the issuer's securities, including those shares subject to outstanding options.

(1)	(2)	(3)	(4)	(5)
Title of class	Name and address of owner	Amount owned before the offering	Amount owned after the offering	Percent of class

*Instruction*

Column (4) need not be responded to if the information would be the same as that appearing under column (3).

(b) If, to the knowledge of the issuer, any other person holds or shares the power to vote or direct the voting of securities described pursuant to subsection (a) above, appropriate disclosure should be made. In addition, if any person other than those named pursuant to subsection (a) holds or shares the power to vote 10% or more of the issuer's voting securities, the information required by the table should be provided with respect to such person.

(c) Non-voting securities and principal holders thereof. Furnish the same information as required in subsection (a) above with respect to securities that are not entitled to vote.

(d) Options, warrants, and rights. Furnish the information required by the table as to options, warrants or rights to purchase securities from the issuer or any of its subsidiaries held by each of the individuals and referred to in subsection (a) above:

Name of holder	Title and amount securities called for by options, warrants or rights	Exercise price	Date of exercise
----------------	---	----------------	------------------

*Instruction*

Where the total market value of securities called for by all outstanding options, warrants or rights does not exceed \$10,000 for any officer, director, or principal shareholder named in answer to this item, or \$50,000 for all officers and directors as a group, this item need not be answered with respect to options, warrants or rights held by such person or group. If the issuer cannot ascertain the market value of its securities, the offering price may be used for purposes of this subsection. If, as is the case with offerings of debt securities, the offering price cannot be determined at the time of filing the offering statement, the issuer may utilize any reasonable method of valuation.

(e) List all parents of the issuer, showing the basis of control and as to each parent the percentage of voting securities owned or other basis of control by its immediate parent, if any.

*Item 11. Interest of Management and Others in Certain Transactions*

Describe briefly any transactions during the previous two years or any presently proposed transactions, to which the issuer or any of its subsidiaries was or is to be a party, in which any of the following persons had or is to have a direct or indirect material interest, naming such person and stating his relationship to the issuer, the nature of his interest in the transaction and, where practicable, the amount of such interest:

- (1) Any director or officer of the issuer;
- (2) Any nominee for election as a director;
- (3) Any principal securityholder named in answer to Item 10(a);
- (4) If the issuer was incorporated or organized within the past three years, any promoter of the issuer;
- (5) Any relative or spouse of any of the foregoing persons, or any relative of such spouse, who has the same house as such person or who is a director or officer of any parent or subsidiary of the issuer.

*Instructions*

1. No information need be given in answer to this item as to any transaction where:

(a) The rates of charges involved in the transaction are determined by competitive bids, or the transaction involves the rendering of services as a common or contract carrier fixed in conformity with law or governmental authority;

(b) The transaction involves services as a bank depository of funds, transfer agent, registrar, trustee under a trust indenture, or similar services;

(c) The amount involved in the transaction or a series of similar transactions, including all periodic installments in the case of any lease or other agreement providing for

periodic payments or installments does not exceed \$50,000; or

(d) The interest of the specified person arises solely from the ownership of securities of the issuer and the specified person receives no extra or special benefit not shared on a pro-rata basis by all of the holders of securities of the class.

2. It should be noted that this Item calls for disclosure of indirect as well as direct material interests in transactions. A person who has a position or relationship with a firm, corporation, or other entity which engages in a transaction with the issuer or its subsidiaries may have an indirect interest in such transaction by reason of such position or relationship. However, a person shall be deemed not to have a material indirect interest in a transaction within the meaning of this Item where:

(a) The interest arises only (i) from such person's position as a director of another corporation or organization (other than a partnership) which is a party to the transaction, or (ii) from the direct or indirect ownership by such person and all other persons specified in subparagraphs (1) through (5) above, in the aggregate, of less than a 10 percent equity interest in another person (other than a partnership) which is a party to the transaction, or (iii) from both such position and ownership;

(b) The interest arises only from such person's position as a limited partner in a partnership in which he and all other persons specified in (1) through (5) above had an interest of less than 10 percent; or

(c) The interest of such person arises solely from the holding of an equity interest (including a limited partnership interest but excluding a general partnership interest) or a creditor interest in another person which is a party to the transaction with the issuer or any of its subsidiaries and the transaction is not material to such other person.

3. Include the name of each person whose interest in any transaction is described and the nature of the relationships by reason of which such interest is required to be described. The amount of the interest of any specified person shall be computed without regard to the amount of the profit or loss involved in the transaction. Where it is not practicable to state the approximate amount of the interest, the approximate amount involved in the transaction shall be disclosed.

4. Information should be included as to any material underwriting discounts and commissions upon the sale of securities by the issuer where any of the specified persons was or is to be a principal underwriter or is a controlling person, or member, of a firm which was or is to be a principal underwriter. Information need not be given concerning ordinary management fees paid by underwriters to a managing underwriter pursuant to an agreement among underwriters the parties to which do not include the issuer or its subsidiaries.

5. As to any transaction involving the purchase or sale of assets by or to any issuer or any subsidiary, otherwise than in the ordinary course of business, state the cost of the assets to the purchaser and, if acquired by the seller within two years prior to the transaction, the cost thereof to the seller.

6. Information shall be furnished in answer to this Item with respect to transactions not excluded above which involve remuneration from the issuer or its subsidiaries, directly or indirectly, to any of the specified persons for services in any capacity unless the interest of such persons arises solely from the ownership individually and in the aggregate of less than 10 percent of any class of equity securities of another corporation furnishing the services to the issuer or its subsidiaries.

#### Item 12. Securities Being Offered

(a) If capital stock is being offered, state the title of the class and furnish the following information:

(1) Outline briefly: (i) Dividend rights; (ii) voting rights; (iii) liquidation rights; (iv) preemptive rights; (v) conversion rights; (vi) redemption provisions; (vii) sinking fund provisions; and (viii) liability to further calls or to assessment by the issuer.

(2) Briefly describe potential liabilities imposed on shareholders under state statutes or foreign law, e.g., to laborers, servants or employees of the registrant, unless such disclosure would be immaterial because the financial resources of the registrant are such as to make it unlikely that the liability will ever be imposed.

(b) If debt securities are being offered, outline briefly the following:

(1) Provisions with respect to interest, conversion, maturity, redemption, amortization, sinking fund or retirement.

(2) Provisions with respect to the kind and priority of any lien securing the issue, together with a brief identification of the principal properties subject to such lien.

(3) Provisions restricting the declaration of dividends or requiring the maintenance of any ratio of assets, the creation or maintenance of reserves or the maintenance of properties.

(4) Provisions permitting or restricting the issuance of additional securities, the withdrawal of cash deposited against such issuance, the incurring of additional debt, the release or substitution of assets securing the issue, the modification of the terms of the security, and similar provisions.

#### Instruction

In the case of secured debt there should be stated (i) the approximate amount of unbonded property available for use against the issuance of bonds, as of the most recent practicable date, and (ii) whether the securities being issued are to be issued against such property, against the deposit of cash, or otherwise.

(c) If securities described are to be offered pursuant to warrants, rights, or convertible securities, state briefly:

(1) The amount of securities called for by such warrants, convertible securities or rights;

(2) The period during which and the price at which the warrants, convertible securities or rights are exercisable;

(3) The amounts of warrants, convertible securities or rights outstanding; and

(4) Any other material terms of such securities.

(d) In the case of any other kind of securities, appropriate information of a comparable character.

#### Part F/S

The following financial statements of the issuer, or the issuer and its predecessors or any businesses to which the issuer is a successor shall be filed as part of the offering statement and included in the offering circular which is distributed to investors.

Such financial statements shall be prepared in accordance with generally accepted accounting principles (GAAP) in the United States.

Issuers which have audited financial statements because they prepare them for other purposes, shall provide them.

The Commission's Regulation S-X, 17 CFR 210.1 et seq. relating to the form, content of and requirements for financial statements shall not apply to the financial statements required by this part, except that if audited financial statements are filed, the qualifications and reports of an independent auditor shall comply with the requirements of Article 2 of Regulation S-X.

Issuers which are limited partnerships are required to also file the balance sheets of general partners: (1) If such general partner is a corporation, the balance sheet shall be as of the end of its most recently completed fiscal year; receivables from a parent or affiliate of such general partner (including notes receivable, but excluding trade receivables) should be deductions from shareholders equity of the general partner; where a parent or affiliate has committed to increase or maintain the general partner's capital, there shall also be filed the balance sheet of such parent or affiliate as of the end of its most recently completed fiscal year; (2) if such general partner is a partnership, its balance sheet as of the end of its most recently completed fiscal year; (3) if such general partner is a natural person, the net worth of such general partner(s) based on the estimated fair market value of their assets and liabilities, singly or in the aggregate shall be disclosed in the offering circular, and balance sheets of each of the individual general partners supporting such net worth shall be provided as supplemental information.

#### (1) Balance Sheet

As of a date within 90 days prior to filing the offering statement or such longer time, not exceeding 6 months, as the Commission may permit at the written request of the issuer upon a showing of good cause; for filings made after 90 days subsequent to the issuer's most recent fiscal year, the balance sheet shall be dated as of the end of the most recent fiscal year.

#### (2) Statements of Income, Cash Flows, and Other Stockholders Equity

For each of the 2 fiscal years preceding the date of the most recent balance sheet being filed, and for any interim period between the end of the most recent of such fiscal years and the date of the most recent balance sheet being filed, or for the period of the issuer's existence if less than the period above.

Income statements shall be accompanied by a statement that in the opinion of management all adjustments necessary for a fair statement of results for the interim period have been included. If all such adjustments

are of a normal recurring nature, a statement to that effect shall be made. If otherwise, there shall be furnished as supplemental information and not as part of the offering statement, a letter describing in detail the nature and amount of any adjustments other than normal recurring adjustments entering into the determination of results shown.

**(3) Financial Statements of Businesses Acquired or To Be Acquired**

(a) Financial statements for the periods specified in (c) below should be furnished if any of the following conditions exist:

(i) Consummation of a significant business combination accounted for as a purchase has occurred or is probable (for purposes of this rule, the term "purchase" encompasses the purchase of an interest in a business accounted for by the equity method); or

(ii) Consummation of a significant business combination to be accounted for as a pooling is probable.

(b) A business combination shall be considered significant if a comparison of the most recent annual financial statements of the business acquired or to be acquired and the registrant's most recent annual consolidated financial statements filed at or prior to the date of acquisition indicates that the business would be a significant subsidiary pursuant to the conditions specified in Rule 405 of Regulation C, 17 CFR 230.405.

(c)(i) The financial statements shall be furnished for the periods up to the date of acquisition, for those periods for which the registrant is required to furnish financial statements.

(ii) These financial statements need not be audited.

(iii) The separate balance sheet of the acquired business is not required when the registrant's most recent balance sheet filed is for a date after the acquisition was consummated.

(iv) If none of the conditions in the definitions of significant subsidiary in rule 405 exceeds 20%, income statements of the acquired business for only the most recent fiscal year and any interim period need be filed.

(d) If consummation of more than one transaction has occurred or is probable, the tests of significance shall be made using the aggregate impact of the businesses and the required financial statements may be presented on a combined basis, if appropriate.

(e) This paragraph (3) shall not apply to a business which is totally held by the registrant prior to consummation of the transaction.

**(4) Pro Forma Financial Information**

(a) Pro forma information shall be furnished if any of the following conditions exist (for purposes of this rule, the term "purchase" encompasses the purchase of an interest in a business accounted for by the equity method);

(i) During the most recent fiscal year or subsequent interim period for which a balance sheet of the registrant is required, a significant business combination accounted for as a purchase has occurred;

(ii) After the date of the registrant's most recent balance sheet, consummation of a

significant business combination to be accounted for by either the purchase method or pooling of interests method of accounting has occurred or is probable.

(b) The provisions of paragraph (3)(b), (d) and (e) apply to this paragraph (4).

(c) Pro forma statements shall ordinarily be in columnar form showing condensed historical statements, pro forma adjustments, and the pro forma results and should include the following:

(i) If the transaction was consummated during the most recent fiscal year or in the subsequent interim period, pro forma statements of income reflecting the combined operations of the entities for the latest fiscal year and interim period, if any, or

(ii) If consummation of the transaction has occurred or is probable after the date of the most recent balance sheet, a pro forma balance sheet giving effect to the combination as of the date of the most recent balance sheet required by paragraph (b). For a purchase, pro forma statements of income reflecting the combined operations of the entities for the latest fiscal year and interim period, if any, and for a pooling of interests, pro forma statements of income for all periods for which income statements of the registrant are required.

**Part III—Exhibits**

**Item 1 Index to Exhibits**

(a) An index to the exhibits filed should be presented immediately following the cover page to part III.

(b) Each exhibit should be listed in the exhibit index according to the number assigned to it under Item 2 below.

(c) The index to exhibits should identify the location of the exhibit under the sequential page numbering system for this Form 1-A.

(d) Where exhibits are incorporated by reference, the reference shall be made in the index of exhibits.

**Instructions**

1. Any document or part thereof filed with the Commission pursuant to any Act administered by the Commission may, subject to the limitations of rule 24 of the Commission's Rules of Practice, be incorporated by reference as an exhibit to any offering statement.

2. If any modification has occurred in the text of any document incorporated by reference since the filing thereof, the issuer shall file with the reference a statement containing the text of such modification and the date thereof.

3. Procedurally, the techniques specified in rule 411(d) of Regulation C shall be followed.

**Item 2 Description of Exhibits**

As appropriate, the following documents should be filed as exhibits to the offering statement.

(1) **Underwriting Agreement**—Each underwriting contract or agreement with a principal underwriter or letter pursuant to which the securities are to be distributed; where the terms have yet to be finalized, proposed formats may be provided.

(2) **Charter and by-laws**—The charter and by-laws of the issuer or instruments

corresponding thereto as presently in effect and any amendments thereto.

(3) **Instruments defining the rights of security holders**—(a) All instruments defining the rights of any holder of the issuer's securities, including but not limited to (i) holders of equity or debt securities being issued; (ii) holders of long-term debt of the issuer, and of all subsidiaries for which consolidated or unconsolidated financial statements are required to be filed.

(b) The following instruments need not be filed if the issuer agrees to provide them to the Commission upon request: (i) Instruments defining the rights of holders of long-term debt of the issuer and all of its subsidiaries for which consolidated financial statements are required to be filed if such debt is not being issued pursuant to this regulation A offering and the total amount of such authorized issuance does not exceed 5% of the total assets of the issuer and its subsidiaries on a consolidated basis; (ii) any instrument with respect to a class of securities which is to be retired or redeemed prior to the issuance or upon delivery of the securities being issued pursuant to this regulation A offering and appropriate steps have been taken to assure such retirement or redemption; and (iii) copies of instruments evidencing scrip certificates or fractions of shares.

(4) **Subscription agreement**—The form of any subscription agreement to be used in connection with the purchase of securities in this offering.

(5) **Voting trust agreement**—Any voting trust agreements and amendments thereto.

(6) **Material contracts**—(a) Every contract not made in the ordinary course of business which is material to the issuer and is to be performed in whole or in part at or after the filing of the offering statement or was entered into not more than 2 years before such filing. Only contracts need be filed as to which the issuer or subsidiary of the issuer is a party or has succeeded to a party by assumption or assignment or in which the issuer or such subsidiary has a beneficial interest.

(b) If the contract is such as ordinarily accompanies the kind of business conducted by the issuer and its subsidiaries, it is made in the ordinary course of business and need not be filed unless it falls within one or more of the following categories, in which case it should be filed except where immaterial in amount or significance: (i) Any contract to which directors, officers, promoters, voting trustees, security holders named in the offering statement, or underwriters are parties except where the contract merely involves the purchase or sale of current assets having a determinable market price, at such market price; (ii) any contract upon which the issuer's business is substantially dependent, as in the case of continuing contracts to sell the major part of the issuer's products or services or to purchase the major part of the issuer's requirements of goods, services or raw materials or any franchise or license or other agreement to use a patent, formula, trade secret, process or trade name upon which the issuer's business depends to a material extent; (iii) any contract calling for the acquisition or sale of any property, plant



\_\_\_\_\_

\_\_\_\_\_

4. Did the offering terminate before any securities were sold?  Yes  No.  
If yes, explain briefly:

\_\_\_\_\_

\_\_\_\_\_

If "yes", do not answer Items 5-11.

5. Did the offering terminate prior to the sale of all the securities qualified under Regulation A?  Yes  No.  
If yes, explain briefly:

\_\_\_\_\_

\_\_\_\_\_

6. Indicate the total number of shares or other units offered and sold to date:

\_\_\_\_\_ (issuer's account) \_\_\_\_\_ (selling securityholders)

Indicate the number of shares or other units still being offered:

\_\_\_\_\_ (issuer's account) \_\_\_\_\_ (selling securityholders)

7. Total amount of dollars received from the public to date. \$ \_\_\_\_\_

Total amount allocable to selling securityholders: \$ \_\_\_\_\_

Underwriting discount or commission allowed.....	\$
Underwriting expenses paid.....	\$
Finders' Fees.....	\$
Other expenses paid to date by or for issuer:	
Legal (including organization)...	\$
Accounting.....	\$
Engineering.....	\$
Printing and Advertising.....	\$
Other (specify).....	\$
.....	\$
.....	\$
.....	\$

Total costs and expenses..... \$ \_\_\_\_\_

Total net proceeds remaining..... \$ \_\_\_\_\_

8. Uses of net proceeds to date.

*Instructions:*

- Do not include any amount in "working capital" to which a more specific category is applicable.
  - Round all amounts to the nearest dollar.
  - Specify under "other purposes" any purpose for which at least 5% of the issuer's proceeds or \$50,000, whichever is less, has been used.
- |  |    |
|--|----|
| Salaries and fees.....   | \$ |
| Construction of plant, building and facilities.....                          | \$ |
| Purchases and installation of machinery and equipment.....                   | \$ |
| Purchase of real estate.....   | \$ |
| Acquisition of other business(es).....                                       | \$ |
| Repayment of indebtedness.....   | \$ |
| Working capital.....   | \$ |
| Development expense (product development, research, patent costs, etc.)..... | \$ |
| Temporary investment (specify).....  | \$ |
| .....  | \$ |
| .....  | \$ |
| .....  | \$ |

Other purposes (specify)

..... \$ \_\_\_\_\_

..... \$ \_\_\_\_\_

..... \$ \_\_\_\_\_

..... \$ \_\_\_\_\_

..... \$ \_\_\_\_\_

..... \$ \_\_\_\_\_

9. Do the use(s) of proceeds in Item 8 represent a material change in the use(s) of proceeds described in the offering circular?  Yes  No.  
If yes, explain briefly:

\_\_\_\_\_

\_\_\_\_\_

10. State the number of shares held by each promoter, director, officer or controlling person of the issuer, if different from the amount stated in the offering circular.

\_\_\_\_\_

\_\_\_\_\_

11. List the names and addresses of all brokers and dealers who have, to the knowledge of the issuer or underwriters, participated in the distribution of the securities during the period covered by this report.

\_\_\_\_\_

\_\_\_\_\_

Signature \_\_\_\_\_

Pursuant to the requirements of rule 257 and regulation A, \_\_\_\_\_ has caused this report to be signed on its behalf by the undersigned thereunto duly authorized.

Issuer \_\_\_\_\_

Date \_\_\_\_\_

By \_\_\_\_\_

Signature \_\_\_\_\_

*Instruction*

The report shall be signed by an executive officer, general partner or counsel of the issuer or by any other duly authorized person. The name and any title of the person who signs the report shall be typed or printed beneath the signature.

**PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934**

21. The authority citation for part 240 continues to read as follows:

**Authority:** 15 U.S.C. 77c, 77d, 77s, 77ttt, 78c, 78d, 78i, 78j, 78l, 78m, 78n, 78o, 78p, 78s, 78w, 78x, 79q, 79t, 80a-29, 80a-37, unless otherwise noted.

**§ 240.3b-6 [Amended]**

22. By amending § 240.3b-6 paragraph (b)(1)(i) after the words "Securities Act of 1933" add the words ", offering statement under regulation A", and in paragraph (b)(2)(i) after the

parenthetical "(§ 229.303 of this chapter)" add the words "or regulation S-B (§ 228.303 of this chapter)" and after the words "rule 3-20(c)" add the words "of regulation S-X (§ 210.3-20(c))".

23. Section 240.12b-2 is amended by adding the definition of "small business issuer" in the appropriate alphabetical order to read as follows:

**§ 240.12b-2 Definitions.**

\* \* \* \* \*

*Small business issuer.* The term *small business issuer* means an entity that meets the following criteria:

- Had revenues of less than \$15,000,000 during its last fiscal year;
  - Is not a foreign private issuer or a foreign government;
  - Is not an investment company; and
  - Is not a wholly owned subsidiary of a non-small business issuer.
- \* \* \* \* \*

24. By amending paragraph (b)(5)(ii) of § 240.14a-3 to add the words "or, if applicable, a plan of operation required by Item 303(a) of regulation S-B (§ 228.303(a) of this chapter)" after the words "(§ 229.303 of this chapter)" and to add the following Note after the introductory text of paragraph (b) to read as follows:

**§ 240.14a-3 Information to be furnished to security holders.**

\* \* \* \* \*

(b) \* \* \*

**Note to Small Business Issuers—A** *small business issuer*, defined under rule 12b-2 of the Exchange Act (§ 240.12b-2), shall refer to the disclosure items in regulation S-B (§ 228.10 *et seq.* of this chapter) rather than regulation S-K (§ 229.10 *et seq.*). If there is no comparable disclosure item in regulation S-B, a small business issuer need not provide the information requested. A small business issuers shall provide the information in item 310(a) of regulation S-B in lieu of the financial information required by rule 14a-3(b)(1) (§ 240.14a-3(b)(1)).

\* \* \* \* \*

25. By adding Note F to § 240.14a-101 to read as follows:

**§ 240.14a-101 Schedule 14A. Information required in proxy statement.**

**Notes:**

\* \* \* \* \*

**F. Note to Small Business Issuers—** Registrants and acquirees that meet the definition of "small business issuer" under rule 12b-2 of the Exchange Act (§ 240.12b-2) shall refer to the disclosure items in regulation S-B (§ 228.10 *et seq.* of this chapter) and not regulation S-K (§ 229.10 *et seq.* of this chapter). If there is no comparable disclosure item in regulation S-B, small

business issuers need not provide the information requested. Small business issuers shall provide the financial information in item 310 of regulation S-B in lieu of the financial statements required in schedule 14A.

26. By adding the following text to the end of the introductory Note to § 240.14c-101 to read as follows:

**§ 240.14c-101 Schedule 14C. Information required in information statement.**

Note. \* \* \* Registrants and acquirers that meet the definition of "small business issuer" under rule 12b-2 of the Exchange Act (§ 240.12b-2) shall refer to the disclosure items in regulation S-B (§ 228.10 *et seq.* of this chapter) and not regulation S-K (§ 229.10 *et seq.* of this chapter). If there is no comparable disclosure item in regulation S-B, small business issuers need not provide the information requested. Small business issuers shall provide the financial information in Item 310 of regulation S-B in lieu of any financial statements required by Item 1 of § 240.14c-101.

**PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934**

27. The authority for part 249 continues to read as follows:

Authority: 15 U.S.C. 78a, *et seq.*, unless otherwise noted.

28. By adding § 249.210b to read as follows:

**§ 249.210b Form 10SB, optional form for the registration of securities of a small business issuer.**

A "small business issuer," defined in rule 12b-2 (§ 240.12b-2 of this chapter) may use Form 10SB to register a class of its securities under section 12(b) or (g) of the Exchange Act.

Note: The text and instructions of Form 10SB will not appear in the Code of Federal Regulations.

U.S. Securities and Exchange Commission, Washington, DC 20549; Form 10SB  
OMB APPROVAL

OMB Number: xxxx-xxxx. Expires: Approval Pending

Estimated average burden hours per response..... 1.0

General Form for Registration of Securities of Small Business Issuers Under Section 12 (b) or (g) of the Securities Exchange Act of 1934

(Name of Small Business Issuer in its charter)

(State or other jurisdiction of incorporation or organization)

(I.R.S. Employer Identification No.)

(Address of principal executive offices)

(Zip Code)

Issuer's telephone number, ( ) -  
Securities to be registered under section 12(b) of the Act:  
Title of each class to be so registered

Name of each exchange on which each class is to be registered

Securities to be registered under Section 12(g) of the Act:

(Title of class)

(Title of class)

**General Instructions**

**A. Use of Form 10SB**

This Form may be used by a "small business issuer," defined in rule 12b-2 (§ 240.12b-2) of the Securities Exchange Act of 1934 (the "Exchange Act"), to register a class of securities under section 12 (b) or (g) of the Exchange Act.

**B. Application of General Rules and Regulations**

The General Rules and Regulations under the Exchange Act (§ 240.0-1 *et seq.*), particularly regulation 12B (§ 240.12b-1 *et seq.*) contain certain general requirements for reports on any form which should be carefully read and observed in the preparation and filing of reports on this Form.

**C. Signature and Filing of Registration Statement**

1. File three "complete" copies and five "additional" copies of the registration statement with the Commission and file at least one complete copy with each exchange on which the securities will be registered. A "complete" copy includes financial statements, exhibits and all other papers and documents. An "additional" copy excludes exhibits.

2. Manually sign at least one copy of the report filed with the Commission and each exchange; other copies should have typed or printed signatures.

**D. Information to be Incorporated by Reference**

Refer to rule 12b-23 (§ 240.12b-23 of this chapter) if information will be incorporated by reference from other documents in answer or partial answer to any item of this Form.

**Information Required in Registration Statement**

- Item 1. Description of Business. Furnish the information required by item 101 of regulation S-B.
- Item 2. Management's Discussion and Analysis or Plan of Operation. Furnish the information required by item 303 of regulation S-B.
- Item 3. Description of Property. Furnish the information required by item 102 of regulation S-B.
- Item 4. Security Ownership of Certain Beneficial Owners and Management. Furnish the information required by item 403 of regulation S-B.
- Item 5. Directors, Executive Officers, Promoters and Control Persons.

- Furnish the information required by item 401 of regulation S-B.
- Item 6. Executive Compensation. Furnish the information required by item 402 of regulation S-B.
- Item 7. Certain Relationships and Related Transactions. Furnish the information required by item 404 of regulation S-B.
- Item 8. Legal Proceedings. Furnish the information required by item 103 of regulation S-B.
- Item 9. Market for Common Stock and Related Stockholder Matters. Furnish the information required by item 201 of regulation S-B.
- Item 10. Recent Sales of Unregistered Securities. Furnish the information required by item 701 of regulation S-B.
- Item 11. Description of Securities. Furnish the information required by item 202 of regulation S-B.
- Item 12. Indemnification of Directors and Officers. Furnish the information required by item 702 of regulation S-B.
- Item 13. Financial Statements. Furnish the information required by item 310 of regulation S-B.
- Item 14. Changes In and Disagreements With Accountants on Accounting and Financial Disclosure. Furnish the information required by item 304 of regulation S-B.
- Item 15. Financial Statements and Exhibits. (a) List separately all financial statements filed as part of the registration statement. (b) Furnish the exhibits required by item 601 of regulation S-B.

**Signatures**

In accordance with section 12 of the Securities Exchange Act of 1934, the registrant caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized.

(Registrant)

Date

By

(Signature)\*

\* Print the name and title of each signing officer under his or her signature.

29. By adding § 249.310b to read as follows:

**§ 249.310b Form 10-KSB, optional form for annual and transition reports of small business issuers under sections 13 or 15(d) of the Securities Exchange Act of 1934 (the "Exchange Act").**

A *small business issuer* defined in rule 12b-2 of the Exchange Act (§ 240.12b-2 of this chapter), may use this form for its annual and transitional reports under section 13 or 15(d) of the Exchange Act. Annual reports on this form shall be filed within 90 days after the end of the fiscal year covered by the report and transition reports shall be filed after an issuer changes its fiscal year end in accordance with rule 13a-10

or rule 15d-10 (§§ 240.13a-10 or 240.15d-10 of this chapter).

**Note:** The text and instructions of Form 10-KSB will not appear in the Code of Federal Regulations.

U.S. Securities and Exchange Commission,  
Washington, DC 20549; Form 10-KSB

OMB Approval

OMB Number: xxxx-xxxx. Expires: Approval Pending

Estimated average burden hours per response..... 1.0

(Mark One)

Annual Report under Section 13 or 15(d) of the Securities Exchange Act of 1934 [Fee Required]

For the fiscal year ended \_\_\_\_\_

Transition Report under Section 13 or 15(d) of the Securities Exchange Act of 1934 [No Fee Required]

For the transition period from \_\_\_\_\_ to \_\_\_\_\_

Commission file number \_\_\_\_\_

(Name of small business issuer in its charter)

(State or other jurisdiction of incorporation or organization)

(I.R.S. Employer Identification No.)

(Address of principal executive offices)

(Zip Code)

Issuer's telephone number ( )

Securities registered under Section 12(b) of the Exchange Act:

Title of each class

Name of each exchange on which registered

Securities registered under Section 12(g) of the Exchange Act:

(Title of class)

(Title of class)

Check whether the issuer (1) filed all reports required to be filed by section 13 or 15(d) of the Exchange Act during the past 12 months (or for such shorter period that the registrant was required to file such reports), and (2) has been subject to such filing requirements for the past 90 days. Yes  No

Check if there is no disclosure of delinquent filers in response to Item 405 or regulation S-B is not contained in this form, and no disclosure will be contained, to the best of registrant's knowledge, in definitive proxy or information statements incorporated by reference in Part III of this Form 10-KSB or any amendment to this Form 10-KSB.

State issuer's revenues for its most recent fiscal year. \_\_\_\_\_

State the aggregate market value of the voting stock held by non-affiliates computed by reference to the price at which the stock was sold, or the average bid and asked prices of such stock, as of a specified date within the past 60 days. (See definition of affiliate in rule 12b-2 of the Exchange Act.)

**Note:** If determining whether a person is an affiliate will involve an unreasonable effort and expense, the issuer may calculate the aggregate market value of the common stock held by non-affiliates on the basis of reasonable assumptions, if the assumptions are stated.

(Issuers Involved in Bankruptcy Proceedings During the Past Five Years)

Check whether the issuer has filed all documents and reports required to be filed by section 12, 13 or 15(d) of the Exchange Act after the distribution of securities under a plan confirmed by a court. Yes  No   
(Applicable Only to Corporate Registrants)

State the number of shares outstanding of each of the issuer's classes of common stock, as of the latest practicable date. \_\_\_\_\_

Documents Incorporated by Reference

If the following documents are incorporated by reference, briefly describe them and identify the part of the Form 10-KSB (e.g., part I, part II, etc.) into which the document is incorporated: (1) Any annual report to security holders; (2) any proxy or information statement; and (3) any prospectus filed pursuant to rule 424 (b) or (c) of the Securities Act of 1933 ("Securities Act"). The listed documents should be clearly described for identification purposes (e.g., annual report to security holders for fiscal year ended December 24, 1990).

#### General Instructions

##### A. Use of Form 10-KSB

This Form may be used by a "small business issuer," defined in rule 12b-2 of the Exchange Act, for its annual and transitional reports under section 13 or 15(d) of that Act. Annual reports on this form shall be filed within 90 days after the end of the fiscal year covered by the report. Transition reports shall be filed within the time period specified in rules 13a-10 or 15d-10 of the Exchange Act (§§ 240.13a-10 or 240.15d-10 of this chapter).

##### B. Application of General Rules and Regulations

The General Rules and Regulations under the Exchange Act (§ 240.0-1 *et seq.*), particularly regulation 12B (§ 240.12b-1 *et seq.*) contain certain general requirements for reports on any form which should be carefully read and observed in the preparation and filing of reports on this Form.

##### C. Signature and Filing of Report

1. File three "complete" copies and five "additional" copies of the registration statement with the Commission and file at least one complete copy with each exchange on which the securities will be registered. A "complete" copy includes financial statements, exhibits and all other papers and documents. An "additional" copy excludes exhibits. One of the copies filed with the Commission and each exchange should be manually signed; all other copies should have typed or printed signatures.

2. Who must sign: the small business issuer, its principal executive officer or officers, its principal financial officer, its controller or principal accounting officer and at least the majority of the board of directors or persons performing similar functions. If the

issuer is a limited partnership then the general partner and a majority of its board of directors if a corporation. Any person who occupies more than one of the specified positions shall indicate each capacity in which he signs the report. See rule 12b-11 concerning manual signatures under powers of attorney.

##### D. Information as to Employee Stock Purchase, Savings and Similar Plans

Separate annual and other reports need not be filed under section 15(d) of the Exchange Act for any employee stock purchase, savings or similar plan if the issuer of the securities offered under the plan furnishes to the Commission the information and documents specified in the rule 15d-21 of the Exchange Act.

##### E. Information to be Incorporated by Reference

1. Refer to rule 12b-23 (§ 240.12b-23 of this chapter) if information will be incorporated by reference from other documents in answer or partial answer to any item of this Form.

2. The Information called for in parts I and II of this Form, Items 1-9, may be incorporated by reference from:

(a) the registrant's annual report to security holders furnished to the Commission under rule 14a-3(b) or rule 14c-3(a) of the Exchange Act (§§ 240.14a-3(b), 240.14c-3(a) of this chapter); or

(b) the registrant's annual report to shareholders if it contains the information required by rule 14a-3 (§ 240.14-3 of this chapter).

3. The information required by part III may be incorporated by reference from the registrant's definitive proxy statement (filed or to be filed in accordance with § 240.14a-101, schedule 14A) or definitive information statement (filed or to be filed pursuant to § 240.14c-101, schedule 14C) which involves the election of directors, if such definitive proxy or information statement is filed with the Commission not later than 120 days after the end of the fiscal year covered by this Form. If the definitive proxy or information statement is not filed within the 120-day period, the information called for in part III information must be filed as part of the Form 10-KSB, or as an amendment to the Form 10-KSB under cover of Form 8 (§ 249.460 of this chapter), not later than the end of the 120-day period.

4. No item numbers of captions or items need be contained in the material incorporated by reference into the report. However, the registrant's attention is directed to rule 12b-23(b) of the Exchange Act (§ 240.12b-23(b)) regarding the specific disclosure required in the report concerning information incorporated by reference. When the registrant combines all of the information in parts I and II of this Form by incorporation by reference from the registrant's annual report to security holders and all of the information in part III of this Form by incorporating by reference from a definitive proxy statement or information statement involving the election of directors, then this Form shall consist of the facing or cover page, those sections incorporated from the annual report to security holders, the proxy or

information statement, and the information, if any, required by part IV of this Form, signatures and a cross-reference sheet setting forth the item numbers and captions in parts I, II and III of this Form and page and/or pages in the referenced materials where the corresponding information appears.

#### F. Integrated Reports to Security Holders

Annual reports to security holders may be combined with the required information of this Form and will be suitable for filing with the Commission if the following conditions are satisfied:

1. The combined report contains complete answers to all items required by Form 10-KSB. When responses to a certain item of required disclosure are separated within the combined report, an appropriate cross-reference should be made. If the information required by part III of Form 10-KSB is omitted by virtue of General Instruction E, a definitive proxy or information statement shall be filed.

2. The cover page and required signatures are included. A cross-reference sheet should be filed indicating the location of information required by items of the Form.

#### G. Omission of Information by Certain Wholly-Owned Subsidiaries

If, on the date of the filing of its report on Form 10-KSB, the registrant meets the conditions specified in paragraph (1) below, then it may furnish the abbreviated narrative disclosure specified in paragraph (2) below.

1. Conditions for availability of relief specified in paragraph (2) below.

(a) All of the registrant's equity securities are owned, either directly or indirectly, by a single person which is a reporting company and which has filed all the material required to be filed under sections 13, 14 or 15(d), as applicable, and which is named in conjunction with the registrant's description of its business;

(b) During the past thirty-six months and any subsequent period of days, there has not been any material default in the payment of principal, interest, a sinking or purchase fund installment, or any other material default not cured within thirty days, with respect to any indebtedness of the registrant or its subsidiaries, and there has not been any material default in the payment of rental under material long-term leases; and

(c) There is prominently set forth on the cover page of the Form 10-KSB, a statement that the registrant meets the conditions set forth in General Instruction G(1) (a) and (b) of Form 10-KSB and therefore filing this Form with the reduced disclosure format.

2. Registrants meeting the conditions specified in paragraph 1 above are entitled to the following relief:

(a) Such registrants may omit the information called for by Item 303(b), Management's Discussion and Analysis, if required by the Instruction to that Item, provided that the registrant includes in the Form 10-KSB a narrative analysis of the results of operations explaining the reasons for material changes in the amount of revenue and expense items between the most recent fiscal year presented and the fiscal year immediately preceding it. Explanations of material changes should include, but not

be limited to, changes in the various elements which determine revenue and expense levels, such as unit sales volume, prices charged and paid, production levels, production cost variances, labor costs and discretionary spending programs. In addition, the analysis should include an explanation of the effect of any changes in accounting principles and practices or method of application that have a material effect on net income as reported.

(b) Such registrants may omit the list of subsidiaries exhibit required by Item 601 of regulation S-B.

(c) Such registrants may omit the information called for by the following Items: Item 4, Submission of Matters to a Vote of Security Holders; Item 10 Directors and Executive Officers, etc.; Item 11, Executive Compensation; Item 12, Security Ownership of Certain Beneficial Owners, etc.; Item 13, Certain Relationships and Related Transactions.

#### Part I

Item 1. Description of Business.

Furnish the information required by item 101 of regulation S-B.

Item 2. Description of Property.

Furnish the information required by item 102 of regulation S-B.

Item 3. Legal Proceedings.

Furnish the information required by item 103 of regulation S-B.

Item 4. Submission of Matters to a Vote of Security Holders.

If any matter was submitted during the fourth quarter of the fiscal year covered by this report to a vote of security holders, through the solicitation of proxies or otherwise, furnish the following information:

(a) The date of the meeting and whether it was an annual or special meeting.

(b) If the meeting involved the election of directors, the name of each director elected at the meeting and the name of each other director whose term of office as a director continued after the meeting.

(c) A brief description of each other matter voted upon at the meeting and the number of affirmative votes and the number of negative votes cast with respect to each such matter.

(d) A description of the terms of any settlement between the registrant and any other participant (as defined in rule 14a-11 of regulation A under the Act) terminating any solicitation subject to rule 14a-11, including the cost or anticipated cost to the registrant.

#### Instructions to Item 4

1. If any matter has been submitted to a vote of security holders otherwise than at a meeting of such security holders, corresponding information with respect to such submission should be furnished. The solicitation of any authorization or consent (other than a proxy to vote at a shareholders' meeting) with respect to any matter shall be deemed a submission of such matter to a vote of security holders within the meaning of this item.

2. Paragraph (a) need be answered only if paragraph (b) or (c) is required to be answered.

3. Paragraph (b) need not be answered if (i) proxies for the meeting were solicited

pursuant to regulation 14A under the Act, (ii) there was no solicitation in opposition to the management's nominees as listed in the proxy statement, and (iii) all of such nominees were elected. If the registrant did not solicit proxies and the board of directors as previously reported to the Commission was re-elected in its entirety, a statement to that effect in answer to paragraph (b) will suffice as an answer thereto.

4. Paragraph (c) need not be answered as to procedural matters or as to the selection or approval of auditors.

5. If the registrant has furnished to its security holders proxy soliciting material containing the information called for by paragraph (d), the paragraph may be answered by reference to the information contained in such material.

6. If the registrant published a report containing all of the information called for by this item, the item may be answered by reference to the information in that report.

#### Part II

Item 5. Market for Common Stock and Related Stockholder Matters.

Furnish the information required by item 201 of regulation S-B.

Item 6. Management's Discussion and Analysis or Plan of Operation.

Furnish the information required by item 303 of regulation S-B.

Item 7. Financial Statements.

Furnish the information required by item 310(a) of regulation S-B.

Item 8. Changes In and Disagreements With Accountants on Accounting and Financial Disclosure.

Furnish the information required by item 304 of regulation S-B.

#### Part III

Item 9. Directors, Executive Officers, Promoters and Control Persons; Compliance With section 16(a) of the Exchange Act.

Furnish the information required by items 401 and 405 of regulation S-B.

#### Instruction to Item 9

Checking the box provided on the cover page of this Form to indicate that item 405 disclosure of delinquent Form 3, 4, or 5 filers is not contained herein is intended to facilitate Form processing and review. Failure to provide such indication will not create liability for violation of the federal securities laws. The space should be checked only if there is no disclosure in this Form of reporting person delinquencies in response to item 405 of regulation S-B (§ 228.405 of this chapter) and the registrant, at the time of filing of the Form 10-KSB, has reviewed the information necessary to ascertain, and has determined that, item 405 disclosure is not expected to be contained in Part III of the Form 10-KSB or incorporated by reference.

Item 10. Executive Compensation.

Furnish the information required by item 402 of regulation S-B.

Item 11. Security Ownership of Certain Beneficial Owners and Management.

Furnish the information required by item 403 of regulation S-B.

**Item 12. Certain Relationships and Related Transactions.**

Furnish the information required by item 404 of regulation S-B.

**Item 13. Exhibits and Reports on Form 8-K.**

(a) Furnish the exhibits required by item 601 of regulation S-B. Where any financial statement or exhibit is incorporated by reference, the incorporation by reference shall be set forth in the list required by this item. See Exchange Act rule 12b-23 (§ 240.12b-23 of this chapter).

(b) Reports on Form 8-K. State whether any reports on Form 8-K were filed during the last quarter of the period covered by this report, listing the items reported, any financial statements filed and the dates of such reports.

**Signatures**

In accordance with section 13 or 15(d) of the Exchange Act, the registrant caused this report to be signed on its behalf by the undersigned, thereunto duly authorized.

(Registrant) \_\_\_\_\_  
By (Signature and Title)\* \_\_\_\_\_  
Date \_\_\_\_\_

In accordance with the Exchange Act, this report has been signed below by the following persons on behalf of the registrant and in the capacities and on the dates indicated.

By (Signature and Title)\* \_\_\_\_\_  
Date \_\_\_\_\_  
By (Signature and Title)\* \_\_\_\_\_  
Date \_\_\_\_\_

\* Print the name and title of each signing officer under his signature.

**Supplemental Information to be Furnished With Reports Filed Pursuant to Section 15(d) of the Exchange Act By Non-reporting Issuers**

(a) Except to the extent that the materials enumerated in (1) and/or (2) below are specifically incorporated into this Form by reference (in which case, see rule 12b-23(b)), every issuer which files an annual report on this Form under section 15(d) of the Exchange Act shall furnish the Commission for its information, at the time of filing its report on this Form, four copies of the following:

- (1) Any annual report to security holders covering the registrant's last fiscal year; and
- (2) Every proxy statement, form of proxy or other proxy soliciting material sent to more than ten of the registrant's security holders with respect to any annual or other meeting of security holders.

(b) The Commission will not consider the material to be "filed" or subject to the liabilities of section 18 of the Exchange Act, except if the issuer specifically incorporates it in its annual report on this Form by reference.

(c) If no such annual report or proxy material has been sent to security holders, a statement to that effect shall be included under this caption. If such report or proxy material is to be furnished to security holders subsequent to the filing of the annual report on this Form, the registrant shall so state under this caption and shall furnish copies of such material to the Commission when it is sent to security holders.

30. Section 249.308b is added to read as follows:

**§ 249.308b Form 10-QSB, optional form for quarterly and transition reports of small business issuers under sections 13 or 15(d) of the Securities Exchange Act of 1934 ("Exchange Act").**

A "small business issuer," defined in rule 12b-2, may use this Form for its transition and quarterly reports under section 13 or 15(d) of the Exchange Act and rules 13a-13 and 15d-13 (§§ 240.13a-13 or 240.15d-13 of this chapter). A small business issuer shall file a quarterly report on this form within 45 days after the end of each of the first three fiscal quarters of each fiscal year. No report need be filed for the fourth quarter of any fiscal year. Transition reports shall be filed in accordance with the requirements set forth in rule 13a-10 or rule 15d-10.

**Note:** The text and instructions of Form 10-QSB will not appear in the Code of Federal Regulations.

U.S. Securities and Exchange Commission,  
Washington, DC 20549; Form 10-QSB

OMB Approval

OMB Number: xxxx-xxxx. Expires: Approval Pending

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(Mark One)

Quarterly Report under Section 13 or 15(d) of the Securities Exchange Act of 1934

For the quarterly period ended \_\_\_\_\_

Transition Report under Section 13 or 15(d) of the Exchange Act

For the transition period from \_\_\_\_\_ to \_\_\_\_\_

Commission file number \_\_\_\_\_

(Exact name of small business issuer as specified in its charter) \_\_\_\_\_

(State or other jurisdiction of incorporation or organization) \_\_\_\_\_

(IRS Employer Identification No.) \_\_\_\_\_

(Address of principal executive offices) \_\_\_\_\_

( ) \_\_\_\_\_  
(Issuer's telephone number) \_\_\_\_\_

(Former name, former address and former fiscal year, if changed since last report)

Check whether the issuer (1) filed all reports required to be filed by section 13 or 15(d) of the Exchange Act during the past 12 months (or for such shorter period that the registrant was required to file such reports), and (2) has been subject to such filing requirements for the past 90 days. Yes \_\_\_\_\_ No \_\_\_\_\_

Applicable Only to Issuers Involved in Bankruptcy Proceedings During the Preceding Five Years

Check whether the registrant filed all documents and reports required to be filed by section 12, 13 or 15(d) of the Exchange Act after the distribution of securities under a plan confirmed by a court. Yes \_\_\_\_\_ No \_\_\_\_\_

Applicable Only to Corporate Issuers

State the number of shares outstanding of each of the issuer's classes of common stock, as of the latest practicable date: \_\_\_\_\_

**General Instructions**

**A. Use of Form 10-QSB**

1. A small business issuer, defined in rule 12b-2, may use this Form for its transition and quarterly reports under section 13 or 15(d) of the Exchange Act and rules 13a-13 and 15d-13 (§§ 240.13a-13 and 240.15d-13 of this chapter). A small business issuer shall file a quarterly report on this form within 45 days after the end of each of the first three fiscal quarters of each fiscal year. No report need be filed for the fourth quarter of any fiscal year. Transition reports shall be filed in accordance with the requirements set forth in rule 13a-10 or rule 15d-10.

**B. Application of General Rules and Regulations**

1. The General Rules and Regulations under the Exchange Act (§ 240.0-1 *et seq.*), particularly regulation 12B (§ 240.12b-1 *et seq.*) contain certain general requirements for reports on any form which should be carefully read and observed in the preparation and filing of reports on this Form.

**C. Incorporation by Reference**

1. If the registrant makes available to its stockholders or otherwise publishes, within the period prescribed for filing the report, a document or statement containing information meeting some or all of the requirements of part I of this form, the information may be incorporated by reference from such published document or statement, in answer or partial answer to any item or items of part I of this form provided copies of the document or statement are filed as an exhibit to part I of the report on this form.

2. Other information may be incorporated by reference in answer or partial answer to any item or items of part II of this form in accordance with the provisions of rule 12b-23 of the Exchange Act.

**D. Integrated Reports to Security Holders**

Quarterly reports to security holders may be combined with the required information of Form 10-QSB and will be suitable for filing with the Commission if the following conditions are satisfied:

1. The combined report contains full and complete answers to all items required by part I of this form. When responses to a certain item of required disclosure are separated within the combined report, an appropriate cross-reference should be made.

2. If not included in the combined report, the cover page, appropriate responses to part II and the required signatures shall be included in the Form 10-QSB. Additionally, as appropriate, a cross-reference sheet should be filed indicating the location of information required by items of the form.

**E. Filed Status of Information Presented**

1. Under Rules 13a-13(d) and 15d-13(d) of the Exchange Act (§§ 240.13a-13(d), 240.15d-13(d) of this chapter), the information presented in satisfaction of the requirements of items 1 and 2 of part I of this form, whether included directly in a report on this form, incorporated therein by reference from a report, document or statement filed as an exhibit to part I of this form pursuant to

Instruction D(1) above, included in an integrated report pursuant to Instruction D above, or contained in a statement regarding computation of per share earnings or a letter regarding a change in accounting principles filed as an exhibit to part I under item 601 of Regulation S-B (§ 228.601 of this chapter) shall not be deemed filed for the purpose of section 18 of the Exchange Act or otherwise subject to the liabilities of that section of the Act but shall be subject to the other provisions of the Act.

2. Information presented in satisfaction of the requirements of this form other than those of items 1 and 2 or part I shall be deemed filed for the purpose of section 18 of the Exchange Act; except that, where information presented in response to item 1 or 2 of part I (or an exhibit thereto) is also used to satisfy part II requirements through incorporation by reference, only that portion of part I (or exhibit thereto) consisting of the information required by part II shall be deemed so filed.

#### F. Signature and Filing of Report

1. File three "complete" copies and five "additional" copies of the registration statement with the Commission and file at least one complete copy with each exchange on which the securities will be registered. A "complete" copy includes financial statements, exhibits and all other papers and documents. An "additional" copy excludes exhibits.

2. Manually sign at least one copy of the report filed with the Commission and each exchange; other copies should have typed or printed signatures. In the case where the principal financial or chief accounting officer is also authorized to sign on behalf of the registrant, one signature is acceptable provided that the registrant clearly indicates the dual responsibilities of the signatory.

#### G. Omission of Information by Certain Wholly Owned Subsidiaries

If, on the date of the filing of its Form 10-QSB, the registrant meets the conditions in paragraph (1) below, then it may omit the information in paragraph (2) below.

1. Conditions for availability of relief specified in paragraph (2) below:

(a) All of the registrant's equity securities are owned, either directly or indirectly, by a single person which is a reporting company and which has filed all the material required to be filed pursuant to section 13, 14 or 15(d) of the Exchange Act.

(b) During the past thirty-six calendar months and any later period, there has not been any material default in the payment of principal, interest, a sinking or purchase fund installment, or any other material default not cured within thirty days, with respect to any indebtedness of the small business issuer, and there has not been any material default in the payment of rentals under material long-term leases; and

(c) There is prominently set forth, on the cover page of the Form 10-QSB, a statement that the registrant meets the conditions set forth in this instruction and is therefore filing this form with the reduced disclosure format.

2. Registrants meeting the conditions in paragraph (1) above are entitled to:

(a) Omit the information called for by item 303 of Regulation S-B (§ 228.303 of this

chapter), Management's Discussion and Analysis provided that the issuer includes in the Form 10-QSB a management's narrative analysis of the results of operations explaining the reasons for material changes in the amount of revenue and expense items between the most recent fiscal year-to-date period presented and the corresponding year-to-date period in the preceding fiscal year. Explanations of material changes should include, but not be limited to, changes in the various elements which determine revenue and expense levels such as unit sales volume, prices charged and paid, production levels, production cost variances, labor costs and discretionary spending programs. In addition, the analysis should include an explanation of the effect of any changes in accounting principles and practices or method of application that have a material effect on net income as reported.

(b) Such registrants may omit the information called for by the following items in part II: Items 2, 3 and 4.

#### Part I—Financial Information

##### Item 1. Financial Statements.

Furnish the information required by Item 310(b) of regulation S-B.

##### Item 2. Management's Discussion and Analysis or Plan of Operation.

Furnish the information required by Item 303 of regulation S-B.

#### Part II—Other Information

##### Instruction to Part II

Any item which is inapplicable or to which the answer is negative may be omitted and no reference thereto need be made in the report. If substantially the same information has been previously reported by the registrant, an additional report of the information on this form need not be made. The term "previously reported" is defined in rule 12b-2 of the Exchange Act. A separate response need not be presented in Part II where information called for is already disclosed in the financial information in Part I and is incorporated by reference into part II of the report by means of a statement to that effect in part II which specifically identifies the incorporated information.

##### Item 1. Legal Proceedings

Furnish the information required by item 103 of regulation S-B. As to proceedings that terminated during the period covered by this report, furnish information similar to that required by item 103 of regulation S-B.

##### Instruction to Item 1

A legal proceeding need only be reported in the Form 10-QSB filed for the quarter in which it first became a reportable event and in subsequent quarters in which there have been material developments. Subsequent Form 10-QSB filings in the same fiscal

year in which a legal proceeding or a material development is reported should reference any previous reports in that year.

##### Item 2. Changes in Securities

(a) If the instruments defining the rights of the holders of any class of registered securities have been materially modified, give the title of the class of securities involved and state briefly the general effect of such modification upon the rights of holders of such securities.

(b) If the rights evidenced by any class of registered securities have been materially limited or qualified by the issuance or modification of any other class of securities, state briefly the general effect of the issuance or modification of such other class of securities upon the rights of the holders of the registered securities.

##### Instruction to Item 2

1. Working capital restrictions and other limitations upon the payment of dividends are to be reported.

##### Item 3. Defaults Upon Senior Securities

(a) If there has been any material default in the payment of principal, interest, a sinking or purchase fund installment, or any other material default not cured within 30 days, with respect to any indebtedness of the small business issuer exceeding 5 percent of the total assets of the issuer identify the indebtedness and state the nature of the default. In the case of such a default in the payment of principal, interest, or a sinking or purchase fund installment, state the amount of the default and the total arrearage on the date of filing this report.

##### Instruction to Item 3(a)

1. This paragraph refers only to events which have become defaults under the governing instruments, i.e., after the expiration of any period of grace and compliance with any notice requirements.

(b) If any material arrearage in the payment of dividends has occurred or if there has been any other material delinquency not cured within 30 days, with respect to any class of preferred stock of the registrant which is registered or which ranks prior to any class of registered securities, or with respect to any class of preferred stock of any significant subsidiary of the registrant, give the title of the class and state the nature of the arrearage or delinquency. In the case of such a default in the payment of dividends,

state the amount and the total arrearage on the date of filing this report.

#### Instruction to Item 3

1. Item 3 need not be answered as to any default or arrearage with respect to any class of securities all of which is held by, or for the account of, the registrant or its totally held subsidiaries.

#### Item 4. Submission of Matters to a Vote of Security Holders

If any matter was submitted to a vote of security holders, through the solicitation of proxies or otherwise, furnish the following information:

(a) The date of the meeting and whether it was an annual or special meeting.

(b) If the meeting involved the election of directors, the name of each director elected at the meeting and the name of each other director whose term of office as a director continued after the meeting.

(c) A brief description of each other matter voted upon at the meeting and the number of affirmative votes and the number of negative votes cast with respect to each such matter.

(d) A description of the terms of any settlement between the registrant and any other participant (as defined in rule 14a-11 of regulation A under the Exchange Act) terminating any solicitation subject to rule 14a-11, including the cost or anticipated cost to the registrant.

#### Instructions to Item 4

If any matter has been submitted to a vote of security holders otherwise than at a meeting of such security holders, corresponding information with respect to such submission should be furnished. The solicitation of any authorization or consent (other than a proxy to vote at a shareholders' meeting) with respect to any matter shall be deemed a submission of such matter to a vote of security holders within the meaning of this item.

2. Paragraph (a) need be answered only if paragraph (b) or (c) is required to be answered.

3. Paragraph (b) need not be answered if (i) proxies for the meeting were solicited pursuant to regulation 14A under the Exchange Act, (ii) there was no solicitation in opposition to the management's nominees as listed in the proxy statement, and (iii) all of such nominees were elected. If the registrant did not solicit proxies and the board of directors as previously reported to the Commission was re-elected in its entirety, a statement to that effect in answer to paragraph (b) will suffice as an answer thereto.

4. Paragraph (c) need not be answered as to procedural matters or as to the selection or approval of auditors.

5. If the registrant has furnished to its security holders proxy soliciting material containing the information called for by paragraph (d), the paragraph may be answered by reference to the information contained in such material.

6. If the registrant has published a report containing all of the information called for by this item, the item may be answered by reference to the information in that report.

#### Item 5. Other Information

(a) The registrant may, at its option, report under this item any information, not previously reported in a report on Form 8-K, with respect to which information is not otherwise called for by this form. If disclosure of such other information is made under this item, it need not be repeated in a Form 8-K which would otherwise be required to be filed with respect to such information or in a subsequent report on Form 10-QSB.

#### Item 6. Exhibits and Reports on Form 8-K

(a) Furnish the exhibits required by Item 601 of Regulation S-B.

(b) Reports on Form 8-K. State whether any reports on Form 8-K were filed during the quarter for which this report is filed, listing the items reported, any financial statements filed and the dates of such reports.

#### Signatures

In accordance with the requirements of the Exchange Act, the registrant caused this report to be signed on its behalf by the undersigned, thereunto duly authorized.

(Registrant)  
Date \_\_\_\_\_

(Signature)\*  
Date \_\_\_\_\_

(Signature)\*

\* Print the name and title of each signing officer under his signature.

#### § 249.308 [Amended]

31. Form 8-K (§ 249.308) is amended by adding paragraph 3 to General Instruction C to read as follows:

Note: The text and instructions of Form 8-K does not appear in the Code of Federal Regulations.

Form 8-K

\* \* \* \* \*  
General Instructions

\* \* \* \* \*

#### C. Application of General Rules and Regulations.

3. A *small business issuer*, defined under rule 12b-2 of the Exchange Act (§ 240.12b-2 of this chapter), shall refer to the disclosure items in regulation S-B (17 CFR 228.10 *et seq.*) and not regulation S-K. If there is no comparable disclosure item in regulation S-B, a small business issuer need not provide the information requested. A small business issuer shall provide the information required by item 310(a) of regulation S-B in lieu of the financial information required by item 7 of this Form.

#### PART 260—GENERAL RULES AND REGULATIONS, TRUST INDENTURE ACT OF 1939

32. The authority citation for part 260 continues to read as follows:

Authority: 15 U.S.C. 77ddd, 77eee, 77ggg, 77hhh, 77jjj, 77nnn, 77sss.

33. By revising § 260.4a-1 as to read as follows:

#### § 260.4a-1 Exempted securities under section 304(a)(6).

The provisions of the Trust Indenture Act of 1939 shall not apply to any security that has been or will be issued otherwise than under an indenture. The same issuer may not claim this exemption within a period of twelve consecutive months for more than \$5,000,000 aggregate principal amount of any securities.

34. § 260.4a-2 is redesignated as § 260.4a-3, in newly redesignated section § 260.4a-3 remove both cites to "\$5,000,000" and add in their place the words "\$10,000,000", and add new § 260.4a-2 to read as follows:

#### § 260.4a-2 Exempted securities under section 304(d).

The provisions of the Trust Indenture Act of 1939 shall not apply to any security that has been issued or will be issued in accordance with the provisions of Regulation A (17 CFR 230.251 *et seq.*) under the Securities Act of 1933.

#### PARTS 210, 229, 230, 239, 240, 249, and 260—[AMENDED]

35. In addition to the amendments set forth above, in 17 CFR parts 210, 229, 230, 239, 240, 249, and 260 all references to:

- a. "Form 10-Q" are revised to read "Form 10-Q and Form 10QSB";
- b. "Form 10-K" are revised to read "Form 10-K and Form 10KSB";
- c. "Form 10" are revised to read "Form 10 and Form 10SB";

By the Commission.

Dated: March 11, 1992.

Margaret H. McFarland,  
Deputy Secretary.

[FR Doc. 92-6178 Filed 3-19-92; 8:45 am]

BILLING CODE 8010-01-M

## SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 230

[Release No. 33-6926; IC-18611; S7-5-92]

RIN 3235-AE96

### Amendments to the Offering Exemption Under Regulation E of the Securities Act of 1933

**AGENCY:** Securities and Exchange  
Commission.

**ACTION:** Proposed amendments to rules.

**SUMMARY:** The Commission is proposing for public comment amendments to the Regulation E exemption from registration of securities of small business investment companies and business development companies under the Securities Act of 1933 to increase the aggregate offering price of a qualified offering of securities that may be sold during a twelve-month period. Under the proposal, the aggregate offering price of securities of a small business investment company that could be sold in reliance on Regulation E would increase from \$5,000,000 to \$15,000,000. Offerings of the securities of a small business investment company or a business development company by any person other than the issuer would increase from \$100,000 to \$1,500,000. The proposed amendments are intended to enhance the ability of small business investment companies to raise capital for small businesses and to increase the liquidity of investments in small business investment companies and business development companies.

**DATES:** Comments must be received on or before May 19, 1992.

**ADDRESSES:** Comments should be submitted in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. All comment letters should refer to File No. S7-5-92. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 450 5th Street, NW., Washington, DC 20549.

**FOR FURTHER INFORMATION CONTACT:** Kenneth J. Berman, Deputy Chief, or Kathleen K. Clark, Special Counsel, Office of Disclosure and Adviser Regulation, Division of Investment

Management, (202) 272-2107, Securities and Exchange Commission, 450 Fifth Street, NW., Mail Stop 10-8, Washington, DC 20549.

**SUPPLEMENTARY INFORMATION:** The Securities and Exchange Commission (the "Commission") today is proposing for comment amendments to regulation E (17 CFR 230.601 *et seq.*) under the Securities Act of 1933 ("1933 Act") (15 U.S.C. 77a *et seq.*), which exempts from registration under the 1933 Act certain securities offerings by small business investment companies ("SBICs") registered under the Investment Company Act of 1940 ("1940 Act") (15 U.S.C. 80a-1 *et seq.*) and business development companies ("BDCs"). The amendments would increase, from \$5,000,000 to \$15,000,000, the aggregate offering price of SBIC securities that may be sold annually without registration under the 1933 Act. The amount of SBIC or BDC securities that may be sold annually by any person other than the issuer ("selling securityholder") would increase from \$100,000 to \$1,500,000. In addition, certain other revisions are proposed to modify the procedural requirements for using regulation E.

#### I. Background and Discussion of Proposals

SBICs and BDCs are entities the principal business of which is to provide capital to small businesses. Regulation E exempts securities of SBICs registered as investment companies under the 1940 Act and BDCs<sup>1</sup> from registration under the 1933 Act provided certain conditions are met. The Commission is proposing amendments to regulation E to further the objective of stimulating investment in small businesses. The amendments would increase the aggregate offering price limitation for securities of a SBIC to \$15,000,000. BDCs that are not SBICs would continue to be subject to the \$5,000,000 limitation. In addition, the offering price of securities of a SBIC or

<sup>1</sup> BDCs, created by the Small Business Investment Incentive Act of 1980 ("1980 Act") (Pub. L. No. 96-477), are a category of venture capital companies subject to special provisions under the 1940 Act designed to accommodate their characteristics. A BDC is a closed-end management investment company with securities registered or to be registered under section 12 of the Securities Exchange Act of 1934 ("1934 Act") (15 U.S.C. 78j) that elects to be treated as a BDC and is operated for the purpose of making specific types of investments to small businesses and makes available significant managerial assistance to the companies in which it invests. Under the 1940 Act, BDCs are subject to provisions that differ somewhat from those applicable to other investment companies with respect to conflicts of interest (section 57 (15 U.S.C. 80a-56)), executive compensation (section 57(j) (15 U.S.C. 80a-58(j))), and leverage (section 61 (15 U.S.C. 80a-60)).

BDC that could be offered by a selling securityholder would be increased from \$100,000 to \$1,500,000.

#### A. Background

In 1958, Congress enacted the Small Business Investment Act ("SBIA")<sup>2</sup> to improve and to stimulate the flow of private equity capital and long-term loan funds to small businesses for financing, expansion, and growth.<sup>3</sup> Under this legislation, the Small Business Administration ("SBA") is authorized, among other things, to license and to provide funding to SBICs. A SBIC is a private company organized under state law whose activities are limited to investing in independent small businesses<sup>4</sup> by purchasing securities or making loans.<sup>5</sup>

As part of the SBIA, Congress added section 3(c) to the 1933 Act<sup>6</sup> which authorizes the Commission to exempt completely or conditionally securities issued by SBICs from the registration provisions of the 1933 Act. Under this authority, the Commission, in 1958, adopted regulation E<sup>7</sup> exempting securities issued by SBICs registered under the 1940 Act from registration under the 1933 Act provided certain conditions are met.<sup>8</sup> Regulation E is patterned after regulation A under the 1933 Act,<sup>9</sup> which provides an exemption from registration for small offerings of securities by companies other than investment companies,<sup>10</sup> although the two regulations are not identical.

Regulation E requires, among other things, the filing with the Commission of a notification of the offering<sup>11</sup> and, in

<sup>2</sup> 15 U.S.C. 661 *et seq.*

<sup>3</sup> Section 102 of the SBIA (15 U.S.C. 661).

<sup>4</sup> A small business, in general, means any business with net worth of \$6,000,000 or less and average net income, after taxes, in the preceding two years of \$2,000,000 or less. SBA rule 121.802(a)(2) (13 CFR 121.802(a)(2)).

<sup>5</sup> Section 394(a) of the SBIA (15 U.S.C. 684(a)); rule 803 (13 CFR 107.803).

<sup>6</sup> 15 U.S.C. 77c(c).

<sup>7</sup> Securities Act Rel. No. 4005 (Dec. 17, 1958) (23 FR 10483 (Dec. 20, 1958)) ("Rel. No. 4005").

<sup>8</sup> Rule 602(a) of regulation E (17 CFR 230.602(a)).

<sup>9</sup> 17 CFR 230.251-264. Regulation A was adopted under section 3(b) of the 1933 Act (15 U.S.C. 77c(b)), which gives the Commission the authority to exempt from registration offerings of securities not exceeding \$5,000,000. See Securities Act Rel. No. 3663 (July 23, 1956 (21 FR 5739 (Aug. 1, 1956))).

<sup>10</sup> The offering price exemption under regulation A is currently \$1,500,000. Rule 254(a)(1)(i) (17 CFR 2230.254(a)(1)).

<sup>11</sup> Rule 604(a) (17 CFR 230.604(a)). This notification is required to be filed on Form 1-E (17 CFR 239.200).

most cases, the delivery to offerees, and the filing with the Commission, of an offering circular containing specified disclosures.<sup>12</sup> The maximum aggregate offering price of securities that currently can be offered under regulation E within a twelve-month period is \$5,000,000.<sup>13</sup>

#### B. Aggregate Offering Price Limitations

The Commission is proposing amendments to regulation E to further the objective of stimulating investment in small businesses reflected in the SBIA. The proposed amendments would increase the aggregate offering price of all securities of a SBIC that may be offered under regulation E within a twelve month period from \$5,000,000 to \$15,000,000.<sup>14</sup> Comments are requested on whether the proposed offering price level will serve to encourage offerings of securities under regulation E or whether the limit should be lower or higher. For example, should SBICs be permitted to sell under regulation E the amount of equity securities required to satisfy SBA debt to equity ratio requirements?<sup>15</sup>

Currently, the amount of securities permitted to be sold annually under regulation E can include securities sold by selling securityholders provided the offering price of any such securities does not exceed \$100,000 per person.<sup>16</sup> This

<sup>12</sup> Rule 605(a) (17 CFR 230.605(a)). Under rule 606 (17 CFR 230.606), an offering circular currently is not required for an offering not exceeding \$100,000.

<sup>13</sup> Rule 603 (17 CFR 230.603). When regulation E was adopted in 1958, the maximum aggregate offering price of securities that could be offered was \$300,000. Rel. No. 4005. This amount was increased in 1971 to \$500,000 (Securities Act Rel. No. 5134 (Mar. 28, 1971) (36 FR 7050 (Apr. 14, 1971))) and in 1984 to \$5,000,000 (Securities Act Rel. No. 6546 (Aug. 30, 1984) (49 FR 35342 (Sept. 7, 1984))).

<sup>14</sup> The 1980 Act did not provide for any exemption for BDCs from registration under the 1933 Act comparable to that in section 3(c) of the 1933 Act for SBICs. In 1984, the Commission extended the exemption provided by regulation E to include BDCs under section 3(b) of the 1933 Act, which gives the Commission authority to exempt securities offerings not exceeding \$5,000,000. The proposed amendments would only be applicable to SBICs under the authority of section 3(c). Thus, the proposed amendment would be available to a BDC only if it is also an SBIC.

<sup>15</sup> SBA financing for SBICs is currently permitted in amounts up to three times the equity capital of SBICs with a maximum of \$35,000,000. Thus, the equity capital necessary for the maximum financing amount is approximately \$12,000,000. If the SBA financing amount, which has not been changed since 1958, is increased, comment is requested on whether the Commission should adopt an offering price limit that will enable SBICs to satisfy equity ratio requirements through offerings under regulation E.

<sup>16</sup> Rule 603(a). A person who directly or indirectly controls or is controlled by an issuer, such as an officer, director or 10% stockholder, is considered to be an issuer for the purpose of the definition of an "underwriter" in section 2(11) of the 1933 Act (15 U.S.C. 77b(11)). Unless an exemption is applicable, a registration statement is required under section 5(a) of the 1933 Act (15 U.S.C. 77e(a)) for the offer or sale of securities by such persons.

provision was intended to limit offerings that could be made under regulation E which would not directly benefit the issuer. Such offerings do, however, encourage investments in SBICs or BDCs because they serve to increase shareholder liquidity by facilitating secondary offerings of securities. The Commission therefore is proposing to raise the offering price of securities of a SBIC or a BDC that may be offered by a selling securityholder from \$100,000 to \$1,500,000. The offering price of securities sold in these offerings would be counted in determining whether securities sold under regulation E during the twelve-month period did not exceed the \$15,000,000 limit for SBICs or the \$5,000,000 limit for BDCs.

#### C. Other Revisions

##### 1. Preliminary Offering Circular

Under regulation A and regulation E, a preliminary offering circular may be used prior to the effective date of an offering under these regulations if the offering is underwritten. The Commission is proposing to eliminate the underwritten offering requirement in regulation A<sup>17</sup> and regulation E to permit the use of a preliminary offering circular in any otherwise eligible offering. The purpose of the underwritten offering requirement was, among other things, to assure, through participation of the underwriter, adequate disclosure in the preliminary offering circular. This requirement does not appear to be necessary in view of the other substantive disclosure requirements of regulation A and regulation E.

##### 2. Substantial and Good Faith Compliance

The proposed amendments to regulation E include a provision protecting those who substantially and in good faith comply with its terms, conditions, and requirements. Under this provision, which is patterned after a similar provision in regulation D under the 1933 Act,<sup>18</sup> an issuer would not lose the exemption with respect to a particular investor even if the issuer failed to comply with a requirement of regulation E, although it would violate a Commission rule.

Under the proposed safe harbor, the exemption would continue to be available if the issuer could show that the requirement not complied with was

not intended to protect the particular investor, the violation was not material to the offering as a whole, and the issuer had made a good faith attempt to comply with all the requirements of regulation E. Regulation E would specify that the requirements concerning issuer eligibility, filing offering statements, and the specific dollar limitations in the regulation are always material to the offering as a whole.

##### 3. Integration Safe Harbor

Comment is requested on whether a "safe harbor" provision, similar to that proposed for regulation A,<sup>19</sup> regarding integration of offerings with previous or subsequent offerings of securities should be included in regulation E. Under the regulation A proposal, an offering would not be integrated with any previous registered offering or with any subsequent offering that is registered or made more than six months after the regulation A offering. In addition, other specified offerings would not be integrated with a regulation A offering even if they are made within a six-month period. These include offerings pursuant to an employee benefit plan or made in reliance on regulation S under the 1933 Act.<sup>20</sup> Comment is specifically requested on whether an integration safe harbor is necessary or appropriate for SBICs and BDCs under regulation E, and, if so, whether it should cover the same types of offerings and time periods.

#### II. General Request for Comments

Any interested persons wishing to submit written comments on the proposed rule changes that are the subject of this release, to suggest additional changes (including changes to provisions of the rules that the Commission is not proposing to amend), or to submit comments on other matters that might have an impact on the proposals contained herein, are requested to do so. Commenters suggesting alternate approaches are encouraged to submit proposed rule text.

#### III. Cost/Benefit of the Proposals

To assist the Commission in its evaluation of the costs and benefits that may result from the proposed amendments to regulation E, commenters are requested to provide views and data relating to any costs and benefits associated with these proposals. The proposed amendments to

<sup>17</sup> See proposed rule 255 in Securities Act Rel. No. 6924, (Mar. 11, 1992) ("Regulation A Release").

<sup>18</sup> 17 CFR 230.501-508. The Commission is proposing a similar provision for Regulation A. See proposed rule 260 in the regulation A Release.

<sup>19</sup> See proposed rule 251(c) in the regulation A Release.

<sup>20</sup> 17 CFR 230.901-904.

regulation E are not expected to impose any significant additional burdens on SBICs and should significantly reduce the costs they may now incur in connection with the registration of securities for an aggregate offering price exceeding \$5,000,000 by eliminating the need to file registration statements for public offerings of securities that do not exceed \$15,000,000.

#### IV. Summary of Initial Regulatory Flexibility Analysis

The Commission has prepared an initial regulatory flexibility analysis in accordance with 5 U.S.C. 603 regarding the proposed amendments. The analysis notes that the rule proposals contained in this release are intended to improve the access to SBICs to public equity sources and stimulate investment in small businesses. Other aggregate cost-benefit information reflected in the "Cost/Benefit Analysis" section of this release also is reflected in the analysis. A copy of the Initial Regulatory Flexibility Analysis may be obtained by contacting Kathleen K. Clarke, Office of Disclosure and Adviser Regulation, 450 5th Street, NW., Washington, DC 20549.

#### V. Statutory Authority

The Commission is proposing to amend regulation E under sections 3(b) and 3(c) (15 U.S.C. 77c (b) and (c)) and 19(a) (15 U.S.C. 77s(a)) of the 1933 Act and section 38 of the 1940 Act (15 U.S.C. 80a-39). The authority citations for the amendments to the rules precede the text of the amendments.

#### List of Subjects in 17 CFR Part 230

Reporting and recordkeeping requirements, Securities.

#### VI. Text of Proposed Rule Amendments

For the reasons set out in the preamble, the Commission is proposing to amend title 17, chapter II of the Code of Federal Regulations as follows:

#### PART 230—GENERAL RULES AND REGULATIONS SECURITIES ACT OF 1933

1. The authority citation for part 230 continues to read as follows:

Authority: 15 U.S.C. 77b, 77f, 77g, 77h, 77j, 77s, 77sss, 78c, 78l, 78m, 78n, 78o, 78w, 79t, and 80a-37, unless otherwise noted.

2. By amending § 230.601 to add the following definitions in the appropriate alphabetical order:

#### § 230.601 Definitions of terms used in §§ 230.601 to 230.610a.

*Business Development Company.* The term *business development company* means any closed-end investment company that meets the definitional requirements of section 2(a)(48) (A) and (B) of the Investment Company Act of 1940 and that has elected to be regulated, or has notified the Commission that it intends to elect to be regulated, as a business development company under section 54 of the Investment Company Act 1940.

*Small Business Investment Company.* The term *small business investment company* means any company that is licensed as a small business investment company under the Small Business Investment Act of 1958 or that has received the preliminary approval of the Small Business Administration and has been notified by the Administration that it may submit a license application.

2. By amending § 230.602 to revise paragraph (a) to read as follows:

#### § 230.602 Securities exempted.

(a) Except as hereinafter provided in §§ 230.602 to 230.610a, securities issued by any of the following persons shall be exempt from registration under the Act if offered in accordance to the terms and conditions of §§ 230.601 to 230.610a:

- (1) Any small business investment company that is registered under the Investment Company Act of 1940;
- (2) Any business development company; or
- (3) Any small business investment company that is a business development company.

3. By amending § 230.603 to revise paragraph (a) to read as follows:

#### § 230.603 Amount of securities exempted.

(a) The aggregate offering price of all securities of the issuer offered or sold pursuant to this regulation and any other securities previously offered or sold pursuant to an offering under this regulation or in violation of section 5(a) of the Act within one year prior to the commencement of the proposed offering shall not exceed the following amounts

- (1) \$15,000,000 if the securities are offered or sold by or on behalf of an issuer that is a small business investment company or a small business investment company that is a business development company; or

(2) \$5,000,000 if the securities are offered or sold by or on behalf of an issuer that is a business development company and is not a small business investment company;

Provided, however, that the aggregate offering price of all securities offered or sold by any one selling securityholder shall not exceed \$1,500,000, except that this limitation shall not apply if the securities are to be offered on behalf of the estate of a deceased person within two years after the death of such person.

4. By amending § 230.605 to remove paragraph (f)(3) and to redesignate paragraph (f)(4) as (f)(3).

5. By adding § 230.609a to read as follows:

#### § 230.609a Insignificant deviations from a term, condition or requirement of Regulation E.

(a) A failure to comply with a term, condition, or requirement of regulation E will not result in the loss of the exemption from the requirements of section 5 of the Act for any offer or sale to a particular individual or entity, if the person relying on the exemption establishes:

- (1) The failure to comply did not pertain to a term, condition, or requirement directly intended to protect that particular individual or entity;
- (2) The failure to comply was insignificant with respect to the offering as a whole, provided that any failure to comply with § 230.602(a), § 230.603, and § 230.605(a) shall be deemed to be significant to the offering as a whole; and
- (3) A good faith and reasonable attempt was made to comply with all applicable terms, conditions, and requirements of regulation E.

(b) A transaction made in reliance upon regulation E shall comply with all applicable terms, conditions, and requirements of the regulation. Where an exemption is established only through reliance upon paragraph (a) of this section, the failure to comply shall nonetheless be actionable by the Commission under section 20 of the Act.

(c) This provision provides no relief or protection from a proceeding under § 230.610.

By the Commission.  
Dated: March 12, 1992.  
Margaret H. McFarland,  
Deputy Secretary.

[FR Doc. 92-6178 Filed 3-19-92; 8:45 am]

BILLING CODE 8010-01-M

## SECURITIES AND EXCHANGE COMMISSION

### 17 CFR Parts 239 and 274

[Release No. 33-6927; IC-18612]

#### Revisions of Guidelines to Form N-1A

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Revisions to Guidelines.

**SUMMARY:** The Commission is publishing revisions to the Guidelines to Form N-1A to permit open-end management investment companies to increase from 10% to 15% the amount of illiquid assets they may hold. Revising the Guidelines will permit investment companies more flexibility to make investments in the illiquid securities of small businesses. This could provide small businesses with better access to the capital markets in a manner consistent with the public interest and the protection of investment company shareholders.

**EFFECTIVE DATE:** March 20, 1992.

#### FOR FURTHER INFORMATION CONTACT:

Jeremiah de Michaelis, Branch Chief (202) 272-2096, or Richard Pfordte, Attorney (202) 272-2103, Division of Investment Management, Securities and Exchange Commission, 450 5th Street NW., Washington DC 20549.

**SUPPLEMENTARY INFORMATION:** The Commission is publishing revisions of the Guidelines to Form N-1A (17 CFR 239.15A, 274.11A), the registration form used by open-end management investment companies ("mutual funds") to register under the Investment Company Act of 1940 (15 U.S.C. 80a-1 *et seq.*) ("1940 Act") and to register their securities under the Securities Act of 1933 (15 U.S.C. 77a-1 *et seq.*). The revised Guidelines will permit a mutual fund to invest up to 15% of its net assets in illiquid securities. Currently, the Guidelines recommend a 10% limit on mutual fund investments in illiquid assets. In addition, the revisions make other minor changes to the Guidelines and place the discussion of liquidity requirements in one place. The Guidelines, which consist of a compilation and adaptation of applicable Commission releases and staff positions, are prepared by the Division of Investment Management for use in the preparation and filing of registration statements on Form N-1A.

#### I. Background

The Guidelines are being revised in connection with the Commission's efforts to remove unnecessary barriers to capital formation and to facilitate access to the capital markets by small

businesses.<sup>1</sup> Historically, small local enterprises have satisfied a large portion of their capital needs by using the financial resources of local banks and similar institutions. In recent years, concern has been expressed about the ability of U.S. small businesses to obtain financing from traditional sources.<sup>2</sup> The health and existence of small business is critical to local economies and to the national economy.

Mutual funds represent a significant potential source of capital for small business.<sup>3</sup> Currently there are 1,787 funds which have aggregate total assets of \$474.2 billion that could be a source of capital for small businesses.<sup>4</sup> Allowing mutual funds to invest an additional 5% of their net assets in illiquid securities, including illiquid securities of U.S. small businesses, could make a significant amount of capital available to small business without significantly increasing the risk to any fund.

However, the securities of small businesses are generally illiquid and mutual funds are constrained in the amount of illiquid assets they may hold. Under the 1940 Act, mutual funds must stand ready to redeem shares daily and pay redeeming shareholders within seven days of receiving a redemption request.<sup>5</sup> In addition, a mutual fund must compute its net asset value each business day and give purchase and redemption orders the price next computed after receipt of an order.<sup>6</sup>

<sup>1</sup> See Securities Act Rel. No. 6924 (Mar. 11, 1992) ("Small Business Initiatives" proposing, among other things, amendments to regulation A and Rule 504) and Securities Act Rel. No. 6926 (Mar. 12, 1992) (proposing amendments to regulation E).

<sup>2</sup> See The Small Business Credit Crunch, Hearings Before the House of Representatives Comm. on Small Business, 101st Cong., 2nd Sess. (1990).

<sup>3</sup> See section 1(a)(4) of the 1940 Act (15 U.S.C. 80a-1(a)(4)) (mutual funds are "media for investment in the national economy of a substantial part of the national savings and may have a vital effect upon the flow of savings into the capital markets").

<sup>4</sup> This estimate was derived by subtracting from the total assets of mutual funds the assets of funds that ordinarily would not invest in the securities of small businesses—money market funds, funds investing primarily in securities of the U.S. government and its agencies and instrumentalities, and funds investing primarily in securities of state and local governments. See Investment Company Institute Trends in Mutual Fund Activity (Nov. 1991), table 6A.

<sup>5</sup> Section 22(e) of the 1940 Act (15 U.S.C. 80a-22(e)) prohibits a mutual fund from suspending the right of redemption or postponing the date of payment or satisfaction upon redemption for more than seven days after the tender of such security to the mutual fund.

<sup>6</sup> Rule 22c-1(a) (17 CFR 270.22c-1(a)).

Moreover, most mutual funds allow shareholders easily to exchange their fund shares for shares of another mutual fund managed by the same investment adviser, in transactions which generally can include only nominal costs. Shareholders thus easily may move their money among equity, income, and money market funds as they choose, increasing the need for liquidity of mutual fund assets.

To compute an accurate net asset value per share, a mutual fund must be able to value each portfolio security accurately. Mutual funds must use market price to value securities for which market quotations are readily available; the board of directors must make a good faith determination of the fair value of securities for which market prices are not readily available.<sup>7</sup> If the net asset value of a mutual fund is not accurate, purchasing or redeeming shareholders may pay or receive too little or too much for their shares, and the interests of remaining shareholders may be overvalued or diluted.

To meet these requirements, a mutual fund must maintain a high degree of portfolio liquidity. In 1969, the Commission stated that a prudent limit on mutual fund holdings of illiquid securities would be 10 percent.<sup>8</sup> This conservative standard was designed to ensure that mutual funds will be ready at all times to meet even remote contingencies. The 10% standard has been reflected in the Guidelines to Form N-1A, the mutual fund registration form. The Commission has determined it is consistent with investor protection to increase the limit in the Guidelines to 15%. The Commission believes that a 15% standard should satisfactorily assure that mutual funds will be able to make timely payment for redeemed shares. Experience has shown that mutual funds generally have not had difficulty in meeting redemption requests from available cash reserves, even during times of abnormally high selling activities in the securities markets.<sup>9</sup> Even if a fund were forced to sell securities to meet redemption requests, substantially all of its remaining assets would be required to be liquid securities which it could sell

<sup>7</sup> Rule 2a-4 (17 CFR 270.2a-4).

<sup>8</sup> Investment Company Act Rel. No. 5847 (Oct. 21, 1969).

<sup>9</sup> During the 1987 market break, approximately 2% of all equity mutual fund shares were redeemed on October 16 and 19, 1987, and most funds were able to meet these redemptions from available cash reserves. See Securities and Exchange Commission, Division of Market Regulation, The October 1987 Market Break 2-17 to -18 (1988).

consistent with appropriate portfolio management.

## II. Revision of Liquidity Test in Guidelines to Form N-1A

As revised, Guide 4 will permit a mutual fund to invest up to 15% of its assets in illiquid assets. An illiquid asset is defined as an asset which may not be sold or disposed of in the ordinary course of business within seven days at approximately the value at which the mutual fund has valued the investment on its books.<sup>10</sup>

While the changes to the Guidelines will permit mutual funds to increase their holdings of illiquid assets, it will not require them to do so.<sup>11</sup> Nor will it relieve a fund from the requirements concerning valuation and the general responsibility to maintain a level of portfolio liquidity that is appropriate under the circumstances. If no market quotations for an illiquid security are available, the board of directors of the fund will be required to determine the fair value of the security. In addition, the Commission expects funds to monitor portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained. For example, an equity fund that begins to

<sup>10</sup> Investment Company Act Rel. No. 14983 (Mar. 12, 1986) (51 FR 9773 (Mar. 21, 1986)) (adopting amendments to rule 2a-7 under the 1940 Act) (17 CFR 270.2a-7).

<sup>11</sup> Funds that have fundamental investment policies restricting their ability to invest in illiquid securities would be required by section 13(a) of the 1940 Act (15 U.S.C. 80a-13(a)) to obtain shareholder approval to change those policies. In addition, funds that choose to make additional investments in illiquid assets, as permitted by the Guideline revision, should consider whether to amend or "sticker" their disclosure documents to reflect these changes.

experience a net outflow of assets because investors increasingly shift their money from equity to income funds should consider reducing its holdings of illiquid securities in an orderly fashion in order to maintain adequate liquidity. Finally, the Commission intends to review the operation of the Guideline revision through its investment company inspection program to determine whether the revision is achieving its intended purposes in a manner consistent with investor protection.

## III. Text of Revisions to the Guidelines List of Subjects in 17 CFR Parts 239 and 274

Investment companies, Reporting and recordkeeping requirements, Securities.

For the reasons set out in the preamble, title 17, chapter II of the Code of Federal Regulations is amended as follows:

### PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

### PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

1. The authority citation for part 239 continues to read as follows:

Authority: 15 U.S.C. 77a, *et seq.*, unless otherwise noted.

2. The authority citation for part 274 continues to read as follows:

Authority: The Investment Company Act of 1940, 15 U.S.C. 80a-1 *et seq.*, unless otherwise noted.

Note: The Guides to Forms N-1A are not codified in the Code of Federal Regulations.

3. Amending Guide 4 to Form N-1A (239.15A and 274.11A) by adding at the end a paragraph to read as follows:

### Guide 4. Types of Securities

If an open-end company holds a material percentage of its assets in securities or other assets for which there is no established market, there may be a question concerning the ability of the fund to make payment within seven days of the date its shares are tendered for redemption. The usual limit on aggregate holdings by an open-end investment company of illiquid assets is 15 percent of its net assets. An illiquid asset is any asset which may not be sold or disposed of in the ordinary course of business within seven days at approximately the value at which the mutual fund has valued the investment. See Investment Company Act Release No. 14983 (Mar. 12, 1986).

4. Amending Guide 12 to Form N-1A (239.15A and 274.11A) by removing the last sentence and adding a new last sentence to read as follows:

### Guide 12. Purchase and Sale of Real Estate

For the limits on the aggregate holdings by open-end companies of illiquid assets, see Guide 4.

5. Amending Guide 13 to Form N-1A (239.15A and 274.11A) by removing the fourth and fifth sentences and adding a new last sentence to read as follows:

### Guide 13. The Making of Loans to Other Persons

For the limits on the aggregate holdings by open-end companies of illiquid assets, see Guide 4.

Dated: March 12, 1992.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-6177 Filed 3-19-92; 8:45 am]

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# **federal register**

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**Friday  
March 20, 1992**

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## **Part III**

### **Department of Health and Human Services**

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#### **Administration for Children and Families**

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**Runaway and Homeless Youth Program;  
Availability of Financial Assistance for FY  
1992 and Request for Applications;  
Notice**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

[Program Announcement No. ACF/ACYF/RHYP 93.623-92-1]

#### Runaway and Homeless Youth Program; Availability of Financial Assistance for Fiscal Year (FY) 1992 and Request for Applications

**AGENCY:** Administration on Children, Youth, and Families (ACYF), Administration for Children and Families (ACF).

**ACTION:** Announcement of availability of financial assistance and request for applications for Runaway and Homeless Youth Basic Center grants.

**SUMMARY:** The Family and Youth Services Bureau of the Administration on Children, Youth and Families announces the availability of fiscal year 1992 funds for the Runaway and Homeless Youth Basic Center Grant Program.

Basic Center grant applications are solicited in two categories: Basic Center Expansion awards and Basic Center New Start awards. Competition for Basic Center awards in both categories will be possible in all States and Territories except Hawaii, Mississippi, Rhode Island, South Carolina, Guam, the Northern Marianas, Palau, and the Virgin Islands. In the jurisdictions listed above, the amount required for non-competing continuations equals the State's total allotment. (See the Table of Allocations by State and the accompanying narrative (Part I, Section G, "Available Funds for Basic Centers") for an explanation.)

**DATES:** The deadline or closing date for receipt of all applications under this announcement is: May 19, 1992.

**ADDRESSES:** Application receipt point: Runaway and Homeless Youth Basic Center Program, Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, 200 Independence Avenue, SW., room 341-F.2, Hubert H. Humphrey Building, Washington, DC 20201. Attn: William J. McCarron, ACF-92-ACYF/RHYP/BC.

**FOR FURTHER INFORMATION CONTACT:** Dr. Preston Bruce, Administration on Children, Youth and Families, Family and Youth Services Bureau, P.O. Box 1182, Washington, DC 20013. Telephone: (202) 245-0049.

#### SUPPLEMENTARY INFORMATION:

### Part I. Background Considerations

#### A. Scope of This Program Announcement

This program announcement solicits applications and describes the application process for Basic Center grants under the Runaway and Homeless Youth Program. Basic Center applications are solicited in two categories: Basic Center Expansion awards and Basic Center New Start awards. (See paragraph G, below, for explanations of these two categories.) Both categories of grants will be competitively awarded during the third and fourth quarters of FY 1992. Project periods for grants will be three years for the New Start awards and either one or two years for the Expansion awards, depending on the number of years remaining in the project periods of the grantees seeking Expansion funds.

#### B. Legislative Authority

Grants under this program are authorized by Part A of the Runaway and Homeless Youth Act (the Act), 42 U.S.C. 5701 *et seq.* The Act was enacted as Title III of the Juvenile Justice and Delinquency Prevention Act of 1974 (Pub. L. 93-415), and amended by the Juvenile Justice Amendments of 1977 (Pub. L. 95-115), the Juvenile Justice Amendments of 1980 (Pub. L. 96-509), the Juvenile Justice Amendments of 1984 (Pub. L. 98-473), the Anti-Drug Abuse Act of 1988 (Pub. L. 100-690), and the Domestic Volunteer Service Amendments of 1988 (Pub. L. 101-204).

#### C. Outline of Program Announcement

This program announcement consists of five parts and appendices. Part I provides background information for potential applicants to apply for Basic Center grants. Part II describes the application process for the two categories of Basic Center grants: New Starts and Expansions. Part III outlines the responsibilities of the Basic Center grantees in the two categories. Part IV provides the criteria to be used in evaluating the applications. Part V provides instructions for assembling and submitting applications for Basic Center grants in the two categories. Following Part V are appendices to be consulted and forms to be used in preparation of applications.

#### D. Program Purpose

The purpose of Part A of the Act and of the Runaway and Homeless Youth Grant Program is to provide financial assistance to establish or strengthen community-based centers that address the immediate needs (e.g., outreach, temporary shelter, counseling, and

aftercare services) of runaway and homeless youth and their families.

The term "runaway youth" means a person under 18 years of age who absents himself from home or place of legal residence without the permission of parents or legal guardian (45 CFR 1351.1(k)).

Under Part A of the Act, the term "homeless youth" means a person under 18 years of age who is in need of services and without a place of shelter where he or she receives supervision and care (45 CFR 1351.1(f)).

Programs receiving Runaway and Homeless Youth Act funding under this announcement are required to adhere to the Program Performance Standards which are included in appendix B of this announcement.

#### E. Program Goals and Objectives

The program goals and objectives of Part A of the Act are to assist runaway and homeless youth Basic Centers to: (1) Alleviate the problems of runaway and homeless youth, (2) reunite youth with their families and encourage the resolution of intrafamily problems through counseling and other services, (3) strengthen family relationships and encourage stable living conditions for youth, and (4) help youth decide upon constructive courses of action.

#### F. Eligible Applicants

States, Territories, localities, private for-profit and private non-profit agencies, and coordinated networks of such agencies are eligible to apply for Runaway and Homeless Youth Program Basic Center grants—either New Starts or Expansions—under this announcement unless they are part of the law enforcement structure or the juvenile justice system. Federally recognized Indian Tribes are eligible to apply for grants as local units of government. Non-Federally recognized Indian Tribes and urban Indian organizations are eligible to apply for grants as private agencies.

#### G. Available Funds for Basic Centers

In FY 1992, the Administration on Children, Youth and Families expects to award \$32,175,900 in Basic Center grants. This total will be divided among the States in proportion to their respective populations under the age of 18, with the condition that the amount allotted to each State (including the District of Columbia and Puerto Rico) will be at least \$75,000; and the amounts allotted to the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands (Palau), and the

Commonwealth of the Northern Mariana Islands will be at least \$30,000 each.

**Non-Competing Awards.** Of the total amount available for Basic Center grants, \$21,002,527 will be awarded in the form of *non-competiting continuation grants* to current Basic Center grantees having one or two years remaining in their project periods. Grantees in this category will receive instructions from their respective ACF Regional Offices on the procedures for applying for these continuation grants. These grantees are listed in appendix F and have project expiration dates in fiscal year 1993 or in fiscal year 1994.

**Competitive Awards.** Approximately \$11,173,373 will be awarded *competitively* under this announcement. Eligible applicants may apply for these funds in only one of the following two categories:

**Category 1: Basic Center Expansion Grants.** Only current Basic Center grantees with one or two years remaining on their grants (with project periods ending in fiscal years 1993 and 1994), and whose current awards are under \$85,000, are eligible to apply for Basic Center Expansion grants. Basic Center grantees whose current awards are \$85,000 or over may *not* apply for these Expansion grants. Applicants for Expansion grants may request an award such that the total of the basic continuation (non-competitive) grant plus the Expansion grant will not exceed \$85,000 per annual budget period.

**Category 2: Basic Center New Start Grants.** Current Basic Center grantees with project periods ending in fiscal year 1992 and all remaining eligible applicants may apply for Basic Center

New Start grants. Basic Center grantees with one or two years remaining on their current awards may not apply for these New Start grants.

Applicants may refer to appendix F for a listing of current Basic Center expiration dates.

Basic Center Expansion grants and Basic Center New Start grants will be awarded during the third and fourth quarters of fiscal year 1992. The Expansion grants will be awarded in the form of supplements to the continuation awards of successful applicants. The supplements will be for one or two years, depending on the ending dates of the grantees' project periods.

Basic Center New Start applicants should request three-year project periods (Standard Form 424A (Rev. 4-88), Budget Information, Section E).

While the project period for each New Start award will be for three years, the initial award of grant funds will cover a budget period of only one year. Award of funds for the subsequent budget periods will depend upon satisfactory performance by the grantee (including timely submission of required reports) and on the availability of appropriated funds.

Funding recommendations for the competitive Basic Center applications (for both Expansions and New Starts) will be based primarily on the scores assigned to the applications by the non-Federal reviewers who will evaluate each application according to the criteria presented in Part IV, below, and on recommendations from staff of the Administration on Children, Youth and Families (ACYF) and from Regional officials of the Administration for

Children and Families (ACF). Final decisions will be made by the Commissioner of ACYF.

The number of competitive awards made within each State will depend upon the funds available (i.e., the State's total allotment less the amount required to fund non-competiting continuations in that State) as well as on the number of acceptable applications. Thus, where the amount required for non-competiting continuations in any State equals the State's total allotment, no competitive awards will be made.

All applicants under this announcement will compete with other applicants in the State in which their services will be provided. In the event that an insufficient number of acceptable applications is approved for funding from any State or jurisdiction, the Commissioner, ACYF, may reallocate any unused funds.

Section 362(a) of the Act requires that grantees provide a non-Federal match that equals at least 10 percent of the Federal funds requested under this announcement (for details see Section H below: "Grantee Share of the Project").

Section 366(a)(2) of the Runaway and Homeless Youth Act requires that not less than 90 percent of the funds appropriated for a fiscal year shall be available for support of local runaway and homeless youth Basic Centers. The following Table, which reflects this requirement, indicates the FY 1992 allocations for each State. In this Table, the amount shown in the column labeled "Expansions/New Starts" is the amount available for competition in each State in FY 1992.

#### RUNAWAY AND HOMELESS YOUTH CENTERS—TABLE OF ALLOCATIONS BY STATE

[Total 57 States and Jurisdictions—Fiscal Year 1992]

Regions/states	Continuations	Expansions/new starts	Total allotments
<b>Region I</b>			
Connecticut.....	\$229,261	\$141,095	\$370,356
Maine.....	55,000	97,673	152,673
Massachusetts.....	548,947	119,587	668,534
New Hampshire.....	27,242	110,487	137,729
Rhode Island.....	111,159	351	111,510
Vermont.....		75,000	75,000
<b>Region II</b>			
New Jersey.....	646,085	243,002	889,087
New York.....	1,148,767	957,811	2,104,578
Puerto Rico.....	570,434		570,434
Virgin Islands.....	30,000		30,000
<b>Region III</b>			
Delaware.....	34,530	46,174	80,704
District of Columbia.....	45,892	29,308	75,000
Maryland.....	558,681	15,564	574,245
Pennsylvania.....	836,913	543,960	1,380,873
Virginia.....	497,754	245,714	743,468
West Virginia.....		219,165	219,165

## RUNAWAY AND HOMELESS YOUTH CENTERS—TABLE OF ALLOCATIONS BY STATE—Continued

[Total 57 States and Jurisdictions—Fiscal Year 1992]

Regions/states	Continuations	Expansions/new starts	Total allotments
<b>Region IV</b>			
Alabama.....	256,769	266,362	523,131
Florida.....	965,962	450,202	1,416,164
Georgia.....	406,796	446,638	853,434
Kentucky.....	298,202	173,201	471,403
Mississippi.....	368,963		368,963
North Carolina.....	532,927	260,647	793,574
South Carolina.....	454,660		454,660
Tennessee.....	343,794	257,311	601,105
<b>Region V</b>			
Illinois.....	658,038	797,716	1,455,754
Indiana.....	509,990	209,380	719,370
Michigan.....	844,178	370,660	1,214,838
Minnesota.....	308,724	267,766	576,490
Ohio.....	1,055,560	327,751	1,383,311
Wisconsin.....	385,509	251,357	636,866
<b>Region VI</b>			
Arkansas.....	190,000	116,891	306,891
Louisiana.....	553,648	52,727	606,375
New Mexico.....	162,713	58,015	220,728
Oklahoma.....	117,578	295,974	413,552
Texas.....	1,660,543	728,771	2,389,314
<b>Region VII</b>			
Iowa.....	244,459	110,730	355,189
Kansas.....	167,298	159,595	326,893
Missouri.....	512,023	137,612	649,635
Nebraska.....	154,776	57,192	211,968
<b>Region VIII</b>			
Colorado.....	344,353	81,185	425,538
Montana.....		109,738	109,738
North Dakota.....		86,655	86,655
South Dakota.....	35,474	62,583	98,057
Utah.....	248,474	61,536	310,010
Wyoming.....		75,000	75,000
<b>Region IX</b>			
Arizona.....	421,859	62,897	484,756
California.....	2,352,094	1,477,420	3,829,514
Hawaii.....	138,106	300	138,406
Nevada.....	133,776	12,941	146,717
American Samoa.....		30,000	30,000
Guam.....	30,000		30,000
Northern Marianas.....	30,000		30,000
Trust Territory (Palau).....	30,000		30,000
<b>Region X</b>			
Alaska.....	32,435	52,718	85,153
Idaho.....		152,378	152,378
Oregon.....	279,599	78,183	357,782
Washington.....	443,800	179,432	623,232
Totals.....	21,002,527	11,173,373	32,175,900

**H. Grantee Share of the Project**

The Act requires the grantee to provide a non-Federal match that equals at least 10 percent of the Federal funds awarded. For example, if the applicant requests \$100,000 in Federal funds (line 15a of Standard Form 424), then the non-Federal share (the sum of lines 15b, 15c, 15d, and 15e) must equal or exceed \$10,000. For a project requesting \$49,000 in Federal funds, the non-Federal share must equal or exceed \$4,900.

The non-Federal portion may be cash, in-kind contributions or grantee incurred costs (including the facility, equipment

or services) and must be project-related and allowable under the cost principles provided in 45 CFR parts 74 and 92, the Department's regulations on the administration of grants. For-profit applicants are reminded that no grant funds may be paid as profit to any recipient of a grant or sub-grant (45 CFR 74.705).

**Part II. Application Process****A. Assistance to Prospective Grantees**

Potential grantees can receive informational assistance in developing applications from the appropriate ACF

Regional Youth Contacts listed in appendix D or from the Family and Youth Services Bureau in Washington, DC (see address at the beginning of this announcement). Organizations may also receive information and technical assistance in writing applications from the appropriate Training and Technical Assistance Provider grantee listed in appendix E.

**B. Application Requirements**

To be considered for a Runaway and Homeless Youth Basic Center Expansion grant or a Basic Center New Start grant, each application must be submitted on

the forms provided at the end of this announcement (see Section E below) and in accordance with the guidance provided herein. The application must be signed by an individual authorized both to act for the applicant agency and to assume responsibility for the obligations imposed by the terms and conditions of the grant award.

#### C. Paperwork Reduction Act of 1980

Under the Paperwork Reduction Act of 1980, Public Law 96-511, the Department is required to submit to the Office of Management and Budget (OMB) for review and approval any reporting and record-keeping requirements in regulations, including program announcements. This program announcement does not contain information collection requirements beyond those approved for ACF grant applications by OMB.

#### D. Notification Under Executive Order 12372

This program is covered under Executive Order (E.O.) 12372, "Intergovernmental Review of Federal Programs," and 45 CFR Part 100, "Intergovernmental Review of Department of Health and Human Services Programs and Activities." Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs.

All States and Territories except Alaska, Idaho, Kansas, Louisiana, Minnesota, Nebraska, Pennsylvania, Virginia, American Samoa and Palau have elected to participate in the Executive Order process and have established Single Points of Contact (SPOCs). Applicants from these ten jurisdictions need take no action regarding E.O. 12372. Applications for projects to be administered by Federally-recognized Indian Tribes are also exempt from the requirements of E.O. 12372. Otherwise, applicants should contact their SPOCs as soon as possible to alert them to the prospective applications and receive any necessary instructions. Applicants must submit any required material to the SPOCs as early as possible so that the program office can obtain and review SPOC comments as part of the award process. It is imperative that the applicant submit all required materials, if any, to the SPOC and indicate the date of this submittal (or date of contact if no submittal is required) on the Standard Form 424, item 16a.

Under 45 CFR 100.8(a)(2), a SPOC has 60 days from the application deadline date to comment on proposed new or competing continuation awards.

Therefore, the comment period for State processes will end on July 20, 1992, to allow time for ACF to review, consider and attempt to accommodate SPOC input. The SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations. Additionally, SPOCs are requested to clearly differentiate between mere advisory comments and those official State process recommendations which they intend to trigger the "accommodate or explain" rule.

When comments are submitted directly to ACF, they should be addressed to: Runaway and Homeless Youth Basic Center Program, Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, 200 Independence Avenue, SW., room 341-F.2, Hubert H. Humphrey Building, Washington, DC 20201. Attn: William J. McCarron.

A list of the Single Points of Contact for each State and Territory is included as appendix C of this announcement.

#### E. Availability of Forms and Other Materials

A copy of each form required to be submitted as part of an application for a Basic Center Expansion grant or a Basic Center New Start grant under the Act, and instructions for completing the application, are provided in appendix A. The Program Performance Standards and a description of the National Runaway Switchboard are presented in appendix B. Addresses of the State Single Points of Contact (SPOCs) to which applicants should submit review copies of their proposals are listed in appendix C.

The Runaway and Homeless Youth Act (42 U.S.C. 5701 *et seq.*) and the Code of Federal Regulations (CFR) title 45, Part 1351, Runaway Youth Program, may be found in major public libraries and at the ACF Regional Offices listed in appendix D at the end of this announcement.

Additional copies of this announcement may be obtained from the ACF Regional Offices or from the information contact person listed at the beginning of this announcement. Further general information may be obtained from the Training and Technical Assistance Providers listed in appendix E. A listing of all current Basic Center grantees is presented in appendix F.

#### F. Application Consideration

All applications which are complete and conform to the requirements of this program announcement will be subject to a competitive review and evaluation

process against the specific criteria outlined below. This review will be conducted in Washington, DC by teams of non-Federal experts knowledgeable in the areas of youth development and/or human service programs. Applications from a given State will be reviewed competitively only with other applications from that same State. Within a given State, Expansion applications will be reviewed in competition with other Expansion applications, and New Start applications will be reviewed in competition with other New Start applications. The non-Federal experts will review the applications to determine whether the grantee responsibilities listed in Part III of this announcement will be carried out. They will apply the criteria presented in Part IV and assign a score to each application. To avoid conflicts of interest, the non-Federal reviewers will be from States other than the one from which applications are being reviewed. The results of the competitive review will be analyzed by Federal staff and will be the primary factor taken into consideration by the Associate Commissioner of the Family and Youth Services Bureau who, in consultation with ACF Regional officials, will select from the two categories of applications—Expansions and New Starts—those to be recommended for funding to the Commissioner, ACYF. The criteria to be used in selecting within and between the two categories of applications within a given State will include (1) the scores assigned by the non-Federal reviewers, (2) the adequate geographic distribution of services across the State, and (3) the award of sufficient funds to a given grantee to provide for the full range of required Basic Center services.

The Commissioner will make the final selection of the applicants to be funded. Priority will be given to applicants with demonstrated experience in providing services to runaway and homeless youth as required by section 311 of the Act. In the interest of effective geographic distribution of the Basic Center grants, the Commissioner may show preference for applications proposing services in areas that would not otherwise be served. The Commissioner also may elect not to fund any applicants having known management, fiscal or other problems which make it unlikely that they would be able to provide effective services.

Successful applicants will be notified through the issuance of a Financial Assistance Award which will set forth the amount of funds granted, the terms and conditions of the grant, the effective

date of the grant, the budget period for which support will be given, the non-Federal share to be provided, and the total project period for which support is contemplated. Funds for successful Expansion applicants will be added to the basic continuation funds these applicants are scheduled to receive. Organizations whose applications are disapproved will be notified of that decision in writing by the Commissioner of the Administration on Children, Youth and Families.

### Part III. Responsibilities of Basic Center Grantees

To ensure that agencies with the greatest capacity for providing quality services participate in this program, potential grantees who apply for funding under this announcement must demonstrate in the program narrative section of their applications that they are able to meet the requirements of the Act, the Program Performance Standards, and other applicable Federal policies and procedures.

The program narrative statement should be prepared in response to the requirements enumerated below and to the review criteria, presented in Part IV, which will be used to evaluate the submissions. To assist applicants in preparing the narrative statements of their grant submissions, the relevant requirements, standards, and applicable policies and procedures have been arranged according to the five review criteria.

The program narrative should be clear and concise, and should not exceed 30 single-spaced pages exclusive of such necessary attachments as organization charts, resumes, and letters of agreement or support. Review of the narrative statement portion of applications will be limited to the first 30 pages.

#### A. Objectives and Need for Assistance

Applicants should include a discussion of:

1. The purpose or objectives of the services to be provided by the Basic Center. The Act requires that, to be eligible for assistance, an applicant shall propose to establish, strengthen, or fund an existing or proposed runaway and homeless youth center (a locally controlled community-based facility) providing temporary shelter and counseling services to juveniles who have left home without permission of their parents or guardians or to other homeless juveniles (42 U.S.C. 5711(a)).

Basic Center grants may be awarded to agencies which will operate a central shelter facility, or to agencies which will provide emergency shelter through a

series of host homes, or to agencies which will employ a combination of shelter facility(ies) and host homes. (Host homes are facilities providing short-term shelter, usually the home of a family, under contract to accept runaway and homeless youth assigned by the Basic Center grantee, usually for a nominal fee, and licensed according to State or local laws.)

2. The incidence of runaway and homeless youth in the area(s) to be served. The Act requires that each center shall be located in an area which is demonstrably frequented or easily reachable by runaway youth (42 U.S.C. 5712(b)).

3. Other relevant social, psychological, educational, institutional, health, or other demographic data on the youth to be served.

4. The immediate service needs of runaway and homeless youth and their families, and how the applicant will address these needs in a manner outside the law enforcement structure and the juvenile justice system (42 U.S.C. 5712(a)).

5. The adequacy or inadequacy of existing services, by identifying other youth agencies now providing services in the target area(s), and by describing how the proposed activities will relate to these agencies and services.

#### B. Results or Benefits Expected

Applicants should identify the results and benefits to be derived from the project, and should quantify these through a statement of the numbers of clients to be served and a description of the types and quantities of services to be provided.

**Note:** Applicants for expansion grants should indicate expected increases in the number of clients to be served and improvements in the types and quantities of services to be provided.

Section 312(b) of the Act requires that each grantee shall keep adequate statistical records profiling the children and family members which it serves, shall maintain the confidentiality of these records, and shall submit annual reports detailing how the center has been able to meet the goals of its plans. These reports shall include summaries of the required statistics.

The applicant shall describe the statistical records and evaluative data to be collected (such as numbers of runaway and homeless youth and their families served and the types and quantities of services provided) and the procedures for gathering and analyzing the data to determine the extent to which the project is achieving the results and benefits expected, and shall

agree to provide this information to the Department in a timely manner.

The applicant shall describe procedures for preparing and submitting to the Department of Health and Human Services the quarterly progress reports and the biennial financial reports required by the ACF grants program, and the annual reports required by the Act.

The applicant must also indicate a willingness to cooperate with third party contractors funded by ACF, including participation in any management information (data collection) system operated by ACF.

#### C. Approach

Applicants should discuss how they will carry out each of the 14 Program Performance Standards established by the Department. The Standards are presented in full in appendix B of this announcement. A summary of each Standard is presented below along with associated grantee responsibilities.

##### 1. Outreach

The project shall conduct outreach efforts directed towards community agencies, youth, and parents.

The applicant shall assure that major outreach efforts will be aimed at street youth or other actual or potential runaway and homeless youth not already under care of government agencies such as child protective services, foster care, or the courts.

##### 2. Individual Intake Process

The project shall conduct an individual intake process with each youth seeking services from the project.

The applicant shall assure that each youth will enter the center voluntarily and will be free to leave at will, and that Federal funds received under this Act will not be used for services to youth already under care of government agencies such as child protective services, foster care, or the courts; and shall also assure that it will adhere to State and local laws relating to runaway and homeless youth (such as parent contact provisions, detention of runaways and status offenders, judicial and administrative processes regarding runaways, and licensing requirements).

##### 3. Temporary Shelter

The project shall provide temporary shelter and food to each youth admitted into the project and requesting such services.

The applicant shall assure that each facility is in compliance with State and local licensing requirements, and shall

accommodate no more than 20 youth at any given time.

#### 4. Individual and Group Counseling

The projects shall provide individual and/or group counseling to each youth admitted into the project.

The applicant shall assure that the counseling program will include drug abuse prevention.

#### 5. Family Counseling

The project shall make family counseling available to each parent or legal guardian and youth admitted into the project.

The applicant shall assure that a major aim of family counseling will be family reunification.

#### 6. Service Linkages

The project shall establish and maintain linkages with community agencies and individuals for the provision of those services which are required by youth and/or their families but which are not provided directly by the centers.

The applicant shall assure that linkages have been or will be established with the National Runaway Switchboard, locally based hotlines, State and regional youth service networks, as well as with other related public and private agencies such as health, law enforcement and education systems.

The applicant shall assure that linkages have been or will be established and maintained with appropriate drug abuse prevention agencies.

#### 7. Aftercare Services

The project shall provide a continuity of services to all youth served on a temporary shelter basis and/or their families following the termination of such temporary shelter both directly and through referrals to other agencies and individuals.

#### 8. Recreational Program

The project shall provide a recreational/leisure time schedule of activities for youth admitted to the project for residential care.

#### 9. Case Disposition

The project shall determine, on an individual case basis, the disposition of each youth provided temporary shelter, and shall assure the safe arrival of each youth home or to an alternative living arrangement.

#### 10. Staffing and Staff Development

Each center is required to develop and maintain a plan for staffing and staff development.

If applicable, the applicant shall describe the recruitment, training, and use of volunteers.

#### 11. Youth Participation

The center shall actively involve youth in the design and delivery of the services provided by the project.

The applicant shall assure the participation of young people in the operation of the program in capacities such as advising or serving on governing boards, providing direct services such as peer counseling and outreach, and related activities.

#### 12. Individual Client Files

The project shall maintain an individual file on each youth admitted into the project. Such files shall include, at a minimum, an intake form which contains the basic background information required by the Family and Youth Services Bureau (FYSB), counseling notations, information on the services provided both directly and through referrals, disposition data, and any applicable follow-up and evaluation data.

The file on each client shall be maintained in a secure place and shall not be disclosed without the written permission of the client and his/her parent(s) or legal guardian(s) except to project staff, to the funding agency(ies) and its/their contractor(s), and to a court involved in the disposition of criminal charges against the youth.

#### 13. Ongoing Center Planning

The center shall develop a written plan at least annually.

#### 14. Board of Directors/Advisory Body

It is strongly recommended that the centers have a Board of Directors or Advisory Body.

If applicable, the applicant shall identify and describe the Board of Directors/Advisory Body.

#### *D. Staff Background and Organizational Experience*

Applicants should provide biographical sketches of the project director and other proposed key personnel, indicating their qualifying experiences for the project. (Applicants may refer to one-page résumés included in the supplementary documentation.)

Section 311(b)(4) of the Act, 42 U.S.C. 5711(b), requires that, in selecting among applicants for grants under this part, priority shall be given to private entities that have experience in providing

services to runaway and homeless youth and their families. (Applicants may refer to the Organizational Capability Statement included in the submission.)

#### *E. Budget Appropriateness*

Section 312(b) of the Act, 42 U.S.C. 4712(b), requires that each applicant shall submit a budget estimate with respect to its planned activities. Applicants should be aware of the following requirements of the law and regulations in preparing this portion of the program narrative:

(1) The Act requires that priority be given to grants smaller than \$150,000 (sec. 313 of the Act, 42 U.S.C. 5712);

(2) A Runaway and Homeless Youth grant may not cover the cost of constructing new facilities (45 CFR 1351.16); and

(3) Costs for the renovation of existing structures may not normally exceed 15 percent of the grant award. The Department of Health and Human Services may waive this limitation upon written request under special circumstances based on demonstrated need (45 CFR 1351.15).

Applicants should demonstrate that the project's costs (overall costs, average cost per youth served, costs for different services) are reasonable in view of the anticipated results and benefits. (Applicants should refer to the budget information presented in Standard Forms 424 and 424A and in the budget justification which follows these forms, and should relate this information to the results or benefits expected (Criterion 2) by detailing the numbers of youth, beds, meals and other services that will be supported with Federal funds. Applicants should also indicate non-Federal sources of support.

**Note:** Applicants for Expansion funds should describe the numbers of youth, beds, meals and other services that will be supported with their basic continuation funds, the additional numbers that will be supported with Expansion funds, and the expected overall totals.

#### **Part IV. Review Criteria**

The five criteria below provide further guidance to be used in developing the program narrative. The point values following each criterion heading indicate the numerical weight each section will be accorded in the review process.

**Criterion 1. Objectives and Need for Assistance (10 Points).** Pinpoint any relevant physical, economic, social, financial, institutional, or other problems requiring a solution. Demonstrate the need for the assistance and state the goals or service objectives

of the project. Supporting documentation or other testimonies from concerned interests other than the applicant may be used. Give a precise location of the project site(s) and area(s) to be served by the proposed project. Maps or other graphic aids may be attached. (The applicant may refer to Part I, Sections D and E of this announcement.)

Information provided in response to Part III, Section A, Numbers 1, 2, 3, 4, and 5 of this announcement will be used to review and evaluate applicants on the above criterion.

**Criterion 2. Results or Benefits Expected (20 Points).** Identify the results and benefits to be derived from the project. State the numbers of runaway and homeless youth and their families to be served, and describe the types and quantities of services to be provided. Identify the kinds of data to be collected and maintained, and discuss the criteria to be used to evaluate the results and success of the project.

Information provided in response to Part III, Section B of this announcement will be used to review and evaluate applicants on the above criterion.

**Criterion 3. Approach (40 Points).** Outline a Plan of action pertaining to the scope of the project and detail how the proposed work will be accomplished. Describe any unusual features of the project, such as extraordinary social and community involvements, e.g., how the project will be maintained after termination of Federal support. Explain the methodology that will be used to determine if the needs identified and discussed are being met and if the results and benefits identified are being achieved.

Information provided in response to Part III, Section C, Numbers 1 through 14 of this announcement will be used to review and evaluate applicants on the above criterion.

**Criterion 4. Staff Background and Organizational Experience (15 Points).** List each organization, cooperator, consultant, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution. Summarize the background and experience of the project director and key project staff and the history of the organization. Demonstrate the ability to effectively manage the project and to coordinate activities with other agencies. (Applicants may refer to the staff résumés and to the Organization Capability Statement included in the submission.)

Information provided in response to Part III, section D of this announcement will be used to review and evaluate applicants on the above criterion.

**Criterion 5. Budget Appropriateness (15 Points).** Demonstrate that the project's costs (overall costs, average cost per youth served, costs for different services) are reasonable in view of the anticipated results and benefits. (Applicants may refer (1) to the budget information presented in Standard Forms 424 and 424A and in the associated budget justification, and (2) to the results or benefits expected as identified under Criterion 2.)

Information provided in response to Part III, Section E of this announcement will be used to review and evaluate applicants on the above criterion.

#### Part V. Application Assembly and Submission

##### A. Contents of Application

Each copy of the application must contain the following items in the order listed:

1. Application for Federal Assistance (Standard Form 424, REV 4-88) (page i).
2. Budget Information (Standard Form 424A, REV 4-88) (pages ii-iii).
3. Budget Justification (Type on standard size plain white paper) (pages iv-v).
4. Organizational Capability Statement (pages vi-viii).
5. Assurances—Non-Construction Programs (Standard Form 424B, REV 4-88) (pages ix-x).
6. Certification Regarding Lobbying (page xi).
7. Program Narrative Statement (pages 1 and following; 30 pages maximum, single-spaced). **SPECIAL NOTE: REVIEW OF THE NARRATIVE STATEMENT PORTION OF APPLICATIONS WILL BE LIMITED TO THE FIRST 30 PAGES. IT IS HIGHLY RECOMMENDED THAT NARRATIVE STATEMENTS NOT EXCEED THE 30 PAGE MAXIMUM.**
8. Supporting Documents (pages SD-1 and following; 10 pages maximum, exclusive of letters of support or agreement).

##### B. Instructions for Preparing Application Components

1. Standard Forms 424 and 424A: At the top margin of Form 424, indicate whether the application is for a New Start or for an Expansion. Also, in box 8 of Form 424, check "New" if the application is for a New Start grant and check "Revision" if the application is for an Expansion grant. If the application is for a Revision, enter the letter "A" in the appropriate box.

2. Budget Justification: Provide breakdowns for major budget categories and justify significant costs. List amounts and sources of all funds, both

Federal and non-Federal, used for runaway and homeless youth.

3. Organizational Capability Statement: Applicants should provide a brief (no more than three pages, single-spaced) description of how the applicant agency is organized and the types, quantities and costs of services it provides, including services to clients other than runaway and homeless youth. For the prior year, list all contracts with or funds received from probation and/or welfare agencies. Provide an organizational chart showing any superordinate, parallel, or subordinate agencies to the specific agency that will provide direct services to runaway and homeless youth, and summarize the purposes, clients and overall budgets of these other agencies. If the agency has multiple sites, list these sites. If the agency is a recipient of funds from the Transitional Living Program for Homeless Youth, the Youth Gang Drug Prevention Program, or the Drug Abuse Prevention Program for Runaway and Homeless Youth, show how the services supported by these funds are or will be integrated with the services funded by the Runaway and Homeless Youth Program. Discuss the experience of the applicant organization in providing services to runaway and homeless youth.

4. Standard Form 424B, Certification Regarding Drug-Free Workplace, Certification Regarding Debarment, and Certification Regarding Lobbying. Of these forms, only the Standard Form 424B and the Certification Regarding Lobbying need to be signed and returned with the application.

5. Program Narrative Statement: Follow the guidance of Part III, "Responsibilities of Basic Center Grantees," and of Part IV, "Review Criteria."

6. Supporting Documentation: Self-explanatory.

7. Duplication of Applications: Each application will be duplicated by the government in order to provide the total of six copies needed for review panels and filing. To make copying as trouble-free and accurate as possible, the following requirements must be followed:

a. Applicants may attach only photocopies (no originals) of any additional materials, such as resumes, letters of support or agreement, news clippings, or descriptions of the program's participation in local, State or regional coalitions of youth service agencies which would give further support to the application. Resumes must be limited to one page.

b. The absolute maximum for supporting documentation is 10 pages, exclusive of letters of support or agreement. Documentation which ACYF staff determines to be excessive will not be provided to the independent panel reviewers. Applicants may include as many letters of support or agreement as are appropriate

c. Note: Include only photocopies of the materials. Do not use separate covers, binders, clips, tabs, plastic inserts, pages with pockets, separately bound brochures, folded maps or charts, or any other items that cannot be processed easily on a photocopy machine with automatic feed. Do not bind, clip, or fasten in any way separate subsections of the application, including supporting documentation.

C. Application Submission

To be considered for a grant, an applicant must submit one signed original and two copies of the grant application, including all attachments, to the application receipt point specified below. The original copy of the application must have original signatures, signed in black ink. Each copy should be stapled (back and front) in the upper left corner. All copies of a single application should be submitted in a single package.

The Catalog of Federal Domestic Assistance Number (93.623) and Title (Runaway and Homeless Youth Program) must be clearly identified on the application (SF 424, box 10).

1. Closing Date for the Receipt of Applications

The closing date for receipt of applications under this announcement

is: May 19, 1992. Applications must be mailed or hand delivered to: Runaway and Homeless Youth Basic Center Program, Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, 200 Independence Avenue, SW., room 341-F.2, Hubert H. Humphrey Building, Washington, DC 20201. Attn: William J. McCarron, ACF-92-ACYF/RHYP/BC.

2. Deadline for Submission of Applications

a. Deadline. Hand delivered applications will be accepted during the normal working hours of 9:00 a.m. to 5:30 p.m., Monday through Friday. An application will be considered as meeting the deadline if it is either:

i. Received on or before the deadline date at the above address, or

ii. Sent on or before the deadline date and received by the granting agency in time to be considered during the competitive review and evaluation process under Chapter I-62 of the Health and Human Services Grants Administration Manual.

(Applicants are cautioned to request a legibly dated U.S. Postal Service postmark or to obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service as proof of timely mailing. Private metered postmarks are not acceptable as proof of timely mailing.)

b. Late applications. Applications which do not meet the criteria in paragraph "a" of this section are considered late applications. The Administration for Children and Families (ACF) will notify each late

applicant that its application will not be considered in the current competition.

c. Extension of deadline. The Administration for Children and Families may extend the deadline for all applicants because of acts of God such as earthquakes, floods or hurricanes, etc., or when there is a widespread disruption of the mails. However, if ACF does not extend the deadline for all applicants, it may not waive or extend the deadline for any applicants.

3. Checklist for Complete Application

- \_\_\_\_\_ One original application signed in black ink and dated plus two copies;
- \_\_\_\_\_ A completed SPOC certification with the date of SPOC contact entered in item 16 of page 1 of SF 424, if applicable.

The original and both copies of the application include the following:  
\_\_\_\_\_ SF 424 (The original application should have the word "ORIGINAL" hand printed in bold block letters at the top margin of its SF 424; also at the top margin of Form 424, indicate whether the application is for a NEW START or for an EXPANSION);

- \_\_\_\_\_ SF 424A;
- \_\_\_\_\_ Budget Justification;
- \_\_\_\_\_ Organizational Capability Statement;
- \_\_\_\_\_ SF 424B;
- \_\_\_\_\_ Certification Regarding Lobbying;
- \_\_\_\_\_ Program Narrative Statement with maximum of 30 single-spaced pages;
- \_\_\_\_\_ Supporting Documents.

(Catalog of Federal Domestic Assistance Number 93.623, Runaway and Homeless Youth Program.)

Approved: December 13, 1991.

Wade F. Horn,

Commissioner, Administration on Children, Youth and Families.

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APPENDIX A

APPLICATION FOR  
FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION: Application <input type="checkbox"/> Construction <input type="checkbox"/> Preapplication <input type="checkbox"/> Non-Construction <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction <input type="checkbox"/> Non-Construction		2. DATE SUBMITTED	Applicant Identifier
		3. DATE RECEIVED BY STATE	State Application Identifier
		4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier
5. APPLICANT INFORMATION			
Legal Name:		Organizational Unit:	
Address (give city, county, state, and zip code):		Name and telephone number of the person to be contacted on matters involving this application (give area code)	
6. EMPLOYER IDENTIFICATION NUMBER (EIN): [ ] [ ] - [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ]		7. TYPE OF APPLICANT: (enter appropriate letter in box) <input type="checkbox"/>	
8. TYPE OF APPLICATION: <input type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es): <input type="checkbox"/> <input type="checkbox"/> A. Increase Award    B. Decrease Award    C. Increase Duration D. Decrease Duration    Other (specify): _____		A. State B. County C. Municipal D. Township E. Interstate F. Intermunicipal G. Special District H. Independent School Dist. I. State Controlled Institution of Higher Learning J. Private University K. Indian Tribe L. Individual M. Profit Organization N. Other (Specify) _____	
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ]		9. NAME OF FEDERAL AGENCY:	
11. TITLE:		11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:	
12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.):			
13. PROPOSED PROJECT: Start Date      Ending Date		14. CONGRESSIONAL DISTRICTS OF: a. Applicant      b. Project	
15. ESTIMATED FUNDING:		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?	
a. Federal	\$ .00	a. YES THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON DATE _____	
b. Applicant	\$ .00	b. NO <input type="checkbox"/> PROGRAM IS NOT COVERED BY E.O. 12372	
c. State	\$ .00	<input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW	
d. Local	\$ .00		
e. Other	\$ .00		
f. Program Income	\$ .00	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?	
g. TOTAL	\$ .00	<input type="checkbox"/> Yes    If "Yes," attach an explanation <input type="checkbox"/> No	
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED			
a. Typed Name of Authorized Representative		b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed	

Previous Editions Not Usable

Standard Form 424 (REV 4-88)  
Prescribed by OMB Circular A-102

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BILLING CODE 4130-01-C

## Instructions for the SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

- | Item | Entry  |
|------|--|
| 1.   | Self-explanatory.  |
| 2.   | Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).  |
| 3.   | State use only (if applicable).  |
| 4.   | If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.  |
| 5.   | Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application. |
| 6.   | Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.  |
| 7.   | Enter the appropriate letter in the space provided.  |

- | Item | Entry  |
|------|--|
| 8.   | Check appropriate box and enter appropriate letter(s) in the space(s) provided:<br>_____ "New" means a new assistance award.<br>_____ "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.<br>_____ "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation. |
| 9.   | Name of Federal agency from which assistance is being requested with this application.   |
| 10.  | Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.  |
| 11.  | Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.  |
| 12.  | List only the largest political entities affected (e.g., State, counties, cities).   |
| 13.  | Self-explanatory.  |
| 14.  | List the applicant's Congressional District and any District(s) affected by the program or project.  |

- | Item | Entry  |
|------|--|
| 15.  | Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate <i>only</i> the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15. |
| 16.  | Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.  |
| 17.  | This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.  |
| 18.  | To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)  |

BILLING CODE 4130-01-M

UMM Approval No. 0348-0044

**BUDGET INFORMATION — Non-Construction Programs**

**SECTION A — BUDGET SUMMARY**

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		Total (g)
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	
1.		\$	\$	\$	\$	\$
2.						
3.						
4.						
5. TOTALS		\$	\$	\$	\$	\$

**SECTION B — BUDGET CATEGORIES**

Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY					Total (5)
	(1)	(2)	(3)	(4)	(5)	
a. Personnel	\$	\$	\$	\$	\$	\$
b. Fringe Benefits						
c. Travel						
d. Equipment						
e. Supplies						
f. Contractual						
g. Construction						
h. Other						
i. Total Direct Charges (sum of 6a - 6h)						
j. Indirect Charges						
k. TOTALS (sum of 6i and 6j)	\$	\$	\$	\$	\$	\$
7. Program Income	\$	\$	\$	\$	\$	\$

Standard Form 424A (4-88)  
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SECTION C - NON-FEDERAL RESOURCES					
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS	
8.	\$	\$	\$	\$	\$
9.					
10.					
11.					
12. TOTALS (sum of lines 8 and 11)	\$	\$	\$	\$	\$
SECTION D - FORECASTED CASH NEEDS					
	Total for 1st Year				4th Quarter
	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	
13. Federal	\$	\$	\$	\$	\$
14. Non-Federal					
15. TOTAL (sum of lines 13 and 14)	\$	\$	\$	\$	\$
SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT					
(a) Grant Program	FUTURE FUNDING PERIODS (Years)				
	(b) First	(c) Second	(d) Third	(e) Fourth	
16.	\$	\$	\$	\$	
17.					
18.					
19.					
20. TOTALS (sum of lines 16 - 19)	\$	\$	\$	\$	
SECTION F - OTHER BUDGET INFORMATION (Attach additional Sheets if Necessary)					
21. Direct Charges:					
22. Indirect Charges:					
23. Remarks					

SF 421A (4-88) Page 2  
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BILLING CODE 4130-01-C

**Instructions for the SF-424A****General Instructions**

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

**Section A. Budget Summary****Lines 1-4, Columns (a) and (b)**

For applications pertaining to a *single* Federal grant program (Federal Domestic Assistance Catalog number) and *not requiring* a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a *single* program *requiring* budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the catalog program title on each line in Column (a) and the respective catalog number on each line in Column (b).

For applications pertaining to *multiple* programs where one or more programs *require* a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

**Lines 1-4, Columns (c) through (g.)**

*For new applications*, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

*For continuing grant program applications*, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

*For supplemental grants and changes* to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5—Show the totals for all columns used.

**Section B. Budget Categories**

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1-4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Lines 6a-i—Show the totals of Lines 6a to 6h in each column.

Line 6j—Show the amount of indirect cost.

Line 6k—Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)-(4), Line 6k should be the same as the

sum of the amounts in Section A, Columns (e) and (f) on Line 5.

Line 7—Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the federal grantor agency in determining the total amount of the grant.

**Section C. Non-Federal-Resources**

Lines 8-11—Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a)—Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b)—Enter the contribution to be made by the applicant.

Column (c)—Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d)—Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e)—Enter totals of Columns (b) (c), and (d).

Line 12—Enter the total for each of Columns (b)-(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

**Section D. Forecasted Cash Needs**

Line 13—Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14—Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15—Enter the totals of amounts on Lines 13 and 14.

**Section E. Budget Estimates of Federal Funds Needed for Balance of the Project**

Lines 16-19—Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line 20—Enter the total for each of the Columns (b)–(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

#### Section F. Other Budget Information

Line 21—Use this space to explain amounts for individual direct object-class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22—Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23—Provide any other explanations or comments deemed necessary.

#### Assurances—Non-Construction Programs

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970

(42 U.S.C. §§ 4728–4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal Statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88–352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681–1683, and 1685–1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101–6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92–255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91–616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290dd–3 and 290ee–3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91–646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501–1508 and 7324–7328) which limit the political activities of employees whose principal

employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a–7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327–333), regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93–234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91–190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93–523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93–205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a–1 et seq.).

14. Will comply with P.L. 93–348 regarding the protection of human subjects involved in research,

development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

Signature of Authorized Certifying Official

Title

Applicant Organization

Date Submitted

U.S. Department of Health and Human Services; Certification Regarding Drug-Free Workplace Requirements; Grantees Other Than Individuals

By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

This certification is required by regulations implementing the Drug-Free Workplace Act of 1988, 45 CFR Part 76, Subpart F. The regulations, published in the May 25, 1990 Federal Register, require certification by grantees that they will maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when the Department of Health and Human Services (HHS) determines to award the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HHS, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of grants, or governmentwide suspension or debarment.

Workplaces under grants, for grantees other than individuals, need not be

identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplace at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios.)

If the workplace identified to HHS changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see above).

Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15).

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a

matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

The grantee certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace; (2) The grantee's policy of maintaining a drug-free workplace; (3) Any available drug counseling, rehabilitation, and employee assistance programs; and, (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and, (2) Notify the employer in writing of his or her conviction for a violation of criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction.

Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or (2) Requiring such employee to

participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant (use attachments, if needed):

Place of Performance (Street address, City, County, State, ZIP Code)

Check \_\_\_\_\_ if there are workplaces on file that are not identified here.

Sections 76.630 (c) and (d)(2) and 76.635(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central receipt point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, SW., Washington, DC 20201.

#### **Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions**

By signing and submitting this proposal, the applicant, defined as the primary participant in accordance with 45 CFR Part 76, certifies to the best of its knowledge and belief that its principals involved:

(a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) have not within a 3-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) are not presently indicted or otherwise criminally or civilly charged by a government entity (Federal, State

or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) have not within a 3-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

The inability of a person to provide the certification required above will not necessarily result in denial of participation for this covered transaction. If necessary, the prospective participant shall submit an explanation of why it cannot provide the certification. The certification or explanation will be considered in connection with the Department of Health and Human Services' (HHS) determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction. The prospective primary participant agrees that by submitting this proposal, it will include the clause entitled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transaction", provided below, without modification in all lower tier covered transactions and in all solicitations for lower tier covered actions.

#### **Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusions—Lower Tier Covered Transactions (To Be Supplied to Lower Tier Participants)**

By signing and submitting this lower tier proposal, the prospective lower tier participant, as defined in 45 CFR Part 76, certified to the best of its knowledge and belief that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(b) Where the prospective lower tier participant is unable to certify to any of the above, such prospective participant shall attach an explanation to this proposal.

The prospective lower tier participant further agrees by submitting this proposal that it will include this clause entitled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusions—Lower Tier Covered Transactions" without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

#### **Certification Regarding Lobbying**

##### **Certification for Contracts, Grants Loans, and Cooperative Agreements**

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

##### **Statement for Loan Guarantees and Loan Insurance**

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this

commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into

this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature

Title

Organization

Date

BILLING CODE 4130-01-M



### Instructions for Completion of SF-LLL, Disclosure of Lobbying Activities

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier.

Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee", then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.

(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.

12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.

13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.

14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.

15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.

16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D.C. 20503.

BILLING CODE 4130-01-M

DISCLOSURE OF LOBBYING ACTIVITIES  
CONTINUATION SHEET

Approved by OMB  
0348-0046

Reporting Entity: \_\_\_\_\_ Page \_\_\_\_\_ of \_\_\_\_\_

[The main body of the form is a large rectangular area that is mostly blank, indicating that the reporting entity has not provided any details for this continuation sheet.]

## Appendix B—Program Performance Standards; National Runaway Switchboard

### I. Overview of Program Performance Standards

The program performance standards established by the Bureau for its funded centers relate to the methods and processes by which the needs of runaway and homeless youth and their families are being met, as opposed to the outcome of the services provided on the clients served. The program performance standards, and the related criteria and indicators, as initially published in March 1977, were developed by the Bureau through a functional analysis of the service and administrative components of the runaway youth projects, and were revised based upon the comments and feedback provided by the FY 1975 funded projects; they have subsequently been further revised, based upon the experience of the Bureau and its funded centers in their implementation. The standards relate to the basic program components enumerated in section 317 of the Runaway and Homeless Youth Act and as further detailed in the Regulations and Program Guidance governing the implementation of the Act.

The Program Performance Standards are general principles against which a judgment can be made to determine whether a service or an administrative component has achieved a particular level of attainment.

Fourteen program performance standards, with related criteria, are established by the Bureau for the projects funded under the Runaway and Homeless Youth Act. Nine of these standards relate to service components (outreach, individual intake process, temporary shelter, individual and group counseling, family counseling, service linkages, aftercare services, recreational programs, and case disposition), and five to administrative functions or activities (staffing and staff development, youth participation, individual client files, ongoing project planning, and board of directors/ advisory body).

Although fiscal management is not included as a program performance standard, it is viewed by FYSB as being an essential element in the operation of its funded projects. Therefore, as validation visits are made, the regional ACYF specialist and/or staff from the Office of Fiscal Operations will also review the project's financial management activities.

FYSB views these program performance standards as constituting the minimum standards to which its

funded projects should conform. The primary assumption underlying the program performance standards is that the service and administrative components which are encompassed within these standards are integral (but not sufficient in themselves) to a program of services which effectively addresses the crisis and long-term needs of runaway and homeless youth and their families.

The program performance standards (and the Program Performance Standards Self-Assessment Instrument) are designed to serve as a developmental tool, and are to be employed by both the project staff and the regional ACYF staff specialists in identifying those service and administrative components and activities of individual projects which require strengthening and/or development either through internal action on the part of staff or through the provision of external technical assistance.

### II. Program Performance Standards and Criteria

The following constitute the program performance standards and criteria established by the Bureau for its funded centers. Each standard is numbered, and each criterion is listed after a lower case letter.

#### 1. Outreach

The project shall conduct outreach efforts directed towards community agencies, youth and parents.

#### 2. Individual Intake Process

The project shall conduct an individual intake process with each youth seeking services from the project. The individual intake process shall provide for:

a. Direct access to project services on a 24-hour basis.

b. The identification of the emergency service needs of each youth and the provision of the appropriate services either directly or through referrals to community agencies and individuals.

c. An explanation of the services which are available and the requirements for participation, and the securing of a voluntary commitment for each youth to participate in project services prior to admitting the youth into the project.

d. The recording of basic background information on each youth admitted into the project.

e. The assignment of primary responsibility to one staff member for coordinating the services provided to each youth.

f. The contact of the parent(s) or legal guardian of each youth provided temporary shelter within the timeframe established by State law or, in the absence of State requirements, preferably within 24 but within no more than 72 hours following the youth's admission into the project.

#### 3. Temporary Shelter

The project shall provide temporary shelter and food to each youth admitted into the project and requesting such services.

a. Each facility in which temporary shelter is provided shall be in compliance with State and local licensing requirements.

b. Each facility in which temporary shelter is provided shall accommodate no more than 20 youth at any given time.

c. Temporary shelter shall normally not be provided for a period exceeding two weeks during a given stay at the project.

d. Each facility in which temporary shelter is provided shall make at least two meals per day available to youth served on a temporary shelter basis.

e. At least one adult shall be on the premises whenever youth are using the temporary shelter facility.

#### 4. Individual and Group Counseling

The project shall provide individual and/or group counseling to each youth admitted into the project.

a. Individual and/or group counseling shall be available daily to each youth admitted into the project on a temporary shelter basis and requesting such counseling.

b. Individual and/or group counseling shall be available to each youth admitted into the project on a non-residential basis and requesting such counseling.

c. The individual and/or group counseling shall be provided by qualified staff.

#### 5. Family Counseling

The project shall make family counseling available to each parent or legal guardian and youth admitted into the project.

a. Family counseling shall be provided to each parent or legal guardian and youth admitted into the project and requesting such services.

b. The family counseling shall be provided by qualified staff.

#### 6. Service Linkages

The project shall establish and maintain linkages with community agencies and individuals for the provision of those services which are

required by youth and/or their families but which are not provided directly by the centers.

a. Arrangements shall be made with community agencies and individuals for the provision of alternative living arrangements, medical services, psychological and/or psychiatric services, and the other assistance required by youth admitted into the project and/or by their families which are not provided directly by the project.

b. Specific efforts shall be conducted by the project directed toward establishing working relationships with law enforcement and other juvenile justice system personnel.

#### 7. Aftercare Services

The project shall provide a continuity of services to all youth served on a temporary shelter basis and/or their families following the termination of such temporary shelter both directly and through referrals to other agencies and individuals.

#### 8. Recreational Program

The project shall provide a recreational-leisure time schedule of activities for youth admitted to the project for residential care.

#### 9. Case Disposition

The project shall determine, on an individual case basis, the disposition of each youth provided temporary shelter, and shall assure the safe arrival of each youth home or to an alternative living arrangement.

a. To the extent feasible, the project shall provide for the active involvement of the youth, the parent(s) or legal guardian, and the staff in determining what living arrangement constitutes the best interest of each youth.

b. The project shall assure the safe arrival of each youth home or to an alternative living arrangement, following the termination of the crisis services provided by the project, by arranging for the transportation of the youth if he/she will be residing within the area served by the project; or by arranging for the meeting and local transportation of the youth at his/her destination if he/she will be residing beyond the area served by the project.

c. The project shall verify the arrival of each youth who is not accompanied home or to an alternative living arrangement by the parent(s) or legal guardian, project staff or other agency staff within 12 hours after his/her scheduled arrival at his/her destination.

#### 10. Staffing and Staff Development

Each center is required to develop and maintain a plan for staffing and staff development.

a. The project shall operate under an affirmative action plan.

b. The project shall maintain a written staffing plan which indicates the number of paid and volunteer staff in each job category.

c. The project shall maintain a written job description for each paid and volunteer staff function which describes both the major tasks to be performed and the qualifications required.

d. The project shall provide training to all paid and volunteer staff (including youth) in both the procedures employed by the project and in specific skill areas as determined by the project.

e. The project shall evaluate the performance of each paid and volunteer staff member on a regular basis.

f. Case supervision sessions, involving relevant project staff, shall be conducted at least weekly to review current cases and the types of counseling and other services which are being provided.

#### 11. Youth Participation

The center shall actively involve youth in the design and delivery of the services provided by the project.

a. Youth shall be involved in the ongoing planning efforts conducted by the project.

b. Youth shall be involved in the delivery of the services provided by the project.

#### 12. Individual Client Files

The project shall maintain an individual file on each youth admitted into the project.

a. The client file maintained on each youth should, at a minimum, include an intake form which minimally contains the basic background information needed by FYSB; counseling notations; information on the services provided both directly and through referrals to community agencies and individuals; disposition data; and, as applicable, any follow-up and evaluation data which are compiled by the center.

b. The file on each client shall be maintained by the project in a secure place and shall not be disclosed without the written permission of the client and his/her parent(s) or legal guardian except to project staff, to the funding agency(ies) and its (their) contractor(s), and to a court involved in the disposition of criminal charges against the youth.

#### 13. Ongoing Center Planning

The center shall develop a written plan at least annually.

a. At least annually, the project shall review the crisis counseling, temporary shelter, and aftercare needs of the youth in the area served by the center and the existing services which are available to meet these needs.

b. The project shall conduct an ongoing evaluation of the impact of its services on the youth and families it serves.

c. At least annually, the project shall review and revise, as appropriate, its goals, objectives, and activities based upon the data generated through both the review of youth needs and existing services (13a) and the follow-up evaluations (13b).

d. The project's planning process shall be open to all paid and volunteer staff, youth, and members of the Board of Directors and/or Advisory Body.

#### 14. Board of Directors/Advisory Body (Optional)

It is strongly recommended that the centers have a Board of Directors or Advisory Body.

a. The membership of the project's Board of Directors or Advisory Body shall be composed of a representative cross-section of the community, including youth, parents, and agency representatives.

b. Training shall be provided to the Board of Directors or Advisory Body designed to orient the members to the goals, objectives, and activities of the project.

c. The Board of Directors or Advisory Body shall review and approve the overall goals, objectives, and activities of the project, including the written plan developed under 13.

#### National Communication System

The National Runaway Switchboard/National Communication System (NCS) is a toll-free, 24 hour a day confidential information, referral, and crisis counseling service for runaway and homeless youth and their families. The service is available throughout the United States, including Hawaii and Alaska. The System is authorized by Section 313 of the Runaway and Homeless Youth Act to assist runaway and homeless youth in communicating with their families and service providers. The NCS was initiated in FY 1974 as an eight month research and demonstration grant to Metro-Help, Inc. in Chicago, Illinois for the purpose of providing toll-free telephone services to runaway youth in the contiguous United

States. As a part of the national RHY service system, the NCS is designed to:

(1) Provide a neutral and accessible channel of communication in the United States (including Alaska and Hawaii) between runaway and homeless youth and their families;

(2) Refer runaway and homeless youth to agencies and/or resources in their communities (or immediate vicinity) for needed services or assistance; and

(3) Provide crisis intervention counseling to callers when needed.

Approximately 2.50 million youth and their families have been served by the NCS from 1975 to the present. The current grant to operate the System is held by the National Runaway Switchboard (formerly Metro-Help, Inc.), 3080 N. Lincoln Ave., Chicago, Illinois 60614; Lora Thomas, Executive Director; telephone (312) 880-9860. The toll-free number is 1-800-621-4000.

#### Appendix C—State Single Points of Contact

##### Alabama

Mrs. Moncell Thornell, State Single Point of Contact, Alabama Department of Economic & Community Affairs, 3465 Norman Bridge Road, P.O. Box 250347, Montgomery, Alabama 36125-0347, Telephone (205) 284-8905.

##### Arizona

Ms. Janice Dunn, Arizona State Clearinghouse, 3800 N. Central Avenue, Fourteenth Floor, Phoenix, Arizona 85012, Telephone (602) 280-1315.

##### Arkansas

Mr. Joseph Gillesbie, Manager, State Clearinghouse, Office of Intergovernmental Service, Department of Finance and Administration, P.O. Box 3278, Little Rock, Arkansas 72203, Telephone (501) 371-1074.

##### California

Glenn Stober, Grants Coordinator, Office of Planning and Research, 1400 Tenth Street, Sacramento, California 95814, Telephone (916) 323-7480.

##### Colorado

State Single Point of Contact, State Clearinghouse, Division of Local Government, 1313 Sherman Street, room 520, Denver, Colorado 80203, Telephone (303) 866-2156.

##### Connecticut

Under Secretary, Attn: Intergovernmental Review Coordinator, Comprehensive Planning Division, Office of Policy and

Management, 80 Washington Street, Hartford, Connecticut 06106-4459, Telephone (203) 566-3410.

##### Delaware

Francine Booth, State Single Point of Contact, Executive Department, Thomas Collins Building, Dover, Delaware 19903, Telephone (302) 736-3326.

##### District of Columbia

Lovetta Davis, State Single Point of Contact, Executive Office of the Mayor, Office of Intergovernmental Relations, room 416, District Building, 1350 Pennsylvania Avenue, NW., Washington, DC 20004, Telephone (202) 727-9111.

##### Florida

Karen McFarland, Director, Florida State Clearinghouse, Executive Office of the Governor, Office of Planning and Budgeting, The Capitol, Tallahassee, Florida 32399-0001, Telephone (904) 488-8114.

##### Georgia

Charles H. Badger, Administrator, Georgia State Clearinghouse, 270 Washington Street, SW., Atlanta Georgia 30334, Telephone (404) 656-3855.

##### Hawaii

Mr. Harold S. Masumoto, Acting Director, Office of State Planning, Department of Planning and Economic Development, Office of the Governor, State Capitol, Honolulu, Hawaii 96813, Telephone (808) 548-3016 or 548-3085.

##### Illinois

Tom Berkshire, State Single Point of Contact, Office of the Governor, State of Illinois, Springfield, Illinois 62706, Telephone (217) 782-8639.

##### Indiana

Frank Sullivan, Budget Director, State Budget Agency, 212 State House, Indianapolis, Indiana 46204, Telephone (317) 232-5610.

##### Iowa

Steven R. McCann, Division for Community Progress, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309, Telephone (515) 281-3725.

##### Kentucky

Robert Leonard, State Single Point of Contact, Kentucky State Clearinghouse, 2nd Floor Capital Plaza Tower, Frankfort, Kentucky 40601, Telephone (502) 564-2382.

##### Maine

State Single Point of Contact, Attn: Joyce Benson, State Planning Office, State House Station #38, Augusta, Maine 04333, Telephone (207) 289-3261.

##### Maryland

Mary Abrams, Chief, Maryland State Clearinghouse, Department of State Planning, 301 West Preston Street, Baltimore, Maryland 21201-2365, Telephone (301) 225-4490.

##### Massachusetts

State Single Point of Contact, Attn: Beverly Boyle, Executive Office of Communities & Development, 100 Cambridge Street, room 1803, Boston Massachusetts 02202, Telephone (617) 727-7001.

##### Michigan

Milton O. Waters, Director of Operations, Michigan Neighborhood Builders Alliance, Michigan Department of Commerce, Telephone (517) 373-7111.

Please direct correspondence to: Manager, Federal Project Review, Michigan Department of Commerce, Michigan Neighborhood Builders Alliance, P.O. Box 30242, Lansing, Michigan 48909, Telephone (517) 373-6223.

##### Mississippi

Cathy Mallette, Clearinghouse Officer, Department of Finance and Administration, Office of Policy Development, 421 West Pascagoula Street, Jackson, Mississippi 39203, Telephone (601) 960-4280.

##### Missouri

Lois Pohl, Federal Assistance Clearinghouse, Office of Administration, Division of General Services, P.O. Box 809, room 430, Truman Building, Jefferson City, Missouri 65102, Telephone (314) 751-4834.

##### Montana

Deborah Stanton, State Single Point of Contact, Intergovernmental Review Clearinghouse, c/o Office of Budget and Program Planning, Capitol Station, room 202, State Capitol, Helena, Montana 59620, Telephone (406) 444-5522.

##### Nevada

Department of Administration, State Clearinghouse, Capitol Complex, Carson City, Nevada 89710, ATTN: John B. Walker, Clearinghouse Coordinator.

## New Hampshire

Jeffrey H. Taylor, Director, New Hampshire Office of State Planning, Attn: Intergovernmental Review Process/James E. Bieber, 2½ Beacon Street, Concord, New Hampshire 03301, Telephone (603) 271-2155

## New Jersey

Barry Skokowski, Director, Division of Local Government Services, Department of Community Affairs, CN 803, Trenton, New Jersey 08625-0803, Telephone (609) 292-6613

Please direct correspondence and questions to: Nelson S. Silver, State Review Process, Division of Local Government Services, CN 803, Trenton, New Jersey 08625-0803, Telephone (609) 292-9025

## New Mexico

Dorothy E. (Duffy) Rodriguez, Deputy Director, State Budget Division, Department of Finance & Administration, room 190, Bataan Memorial Building, Santa Fe, New Mexico 87503, Telephone (505) 827-3640

## New York

New York State Clearinghouse, Division of the Budget, State Capitol, Albany, New York 12224, Telephone (518) 474-1605

## North Carolina

Mrs. Chrys Baggett, Director, Intergovernmental Relations, N.C. Department of Administration, 116 W. Jones Street, Raleigh, North Carolina 27611, Telephone (919) 733-0499

## North Dakota

William Robinson, State Single Point of Contact, Office of Intergovernmental Affairs, Office of Management and Budget, 14th floor, State Capitol, Bismarck, North Dakota 58505, Telephone (701) 224-2094

## Ohio

Larry Weaver, State Single Point of Contact, State/Federal Funds Coordinator, State Clearinghouse, Office of Budget and Management, 30 East Broad Street, 34th Floor, Columbus, Ohio 43266-0411, Telephone (614) 466-0698

## Oklahoma

Don Strain, State Single Point of Contact, Oklahoma Department of Commerce, Office of Federal Assistance Management, 6601 Broadway Extension, Oklahoma City, Oklahoma 73116, Telephone (405) 843-9770

## Rhode Island

Daniel W. Varin, Associate Director, Statewide Planning Program, Department of Administration, Division of Planning, 265 Melrose Street, Providence, Rhode Island 02907, Telephone (401) 277-2656  
Please direct correspondence and question to: Review Coordinator, Office of Strategic Planning

## South Carolina

Danny L. Cromer, State Single Point of Contact, Grant Services, Office of the Governor, 1205 Pendleton Street, room 477, Columbia, South Carolina 29201, Telephone (803) 734-0493

## South Dakota

Susan Comer, State Clearinghouse Coordinator, Office of the Governor, 500 East Capitol, Pierre, South Dakota 57501, Telephone (605) 773-3212

## Tennessee

Charles Brown, State Single Point of Contact, State Planning Office, 500 Charlotte Avenue, 309 John Sevier Building, Nashville, Tennessee 37219, Telephone (615) 741-1676

## Texas

Tom Adams, Governor's Office of Budget and Planning, P.O. Box 12428, Austin, Texas 78711, Telephone (512) 463-1778

## Utah

Utah State Clearinghouse, Attn: Carolyn Wright, Office of Planning and Budget, State of Utah, 116 State Capitol Building, Salt Lake City, Utah 84114, Telephone (801) 538-1547

## Vermont

Bernard D. Johnson, Assistant Director, Office of Policy Research and Coordination, Pavilion Office Building, 109 State Street, Montpelier, Vermont 05602, Telephone (802) 828-3326

## Washington

Marilyn Dawson, Washington Intergovernmental Review Process, Department of Community Development, 9th and Columbia Building, Mail Stop GH-51 Olympia, Washington 98504-4151, Telephone (206) 753-4978

## West Virginia

Fred Cutlip, Director, Community Development Division, Governor's Office of Community and Industrial Development, Building #6, room 553, Charleston, West Virginia 25305, Telephone (304) 348-4010

## Wisconsin

James R. Klauser, Secretary, Wisconsin Department of Administration, 101 South Webster Street, GEF 2, P.O. Box 7864, Madison, Wisconsin 53707-7864, Telephone (608) 266-1741

Please direct correspondence and questions to: William C. Carey, Section Chief, Federal-State Relations Office, Wisconsin Department of Administration, Telephone (608) 266-0267

## Wyoming

Ann Redman, State Single Point of Contact, Wyoming State Clearinghouse, State Planning Coordinator's Office, Capitol Building, Cheyenne, Wyoming 82002, Telephone (307) 777-7574

## Territories

## Guam

Michael J. Reidy, Director, Bureau of Budget and Management Research, Office of the Governor, P.O. Box 2950, Agana, Guam 96910, Telephone (671) 472-2285

## Northern Mariana Islands

State Single Point of Contact, Planning and Budget Office, Office of the Governor, Saipan, CM, Northern Mariana Islands 96950

## Puerto Rico

Patria Custodio/Israel Soto Marrero, Chairman/Director, Puerto Rico Planning Board, Minillas Government Center, P.O. Box 41119, San Juan, Puerto Rico 00940-9985, Telephone (809) 727-4444

## Virgin Islands

Jose L. George, Director, Office of Management and Budget, No. 32 & 33 Kongens Gade, Charlotte Amalie, V.I. 00802, Telephone (809) 774-0750

**Appendix D—Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Family and Youth Services Bureau**

*Regional Youth Contacts**Region I*

Susan Rosen, John F. Kennedy Federal Building, Government Center, Boston, MA 02203, FTS: (8) 835-1149, Commercial: (617) 565-1149, (CT, ME, MA, NH, RI, VT)

*Region II*

Estelle Haferling, Jacob K. Javits Federal Building, 26 Federal Plaza, New York, NY 10278, FTS: (8) 264-2974,

Commercial: (212) 264-2974, (NJ, NY, PR, VI)

### Region III

David Lett, 3535 Market St., P.O. Box 13716, Philadelphia, PA 19101, FTS: (8) 596-1224, Commercial: (215) 596-1224, (DE, DC, MD, PA, VA, WV)

### Region IV

Viola Brown, 101 Marietta Tower, Atlanta, GA 30323, FTS: (8) 841-2128, Commercial: (404) 331-2128, (AL, FL, GA, KY, MS, NC, SC, TN)

### Region V

Bill Sullivan, 105 West Adams Street, 21st floor, Chicago, IL 60606, FTS: (8) 353-4241, Commercial: (312) 886-5368, (IL, IN, MI, MN, OH, WI)

### Region VI

Ralph Rogers, 1200 Main Tower, Dallas, TX 75202, FTS: (8) 729-4540, Commercial: (214) 767-4540, (AR, LA, NM, OK, TX)

### Region VII

Linda Bitner, 601 East 12th St., room 384, Kansas City, MO 64106, FTS: (8) 867-5401, Commercial: (816) 426-5401, (IA, KS, MO, NE)

### Region VIII

Bob Rease, 1961 Stout Street, Denver, CO 80294, FTS: (8) 54-3106, Commercial: (303) 844-3106, (CO, MT, ND, SD, UT, WY)

### Region IX

Carolyn Mangrum, Federal Office Building, 50 United Nations Plaza, San Francisco, CA 94102, FTS: (8) 556-7460, Commercial: (415) 556-7460, (AZ, CA, HI, NV, America Samoa, Guam, Northern Mariana Islands, Marshall Islands, Federated States of Micronesia, Palau)

### Region X

Steve Ice, Third & Broad Building, 2201 Sixth Avenue, RX 32 Mail Stop, Seattle, WA 98121, FTS: (8) 399-0482, Commercial: (206) 442-0482, (AK, ID, OR, WA)

### Appendix E—Family and Youth Services Bureau

#### Training and Technical Assistance Providers

Grantee Listing, Fiscal Year 1992

#### Region and Program

I—Massachusetts Committee for Children and Youth, 14 Beacon Street, suite 706, Boston, MA 02108, Nancy Jackson, (617) 742-8555

II—Empire State Coalition, 121 Avenue of America, room 507, New York, NY 10013, Margo Hirsch, (212) 966-6477

III—Mid-Atlantic Network of Youth and Family Services, Inc., 9400 McKnight Road, suite 106, Pittsburgh, PA 15237, Nancy Johnson, (412) 366-6562

IV—Southeastern Network of Youth and Family Services, 337 S. Milledge Avenue, suite 209, Athens, GA 30605, Gail Kurtz, (404) 354-4568

V—Michigan Network of Runaway and Youth Services, 115 West Allegan, suite 310, Lansing, MI 48933, Bruce Haas, (517) 484-5262

VI—Southwest Network of Youth Services, 404 West 40th Street, Austin, TX 78751, Theresa Andreas-Tod, (512) 459-1455

VII—M.I.N.K., A Network of Runaway and Youth Serving Agencies, P.O. Box 14403, Parkville, MO 64152, Jack McClure, (816) 741-8700

VIII—Mountain Plains Youth Services, 311 N. Washington, Bismarck, ND 58501, Linda Wood, (701) 255-7229

IX—Western States Youth Services Network, 1306 Ross Street, suite B, Petaluma, CA 94954, Nancy Fastenau, (707) 763-2213

X—Northwest Network of Runaway and Youth Services, 94 Third Street, Ashland, OR 97501, Ginger Baggett, (503) 482-8890

### Appendix F—Runaway and Homeless Youth Basic Center Grantees—Fiscal Year 1991

#### Region I

##### Connecticut

Council of Churches, 126 Washington Avenue, Bridgeport, CT 06604, John Cottrell, (203) 334-1121, 1992

Quinebaug Valley Youth Services Bureau, P.O. Box 812, North Grosvenordale, CT 06255, Tracey Graham, (203) 923-9526, 1992

Educational Resources, 90 North Main Street, West Hartford, CT 06107, Selma Lobel, (203) 521-8035, 1993

The Youth Shelter, 105 Prospect Street, Greenwich, CT 06830, Shari Shapiro, (203) 661-2599, 1994

Youth Continuum of TRI-RYC, 844 Grand Avenue, New Haven, CT 06521, Michael Rowe, (203) 562-3396, 1994

##### Maine

Youth and Family Services, P.O. Box 502, Skowhegan, ME 04976, Ronald Herbert, (207) 474-8311, 1992

Youth Alternatives of S. Maine, 175 Lancaster Street, Portland, ME 04101, Mike Tarpinian, (207) 874-1175, 1992

New Beginnings, 491 Maine Street, Lewiston, ME 04240, Barbara Kawliche, (207) 948-7272, 1994

##### Massachusetts

Newton-Wellesley-Weston-Needham, 1301 Centre Street, Newton, MA 02159, Jon Dunn, (617) 244-4802, 1992

Marathon of Rhode Island, 1303 Washington Street, Walpole, MA 02081, Roy Ross, (508) 668-3631, 1992

Project RAP, 202 Rantoul Street, Beverly, MA 01915, Nancy Pia, (508) 921-1292, 1993

Franklin/Hampshire Mental Health Center, 17 New South Street, Northampton, MA 01060, Deborah Ekstrom, (617) 732-3121, 1993

The Key Program, 484 West Street, Pittsfield, MA 01201, Randy Brewer, (413) 442-1503, 1993

YWCA of Western Massachusetts, 120 Maple Street, Springfield, MA 01103, Mary Reardon Johnson, (413) 732-3121, 1993

The Bridge, 47 West Street, Boston, MA 02111, Sister Barbara Whelan, (617) 423-9575, 1994

Wayside Community Programs, 4 Thurber Street, Framingham, MA 01701, Eric Masi, (617) 872-5611, 1994

Brookline Community Mental Health Center, 43 Garrison Road, Brookline, MA 02146, Joan Sokoloff, (617) 277-8107, 1994

Access House, Inc., 28 Garry Avenue, East Falmouth, MA 02536, Hope Harding, (508) 385-2543, 1994

#### New Hampshire

Child and Family Services, Hanover Street, Manchester, NH 03101, Reed Carver, (603) 668-1920, 1992

Community Youth Advocates, 36 Tremont Square, Claremont, NH 03743, Holly Johnson, (603) 543-0427, 1993

#### Rhode Island

Stopover Shelters, 3380 East Main Road, Portsmouth, RI 02871, Peter Marshall, (401) 683-1824, 1994

#### Vermont

Washington County Youth Service Bureau, P.O. Box 627, Montpelier, VT 05601, Tom Howard, (802) 229-9151, 1992

#### New Jersey

Anchor House, 482 Centre Street, Trenton, NJ 08611, Judith Donohoe, (609) 396-8329, 1992

Crossroads, P.O. Box 321, Lumberton, NJ 08048, Mary Lou Bendit, (609) 261-5400, 1992

Group Homes of Camden County, 35 S. 29th Street, Camden, NJ 08105, Sandra Mengestu, (609) 541-9283, 1992

Atlantic County Department of Social Services, 101 So. Shore Road, Northfield, NJ 08225, Holly Azchowski, (609) 645-7700, 1993

Together, 7 State Street, Glassboro, NJ 08028, Susan Sasser, (609) 881-6100, 1994

- Tri-County Youth Services, 435 Main Street, Paterson, NJ 07501, Gail Manning, (201) 881-0280, 1994
- Youth Coordinating Council, 306 Brookline Avenue, Cherry Hill, NJ 08002, Eleanor Stofman, (609) 667-6525, 1994
- Somerset Youth Shelter, 49 Brahma Avenue, Bridgewater, NJ 08807, Jeffrey Fetzko, (201) 526-6605, 1994
- Ocean's Harbor House, 2445 Windsor Avenue, Toms River, NJ 08754, Albert Borris, (201) 929-0660, 1994
- New York*
- Project Equinox, 214 Lark Street, Albany, NY, Donna McIntosh, (518) 465-9524, 1992
- Compass House, 370 Linwood Avenue, Buffalo, NY 14209, Janell Wilson, (716) 886-1351, 1992
- Town of Huntington Youth Bureau, 100 Main Street, Huntington, NY 11743, Paul Lowery, (516) 351-3061, 1992
- YWCA of Binghamton/Broome County, 80 Hawley Street, Binghamton, NY 13901, Penny Smith, (607) 772-0340, 1992
- Covenant House (Under 21), 460 West 41st Street, New York, NY 10029, Eleanor Miller, (212) 354-4323, 1992
- Flowers With Care, 23-30 Astoria Boulevard, Astoria, NY 11102, Rev. James Harvey, (718) 726-9790,
- Family of Woodstock, U.P.O. Box 3516, Kingston, NY 12401, Joan Mayer, (914) 679-9240, 1992
- Nassau County Youth Board, 1 West Street, Mineola, NY 11501, Ann Irvin, (516) 535-5893, 1992
- The Idyllic Foundation, Town and Country Plaza, Cazenovia, NY 13035-0455, Brian Burns, (315) 655-2704, 1992
- Family and Community Services, 41 West Main Street, Cobleskill, NY 12043, Marie Pracher, (518) 234-3581, 1993
- Oneida County Community Action Agency, 303 West Liberty Street, Rome, NY 13440, Treva Wood, (315) 339-5640, 1993
- Courtland County Community Action Program, 23 Main Street, Cortland, NY 13045, Sara Pines, (607) 753-6781, 1993
- Promesa, Inc., 1776 Clay Avenue, Bronx, NY 10457, Felix Velazquez, (212) 991-4900, 1993
- The Salvation Army, 749 S. Warren Street, Syracuse, NY 13202, Roberta Schofield, (315) 479-1323, 1993
- Westchester County Youth Bureau, 55 Church Street, White Plains, NY 10601, Toni Collarini, (914) 285-2745, 1993
- Dutchess County, 22 Market Street, Poughkeepsie, NY 12601, Folomi Gray, (914) 431-2021, 1994
- Center for Youth Services, 258 Alexander Street, Rochester, NY 14607, Roger Palma, (716) 473-2464, 1994
- Society for Seamen's Children, 26 Bay Street, Staten Island, NY 10301, Ann Deinhardt, (718) 447-7740, 1994
- Hillside Children's Center, 1183 Monroe Avenue, Rochester, NY 14620, Harry Lang, (716) 473-5150, 1994
- University Settlement, 194 Eldridge Street, New York, NY 10002, Michael Zisser, (212) 674-9120, 1994
- Catholic Charities of Ogdenburg, 380 Arlington Street, Watertown, NY 13601, Anne Boulter, (315) 788-4330, 1994
- St. Agatha Home, 135 Convent Road, Nanuet, NY 10954, Rosemarie Crisstello, (914) 623-3461, 1994
- Puerto Rico*
- Office of Human Development, King's Court and Loiza Street, Santurce, PR 00914, Jesus Joel Perez, (809) 728-7474, 1993
- Municipality of Aquadilla, P.O. Box 520—Victoria Station, Aquadilla, PR 00605, Ramon Calero, (809) 891-3965, 1993
- Dispensario San Antonio, Box 213, Playa Station, Ponce, PR 00734, Sister Rosita Bauza, (809) 843-1910, 1993
- The Salvation Army, 1327 Americo Miranda Avenue, Caparra Terrace, PR 00619, Marjorie Yambo, (809) 781-6883, 1994
- Department of Social Services, Box 11398, San Juan, PR 00910, Carmen Sonia Zayas, (809) 721-4624, 1994
- Centro de Servicios A La Juventud, Box 9368 Cotto Station, Arecibo, PR 00613, Nidra Torres-Martinez, (809) 878-6776, 1994
- Virgin Islands*
- Caribbean Behavioral Institute, P.O. Box 1547 Kingshill, St. Croix, VI 00851, Chester Copemann, (809) 773-5113, 1994
- Region III*
- Delaware*
- Child, Inc., 11th and Washington Streets, Wilmington, DE 19801, Joseph Dell'Olio, (302) 655-3311, 1992
- Aid in Dover, 32 Lookerman Square, Dover, DE 19501, Beverly Williams, (302) 734-7610
- District of Columbia*
- American Youth Work Center, 1751 N Street, NW., Washington, D.C. 20036, Bill Treanor, (202) 785-0764, 1992
- Sasha Bruce Youthwork, 1022 Maryland Avenue, NE., Washington, DC 20002, Deborah Shore, (202) 675-9340, 1994
- Maryland*
- St. Mary's County Board of County Commissioners, P.O. Box 653, Governmental Center, Leonardtown, MD 20650, Carl Loffler, (301) 475-4464, 1993
- Southern Area Youth Services, P.O. Box 44408, Friendly, MD 20744, Robert Jones, (301) 292-3825, 1994
- Youth Resources Center, 7300 New Hampshire Avenue, Takoma Park, MD 20912, Ellen Freeman, (301) 779-1257, 1994
- Fellowship of Lights, Inc., 1300 North Calvert Street, Baltimore, MD 21202, Ross Pologe, (301) 837-8155, 1994
- Boys & Girls Home, 9601 Colesville Road, Silver Spring, MD, Quannah Parker, (301) 589-8444, 1994
- First Step, Inc., 8303 Liberty Road, Baltimore, MD 21207, David Goldman, (301) 521-4141, 1994
- Pennsylvania*
- Voyage House, 1431 Lombard Street, Philadelphia, PA 19146, Susan Pursch, (215) 545-2910, 1992
- Catholic Charities, P.O. Box 3551, Harrisburg, PA, Very Rev. Francis Kumontis, (717) 652-3934, 1992
- Catholic Social Services, 33 E. Northhampton, Wilkes-Barre, PA 18701, Thomas Cherry, (717) 824-5766, 1992
- Three Rivers Youth, 2039 Termon Avenue, Pittsburgh, PA 15212, Jane Martin Doncaster, (412) 766-2215, 1992
- Alternatives Corporation, 360 King Street, Pottstown, PA 19464, Ronald Harris, (215) 327-1601, 1992
- Youth in Action, 7th and Morton Avenue, Chester, PA 19013, Tommie Lee Jones, (215) 874-1407, 1993
- Council of Three Rivers Indian Center, 200 Charles Street, Pittsburgh, PA 15236, Suzanne Swint, (412) 335-9263, 1993
- Youth Services of Bucks County, 118-120 S. Bellevue Avenue, Pennel, PA 19047, Roger Dawson, (215) 752-7050, 1993
- Centre County Youth Service, 205 East Beaver Avenue, State College, PA 16801, Norma Keller, (814) 237-5731, 1994
- Valley Youth House Committee, 539 Eighth Avenue, Bethlehem, PA 18019, David Gilgoff, (215) 691-1200, 1994
- Whale's Tale, 250 Shady Avenue, Pittsburgh, PA 15206, Christopher Smith, (412) 621-8407, 1994
- Youth Services, Inc., 410 N. 34th Street, Philadelphia, PA 19104, Theodore Levine, (215) 222-3262, 1994
- Family and Children's Services of Blair County, 2022 Broad Avenue, Altoona, PA 16601, Barbara Angle, (814) 944-3583, 1994

*Virginia*

- Family & Children's Services, 1518 Willow Lawn Drive, Richmond, VA 23230, Richard Lung, (804) 282-4255, 1992
- Volunteer Emergency Foster Care, 2317 Westwood Avenue, suite 109, Richmond, VA 23230, William Christian, (804) 353-4698, 1992
- City of Roanoke, 836 Campbell Avenue, Roanoke, VA 24016, Andrea Krochalis, (703) 981-2776, 1992
- Mother Seton House, Inc., 642 North Lynnhaven Road, Virginia Beach, VA 23452, Susan Jones, (804) 498-4673, 1993
- Central Virginia Child Development Association, P.O. Box 424, 810 E. High, Charlottesville, VA 22902, Betty Ann Hopke, (804) 977-4260, 1993
- Alexandria Community Y (This Way House), 418 South Washington Street, Alexandria, VA 22314, Diane Halbrook, (703) 549-1111, 1994
- Alternative House, P.O. Box 637, McLean, VA, Jim Warwick, (703) 356-6360, 1994
- Loudoun County Youth Shelter, 16450 Meadowview Court, Leesburg, VA 22075, Gerald Tracy, (703) 771-5300, 1994

*West Virginia*

- Daymark (Patchwork), 1598-C Washington Street East, Charleston, WV 25311, Carol Charlipm, (304) 340-3675, 1992
- Southwestern Community Council, 540 Fifth Street, Huntington, WV 25701, Joan Ross, (304) 525-5151, 1992

*Region IV**Alabama*

- American Red Cross, 405 South First Street, Gadsden, AL 35901, Windell Jolley, (205) 547-9505, 1992
- Mobile Mental Health Center, 2400 Gordon Smith Drive, Mobile, AL 36617, T. Edmund Lakeman, (205) 473-4423, 1992
- Group Homes for Children, 880 South Lawrence, Montgomery, AL 36104, George Holy, (205) 834-5512, 1993
- Shelby Youth Services, P.O. Box 1261, Alabaster, AL 35007, Lindsey Allison, (205) 663-6301, 1994
- Marshall County Attention Home, P.O. Box 952, Guntersville, AL 35976, Shirley White, (205) 582-0377, 1994

*Florida*

- Family Resources, Inc. (Residential South), P.O. Box 13087, St. Petersburg, FL 33733, Jane Harper, (813) 526-1123, 1992
- Youth Crisis Center, P.O. Box 16567, Jacksonville, FL 32245, Tom Patania, (904) 725-6662, 1992

- Youth and Family Alternatives (RAP), 7524 Plathe Road, New Port Richey, FL 34653, George Magrill, (813) 841-4166, 1992
- Florida Keys Children's Center, 73 High Point Road, Tavernier, FL 33070, Dale Wolgast, (305) 852-4246, 1992
- Youth Services Center (Crosswinds), P.O. Box 540625, Merritt Island, FL 32954, Susan Jennings, (407) 452-8988, 1993
- Family Resources, Inc. (Residential North), P.O. Box 13087, St. Petersburg, FL 33733, Jane Harper, (813) 526-1123, 1993
- Lutheran Ministries (Gulf Coast Youth and Family Services), 4610 W. Fairfield Drive, Pensacola, FL 32506, Kay Lohmiller, (904) 453-2772, 1993
- Corner Drugstore (Interface), 1300 Northwest 6th Street, Gainesville, FL 32601, Karen Crapo, (904) 378-1588, 1994
- Someplace Else, 1315 Linda Ann Drive, Tallahassee, FL 32301, Kelee Roche, (904) 877-7993, 1994
- Switchboard of Miami (Family P.A.C.T.), 75 S.W. 8th Street, Miami, FL 33130, Shirley Aron, (305) 358-1640, 1994
- Miami Bridge, 1149 N.W. 11th Street, Miami, FL 33136, Maxine Thurston, (305) 324-8953, 1994
- Anchorage Children's Home (Hidle House), 707 North Cove Boulevard, Panama City, FL 32401, Barbara Cloud, (904) 763-7102, 1994
- Orange County Department of Children, Youth & Family (Family Services Project), 1718 East Michigan Avenue, Orlando, FL 32806, Mark Griffin, (305) 420-3620, 1994
- Lutheran Ministries (Lippman Family Center), 221 Northwest 43rd Court, Oakland Park, FL 33309, Donald Carey, (305) 568-2801, 1994
- Sarasota Family YMCA, 1075 S. Euclid Avenue, Sarasota, FL 34237, Carl Weinrich, (813) 955-8194, 1994
- ACT Corporation (B.E.A.C.H. House), 1220 Willis Avenue, Datona Beach, FL 32114, Wayne Deggors, (904) 255-6538, 1994
- Lutheran Ministries (So. Gulf Coast Youth and Family Services), 3825 Henderson Boulevard, Tampa, FL 33629, Don Sjolund, (813) 287-2373, 1994

*Georgia*

- The Bridge, 75 Peachtree Place, NW., Atlanta, GA 30309, Ann Starr, (404) 881-8344, 1992
- The Marshlands Foundation, 11 West Park Avenue, Savannah, GA 30401, Pat Peshoff, (404) 234-4048, 1992
- Athens Regional Attention Home, 490 Pulaski Street, Athens, GA 30601, Martha Mendenhall, (404) 548-5893, 1992

- The Alcove, 507 East Church Street, Monroe, GA 30655, Gail Bayes, (404) 267-4571, 1993
- Tri-County Protective Agency, P.O. Box 1937, Hinesville, GA 31313, Bryant Bradley, (912) 368-3344, 1993
- Children's Emergency Shelter, P.O. Box 446, Cartersville, GA 30120, Teresa Ramey, (404) 382-6180, 1994
- Greenbriar Children's Center, 3709 Hopkins Street, Savannah, GA 31405, Yvette Johnson-Hagins, (912) 234-3431, 1994

*Kentucky*

- Brighton Center, P.O. Box 325, Newport, KY 41072, Kim Brooks, (606) 581-1111, 1992
- Lexington-Fayette County Government, 536 West Third Street, Lexington, KY 40508, Kathy Noel, (606) 254-2501, 1994
- YMCA of Greater Louisville, 1410 South First Street, Louisville, KY 40208, Elizabeth Triplett, (502) 637-6480, 1994

*Mississippi*

- Catholic Charities, P.O. Box 2248, Jackson, MS 39205, Gayle Watts, (601) 355-9639, 1993
- Mississippi Children's Home (Homeward Bound Youth Shelter), 1801 N. West Street, Jackson, MS 39205, Christopher Cherney, (701) 255-7229, 1993
- Jackson County Civic Action Community, 5343 Jefferson, Moss Point, MS 39563, Billy Knight, (601) 769-3292, 1993
- Warren County Children's Shelter, P.O. Box 820174, Vicksburg, MS 39182, Christopher Cherney, (601) 352-7784, 1994

*North Carolina*

- The Relatives, 1000 East Boulevard, Charlotte, NC 28203, Jo Ann Greyer, (704) 377-060, 1992
- Mountain Youth Resources, P.O. Box 2847, Cullowhee, NC 28723, Elizabeth Chambers, (704) 586-8958, 1992
- Tuscarora Tribe, P.O. Box 1455, Pembroke, NC 28372, Chief Young Bear, (919) 521-8682, 1992
- Cape Fear Substance Abuse/Crisis Line, 801 Princess Street, Wilmington, NC 28401, Carlene Jackson, (919) 343-0145, 1993
- Youth Care, 211 S. Edgeworth Street, Greensboro, NC 27401, Charles Hodierne, (919) 378-9109, 1993
- Lee County Youth Services, P.O. Box 1968, Sanford, NC 27330, Gordon Wicker, (919) 774-8404, 1993
- Haven House, 401 E. Whitaker Mill Road, Raleigh, NC 27608, Michael Rieder, (919) 755-6368, 1994

Catholic Social Services, 10 Cascade Avenue, Winston Salem, NC 27101, Rosemary Martin, (919) 727-0705, 1994  
Lutheran Family Services, P.O. Box 12887, Raleigh, NC 27605, Bill Britain, (919) 823-2620, 1994

#### South Carolina

Department of Youth Services (Crossroads), 4360 Headquarters Road, N. Charleston, SC 29405, Greg Leighton, (803) 744-3381, 1993

Department of Youth Services (Hope House), Shivers Road, Columbia, SC 29210, Mari Bolden, (803) 737-9119, 1993

Department of Youth Services (Greenhouse), 529 N. Wise, Sumter, SC 29153, Howard McFadden, (803) 775-3311, 1993

Department of Youth Services (Greenville), 35 Perry Avenue, Greenville, SC 29601, Jane Burgess, (803) 233-5574, 1994

#### Tennessee

Oasis Center, P.O. Box 120655, Nashville, TN 37212, Mary Jane Dewey, (615) 329-8036, 1992

Child and Family Services, 114 Dameron Avenue, Knoxville, TN 37197, Larry Feezel, (615) 524-2689, 1993

Hamilton County Government, 317 Oak Street, Chattanooga, TN 37403, Judi Byrd, (615) 757-2692, 1993

The Family Link, 1207 Peabody, Memphis, TN 38174, Marian Carruth, (901) 725-6911, 1993

#### Region V

##### Illinois

McHenry County Youth Service, 101 South Jefferson Street, Woodstock, IL 60098, Susan Krause, (815) 338-7360, 1992

Hoyleton Youth and Family Services, 36 Loisel Village, East St. Louis, IL 62203, Conrad Steinhof, (618) 398-0900, 1992

Central Illinois Youth Service Bureau, 1111 South Eighth Street, Springfield, IL 62703, Kaywin Davis, (217) 753-8300, 1992

Youth Attention Center, P.O. Box 606, Jacksonville, IL 62651, Jerome Noble, (217) 245-6000, 1992

Mental Health Services, 902 West Main Street, West Frankfort, IL 62896, William Young, (618) 937-6483, 1992

Northside Ecumenical Night Ministry, 835 West Addison, Chicago, IL 60613, Thomas Behrens, (312) 935-3366, 1992

Omni Youth Services, 222 East Dundee Road, Wheeling, IL 60090, Dennis Depcik, (312) 541-0109, 1992

Youth Services Network (Singer Mental Health Center), P.O. Box 62, Rockford, IL 61105, Arlene Jackson, (815) 877-1312, 1992

Naperville Community Outreach, 113 E. Van Buren, Naperville, IL 60540, John Prior, (312) 961-2992, 1993

Aunt Martha's, 224 Blackhawk, Park Forest, IL 60466, Steven McCabe, (312) 747-2701, 1994

Teen Living Programs, 3179 N. Broadway, Chicago, IL 60657, Deborah Hinde, (312) 883-0025, 1994

LaSalle County Youth Service Bureau, 827 Columbus Street, Ottawa, IL 61350, Dave McClure, (815) 433-3953, 1994

Travelers and Immigrants Aid, 327 S. LaSalle, Chicago, IL 60604, Laura Friedman, (312) 435-4500, 1994

Project OZ, 201 E. Grove, 2nd floor, Bloomington, IL 61701, Peter Rankaitis, (309) 827-0377, 1994

The Harbour, Inc., 355 N. East River Road, Des Plaines, IL 60016, Mary Eichling, (708) 297-8540, 1994

##### Indiana

Indiana Juvenile Justice Task Force, 3050 North Meridian, Indianapolis, IN 46208, James Miller, (317) 926-6100, 1992

Children's Bureau of Indianapolis, 615 N. Alabama Street, Indianapolis, IN 46204, Kenneth Phelps, (317) 634-6481, 1992

Youth Service Bureau, 222 Lincolnway West, South Bend, IN 46628, Bonnie Strycker, (219) 284-9231, 1993

Park Center, 909 E. State Boulevard, Fort Wayne, IN 46805, John Garner, (219) 424-7478, 1993

Stopover, 445 N. Penn Street, Indianapolis, IN 46204, Carol D'Amora, (317) 635-9301, 1993

Clark County Youth Shelter, 118 East Chestnut Street, Jeffersonville, IN 47130, Sherry Zachariah, (812) 284-5229, 1993

Crisis Center, Inc., 215 N. Grand Boulevard, Gary, IN 46403, Shirley Caylor, (219) 980-4207, 1994

Monroe County Youth Service Bureau, 1310 East Atwater Avenue, Bloomington, IN 47401, Roberta Wysong, (812) 333-3506, 1994

##### Michigan

Comprehensive Youth Services (Macomb), Two Crocker Boulevard, Mt. Clemens, MI 48043, Joanne Schietaert, (313) 463-7079, 1992

Link Crisis Intervention Center, 2002 South State Street, St. Joseph, MI 49085, Polly Learned, (616) 983-6351, 1992

Bethany Christian Services, 6995 West 48th, Fremont, MI 49412, Dale Painter, (616) 924-3390, 1992

Youth Living Centers, 715 S. Inkster, Inkster, MI 48141, Barry Manning, (313) 536-5005, 1992

Listening Ear Crisis Center, 107 E. Illinois Avenue, Mt. Pleasant, MI

48858, Don Schuster, (517) 772-2919, 1992

Comprehensive Youth Services (Harbor), Two Crocker Boulevard, Mt. Clemens, MI 48043, Joanne Schietaert, (313) 463-7079, 1993

Catholic Family Services, 1819 Gull Road, Kalamazoo, MI 49001, John Hemmer, (616) 381-9800, 1993

Cory Place, 612 N. Jefferson, Bay City, MI 48708, Mary Jo Tompkins, (517) 895-5563, 1993

Saginaw County Youth Council, 1110 Howard, Saginaw, MI, Ron Spess, (515) 752-5175, 1993

Northeast Michigan Community Service Agency, 2373 Gordon Road, Alpena, MI 49707, John Swise, (517) 356-3474, 1993

League of Catholic Women (Off The Streets), 120 Parsons Street, Detroit, MI 48201, David Suttner, (313) 831-1000, 1993

Advisory Centers (The Bridge), 1115 Ball NE., Grand Rapids, MI 49505, Douglas Ellis, (616) 458-7434, 1993

Ozone House, 608 N. Main Street, Ann Arbor, MI 48104, Lisa Wolf, (313) 662-2265, 1993

Every Woman's Place, 1706 Peck Street, Muskegon, MI 49442, Judith Hayner, (616) 726-4493, 1993

The Sanctuary, 1222 South Washington, Royal Oak, MI 48067, Meri Pohutsky, (313) 547-2260, 1994

Gateway Community Services (Equal Ground), 910 Abbott Road, suite 100, East Lansing, MI 48823, Robert Sheehan, (517) 351-4000, 1994

Genesee County Youth Corp., 914 Church Street, Flint, MI 48502, Jo Davis, (313) 233-8700, 1994

Third Level Crisis Intervention Center, P.O. Box 1035, Traverse City, MI 49685, Gail Sorenson Heath, (616) 922-4802, 1994

##### Minnesota

The Bridge, 2200 Emerson Avenue South, Minneapolis, MN 55405, Thomas Sawyer, (612) 377-8800, 1992  
St. Paul Youth Service Bureau, 1619 Dayton Avenue, St. Paul, MN 55104, Racone Buckman-Ellis, (612) 292-7191, 1992

Evergreen House, 921 Minnesota Avenue, Bemidji, MN 56601, Clark Fairbanks, (218) 751-4332, 1993

Red School House, 1089 Portland Avenue, St. Paul, MN 55104, John Whitecloud, (612) 227-4184, 1993

Lutheran Social Services, 600 Ordean Building, Duluth, MN 55802, John Moline, (218) 626-2726, 1993

Minneapolis Youth Diversion Program, 1905 Third Avenue South, Minneapolis, MN 55404, Nancy Hite, (612) 871-3613, 1994

*Ohio*

- Huckleberry House, 1421 Hamlet Street, Columbus, OH 43201, Douglas McCoard, (614) 294-8097, 1992
- Safe Landing Youth Shelter, 680 E. Market Street, Akron, OH 44303, David Fair, (216) 376-4200, 1992
- Children's and Family Service, 21 Indiana Avenue, Youngstown, OH 44505, Gerald Janosik, (216) 782-5664, 1993
- Council on Rural Service Programs, 116 E. Third Street, Greenville, OH 45331, Shirley Hathaway, (513) 548-8002, 1993
- Center for Children and Youth Services, 42707 North Ridge Road, Elyria, OH 44035, John Ollerton, (216) 324-6113, 1993
- New Life Youth Services, 6128 Madison Road, Cincinnati, OH 45227, Debbie Latter, (513) 561-0100, 1994
- Free Medical Clinic, 12201 Euclid Avenue, Cleveland, OH 44106, Rebecca Devenanzio, (216) 421-2000, 1994
- Clermont County Community Services, 2291 Bauer Road, Batavia, OH 45103, Martha Undercoffer, (513) 732-7182, 1994
- Connecting Point, 3301 Collingwood Boulevard, Toledo, OH 43610, Carole Smith, (419) 243-6326, 1994
- Daybreak, 819 Wayne Avenue, Dayton, OH 45410, David Nehring, (513) 461-1000, 1994
- Lutheran Metro Ministry, 1468 West 25th Street, Cleveland, OH 44113, Rev. Richard Serin, (216) 696-2715, 1994
- Special Alternatives for Youth of Ohio, 10100 Elida Road, Delphos, OH 45833, Bruce Maag, (800) 532-7239, 1994
- Wisconsin*
- Briarpatch, 512 E. Washington Avenue, Madison, WI 53703, Steve Sperling, (608) 251-1126, 1992
- Counseling Center of Milwaukee, 2038 N. Bartlett, Milwaukee, WI 53202, David Cobb, (414) 271-2565, 1992
- Walker's Point Youth Center, 2030 W. National Avenue, Milwaukee, WI 53204, Andre Olton, (414) 672-5300, 1994
- Innovative Youth Services, 1030 Washington Avenue, Racine, WI 53403, Jane Karas, (414) 637-9557, 1994
- Wisconsin Association for Runaway Services, 2318 E. Dayton Street, Madison, Wisconsin 53704, Patricia Balke, (608) 241-2649, 1994
- Lutheran Social Services, 3821 Kohler Memorial Drive, Sheboygan, WI 53081, Merry Klemme, (414) 458-8381, 1994

*Region VI**Arkansas*

- Youth Bridge, P.O. Box 668, Fayetteville, AR 72702, Michael Lee, (501) 632-4618, 1992
- Comprehensive Juvenile Services, 1606 South J, Fort Smith, AR 72901, Jerry Robertson, (501) 785-4031, 1992
- Center for Youth & Families (Stepping Stone), 6501 W. 12th Street, Little Rock, AR 72204, Judy Kane, (501) 562-1809, 1994
- Consolidated Youth Services, 4220 Stadium Boulevard, Jonesboro, AR 72401, Bonnie Stevens (501) 972-1110, 1994

*Louisiana*

- Community Recreational Home, 7997 Bayou Rapids Road, Alexandria, LA 71306, Robert Tillie, (318) 473-0530, 1992
- Tangipahoa Youth Service Bureau, 1826 River Road, Hammond, LA 70401, Jeanne Voorhees, (504) 345-1171, 1993
- Education Treatment Council, 146 Hodges Street, Lake Charles, LA 70601, Giles Gilliam, (318) 433-1062, 1993
- Mt. Zion Church (Safety Net), P.O. Box 72, Baton Rouge, LA 70821, Lil Veal, (504) 383-7266, 1994
- Father Flanagan's Boys' Home, Boys Town Center, New Orleans, LA 68010, Fr. Val J. Peter, (402) 498-1000, 1994

*New Mexico*

- New Day, 2720 Carlisle Blvd., Albuquerque, NM 87110, Jeff Burrows, (505) 881-5228, 1992
- Youth Development, 1710 Centro Familiar S.W., Albuquerque, NM 87105, Augustine C. Baca, (505) 873-1604, 1993
- Youth Shelters and Family Services, P.O. Box 8135, Santa Fe, NM 87504, Betty Rangel, (505) 473-0240, 1994

*Oklahoma*

- Cherokee Nation Youth Shelter, P.O. Box 948, Tahlequah, OK Gwen Grayson, (918) 456-0671, 1992
- Northern Oklahoma Youth Services Center, 415 W. Grand, Ponca City, OK 74601, Richard Mauldin, (405) 762-8341, 1992
- Youth Services of Tulsa County, 1415 E. 8th Street, Tulsa, OK 74120, Janis Walker, (918) 582-0061, 1992
- Youth and Family Services of Canadian County, 2404 Sunset Drive, El Reno, OK 73036, Warren Wells, (405) 262-6555, 1992
- Northwest Family Services, 326 7th Street, Alva, OK 73717, John Jones, (405) 327-2900, 1992
- Youth Services for Stephens County, P.O. Box 1603, Duncan, OK 73534, John Herdt, (405) 255-8800, 1992

- Youth and Family Services of North Oklahoma, 2925 North Midway, Enid, OK 73701, Darla Fore, (405) 233-7220, 1992
- Payne County Youth Services, 2224 W. 12th, Stillwater, OK 74076, Jim Lunsford, (405) 377-3380, 1992
- Youth Services for Oklahoma County, 2915 N. Lincoln, Oklahoma City, OK 73105, Sharon Wiggins, (405) 235-7537, 1993
- Marie Detty Youth and Family Service Center, 811 South 17th Street, Lawton, OK 73501, Paul Smith, (405) 248-6450, 1993
- Community Children's Shelter, 15 Monroe, N.E., Ardmore, OK 73401, Sandra Ayer, (405) 226-1838, 1994

*Texas*

- Comal County Juvenile Resident, 1414 W. San Antonio Street, New Braunfels, TX 78130, Nancy Ney, (512) 629-4329, 1992
- Houston Metropolitan Ministries, 2001 Huldy, Houston, TX 77006, Theodore Shorten, (713) 527-8218, 1992
- The Bridge Association (Spruce), 115 West Broadway, Forth Worth, TX 76104, Gary Metcalf, (817) 926-9184, 1992
- Youth Alternatives (The Bridge), 3103 West Avenue, San Antonio, TX 78213, Roy Maas, (512) 340-8077, 1992
- Youth Alternatives (Stepping Stone), 3103 West Avenue, San Antonio, TX 78213, Roy Maas, (512) 340-8077, 1992
- Tropical Texas Center, P.O. Drawer 1108, Edinburg, TX 78540, Polly Adams, (512) 383-0121, 1992
- Depelchin Children's Center, 100 Sandman, Houston, TX 77007, Lloyd Lenarz, (713) 861-8136, 1992
- Greater San Marcos Youth Shelter, P.O. Box 1455, San Marcos, TX 78667, Jim Grouchy, (512) 754-0500, 1992
- El Paso Center for Children, 3700 Altura, El Paso, TX 79930, Sandy Rioux, (915) 565-8361, 1993
- YMCA of Dallas, 601 N. Akard Street, Dallas, TX 75201, Kathy Hamilton, (214) 954-0655, 1993
- Central Texas Youth Services Bureau, 703 Parmer Street, Killeen, TX 76540, Robert Butts, (817) 634-2085, 1993
- The Children's Center, 2127 Avenue M, Galveston, TX, Donald Loving, (409) 765-5212, 1993
- Harris County Children's Protective Services (Chimney Rock Center), 6425 Chimney Rock, Houston, TX 77081, Ann Hibbert, (713) 526-5701, 1993
- Montgomery County Youth Services, P.O. Box 1316, Conroe, TX 77305, Gretchen Faulkner, (409) 756-8682, 1993
- Harris County Children's Protective Services, (Community Youth

Services), 6425 Chimney Rock, Houston, TX 77081, Ann Hibbert, (713) 526-5701, 1993

Middle Earth Unlimited, 3708-B South Second Street, Austin, TX 78704, Mitch Weynand, (512) 482-8322, 1994  
Lover's Lane, 9200 Inwood Road, Dallas, TX 75220, Charles Green, (214) 691-4721, 1994

Sand Dollar, 103 West Park Lane, Pasadena, TX 77506, John Miller, (713) 473-9135, 1994

Sabine Valley MHMR Center, P.O. Box 6800, Longview, TX 75608, Ron Cookston, (214) 297-2191, 1994

Catholic Family Services, P.O. Box 15127, Amarillo, TX 79105, James Rogers, (806) 376-4571, 1994

Collin Intervention to Youth, 1111 Avenue H, Plano, TX 75074, Kay Goodman, (214) 881-8010, 1994

The Bridge Association, 115 West Broadway, Fort Worth, TX 76104, Jan Viles, (817) 877-1121, 1994

East Texas Open Door, 414 West Burleson Street, Marshall, TX 75670, William Power, (214) 938-1211, 1994

Texas Baptist Children's Home, P.O. Box 7, Round Rock, TX 78680, Jerry Bradley, (512) 255-3668, 1994

Grayson County Juvenile Alternatives, P.O. Box 1625, Sherman, TX 75091, Sarah Frietsch, (913) 893-4717, 1994

Father Flanagan's Boys' Home, Boys Town Center, San Antonio, TX 68010, Val J. Peter, (402) 498-1000, 1994

#### Region VII

##### Iowa

Youth and Shelter Services, 217 Eighth Street, Ames, IA 50010, George Belitsos, (515) 233-3141, 1992

United Action for Youth, 311 N. Linn Street, Iowa City, IA 52240, Jim Swaim, (319) 338-7518, 1993

Foundation II, 1251 Third Avenue, S.E., Cedar Rapids, IA 52403, Steve Meyer, (319) 362-2176, 1993

Christian Home Association, North 6th and Avenue E, Council Bluffs, IA 51502, Andrew Ross, (712) 315-1910, 1994

Valley Shelter Homes, 942 Marquette Street, Davenport, IA 52804, John McBride, (319) 323-8094, 1994

##### Kansas

Wyandotte House, 632 Tauomee, Kansas City, KS 66101, Wayne Sims, (913) 342-9332, 1992

United Methodist Youthville, 900 W. Broadway, Newton, KS 67114, Shirley Dwyer, (316) 283-1950, 1993

Temporary Lodging for Children, 333 E. Poplar, Olathe, KS 66061, Carolyn Thomas, (913) 345-2425, 1993

Wichita Children's Home, 810 North Holyoke, Wichita, KS 67208, Sarah Robinson, (316) 684-6581, 1994

##### Missouri

Asylum of St. Louis (Marian Hall), 325 N. Newstead, St. Louis, MO 63108, Patricia Bednara, (314) 531-0511, 1992

Synergy House, P.O. Box 12181, Parkville, MO 64152, Jack McClure, (816) 741-8700, 1993

Youth Emergency Service, 6816 Washington Avenue, University City, MO 63130, Earlyne Thomas, (314) 862-1334, 1994

Comprehensive Human Services, 707 North Eighth Street, Columbia, MO 65201, Charles Servey, (314) 874-8686, 1994

Youth in Need, 529 Jefferson, St. Charles, MO 63301, Liza Andrews-Miller, (314) 724-7171, 1994

##### Nebraska

Youth Service System, 2202 South 11th Street, Lincoln, NE 68502, Mary Fran Flood, (402) 475-3040, 1992

Youth Emergency Services, 3001 Douglas Twin Towers, Omaha, NE 68131, Robert Knott, (308) 635-3089, 1993

Panhandle Community Services, 3350 North 10th Street, Gering, NE 69341, Ruth Vance, (308) 635-3089, 1993

Father Flanagan's Boys' Home, Boys Town Center, Boys Town, NE 68502, Karen Authier, (402) 475-3040, 1994

#### Region VIII

##### Colorado

Young Life (Dale House), 821 N. Cascade Avenue, Colorado Springs, CO 80903, George Sheffer, III, (303) 471-0642, 1992

Capital Hill United, 1290 Williams Street, Denver, CO 80218, Gary Sanford, (303) 388-2716, 1992

Volunteers of America, 1865 Larimer Street, Denver, CO 80202, Dianna Kunz, (303) 297-0408, 1993

Pueblo Youth Service Bureau, 612 West 10th Street, Pueblo, CO 81003, Molly Melendez, (303) 542-5161, 1993

Mesa County Department of Social Services, P.O. Box 20000, Grand Junction, CO 81502, Anthony Silva, (303) 241-8480, 1993

Ute Mountain Ute Nation (Sunrise Youth Shelter), General Delivery, Towaoc, CO 813348, Rita Arnett, (303) 565-3751, ext. 213, 1993

Let's Work It Out, 902 Taughenbaugh, #303, Rifle, CO 81650, Debbie Wilde, (303) 625-3141, 1994

Attention, Inc., P.O. Box 907, Boulder, CO 80306, Brie Timms, (303) 447-1206, 1994

Gemini House (Family Tree), 3805 Marshall Street, Wheatridge, CO 80033, Gail Penney, (303) 235-0630, 1994

Comitis Crisis Center, 9840 E. 17th Street, Aurora, CO 80040, Richard Barnhill, (303) 341-9160, 1994

Larimer County Shelter Care, 4432 Poco Drive, Fort Collins, CO 80525, Eric Busch, (303) 226-6984, 1994

##### Montana

Mountain Plains Youth Services, 709 East Third, Anaconda, MT 59711, Linda Wood, (701) 255-7229, 1992  
Blackfeet Tribal Council, P.O. Box 1210, Browning, MT 59417, Violet Butterfly, (406) 338-5871, 1992

##### North Dakota

Mountain Plains Youth Services, 311 North Washington, Bismarck, ND 58501, Linda Wood, (701) 255-7229, 1992

##### South Dakota

Mountain Plains Youth Services, 1206 North Third Street, Aberdeen, SD 57401, Linda Wood, (701) 255-7229, 1992  
Rosebud Sioux Tribe, P.O. Box 430, Rosebud, SD 57570, Marilyn Gangone, (605) 747-2381, 1993  
Red Horse Lodge, P.O. Box 49, Ft. Thompson, SD 57339, Mildred Lengkeek, (605) 245-2448, 1994

##### Utah

Department of Social Services, 120 North 200 West, 4th Floor, Salt Lake City, UT 84110, Jean Nielson, (801) 538-4100, 1993

##### Wyoming

Mountain Plains Youth Services, 20 W. Works, Sheridan, WY 82801, Linda Wood, (701) 255-7220, 1992  
Attention Home, P.O. Box 687, Cheyenne, WY 82003, Jim Cosgrove, (307) 778-2990, 1992

#### Region IX

##### Arizona

Our Town Family Center, P.O. Box 26504, Tucson, AZ 85726, Dennis Noonan, (602) 323-1708, 1992  
Children's Village of Yuma, 257 South Third Avenue, Yuma, AZ 85364, Charlene Hicks, (602) 783-2427, 1993  
Center for Human Resources, 915 N. Fifth Street, Phoenix, AZ 85004, Michael Garvey, (602) 271-9849, 1994  
Open-Inn, 4810 E. Broadway, Tucson, AZ 85711, Darlene Dankowski, (602) 323-0200, 1994  
The Navajo Nation, P.O. Box 1599, Window Rock, AZ 86515, Irving Toddy, (602) 871-6744, 1994

##### California

Ocean Park (Stepping Stone), 1833-18th Street, Santa Monica, CA 90404, Amy Somers, (213) 450-7839, 1992

- Santa Cruz Community Center, 117 Union Street, Santa Cruz, CA 95060. Mary Sims, (408) 425-0771, 1992
- Tahoe Human Services, P.O. Box 848, South Lake Tahoe, CA 95705, David Hampton, (916) 541-2445, 1992
- Klein Bottle, 1235-B Veronica Springs Road, Santa Barbara, CA 93105, David Edelman, (805) 682-8494, 1992
- Diogenes Youth Services (Yolo), 2555 Third Street, Sacramento, CA 95818, Lyn Cottingham, (916) 363-9943, 1992
- YMCA of San Diego County, 7510 Clairemont Mesa Boulevard, San Diego, CA 92111, Beverly DiGregorio, (619) 292-4034, 1992
- San Diego Youth Involvement, 626 South 28th Street, San Diego, CA 92113, Sandra Sandoal, (619) 234-1871, 1992
- Bill Wilson Counseling Center, 1000 Market Street, Santa Clara, CA 95050, Sparky Harlan, (408) 984-5955, 1992
- South Bay Community Services, 429 Third Avenue, Chula Vista, CA 92010, Kathryn Schroeder, (619) 420-3620, 1992
- Mendocino County Schools, 518 Low Gap Road, Ukiah, CA 95482, Jim Levine, (707) 463-4915, 1992
- Casa de Bienvenidos, P.O. Box 216, Los Alamitos, CA 90720, Darwin Wagner, (213) 594-6825, 1992
- Diogenes Youth Services (Sacramento), 2555 Third Street, Sacramento, CA 95814, Lyn Cottingham, (916) 363-9943, 1992
- 1736 Family Crisis Center, 1736 Monterey Boulevard, Hermosa Beach, CA 90254, Carol Adelkoff, (213) 372-4674, 1992
- Larkin Street Services, 1044 Larkin Street, San Francisco, CA 94109, Diane Flannery, (415) 673-0911, 1992
- National Center for Immigrant Rights, 256 S. Occidental Boulevard, Los Angeles, CA 90057, Cameryn Schmidt, (213) 388-8693, 1992
- Klein Bottle, 412 East Tunnell Street, Santa Maria, CA 93454, David Edelman, (805) 922-0468, 1992
- Western Youth Services, 204 E. Amerige Avenue, Fullerton, CA 92632, Jeff Harris, (714) 525-5838, 1993
- Children's Home Society, 3200 Telegraph Avenue, Oakland, CA 94609, Pat Reynolds, (415) 655-7406, 1993
- Community Human Services, P.O. Box 3076, Monterey, CA 93942, Jo Kenny, (408) 373-3641, 1993
- Youth and Family Assistance, 609 Price Avenue, Redwood, CA 94063, Richard Gordon, (415) 366-8401, 1993
- Department of Social Services, 4455 E. Kings Canyon Road, Fresno, CA 93750, Robert Whittaker, (209) 453-6406, 1993
- Center for Human Services, 1700 McHenry Village Way, Modesto, CA 95350, Linda Kovacs, (209) 526-1440, 1993
- Los Padrinos of Southern California, 565 N. Mt. Vernon Avenue, San Bernardino, CA 92411, Timothy Gergen, (714) 888-5781, 1993
- Youth and Family Assistance, 609 Price Avenue, Redwood City, CA 94063, Richard Gordon, (415) 366-8401, 1993
- Orange County Youth and Family Services, 2050 W. Chapman Avenue, Orange, CA 92668, Kevin Meehan, (714) 978-6896, 1993
- Individuals Now, 1303 College Avenue, Santa Rosa, CA 95404, Adam Jacobs, (707) 544-3299, 1994
- C.S.P. South County Youth Shelter, 980 Catalina, Laguna Beach, CA 92651, Karen Cervenka, (714) 494-4311, 1994
- Santa Clara Social Advocates, 509 View Street, Mountain View, CA 94041, Paul Schutz, (408) 253-3540, 1994
- Los Angeles Youth Network, 1944 N. Cahuenga Boulevard, Los Angeles, CA 90068, John Peel, (213) 466-6200, 1994
- Central City Hospitality House, 146 Leavenworth Street, San Francisco, CA 94102, Ann O'Halloran, (415) 776-2101, 1994
- Catholic Charities, 1400 W. 9th Street, Los Angeles, CA 90015, Bill White, (213) 251-3496, 1994
- San Diego Youth and Community Services, 3878 Old Town Avenue, San Diego, CA 92110, Liz Shear, (619) 297-9310, 1994
- Interface Community, 1305 Del Norte Road, Camarillo, CA 93010, Charles Watson, (805) 485-6114, 1994
- Youth Advocates (Nine Grove Lane), 285-12th Avenue, San Francisco, CA 94118, Bruce Fisher, (415) 668-2622, 1994
- Youth Advocates (Huckleberry House), 285-12th Avenue, San Francisco, CA 94118, Bruce Fisher, (415) 668-2622, 1994
- Fresno County Economic Opportunity Commission, 1920 Mariposa Mall, Suite 300, Fresno, CA 93721, Joe Williams, (209) 263-1012, 1994
- Operation Safehouse, Inc., 11980 South Mt. Vernon, Grand Terrace, CA 92324, Amy Harrison, (714) 783-8400, 1994
- City of Oceanside, 300 North Hill Street, Oceanside, CA 92054, John Mamaux, (619) 966-4411, 1994
- Redwood Community Action Agency, 904 G Street, Eureka, CA 95501, Lloyd Throne, (707) 445-0881, 1994
- Emergency Housing Consortium, P.O. Box 2346, San Jose, CA 95109, Barry Del Buono, (408) 298-9657, 1994
- Hoopa Valley Business Business Council, P.O. Box 1348, Hoopa, CA 95546, Dale Risling, (916) 625-4211, 1994
- Hollywood Community Services Project, 1754 Taft Avenue, Hollywood, CA 90028, Leslie Forbes, (213) 467-1932, 1994
- Hawaii*
- Hawaii Youth Services Network, 2146 Damon Street, Honolulu, HI 96822, Sam Cox, (808) 946-3635, 1994
- Nevada*
- Community Runaway and Youth Service, 1135 Terminal Way, Reno, NV 89502, Carol Holliday, (702) 323-6296, 1994
- WestCare, 401 S. Highland Drive, Las Vegas, NV 89106, Richard Steinberg, (702) 385-2020, 1994
- Palau*
- Palau Community Action Agency, P.O. Box 3000, Koror, Republic of Palau 96940, Doroteo Nagata, Phone: 4882-469 (Operator Assistance Needed), 1993
- Guam*
- Sanctuary, P.O. Box 21020-CMF, Guam, CM 96921, Tony Champaco, (671) 734-2661, 1993
- CNMI*
- Commonwealth of the Marianas, Department of Community Cultural Affairs, Saipan, CM 96950, Margarita Olopai-Taitano, (670) 322-9366, 1993
- Region X*
- Alaska*
- Alaska Youth and Parent Foundation, 3745 Community Park Loop, Anchorage, AK 99508, Sheila Gaddis, (907) 274-8541, 1992
- Fairbanks Native Association, 310 First Avenue, Fairbanks, AK 99701, Banarsi Lal, (907) 452-6201, 1992
- Juneau Youth Services, P.O. Box 32839, Juneau, AK 99803, Betty Jo Engelman, (907) 789-7610, 1994
- Idaho*
- Bannock Youth Foundation, P.O. Box 2072, Pocatello, ID 83206, Stephen Mead, (208) 234-2244, 1992
- Hays Shelter Home, 1122 Wild Phlox Way, Boise, ID 83709, Tracy Everson, (208) 322-6744, 1992
- Oregon*
- Youthworks, 1307 W. Main Street, Medford, OR 97501, Maureen Koopman, (503) 779-2393, 1992
- Northwest Human Services, 555-13th Street, Salem, OR 97301, Mary Beth Thompson, (503) 588-5828, 1993
- J Bar J Ranch, 62895 Hamby Road, Bend, OR 97701, Craig Christiansen, (503) 389-1409, 1993
- Janis Youth Programs, 738 N.E. Davis, Portland, OR 97232, Dennis Morrow, (503) 233-6090, 1994

Looking Glass, 44 West Broadway,  
Eugene, OR 97401, Galen Phipps, (503)  
689-3111, 1994

*Washington*

Seattle Youth and Community Services,  
1545—12th Avenue South, Seattle,  
WA 98144, Victoria Wagner, (206)  
329-7984, 1992

Community Youth Services, 924 Fifth  
Avenue, S.E., Olympia, WA 98501,

Barbara Branstetter, (206) 943-0780,  
1993

Auburn Youth Resources, 816 F Street,  
S.E., Auburn, WA 98002, Richard  
Brugger, (206) 939-2202, 1993

Pierce County Alliance, 710 S. Fawcett,  
Tacoma, WA 90402, Terree Schmidt-  
Whelan, (206) 572-4750, 1993

Northwest Youth Services, P.O. Box  
1449, Bellingham, WA 98227, Michael  
Tyers, (206) 734-9862, 1994

EPIC, 1910 Englewood, Yakima, WA  
98902, Ed Ferguson, (509) 248-3950,  
1994

Friends of Youth, 2500 Lake Washington  
Blvd. N., Renton, WA 98056, J.  
Howard Finck, (206) 228-5775

United Indians, P.O. Box 99100, Seattle,  
WA 98199, Bernie Whitebear, (206)  
285-4425, 1994

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BILLING CODE 4130-01-M

The first part of the book is devoted to a general history of the United States from its discovery to the present time. It is divided into three volumes, the first of which contains the history of the discovery and settlement of the continent, the second the history of the colonies, and the third the history of the United States from its independence to the present time.

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# Federal Register

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Friday  
March 20, 1992

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## Part IV

### Department of Health and Human Services

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Administration for Children and Families

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**Youth Gang Drug Prevention Program;  
Availability of Funds and Request for  
Applications; Notice**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

[Program Announcement No. ACF-92-4]

#### Youth Gang Drug Prevention Program; Availability of Fiscal Year 1992 Funds and Request for Applications

**AGENCY:** Administration on Children, Youth and Families (ACYF); Administration for Children and Families (ACF).

**ACTION:** Announcement of the availability of funds and request for applications under the Youth Gang Drug Prevention Program.

**SUMMARY:** The Family and Youth Services Bureau (FYSB) of the Administration on Children, Youth and Families (ACYF) announces the availability of funds for competing discretionary grants under the Youth Gang Drug Prevention Program. The purpose of this program is to conduct community-based, comprehensive, and coordinated activities to reduce and prevent the involvement of youth in gangs that engage in illicit drug-related activities.

This announcement describes the grant application process and covers five demonstration priority areas: (A1) Community-Based Consortia; (A2) Adolescent Females at Risk of Gang Participation; (A3) Employment Programs for Youth at Risk of Gang Participation; (A4) New Immigrant and Refugee Youth Gangs; and (A5) Gangproofing Young Children; and three research priority areas: (B1) Gang Families; (B2) Effects of Violence on Young Children; and (B3) Identification of Factors Which Predispose a Youth to Avoid Gang Involvement.

**DATES:** The closing date for submittal of applications under this announcement is May 19, 1992.

**ADDRESSES:** Application receipt point: Youth Gang Drug Prevention Program, Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, room 341-F.2, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201, Attn: Mary White, ACF-92-X.

**FOR FURTHER INFORMATION CONTACT:** Department of Health and Human Services, ACF/ACYF, Family and Youth Services Bureau, Division of Program Support, ATTN: Maria T. Candamil, P.O. Box 1182, Washington, DC 20013. Telephone (202) 245-0074.

**SUPPLEMENTARY INFORMATION:** This program announcement consists of three parts. Part I provides a brief history of

youth gangs and their involvement with drugs; a summary of FYSB grants previously funded under this program, along with a discussion of how these grants have added to existing knowledge about gangs and enhanced FYSB's ability to provide prevention services to youth in at-risk situations; and a brief review of FYSB-funded activities in support of these grantees. Part II describes the review process under which applications will be considered. Part III details the programmatic priorities for which proposals are being solicited and describes the minimum requirements for each priority. Part IV provides information and instructions for the development and submission of applications.

The forms to be used for submitting an application follow part IV. Please copy and use these forms in submitting an application under this announcement. No additional application materials are available or needed to submit an application.

Applicants should note that grants to be awarded under this program announcement are subject to the availability of funds.

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#### Part I—Introduction

##### A. Historical Perspective

Youth gangs are not a new phenomenon in this country. Dolan and Finney (1984) document the rise of young Irish street gangs operating in New York City in the late 1800s. At the same time Mexican gangs known as Palomillos crossed the border to settle in rural Texas. While the Irish gangs slowly became assimilated into the dominant society, gangs within the Mexican-American or Chicano culture became institutionalized within their own communities. One reason may be that the Chicano gangs were distinctive from the dominant society in terms of appearance and language. In addition, the Chicano culture saw membership and participation in gangs as a normal right of passage to adulthood for young males.

The post World War II era saw a resurgence of gangs spurred by a major shift in the population from rural areas to urban centers. Racial and ethnic minority youth sought out other members of their racial and ethnic minority group in their new urban environment and created gangs for support and self-protection. As Chicanos moved from rural to urban areas, they took their palomillo tradition with them. In its new environment the palomillo tradition took on a flashier, more urban appearance. It was called pachuco and was characterized by zoot-suit clothing and the use of an English-Spanish slang. In Los Angeles, the center of pachuco, violence erupted in race riots, the zoot suit wars, between returning Anglo servicemen and Chicano youth. The fact that many Chicano youth dressed according to the pachuco style, but were not members of a gang, did not save them from becoming victims of the violence (Moore 1985).

Black youth migrating from the rural south to northern urban centers such as Detroit, Chicago, Boston and Minneapolis went through a transformation very similar to that of the Chicano youth. Both groups formed turf gangs that gave the youth a sense of identity, and provided them with a

support system as well as a means of passage to adulthood. Inter-gang urban violence increased as more young people migrated into a neighborhood and gangs attempted to increase their turf.

#### B. Youth Gangs Today

In the late 1970s and early 1980s, youth gangs experienced another metamorphosis; many gangs started to specialize in marketing and distributing illegal drugs such as heroin, crack and cocaine. The Hoover Street Crips and the Bloods of Los Angeles are probably the best known of these gangs.

An interesting phenomenon is gang migration and franchising. The El Rukns, a Black gang which was originally established in Chicago in the late 1980s, unsuccessfully attempted to move its operations to St. Paul, Minnesota, after police pressure became too great in Chicago. The El Rukns failed to encourage large numbers of local youth to join the gang and thereby establish a strong base. Other Chicago gangs such as the Disciples, Vice Lords and the Latin Kings learned from the mistakes of El Rukns and established successful networks of affiliated gangs that stretch from Chicago to Minneapolis and St. Paul. This franchising effort has dramatically increased the gangs' abilities to traffic in drugs and weapons across the Midwest.

Among the most recent trends has been the emergence of new ethnic gangs which have developed as a result of the influx of third-world immigrants. Previously, Asian immigrants were primarily Chinese and Japanese who lived in well-defined areas in urban centers and maintained relatively closed communities. Problems such as crime and youth violence were kept within the community. The latest migration of immigrants consists of diverse subgroups of Southeast Asians, among them Amerasians, who are not residing in traditional Asian neighborhoods, but who are involved in youth gang activities.

Many Hispanic youth who immigrated to this country to escape totalitarian governments or war and poverty in their own countries (for example, Cuba and El Salvador) came unaccompanied. While some joined relatives or friends of their families, many soon had, or chose, to fend for themselves. As a substitute for their missing family support systems and as a survival mechanism they either joined existing Hispanic gangs or, in most cases, formed their own gangs which competed with the traditional Puerto Rican and Chicano gangs. Some established themselves in areas with

little or no previous gang activity, such as Miami.

Recent studies by Spergel (1984) and others report the existence of youth gangs in every State. The prevalence of gangs and associated illicit drug-related activity is widespread. It is estimated that 300 cities (i.e., 13 percent of all U.S. cities with 10,000 or more inhabitants) are experiencing problems with youth gangs. While smaller cities and suburban areas are experiencing an increase in youth gang activities, the strongest presence is in major population centers.

In response to the Administration on Children, Youth and Families' (ACYF) first announcement on the availability of discretionary funds for the Youth Gang Drug Prevention Program, applications were received from public and private agencies in 36 States and the District of Columbia. While ACYF expected to receive applications from States that are traditionally associated with youth gangs (California, Illinois, and New York), almost one-third were from cities and towns in States not traditionally associated with youth gangs. Proposals were received from such States as Iowa, Idaho, Kentucky, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin.

#### C. Youth Gangs and Drugs

Associated with the recent increase in youth gang formation is the increase in youth gang violence and involvement in the use and sale of drugs. Definitive national data are not available; however, it is evident that, since the mid-1980s, extensive drug use and sales by gang members have been on the increase in cities both large and small. While many jurisdictions still have traditional "turf-oriented" gangs, there is an increasing variety of gang patterns in many areas. For instance, Taylor (1990) describes Detroit's gangs as more entrepreneurial and business oriented. These gangs are frequently led by adults who use adolescent members to distribute and sell drugs. The gangs shun traditional gang trappings such as "colors", clothing styles and graffiti, since that would draw the attention of law enforcement officials. These gang members also eschew the use of "hard core" drugs (e.g., cocaine, crack, ice, and heroin), which they see as counterproductive to their business ventures.

Police and juvenile justice officials confirm that a significant number of gangs are more focused on the use and sale of illicit drugs than on traditional turf issues. Drug dealing gangs view turf not in terms of neighborhood but in terms of marketing areas, ranging from particular street corners in their

neighborhoods to other communities throughout the country. As stated earlier, gang members form large urban areas, such as the Crips and the Bloods, are involved with interstate drug traffic. Evidence also suggests a franchising effort on their part to smaller communities around the country. In many areas, this activity has led to the emergence of new youth gangs and associated criminal activity among youth members in these smaller communities.

#### D. Youth Gang Drug Prevention Program

In response to these issues, Congress enacted the Drug Education and Prevention Relating to Youth Gangs program as part of the Anti-Drug Abuse Act of 1988, section 3501 of Public Law 100-690, 42 U.S.C. 11801 *et seq.* The specific purposes of Section 3501 are to:

1. Prevent and reduce the participation of youth in the activities of gangs that engage in illicit drug-related activities;
2. Promote the involvement of youth in lawful activities in communities in which such gangs commit drug-related crimes;
3. Prevent the abuse of drugs by youth, educate youth about such abuse, and refer for treatment and rehabilitation members of such gangs who abuse drugs;
4. Support activities of local police departments and other law enforcement agencies related to the conduct of educational outreach activities in communities in which gangs commit drug-related crimes;
5. Inform gang members and their families about the availability of treatment and rehabilitation services for drug abuse;
6. Facilitate Federal and State cooperation with local school officials to assist youth who are likely to participate in gangs that commit drug-related crimes; and
7. Facilitate coordination and cooperation among local education, juvenile justice, employment, and social services agencies, and drug abuse referral, treatment and rehabilitation programs for the purpose of preventing or reducing the participation of youth in activities of gangs that commit drug-related crimes.

The legislation specifically identifies ACYF as the administering agency to emphasize that the program is intended to be social service-based, rather than criminal justice-based. Indeed, a very similar program in the Anti-Drug Abuse Act of 1988, but with a criminal justice focus, was established as part of the Juvenile Justice and Delinquency

Prevention Act and is being administered by the Department of Justice.

Although authorized in FY 1988, the program received its first appropriation of \$15 million in FY 1989. Since 1989, ACYF has awarded almost \$28 million to fund 84 State and local efforts to respond to the nation's youth gang problem. These grants range from \$1,000,000 community-based consortia projects in large urban centers, such as Denver and Los Angeles, to \$50,000 planning projects in small communities, such as Caldwell, Idaho, and Santa Rosa, California.

These efforts are designed to:

- Expand ACYF's understanding of why youth become involved in gangs;
- Demonstrate and assess effective measures for preventing the further recruitment and involvement of youth in at-risk situations in gang activities; and
- Develop successful, replicable model approaches that prevent youth involvement in gangs and illegal drug activities.

Since there is no single cause for youth's involvement in gangs, there is no single prevention model. Many agencies have focused on community organization activities in an effort to have the community solve its own problems. For example, one previously-funded agency instituted Community Support Groups which meet monthly on block and school safety issues and has developed a newsletter and a youth resource directory. Another agency uses block-by-block organizing to mobilize neighborhood residents against drug trafficking and gang violence. Residents operate "phone-trees" to gather information on new drug trafficking sites, graffiti, or gang meeting sites. This information is then relayed to law enforcement officials. Residents also march as a group through these areas to bring unwanted publicity to the dealers and gangs.

Other grantees center many of their activities around or in local schools. Many grantees conduct tutoring, recreation, outward bound activities, and cultural programs on school grounds or in nearby locations after normal school hours or during summer vacation. One grantee has instituted school-based leadership clubs and community-based outreach clubs. Another grantee organized a youth conference conducted by and for students who developed a series of recommendations to help stop violence and destructive behaviors. In another community, a grantee is working with two elementary schools to implement a self-esteem curriculum which includes planning for a successful journey; keeping your eye on your

attitude; using your common sense; and making full use of your abilities.

Whether delinquency is explained in terms of choice, developmental, or social process theory, all three explanations link the impact of the family, its values, and its behaviors with the child's chances for delinquent or lawful behavior. Therefore, another popular approach being tested by many of the grantees is to empower families. Parenting classes are conducted to help teach parents effective techniques for dealing with discipline, setting goals, understanding their responsibilities and rights, and developing positive relationships with their children. One grantee has established a "School for Parents." In order to develop an effective curriculum, the instructors meet with the children of the enrollees to explore their particular needs. These needs provide the basis for the content of the school sessions for the parents. Another grantee's Board of Directors has taken a one-to-one approach through "Adopt a Family" under which they provide help to families in the areas of housing, financial matters, schooling or whatever the families need in order to achieve their goals for their children.

Gang activity is violent activity. Several grantees have, therefore, specifically focused on lessening the violence in their communities. One grantee held a Gang Summit which focused on developing a "peace plan" and code of conduct between rival gangs. As a follow-up, "Monday Night Meetings" were conducted every other week to get youth from various gangs together to work on conflict resolution, anger management, cultural awareness and other issues. Another grantee provides street outreach on a daily basis with hard-core gang members and acts as a mediator to resolve disputes before they lead to violence.

Finally, several grantees are using "rites of passage" programs as a substitute for gangs. These programs are based on the theoretical work of Herbert Block and Arthur Niederhoffer, who suggest that gangs provide a mechanism for bridging the gap between the freedom of childhood and the responsibilities of adulthood. Gang processes and functions parallel the puberty rites of primitive cultures. For example, tattoos, graffiti, modes of dress, participation in illegal activities, adoption of a "street" name and gang initiation ceremonies (a new member is physically beaten by some or all of the members) are similar to the rites and behavior patterns of primitive societies. These rites are designed to show that the youth has left childhood and has

assumed a new identity within the adult group. Some grantees have designed positive activities that are centered around cultural values to help youth accomplish the transition from childhood to adulthood. One grantee developed a culturally-based leadership training program for 13-18 year olds. To participate in the program, the youth must be recommended by a faculty member, maintain a 2.0 grade point average, write an essay and have a parent/guardian attend an orientation meeting. The youth attend a 60 hour classroom course, including a 3-day live-in seminar, and are evaluated during a 60-hour field experience. The curriculum includes philosophy and styles of leadership, perceptions and beliefs, group process and dynamics, individual and group assessment processes, and yin/yang theory.

A major emphasis of the Youth Gang Drug Prevention Program has been on supporting the development of community-based consortia to conduct innovative, comprehensive approaches to the current and emerging problems of youth gangs and their involvement with illicit drugs. Each consortium is a broadbased partnership which draws upon the resources, expertise, energies and commitments of many different groups within the community.

Consortia lead agencies and their memberships vary widely. One consortium is headed by a State agency but includes city, school and community-based organizations of three separate political jurisdictions. Another consortium consists of several city agencies that are focusing their efforts on public housing developments. Several consortia which are headed by, and consist of only, community-based organizations have also been funded.

In order to help communities with emerging gang problems and to help communities with established gangs but with no cohesive prevention strategy, 12 community planning grants were awarded in FY 1990. It is hoped that by the end of the two-year funding period, these grantees will be able to build the framework for successful consortia and/or other intervention strategies.

Most grantees point to a dramatic increase in the number of youth who "wanna-be" members of gangs. Although these youth operate at the fringe of gangs, they are susceptible to being lured deeper into the gang and its illegal activities, at-risk of the violence surrounding the gang and apt to dabble in drug use and/or trafficking. These "wanna-be's" are young, starting their involvement at 8-9 years of age. For this reason, one grantee has developed a

curriculum which uses puppetry and self-esteem building exercises to teach kindergartners through third graders gang awareness and drug prevention.

Evidence also indicates that there are more adolescent females actively participating in gangs and illegal drug activities than previously estimated (Campbell 1984 and Moore 1991). The problem of females involved in gang activities is national in scope and crosses racial and ethnic lines. Seven projects that were funded in 1990 to work specifically with adolescent females are all urban-based and tend to focus on a particular racial or ethnic group or sub-group (i.e., Native American, Puerto Rican, Chicano, African-American). One strategy that is being used successfully by these grantees is to build on the young girls' cultural heritage. In many instances a young girl's knowledge of what it means to be a woman in her community is based on negative stereotypes rather than on cultural accuracy and positive role models. These programs contain many of the same components as the programs that are traditionally delivered to boys in at-risk situations; however, they are focused on the gender-specific concerns of females such as the linkage between self-esteem and interpersonal relationships between the sexes.

Because of the lack of current data dealing with existing gangs and their involvement with illegal drugs, ACYF funded six field initiated research projects in FY 1990. These grants, which are focused on a specific community or State, will enhance FYSB's knowledge about youth gang dynamics by examining gang demographics, youth gang structures and operations, the extent of youth gang involvement in drug abuse, and the effects of gang membership on youth.

In addition to funding demonstration grants, ACYF has funded a contract to evaluate the Youth Gang Drug Prevention Program. The study has four objectives:

- To describe the implementation of prevention projects;
- To assess the influence of the policy environment on the prevention projects;
- To describe the activities of prevention projects and the youth who participated in them; and
- To assess the effectiveness of the prevention projects.

ACYF expects to receive preliminary findings by the end of FY 1992.

ACYF also funded a contract to provide training and technical assistance to grantees under the Youth Gang Drug Prevention Program. Technical assistance has included:

- Organizing a three day national conference for all grantees to improve their grant administration procedures and to share different approaches to youth gang prevention;
- Delivering on-site management and programmatic assistance;
- Helping a community organize and conduct a gang-awareness forum; and,
- Conducting a forum to deliberate on youth gang research findings from grantees and non-grantees.

Other agencies of the Federal government are also supporting numerous activities to prevent substance abuse and delinquency among at-risk youth. The Office of Substance Abuse Prevention (OSAP), Department of Health and Human Services; the Office of Juvenile Justice and Delinquency Control and the Bureau on Justice Assistance, Department of Justice; and the Office for Drug-Free Neighborhoods, Department of Housing and Urban Development are sources of information for such activities at the community level. For information on their programs, applicants may contact:

National Clearinghouse for Alcohol and Drug Information, 6000 Executive Boulevard, suite 402, Rockville, Maryland 20852, (301) 468-2600.

National Criminal Justice Reference Service, Box 6000, Department F, Rockville, Maryland 20850, (301) 251-5194.

HUD Drug Information and Strategy Clearinghouse, P.O. Box 6242, Rockville, Maryland 20850, (800) 245-2691—in Maryland (301) 251-6154.

## Part II—The Review Process

### A. Eligible Applicants

Before applications are reviewed, each application will be screened to determine that the applicant organization is an eligible applicant as specified under the selected priority area. Applications from organizations which do not meet the eligibility requirements for the priority area will not be considered or reviewed in the competition and the applicant will be so informed.

Any public (State, county, city, and housing authority) or non-profit private agency or organization (including community-based organizations and tenant organizations with demonstrated experience in this field), institution or other non-profit entity (including individuals) is eligible to apply under any of the priority areas. In support of the Department of Health and Human Services' (HHS) priority objective to target services to minority males, ACYF encourages applications under this announcement from agencies and

organizations that have received coalition grants from the Office of Minority Health in HHS to continue their activities and implement new or expanded services to minority males. In the case of applications developed jointly by more than one organization, the applicant must identify only one organization as the lead organization and official applicant. The other participating organizations can be included as co-participants, subgrantees, or subcontractors.

Any non-profit agency which has not previously received HHS support must submit proof of non-profit status with its grant application. The non-profit agency can accomplish this by either making reference to its listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations or by submitting a copy of its letter from the IRS under IRS Code section 501(c)(3). ACYF cannot fund a non-profit applicant without acceptable proof of its status.

### B. Review Process and Funding Decisions

Applications that are submitted by the deadline date and are from eligible applicants will be reviewed and scored competitively. Experts in the field, generally persons from outside of the Federal government, will use the evaluation criteria listed later in this part to review and score the applications. The results of this review are a primary factor in making funding decisions.

ACYF reserves the option of discussing applications with, or referring them to, other Federal or non-Federal funding sources when this is determined to be in the best interest of the Federal government or the applicant. ACYF may also solicit comments from other Federal agencies, Central and Regional Office staff, interested foundations, national organizations, specialists, experts, States and the general public. The results of the competitive review will be analyzed by Federal staff and will be the primary factor taken into consideration by the Associate Commissioner, Family and Youth Services Bureau, who will recommend to the Commissioner of ACYF the programs to be funded.

To the extent possible, efforts will be made to ensure that funding decisions reflect an equitable distribution of assistance among the States and geographical regions of the country, rural and urban areas, and ethnic populations. Equitable distribution, however, recognizes that some parts of the country have a greater need for youth gang drug prevention services due

to higher numbers of youth actively involved in youth gangs and illegal drug activity. Section 3503 of the authorizing legislation requires ACYF to give priority to applicants in geographical areas in which frequent and severe drug-related crimes are committed by gangs whose membership is composed primarily of youth and whose applications demonstrate broad support of community-based organizations. In making funding decisions, the Commissioner may also take into account the need to avoid unnecessary duplication of effort.

#### C. Evaluation Criteria

The evaluation criteria correspond to the outline for the development of the Program Narrative Statement of the application. Applications will be reviewed by a panel of at least three reviewers, primarily experts from outside the Federal government, using the criteria described below. It is crucial that the Program Narrative Statement address each of the criteria in terms of the minimum requirements in the priority area description.

Reviewers will determine the strengths and weaknesses of each proposal in terms of the four evaluation criteria listed below, provide comments and assign numerical scores accordingly. The point value following each criterion heading indicates the maximum numerical weight that each section will be given in the review process.

#### 1. Objectives and Need for Assistance (20 Points)

The application pinpoints any relevant physical, economic, social, financial, institutional, or other problems requiring a solution; demonstrates the need for the assistance; states the principal and subordinate objectives of the project; provides supporting documentation or other testimonies from concerned interests other than the applicant; and includes and/or footnotes relevant data based on the results of planning studies. It identifies the precise location of the project and area to be served by the proposed project. Maps and other graphic aids may be attached.

#### 2. Results or Benefits Expected (20 Points)

The application identifies the results and benefits to be derived, the extent to which they are consistent with the objectives of the proposal and indicates the anticipated contributions to policy, practice, theory and/or research. The proposed project costs are reasonable in view of the expected results.

#### 3. Approach (35 Points)

The application outlines a sound and workable plan of action pertaining to the scope of the project and details how the proposed work will be accomplished; cites factors which might accelerate or decelerate the work, giving acceptable reasons for taking this approach as opposed to others; describes and supports any unusual features of the project, such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvements; and provides for projections of the accomplishments to be achieved. It lists the activities to be carried out in chronological order, showing a reasonable schedule of accomplishments and target dates.

To the extent applicable, the application identifies the kinds of data to be collected and maintained, and discusses the criteria to be used to evaluate the results and successes of the project. It describes the evaluation methodology that will be used to determine if the needs identified and discussed are being met and if the results and benefits identified are being achieved. The application also lists each organization, agency, consultant, or other key individuals or groups who will work on the project, along with a description of the activities and nature of their effort or contribution.

#### 4. Staff Background and Organization's Experience (25 Points)

The application identifies the background of the project director/principal investigator and key project staff (including name, address, training, educational background, and other qualifying experience) and the experience of the organization to demonstrate the applicant's ability to effectively and efficiently administer this project. The application describes the relationship between this project and other work planned, anticipated or underway by the applicant with Federal assistance.

#### D. Explanation of Priority Area Descriptions

Each priority area description is composed of the following sections:

- *Purpose:* This section presents the basic focus and/or broad goal(s) of the priority area.
- *Background Information:* This section briefly discusses the legislative background, as well as the current state-of-the-art and/or current state-of-the-practice that supports the need for the particular priority area activity.
- *Minimum Requirements for Project Design:* This section presents the basic

set of issues that must be addressed in the application. Typically, they relate to project design, evaluation, and community involvement. This section also asks for specific information on the proposed project. The inclusion and discussion of these items is important since this information will be used by the reviewers in evaluating the applications. Project products, continuation of the project effort after the Federal support ceases, and dissemination/utilization activities, if appropriate, are also addressed. All applications must include in their budgets a two-day trip to Washington, DC for the project director to attend a Grant Implementation Training Session. For planning purposes the training session will be held during the first quarter of the grant project period. Applicants should also be aware that the Family and Youth Services Bureau plans to conduct a national conference in the Washington DC area during October 1992. It is mandatory that at least the project director attend this three-day conference. All applications must include in their budgets funds for this conference.

- *Project Duration:* This section specifies the maximum allowable length of time for the project period; it refers to the maximum amount of time for which Federal funding is available.

- *Federal Share of Project Costs:* This section specifies the maximum amount of Federal support for the project.

- *Matching Requirement:* This section specifies the minimum non-Federal contribution, either through cash or in-kind match, that is required in proportion to the maximum Federal funds which can be requested for the project.

Please note that applicants that do not comply with the specific priority area requirements in the section on "Eligible Applicants" will not be included in the review process. Applicants should also note that non-responsiveness to the section "Minimum Requirements for Project Design" will result in a lower evaluation score by the panel of expert reviewers.

Applicants must clearly identify the specific priority area under which they wish to have their application considered and tailor their application accordingly. Previous experience has shown that an application which is broader and more general in concept than outlined in the priority area description is less likely to score as well as one which is more clearly focused on and directly responsive to the concerns of that specific priority area.

### E. Available Funds

ACYF intends to award new grants for approximately \$8.5 million under this announcement during fiscal year 1992, subject to the availability of funds. The size of the actual awards will vary. Each priority area description includes information on the maximum Federal share of the project costs and the anticipated number of projects to be funded.

The term "budget period" refers to the interval of time (usually 12 months) into which a multi-year period of assistance (project period) is divided for budgetary and funding purposes. The term "project period" refers to the total time a project is approved for support, including any extensions.

For multi-year projects, continued Federal funding beyond the first budget period is dependent upon proof of satisfactory performance and the availability of funds from future appropriations.

### F. Grantee Share of Project Costs

Other than the exceptions described below, Federal funds will be provided to cover up to 75% of the total allowable project costs. Therefore, the non-Federal share must amount to at least 25% of the total (Federal plus non-Federal) project cost. This means that for every \$3 in Federal funds received, up to the maximum amount allowable under each priority area, applicants must contribute at least \$1. For example, the cost breakout for a project costing \$100,000 to implement would be:

Federal request	Non-federal share	Total cost
\$75,000 75%	\$25,000 25%	\$100,000 100%

*Exception:* Projects funded under Research Priority Areas B1-B3 do not require a non-Federal match.

### G. Cooperation in Evaluation Efforts

Grantees funded under particular priority areas may be requested to cooperate in evaluation efforts funded by ACYF. A statement is included in the priority area description of those priority areas involving common ACYF-funded evaluators. The purpose of these evaluation activities is to learn from the combined experience of multiple projects funded under a particular priority area. To the degree possible, grantees under these priority areas will be expected to coordinate their data gathering efforts with one another, as appropriate, under the direction of the ACYF-supported evaluator.

### H. Closed Captioning for Audiovisual Efforts

Applicants are encouraged to include "closed captioning" in the development of any audiovisual products.

### Part III—Priority Areas

#### A. Demonstration Projects

##### A1. Community-Based Consortia

*Purpose:* ACYF intends to fund approximately 5-12 projects under this priority area to support the establishment of community-based consortia. The consortia will develop innovative, comprehensive approaches to youth gang and drug abuse prevention through the implementation of projects and activities in support of the purposes identified in section 3501 of the Anti-Drug Abuse Act of 1988. For this priority area, a community-based consortium is defined as a formal partnership among at least three city, county, town, neighborhood, or other local level organizations that have the capacity to generate sustained, collaborative, community-wide commitment and support for strategies which address the issues of youth gangs. Membership in these consortia should represent community-based organizations and local social service, employment, juvenile justice agencies and schools. Depending upon the type of activities to be carried out, the organizations represented by a consortium may include, but are not limited to, the following types of public and private sector organizations: Voluntary agencies, law enforcement agencies, local government agencies, recreation agencies, businesses, churches, foundations, medical facilities, resident/tenant councils (when serving public housing residents), institutions of higher education and established youth serving agencies such as Boys and Girls Clubs, YMCAs, and YWCAs.

*Background:* Preliminary results from the 16 Community-Based Consortia which were funded for 3 years beginning in FY 1989 have shown that broadbased partnerships which draw upon the resources, expertise, energies, commitment and ideas of many different groups and individuals are needed to undertake concerted efforts at the community level to prevent and divert children and youth from becoming members of gangs and to intervene in the lives of youth who are already involved in gangs.

ACYF is especially interested in funding applications that build on the knowledge gained from these initial grants. Consortia that are successful in terms of impacting community policy

appear to be those which share decision-making among the consortium members. For example, some consortia have developed strong committee structures using a modified consensus decision-making process. The committees are responsible for ensuring that the project's objectives are met, resolving service and administrative issues, and designing long-term strategies.

ACYF has also found that successful consortia are those which provide a wide range of services for youth and their families and which involve the youth and their families in identifying and designing the types of services to be provided. For example, one consortium has sought continuous program input from the Resident Councils at each of the public housing sites in which it operates. By focusing multiple Federal, State and city funding sources on the needs of these residents, it has designed a comprehensive continuum of services for all members of the communities. While the ACYF grant provides funding for gang prevention activities for youth ages 8-16 such as after school tutoring, recreation and cultural activities, U.S. Department of Labor funds under the Job Training and Partnership Act program are used for GED classes and job preparation skills development for older youth and adults. The physical sites are funded through the U.S. Department of Housing and Urban Development.

The types of initiatives to be funded under this priority area will vary, depending on the size, demographic make-up, and need of each community. Since current grantees have demonstrated that public housing sites are often centers for gangs and their illegal activities, we strongly encourage applications by consortia that will be based in, and provide services to the residents of, public housing units.

All applicants must demonstrate a willingness to cooperate with a third party evaluation contractor to be funded by the ACYF, which will conduct assessments of their program and service delivery models. Such cooperation will involve periodically furnishing needed financial, service provision, and process-oriented data as required by the evaluation contractor and allowing the contractor reasonable access to obtain youth and family impact information. All data collected by participating programs and by the contractor will be kept confidential and restricted to the stated purposes of the program.

*Minimum Requirements for Project Design:* In addition to addressing the

criteria outlined in part II above, each applicant must address the following items in the program narrative section of their application.

- Identify the specific purpose(s) of the Anti-Drug Abuse Act that will be addressed by the consortium (see part I). (Objectives/Need)
- Provide a detailed discussion of emerging or current youth gang problems and issues in the target community, including data on the number, age, gender, ethnic background, and drug-related gang activity (if available) of the youth and families to be served. (Objectives/Need)
- Describe what makes the proposal innovative, including information on how it builds upon existing service delivery systems; expands service delivery capabilities; and/or differs from current services available within the community. If you are currently receiving an OSAP Community Partnership grant or an anti-crime community grant, describe how this project will differ from or collaborate with those services. (Objectives/Need)
- Provide an estimate of the number and characteristics of the youth and families to be served and the results expected from the services to be provided. (Results/Benefits)
- Describe any products that will be developed by the project to facilitate replication and utilization of the model(s) in other communities. (Results/Benefits)
- Describe how program planning and implementation will be documented so that information on successes and lessons learned can be disseminated and used in other communities. (Results/Benefits)
- Describe how the approach to be used in dealing with youth at-risk of gang involvement and their illegal drug activities is innovative; and how the applicant proposes to promote and support community ownership of and involvement in reducing the presence of gangs in the community. (Approach)
- Demonstrate how the applicant can assume leadership responsibility for coordinating the activities and disbursing funds to other members of the consortium within 60 days of the receipt of the award. Identify the organizational structure of the consortium including the overall leadership, guidance, decision-making procedures for consortium membership, and describe the methodology for ensuring coordination of consortium activities. (Approach)

- Provide a written agreement signed by each consortium member outlining each member's responsibilities and including a description of the services to be provided; the method of delivery; organizational capability for providing these services; the total amount of funds to be disbursed to each member; and the period of time covered by the agreement. (Approach)
- Provide a detailed description of the proposed prevention, intervention, diversion, education, youth involvement, treatment referral, outreach strategies and community-based collaboration and coordination efforts that will be carried out by consortium members. (Approach)
- Provide evidence that the proposed activities are appropriate and culturally relevant for the targeted population. (Approach)
- Provide a detailed plan showing how the consortium will generate the financial, programmatic, political and other types of support and commitment that will be required for its continued operation beyond the period of Federal support. (Approach)
- Provide an outline of the evaluation strategy that will be used to determine the effectiveness and impact of the consortium's activities. Components of the evaluation strategy should include: Data collection procedures, pre- and post-demographics for the target population, documentation of the implementation process and program impact measures. Approximately 5 percent of the grantee's proposed budget should be set aside for the evaluation effort. Preference will be given to applicants who propose a outside evaluator and a plan that identifies a similar community, neighborhood or housing project to serve as a comparison site. (Approach)
- Provide a detailed outline of the budget requirements for the project activities to be undertaken by each consortium member. (Approach)

**Project Duration:** The length of the project must not exceed five years. Support for years two through five will be contingent upon availability of Federal funds and satisfactory performance by the grantee.

**Federal Share of Project Costs:** Up to \$750,000 a year, which equal a maximum of \$3,750,000 for a 5-year period. Up to 10 percent of the Federal funds per year (\$75,000) may be designated by the applicant for administrative costs related to coordination of consortium activities.

**Matching Requirement:** The minimum non-Federal matching requirement in

proportion to the maximum Federal share of \$750,000 per year is \$250,000. Over the span of a 5-year project, the non-Federal matching requirement for a project whose maximum Federal share is \$3,750,000 is \$1,250,000. This constitutes 25 percent of the total project budget.

#### A2. Adolescent Females At Risk of Gang Participation

**Purpose:** Four to ten grants will be awarded to projects that develop models focusing exclusively on the delivery of prevention and intervention services to adolescent females who are at risk of, or are participating in, youth gangs and their illegal activities.

**Background:** In FY 1990, seven three-year demonstration grants were awarded under this priority area. These grantees, along with grantees funded under other priority areas, have corroborated our initial assertions regarding the increasing participation of adolescent females in youth gangs. Unfortunately, compared to the data on male gang members, there remains a paucity of information on female gang members. In addition there is a disparity in the services and the attention that is focused on young girls and their unique problems as they go through adolescence. This may be as a result of society's different expectations of young people based on gender.

ACYF emphasizes the importance of developing projects for girls during the critical stages of puberty that address their psychological and emotion needs. A report issued in 1991 by the American Association of University Women regarding the sense of self of girls and boys in elementary, middle and high schools found that approximately 60 percent of the girls enter adolescence with high self-esteem. However, only 29 percent of the girls at the middle and high school levels say that they were happy about themselves. The report also points out that society's gender stereotyping may also lead to lower levels of self-esteem by girls as they become more aware of how their families and communities view them.

Family dysfunction and community alienation may also be causal factors which contribute to a young girl joining a gang. Compounding the problem is the increase in autonomous female gangs and greater participation by females in violent activities. Support will be given to projects which identify and work with these female youth and their families to prevent and divert these females from gang involvement and the accompanying violence.

All applicants must demonstrate a willingness to cooperate with a third party evaluation contractor to be funded by the ACYF, which will conduct assessments of their program and service delivery models. Such cooperation will involve periodically furnishing needed financial, service provision, and process-oriented data as required by the evaluation contractor and allowing the contractor reasonable access to obtain youth and family impact information. All data collected by participating programs and by the contractor will be kept confidential and restricted to the stated purposes of the program.

*Minimum Requirements for Project Design:* In addition to addressing the criteria outlined in part II above, each applicant must address the following items in the program narrative section of the application.

- Identify the specific purpose(s) of the Anti-Drug Abuse Act that will be addressed by the grantee (see part I). (Objectives/Need)
- Provide a detailed discussion of the emerging or current youth gang problems and issues in the target community as they relate to adolescent females, including data on the number, age, ethnic background, and drug-related gang activity (if available) of the female youth and their families to be served (Objectives/Need)
- Identify and document the relevant issues to be addressed by the project such as: Lack of positive role models within the community; barriers to the fulfillment of parental roles; families in crisis; abuse and violence within the family; family substance abuse; different types of family structures; traditional family gang involvement and ethnic/cultural differences. (Objectives & Need)
- Describe the specific reasons why young girls join gangs in the target community and their social and economic interactions with male gang members. (Objectives/Need)
- Estimate the number and characteristics of the female youth population to be served and the results expected from the services to be provided. (Results/Benefits)
- Describe how the project will impact on the long-term future of the female participants' health, children (if any), welfare and how it will impact on their growing propensity to participate in violent criminal activities. (Results/Benefits)
- Describe any products that will be developed by the project to facilitate replication and utilization of the model(s) in other communities. (Results/Benefits)
- Describe how program planning and implementation will be documented so that information on successes and lessons learned can be disseminated and used in other communities. (Results/Benefits)
- Describe how the proposed model will lead to the prevention of female involvement in gangs; and how it will attempt to break the chain of female gang participation by developing activities that involve the adolescent female gang member and her family. The model should include a self-esteem component that will help to develop positive feelings among the participants about their own abilities and self-worth. (Approach)
- Provide a detailed description of the proposed prevention, intervention, diversion, education, youth involvement, treatment referral, outreach strategies and collaboration/coordination efforts that will be carried out by the grantee directly and those efforts to be carried out in conjunction with other agencies. (Approach)
- Provide a detailed outline of budget requirements for the project activities. (Approach)
- Provide evidence that the proposed activities are appropriate and culturally relevant for the targeted population. (Results/Benefits)
- Provide an outline of the evaluation strategy that will be used to determine the effectiveness and impact of the project's activities. Components of the evaluation strategy should include: Data collection procedures, pre- and post-demographics for the target population, documentation of the implementation process and program impact measures. Preference will be given to applicants who propose an evaluation plan that identifies a similar community, neighborhood or housing project to serve as a comparison site. Preference will be given to applicants who propose an outside evaluator. It is suggested that five percent of the Federal funds be set aside for the evaluation effort. (Approach)
- Provide a detailed plan regarding how the financial, programmatic, political and other types of support and commitments that will be required for the continued operation of the project beyond the period of Federal support will be generated. (Approach)

*Duration of Project:* The length of the project may not exceed three years. Support for years two and three will be based on the availability of Federal

funds and the satisfactory performance of the grantee.

*Federal Share of Project Costs:* Up to \$150,000 per year, which equals a maximum of \$450,000 for a 3-year period.

*Matching Requirement:* The minimum non-Federal matching requirement in proportion to the maximum Federal share of \$150,000 a year is \$50,000. Over the span of a 3-year project, the non-Federal matching requirement for a project whose maximum Federal share is \$450,000 is \$150,000. This constitutes 25 percent of the total project budget.

### A3. Employment Programs for Youth At Risk of Gang Participation

*Purpose:* ACYF intends to fund four to ten grants to plan and implement innovative models that provide older youth at risk of, or involved with, gangs an opportunity for job training and placement. ACYF encourages coordination with, and the participation of, local Private Industry Councils or other job training or job placement programs in the development of applications under this priority area.

*Background:* Most of the previously funded Youth Gang Drug Prevention projects have been targeted at younger children and adolescents. ACYF grantees have pointed out that older youth, ages 15-18, are frequently faced with barriers, such as a lack of employment skills, that contribute to their participating in the illegal money-making activities of gangs. Several grantees have shown that entrepreneurial and employment programs are not only effective motivators for older youth to avoid gang activities, but they are also effective in involving local business leaders in helping youth in at-risk situations. For example, one grantee developed a recycling program that provides work for the youth and financial benefits to local businesses. Another grantee has a two-year apprenticeship program under which students graduate as members of the local painter's union.

Since there are limited employment opportunities in neighborhoods with high gang activity, ACYF particularly encourages the development of projects that develop and establish small entrepreneurial projects or that establish apprenticeship programs that are linked to local trade associations.

All applicants must demonstrate a willingness to cooperate with a third party evaluation contractor to be funded by the ACYF, which will conduct assessments of their program and service delivery models. Such cooperation will involve periodically

furnishing needed financial, service provision, and process-oriented data as required by the evaluation contractor and allowing the contractor reasonable access to obtain youth and family impact information. All data collected by participating programs and by the contractor will be kept confidential and restricted to the stated purposes of the program

*Minimum Requirements for Project Design:* In addition to addressing the criteria outlined in part II above, each applicant must address the following items in the program narrative section of their application.

- Identify the specific purposes of the Anti-Drug Abuse Act that will be addressed by the project (see Part I). (Objectives/Need)
- Provide a detailed discussion of emerging or current youth gang problems and issues in the target community, including data on the number, age, gender, ethnic background, and drug-related gang activities (if available) of the youth and families to be served. (Objectives/Need)
- Describe what makes the proposal innovative, including information on how it builds upon the existing service delivery systems; creates new partnerships between youth serving agency(ies) and the business community; expands service delivery capabilities; and/or differs from current services available within the community. (Objectives/Need)
- Provide an estimate of the number and characteristics of the youth and families to be served and the results expected from the services provided. (Results/Benefits)
- Provide evidence that the project will result in increasing the employability of the youth in the labor market within the target area. (Results/Benefits)
- Describe any products that will be developed by the project to facilitate replication and utilization of the model(s) in other communities. (Results/Benefits)
- Provide evidence that the proposed entrepreneurial activity, if applicable, has market value in the community and that it will be financially independent at the end of the grant. (Results/Benefits)
- Provide a detailed description of the model to be implemented, including information on the activities to be undertaken which are designed to increase the employability of youth at risk of, or involved with, gangs. These descriptions should include information on prevention,

intervention, diversion and education activities; youth involvement; referral to treatment; outreach strategies; and collaboration/coordination efforts with other agencies that will be carried out under the project.

(Approach)

- Provide evidence that the proposed activities are appropriate and culturally relevant for the targeted population. (Approach)
- Provide written documentation of commitments from businesses and/or unions indicating the level of effort and participation they would allocate to the project. (Approach)
- Provide a detailed plan regarding how the applicant will generate the financial, programmatic, political and other types of support and commitments that will be required for the continued operation of the project beyond the period of Federal support. (Approach)
- Provide an outline of the evaluation strategy that will be used to determine the effectiveness and impact of the project's activities. Components of the evaluation strategy should include: Data collection procedures, pre- and post-demographics for the target population, documentation of the implementation process and program impact measures. Preference will be given to applicants who propose an evaluation plan that identifies a similar community, neighborhood or housing project to serve as a comparison site. Preference will be given to applicants who propose an outside evaluator. It is suggested that five percent of the Federal funds be set aside for the evaluation effort. (Approach)
- Provide a detailed outline of budget requirements for the project activities. (Approach)

*Duration of Project:* The length of the project may not exceed three years. Support for years two and three will be based on the availability of Federal funds and satisfactory performance of the grantee.

*Federal Share of Project Costs:* Up to \$150,000 a year, which equals a maximum of \$450,000 for a 3-year period.

*Matching Requirement:* The minimum non-Federal matching requirement in proportion to the maximum Federal share of \$150,000 a year is \$50,000. Over the span of a 3-year project, the non-Federal matching requirement for a project whose maximum Federal share is \$450,000 is \$150,000. This constitutes 25 percent of the total project budget.

#### A4. New Immigrant and Refugee Youth Gangs

*Purpose:* ACYF proposes to fund four to ten projects that focus on developing, implementing and testing culturally relevant prevention and early intervention approaches and products for working with new immigrant youth who are at-risk of, or participating in, youth gangs.

*Background:* Providing services to new immigrant and refugee youth, especially Southeast Asian, Central American and Caribbean youth, is particularly difficult. Part of the difficulty stems from the fact that many human service providers do not have staff who share the youths' culture and/or language. Even more problematic may be that these new immigrant and refugee youth have survived such traumatic experiences that their survival mechanism hinders their acculturation to this country. For example, based on their experiences in their own homeland most refugees mistrust law enforcement officials. This makes understanding and trusting our criminal justice system difficult for them.

While family relations are often difficult for all groups, refugees and immigrants face unique problems. For example, conflicts between parents who wish to maintain traditional norms/values and youth who want to adopt American norms/values diminish the ability of the family to provide a supportive environment for its members. In other instances youth are not accompanied by immediate family members and are unable to live with extended family members who would provide support, bonding and a culturally appropriate value system.

There also appears to be a dichotomy in the evolution of new immigrant gangs. Some grantees report that new immigrant gangs tend to fight each other (Vietnamese against Filipino) rather than against other traditional gangs (African-American, Hispanic), bringing rivalries and biases from their homelands to this country. Conversely, in some parts of the country new immigrant youth are starting to form pan-Asian gangs or to join African-American and Hispanic gangs.

ACYF intends to conduct a National Forum on New Immigrant and Refugee Youth Gangs during 1992. The forum will bring together human service and law enforcement experts who work with new immigrant and refugee youth involved with gangs in an attempt to identify specific problems facing these youth and strategies for addressing these problems. Grantees under this

priority area will be required to attend and participate in this forum to be held in Washington, DC.

All applicants must demonstrate a willingness to cooperate with a third party evaluation contractor to be funded by the ACYF, which will conduct assessments of their program and service delivery models. Such cooperation will involve periodically furnishing needed financial, service provision, and process-oriented data as required by the evaluation contractor and allowing the contractor reasonable access to obtain youth and family impact information. All data collected by participating programs and by the contractor will be kept confidential and restricted to the stated purposes of the program.

**Minimum Requirements for Project Design:** In addition to addressing the criteria outlined in part II above, each applicant must address the following items in the program narrative section of their application.

- Identify the specific purpose(s) of the Anti-Drug Abuse Act that will be addressed by the project (see part I). (Objectives/Need)
- Provide a detailed discussion of the emerging or current new immigrant and refugee youth gang problems and issues in the target community, including data on the number, age, gender, ethnic background, and drug-related gang activities (if available) of the new immigrant youth and families to be served. (Objectives/Need)
- Provide an estimate of the number and characteristics of youth and families to be served and the results expected from the services to be provided. (Results/Benefits)
- Describe the materials and/or products that will be developed and tested for working with the youth's families and community. Merely translating current products into the youth's languages will not be considered sufficient. (Results/Benefits)
- Describe the methodology for developing a community support system that can meet the cultural, social, psychological and educational needs of the new immigrant youth; written commitments from participating agencies should be provided. Merely hiring bi-lingual staff to work with the youth is not considered fulfilling the requirements for developing a culturally relevant program. (Approach)
- Provide a detailed description of the model to be implemented that includes information on activities designed to increase services to new

immigrant and refugee youth at risk of, or involved with, gangs. These include prevention, intervention, diversion and education activities; youth involvement; family involvement and empowerment; referral to treatment; outreach strategies; and collaboration/coordination efforts with other agencies that will be carried out. (Approach)

- Provide an outline of the evaluation strategy that will be used to determine the effectiveness and impact of the project's activities. Components of the evaluation strategy should include: Data collection procedures, pre- and post-demographics for the target population, documentation of the implementation process and program impact measures. Preference will be given to applicants who propose an evaluation plan that identifies a similar community, neighborhood or housing project to serve as a comparison site. Preference will be given to applicants who propose an outside evaluator. It is suggested that five percent of the Federal funds be set aside for the evaluation effort. (Approach)
- Provide a detailed outline of budget requirements for the project activities. (Approach)

**Duration of Project:** The length of the project must not exceed three years. Federal support for years two and three will be based on availability of Federal funds and satisfactory performance of the grantee.

**Federal Share of Project Costs:** Up to \$150,000 a year, which equals a maximum of \$450,000 for a 3-year period.

**Matching Requirement:** The minimum non-Federal matching requirement in proportion to the maximum Federal share of \$150,000 a year is \$50,000. Over the span of a 3-year project the non-Federal matching requirement for a project whose maximum Federal share is \$450,000 is \$150,000. This constitutes 25 percent of the total project budget.

#### A5. Gangproofing Young Children

**Purpose:** ACYF intends to fund four to ten projects to develop gang prevention programs for children, four to eight years old. The intent of these projects is to continue the positive emphasis begun in developmental preschool programs such as Head Start (which include program components such as parental involvement, education and health), through the first three years of elementary school in an effort to "gangproof" the children. We intend to fund applications that demonstrate how current curricula on safety, refusal skills

and development of self-esteem will be adapted for gangproofing and expanded to a wider age range of children. Head Start grantees are encouraged to develop collaborative relationships with elementary schools and/or community-based organizations and submit applications under this priority area.

**Background:** This priority area focuses on preparing young children to avoid succumbing to the lure of gangs. Many children are exposed to or grow up in the midst of gangs and gang-related violence in their communities beginning at a very young age. Police and youth-serving agencies report that children, as young as 8 years old, are being recruited into gangs. A major reason for recruiting and involving them in the gang's illegal activities is that law enforcement agencies are less apt to suspect, detain and arrest young children than teenagers. Even if a young child is arrested and prosecuted for a crime, the courts and laws covering young children tend to be more lenient.

One method of preparing young children to face the temptation of gang involvement is to ensure that they grow up in a supportive environment. Increasing numbers of young children today are participating in early childhood programs prior to enrollment in elementary school. Key elements of these programs include helping the young child develop a strong sense of self-esteem, learning to interact positively with peers and authority figures, and increasing his/her desire to learn. In addition, many Head Start grantees have developed or are using curricula which focus on safety issues and refusal skills as a response to child abuse. Many early education programs also require a high level of parental involvement in the young child's development. This also increases the child's feelings of self-esteem and safety.

Unfortunately, the gains made by children in early childhood programs are frequently diminished as they progress through elementary school. One reason may be that most elementary schools do not require strong parental involvement in the child's school experience. Another reason may be that resource limitations at the elementary level may result in higher pupil-teacher ratios. Or, school policies may exist which discourage the inclusion of community-based resources within the elementary curriculum.

All applicants must demonstrate a willingness to cooperate with a third party evaluation contractor to be funded by the ACYF, which will conduct assessments of their program and service delivery models. Such

cooperation will involve periodically furnishing needed financial, service provision, and process-oriented data as required by the evaluation contractor and allowing the contractor reasonable access to obtain youth and family impact information. All data collected by participating programs and by the contractor will be kept confidential and restricted to the stated purposes of the program.

*Minimum Requirements for Project Design:* In addition to addressing the criteria outlined in part II above, each applicant must address the following items in the program narrative section of their application.

- Identify the specific purpose(s) of the Anti-Drug Abuse Act that will be addressed by the project (see part I). (Objectives/Need)
- Provide a detailed discussion of emerging or current youth gang problems and issues in the target community, including data on the number, age, gender, ethnic background, and drug-related gang activities (if available) of the youth and families to be served. (Objectives/Need)
- Identify and discuss the effect of youth gang problems on younger children in the community. (Objectives/Need)
- Identify local child development programs and elementary schools located in the areas to be served with high gang activity with which the applicant will work and describe the gang-related problems these organizations see young children facing. (Objectives/Need)
- Describe what makes the proposal innovative including information on how it builds upon existing service delivery systems and curricula; creates new partnerships among educators of young children; expands service delivery capabilities; and/or differs from current services available within the community. (Objectives/Need)
- Estimate the number and characteristics of children and families to be served and describe the results expected from the services to be provided. (Results/Benefits)
- Describe any products that will be developed by the project to facilitate replication and utilization of the model(s) in other communities. (Results/Benefits)
- Provide a detailed description of the model to be implemented that includes information on the activities to be undertaken designed to gangproof young children at risk of, or effected by, gangs. These include

prevention, intervention, diversion and education activities; family involvement; referral to treatment; outreach strategies; and collaboration/coordination efforts with other agencies that will be carried out. Identify the relevant curriculum to be expanded or adapted in terms of audience and subject matter as part of the overall model. (Approach)

- Describe how the model to be employed will gangproof young children by teaching them to make safe and healthy choices, and how it will include the development of non-violent conflict negotiation skills and goal setting. Also to be included is information regarding how the model will change depending on the age and development level of the children. (Approach)
- Provide evidence that proposed activities are appropriate and culturally relevant for the targeted population. (Approach)
- Provide written agreements from the participating programs/schools, describing each organization's level of commitment. (Approach)
- Provide an outline of the evaluation strategy that will be used to determine the effectiveness and impact of the project's activities. Components of the evaluation strategy should include: Data collection procedures, pre- and post-demographics for the target population, documentation of the implementation process and program impact measures. Preference will be given to applicants who propose an evaluation plan that identifies a similar preschool program or elementary school to serve as a comparison site. Preference will be given to applicants who propose an outside evaluator. It is suggested that five percent of the Federal funds be set aside for the evaluation effort. (Approach)
- Provide a detailed outline of budget requirements for the project activities. (Approach)

*Duration of Project.* The length of the project may not exceed three years. Federal support for years two and three will be based on the availability of Federal funds and satisfactory performance by the grantee.

*Federal Share of Project Costs:* Up to \$150,000 a year, which equals a maximum of \$450,000 for a 3-year period.

*Matching Requirement:* The minimum non-Federal matching requirement in proportion to the maximum Federal share of \$150,000 a year is \$50,000. Over the span of a 3-year project the non-

Federal matching requirement for a project whose maximum Federal share is \$450,000 is \$150,000. This constitutes 25 percent of the total project budget.

#### B. Research Projects

##### B1. Gang Families

*Purpose:* ACYF intends to fund 3-5 grants to study the dynamics of families involved in gang activities, explore the development of paradigms that help us better understand how these families function, and recommend prevention and intervention strategies that should be incorporated into service models aimed at breaking the chain of illegal gang participation in families and communities.

*Background:* In FY 1990 ACYF solicited applications with the primary purpose of identifying factors which contribute to intergenerational gang participation and developing appropriate intervention models which take those factors into consideration. A secondary aim was to fund prevention projects that focus on family education, empowerment and involvement strategies. The seven grants funded in FY 1990 are primarily emphasizing family support and empowerment services rather than focusing on the particular needs of intergenerational gang families or communities.

In some families, there is a long-standing tradition of gang involvement by parents, uncles, aunts and extended family members who are "veteranos" or are still active in gang activities. These families maintain an environment in which gang affiliation is viewed as a positive component of the family's cultural system. In other families, the gang culture is transmitted from one sibling to another. Since children tend to model the behavior of those around them, there is a greater propensity for gang involvement to be transmitted from one generation to another or from one sibling to another in these families. Family support programs do not normally deal with the issue of how cultural values are transmitted across generations or among family members. It is important to identify ways in which family relationships can be maintained while at the same time attempting to modify those values which increase the risk of gang and drug involvement among family members.

It appears that one of the barriers to developing projects focused on the complexities of the gang family and community may be that very little research has been done in this area. Vigil (1990) looked at the ability of Mexican immigrant families to

acculturate to the dominant American society and the impact on subsequent generations. He identified the inability of later generations to overcome barriers, adapt to the dominant society and prosper within it, as significant contributors to the groups' reliance on the gang subculture as a method of surviving and achieving some form of success.

*Minimum Requirements for Project Design:* In addition to addressing the criteria outlined in part II above, each applicant must address the following items in the program narrative section of their application.

- Identify the specific purpose(s) of the Anti-Drug Abuse Act that will be addressed by the project (see part I). (Objectives/Need)
- Provide a detailed discussion of emerging or current youth gang problems and issues in the target community, including data on the number, age, gender, ethnic background, and drug-related gang activities (if available) of the youth and families. Applicants must provide documented evidence of the presence of established gang activity for several generations within the community. (Objectives/Need)
- Provide evidence that the proposed research methodology will lead to strategies and methodologies for developing intervention models which focus on the gang family as a unit and on its individual members, especially adolescents. (Results/Benefits)
- Describe the products and reports that will be developed regarding/based on the research findings. (Results/Benefits)
- Describe the strategies to be employed for the dissemination of information on the methodology and findings in a manner that will be of use to service providers in the field. (Results/Benefits)
- Provide a detailed description of the research methodology to be used, including the identification of hypotheses; identification of sampling procedures; estimates of sample size; procedures to ensure the validity and reliability of the data collection and analysis; and information on how the findings will reflect the culture and environment in which families live. In developing the description of the families to be studied, attention should be given to the families' substance abuse history, reliance on drug-related income, child care practices, structures, rituals, ethnic/cultural backgrounds, methods of communication both intra-familial and inter-community, barriers to the

fulfillment of parental roles, education and skill development, and the impact of sibling or other family member involvement in illegal gang activities. (Approach)

- Describe how the research methodology will capture information on the way culture or values are transmitted from one generation to the next; whether this is a formal or informal process; whether there are differences in transmitting culture or values related to gender; level of gang participation; level of participation in illegal activities; and status within gang hierarchy and/or position within the family unit. (Approach)
- Provide evidence that the proposed research methodology is appropriate and culturally relevant for the targeted population. (Approach)
- Provide a detailed outline of budget requirements for the project activities. (Approach)

*Duration of Project:* The length of the project is not to exceed three years. Federal support for years two and three will be based on the availability of Federal funds and satisfactory performance of the grantee.

*Federal Share of Project Costs:* Up to \$100,000 a year, which equals a maximum of \$300,000 for a 3-year period.

*Matching Requirement:* There is no matching requirement.

## B2. Effects of Violence on Young Children

*Purpose:* ACYF intends to fund 3 to 5 grants that add to our knowledge about how to develop programs to help children who live in neighborhoods plagued with gang and drug activities to lead mentally and emotionally healthy lives.

*Background:* Despite the concern by researchers (Klein and Maxson 1991) that definitions of gang-related violence vary from jurisdiction to jurisdiction, it is evident that street violence is increasing and that it is dramatically impacting children and adolescents. Whether children and adolescents are involved in committing the violent acts, are victims of it, or are witness to it, their lives are deeply affected. Recently, the Department of Justice's Bureau of Justice Statistics interviewed 10,000 young people around the nation regarding their experience with violent crime. The study concluded that 2 percent of students aged 12 to 19 were victims of violent crime. The most affected group were 9th graders.

Youth gangs, whether turf-oriented or profit-motivated, are increasingly using violence. For example, the gang initiation process usually includes being

"jumped in," i.e., the inductee is physically beaten by members in order to prove his bravery and fighting ability. Gangs that are involved in drug trafficking use violence to protect their marketing territory and to keep drug runners and dealers "honest." Youth gangs that specialize in extortion use violence to coerce their victims into submission.

Gang violence frequently affects innocent bystanders, especially children. Social learning theorists believe that children who see violent or aggressive individuals as being rewarded for their behavior will model themselves after them. This is of particular concern in minority communities where there is high unemployment and low educational levels among adult males. Success as a man is frequently measured in terms of aggressive behavior, subverting the legal system, sexual promiscuity, and access to money or other indicators of financial success even though attained through illegal means. Therefore, children who see older adolescents admired by the community for their participation in violent gang activities are apt to use them as role models and to emulate their behavior. In addition, living amid the constant threat of violence affects children's cognitive, social and emotional development.

*Minimum Requirements for Project Design:* In addition to addressing the criteria outlined in part II above, each applicant must address the following items in the program narrative section of their application.

- Identify the specific purpose(s) of the Anti-Drug Abuse Act that will be addressed by the project (see part I). (Objectives/Need)
- Provide a detailed discussion of emerging or current youth gang problems and issues in the target community, including data on the number, age, gender, ethnic background, and drug-related gang activities (if available) of the youth and families to be served. Applicants should provide data on the numbers of young children living in the areas with documented high gang activity with whom they expect to work. (Objectives/Need)
- Provide evidence that the proposed research methodology will lead to information, strategies, and methodologies for developing prevention models which focus on ameliorating the effects of violence on young children. (Results/Benefits)
- Provide a description of the products and reports that will be developed

regarding/based on the research findings. (Results-Benefits)

- Provide a description of the strategies to be employed for the dissemination of information on the methodology and findings in a manner that will be of use to service providers in the field. For example, what methods can individuals who work with children (teachers, day care providers, therapists) employ to help children deal with their sense of fear, anxiety and rebelliousness in response to their violent environment. (Results/Benefits)
- Describe how the research methodology will capture information on the effect that gang violence has on a child's cognitive, emotional and social development and the effects of community-based trauma or counseling programs on young children who are victims of, or witnesses to, violent gang activity. (Approach)
- Provide a detailed description of the research methodology to be used, including the identification of hypotheses; identification of sampling procedures; estimates of sample size; procedures to ensure the validity and reliability of the data collected; procedures to ensure the integrity of the data analysis; and information on how the findings will reflect the culture and environment in which the children live. (Approach)
- Provide evidence that the proposed research methodology is appropriate and culturally relevant for the targeted population. (Approach)
- Provide a detailed outline of budget requirements for the project activities. (Approach)

*Duration of Project:* The length of the project is not to exceed three years. Federal support for years two and three will be based on the availability of Federal funds and satisfactory performance of the grantee.

*Federal Share of Project Costs:* Up to \$100,000 a year, which equals a maximum of \$300,000 for a 3-year period.

*Matching Requirement:* There is no matching requirement.

### B3. Identification of Factors Which Predispose a Youth to Avoid Gang Involvement

*Purpose:* ACYF intends to fund 3 to 5 grants that focus on identifying the factors which allow a youth who lives in an area with an established (rather than emerging) high level of youth gang activity to remain independent of that lifestyle.

*Background:* Gang prevention work has typically dealt with identifying what

factors distinguish young people who become involved in gangs from those who do not. Prevention activities are then directed toward helping youth build the skills that will enable them to avoid gang and criminal involvement.

Gang involvement has been linked to numerous factors such as poverty, broken homes, and lack of male role models. For instance, Copeland (1974) describes a typical member of a violent Black gang as an individual who is isolated from the social mainstream, is verbally nonexpressive, comes from a fatherless, devitalized family, and is an academic underachiever. Still, many young people who live under these conditions manage to elude gangs, drugs and criminal activity, thus suggesting that other determinants not only exist, but deserve serious consideration. Educators argue that emphasis needs to be placed on researching the social-psychological variables displayed by children who succeed in an otherwise negative environment (Pollard 1989).

Simon (1980) found demographic evidence to suggest a strong correlation between the victims and offenders of assault crimes. Victims who had been shot or stabbed were more likely to become involved in criminal activity than nonvictims. For juvenile victims, the correlation between victimization and subsequent commission of serious assaults as adults was significantly stronger.

Friedman, Mann, and Friedman in their 1975 study of 499 Black and white disadvantaged 15-18 year-old males attempted to elucidate the factors which differentiated street gang members from youth in comparable neighborhoods who remained independent of gangs. After considering 73 variables, they found that the variable most closely associated with gang affiliation was a high self-reported propensity for violence.

A variable such as the quality of childhood peer relationships has also been identified as a predictor of gang involvement. Hochhaus and Sousa (1988), while studying why youth belong to gangs, found that youth often cited companionship as a motivation for joining a gang. However, many youth who joined gangs found their relationships with most of the gang members to be superficial, cautious, and overall unsatisfying. Another study (Crockett, 1986) suggests that youth who had poor childhood peer relationships would join cliques, teams or gangs, but still had few close personal friends.

If the factors which enable children to avoid gang affiliation can be identified, such as the ability to form close peer relationships, perhaps prevention and

intervention efforts can be more precisely targeted. Although some data exist which begin to identify the determinants of gang involvement, studies do not yet address the broad range of activities which are defined as "gang involvement" nor do they address the role of substance abuse in determining whether a youth will participate in a gang.

Traditionally, research into gang participation has looked at those factors which predispose or encourage a youth to join. However, attention needs to be given to identifying those factors which make youth invulnerable to the lure of gangs. What causes a young man or woman who grows up in a neighborhood with high gang and drug activity to eschew those types of affiliation and to seek positive experiences? Werner and Smith (1982; Werner 1989) studied children who overcame the odds despite having grown up in a negative environment. In a birth cohort study of 698 children in Kauai, Hawaii, they found that 10 percent of the children identified as being at-risk for negative outcomes developed into "competent and autonomous young adults." They credited individual characteristics (health, socially-oriented, inquisitive and motivated), family environments (four or fewer children) and broader environmental factors (positive role models and strong supportive peer relationships) as related to the children's resiliency and ability to achieve positive outcomes.

This priority area focuses on identifying the psycho-social factors which influence the young person to avoid gang involvement and to participate instead in positive activities. Lack of male role models, broken homes, crime and poverty are generally accepted as factors which will make a youth more likely to become gang-affiliated. However, no generally accepted reasons have been identified which explain why youth who live in a similarly underprivileged environment avoid gang involvement.

*Minimum Requirements for Project Design:* In addition to addressing the criteria outlined in part II above, each applicant must address the following items in the program narrative section of their application.

- Identify the specific purpose(s) of the Anti-Drug Abuse Act that will be addressed by the project (see part I). (Objectives/Need)
- Provide a detailed discussion of current youth gang problems and issues in the target community, including data on the number, age, gender, ethnic background, and drug-

related gang activities (if available). (Objectives/Need)

- Provide evidence that the proposed research methodology will lead to information, strategies and methodologies for developing intervention models which focus on helping youth develop, or providing youth with, the basis for avoiding involvement in gangs and illegal drug activities. (Results/Benefits)
- Describe the products and reports that will be developed regarding/based on the research findings. (Results/Benefits)
- Describe the strategies to be employed in the dissemination of the information on methodology and findings in a manner that will be of use to service providers in the field. (Results/Benefits)
- Provide a detailed description of the research methodology to be used, including the identification of hypotheses, identification of sampling procedures; estimates of sample size; procedures to ensure the validity and reliability of the data collected; procedures to ensure the integrity of the data analysis; and information on how the findings will reflect the culture and environment in which the youth live. (Approach)
- Describe how the research methodology will capture information on the factors which prevent a youth from participating in the illegal activities of a gang. Factors should include, but not be limited to: family and peer relationships, family's history of criminal activity or gang participation, and the types of community supports available and used by the youth (recreational, cultural, social, educational). (Approach)
- Provide evidence that the proposed research methodology is appropriate and culturally relevant for the targeted population. (Approach)
- Provide a detailed outline of budget requirements for the project activities. (Approach)

**Duration of Project:** The length of the project is not to exceed three years. Federal support for years two and three will be based on the availability of Federal funds and satisfactory performance of the grantee.

**Federal Share of Project Costs:** Up to \$100,000 a year, which equals a maximum of \$300,000 for a 3-year period.

**Matching Requirement:** There is no matching requirement.

#### Part IV—Instructions for the Development and Submission of Applications

This part contains information and instructions for submitting applications in response to this announcement. Application forms are provided along with a checklist for assembling an application package. Please copy and use these forms in submitting an application.

Potential applicants should read this section carefully in conjunction with the information contained within the specific priority area under which the application is to be submitted. The priority area descriptions are provided in part III.

##### A. Executive Order 12372—

**Notification Process:** This program is covered under Executive Order (E.O.) 12372, "Intergovernmental Review of Federal Programs," and 45 CFR part 100, "Intergovernmental Review of Department of Health and Human Services Programs and Activities." Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs. All States and territories except Alaska, Idaho, Kansas, Louisiana, Minnesota, Nebraska, Pennsylvania, Virginia, American Samoa, and Palau have elected to participate in the Executive Order process and have established Single Points of Contact (SPOCs). (See attached list of the Single Points of Contact for each State and Territory included in appendix I of this announcement.) Applicants from these ten areas need take no action regarding E.O. 12372. Applications for projects to be administered by Federally-recognized Indian Tribes are also exempt from the requirements of E.O. 12372.

Other applicants should contact their SPOC as soon as possible to alert them to the perspective application and receive any necessary instructions. Applicants must submit any required material to the SPOC as early as possible so that the program office can obtain and review SPOC comments as part of the award process. It is imperative that the applicant submit all required materials, if any, to the SPOC and indicate the date of this submittal (or date of contact if no submittal is required) on the SF-424, Block 16a. The Administration on Children and Families will notify the State of any applicant who fails to indicate SPOC contact (when required) on the application form.

SPOCs have 60 days from the grant application deadline date to comment

on applications for financial assistance under this program. SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations. Additionally, SPOCs are requested to differentiate clearly between mere advisory comments and those official State process recommendations which they intend to trigger the "accommodate or explain" rule.

When comments are submitted directly to ACF, they should be addressed to: Youth Gang Drug Prevention Program, Department of Health and Human Services, Administration for Children and Families, Grants and Contracts Management, room 345-F.2, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201.

##### B. Deadline for Submittal of Applications

The closing date for receipt of applications under this announcement is May 19, 1992.

1. **Deadlines.** Applications shall be considered as meeting the deadline if they are either:

a. Received on or before the deadline date at the address specified in the application submission section of this announcement; or

b. Sent on or before the deadline date and received in time for the independent review under Chapter 1-62 of the HHS Grants Administration Manual. Applicants are cautioned to request a legibly dated U.S. Postal Service postmark or to obtain a legibly dated receipt from a commercial carrier of U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.

2. **Late Applications.** Applications which do not meet the criteria in the above paragraphs are considered late applications. The granting agency will notify each late applicant that its application will not be considered in the current competition.

3. **Extension of Deadline.** The Administration on Children, Youth and Families may extend the deadline for all applicants because of acts of God such as floods, hurricanes, etc. or when there is widespread disruption of the mail. However, if the granting agency does not extend the deadline for all applicants, it may not waive or extend the deadline for any applicant.

##### C. Paperwork Reduction Act of 1980

Under the Paperwork Reduction Act of 1980, Public Law 96-511, the Department is required to submit to the Office of Management and Budget (OMB) for review and approval any

reporting and recordkeeping requirements and regulations, including program announcements. This program announcement does not contain information collection requirements beyond those approved by OMB.

*D. Instructions for Preparing the Application and Completing Application Forms*

The SF 424, SF 424A, SF 424B and certifications have been reprinted for your convenience in preparing the application. You should reproduce single-sided copies of these forms from the reprinted forms in the announcement, typing your information onto the copies. Please do not use forms directly from the **Federal Register** announcement, as they are printed on both sides of the page.

Where specific information is not required under this program, N/A (not applicable) has been preprinted on the form. Prepare your application in accordance with the following instructions:

1. SF 424 Page 1, Application Cover Sheet

Read the following instructions before completing the application cover sheet. An explanation of each item is included. Complete only the items specified.

*Top of Page.* Enter the single priority area number under which the application is being submitted. An application should be submitted under only one priority area.

*Item 1. "Type of Submission"*—Preprinted on the form.

*Item 2. "Date Submitted" and "Applicant Identifier"*—Date application is submitted to ACYF and applicant's own internal control number, if applicable.

*Item 3. "Date Received by State"*—State use only (if applicable).

*Item 4. "Date Received by Federal Agency"*—Leave blank.

*Item 5. "Applicant Information"*.

"Legal Name"—Enter the legal name of applicant organization. For applications developed jointly, enter the name of the lead organization only. There must be a single applicant for each application. Use abbreviations to limit the organization name to 50 characters, including spaces and punctuation.

"Organizational Unit"—Enter the name of the primary organizational unit which will actually carry out the project activity. Do not use the name of an individual as the applicant. If this is the same as the applicant organization, leave the organizational unit blank. Use abbreviations to limit this line to 30

characters, including spaces and punctuation.

"Address"—Enter the complete address that the organization actually uses to receive mail, since this is the address to which all correspondence will be sent. Do not include both street address and a P.O. Box number unless both must be used in mailing.

"Name and telephone number of the person to be contacted on matters involving this application (give area code)"—Enter the name and telephone number of a person who can respond to questions about the application. This person should be accessible at the address given here.

*Item 6. "Employer Identification Number (EIN)"*—Enter the employer identification number of the applicant organization, as assigned by the Internal Revenue Service, including if known the Central Registry System suffix.

*Item 7. "Type of Applicant"*—Self-explanatory.

*Item 8. "Type of Application"*—Preprinted on the form.

*Item 9. "Name of Federal Agency"*—Preprinted on the form.

*Item 10. "Catalog of Federal Domestic Assistance Number"*—Enter the Catalog of Federal Domestic Assistance (CFDA) number, 93.660, assigned to the program.

*Item 11. "Descriptive Title of Applicant's Project"*—Enter the project title. The title is generally short. It should be no more than 200 characters long, including spaces and punctuation, and should be typed in not more than four lines of 50 characters each. Use a short title which is descriptive of the project, not the priority area title.

*Item 12. "Areas Affected by Project"*—Enter the governmental unit where significant and meaningful impact could be observed. List only the largest unit or units affected, such as State, county, or city. If an entire unit is affected, list it rather than subunits.

*Item 13. "Proposed Project"*—Enter the desirable starting date for the project, beginning during or after June 1992, and the proposed completion date for the project. Applicants are advised to allow an additional 2-3 months start-up time beyond June 1992 in order to avoid the need for requesting an extension at a later date. Most awards made in response to this program announcement will have starting dates between June 1992 and October 1992. Projects may not exceed the maximum duration specified in the priority area description, generally between 36 to 60 months.

*Item 14. "Congressional District of Applicant/Project"*—Enter the number of the Congressional District where the applicant's principal office is located

and the number of the Congressional district(s) where the project will be located. If statewide, a multi-State effort, or nationwide, enter "00."

*Items 15a-g. "Estimated Funding"*—Enter the amounts requested or to be contributed by Federal and non-Federal sources for the first 12 months only.

*Item 15a. "Estimated Funding-Federal"*—Enter the amount of Federal funds requested. This amount should be no greater than the maximum amount specified in the priority area description.

*Items 15b-e. "Estimated Funding-Applicant, State, Local, Other"*—Enter the amount(s) of funds from non-Federal sources that will be contributed to the proposed project. These items (b-e) are considered cost-sharing or "matching funds." The value of third party in-kind contributions should be included on appropriate lines as applicable. For more information regarding funding as well as exceptions to these rules, see part II, sections E and F and the specific priority area description in part III.

*Item 15f. "Estimated Funding-Program Income"*—Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount entered under item 15g. Describe the nature, source and anticipated use of this income in the Project Narrative Statement.

*Item 15g. "Estimated Funding-Total"*—Enter the sum of items 15a-15e.

*Item 16a. "Is Application Subject to Review By State Executive Order 12372 Process? Yes."*—Enter the date the applicant contacted the SPOC regarding this application. Select the appropriate SPOC from the listing provided at the end of part IV. Review of the application is at the discretion of the SPOC. The SPOC will verify the date noted on the application. If there is a discrepancy in dates, the SPOC may request that the Federal agency delay any proposed funding until the full review time of 60 days is afforded.

*Item 16b. "Is Application Subject to Review By State Executive Order 12372 Process? No."*—Check the appropriate box if the application is not covered by E.O. 12372 or if the program has not been selected by the State for review.

*Item 17. "Is the Applicant Delinquent on any Federal Debt?"*—Check the appropriate box. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include audit disallowances, loans and taxes.

*Item 18. "To the best of my knowledge and belief, all data in this application preapplication are true and correct. The*

document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded."—To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for signature of this application by this individual as the official representative must be on file in the applicant's office. It may be requested.

**Item 18a-c.** "Typed Name of Authorized Representative, Title, Telephone Number"—Enter the name, title and telephone number of the authorized representative of the applicant organization.

**Item 18d.** "Signature of Authorized Representative"—Signature of the authorized representative named in item 18a. At least one copy of the application must have an original signature. Use colored ink (not black) so that the original signature is easily identified.

**Item 18e.** "Date Signed"—Enter the date the application was signed by the authorized representative.

#### 2. SF 424A—Budget Information—Non-Construction Programs

This is a form used by many Federal agencies. For this application, Sections A, B, C, and E are to be completed. Section D does not need to be completed.

Sections A and B should include the Federal as well as the non-Federal funding for the proposed project covering the first year budget period.

**Section A—Budget Summary.** This section includes a summary of the budget. On line 5, enter total Federal costs in column (e) and total non-Federal costs, including third party in-kind contributions, but not program income, in column (f). Enter the total of (e) and (f) in column (g).

**Section B—Budget Categories.** This budget, which includes the Federal as well as non-Federal funding for the proposed project, covers the first-year budget period. It should relate to item 15g, total funding, on the SF 424. Under column (5), enter the total requirements for funds (Federal and non-Federal) by object class category.

A separate budget justification should be included to explain fully and justify major items, as indicated below. The types of information to be included in the justification are indicated under each category. The budget justification should immediately follow the table of contents.

**Personnel—Line 6a.** Enter the total costs of salaries and wages of applicant/grantee staff. Do not include

the costs of consultants, which should be included on line 6h, "Other."

**Justification:** Identify the principal investigator or project director, if known. Specify by title or name the percentage of time allocated to the project, the individual annual salaries, and the cost to the project (both Federal and non-Federal) of the organization's staff who will be working on the project.

**Fringe Benefits—Line 6b.** Enter the total costs of fringe benefits, unless treated as part of an approved indirect cost rate.

**Justification:** Provide a break-down of amounts and percentages that comprise fringe benefit costs, such as health insurance, FICA, retirement insurance, etc.

**Travel—6c.** Enter total costs of out-of-town travel (travel requiring per diem) for staff of the project. Do not enter costs for consultant's travel or local transportation, which should be included on Line 6h, "Other."

**Justification:** Include the name(s) of traveler(s), total number of trips, destinations, length of stay, transportation costs and subsistence allowances.

**Equipment—Line 6d.** Enter the total costs of all equipment to be acquired by the project. For State and local governments, including Federally recognized Indian Tribes, "equipment" is non-expendable tangible personal property having a useful life of more than two years and an acquisition cost of \$5,000 or more per unit. For all other applicants, the threshold for equipment is \$500 or more per unit. The higher threshold for State and local governments became effective October 1, 1988, through the implementation of 45 CFR part 92, Uniform Administrative Requirements for Grants and Cooperative agreements to State and Local Governments.

**Justification:** Equipment to be purchased with Federal funds must be justified. The equipment must be required to conduct the project, and the applicant organization or its subgrantees must not have the equipment or a reasonable facsimile available to the project. The justification also must contain plans for future use of disposal of the equipment after the project ends.

**Supplies—Line 6e.** Enter the total costs of all tangible expendable personal property (supplies) other than those included on Line 6d.

**Justification:** Specify general categories of supplies and their costs.

**Contractual—Line 6f.** Enter the total costs of all contracts, including (1) procurement contracts (except those which belong on other lines such as equipment, supplies, etc.) and (2)

contracts with secondary recipient organizations, including delegate agencies. Also include any contracts with organizations for the provision of technical assistance. Do not include payments to individuals on this line. If the name of the contractor, scope of work, and estimated total costs are not available or have not been negotiated, include on Line 6h, "Other."

**Justification:** Attach a list of contractors, indicating the names of the organizations, the purposes of the contracts, and the estimated dollar amounts of the awards as part of the budget justification. Whenever the applicant/grantee intends to delegate part or all of the program to another agency, the applicant/grantee must complete this section (section B, Budget Categories) for each delegate agency by agency title, along with the supporting information. The total cost of all such agencies will be part of the amount shown on Line 6f. Provide backup documentation identifying the name of contractor, purpose of contract, and major cost elements.

**Construction—Line 6g.** Leave blank. New construction is not allowable.

**Other—Line 6h.** Enter the total of all other costs. Where applicable, such costs may include, but are not limited to: Insurance; medical and dental costs; noncontractual fees and travel paid directly to individual consultants; local transportation (all travel which does not require per diem is considered local travel); space and equipment rentals; printing and publication; computer use; training costs, including tuition and stipends; training service costs, include wage payments to individuals and supportive service payments; and staff development costs. Note that costs identified as "miscellaneous" and "honoraria" are not allowable.

**Justification:** Specify the costs included.

**Total Direct Charges—Line 6i.** Enter the total of Lines 6a through 6h.

**Indirect Charges—6j.** Enter the total amount of indirect charges (costs). If no indirect costs are requested, enter "none." Generally, this line should be used when the applicant (except local governments) has a current indirect cost rate agreement approved by the Department of Health and Human Services or another Federal agency.

Local and State governments shall enter the amount of indirect costs determined in accordance with HHS requirements. When an indirect cost rate is requested, these costs are included in the indirect cost pool and should not be charged again as direct costs to the grant.

(c) Subtract (b\*) from (a\*). The remainder is what the applicant can claim as part of its matching cost contribution.

*Justification:* Enclose a copy of the indirect cost rate agreement. Applicants subject to the limitation on the Federal reimbursement of indirect costs for training grants should specify this.

*Total—Line 6k.* Enter the total amounts of lines 6i and 6j.

*Program Income—Line 7.* Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount.

*Justification:* Describe the nature, source, and anticipated use of program income in the Program Narrative Statement.

*Section C—Non-Federal Resources.* This section summarizes the amounts of non-Federal resources that will be applied to the grant. Enter this information under the column entitled "Totals" on line 12. Totals. In-kind contributions are defined in title 45 of the Code of Federal Regulations, § 74.51, as "property or services which benefit a grant-supported project or program and which are contributed by non-Federal third parties without charge to the grantee, the subgrantee, or a cost-type contractor under the grant or subgrant."

*Justification:* Describe third party in-kind contributions, if included.

*Section D—Forecasted Cash Needs.* Not applicable. Leave blank.

*Section E—Budget Estimate of Federal Funds Needed For Balance of the Project.*

*Totals—Line 20.* For projects that will have more than one budget period, enter the estimated required Federal funds for the second budget period (months 13 through 24) under column "(b) First." If a third budget period will be necessary, enter the Federal funds needed for months 25 through 36 under "(c) Second." Columns (d) and (e) are not applicable in most instances, since ACYF funding is almost always limited to a three-year maximum project period. They should remain blank.

*Section F—Other Budget Information.*

*Direct Charges—Line 21.* Not applicable.

*Indirect Charges—Line 22.* Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

*Remarks—Line 23.* You must enter your proposed non-Federal share of the project budget for each of the remaining years of the project.

### 3. Project Summary Description

Clearly mark this separate page with the applicant name as shown in item 5 of the SF 424, the priority area number as shown at the top of the SF 424, and the title of the project as shown in item 11 of the SF 424. The summary description should not exceed 1,200 characters, including words, spaces and punctuation. These 1,200 characters become part of the computer database on each project.

Care should be taken to produce a summary description which accurately and concisely reflects the proposal. It should describe the objectives of the project, the approaches to be used and the outcomes expected. The description should also include a list of major products that will result from the proposed project, such as software packages, materials, management procedures, data collection instruments, training packages, or videos (please note that audiovisuals should be closed captioned). The project summary description, together with the information on the SF 424, will constitute the project "abstract." It is the major source of information about the proposed project and is usually the first part of the application that the reviewers read in evaluating the application.

### 4. Program Narrative Statement

The Program Narrative Statement is a very important part of an application. It should be clear, concise, and address the specific requirements mentioned under the priority area description in part III. The narrative should also provide information concerning how the application meets the evaluation criteria (see Section C, Part II), using the following headings:

- (a) *Objectives and Need for Assistance;*
- (b) *Results and Benefits Expected;*
- (c) *Approach;* and
- (d) *Staff Background and Organization's Experience.*

The narrative should be typed double-spaced on a single-side of an 8½" x 11" plain white paper, with 1" margins on all sides. All pages of the narrative (including charts, references/footnotes, tables, maps, exhibits, etc.) must be sequentially numbered, beginning with "Objectives and Need for Assistance" as page number one. Mechanically reducing an application typed on legal size paper to 8½" x 11" paper should not be done in order to meet the size requirement.

The length of the application, including the application forms and all attachments, should not exceed 60

pages. A page is a single side of an 8½" x 11" sheet of paper. Applicants are requested not to send pamphlets, brochures or other printed material along with their application as these pose xeroxing difficulties. These materials, if submitted, will not be included in the review process if they exceed the 60-page limit. Each page of the application will be counted to determine the total length.

### 5. Organizational Capability Statement

The Organizational Capability Statement should consist of a brief (two to three pages) background description of how the applicant organization (or the unit within the organization that will have responsibility for the project) is organized, the types and quantity of services it provides, and/or the research and management capabilities it possesses. This description should cover capabilities not included in the Program Narrative Statement. It may include descriptions of any current or previous relevant experience, or describe the competence of the project team and its demonstrated ability to produce a final product that is readily comprehensible and usable. An organization chart showing the relationship of the project to the current organization should be included.

### 6. Part V—Assurances/Certifications

Applicants are required to file an SF 424B, Assurances—Non-construction Programs and the Certification Regarding Lobbying. Both must be signed and returned with the application. In addition, applicants must provide certifications regarding: (1) Drug-Free Workplace Requirements; and (2) Debarment and Other Responsibilities. These two certifications are self-explanatory. Copies of these assurances/certifications are reprinted at the end of this announcement and should be reproduced, as necessary. A duly authorized representative of the applicant organization must certify that the applicant is in compliance with these assurances/certifications. A signature on the SF 424 indicates compliance with the Drug Free Workplace Requirements, and Debarment and Other Responsibilities certifications.

For research projects in which human subjects may be at risk, a Protection of Human Subjects Assurance may be required. If there is a question regarding the applicability of this assurance, contact the Office for Research Risks of the National Institutes of Health at (301) 496-7041.

### E. Components of a Complete Application

A complete application consists of the following items in this order:

1. Application for Federal Assistance Standard Form 424, REV 4-88);
2. Budget Information—Non-Construction Programs (Standard Form 424A, REV 4-88);
3. Table of Contents;
4. Budget justification for Section B—Budget Categories;
5. Letter from the Internal Revenue Service to prove non-profit status, if necessary;
6. Copy of the applicant's approved indirect cost rate agreement, if appropriate;
7. Project summary description and listing of key works;
8. Program Narrative Statement, organized in four sections addressing the following areas: (a) Objectives and need for assistance, (b) results or benefits expected, (c) approach, and (d) staff background and organization's experience;
9. Organizational capability statement, including an organization chart;
10. Any appendices/attachments;
11. Assurances—Non-Construction Programs (Standard Form 424B, REV 4-88);
12. Certification Regarding Lobbying; and
13. Certification of Protection of Human Subjects, if necessary.
14. Certification Regarding Drug-Free Workplace Requirements

### F. The Application Package

Each application package must include an original and two copies of the complete application. Each copy should be stapled securely (front and back if necessary) in the upper left-hand corner. All pages of the narrative (including charts, tables, maps, exhibits, etc.) must be sequentially numbered, beginning with page one. In order to facilitate handling, please do not use covers, binders or tabs. Do not include extraneous materials as attachments, such as agency promotion brochures, slides, tapes, film clips, minutes of meetings, survey instruments or articles of incorporation.

Do not include a self-addressed, stamped acknowledgment card. All applicants will be notified automatically about the receipt of their application and of the four digit identification number assigned to their application. This number and the priority area must be referred to in ALL subsequent communication with ACYF concerning the application. If acknowledgment of

receipt of your application is not received within eight weeks after the deadline date, please notify ACYF by telephone at (202) 892-9016.

### G. Checklist for a Complete Application

The checklist below is for your use to ensure that your application package has been properly prepared.

— One original, signed and dated application, plus two copies. Applications for different priority areas are packaged separately;

— Application is from an organization which is eligible under the eligibility requirements defined in the priority area description (screening requirement);

— Application length does not exceed 60 pages, unless otherwise specified in the priority area description.

Application includes:

— Application for Federal Assistance (Standard Form 424, REV 4-88);

— A completed SPOC certification with the date of SPOC contact entered in line 16, page 1 of the SF 424;

— Budget information—Non-Construction Programs (Standard Form 424A, REV 4-88);

— Table of Contents;

— Budget justification;

— Letter from Internal Revenue Service to prove non-profit status, if necessary;

— Indirect cost rate agreement, if necessary;

— Project summary description and key words;

— Program Narrative Statement;

— Organizational Capability Statement;

— Appendices/attachments, if necessary;

— Assurances—Non-Construction Programs (Standard Form 424B, REV 4-88);

— Certification Regarding Lobbying; and

— Certification of Protection of Human Subjects, if necessary.

(Catalog of Federal Domestic Assistance Program Number 93.660, Drug Abuse Education and Prevention Relating to Youth Gangs)

Approved: March 9, 1992.

**Wade F. Horn,**

*Commissioner, Administration on Children, Youth and Families.*

### Appendix I

*State Single Points of Contact*

#### ALABAMA

Mrs. Moncell Thornell, State Single Point of Contact, Alabama Department of Economic & Community Affairs, 3465 Norman Bridge Road, Post Office Box 250347, Montgomery,

Alabama 36125-0347, Telephone (205) 284-8905.

#### ARIZONA

Ms. Janice Dunn, Arizona State Clearinghouse, 3800 N. Central Avenue, Fourteenth Floor, Phoenix, Arizona 85012, Telephone: (602) 280-1315.

#### ARKANSAS

Mr. Joseph Gillespie, Manager, State Clearinghouse, Office of Intergovernmental Service, Department of Finance and Administration, P.O. Box 3278, Little Rock, Arkansas 72203, Telephone (501) 371-1074.

#### CALIFORNIA

Glenn Stober, Grants Coordinator, Office of Planning and Research, 1400 Tenth Street, Sacramento, California 95814, Telephone (916) 323-7480.

#### COLORADO

State Single Point of Contact, State Clearinghouse, Division of Local Government, 1313 Sherman Street, Room 520, Denver, Colorado 80203, Telephone (303) 866-2156.

#### CONNECTICUT

Under Secretary, Attn: Intergovernmental Review coordinator, Comprehensive Planning Division, Office of Policy and Management, 80 Washington Street, Hartford, Connecticut 06106-4459, Telephone (203) 566-3410.

#### DELAWARE

Francine Booth, State Single Point of Contact, Executive Department, Thomas Collins Building, Dover, Delaware 19903, Telephone (302) 736-3326.

#### DISTRICT OF COLUMBIA

Lovetta Davis, State Single Point of Contact, Executive Office of the Mayor, Office of Intergovernmental Relations, Room 416, District Building, 1350 Pennsylvania Avenue, NW., Washington, DC 20004, Telephone (202) 727-9111.

#### FLORIDA

Karen McFarland, Director, Florida State Clearinghouse, Executive Office of the Governor, Office of Planning and Budgeting, The Capitol, Tallahassee, Florida 32399-0001, Telephone: (904) 488-8114.

#### GEORGIA

Charles H. Badger, Administrator, Georgia State Clearinghouse, 270 Washington Street, SW., Atlanta, Georgia 30334, Telephone (404) 656-3855.

#### HAWAII

Mr. Harold S. Masumoto, Acting Director, Office of State Planning, Department of Planning and Economic Development, Office of the Governor, State Capitol—room 406, Honolulu, Hawaii 96813, Telephone (808) 548-5893, FAX (808) 548-8172.

#### ILLINOIS

Tom Berkshire, State Single Point of Contact, Office of the Governor, State of Illinois, Springfield, Illinois 62706, Telephone (217) 782-8639.

## INDIANA

Frank Sullivan, Budget Director, State Budget Agency, 212 State House, Indianapolis, Indiana 46204, Telephone (317) 232-5610.

## IOWA

Steven R. McCann, Division for Community Progress, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309, Telephone (515) 281-3725.

## KENTUCKY

Debbie Anglin, State Single Point of Contact, Kentucky State Clearinghouse, 2nd Floor Capital Plaza Tower, Frankfort, Kentucky, 40601, Telephone (502) 564-2382.

## MAINE

State Single Point of Contact, Attn: Joyce Benson, State Planning Office, State House Station #38, Augusta, Maine 04333, Telephone (207) 289-3261.

## MARYLAND

Mary Abrams, Chief, Maryland State Clearinghouse, Department of State Planning, 301 West Preston Street, Baltimore, Maryland 21201-2365, Telephone (301) 225-4490.

## MASSACHUSETTS

State Single Point of Contact, Attn: Beverly Boyle, Executive Office of Communities & Development, 100 Cambridge Street, room 1803, Boston, Massachusetts 02202, Telephone (617) 727-7001.

## MICHIGAN

Milton O. Waters, Director of Operations, Michigan Neighborhood Builders Alliance, Michigan Department of Commerce, Telephone (517) 373-7111.

Please direct correspondence to: Manager, Federal Project Review, Michigan Department of Commerce, Michigan Neighborhood Builders Alliance, P.O. Box 30242, Lansing, Michigan 48909, Telephone (517) 373-6223.

## MISSISSIPPI

Cathy Mallette, Clearinghouse Officer, Department of Finance and Administration, Office of Policy Development, 421 West Pascagoula Street, Jackson, Mississippi 39203, Telephone (601) 960-4280.

## MISSOURI

Lois Pohl, Federal Assistance Clearinghouse, Office of Administration, Division of General Services, P.O. Box 809, Room 430, Truman Building, Jefferson City, Missouri 65102, Telephone (314) 751-4834.

## MONTANA

Deborah Stanton, State Single Point of Contact, Intergovernmental Review Clearinghouse, c/o Office of Budget and Program Planning, Capitol Station, Room 202—State Capitol, Helena, Montana 59620, Telephone (406) 444-5522.

## NEVADA

Department of Administration, State Clearinghouse, Capitol Complex, Carson City, Nevada 89710, ATTN: John B. Walker, Clearinghouse Coordinator.

## NEW HAMPSHIRE

Jeffery H. Taylor, Director, New Hampshire Office of State Planning, Attn: Intergovernmental Review Process/James E. Bieber, 2 1/2 Beacon Street, Concord, New Hampshire 03301, Telephone (603) 217-2155.

## NEW JERSEY

Barry Skokowski, Director, Division of Local Government Services, Department of Community Affairs, CN 803, Trenton, New Jersey 08625-0803, Telephone (609) 292-6613.

Please direct correspondence and questions to: Nelson S. Silver, State Review Process, Division of Local Government Services, CN 803, Trenton, New Jersey 08625-0803, Telephone (609) 292-9025.

## NEW MEXICO

Aurelia M. Sandoval, State Budget Division, DFA, Room 190, Bataan Memorial Building, Santa Fe, New Mexico 87503, Telephone (505) 827-3640, FAX (505) 827-3006.

## NEW YORK

New York State Clearinghouse, Division of the Budget, State Capitol, Albany, New York 12224, Telephone (518) 474-1605.

## NORTH CAROLINA

Mrs. Chrys Baggett, Director, Intergovernmental Relations, N.C. Department of Administration, 116 W. Jones Street, Raleigh, North Carolina 27611, Telephone (919) 733-0499.

## NORTH DAKOTA

William Robinson, State Single Point of Contact, Office of Intergovernmental Affairs, Office of Management and Budget, 14th Floor, State Capitol, Bismarck, North Dakota 58505, Telephone (701) 224-2094.

## OHIO

Larry Weaver, State Single Point of Contact, State/Federal Funds Coordinator, State Clearinghouse, Office of Budget and Management, 30 East Broad Street, 34th Floor, Columbus, Ohio 43266-0411, Telephone (614) 466-0698.

## OKLAHOMA

Don Strain, State Single Point of Contact, Oklahoma Department of Commerce, Office of Federal Assistance Management, 6601 Broadway Extension, Oklahoma City, Oklahoma 73116, Telephone (405) 843-9770.

## RHODE ISLAND

Daniel W. Varin, Associate Director, Statewide Planning Program, Department of Administration, Division of Planning, 265 Melrose Street, Providence, Rhode Island 02907, Telephone (401) 277-2656.

Please direct correspondence and questions to: Review Coordinator, Office of Strategic Planning.

## SOUTH CAROLINA

Danny L. Cromer, State Single Point of Contact, Grant Services, Office of the Governor, 1205 Pendleton Street, Room 477, Columbia, South Carolina 29201, Telephone (803) 734-0493.

## SOUTH DAKOTA

Susan Comer, State Clearinghouse Coordinator, Office of the Governor, 500 East Capitol, Pierre, South Dakota 57501, Telephone (605) 733-3212.

## TENNESSEE

Charles Brown, State Single Point of Contact, State Planning Office, 500 Charlotte Avenue, 309 John Sevier Building, Nashville, Tennessee, 37219, Telephone (615) 741-1676.

## TEXAS

Tom Adams, Governor's Office of Budget and Planning, P.O. Box 12428, Austin, Texas 78711, Telephone (512) 463-1778.

## UTAH

Utah State Clearinghouse, Office of Planning and Budget, ATTN: Carolyn Wright, Room 116 State Capitol, Salt Lake City, Utah 84114, Telephone (801) 538-1535.

## VERMONT

Bernard D. Johnson, Assistant Director, Office of Policy Research & Coordination, Pavilion Office Building, 109 State Street, Montpelier, Vermont 05602, Telephone (802) 828-3326.

## WASHINGTON

Marilyn Dawson, Washington Intergovernmental Review Process, Department of Community Development, 9th and Columbia Building, Mail Stop CH-51, Olympia, Washington, 98504-4151, Telephone (206) 753-4978.

## WEST VIRGINIA

Fred Cutlip, Director, Community Development Division, Governor's Office of Community and Industrial Development, Building #6, Room 553, Charleston, West Virginia 25305, Telephone (304) 348-4010.

## WISCONSIN

William C. Carey, Federal/State Relations, IGA Relations, 101 South Webster Street, P.O. Box 7864, Milwaukee, Wisconsin 53707, Telephone (608) 266-1741.

Please direct correspondence and questions to: William C. Carey, Section Chief, Federal/State Relations Office, Wisconsin Department of Administration, (608) 266-0267.

## WYOMING

Ann Redman, State Single Point of Contact, Wyoming State Clearinghouse, State Planning Coordinator's Office, Capitol Building, Cheyenne, Wyoming 82002, Telephone (307) 777-7574.

## Territories

## GUAM

Michael J. Reidy, Director, Bureau of Budget and Management Research, Office of the Governor, P.O. Box 2950, Agana, Guam 96910, Telephone (671) 472-2285.

## NORTHERN MARIANA ISLANDS

State Single Point of Contact, Planning and Budget Office, Office of the Governor, Saipan, CM, Northern Mariana Islands 96950.

PUERTO RICO

Patria Custodio/Israel Soto Marrero,  
Chairman/Director, Puerto Rico Planning  
Board, Minnillas Government Center, P.O.  
Box 41119, San Juan, Puerto Rico 00940-  
9985, Telephone (809) 727-4444.

VIRGIN ISLANDS

Jose L. George, Director, Office of  
Management and Budget, No. 32 & 33  
Kongens Gade, Charlotte Amalie, V.I.  
00802, Telephone (809) 774-0750.

For OMB Purposes Only, File originated: 9-2-  
88, "Contacts".

BILLING CODE 4130-01-M

<p>1. Agency Use Only</p> <p>2. Agency Name</p> <p>3. Agency Address</p> <p>4. Agency Telephone</p>		<p>5. Agency Fax</p> <p>6. Agency E-mail</p> <p>7. Agency Website</p> <p>8. Agency Contact Person</p> <p>9. Agency Contact Title</p> <p>10. Agency Contact Telephone</p> <p>11. Agency Contact Fax</p> <p>12. Agency Contact E-mail</p> <p>13. Agency Contact Website</p>	
<p>14. Agency Description</p> <p>15. Agency Mission</p> <p>16. Agency Goals</p> <p>17. Agency Objectives</p> <p>18. Agency Programs</p> <p>19. Agency Services</p> <p>20. Agency Products</p> <p>21. Agency Outputs</p> <p>22. Agency Outcomes</p> <p>23. Agency Impact</p> <p>24. Agency Evaluation</p> <p>25. Agency Reporting</p> <p>26. Agency Accountability</p> <p>27. Agency Transparency</p> <p>28. Agency Integrity</p> <p>29. Agency Ethics</p> <p>30. Agency Compliance</p> <p>31. Agency Risk Management</p> <p>32. Agency Quality Management</p> <p>33. Agency Performance Management</p> <p>34. Agency Financial Management</p> <p>35. Agency Human Resource Management</p> <p>36. Agency Information Management</p> <p>37. Agency Legal Management</p> <p>38. Agency Public Affairs</p> <p>39. Agency External Relations</p> <p>40. Agency Internal Relations</p> <p>41. Agency Culture</p> <p>42. Agency Values</p> <p>43. Agency Vision</p> <p>44. Agency Strategy</p> <p>45. Agency Planning</p> <p>46. Agency Implementation</p> <p>47. Agency Monitoring</p> <p>48. Agency Evaluation</p> <p>49. Agency Improvement</p> <p>50. Agency Innovation</p>		<p>51. Agency Budget</p> <p>52. Agency Revenue</p> <p>53. Agency Expenses</p> <p>54. Agency Assets</p> <p>55. Agency Liabilities</p> <p>56. Agency Net Worth</p> <p>57. Agency Financial Statements</p> <p>58. Agency Financial Reports</p> <p>59. Agency Financial Audits</p> <p>60. Agency Financial Reviews</p> <p>61. Agency Financial Forecasts</p> <p>62. Agency Financial Risks</p> <p>63. Agency Financial Controls</p> <p>64. Agency Financial Policies</p> <p>65. Agency Financial Procedures</p> <p>66. Agency Financial Systems</p> <p>67. Agency Financial Tools</p> <p>68. Agency Financial Software</p> <p>69. Agency Financial Hardware</p> <p>70. Agency Financial Infrastructure</p> <p>71. Agency Financial Capacity</p> <p>72. Agency Financial Sustainability</p> <p>73. Agency Financial Resilience</p> <p>74. Agency Financial Flexibility</p> <p>75. Agency Financial Adaptability</p> <p>76. Agency Financial Responsiveness</p> <p>77. Agency Financial Accountability</p> <p>78. Agency Financial Transparency</p> <p>79. Agency Financial Integrity</p> <p>80. Agency Financial Ethics</p> <p>81. Agency Financial Compliance</p> <p>82. Agency Financial Risk Management</p> <p>83. Agency Financial Quality Management</p> <p>84. Agency Financial Performance Management</p>	



**Instructions for the SF 424**

This is a standard form used by applicants as a required facesheet for preapplication and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

**Item and Entry**

1. Self-explanatory.
2. Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).
3. State use only (if applicable).
4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7. Enter the appropriate letter in the space provided.

8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:

- "New" means a new assistance award.
- "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.
- "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.

9. Name of Federal agency from which assistance is being requested with this application.

10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.

11. Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

12. List only the largest political entities affected (e.g., State, counties, cities).

13. Self-explanatory.

14. List the applicant's Congressional District and any District(s) affected by the program or project.

15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.

16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.

17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.

18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

BILLING CODE 4130-01-M

BUDGET INFORMATION — Non-Construction Programs

OMB Approval No. 0348-0044

SECTION A — BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		Total (g)
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	
1.		\$	\$	\$	\$	\$
2.						
3.						
4.						
5. TOTALS		\$	\$	\$	\$	\$

SECTION B — BUDGET CATEGORIES

Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY					Total (5)
	(1)	(2)	(3)	(4)	(5)	
a. Personnel	\$	\$	\$	\$	\$	\$
b. Fringe Benefits						
c. Travel						
d. Equipment						
e. Supplies						
f. Contractual						
g. Construction						
h. Other						
i. Total Direct Charges (sum of 6a - 6h)						
j. Indirect Charges						
k. TOTALS (sum of 6i and 6j)	\$	\$	\$	\$	\$	\$
7. Program Income	\$	\$	\$	\$	\$	\$

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SECTION C - NON-FEDERAL RESOURCES					
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS	
8.	\$	\$	\$	\$	
9.					
10.					
11.					
12. TOTALS (sum of lines 8 and 11)	\$	\$	\$	\$	
SECTION D - FORECASTED CASH NEEDS					
	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
	\$	\$	\$	\$	\$
13. Federal					
14. NonFederal					
15. TOTAL (sum of lines 13 and 14)	\$	\$	\$	\$	\$
SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT					
(a) Grant Program	FUTURE FUNDING PERIODS (Years)				
	(b) First	(c) Second	(d) Third	(e) Fourth	
16.	\$	\$	\$	\$	
17.					
18.					
19.					
20. TOTALS (sum of lines 16-19)	\$	\$	\$	\$	
SECTION F - OTHER BUDGET INFORMATION (Attach additional Sheets if Necessary)					
21. Direct Charges:	22. Indirect Charges:				
23. Remarks					

SF 424A (4-88) Page 2  
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BILLING CODE 4130-01-C

**Instructions for the SF-424A***General Instructions*

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

**Section A. Budget Summary***Lines 1-4, Columns (a) and (b)*

For applications pertaining to a *single* Federal grant program (Federal Domestic Assistance Catalog number) and *not requiring* a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a *single* program *requiring* budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the catalog program title on each line in Column (a) and the respective catalog number on each line in Column (b).

For applications pertaining to *multiple* programs where one or more programs *require* a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1-4, Columns (c) through (g.)

For new applications, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

Lines 1-4, Columns (c) through (g.) (continued)

For continuing grant program applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Column (e) and (f).

Line 5—Show the totals for all columns used.

**Section B Budget Categories**

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1-4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Lines 6a-i—Show the totals of Lines 6a to 6h in each column.

Line 6j—Show the amount of indirect cost.

Line 6k—Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)-(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

Line 7—Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the Federal grantor agency in determining the total amount of the grant.

**Section C. Non-Federal Resources**

Lines 8-11—Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a)—Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b)—Enter the contribution to be made by the applicant.

Column (c)—Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d)—Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e)—Enter totals of Columns (b), (c), and (d).

Line 12—Enter the total for each of Columns (b)-(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

**Section D. Forecasted Cash Needs**

Line 13—Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14—Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15—Enter the totals of amounts on Lines 13 and 14.

**Section E. Budget Estimates of Federal Funds Needed for Balance of the Project**

Lines 16-19—Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line 20—Enter the total for each of the Column (b)–(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

#### Section F. Other Budget Information

Line 21—Use this space to explain amounts for individual direct object-class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22—Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23—Provide any other explanations or comments deemed necessary.

#### Appendix IV

OMB Approval No. 0348-0040

#### Assurances—Non-Construction Programs

**Note:** Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after

receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4728–4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in appendix A of OPM's Standards for a Merit System of Personnel Administration (5 CFR part 900, subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681–1683, and 1685–1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101–6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (Pub. L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (Pub. L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.), as amended, relating to non-discrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply with the provisions of the Hatch Act (5 U.S.C. 1501–1508 and

7324–7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. 276a to 276a-7), the Copeland Act (40 U.S.C. 276c and 18 U.S.C. 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333), regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of section 102(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) Institution of environmental quality control measures under the National Environmental Policy Act of 1969 (Pub. L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11983; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (Pub. L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended; (Pub. L. 93-205).

12. Will comply with the Wild and Scenic rivers Act of 1968 (16 U.S.C. 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).

14. Will comply with Public Law 93-348 regarding the protection of human subjects involved in research,

development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (Pub. L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

Signature of Authorized Certifying Official

Title

Applicant Organization

Date Submitted

**Appendix V—Certification Regarding Lobbying**

**Certification for Contracts, Grants, Loans, and Cooperative Agreements**

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence

an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into

this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

*Statement for Loan Guarantees and Loan Insurance*

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature

Title

Organization

Date

BILLING CODE 4130-01-M



### Instructions for Completion of SF-LLL, Disclosure of Lobbying Activities

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier.

Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee", then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.

(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.

12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.

13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.

14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.

15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.

16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D.C. 20503.

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DISCLOSURE OF LOBBYING ACTIVITIES  
CONTINUATION SHEET

Approved by OMB  
0348-0046

Reporting Entity: \_\_\_\_\_ Page \_\_\_\_\_ of \_\_\_\_\_

Main body of the form containing the reporting details, including a large grid area for listing activities.

## Appendix VI

*U.S. Department of Health and Human Services Certification Regarding Drug-Free Workplace Requirements Grantees Other Than Individuals*

By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

This certification is required by regulations implementing the Drug-Free Workplace Act of 1988, 45 CFR part 76, subpart F. The regulations, published in the May 25, 1990 Federal Register, require certification by grantees that they will maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when the Department of Health and Human Services (HHS) determines to award the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HHS, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of grants, or governmentwide suspension or debarment.

Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios.)

If the workplace identified to HHS changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see above).

Definitions of terms in the Nonprocurement Suspension and

Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

*Controlled substance* means a controlled substance in Schedules I through V of the Controlled Substances Act (21 USC 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15).

*Conviction* means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

*Criminal drug statute* means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

*Employee* means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

The grantee certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace; (2) The grantee's policy of maintaining a drug-free workplace; (3) Any available drug counseling, rehabilitation, and employee assistance programs; and, (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a

copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and, (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction.

Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or, (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant (use attachments, if needed):

Place of Performance (Street address, City, County, State, ZIP

Code) \_\_\_\_\_ Check \_\_\_\_\_ if there are workplaces on file that are not identified here.

Sections 76.630(c) and (d)(2) and 76.635(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central receipt point is: Division of Grants Management and Oversight, Office of Management and Acquisition.

Department of Health and Human Services, room 517-D, 200 Independence Avenue SW., Washington, DC 20201.

#### Appendix VII

##### *Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions*

By signing and submitting this proposal, the applicant, defined as the primary participant in accordance with 45 CFR part 76, certifies to the best of its knowledge and believe that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal Department or agency;

(b) Have not within a 3-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted or otherwise criminally or civilly charged

by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a 3-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

The inability of a person to provide the certification required above will not necessarily result in denial of participation in this covered transaction. If necessary, the prospective participant shall submit an explanation of why it cannot provide the certification. The certification or explanation will be considered in connection with the Department of Health and Human Services (HHS) determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

The prospective primary participant agrees that by submitting this proposal, it will include the clause entitled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transaction." provided below without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

##### *Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions*

(To Be Supplied to Lower Tier Participants)

By signing and submitting this lower tier proposal, the prospective lower tier participant, as defined in 45 CFR part 76, certifies to the best of its knowledge and belief that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

(b) Where the prospective lower tier participant is unable to certify to any of the above, such prospective participant shall attach an explanation to this proposal.

The prospective lower tier participant further agrees by submitting this proposal that it will include this clause entitled "certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transactions." without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

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BILLING CODE 4130-01-M

The first of these is the fact that the majority of the cases of this disease are reported from the rural districts of the country. It is not until the patient has reached the city that the disease is usually discovered. This is due to the fact that the rural districts are more sparsely populated and the patient is more likely to be isolated from the general community. The second fact is that the disease is more common in the winter months. This is due to the fact that the patient is more likely to be exposed to the cold weather and the disease is more likely to be contracted during this time of the year. The third fact is that the disease is more common in the lower social classes. This is due to the fact that the lower social classes are more likely to live in crowded and unsanitary conditions and are more likely to be exposed to the disease.

The disease is characterized by a high fever, a severe headache, and a general prostration. The patient is usually found to be in bed and is unable to get up. The fever is usually of a high degree and is accompanied by a rapid pulse. The headache is usually of a severe degree and is located in the frontal region. The general prostration is usually of a severe degree and is accompanied by a loss of appetite and a general weakness. The disease is usually of a short duration and the patient usually recovers within a few days. However, in some cases the disease may be of a long duration and the patient may die. The disease is usually of a mild nature and the patient usually recovers without any complications. However, in some cases the disease may be of a severe nature and the patient may die. The disease is usually of a mild nature and the patient usually recovers without any complications.

The disease is usually of a mild nature and the patient usually recovers without any complications. However, in some cases the disease may be of a severe nature and the patient may die. The disease is usually of a mild nature and the patient usually recovers without any complications. However, in some cases the disease may be of a severe nature and the patient may die. The disease is usually of a mild nature and the patient usually recovers without any complications. However, in some cases the disease may be of a severe nature and the patient may die. The disease is usually of a mild nature and the patient usually recovers without any complications. However, in some cases the disease may be of a severe nature and the patient may die.

# federal register

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Friday  
March 20, 1992

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## Part V

# Department of Transportation

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Federal Highway Administration

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23 CFR Part 658

**Truck Size and Weight; Restrictions on  
Longer Combination Vehicles (LCV's) and  
Vehicles With Two or More Cargo  
Carrying Units; Proposed Rule**

## DEPARTMENT OF TRANSPORTATION

## Federal Highway Administration

## 23 CFR Part 658

[FHWA Docket No. 92-15]

RIN 2125-AC86

**Truck Size and Weight; Restrictions on Longer Combination Vehicles (LCV's) and Vehicles With Two or More Cargo Carrying Units****AGENCY:** Federal Highway Administration (FHWA), DOT.**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 restricts the operation of longer combination vehicles on the Interstate Highway System and commercial motor vehicle combinations with two or more cargo carrying units on the National Network to the type of vehicles in use on or before June 1, 1991, subject to whatever State rules, regulations or restrictions were in effect on that date. The ISTEA also includes special variances from the June 1 date for Alaska, Ohio and Wyoming, which are discussed in this document. A preliminary list of these vehicles and restrictions is being published today for public comment.

This NPRM also includes (1) a proposal to allow States to make temporary minor adjustments in approved routes and operating restrictions for these vehicles and (2) a definition of loads which cannot be easily dismantled or divided.

**DATES:** Comments on this docket must be received on or before May 4, 1992.

**ADDRESSES:** Submit written, signed comments to FHWA Docket No. 92-15, Federal Highway Administration, room 4232, HCC-10, Office of the Chief Counsel, 400 Seventh Street, SW., Washington, DC 20590. Commenters may, in addition to submitting "hard copies" of their comments, submit a floppy disk (either 1.2Mb or 360 KB density) in a format that is compatible with the word processing program WordPerfect (5.1). All comments received, as well as material submitted by the States used in preparing this notice, will be available for examination at the above address between 8:30 a.m. and 3:30 p.m., e.t., Monday through Friday, except legal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped envelope or postcard.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Thomas Klimek, Office of Motor Carrier Information Management and Analysis, at (202) 366-2212 or Mr. Charles Medalen, Office of the Chief Counsel, at (202) 366-1354, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except legal holidays.

**SUPPLEMENTARY INFORMATION:** Section 1023 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) required States, within 60 days of adoption, to submit to the Secretary, for publication in the *Federal Register* 30 days thereafter, a complete list of (1) all operations of longer combination vehicles (LCV's) being conducted as of June 1, 1991; (2) State laws, regulations and any other limitations and conditions, including routing specific and configuration specific designations governing the operation of LCV's; and (3) a copy of such laws, regulations, limitations and conditions. LCV's are defined in the ISTEA as:

Any combination of a truck tractor and 2 or more trailers or semitrailers which operates on the Interstate System at a gross vehicle weight greater than 80,000 pounds.

Similarly, section 4006 will also require the States to submit a complete list of State length limitations applicable to commercial motor vehicle (CMV) combinations with two or more cargo carrying units in effect on or before June 1, 1991. This section prohibits States from allowing the operation (by statute, regulation, permit or other means) of CMV's with cargo carrying unit lengths that exceed the length, by specific configuration, allowed and in actual, lawful operation on a regular or periodic basis (including continuing seasonal operation) on the National Network (NN) in that State on or before June 1, 1991. National Network is as defined in 23 CFR 658.5(f).

Sections 1023 and 4006 provide that no statute or regulation shall be included on the list submitted by a State or published by the Secretary merely on the grounds that it authorized, or could have authorized, by permit or otherwise, the operation of CMV combinations not in actual operation on a regular or periodic basis on or before June 1, 1991.

States may continue to issue special permits, in accordance with applicable State laws, for those vehicles and loads which cannot be easily dismantled or divided.

A cargo carrying unit is defined as any portion of a CMV combination (other than the truck tractor) used for the carrying of cargo. These units

include a trailer, semitrailer or the cargo carrying section of a single unit truck.

Section 4006 also defines the length of the cargo carrying units as the distance from the front of the first cargo unit to the rear of the last cargo unit. Historically, few States controlled this distance, relying instead on either an overall combination length or length controls on the individual units. Accordingly, in compiling the cargo carrying unit lengths listed in appendix D, assumptions have been made regarding the distance between units and distance allotted for the driver's cab.

In making the length determinations the following guidelines have been observed. For combinations including a truck tractor which are subject only to an overall vehicle length requirement, the cargo carrying unit length has generally been estimated at 10 feet less than the overall length. If both overall length and unit maximum lengths are controlled, the sum of the unit maximums plus 4 feet between units will first be compared against the overall length. If the sum of unit maximums plus the 4-foot spacing is less than the overall length minus 10 feet for the tractor, then the length is estimated at overall length minus 10 feet. If the sum of unit lengths plus spacing is greater than the overall length minus 10 feet, the unit length plus spacing sum will be established as the cargo carrying length. However, in order to allow for a 7-foot cab, the shortest tractor likely to be used in over-the-road operations, the cargo carrying unit length will never be allowed to exceed the overall vehicle length minus 7 feet. For truck-trailer combinations, 7 feet will be allowed for cab space, making the cargo carrying unit length for these combinations no greater than the overall combination length minus 7 feet. Comments are invited on these guidelines.

In response to this legislation, the FHWA, through its field offices, sent each State a questionnaire to aid it in supplying the required information. The form indicated that if a State did not allow LCV's or CMV combinations with two trailers over 28.5 feet long or with more than two trailers, it need supply no further information.

The intent of the ISTEA is to prohibit the use of vehicle combinations with cargo unit lengths or overall lengths exceeding those allowed on June 1, 1991. The Surface Transportation Assistance Act of 1982 (STAA) [Pub. L. 97-424, 96 Stat. 2097] required States to allow the operation of twin 28-foot units, and many also allow the grandfathered 28.5-foot length. Since these vehicles were

necessarily legal in all States on June 1, 1991, and in operation virtually everywhere, the FHWA believes it would serve no purpose to list them despite the fact that they have two cargo carrying units. The same is true of certain other vehicles described as follows.

A CMV combination consisting of a truck-trailer or truck-semi-trailer is currently a legal vehicle in all States. The only difference among States is the length control placed on the combination. In addition, certain of these combinations are known as maxi-cube vehicles. Congress has required States to allow maxi-cubes on the NN highways, within specific length parameters.

Accordingly, in preparing the interim list required in section 4006(a) of the ISTEA (proposed appendix D to part 658), the FHWA has decided not to list certain vehicle combinations. Consequently, the operations of these vehicles will not be affected by the ISTEA freeze, and no additional information regarding conditions, routes or authority to operate is required.

These excepted combinations are as follows:

1. *Truck tractor-semi-trailer-semi-trailer* and *truck tractor-semi-trailer-trailer* configurations with a maximum length of the cargo carrying units of 62 feet or less are subject to the provisions of 23 CFR part 658. These are the twin 28-foot units authorized by the STAA and the 28-foot B-train doubles authorized as specialized equipment by the FHWA.

2. *Other STAA vehicles*—no State needs to report on the following vehicles, all of which are specialized equipment authorized by the FHWA, on the authority of section 411(d) of the STAA:

- a. Saddle-mount combinations 75 feet or less in length;
- b. Grandfathered dromedary equipped truck tractor-semi-trailer combinations; and
- c. Automobile or boat transporter combinations 65 feet or less in length (75 feet if stinger steered).

3. *Truck-trailer* and *truck-semi-trailer* combinations (except as maxi-cubes) are presently allowed to operate in all States subject to varying overall length limit controls. Many of these vehicles are used in construction or farming, e.g., dump trucks with tag-along trailers and straight trucks with hopper trailers or flatbeds. We do not believe Congress intended to include such vehicles, used locally for relatively short distances and often on secondary roads, within the scope of the ISTEA freeze. However, additional information regarding

conditions, routes or authority to operate is required for these configurations if the cargo carrying length of these vehicles is greater than 65 feet. We believe most combinations with a cargo carrying length greater than 65 feet are likely to be over-the-road CMV's.

4. Maxi-cubes, i.e., *truck-trailer* and *truck-semi-trailer* combinations with an overall length of 65 feet or less, are specialized equipment and must be allowed to operate everywhere on the NN. In addition, the report issued by the House Appropriations Committee on the FY 1991 Department of Transportation Appropriations Act made it clear that Congress intended to allow a maximum cargo carrying unit length of 60 feet [H.R. Rep. No. 584, 101st Cong., 2d Sess. 78-79 (1990)]. As the name implies, maxi-cubes have enclosed cargo units with unusually high volume capacity.

In responding to our request for the LCV information, many States included vehicles which are legal but will not be listed in appendix D for the reasons given above. The following describe, by State, the vehicles being excluded.

#### Vehicles Excluded From Appendix D

##### California:

1. Doubles with an overall length of 65 feet or less.

##### Colorado:

1. Western double wherein each trailer is 28.5 feet or less in length.

##### Delaware:

1. Tractor-semi-trailer-trailer where each trailer and semi-trailer is 29 feet or less in length. The length of the cargo carrying units is 62 feet or less.

##### Florida:

1. Tractor-semi-trailer combinations where the semi-trailer is 57.5 feet or less in length. These vehicles were not referenced in the ISTEA.

2. Maxi-cubes allowed by 49 CFR 2311.

##### Georgia:

1. Truck pulling a maximum 15-foot-long trailer. The maximum overall length is 55 feet 7 inches.

##### Hawaii:

1. Doubles with an overall cargo carrying unit length of 65 feet or less.

##### Idaho:

1. Truck tractor-semi-trailer-trailer with each of the cargo carrying units having a length of 28.5 feet or less.

##### Indiana:

1. Combination of three or more vehicles coupled together with a length not to exceed 65 feet.

2. Combination of two vehicles coupled together with a length not to exceed 60 feet.

3. Tractor with a maximum 28.5-foot semi-trailer and a maximum 28.5-foot full trailer.

4. Maxi-cube vehicle with an overall length of 65 feet.

##### Louisiana:

1. Truck and trailer with an overall length restricted to 65 feet, cargo carrying length limited to 58 feet.

##### Maryland:

1. Maxi-cube consisting of a truck pulling a trailer having a maximum length of 34 feet. The maximum overall length of the combination is 65 feet.

2. Truck pulling a trailer having a maximum length of 28 feet. The maximum overall length of the combination vehicle is 60 feet.

##### Massachusetts:

1. Truck and trailer with a maximum cargo carrying length of 45.5 feet.

##### Michigan:

1. For a truck tractor-semi-trailer-trailer with either cargo unit exceeding 28.5 feet in length, Michigan statutes allow an overall length of the two trailers as measured from the front of the first trailer to the rear of the second trailer of 58 feet including load.

##### Missouri:

1. Any vehicle combination other than 28-foot doubles, the 53-foot semi-trailer in tow with a truck tractor, and buses operated on Interstate and primary highways plus 10-mile access where the overall length is 65 feet or less. The allowed length is reduced to 55 feet when the 10-mile access limit is exceeded.

##### Nebraska:

1. Truck and full trailer where the maximum overall length is 65 feet.

##### Oklahoma:

1. A recreational vehicle pulling two trailers with an overall length of 65 feet. The total length of the cargo carrying units is 58 feet or less.

2. Pickup or light truck pulling two recreational-related trailers. Overall length is 70 feet or less, and the length of the cargo carrying unit is 63 feet or less.

##### Oregon:

1. Canadian B-Train (covered by description in appendix D for "Rocky Mountain Double").

2. Truck tractor-semi-trailer equipped with a dromedary box on the tractor.

3. Specialized equipment authorized by the STAA of 1982, including automobile and boat transporters and saddle-mounts.

##### South Dakota:

1. Specialized equipment authorized by the STAA of 1982, including automobile and boat transporters and saddle-mount combinations.

2. Pickup or light truck pulling two recreational-related trailers. Overall

length is 70 feet or less. The maximum length of the second trailer is 24 feet.

3. Heavy haul combination consisting of a four-axle truck tractor pulling a two-axle semitrailer which is noncargo carrying, but supports part of the load of the second three-axle semitrailer. The second semitrailer is the primary load carrying unit and is followed by a third two-axle trailer which also supports part of the load of the second semitrailer. The overall length of the combination vehicle is 110 feet or less.

*Tennessee:*

1. Truck and trailer with a maximum overall length of 65 feet.

2. Tractor-semitrailer with a kingpin to end of trailer length not to exceed 50 feet, provided the kingpin to center of rear axle(s) length does not exceed 41 feet.

3. Wrecker towing disabled vehicles.

4. Truck tractor pulling a 53-foot cotton seed module.

*Wisconsin:*

1. Truck-trailer-trailer where each trailer is a pressurized or nonpressurized tank unit. The overall length is 60 feet or less.

2. Truck and three trailers wherein each trailer carries warning signs used exclusively for highway maintenance or construction. The overall length is 60 feet or less.

3. Farm tractor and two trailers where the trailers are used primarily as implements of husbandry in connection with seasonal agricultural activities. The overall length is 60 feet or less.

4. Truck and three or fewer trailer-type vehicles designed to carry passengers on educational or recreational excursions. The overall length is 50 feet or less.

*Wyoming:*

1. A truck-trailer combination with a cargo length of 65 feet or less.

All of the above vehicles are covered by the exceptions noted in appendix D, and therefore are not included in the listing.

Any State which relied on the FHWA questionnaire and assumed that it had to supply information only about CMV's with two or more trailers may have been misled. The questionnaire overlooked CMV's with two cargo carrying units where one was not a trailer, such as a straight truck pulling a trailer, even though such vehicle combinations clearly have two or more cargo carrying units. States should furnish the FHWA with information on these vehicles and any other combinations with two or more cargo carrying units which were allowed to operate on the NN on or before June 1, 1991, if the cargo carrying length of the combination exceeds 65 feet. If this information is not provided

by May 4, 1992, so that the Agency can include it in the second NPRM interim list, the State could ultimately be prohibited from allowing any further use of such vehicles on the NN highways in the State.

The ISTE A includes three narrow exceptions to the June 1, 1991, freeze date. Wyoming may allow the operation of additional vehicle configurations not in actual operation on June 1, 1991, provided they are authorized by State law not later than November 3, 1992. These configurations must also comply with the Federal single-axle, tandem-axle and bridge formula weight limits.

Ohio may allow LCV's with three cargo carrying units of 28.5 feet each (not including the truck tractor) not in actual operation on June 1, 1991, to be operated within its boundaries on the 1-mile segment of Ohio State Route 7 which begins at, and extends south of, Exit 16 on the Ohio Turnpike.

Alaska may continue to allow the operation of LCV's which were not in actual operation on June 1, 1991, but which were in actual operation prior to July 6, 1991. It may also continue to allow the operation of CMV's with two or more cargo carrying units which were not in actual operation on June 1, 1991, but which were in actual operation prior to July 6, 1991.

In addition to the lists of vehicle configurations, the ISTE A also required each State to submit a copy of all its statutes, regulations, limitations and conditions which apply to the operation of each of the LCV's or extra-length vehicles reported as in use on or before June 1, 1991.

The content of the States' responses to this request covers the full range of what could be supplied, both in terms of items covered and volume of material. The diversity of the contents of the responses is so great that before any list is finalized there is a need for increased uniformity, both in terms of items covered and the type of information provided for a specific item. For example, some States indicate only that a permit is required while others also included the current fee structure. In other instances, a State describes operational conditions for triple trailer combinations by saying, "See appendix A." Appendix A in turn is a lengthy document which includes all possible contingencies and applies to all types of extra-length vehicles. In such instances, the FHWA has attempted to summarize what could otherwise be an extremely complicated and lengthy set of conditions.

One of the subheadings for each LCV or extra-length vehicle described in proposed appendices C and D,

respectively, of 23 CFR part 658 is "Operational Conditions." This information was taken directly from the State responses to the questionnaire, regardless of content. In those cases where another document was referenced, the FHWA has attempted to summarize that document. Because of the differences in State-provided responses, there is little consistency as to coverage or depth. Therefore, in addition to asking for comments on this NPRM, we are asking the States and all other sources, including industry trade groups, for additional information to provide consistency in the reporting among States.

In finalizing appendices C and D the FHWA intends to publish the restrictions and conditions in a manner which uniformly presents the information for each State. Accordingly, we are asking those States which allow LCV's or extra-length vehicles to provide the operational conditions subdivided as follows:

1. The weight—list the maximum single-axle, tandem-axle and gross weight, as well as any axle spacing requirements for each combination vehicle.

2. The driver—describe any special training, experience or licensing requirements required to handle the combination vehicle described.

3. The vehicle—describe any special requirements that apply, such as horsepower, braking ability, off-tracking limits or order of trailers.

4. Permit requirements—indicate whether a permit is required and, if so, its duration, type, i.e., whether it is for a single or multiple trip, and if a fee is charged.

5. Access requirements—recognizing that approved operating routes are listed separately, describe any conditions which would restrict vehicle access between terminals and approved highways, i.e., describe what, if any, "reasonable access" conditions exist for the combination described.

We ask that affected States respond with this information by May 4, 1992. If the information is part of a booklet or other publication, we ask that the States succinctly summarize the information for each heading and provide a copy of the source document to the docket. In order to make the final list of limitations and conditions as complete and accurate as possible, a second NPRM will be published seeking comment on the information obtained in response to this request.

Operators of the vehicles described in appendices C and/or D are cautioned, however, that any such operation must

be in full compliance with applicable State regulations. The "Operational Conditions" described in appendices C and/or D are intended to be an informational summary of the major conditions for the public at large. They are not to be used as the basis for actual operations.

#### List of ISTEA Vehicle Operations and Conditions Submitted by States

A summary of the material furnished by the States is shown in appendices C and D to 23 CFR, part 658. Information on LCV's (section 1023 of the ISTEA) is in appendix C and data on vehicles with two or more cargo carrying units (section 4006) are in appendix D. The actual State submissions are on file at the FHWA Headquarters, room 4232, and may be viewed there from 8:30 a.m. to 3:30 p.m., e.t., Monday through Friday, except on holidays.

In addition to seeking comments on the content of this proposed rule, the FHWA is also interested in comments concerning the format of the information presented. Any comments on how this information might be presented in a clearer, more concise manner, while fulfilling the requirements of the ISTEA, are also invited.

#### Minor Adjustments to Listed Information

Sections 1023 and 4006 of the ISTEA allow States to make minor adjustments of a temporary and emergency nature to route designations and vehicle operating restrictions in effect on June 1, 1991. They also direct the Secretary to issue regulations establishing criteria for the States to follow in making such adjustments. The Secretary must be notified within 30 days of any further restrictions or prohibitions imposed by States on the operation of vehicles subject to the ISTEA.

Minor adjustments must be both emergency and temporary. According to the Conference Report on the ISTEA [H.R. Conf. Rep. No. 404, 102d Cong., 1st Sess. 314 (1991)], the nature of such adjustments is intended to be temporary and very limited; for example, in the case of a bridge failure that would require the rerouting of ISTEA vehicles to highways where they would otherwise be prohibited. Since it is impossible to foresee all types of emergencies that might necessitate a minor adjustment, the proposed regulation would simply require a State to give the FHWA Administrator a detailed description of the emergency requiring an adjustment which exceeds 30 days. Emergency adjustments with a duration of 30 days or less need not be reported to the Administrator.

Adjustments lasting more than 1 year would not be considered to be of a temporary or emergency nature. Minor adjustments for the same emergency would not be permitted to be broken into periods of less than 1 year to extend the emergency for a period longer than that. Similarly, an emergency would not be permitted to be broken into 30-day or shorter periods to avoid reporting.

#### Further Restrictions on ISTEA Vehicles

The ISTEA provides that State restrictions or prohibitions on the operation of LCV's and CMV's with two or more cargo carrying units after June 1, 1991, must be consistent with sections 411, 412, and 416(a) of the STAA. This means States may not prohibit twin trailer combinations with trailers not over 28 feet long (28.5 if grandfathered) from operating on the NN or reasonable access routes. States may not restrict the width of vehicles on the NN or reasonable access routes to less than 102.36 inches. The FHWA may require further information or clarification about subsequent State restrictions or prohibitions on ISTEA vehicles before publishing the information in the Federal Register.

#### Definition of Loads Which Cannot Be Easily Dismantled or Divided

With only a few exceptions, section 4006(a) of the ISTEA freezes the length of vehicles with two or more cargo carrying units at the length allowed on June 1, 1991. However, there is an exception for nondivisible loads. States may issue permits for vehicles with loads that exceed the length allowed in 1991 if the load cannot be easily dismantled or divided. The Conference Report on the ISTEA [*id.* at 441] states that the types of loads envisioned by this provision are long loads, e.g., missiles or bridge sections on two or more connected flatbed trucks.

The exemption would also apply to very large objects moved on a series of dollies, each of which is technically a cargo carrying unit. Because Congress has authorized the States, in identical terms, to issue overweight and oversize permits "for those vehicles and loads which cannot be easily dismantled or divided" [23 U.S.C. 127(a); section 4006(a) of the ISTEA, to be codified at 49 U.S.C. app. 2311(j)(1)], the FHWA is proposing a definition of "nondivisible load" which would be equally applicable to an overweight and an oversize load. Briefly, a load would be considered nondivisible if dividing it into small or lighter components would destroy its value or cause the shipper or motor carrier significant additional expense to dismantle. This permit

authority is not a "loophole," but a limited exception for specific purposes. Assume, for example, that a State did not allow "Turnpike Doubles" on June 1, 1991, but that a motor carrier later wanted to transport two industrial boilers, each of which required a 45-foot-long cargo unit, as part of a "Turnpike Double" combination with one boiler on each cargo unit. A "Turnpike Double" is a common name for a truck tractor-semitrailer-trailer CMV where the semitrailer and trailer are generally each at least 40 feet long and of equal length. Although each boiler is certainly nondivisible, the vehicle combination can easily be split into two tractor trailer units with no effect on the cargo. The combination, therefore, would not qualify for a nondivisible load permit. On the other hand, a permit would be appropriate to move a prefabricated bridge span longer than the maximum length of cargo carrying units allowed on June 1. A nondivisible load permit could also be used for a relatively small cargo carried on a single trailer, e.g., an electrical generator, that would produce a gross vehicle weight above 80,000 pounds. But if each trailer in a conventional double carried one generator and the combination weighed 85,000 pounds, a nondivisible load permit could not be issued because separating the load for shipment on two vehicles would neither destroy its value nor constitute a significant additional cost.

#### Meaning of "On or Before"

The ISTEA specifies that LCV's may continue to be used only if "in actual operation on a regular or periodic basis (including seasonal operations) on or before June 1, 1991, \* \* \*" [section 1023(b), amending 23 U.S.C. 127(d)(1)(A)]. However, in the same section, amending 23 U.S.C. 127(d)(1)(B), it provides that all such operations shall continue to be subject to rules "in force on June 1, 1991."

The question is whether a State could allow triple trailer combinations, for example, in lawful use at some earlier time but unlawful as of June 1, 1991, to be used after that date. Under the proposed rule, the answer would be that it could not. "On or before" relates to LCV's used on a periodic basis so that even if not in actual use on that date, they nevertheless were authorized to operate on a periodic or other basis on that date.

#### Procedure to Review and Correct Final List

Sections 1023 and 4006 of the ISTEA provide a review and correction

procedure for the final lists of ISTEA vehicles, to be published as appendices C and D to 23 CFR part 658. Any person or State may request that the Secretary review the final list to determine if there is cause to believe that it contains a mistake. The Secretary may also make such a review. If the Secretary believes an error exists, he or she must commence a proceeding to determine if the list should be corrected, and if so, make the correction.

**Rulemaking Analyses and Notices, Executive Order 12291 (Federal Regulation) and DOT Regulatory Policies and Procedures**

The FHWA has determined that this action is not major within the meaning of Executive Order 12291 or significant within the meaning of Department of Transportation regulatory policies and procedures. It is anticipated that the economic impact of this rulemaking will be minimal; therefore, a full regulatory evaluation is not required.

**Regulatory Flexibility Act**

In compliance with the Regulatory Flexibility Act [5 U.S.C. 601 *et seq.*], the FHWA has evaluated the effects of this rule on small entities. Based on the evaluation, the FHWA hereby certifies that this action will not have a significant economic impact on a substantial number of small entities. This action merely lists applicable limitations by specific vehicle combination, by State, in effect on June 1, 1991, and will not further restrict the operation of any vehicle in lawful operation on or before June 1, 1991, and subject to those limitations.

**Executive Order 12612 (Federalism Assessment)**

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this action does not have sufficient federalism implications to warrant the preparation of a federalism assessment. Although its effect will be to prevent the expansion of the ISTEA vehicle network beyond that which States allowed on June 1, 1991, there is no indication at this time that the States planned any significant expansion of that network which would be impeded by these regulations. This action merely implements requirements of the ISTEA.

**Executive Order 12372 (Intergovernmental Review)**

Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety. The regulations implementing Executive Order 12372

regarding intergovernmental consultation on Federal programs and activities do not apply to this program.

**Paperwork Reduction**

This action does not contain a collection of information requirement for purposes of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

**National Environmental Policy Act**

The Agency has analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and has determined that this action would not have any effect on the quality of the environment.

**Regulation Identification Number**

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

**List of Subjects in 23 CFR Part 658**

Grant programs—transportation, Highways and roads, Motor carrier size and weight.

Issued on: March 16, 1992.

**T. D. Larson,**  
*Administrator.*

In consideration of the foregoing, the FHWA proposes to amend chapter I of title 23, Code of Federal Regulations, part 658 as set forth below.

**PART 658—TRUCK SIZE AND WEIGHT, ROUTE DESIGNATIONS—LENGTH, WIDTH, AND WEIGHT LIMITATIONS**

1. The authority citation for 23 CFR part 658 is revised to read as follows:

Authority: 23 U.S.C. 127; 49 U.S.C. App. 2311, 2312, 2313, and 2316; 23 U.S.C. 315; and 49 CFR 1.48.

2. Section 658.5 is amended by adding paragraphs (u), (v) and (w) to read as follows:

**§ 658.5 Definitions.**

(u) *Longer combination vehicle.* As used in this part, longer combination vehicle (LCV) means any combination of a truck tractor and two or more trailers or semitrailers which operates on the Interstate System at a gross vehicle weight greater than 80,000 pounds.

(v) *Cargo carrying unit.* As used in this part, cargo carrying unit means any portion of a commercial motor vehicle combination (other than a truck tractor) used for the carrying of cargo, including

a trailer, semitrailer or the cargo carrying section of a single unit truck.

(w) *Nondivisible load.* As used in this part, nondivisible load means any load with carrying vehicle heavier or longer than the legal limit which cannot be separated into two or more lighter or smaller components without destroying the value of the shipment or imposing significant additional costs on the shipper or motor carrier to dismantle the load.

3. Part 658 is amended by adding § 658.23 as follows:

**§ 658.23 LCV freeze; cargo carrying unit freeze.**

(a)(1) Except as otherwise provided in this section, a State may allow the operation of longer combination vehicles only as listed in appendix C of this part.

(2) Except as otherwise provided in this section, a State may not allow the operation on the National Network of any commercial motor vehicle combination with two or more cargo carrying units (not including the truck tractor) whose cargo carrying units exceed:

(i) The maximum combination trailer, semitrailer or other type of length limitation authorized by State law or regulation of that State on or before June 1, 1991; or

(ii) The length of the cargo carrying units of those commercial motor vehicle combinations, by specific configuration, in actual, lawful operation on a regular or periodic basis (including continuing seasonal operation) in that State on or before June 1, 1991, as listed in appendix D of this part.

(b) Wyoming shall notify the Federal Highway Administrator within 30 days after November 3, 1992, if additional vehicle configurations were authorized by legislation prior to that date. The notification shall include a copy of the legislation and a description of the vehicle length and weight restrictions and other operating conditions imposed.

(c) For specific safety purposes and road construction, a State may make minor adjustments of a temporary and emergency nature to route designations and vehicle operating restrictions applicable to combinations subject to sections 1023 and 4006 of the ISTEA and in effect on June 1, 1991 (for Wyoming November 3, 1992, and Alaska July 6, 1991). Adjustments which last 30 days or less may be made without notifying the Administrator. In case of minor adjustments which exceed 30 days in length, a State must notify the Administrator in writing by the end of the 30th day giving a description of the

emergency, the date on which it began and the date on which it will end. Consecutive adjustments totaling more than 30 days must also be reported to the Administrator. If the adjustment involves route designations, the State must list in detail the new route on which vehicles otherwise subject to the freeze imposed by sections 1023 and 4006 of the ISTEA are allowed to operate. If the adjustment involves vehicle operating restrictions the State must list the restrictions that have been removed or modified. Upon receipt of the notification, the Administrator will publish a notice of adjustment, with an expiration date, in the **Federal Register**. No adjustment may be maintained for longer than 1 year. If the FHWA determines that minor adjustments made by a State are not legitimately attributable to road or bridge construction or safety, the Administrator will so inform the State, and the original conditions of the freeze must be reimposed immediately. Failure to do so may subject the State to a penalty pursuant to 23 U.S.C. 141.

(d) States further restricting or prohibiting the operation of vehicles subject to sections 1023 and 4006 of the ISTEA after June 1, 1991, shall notify the Administrator within 30 days after the restriction is effective. The Administrator will publish the restriction in the **Federal Register** as an amendment to appendix C and/or D of this part, as appropriate. Failure to provide such notification may subject the State to a penalty pursuant to 23 U.S.C. 141.

(e) The Administrator, on his or her own motion or upon a request by any person (including a State), shall review the information set forth in appendices C and/or D of this part to this part. If the Administrator determines there is cause to believe that a mistake was made in the accuracy of the information contained in appendix C and/or D of this part, the Administrator shall commence a proceeding to determine whether the information published should be corrected. If the Administrator determines that there is a mistake in the accuracy of the information contained in appendix C and/or D of this part, the Administrator shall publish in the **Federal Register** the appropriate corrections to reflect that determination.

4. Part 658 is amended by adding appendices C and D to read as follows:

**Appendix C to Part 658—Trucks Over 80,000 Pounds on the Interstate System**

This appendix contains information by State regarding the status of commercial motor vehicle combinations consisting of a truck tractor and two or more trailers or

semitrailers, lawfully operating on the Interstate System, with a gross weight in excess of 80,000 pounds. For those 22 States in which the described vehicle was allowed on a regular or periodic basis (including seasonal operations) on or before June 1, 1991, additional information summarizing the operational conditions, routes and legal citations is also provided. The term "Interstate System" as used herein refers to the National System of Interstate and Defense Highways, renamed to the Dwight D. Eisenhower System of Interstate and Defense Highways by Public Law 101-427.

State	Allowed	Not allowed
Alabama		X
Alaska	X	
Arizona	X	
Arkansas		X
California		X
Colorado	X	
Connecticut		X
Delaware		X
District of Columbia		X
Florida		X
Georgia		X
Hawaii		X
Idaho	X	
Illinois		X
Indiana	X	
Iowa		X
Kansas	X	
Kentucky		X
Louisiana		X
Maine		X
Maryland		X
Massachusetts	X	
Michigan	X	
Minnesota		X
Mississippi		X
Missouri	X	
Montana	X	
Nebraska	X	
Nevada	X	
New Hampshire		X
New Jersey		X
New Mexico	X	
New York	X	
North Carolina		X
North Dakota	X	
Ohio	X	
Oklahoma	X	
Oregon	X	
Pennsylvania		X
Puerto Rico		X
Rhode Island		X
South Carolina		X
South Dakota	X	
Tennessee		X
Texas		X
Utah	X	
Vermont		X
Virginia		X
Washington	X	
West Virginia		X
Wisconsin		X
Wyoming	X	

State: Alaska.

Operational Conditions: On the National Network (NN), Longer Combination Vehicles (LCV's) except triples may operate without a permit, speed or time-of-day restrictions. Triple trailer combinations must obtain a permit and pay a permit fee. All LCV's with an overall length greater than 75 feet are required to display "Oversize" signs front and rear. During the annual spring thaw, all

commercial vehicles, including LCV's, are restricted on the amount of weight that each axle grouping is allowed to carry. The Alaska Department of Transportation and Public Facilities (DOT & PF) makes the determination on the percentage and the portion(s) of the highways affected. Weather restrictions are imposed when hazardous conditions exist as determined by the Alaska DOT & PF and the Alaska Department of Public Safety, Division of State Troopers.

Routes:

	From	To
AK-1	Anchorage (Potter Weigh Station).	Palmer (Palmer-Wasilla Highway Junction)
AK-2 <sup>1</sup>	Fairbanks (Gaffney Road Junction).	Delta Junction (MP 1412 Alaska Highway).
AK-3	From its Junction with AK-1.	Fairbanks (Gaffney Road Junction).

<sup>1</sup> AK-2 is not open to triple trailer combinations.

Legal Citations:

- 17 AAC 35
- 17 AAC 25

Administrative Permit Manual

State: Arizona.

Operational Conditions: On all listed routes, the company must have a Certificate of Compliance on file and a permit in the possession of the driver when operating a longer combination vehicle (LCV).

All companies must have an active safety program. All drivers are required to comply with Motor Carrier Safety Regulations of the U.S. DOT and title 28, Arizona Revised Statutes.

LCV's shall not exceed the legal or posted speed, whichever is lower.

LCV's are allowed continuous travel except during adverse weather conditions, at which time movement of LCV's is prohibited.

All LCV's are restricted to a 20-mile border area from any adjacent State which allows such combinations of length and gross vehicle weight.

Routes:

	From	To
I-15	Nevada State Line ...	Utah State Line.

Legal Citations:

- |                |               |
|----------------|---------------|
| ARS 28-107     | ARS 28-1011.K |
| ARS 28-108.5   | ARS 28-1011.L |
| ARS 28-108.13  | ARS 28-1011.M |
| ARS 28-108.14  | ARS 28-1011.N |
| ARS 28-1001    | ARS 28-1011.O |
| ARS 28-1004.C  | ARS 28-1013   |
| ARS 28-1008    | ARS 28-1014   |
| ARS 28-1009    | ARS 28-1031   |
| ARS 28-1009.01 | ARS 28-1051   |
| ARS 28-1011.A  | ARS 28-1052   |
| ARS 28-1011.C  | R17-40-426    |
| ARS 28-1011.F  |               |

State: Colorado.

Operational Conditions: Longer Combination Vehicles (LCV's) must purchase an annual permit pursuant to C.R.S. 42-4-404.5(1). To operate at greater than 80,000 pounds, LCV's must purchase an overweight permit pursuant to C.R.S. 42-4-409(11)(a)(II)

(A), (B) or (C) and comply with Rule 4-15 in the Extra-Legal Vehicles and Loads Rules. LCV's must comply with the rules and regulations for the Operation of Longer Combination Vehicles on Designated State Highway Segments. The rules address all restrictions and requirements that are imposed on LCV's. However, instead of complying with Rule 5-1 in the Longer Combination Vehicle Rules, LCV's operating at greater than 80,000 pounds must comply with Rule 4-1-5 in the Extra-Legal Vehicles and Loads Rules concerning hours of operation restrictions.

Routes:

	From	To
I-25	Colorado-New Mexico State Line.	Colorado-Wyoming State Line.
I-70	US 40 and SH 26 in Denver	Colorado-Kansas State Line.
I-70	Colorado-Utah State Line.	Jct. SH 13 in Rifle.
I-76	Jct. I-25 in Denver...	Colorado-Nebraska State Line.
I-225	Jct. I-25 in Denver...	Jct. I-70 in Denver
I-270	Jct. I-70 in Denver...	Jct. I-76 in Denver

Legal Citations: LCV's must comply with all applicable statutes, such as C.R.S. 42-4-406(2)(b)(I) and (2)(c) axle weight limitations, C.R.S. 42-4-402(1) width, C.R.S. 42-4-404(1) height and C.R.S. 42-4-409(11)(a)(II) (A), (B) or (C) overweight permits. LCV's must comply with Rule 4-1-5 in the Extra-Legal Vehicles and Loads Rules and with the Longer Combination Vehicle Rules.

State: Idaho.

Operational Conditions: Permits are required. Permit duration is 1 year from the date of issuance. There are extra-length, excess-weight and (if the vehicle operates on the Interstate System) extra-length/excess-weight permits.

The maximum number of units allowed in a combination vehicle is one tractor and three cargo units.

Vehicles under permit must comply with the Calculated Maximum Off-Track (CMOT) Formula (shown below).

$$CMOT = R - [R^2 - (A^2 + B^2 + C^2 + D^2 + E^2)]^{1/2}$$

$$R = 165 - 4 = 161$$

A, B, C, D, E, etc. equals measurements between points of articulation or pivot. Squared dimensions to stinger steer points of articulation are negative.

Vehicles under permit must also comply with axle weight, width and length and limits of Idaho Code, section 49-1001.

Maximum weight: Registered weight up to 105,500 pounds.

Maximum width: 8 feet 6 inches.

Maximum length: 105 feet and CMOT of 8.75 feet (Interstate routes)

Routes: All Interstate routes. Access between Interstate and breakdown areas only via interchanges designated for combinations with CMOT of 6.5 to 8.5 feet.

Legal Citations:

Idaho Code 49-1001 Idaho Code 49-1010  
 Idaho Code 49-1002 Idaho Code 49-1011  
 Idaho Code 49-1004

Idaho Transportation Department Rules 39.C.01, 39.C.06, 39.C.08, 39.C.09, 39.C.10, 39.C.11, 39.C.14, 39.C.15, 39.C.19-23

State: Indiana.

Operational Conditions: The following shall be the maximum allowable weight limits permitted on the toll road without a special hauling permit, or as specifically provided in the case of authorized trailer combinations and Michigan Train combinations.

Factor	Limits (pounds)
Maximum single axle weight.....	22,400
Maximum tandem axle weight per axle.....	18,000
Maximum gross weight.....	90,000

Routes:

	From	To
I-80	Gate 21.....	Gate 156.
I-90	Gate 0.....	Gate 156.

Indiana Toll Road plus 15 miles access subject to Indiana Department of Highways approval.

Legal Citations:

Rule 4

Indiana Code 9-8-1-18

Indiana Code 8-15-2

135 Indiana Administrative Code 2

State: Kansas.

Operational Conditions: Permits are not required for operation on the Kansas Turnpike. A permit is required for access between the turnpike and motor freight terminals located within a 10-mile radius of each toll booth, except at the northeastern end of the turnpike where a 20-mile radius is allowed. A fee per company and a permit for each power unit is required for special vehicle combinations (SVC), i.e., "triples." Access permits are valid for 6 months, while SVC permits are valid for 1 year.

The maximum number of units in a combination vehicle is three cargo carrying units plus one tractor.

The maximum combination vehicle length is 119 feet overall length. Authorization from the Chief Engineer/Manager or Highway Patrol Captain is required for loads and vehicles longer than 119 feet. SVC trailers are limited to 28.5 feet in length.

The maximum vehicle width is 12.5 feet for vehicles and loads for both day and night operation. The maximum vehicle height is 14 feet. Vehicles and loads activating high load detectors must stop and cannot proceed without authorization. The maximum vehicle weight is 120,000 pounds on the turnpike; however, SVC's have a maximum weight of 110,000 pounds and must comply with the Federal bridge formula. The maximum axle weight is 20,000 pounds on a single axle and 34,000 pounds on a tandem axle.

SVC permits can include any restrictions deemed necessary, including specific routes and hours, days and/or seasons of operation. Rules and regulations can be promulgated regarding driver qualifications, vehicle equipment and operational standards. SVC's

cannot be dispatched or operated during adverse weather conditions. All axles, except steering axles, must have dual wheels and all vehicles must be able to achieve and maintain a speed of 40 miles per hour on all grades. Drop and lift axles are prohibited. A minimum of six and a maximum of nine axles are required. All but the steering axle must be equipped with an antispray device. The heaviest trailers are to be placed forward. Following distance is 100 feet for every 10 miles per hour. SVC's must travel in the right lane, except for passing. Hazardous cargo is prohibited. Convex mirrors are required on both sides of the cab. Drivers must have a CDL with appropriate endorsements: 2-years experience driving tractor semitrailers, 1 year driving doubles, have completed SVC driving training and a company road test. Equipment must comply with the requirements of 49 CFR 390-399.

The turnpike has no time-of-day travel restrictions, however, SVC's cannot operate on holidays or during holiday weekends.

Routes: SVC's are allowed to travel the entire length of the turnpike. However, SVC's are restricted on I-70 to travel only from a truck terminal located within 5 miles of Goodland to the Kansas-Colorado State Line, and on US 69 Alternate from Baxter Springs to the Kansas-Oklahoma State Line. The Interstate Route designation of the turnpike is as follows.

	From	To
I-35	Oklahoma State Line.	Kansas Turnpike, Authority (KTA), Milepost 127.
I-70	KTA Milepost 182.....	KTA Milepost 223.
I-335	KTA Milepost 127.....	KTA Milepost 177.
I-470	KTA Milepost 177.....	KTA Milepost 182.

Legal Citations:

Kansas Statutes Annotated (KSA)

KSA 8-1911 KSA 68-2005  
 KSA 8-1914 KSA 68-2019  
 KSA 68-2003 KSA 68-2048a  
 KSA 68-2004

State: Massachusetts.

Operational Conditions: Both the tractor manufacturer for each tractor used in tandem trailer operations on the turnpike and the permittee shall certify to the Massachusetts Turnpike Authority (MTA) prior to the approval of a tractor that it is capable of hauling the maximum permissible gross load to be transported by the permittee at a speed not less than 20 miles per hour on all portions of the turnpike system.

Brake Regulation

1. The brakes on any vehicle or dolly converter or combination of vehicles used in tandem trailer operations shall comply with Federal regulations as stated in 49 CFR 393, subpart C, as revised, and effective on the date of entry upon or use of the turnpike.

2. In addition, any vehicle or dolly converter or combination of vehicles used in tandem trailer operations shall meet the requirements of the provisions of the Massachusetts Motor Vehicle Law.

3. On units of tandem trailer combinations certified on and after June 1, 1968, the brake application line of every tandem combination shall be equipped with suitable devices to accelerate application and release of the brakes of the towed vehicles, and these devices shall be so arranged that the brake application signal does not pass directly through more than one trailer, but is dead-ended at the rear of the trailer or alternatively at the dolly, and the application signal then is retransmitted to the dolly and the second trailer. The devices required above for retransmission of the application signal shall be closely connected to and supplied by air reservoirs which have their air supplied to them by the emergency line. In the event of rupture of the application line on the towed vehicle of any tandem combination, the loss of brake application shall be limited upstream of the loss to those vehicles between the rupture and the first retransmission device.

#### Axles

A tractor used to haul a tandem trailer combination with a gross weight of more than 110,000 pounds shall be equipped with tandem rear axles, each of which shall be engaged to bear its full share of the load on the roadway surface.

#### Tandem Assembly

In the assembly of tandem combinations prior to their operation on the turnpike, the permittee shall ascertain the total gross weight of each trailer of the proposed combination. In the event that the gross weight of the trailers vary by more than 20 percent, the permittee shall couple them for each trip according to their gross weight, that is with the heaviest trailer coupled to the tractor.

#### Indication That Trailers Form One Unit

When the distance between the rear of one semitrailer and the front of the following semitrailer is 10 feet or more, the dolly shall be equipped with a device, or the trailers shall be connected along the sides with suitable material, which will indicate to other turnpike users that the trailers are connected and are in effect one unit. Such devices or connections shall be approved by the MTA prior to use on a tandem trailer combination.

#### Shifting and Swerving

Coupling devices shall be so designed, constructed and installed and the vehicles in a tandem trailer combination traveling on a level, smooth, paved surface will follow in the path of the towing vehicle without shifting or swerving from side to side over 3 inches to each side of the path of the towing vehicle when it is moving in a straight line.

#### Registration of Drivers

Proposed drivers of tandem trailer combinations shall be registered by the MTA prior to driving such equipment on the turnpike. Applications for registration shall include all specified driving, safety and physical examination records and be accompanied by an official abstract of the driving record of the individual for whom it is being submitted. Drivers of tandem trailer combinations are required to prove to the

MTA a minimum of 5 years of tractor trailer driving experience.

#### Speed Regulations

Tandem trailer combinations shall comply with the existing speed regulations for trucks and shall be subject to the rigid enforcement of the 55 miles per hour speed limit, or any lower speed limit posted due to adverse weather or road conditions for such vehicles on the turnpike.

#### Distance Between Vehicles

A minimum distance of 500 feet, or approximately two delineator spaces, shall be maintained under normal conditions between a tandem trailer combination and a vehicle traveling in front of it in the same travel lane, except when passing occurs.

#### Passing

A tandem trailer unit may pass another vehicle traveling in the same direction only if the speed differential will allow the tandem trailer unit to complete the maneuver and return to the normal driving lane within a distance of 1 mile.

#### Turnpike Regulations

Except as noted herein, and in the Tandem Trailer Permit, all rules and regulations governing the use and occupancy of the turnpike shall apply to the operation of tandem trailer combinations on the turnpike.

#### Miscellaneous Powers

The MTA may revoke or temporarily suspend at will any permit issued for the operation of tandem combinations on the turnpike, at its sole discretion, in whole or in part. If the MTA temporarily suspends tandem trailer operations at any time for any reason, including reasons of inclement weather, reconstruction MTA or other conditions, the instructions of the Authority and of the Massachusetts State Police shall be complied with immediately.

#### Makeup-Breakup Areas

Tandem trailer units shall be assembled and disassembled only in special makeup-breakup areas designated for this purpose by the MTA; no combination consisting of a truck tractor, first semitrailer and dolly, with or without a second semitrailer, shall exit from the turnpike into a publicly maintained highway within the Commonwealth of Massachusetts, except where other laws or local regulations permit.

Routes: I-90 from Boston to the New York State Line.

Legal Citations:  
Massachusetts Turnpike Authority  
Massachusetts Rules and Regulations 730  
CMR 4.00 thru 4.29

State: Michigan.  
Operational Conditions: Michigan is a multi-jurisdictional State. Truck tractor and two trailing units with a gross vehicle weight greater than 80,000 pounds are allowed not only all Interstate routes but also all State highways and many local jurisdiction highways, provided proper axle weights and axle spacings are complied with. Spring weight restrictions apply on "red routes" as noted on the Michigan Truck Operators' Map.

Routes: All Interstate routes.

#### Legal Citations:

Michigan Public Act 300, section 257.722  
Michigan Public Act 300, section 257.719  
State: Missouri.

Operational Conditions: Annual blanket permits are issued to allow moving to and from terminals and which involve travel on Interstate, primary and secondary routes. There is a permit fee per power unit. The permits carry routine conditions, but do not address driver qualifications or any other restrictions not included in the rules and regulations for all permit movement.

#### Routes:

	From	To
I-29	Jct I-35.....	I-29 milepost 20.
I-35	Kansas.....	I-35 milepost 20.
I-44	Oklahoma.....	I-44 milepost 20.
I-70	Kansas.....	I-70 milepost 20.
I-435	Entire length.....	
I-470	Entire length.....	
I-635	Entire length.....	
I-670	Entire length.....	

#### Legal Citations:

Sec. 304.200 Revised Statutes of Missouri  
1990

Sec. 304-170 Revised Statutes of Missouri  
1990

#### State: Montana.

Operational Conditions: Any vehicle carrying a divisible load over 80,000 pounds must comply with the bridge formula and purchase a restricted route permit. An exception to the Federal bridge formula requirement is allowed for vehicles traveling on I-15 between Canada and Shelby, Montana under the authority of the Memorandum of Understanding which exists between Montana and the Canadian Province of Alberta.

These vehicles are allowed to travel 24 hours a day, 7 days a week. In addition, there are no special requirements for the drivers of these vehicles. All over-dimensional loads are prohibited from travel when adverse weather conditions pose a threat to public safety.

Routes: All Interstate routes.

#### Legal Citations:

61-10-124 MCA—ARM18.8.509(6)  
61-10-107(3) MCA—(Administrative Rules of Montana)

61-10-104 MCA

61-10-121 MCA

#### State: Nebraska.

Operational Conditions: Permits for which a fee is charged are required for operation on the Interstate System only. Axle weight limits are 20,000 pounds for single axle and 34,000 pounds for tandem axle. Lift axles, which may be raised or lowered from within the vehicle or which have controls that may be reached from within the vehicle, and dummy axles will be disregarded in determining lawful weight.

(1) No wheel of a vehicle or trailer equipped with pneumatic, solid rubber or cushion tires shall carry a gross load in excess of 10,000 pounds on any road or highway nor shall any axle carry a gross load in excess of 20,000 pounds on any road or highway.

(2) No group of two or more consecutive axles shall carry a load in pounds in excess of the value given in the following table corresponding to the distance in feet between

the extreme axles of the group, measured longitudinally to the nearest foot, except that the maximum load carried on any group of two or more axles shall not exceed 80,000

pounds on the National System of Interstate and Defense Highways unless the Director-State Engineer authorizes a greater weight.

TABLE 1.—NEBRASKA ALLOWABLE AXLE GROUP WEIGHT

Axle spacing (ft)	Maximum load (lbs) by axle group					
	2 Axles	3 Axles	4 Axles	5 Axles	6 Axles	7 Axles
4	34,000					
5	34,000					
6	34,000					
7	34,000					
8	34,000	42,000				
9	39,000	42,500				
10	40,000	43,500				
11		44,000				
12		45,000	50,000			
13		45,500	50,500			
14		46,500	51,500			
15		47,000	52,000			
16		48,000	52,500	58,000		
17		48,500	53,500	58,500		
18		49,500	54,000	59,000		
19		50,000	54,500	60,000		
20		51,000	55,500	60,500		
21		51,500	56,000	61,000		
22		52,500	56,500	61,500		
23		53,000	57,500	62,500		
24		54,000	58,000	63,000		
25		54,500	58,500	63,500	69,000	
26		55,500	59,500	64,000	69,500	
27		56,000	60,000	65,000	70,000	
28		57,000	60,500	65,500	71,000	
29		57,500	61,500	66,000	71,500	
30		58,500	62,000	66,500	72,000	
31		59,000	62,500	67,500	72,500	
32		60,000	63,500	68,000	73,000	
33			64,000	68,500	74,000	
34			65,500	69,000	74,500	
35			65,500	70,000	75,000	
36			66,000	70,500	75,500	
37			66,500	71,000	76,000	81,500
38			67,500	72,000	77,000	82,000
39			68,000	72,500	77,500	82,500
40			68,500	73,000	78,000	83,500
41			69,500	73,500	78,500	84,000
42			70,000	74,000	79,000	84,500
43			70,500	75,000	80,000	85,000
44			71,500	75,500	80,500	85,500
45			72,000	76,000	81,000	86,000
46			72,500	76,500	81,500	87,000
47			73,500	77,500	82,000	87,500
48			74,000	78,000	83,000	88,000
49			74,500	78,500	83,500	88,500
50			75,500	79,000	84,000	89,000
51			76,000	80,000	84,500	89,500
52			76,500	80,500	85,000	90,500
53			77,500	81,000	86,000	91,000
54			78,000	81,500	86,500	91,500
55			78,500	82,500	87,000	92,000
56			79,500	83,000	87,500	92,500
57			80,000	83,500	88,000	93,000
58				84,000	89,000	94,000
59				85,000	89,500	94,500
60				85,500	90,000	95,000

(3) The distance between axles shall be measured to the nearest foot. When a fraction is exactly one-half foot the next larger whole number shall be used, except that (a) any group of three axles shall be restricted to a maximum load of 34,000 pounds unless the distance between the extremes of the first and third axles is at least 96 inches and (b) the maximum gross load on any group of two axles, the distance between the extremes of which is more than

8 feet but less than 8 feet 6 inches, shall be 38,000 pounds.

(4) The weight limitations of wheel and axle loads shall be restricted to the extent deemed necessary by the Nebraska Department of Roads for a reasonable period where road subgrades or pavements are weak or are materially weakened by climatic conditions.

(5) Vehicles equipped with a greater number of axles than provided in the table

shall be legal if they do not exceed the maximum load upon any wheel or axle, the maximum load upon any group of two or more consecutive axles, the total gross weight or any of such weights as provided in paragraphs (2) and (4) of this section on Nebraska.

(6) This section shall not apply to a vehicle that has been issued a permit pursuant to section 39-6,181.

(7) Any two consecutive axles, the centers of which are more than 40 inches and not more than 96 inches apart, measured to the nearest inch between any two adjacent axles in the series shall be defined as tandem axles and the gross weight transmitted to the road surface through such series shall not exceed 34,000 pounds. No axle of the series shall exceed the maximum weight permitted under this section for a single axle.

**Provisions Applicable for the Movement of Multi-Unit Combinations of Trailers and Semitrailers Requiring Special Permits in Nebraska**

*Definitions*

*Extra-Long Vehicle Combinations:* For the purpose of these rules and regulations, extra-long vehicle combinations may include the following vehicle combinations:

A vehicle combination consisting of a truck tractor, semitrailer and two trailers having an overall length of not more than 105 feet, the semitrailer and trailers of which must be of approximately equal lengths.

A vehicle combination consisting of a truck tractor, semitrailer and single trailer having an overall length of not more than 105 feet, the semitrailer and trailers of which must be of approximately equal lengths.

A vehicle combination consisting of a truck tractor, semitrailer and single trailer, one trailer of which is not more than 48 feet long and the other trailer of which is not more than 28 feet long nor less than 26 feet long. The entire combination of which is not more than 95 feet long. In this combination, the shorter trailer shall be operated as the rear trailer.

Trailer shall mean any vehicle, with or without motive power, designed for the carrying of property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle; and for the purpose of these rules and regulations, a semitrailer used with a converter dolly shall be considered a trailer.

A location within 6 miles of the Interstate System that is approved by the permit and that is to be used by the permittee for assembling or disassembling extra-long vehicle combinations.

Highways, roads or streets upon which the permittee will be allowed to move an extra-long vehicle combination when moving from or to a designated staging area and to or from the Interstate System and the area of the interchanges of the Interstate System which may be traveled by the permittee. No extra-long vehicle permits will be issued to allow travel east of Nebraska Highway 50 on the Interstate System. Except as designated on the permit, in case of deteriorating weather conditions, emergency or breakdown, vehicles moving by authority of an extra-long vehicle permit shall not be permitted to reenter the Interstate System.

The Nebraska Department of Roads, at its discretion, may issue permits for the operation of extra-long vehicle combinations when unladen, but only over a designated route on the Interstate System and from a staging area located not more than 6 miles from the Interstate System.

No departure from, amendment, alteration or change of the routes designated on the

extra-long vehicle combination permit shall be allowed. If the permit holder desires to travel on any route not designated on its permit the Nebraska Department of Roads must approve, in writing, an amendment authorizing the additional route.

*Inspection of Permit and Vehicle:* As a condition of the issuance of an extra-long vehicle combination permit, applicant must agree that the operator of the vehicle operating under the authority of an extra-long vehicle combination permit will submit to an inspection of the permit and of the vehicle at any time such vehicle is on Nebraska highways, whether or not there is reason to believe that such vehicle is in violation of the permit or the Nebraska motor vehicle laws. A copy of the permit must be carried in the power unit of the extra-long vehicle combination.

The granting of a permit by the Nebraska Department of Roads may contain restrictions or prohibit operations as determined necessary by the Department of Roads. Movement shall be made during daylight hours (sunrise to sunset). No movement shall be permitted on Saturdays, Sundays, holidays or long holidays as defined in the Department of Roads' rules and regulations pertaining to the issuing of over-dimensional and overweight permits. No movement will be permitted when the ground winds, in the vicinity or on the highways over which the extra-long vehicle combinations may move, exceed a velocity of 25 miles per hour, nor during steady rain, snow, sleet, ice or other conditions that cause the pavement to be slippery or when visibility is less than 800 feet. Should any of these conditions be encountered after commencement of the move, the driver shall cease operations by moving the extra-long vehicle combination from the roadway at the first point that the vehicle can be safely removed to prohibit the hazardous operation of the combination and to provide for safety of other highway users. Movement of extra-long vehicle combinations during any of the aforesaid prohibited times shall be grounds for revocation of the permit.

*Application For Extra-Long Vehicle Combination Permit*

An annual permit application shall be made on the Standard Form Number RM-425 furnished by the Nebraska Department of Roads and shall be submitted to the State of Nebraska, Department of Roads, Permit Office, Lincoln, Nebraska. Permits will only be issued from the Lincoln Permit Office, Monday through Friday from 8 a.m. to 12 p.m. and 1 p.m. to 5 p.m. when open for business. Permittee shall give at least 5 working days for processing of any extra-long vehicle combination permits.

The permit application must list all truck tractors to be operated under the registered permit, as well as the license number of such vehicles, the State of issuance of the license, number of such vehicles, the vehicle identification numbers and the drivers who will operate under the requested permit. Only trucks owned or leased exclusively to the permit applicant for the entire term of the requested permit and only drivers under the control and supervision of the applicant may be listed on such applications. An annual

permit is required for each qualified carrier company or individual. In the event the permittee desires to change the information listed on its permit application regarding vehicles or drivers, it may do so by written notice to the Nebraska Department of Roads in Lincoln. Such notice shall be by means of registered or personally delivered mail and shall not be effective for a period of 2 calendar days from the receipt of such notice by Nebraska Department of Roads.

Applicants for an extra-long vehicle combination permit must certify in writing to the Nebraska Department of Roads that the driver of a vehicle which is permitted to move by authority of such permit has complied with all Federal Motor Carrier Safety Regulations and all State laws, rules and regulations pertaining to drivers and drivers' licenses. Applicants must notify the Nebraska Department of Roads, in writing, of traffic citations issued to any driver for improper operation of an extra-long vehicle combination within 5 days of the issuance of said citation.

The owner or operator of each extra-long vehicle combination shall have on file with the Nebraska Department of Roads, an insurance certificate with a company authorized to do business in Nebraska, in an amount of not less than \$1 million for public liability and property damage. The insurance certificate must contain a provision stating that the insurance company will give at least 30 days written notice to the Nebraska Department of Roads in case of cancellation.

*Additional Restrictions Pertaining to Movement of Extra-Long Vehicle Combinations*

From November 15 to April 15 of each year, the permittee must contact the Nebraska Department of Roads in Lincoln, Nebraska, between the hours of 8 a.m. and 5 p.m. on any day the Nebraska Department of Roads is open for business and within 3 hours prior to commencing travel to obtain authorization for movement that day. From April 16 through November 14 of each year, the permittee must contact the Nebraska Department of Roads in Lincoln, Nebraska, between the hours of 8 a.m. and 5 p.m. on any day that the Nebraska Department of Roads is open for business and within three days of commencing travel to obtain authorization for movement. The Department of Roads will at that time issue an authorization number, record the time of the call, the driver of the vehicle to be moved and the route to be traveled.

A sign may be required to be displayed at least 8 feet above the roadway surface on the rear-most vehicle of the combination of the vehicles. The sign shall be of yellow reflectorized material with reflectorized black letters of not less than 10 inches high, and must conform to the diagram set forth Nebraska's Exhibit A (not included).

The granting of a permit shall not constitute a waiver of any license (tonnage) requirements imposed by the State of Nebraska.

The granting of a permit pursuant to these rules and regulations shall not waive any liability or responsibility of the applicant which might accrue for property damages,

including damage to the highways, or for personal injuries resulting from the operation of extra-long vehicle combinations.

A distance of at least 500 feet must be maintained between all vehicles and any two extra-long combination of vehicles when operating on Nebraska streets or highways, except when one extra-long combination of vehicles is passing another.

All vehicles in an extra-long combination of vehicles and all devices used to couple vehicles in the extra-long vehicle combination must be designed, constructed and installed so that each towed vehicle follows the alignment of the towing vehicle without shifting or swerving more than 3 inches to the right or left of the alignment when the combination is moving in a straight line on a level, smooth, paved highway during calm, dry weather conditions.

Extra-long vehicle combinations of not more than three cargo units shall have not less than six axles nor more than nine axles.

In addition to any other accident reports required by State or Federal laws, all accidents involving extra-long vehicle combinations shall be reported in writing by the permittee to the Nebraska Department of Roads, Permit Office, P.O. Box 94759, Lincoln, Nebraska 68509 within 5 business days of such accident.

The Nebraska Department of Roads may impose additional restrictions and requirements not set forth in these rules and regulations as a condition for the operation of the extra-long vehicle combinations over particular highways or sections of particular highways in this State. The Nebraska Department of Roads shall revoke or amend a decision to allow the operation of an extra-long vehicle combination on any highway of this State if changed circumstances or conditions render the operation of the combination of vehicles impracticable or unsafe.

Routes: All Interstate Highways.

Legal Citations:

Neb. Rev. Stat. ss. 39-6,181 (Reissue 1988)

Neb. Rev. Stat. ss. 39-6,180.01 (Reissue 1988)

Nebraska Dept. of Roads Rules and Regulations, title 408, chapter 1  
State: Nevada.

Operational Conditions: Permitted vehicles may have total overall lengths between 70 feet and 105 feet, when consisting of not more than three trailers or a truck and two trailers. No trailer shall be longer than 48 feet. If a trailer is 48 feet the other trailer cannot exceed 42 feet. Maximum weight not to exceed 129,000 pounds using uncapped Federal Bridge Formula B.

Identifying devices must be carried and displayed. Nevada regulations establish standards for the operation of such vehicles including:

- (a) Types and number of vehicles to be permitted in combination;
- (b) Horsepower of a motor truck;
- (c) Operating speeds;
- (d) Braking ability; and
- (e) Driver qualifications.

Routes: All Interstate routes in Nevada.

Legal and Regulatory Citations:

NRS 484.739

NRS 706.531

"Regulations for the Operation of 70 to 105 foot Combinations" (1990)

State: New Mexico.

Operational Conditions: The total gross weight with load imposed on the highway by any vehicle or combination of vehicles where the distance between the first and last axles is less than 19 feet shall not exceed that given for the respective distances in the following table:

Distance in feet between first and last axles of group	Allowed load in pounds on group of axles
4	34,320
5	35,100
6	35,880
7	36,660
8	37,440
9	38,220
10	39,000
11	39,780
12	40,560
13	41,340
14	42,120
15	42,900
16	43,680
17	44,460
18	45,240

The total gross weight with load imposed on the highway by any vehicle or combination of vehicles where the distance between the first and last axles is more than 19 feet shall not exceed that given for the respective distances in the following table:

Distance in feet between first and last axles of group	Allowed load in pounds on group of axles
19	53,100
20	54,000
21	54,900
22	55,800
23	56,700
24	57,600
25	58,500
26	59,400
27	60,300
28	61,200
29	62,100
30	63,000
31	63,900
32	64,800
33	65,700
34	66,600
35	67,500
36	68,400
37	69,300
38	70,200
39	71,100
40	72,000
41	72,900
42	73,800
43	74,700
44	75,600
45	76,500
46	77,400
47	78,300
48	79,200
49	80,100
50	81,000
51	81,900
52	82,800
53	83,700
54	84,600
55	85,500

Distance in feet between first and last axles of group	Allowed load in pounds on group of axles
56 and over.....	86,400

The distance between the centers of the axles shall be measured to the nearest even foot. When a fraction is exactly one-half the next larger whole number shall be used.

Routes: All Interstate highways.

Legal Citations:

66-7-409 NMSA 1978

66-7-410 NMSA 1978

State: New York.

Operational Conditions: Tandem trailer combinations in excess of the limits of section 385 of the New York State Vehicle and Traffic Law may operate on the thruway system under a Tandem Trailer Permit issued by the New York State Thruway Authority upon application to it by the prospective permittee on Form TA-6807, subject to certain provisions as follows:

Definition of a Tandem

A complete tandem trailer combination shall consist of a tractor, first semitrailer, dolly and second semitrailer; tractor, first semitrailer and dolly or other such combination as may be approved by the Authority. No semitrailer, including any load thereon, shall be in excess of 48 feet. The total length of the combination, including the tractor, semitrailers and dolly, shall not exceed 114 feet.

Also, tandem combinations not utilizing a converter dolly, but a sliding fifth wheel attached to the lead trailer commonly referred to as "B-Train" combination, will require separate Thruway Engineer Services approval prior to initial tandem run. Special provisions regarding B-Train's will be reviewed at time of application or request for use on the thruway.

Weight Limits

Any such combinations of vehicles may not exceed a total maximum gross weight of 143,000 pounds. The maximum gross weight of the unit of tractor and first semitrailer shall not exceed 80,000 pounds. The maximum gross weight that may be carried upon any combination of units is limited by the maximum gross weight that can be carried upon each unit and the axles thereof as provided in section 385 of the New York State Vehicle and Traffic Law.

Thruway requirements for maximum gross weights of tandem combinations exceeding 138,000 pounds:

1. Gross weight in excess of 138,000 pounds must have a tandem-axle dolly to meet the nine axle requirement.
2. The maximum permissible gross weight for B-Train combinations is 127,000 pounds.

Hazardous Materials

Special restrictions, along with 49 CFR part 397 of the Federal Motor Carrier Safety Regulations, are applicable to the transportation of hazardous materials.

All radioactive material and Class A and B explosives are prohibited. Other hazardous

materials, classifications 2 through 9, as defined in the U.S. DOT, section 173.2, may be carried in tandem combinations, but the total volume of such material in a tandem combination shall not exceed the total volume that could be carried in a single trailer.

All provisions of the Federal Motor Carrier Safety Regulations shall be observed at all times. All unattended tandem combinations containing or including the power unit shall have the shipping papers of each trailer unit in the vehicle, available and accessible for review. All single trailers or trailer combinations shall display appropriate placarding as required.

#### Over-Dimension Regulations

All over-dimensional and weight regulations of the Authority shall apply to such units unless specifically excluded under the terms of the Tandem Trailer Permit of these regulations.

#### Safety Training

Prior to the issuance of a Tandem Operator Certification, company management and operating personnel must comply with safety training requirements set by the Authority.

The Authority has established a program of safety training seminars for all certified tandem companies and company safety patrols. The safety-intensive classes are tailored to the individual needs of each company and offered at no charge during normal business hours with lectures, video presentations and hands-on demonstrations. Authority personnel will cover the following subjects:

1. Proper tandem hookups.
2. On-the-road operations.
3. Professional driver safety attitudes.
4. Tandem Rules & Regulations.
5. Certification procedures.
6. Expediting paperwork.
7. Accident/incident investigations.
8. Disabled vehicle procedures.
9. Hazardous materials regulations.
10. Sharing the road with other drivers.
11. Tandem area usage.
12. Federal Motor Carrier Safety Regulations Parts 383, 392, 395, 396.

Regulations Parts 383, 392, 395, 396.

#### Certification of Tractors

Both the tractor manufacturer for each tractor used in tandem trailer operations on the Thruway and the permittee shall certify to the Authority prior to the approval of the tractor that it is capable of hauling the maximum permissible gross load to be transported by the permittee at a speed on not less than 20 miles per hour on all portions of the thruway system.

Companies leasing equipment requiring certification for use in tandem operations are responsible for certification and maintenance of all equipment.

#### Brake Regulations

(1) The brakes on any vehicle or dolly converter or combination of vehicles used in tandem trailer operations shall comply with the Federal regulations as stated in 49 CFR 393, as amended.

(2) In addition, any vehicle or dolly converter or combination of vehicles used in tandem trailer operations shall meet the additional applicable requirements of the

provisions of the New York State and Traffic Law.

(3) On units of tandem trailer combinations certified on and after June 1, 1968, the brake application line of every tandem combination shall be equipped with suitable devices to accelerate application and release of the brakes of the towed vehicles, and these devices shall be so arranged that the brake application signal does not pass directly through more than one trailer but is dead-ended at the rear of the lead trailer or, alternatively at the dolly, and the application signal then retransmitted to the dolly and the second trailer. The devices required above for retransmission of the application signal shall be closely connected to and supplied by air reservoirs which have their air supplied to them by the emergency line. In the event of rupture of the application line on the towed vehicles of any tandem combination, the loss of brake application shall be limited to those vehicles between the rupture and the first transmission device.

#### Axle Type

A tractor which will be used to haul a tandem trailer combination with a total gross weight of more than 110,000 pounds shall be equipped with tandem rear axles, both with driving power, or other axle configuration as may be approved by the Authority.

A tractor which will be used to haul a tandem trailer combination with a total gross weight of 110,000 pounds or less may be a two axle tractor with a single drive axle.

Any tandem combination utilizing single wheel tires commonly referred to as "Super Singles" instead of conventional dual wheel is required to utilize triple-axle tractors, dual-axle trailers and dual-axle dollies.

#### Tandem Assembly

In the assembly of tandem combinations prior to their operation on the thruway, the permittee shall ascertain the total gross weight of each trailer of the proposed combination. When the gross weight of the two trailers in a tandem combination vary more than 20 percent, the heavier of the two must be placed in the lead position.

#### Dollies

Every converter dolly certified on and after June 1, 1968, used to convert a semitrailer to a full trailer may have either single or tandem axles at the option of the permittee. However, single-axle dollies may not utilize low profile tires. Tandems grossing in excess of 138,000 pounds must have a tandem-axle dolly to meet the nine-axle requirement.

When the distance between the rear of the first semitrailer and the front of the following semitrailer is 10 feet or more, the dolly shall be equipped with a device, or the trailers shall be connected along the sides with suitable material, which will indicate to other thruway users that the trailers are connected and are in effect one unit. Such devices or connection shall be approved by the Authority prior to use on a tandem trailer combination.

Any tandem combination utilizing single wheel tires, commonly referred to as "Super Singles," instead of conventional dual wheels is required to utilize triple-axle tractors, dual-axle trailers and dual-axle dollies.

Also, tandem combinations not utilizing a converter dolly, but a sliding fifth wheel attached to the lead trailer commonly referred to as "B-Train" combination, will require separate Thruway Engineer Service approval prior to initial tandem run. Special provisions regarding B-Trains will be reviewed at time of application or request for use on the thruway.

Driver forms required for permit	Quantity
(TA-6818) Application for special permit to operate tandem trailer vehicle.....	3
Accident reports (within last five years).....	1
Medical certificate (within last two years).....	2
Motor vehicle driver's ten year abstract (original-certified copy, dated within last 3 months) not required by New York State licensed operators.....	

#### Speed Limit

Tandem trailer combinations shall comply with the existing speed regulations for trucks and shall be subject to the rigid enforcement of 55 miles per hour speed limit, or any lower speed limit posted due to adverse weather or road conditions for such vehicles on the thruway. Radar detection devices are not permitted in tandem operations on the thruway.

#### Operational Safety

A minimum distance of 500 feet, or approximately four delineator spaces, shall be maintained under normal conditions between a tandem trailer combination and a vehicle traveling in front of it in the same travel lane, except when passing occurs. All tandem operators are required to wear safety belts when operating a tandem combination.

#### Passing Vehicles

A tandem trailer combination may pass another vehicle traveling in the same direction, only if the speed differential will allow the tandem trailer combination to safely complete the maneuver and return to the normal driving lane within a distance of 1 mile.

#### Routes:

IR 87 between the Bronx-Westchester County Line and IR 90 (Thruway Exit 24).

IR 90 between the New York-Pennsylvania State Line (Thruway Exit 61) and IR 87 (Thruway Exit 24).

IR 90 between IR 90 (Thruway Exit B1) and the New York-Massachusetts State Line.

IR 190 between IR 90 (Thruway Exit 53) and the New York-Canada border at the Lewiston-Queenston Bridge.

Route NY 912M (Berkshire Connection of the New York State Thruway) between IR 87 (Thruway Exit 21A) and IR 90 (Exit B1).

IR 87 Section of the New York State Thruway—

Exit 21B—Roadway between IR 87 the New York State Turnpike Authority (NYSTA) Exit 21B toll booth at Exit 21B and the access road to Route US 9W. Route US 9W between the access road and a point 1500 feet north.

IR 90 (Berkshire Spur) Section of the New York State Thruway—

Exit B1—Route US 9 between the southern most access ramp and a point 0.8 miles north.

Exit B3—Within a radius of 2000 feet of any exit or entrance designated B3 to the New York State Thruway, Berkshire section, at Route NY 22.

IR 90 Section of the New York State Thruway—

Exit 28—Within a radius of 1500 feet of any NYSTA toll booth at Fultonville, New York.

Exit 32—Route NY 233 between IR 90 and a point 0.6 miles north at Westmoreland in Oneida County.

Exit 44—Route NY 332 between IR 90 and Collett Road. Collett Road between Route NY 332 and 6070 Collett Road, a distance of 0.8 ± miles.

Exit 52—A.) Walden Avenue between IR 90 and a point 0.8 miles west. Route NY 240 (Harlem Road) between Walden Avenue and a point 0.9 miles south B.) Walden Avenue between IR 90 and a point 0.5 miles east. A roadway purchased from Sorrento Cheese, Inc. by the Town of Cheektowaga between Walden Avenue and a point 1640 feet south.

Exit 54—Route NY 400 between IR 90 and Route NY 277. Route NY 277 between Route NY 400 and a point 0.5 miles north.

Exit 56—Within a radius of 1.2 miles from the New York State Turnpike Authority (NYSTA) toll booth on an access road to be built between the toll booth and the present eastern terminus of Route NY 179 at South Park Avenue, over Route NY 179 and Old Mile Strip Road to the truck terminal entrance on Old Mile Strip Road at a point approximately 2430 feet southeast of the intersection of Old Mile Strip Road, or across Lake Avenue at the northern end of the truck terminal.

IR 190 (Niagara) Section of the New York State Thruway—

Exit N1—Dingens Street between IR 190 at Ogden Street and a point 0.8 miles west. James E. Casey Drive between Dingens Street and a point 0.45 miles north.

Exit N5—Louisiana Street between IR 190 and a point 0.7 miles south. South Street between Louisiana Street and Hamburg Street, a distance of 0.25 miles.

Exit N15—Route NY 325 (Sheridan Drive) between IR 190 and a point 0.1 miles east. Kenmore Avenue between Sheridan Drive and a point 0.4 miles south.

Exit N17—A.) Route NY 266 (River Road) between IR 190 and a point 1.5 miles northerly. B.) Route NY 266 (River Road) between IR 190 and a point 1700 feet south of the southern most access road to the NYSTA.

#### Legal Citations:

Public Authorities Law—Title 9, Sec. 350, et. seq. (section 361 is most relevant)  
New York State Thruway Authority Rules & Regulations, sections 100.6, 100.8 and 103.13

New York State Vehicle & Traffic Law, sections 385 and 1630  
State: North Dakota.

Operational Conditions: Single-trip permits are required only when exceeding 80,000 pounds gross vehicle weight (GVW).

Weather restrictions—movements of longer combination vehicles (LCV's) are prohibited when:

1. Road surfaces, due to ice, snow, slush or frost present a slippery condition which may be hazardous to the operation of the unit or to other highway users;

2. Wind or other conditions may cause the unit or any part thereof to swerve, whip, sway or fail to follow substantially in the path of the towing vehicle; or

3. Visibility is reduced due to snow, ice, sleet, fog, mist, rain, dust or smoke.

The North Dakota Highway Patrol may restrict or prohibit operations during periods when in its judgment traffic, weather or other safety conditions make travel unsafe.

#### Weight distribution by trailer:

1. In any three-unit combination, the lighter trailer must always be operated as the rear trailer, except when the gross weight differential with the other trailer does not exceed 5,000 pounds.

2. In any four-unit combination, the lightest trailer must always be operated as the rear trailer. The other two trailers must be arranged as provided in the above paragraph.

Signing requirement—the last trailer in any combination must have an "Overlength" sign mounted on the rear. The "Overlength" sign must be a minimum 12 inches in height and 60 inches in length. The lettering must be 8 inches in height with 1-inch brush strokes. The letters must be black on yellow background. A "LONG LOAD" sign may be used in lieu of the overlength sign. Beginning January 1, 1985, the "LONG LOAD" sign is mandatory.

Legal width—8 feet 6 inches on all highways.

Legal height—13 feet 6 inches.

Legal length—A single unit with two or more axles including the load thereon shall not exceed a length of 50 feet. A combination of two units including the load thereon shall not exceed a length of 75 feet. A combination of three or four units including the load thereon shall not exceed a length of 75 feet subject to safety rules adopted by the North Dakota Highway Commissioner. A combination of two, three or four units including the load thereon may exceed 75 feet in length but shall not exceed 110 feet in length when traveling on four-lane divided highways and those highways designated by the Highway Commissioner and local authorities as to the highways under their respective jurisdictions. All such combinations are subject to safety rules adopted by the Highway Commissioner. The length of a trailer or semitrailer including the load thereon may not exceed 53 feet except that trailers and semitrailers titled and registered in North Dakota prior to July 1, 1987, and towed vehicles may not exceed a length of 60 feet. A truck tractor and semitrailer or truck tractor-semitrailer-trailer when operated on the Interstate System or parts of the Federal-aid and primary system designated by the Highway Commissioner shall comply with the following:

#### Legal weight limitations

##### A. Gross Vehicle Weight (GVW).

1. The GVW of any vehicle or combination of vehicles is determined by the following weight formula:

$$W = 500(LN/N - 1 + 12N + 36)$$

where on the Interstate System W equals maximum weight in pounds carried on any group of two or more axles; L equals distance in feet between the extremes of any group of two or more consecutive axles; and N equals number of axles in the group under

consideration, except that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each, providing the overall distance between the first and last axles of the consecutive sets of tandem axles is at least 36 feet; and where on highways other than the Interstate System W equals the maximum gross weight in pounds on any vehicle or combination of vehicles; L equals distance in feet between the two extreme axles on any vehicle or combination of vehicles; and N equals the number of axles of any vehicle or combination of vehicles under consideration.

2. The maximum GVW on State highways is 105,500 pounds unless otherwise posted. On the Interstate System the maximum GVW is 80,000 pounds. On all other highways the maximum GVW is 80,000 pounds unless designated for more, not to exceed 105,500 pounds.

#### B. Axle Weight.

1. No single axle shall carry a gross weight in excess of 20,000 pounds. Axles spaced 40 inches or less apart are considered one axle. Axles spaced 8 feet apart or over are considered as individual axles. The gross weight of two individual axles may be restricted by the weight formula except that on highways other than the Interstate, two axles spaced 8 feet apart or more may have a combined gross weight not to exceed 40,000 pounds. Spacing between axles shall be measured from axle center to axle center.

2. Axles spaced over 40 inches apart and less than 8 feet apart shall not carry a gross weight in excess of 17,000 pounds per axle. The gross weight of three or more axles in a grouping is determined by the measurement between the extreme axle centers except that on highways other than the Interstate, groupings of three or more axles may have a gross weight not to exceed 48,000 pounds.

3. During the spring breakup season or on otherwise posted highways, reductions in the above axle weights may be specified. Axle weights may also be reduced by the Bridge Load Limitations Map.

#### C. Wheel Weight.

1. The weight in pounds on any one wheel shall not exceed one-half the allowable axle weight. Dual tires are considered one wheel.

#### D. Tire Weight.

1. The weight per inch width of tire shall not exceed 550 pounds. The width of tire for solid tires shall be the rim width; for pneumatic tires, the manufacturer's width.

Minimum power requirement—The power unit shall have adequate power and traction to maintain a minimum speed of 15 miles per hour on all grades.

Routes: All Interstate highways.

#### Legal Citations:

North Dakota Century Code, section 39-12-04

North Dakota Administrative Code, article 37-06

State: Ohio

Operational Conditions: Operations of both long double combinations and triple combination vehicles on the turnpike are subject to the provisions of a special permit.

Dimensional and Weight Limitations and Permit Information

No Permits Required for vehicles that do not exceed the following dimensional and weight limits:

Width: 8 feet 6 inches (102 inches)  
 Height: 14 feet  
 Length: (total in feet)

	Feet
Single Units:	
Trucks and two-axle buses.....	40
Buses with three or more axles.....	45
Combinations:	
Tractor-semitrailer.....	75 **
Tractor-semitrailer-semitrailer (short doubles).....	75 *
Other combinations of vehicles coupled together (includes house trailers, etc.).....	65 *

\* Length includes overhang but does not include safety devices or bumpers attached to the front or rear of such combinations.

\*\* Highway vehicle carriers may have up to 4 feet overhang in the rear and 3 feet overhang in front (82 feet maximum).

**Longer Combination Vehicles (LCV):** The maximum gross weight for long double combinations (in excess of 90 feet but not exceeding 112 feet in length) is 127,400 pounds and for triple trailer combinations (in excess of 90 feet but not exceeding 105 feet in length) it is 115,000 pounds. Operating permits are required and subject to compliance with provisions established by the Ohio Turnpike Commission, for the operation of an LCV on the turnpike. For information and details of the provision requirements, a letter setting forth all of the pertinent facts relative to obtaining a long double combination or triple trailer combination operating permit should be addressed to the Executive Director of the Ohio Turnpike Commission.

	Pounds
Weight:	
Maximum Single Axle Weight.....	21,000
Maximum Tandem Axle Weight (4 feet or less).....	24,000
Maximum Tandem Axle Weight (over 4 feet but less than 8 feet)...	34,000
Maximum Gross Weight.....	90,000

No permits will be issued to any vehicles exceeding weight or height limits. Any overdimension will require the use of a permit. Permits are issued at the toll plazas. These permit charges are in addition to the regular toll charges for the weight class of the vehicle.

Travel under permit may be made at any time of the day or night if the vehicle does not exceed the following dimensions:

Width: 10 feet  
 Height: 14 feet (maximum allowed)  
 Length: (overall) 80 feet (82 feet with overhangs for vehicle carriers) with no single unit, or component thereof exceeding 60 feet. Travel under permits issued to vehicles in excess of the dimensions listed above is restricted to daylight hours, Monday through

Saturday noon, and is prohibited on holidays or on the day before or the day after a holiday.

**Nighttime:** Travel is, however, subject to the following regulations and restrictions:

1. Overdimensional vehicles permitted to travel at night shall have all lights and reflectors required by the U.S. Department of Transportation, Federal Highway Administration rules and regulations which require, in addition to other lights, two tail lights and two stop lights.

2. Vehicles having an overhanging load in excess of 4 feet beyond the bed or body of the vehicle shall be restricted to daylight travel.

**Provisions Covering Permits for Operation for Longer Combination Vehicles (LCV's) Long Double Trailer Combinations in Excess of 90 Feet in Length on the Ohio Turnpike**

Long double trailer combinations in excess of 90 feet in length (double) may operate on the turnpike under a "Long Double Trailer Permit" (Permit) issued by the Ohio Turnpike Commission subject to compliance by the permittee with the following provisions:

**1. General Conditions**

a. A double shall consist of a tractor, first semitrailer, a dolly and a second semitrailer. Neither the first semitrailer nor the second semitrailer shall be longer than 40 feet in length; mixed trailer length combinations are not permitted. The minimum length permitted to operate as a Double shall be 90 feet and the maximum length of such a double shall not exceed 112 feet. The number of axles of a double shall be a minimum of five and a maximum of nine.

b. The total gross weight for a double shall not exceed 127,400 pounds. The gross load of a Double shall not exceed the sum of the allowable gross loads on the axles, which are as follows:

	Pounds
Maximum gross weight on any one axle.....	21,000
Maximum combined axle load (less than 4 feet apart).....	24,000
Maximum combined axle load of any two successive axles (more than 4 but less than 8 feet apart).....	34,000

**2. Equipment**

a. A tractor used in the operation of a double shall be capable of hauling a maximum weight, as specified in section 1, paragraph b of these provisions, at a speed of not less than 40 miles per hour on all portions of the turnpike.

b. Each unit used for towing other units in a double shall have sufficient structural strength to insure the safe and secure attachment of any coupling device used to tow other units. The forward semitrailer must be reinforced and the permittee must certify that it is strong enough for satisfactory attachment of the rear coupling device so that it can tow a trailer and dolly safely.

c. Coupling devices shall be so designed, constructed and installed, and the vehicles in

a double shall be designed and constructed, as to insure that any towed vehicles when traveling on a level, smooth, paved surface will follow in the path of the towing vehicle without shifting or swerving more than 3 inches to either side of the path of the towing vehicle when the latter is moving in a straight line.

d. Units used in a double shall be equipped with coupling devices as required per current applicable Economic and Safety regulations of the Public Utilities Commission (PUCO) and Federal Motor Carrier Safety Regulations and as further provided herein.

e. A double shall be equipped with brakes as required as follows and per current applicable Economic and Safety regulations of the PUCO and Federal Motor Carrier Safety Regulations. The brakes on a double shall also comply with the following:

(1) A double shall be equipped with full air brakes or air-activated hydraulic brakes on the tractor and either air or electric brakes on the trailers.

(2) A double, at all times and under all conditions of loading, upon application of the service (foot) brake shall be capable of: developing a brake force that is not less than 43.5 percent of the gross combination weight; decelerating to a stop from not more than 20 miles per hour at not less than 14 feet per second; stopping from a speed of 20 miles per hour in not more than 30 feet, such distance to be measured from the point at which movement of the service brake pedal or control begins. Tests for deceleration and stopping distance shall be made on a substantially level (not to exceed plus or minus 1 percent grade), dry, smooth, hard surface that is free from loose material.

(3) The parking brakes shall be capable of being applied by the driver's muscular effort or by spring action. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brakes or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain in the applied position despite exhaustion of any source of energy or leakage of any kind.

(4) Every unit in a double shall be equipped with brakes acting on all wheels, which shall include the front axle of the power unit.

(5) Brake hoses shall conform to the appropriate specification set forth in the Society of Automotive Engineers Standards for "Hydraulic Hose" or "Automotive Air Brake Hose and Hose Assemblies."

(6) Every tractor used in the double shall be equipped with a reserve capacity, or reservoir for air storage, to insure that with the engine stopped, a full service brake application may be made without depleting such reservoir pressure by more than 30 percent when such reservoir is fully charged with air at maximum pressure as regulated by the vehicle's air compressor governor cutout setting. Each such reservoir shall be provided with a means for readily draining it of accumulated oil or water.

(7) Every tractor used in the double utilizing compressed air for the operation of

its own brakes or the brakes of other vehicles in a double, shall be provided with a warning signal readily audible or visible to the driver, which signal will operate at any time the air reservoir pressure of such vehicle is below 50 percent of the air compressor governor cutout pressure. In addition, each such vehicle shall be equipped with a pressure gauge arranged to indicate, in pounds per square inch, the pressure available for braking.

(8) The brakes on a double shall be designed and equipped so that braking action shall take place on all wheels as nearly simultaneously as possible to reduce to a minimum of any possible tendency of a double to move out of alignment when stopping.

f. The distance between the rearmost axle of a semitrailer and the front axle of the next semitrailer in a coupled double unit shall not exceed 12 feet 6 inches. In no event shall the distance between the semitrailers coupled in a double exceed 9 feet.

g. A double must be equipped with adequate, properly maintained, spray-suppressant mud flaps on all axles except the steering axle.

### 3. Equipment Certification

a. A certification number will be issued by the Ohio Turnpike Commission for each approved tractor. The certification number shall be placed at a designated location on the tractor. The certification numbers are to be 3-inch-high block letters and are to be black in color (another color may be used in order to obtain sufficient contrast between the tractor and number color, subject to approval of the Commission). The Commission shall issue a certification card for each approved tractor, the certification shall be carried in the cab of the tractor in a place readily available for inspection.

### 4. Driver's Certification

a. Applications for drivers of doubles shall be made by the permittee on a form provided by the Ohio Turnpike Commission prior to driving on the turnpike. No such unit shall be driven on the turnpike by any person other than a driver approved by the Commission.

(1)(A) Drivers must be over 26 years of age, in good health and shall have not less than 5 years experience driving tractor-trailer or tractor-short double trailer motor vehicles. Such driving experience shall include experience throughout the four seasons.

(B) Drivers must comply with the applicable current requirements of the Federal Motor Carrier Safety Regulations, Federal Hazardous Materials Regulations and the Economic and Safety regulations of the PUCO, as well as the requirements found herein.

(2)(A) An application for certification of a driver must include all information concerning the applicant's driving and safety record, as well as an official abstract of his driving record and copies of all accident reports for the last 5 years.

(B) The application must include evidence that the driver has undergone a biennial physical examination of the type required by the rules of the PUCO and Federal Motor Carrier Safety Regulations.

(C) Driver certification must be renewed annually.

### 5. Operating Conditions

a. A permit fee is charged.

b. Tolls charged for a double will be the same as for other vehicles currently being based on total gross weight as determined automatically by the toll plaza scales, computerized classification system and toll rate schedule, (except that Class 10 rates will be charged for units with a gross weight between 90,000 and 115,000 pounds and Class 11 rates charged for all units over 115,000 pounds gross weight), plus a fee for each trip.

c. In the assembly of a double prior to operation on the turnpike, the permittee shall ascertain the total gross weight of each trailer of the proposed double. In the event that the gross weights of the trailers vary by more than 20 percent the permittee shall couple them according to their gross weights with the heavier trailer coupled to the tractor.

d. A minimum distance of 500 feet shall be maintained between double LCV units and/or triple units except when overtaking and passing another vehicle. A double shall remain in the right-hand outside lane except when passing or when emergency or work-zone conditions exist.

e. When, in the opinion of the Commission, the weather conditions are such that operation of a double is inadvisable the Commission will notify the permittee that travel is prohibited for a certain period of time.

Routes	From	To
I-80/I-90 (Exit 1 to Exit 8A on the Ohio Turnpike).	Milepost 0.0.	Milepost 143.0
I-80 (Exit 8A to Exit 15 on the Ohio Turnpike).	Milepost 143.0.	Milepost 219.0
I-76 (Exit 15 to Exit 17 on the Ohio Turnpike).	Milepost 219.0.	Milepost 241.3

(No travel is permitted on any Interstate route in Ohio that is under the jurisdiction of the Ohio Department of Transportation)

Legal Citations: Statutory authority, as contained in Chapter 5537 of the Ohio Revised Code, to regulate the dimensions and weights of vehicles using the turnpike.

State: Oklahoma

Operational Conditions:

#### Size and Weight Permit

A permit is required for operation of doubles whose units are greater than 29 feet in length. The maximum unit length is 59.5 feet. Permit movements are limited to travel from one-half hour before sunrise to one-half hour after sunset, 7 days a week, subject to the following restrictions:

(1) No travel is allowed on specified holidays, beginning at noon the day preceding the holiday. Specified holidays are: New Year's Day, Memorial Day, Independence Day, Thanksgiving Day and Christmas Day.

(2) Permit loads may move on other holidays if the permit is purchased by 4:30 p.m. prior to the holiday.

(3) Movement of permitted loads is restricted on the Interstate System in Cleveland, Oklahoma and Tulsa Counties from 7 a.m. to 9 a.m. and from 4 p.m. to 6 a.m., Monday through Friday.

Permits may be issued for travel on the Oklahoma turnpikes, not to exceed the following limits. The maximum weight on all turnpikes is 108,000 pounds. Permits shall not be issued for travel on the turnpikes unless a minimum speed of 40 miles per hour can be maintained.

#### Special Vehicle Combinations

A special vehicle combination (SVC) shall consist of a truck tractor-semi-trailer combination towing two complete trailers or semi-trailers. No semi-trailer or trailer used in such a combination shall have a length greater than 29 feet nor shall a SVC exceed the weight limitations imposed by statute.

No person shall operate or permit the operation of a SVC within Oklahoma without a current SVC permit issued by the Department of Public Safety, Size and Weight Permit Division. Such permits may only be used for operation upon Federal-aid Interstate highways or four-lane divided Federal-aid primary highways and for access or egress between points of origin or destination. Egress or access shall not exceed 5 statute miles.

A copy of a valid SVC permit shall be carried at all times in the authorized vehicle.

All SVC permit holders and drivers must comply totally with the latest Federal Motor Carrier Safety Regulations, 49 CFR, parts 390-397, except where Oklahoma rules contain provisions which are not in conflict with Federal requirements and are more stringent.

The driver must be under the control and supervision of the holder of the SVC permit, or have been issued the same.

The permit holder shall ensure that the driver meets the requirements listed below prior to operating any SVC in this State:

(1) The driver must fully comply with the driver requirements contained in the Federal Motor Carrier Safety Regulations.

(2) A driver must have had at least 2 years of experience driving truck-trailer combinations.

(3) Valid documentation indicating driver compliance with the above driver requirements shall be in the possession of the driver while operating an SVC.

(4) The permit holder shall certify to the U.S. DOT that the driver is qualified and has valid documentation of same in his possession prior to the issuance of an SVC permit.

A completed and signed application will be accompanied by the tendering of an annual fee for each permit issued.

Each licensee shall insure that the operation of SVC's complies with the following rules in addition to other equipment requirements established by State or Federal laws or rules.

All truck tractors shall be powered to provide adequate acceleration and hill climbing ability under normal operation conditions, and to operate on level grades at speeds compatible with other traffic. The ability to maintain a minimum speed of 40 miles per hour under normal operation conditions on a grade over which the combination is operated is required.

All braking systems must comply with State and Federal requirements. In addition, fast air transmission and release valves must

be provided on all trailers, semitrailers and converter dolly axles. A grade force limiting valve, sometimes called a "slippery road" valve, may be provided on the steering axle if Federal Motor Carrier Safety Regulations would so allow. Indiscriminate use of engine retarder brakes is prohibited.

Mud flaps or splash guards are to meet the requirements of the procedures established below and shall be followed when operating an SVC in this State.

A minimum distance of 500 feet shall be maintained between SCV's and other vehicles except when overtaking and passing. Except when passing another vehicle in the same direction, or when emergency conditions exist, an SVC shall remain at all times in the right hand outside lane.

Extreme caution in the operation of an SVC shall be exercised when hazardous conditions such as those caused by snow, wind, ice, sleet, fog, mist, rain, dust or smoke adversely affect control, visibility or traction. Speed shall be reduced when such conditions exist. When conditions become sufficiently dangerous the company or driver shall discontinue operations and shall not resume until the vehicle can be safely operated. The State may restrict or prohibit operations during periods when, in the State's judgment, traffic, weather or other safety conditions make such operations unsafe or inadvisable.

Transportation by SVC, Class A and B explosives; Class A poisons and Class 1, 2 and 3 radioactive material or any other material deemed to be unduly hazardous by the U.S. DOT is prohibited. This prohibition does not include the transportation of gasoline, fuel oil or heating oil or other such petroleum products.

All multiple trailer combinations must be stable at all times during normal braking and normal operation. A multiple trailer combination when traveling on a level, smooth, paved surface must follow in the path of the towing vehicle without shifting or swerving more than 3 inches to either side when the towing vehicle is moving in a straight line.

The total weight on any single axle shall not exceed 20,000 pounds. The total axle weight on any tandem axle shall not exceed 34,000 pounds. The total weight on any group of two or more consecutive axles shall not exceed the amounts shown in Table 1. Gross combination weight shall not exceed 90,000 pounds. All SVC's must be properly registered. An Interstate permit to operate on the Interstate System in Oklahoma is required, if registered above 80,000 pounds.

The heaviest trailer or semitrailer should be placed in front with the lightest at the rear. In no case shall either trailer or semitrailer be placed ahead of another trailer or semitrailer which carries an appreciably heavier load. An empty trailer or semitrailer will not precede a loaded trailer or semitrailer.

**Special Permit Loads**

An annual special authorization permit may be issued for any vehicle transporting a load in excess of 80,000 pounds, but not exceeding 90,000 pounds, for movement upon or touching the Interstate System; provided such vehicle meets the axle requirements as provided for in Table 1.

Vehicles meeting the axle requirements of Table 1 must have a special authorization permit; otherwise, they will be limited to 80,000 pounds gross weight on the Interstate System.

There is a fee for an annual special authorization permit. Except as otherwise provided for by this chapter, no vehicle, with or without load, shall have a total outside width in excess of 102 inches excluding both tire bulge and approved safety devices when operated on the Interstate System or on any road or highway in this State having a surface width of 20 feet or more. The total gross weight in pounds imposed by a vehicle or combination of vehicles shall not exceed the value given in the following table corresponding to the distance in feet between the extreme axles of the group measured longitudinally to the nearest foot.

**TABLE 1.—OKLAHOMA ALLOWABLE AXLE GROUP WEIGHT**

Axle spacing (ft)	Maximum Load (lbs) by Axle Group				
	2 Axles	3 Axles	4 Axles	5 Axles	6 Axles
4.....	34,000				
5.....	34,000				
6.....	34,000				
7.....	34,000				
8.....	34,000	42,000			
9.....	39,000	42,500			
10.....	40,000	43,500			
11.....		44,000			
12.....		45,000	50,000		
13.....		45,500	50,500		
14.....		46,500	51,500		
15.....		47,000	52,000		
16.....		48,000	52,500	58,000	
17.....		48,500	53,500	58,500	
18.....		49,500	54,000	59,000	
19.....		50,000	54,500	60,000	
20.....		51,000	55,500	60,500	66,000
21.....		51,500	56,000	61,000	66,500
22.....		52,500	56,500	61,500	67,000
23.....		53,000	57,500	62,500	68,000
24.....		54,000	58,000	63,000	68,500
25.....		54,500	58,500	63,500	69,000
26.....		56,000	59,500	64,000	69,500
27.....		57,500	60,000	65,000	70,000
28.....		59,000	60,500	65,500	71,000
29.....		60,500	61,500	66,000	71,500
30.....		62,000	62,000	66,500	72,000
31.....		63,500	63,500	67,000	72,500
32.....		64,000	64,000	68,000	73,500
33.....			64,500	68,500	74,000
34.....			65,000	69,000	74,500
35.....			66,000	70,000	75,000
36.....			68,000	70,500	75,500
37.....			68,000	71,000	76,000
38.....			69,000	72,000	77,000
39.....			70,000	72,500	77,500
40.....			71,000	73,000	78,000
41.....			72,000	73,500	78,500
42.....			73,000	74,000	79,000
43.....			73,280	75,000	80,000
44.....			73,280	75,500	80,500
45.....			73,280	76,000	81,000
46.....			73,280	76,500	81,500
47.....			73,500	77,500	82,000
48.....			74,000	78,000	82,000
49.....			74,500	78,500	83,500
50.....			75,500	79,000	84,000
51.....			76,000	80,000	84,500
52.....			76,500	80,500	85,000
53.....			77,500	81,000	86,000
54.....			78,000	81,500	86,500
55.....			78,500	82,500	87,000
56.....			79,500	83,000	87,500

**TABLE 1.—OKLAHOMA ALLOWABLE AXLE GROUP WEIGHT—Continued**

Axle spacing (ft)	Maximum Load (lbs) by Axle Group				
	2 Axles	3 Axles	4 Axles	5 Axles	6 Axles
57.....			80,000	83,500	88,000
58.....				84,000	89,000
59.....				85,000	89,500
60.....				85,500	90,000

Routes: All Interstate routes.

Legal Citations:

DPS Regulation 595:30-1-11(f)(1).

DPS Regulation 595:30-3-1 through 595:30-5-1.

State: Oregon.

Operational Conditions: Vehicle combinations known as truck tractor-semitrailer-trailer or "Oregon Doubles" and truck tractor-semitrailer-trailer-trailer or "Triples" are eligible for divisible load permits to operate with a gross weight up to and including 105,500 pounds. These permits limit weight to 600 pounds per inch of tire width, 20,000-pound single axle, 34,000-pound tandem axles or the table of weights for Oregon. Permits for these vehicles are valid for 1 year annually from the date of issue. The permits require use of splash and spray suppressant devices when operating in rainy weather, trailer placement by weight (lightest to the rear) and only on specific routes. Movement is not allowed when road surfaces are hazardous due to ice or snow, or when other atmospheric conditions make travel unsafe. A classified driver license for the appropriate combination of vehicles is required. Truck speed in Oregon is limited to 55 miles per hour; however, there are no time-of-travel restrictions.

Routes: All Interstate routes.

Legal Citations:

ORS 810.010

ORS 810.030

ORS 810.040

ORS 810.050

ORS 810.060

ORS 818.010 through 818.235

State: South Dakota.

Operational Conditions: Longer combination vehicles with a gross weight exceeding 80,000 pounds must obtain a permit. All permits are on a single-trip basis. These are issued in two categories:  
 (1) For vehicle combinations exceeding 80,000 pounds, but not to exceed Federal Bridge Formula B, and with overall length not to exceed 81 feet 6 inches nor any individual trailer length to exceed 45 feet.  
 (2) Permits for vehicle combinations exceeding 80,000 pounds but not to exceed 129,000 pounds gross vehicle weight or Federal Bridge Formula B.

An overweight permit is not valid when the road surface is slippery due to snow, ice, slush or frost, or when Highway Patrol officers determine that weather conditions make travel unsafe.

Routes: All Interstate routes

Legal Citations:

South Dakota Codified Laws (SDCL) 32-22-

SDCL 32-22-42.14

State: Utah.

Operational Conditions:

(1) Permit is required.

(2) Carrier must be in compliance with all safety requirements prior to obtaining a permit.

(3) Adverse weather conditions—extreme caution must be exercised in the dispatching and operation of vehicles during adverse weather. Failure to comply will revoke the permit.

(4) Speed must be reduced when adverse weather is encountered.

Routes: All Interstate routes.

Legal Citations:

Utah Code (Statute) 27-12-148 and 27-12-151

Utah Regulations for Legal and Permitted Vehicles, Section 400

State: Washington.

Operational Conditions: Washington allows vehicle weighing more than 80,000 pounds with two trailers extending up to 68 feet overall length of the cargo boxes to operate on all State highways. Single trailers exceeding 60 feet, however, must acquire an overlength permit. Operation of combinations, solely based on these length parameters, is not restricted by time of day, weather, route or speed.

Trailers exceeding 60 feet, but not exceeding 68 feet, shall acquire an annual overlength permit. Operating conditions are the same for permitted doubles as they are for the 60-foot or less doubles. A special endorsement is required on the driver's license to pull doubles.

Vehicles must follow axle weight limit controls (20,000-pound single axle, 34,000-pound tandem axle) and the Federal bridge formula for gross weight.

Routes: All Interstate routes.

Legal Citations:

RCW 46.44.030 (legal combination)

RCW 46.44.0941 (permits)

State: Wyoming.

Operational Conditions: A truck tractor with two or more trailing units (five axles) can be operated up to 85,000 pounds gross vehicle weight (GVW); a tandem truck tractor with two or more trailing units (six axles) can be operated up to 90,000 pounds GVW; a tandem truck tractor and tandem semitrailer and trailer (seven axles) can be operated up to 101,000 pounds GVW; a tandem tractor and semi-trailer and trailer (eight axles) can be operated up to 111,000 pounds GVW; and a tandem tractor and semitrailer and trailer (nine axles) can be operated up to 117,000 pounds GVW. The length limit of the trailer(s) is not to exceed 81 feet.

Routes: All Interstate routes.

Legal Citations:

W.S. 31-5-1001

W.S. 31-5-1002

W.S. 31-5-1004

Wyoming "Size and Weight Limitations of Vehicles" Revised, November 1990

#### Appendix D to Part 658—Trucks Over STAA Lengths on the National Network

This appendix contains information, by State, regarding the length of cargo carrying units of commercial motor vehicle (CMV) combinations with two or more cargo carrying units lawfully operating on the National Network (NN), on a regular or periodic basis (including seasonal operation) on or before June 1, 1991. The length of the cargo carrying units is defined as the distance from the front of the first cargo unit to the rear of the last cargo unit.

The term "Interstate System" as used herein refers to the National System of Interstate and Defense Highways, renamed the Dwight D. Eisenhower System of Interstate and Defense Highways by Public Law 101-427. Four categories of combinations are identified for purposes of this listing:

1. CMV combination with two trailers or semitrailers either of which is over 28.5 feet long, but which normally operates with a long semitrailer plus a shorter trailer, commonly known as a "Rocky Mountain Double;"

2. CMV combination with two trailers or semitrailers, both of which exceed 40 feet in length, commonly known as a "Turnpike Double;"

3. CMV combination with more than two trailers or semitrailers, commonly known as a "Triple;" and

4. CMV combinations with two or more cargo carrying units not included in descriptions 1, 2, or 3. Listed for each State by combination type is either:

a. The maximum cargo carrying length (shown in feet);

b. That such vehicle was not allowed (as indicated by a "NO"); or

c. A notation that the State submission contains vehicles covered by the exclusion guidelines described below.

Exclusions:

1. *Truck tractor-semitrailer-semitrailer* and *Truck tractor-semitrailer-trailer* configurations with a maximum length of the cargo carrying units of 62 feet or less are subject to the provisions of 23 CFR part 658. No additional information regarding conditions, routes or authority to operate is required.

2. *Truck-trailer* and *Truck-semitrailer* maxi-cube configurations with an overall length of 65 feet or less and a maximum length of cargo carrying units of 60 feet or less come under the intent of Congress with respect to allowing maxi-cube vehicles to operate on the NN. No additional information regarding conditions, routes or authority to operate is required.

3. *Truck-trailer* and *Truck-semitrailer* combinations (except as maxi-cubes) are presently allowed to run in all States subject to varying overall length limit controls. Additional information regarding conditions, routes or authority to operate is only required for these combinations if the cargo carrying length of these vehicles is greater than 65 feet.

For every State where there is a length number in the table that follows, additional information is provided.

State	Vehicle Combination Categories			
	Rocky Mountain doubles 1	Turnpike doubles 2	Triples 3	Other 4
Alabama.....	NO	NO	NO	NO
Alaska.....	95	110 <sup>E</sup>	83 <sup>S</sup>	NO
Arizona.....	92	95 <sup>F</sup>	( <sup>1</sup> )	83 <sup>S</sup>
Arkansas.....	NO	NO	NO	( <sup>1</sup> )
California.....	NO	NO	NO	NO
Colorado.....	85 <sup>2</sup>	95 <sup>F</sup>	55	78 <sup>E 1</sup>
Connecticut.....	NO	NO	NO	NO
Delaware.....	NO	NO	NO	( <sup>1</sup> )
District of Columbia.....	NO	NO	NO	( <sup>1</sup> )
Florida.....	106 <sup>E</sup>	106 <sup>E</sup>	NO	( <sup>1</sup> )
Georgia.....	NO	NO	NO	( <sup>1</sup> )
Hawaii.....	NO	95 <sup>F</sup>	95 <sup>F</sup>	( <sup>1</sup> )
Idaho.....	95 <sup>2</sup>	NO	NO	( <sup>1</sup> )
Illinois.....	NO	NO	NO	( <sup>1</sup> )
Indiana.....	86	106	104.5	NO
Iowa.....	NO	NO	NO	66
Kansas.....	109 <sup>E</sup>	109 <sup>E</sup>	NO	NO
Kentucky.....	NO	NO	NO	NO
Louisiana.....	75	NO	NO	( <sup>1</sup> )
Maine.....	NO	NO	NO	NO
Maryland.....	NO	NO	NO	( <sup>1</sup> )
Massachusetts.....	NO	114	NO	( <sup>1</sup> )
Michigan.....	NO	NO	NO	( <sup>1</sup> )
Minnesota.....	NO	NO	NO	NO
Mississippi.....	NO	NO	NO	NO
Missouri.....	102	109	NO	65
Montana.....	81	90 <sup>2</sup>	100	( <sup>1</sup> )
Nebraska.....	85	95 <sup>F</sup>	100	( <sup>1</sup> )
Nevada.....	95 <sup>2</sup>	95 <sup>F</sup>	95 <sup>F</sup>	68 <sup>E 1</sup>
New Hampshire.....	NO	NO	NO	98 <sup>E</sup>
New Jersey.....	NO	NO	NO	85 <sup>E</sup>
New Mexico.....	NO	NO	NO	NO
New York.....	102 <sup>2</sup>	102 <sup>E</sup>	NO	NO
North Carolina.....	NO	NO	NO	NO
North Dakota.....	110 <sup>E</sup>	110 <sup>E</sup>	100 <sup>E</sup>	103 <sup>2</sup>
Ohio.....	80	100	89	NO
Oklahoma.....	123	123	95	( <sup>1</sup> )
Oregon.....	68	NO	95 <sup>F</sup>	( <sup>1</sup> )
Pennsylvania.....	NO	NO	NO	NO
Puerto Rico.....	NO	NO	NO	NO
Rhode Island.....	NO	NO	NO	NO
South Carolina.....	NO	NO	NO	NO
South Dakota.....	81.5	110	100 <sup>S</sup>	( <sup>1</sup> )
Tennessee.....	NO	NO	NO	( <sup>1</sup> )
Texas.....	NO	NO	NO	NO
Utah.....	88 <sup>2</sup>	94	94	88 <sup>2</sup>
Vermont.....	NO	NO	NO	NO
Virginia.....	NO	NO	NO	NO
Washington.....	68	NO	NO	( <sup>1</sup> )
West Virginia.....	NO	NO	NO	NO
Wisconsin.....	NO	NO	NO	( <sup>1</sup> )
Wyoming.....	81	NO	(3)	( <sup>1</sup> )

<sup>E</sup> Estimated.  
<sup>1</sup> State submission contains vehicles covered by exclusion guidelines.  
<sup>2</sup> State submission includes multiple vehicles in this category—see individual State listings.  
<sup>3</sup> Wyoming has until November 3, 1992, to determine this length.

State: Alaska.  
 Combination: Rocky Mountain Double.  
 Length of the Cargo Carrying Units: 95 feet.  
 Operational Conditions: On the National Network, longer combination vehicles (LCV's) of this combination are allowed to operate with no requirement for permits, speed or time of day. LCV's with an overall length greater than 75 feet are required to display "OVERSIZE" signs front and rear. During the spring thaw all commercial vehicles, including LCV's, are restricted on the amount that each axle grouping is allowed to carry. The Alaska Department of Transportation and Public Facilities (DOT & PF) makes the determination on the percentage and the portion(s) of the highways affected. Weather restrictions are imposed when hazardous conditions exist as determined by the Alaska DOT & PF and the Department of Public Safety, Division of State Troopers.

Routes:

From	To
AK-1—Anchorage (Potter Weigh Station).	Palmer (Palmer-Wasilla Highway Junction).
AK-2—Fairbanks (Gaffney Road Junction).	Delta Junction (MP 1412 Alaska Highway).
AK-3—From its junction with AK-1.	Fairbanks (Gaffney Road Junction).

Legal Citations: 17 AAC 35, 17 AAC 25, Administrative Permit Manual.  
 State: Alaska.  
 Combination: Turnpike Double.  
 Length of the Cargo Carrying Units: 95 feet.  
 Operational Conditions: Same as for Alaska Rocky Mountain Doubles.  
 Routes: Same as for Alaska Rocky Mountain Doubles.  
 Legal Citations: Same as for Alaska Rocky Mountain Doubles.  
 State: Alaska.  
 Combination: Triple.  
 Length of the Cargo Carrying Units: 110 feet (28.5 feet for each trailer).  
 Operational Conditions: Longer Combination Vehicles (LCV's) of this combination are allowed to operate on the National Network, under experimental use of the State Highway System. A permit is required with specified duration of not less than 3 months nor more than 18 months. There is a permit fee.

Vehicles with an overall length in excess of 75 feet must display "OVERSIZE" signs front and rear.

Drivers of triples must have 10 years of experience in Alaska and certified training in triples operation.

Axle weights are restricted during the spring thaw.

Weather restrictions are imposed when hazardous conditions exist, as determined by the Alaska DOT & PF and the Department of Public Safety, Division of State Troopers.

Triple trailer combinations are allowed to operate during the following hours:

- 1 a.m. Sunday to 12 p.m. Sunday
- 7 p.m. Sunday to 6 a.m. Monday
- 8 p.m. Monday to 7 a.m. Tuesday
- 8 p.m. Tuesday to 8 p.m. Wednesday

Routes:

From	To
AK-1—Anchorage (Potter Weigh Station).	Junction of AK-1 and AK-3 (5 miles S. of Palmer).
AK-3—From its Junction with AK-1.	Fairbanks (Gaffney Road Junction).

Legal Citations: 17 AAC 35, 17 AAC 25, Administrative Permit Manual.

State: Alaska.

Combination: Truck-trailer.  
 Length of the Cargo Carrying Units: 83 feet.

Operational Conditions: Vehicles of this combination are allowed to operate on the National Network with no requirements of permits, speed or time of day. Vehicles of this combination with an overall length greater than 75 feet are required to display "OVERSIZE" signs front and rear. During the spring thaw all commercial vehicles are restricted on the amount that each axle grouping is allowed to carry. The Alaska Department of Transportation and Public Facilities (DOT & PF) makes the determination on the percentage and the portion(s) of the highways affected. Weather restrictions are imposed when hazardous conditions exist as determined by the Alaska DOT & PF and the Department of Safety, Division of State Troopers.

Routes:

From	To
AK-1—Anchorage (Potter Weigh Station).	Palmer (Palmer-Wasilla Highway Junction).
AK-2—Fairbanks (Gaffney Road Junction).	Delta Junction (MP 1412 Alaska Highway).
AK-3 From its junction with AK-1.	Fairbanks (Gaffney Road Junction).

Legal Citations: 17 AAC 35, 17 AAC 25, Administrative Permit Manual.

State: Arizona.

Combination: Rocky Mountain Double.  
 Length of the Cargo Carrying Units: 92 feet.

Operational Conditions: On all listed routes, the company must have a Certificate of Compliance on file and a permit in the possession of the driver when operating this type of combination. All companies must have an active safety program.

All drivers are required to comply with Motor Carrier Safety Regulations of the U.S. DOT and title 28, Arizona Revised Statutes.

Longer Combination Vehicles (LCV's) shall not exceed the legal or posted speed, whichever is lower. LCV's are allowed continuous travel, except during adverse weather conditions when the movement of LCV's is prohibited. All LCV's are restricted to a 20-mile border area from any adjacent State which allows such combinations of length and gross vehicle weight.

Permits issued under ARS 28-1011.M are annual permits only. This permit is valid on all listed routes within the 20-mile border area.

Gross Weight—111,000 pounds.  
 Axle weights must comply with appropriate statutes.

Length is 92 feet as per memo dated June 23, 1989. When permits are issued under ARS 28-1011.N, these permits are valid on all listed routes, except Interstate 15, US 89 and SR 68 within the 20-mile border area.

Gross weight of 121,000 pounds with nine axles, or 123,500 pounds with 10 axles. Length is 92 feet as per memo date June 8, 1990.

When permits are issued under ARS 28-1004.G, the permits are valid on Interstate 15, US 89A and SR 389 within the 20-mile border area.

Gross weight is 111,000 pounds.  
 Axles must comply with appropriate statutes.

Length is 92 feet as per memo dated June 23, 1989.

	From	To
Routes:		
I-15	Nevada State Line	Utah State Line.
US 89A	Utah State Line	Within 20 miles of Utah State Line.
US 89	Utah State Line	Within 20 miles of Utah State Line.
US 160	Jct. US 163	New Mexico State Line.
US 163	Utah State Line	Jct. US 160.
SR 68	Nevada State Line	Within 20 miles of Nevada State Line.
SR 389	Utah State Line	Jct. US 89A.
Legal Citations:		
ARS 28-107	ARS 28-1009.01	ARS 28-1011.N
ARS 28-108.5	ARS 28-1011.A	ARS 28-1011.O
ARS 28-108.13	ARS 28-1011.C	ARS 28-1013
ARS 28-108.14	ARS 28-1011.F	ARS 28-1014
ARS 28-1001	ARS 28-1011.K	ARS 28-1031

	From	To
ARS 28-1004.G.....	ARS 28-1011.L.....	ARS 28-1051
ARS 28-1008.....	ARS 28-1011.M.....	ARS 28-1052
ARS 28-1009.....	R17-40-426.....	

State: Arizona.  
 Combination: Turnpike Double.  
 Length of the Cargo Carrying Units: 95 feet.  
 Operational Conditions: On all listed routes, the company must have a Certificate of Compliance on file and a permit in the possession of the driver when operating this type of combination. All companies must have an active safety program.

All drivers are required to comply with Motor Carrier Safety Regulations of the U.S. DOT and title 28, Arizona Revised Statutes.

Longer Combination Vehicles (LCV's) shall not exceed the legal or posted speed, whichever is lower. LCV's are allowed continuous travel, except during adverse weather conditions when the movement of LCV's is prohibited. All LCV's are restricted to a 20-mile border area from any adjacent State which allows such combinations of length and gross vehicle weight.

Permits issued under ARS 28-1011.M are annual permits only. This permit is valid on all listed routes within the 20-mile border area.

Gross Weight—111,000 pounds.

Axle weights must comply with appropriate statutes. When permits are issued under ARS 28-1011.N, these permits are valid on all listed routes, except Interstate 15, US 89 and SR 68 within the 20-mile border area.

Gross weight of 121,000 pounds with nine axles, or 123,500 pounds with 10 axles. Cargo carrying length not to exceed 92 feet on all listed routes except Interstate 15. I-15 overall length not to exceed 105 feet.

	From	To
Routes:		
I-15.....	Nevada State Line.....	Utah State Line.
US 89A.....	Utah State Line.....	Within 20 miles of Utah State Line.
US 89.....	Utah State Line.....	Within 20 miles of Utah State Line.
US 160.....	Jct. US 163.....	New Mexico State Line.
US 163.....	Utah State Line.....	Jct. US 160.
SR 68.....	Nevada State Line.....	Within 20 miles of Nevada State Line.
SR 389.....	Utah State Line.....	Jct. US 89A.
Legal Citations:		
ARS 28-107.....	ARS 28-1009.01.....	ARS 28-1011.N
ARS 28-108.5.....	ARS 28-1011.A.....	ARS 28-1011.O
ARS 28-108.13.....	ARS 28-1011.C.....	ARS 28-1013
ARS 28-108.14.....	ARS 28-1011.F.....	ARS 28-1014
ARS 28-1001.....	ARS 28-1011.K.....	ARS 28-1031
ARS 28-1004.G.....	ARS 28-1011.L.....	ARS 28-1051
ARS 28-1008.....	ARS 28-1011.M.....	ARS 28-1052
ARS 28-1009.....	R17-40-426.....	

State: Arizona.  
 Combination: Triple.  
 Length of the Cargo Carrying Units: 95 feet.  
 Operational Conditions: On all listed routes, the company must have a Certificate of Compliance on file and a permit in the possession of the driver when operating this type of combination. All companies must have an active safety program.

All drivers are required to comply with Motor Carrier Safety Regulations of the U.S. DOT and title 28, Arizona Revised Statutes.

Longer Combination Vehicles (LCV's) shall not exceed the legal or posted speed, whichever is lower. LCV's are allowed continuous travel, except during adverse weather conditions when the movement of LCV's is prohibited. All LCV's are restricted to a 20-mile border area from any adjacent State which allows such combinations of length and gross vehicle weight.

When permits are issued under ARS 28-1011.N, these permits are valid on all listed

routes, except Interstate 15, US 89 and SR 68 within the 20-mile border area.

Gross weight is 121,000 pounds with nine axles, or 123,500 pounds with 10 axles. Gross weight on I-15 is determined by Federal Bridge Formula B, with gross not to exceed 129,000.

Trailers must be of equal length within an overall length limit of 105 feet.

	From	To
Routes:		
I-15.....	Nevada State Line.....	Utah State Line.
US 89A.....	Utah State Line.....	Milepost 609.
US 160.....	Jct. US 163.....	New Mexico State Line.
US 163.....	Utah State Line.....	Jct. US 160.
SR 389.....	Utah State Line.....	Jct. US 89A.
Legal Citations:		
ARS 28-107.....	ARS 28-1009.01.....	ARS 28-1011.N
ARS 28-108.5.....	ARS 28-1011.A.....	ARS 28-1011.O
ARS 28-108.13.....	ARS 28-1011.C.....	ARS 28-1013
ARS 28-108.14.....	ARS 28-1011.F.....	ARS 28-1014
ARS 28-1001.....	ARS 28-1011.K.....	ARS 28-1031
ARS 28-1004.G.....	ARS 28-1011.L.....	ARS 28-1051
ARS 28-1008.....	ARS 28-1011.M.....	ARS 28-1052
ARS 28-1009.....	R17-40-426.....	

State: Arizona.  
 Combination: Truck-semitrailer-trailer.

Length of the Cargo Carrying Units: 98 feet.

Operational Conditions: On all listed routes, the company must have a Certificate

of Compliance on file and a permit in the possession of the driver when operating this type of combination. All companies must have an active safety program.

All drivers are required to comply with Motor Carrier Safety Regulations of the U.S. DOT and title 28, Arizona Revised Statutes.

Longer Combination Vehicles (LCV's) shall not exceed the legal or posted speed, whichever is lower. LCV's are allowed

continuous travel, except during adverse weather conditions when the movement of LCV's is prohibited. All LCV's are restricted to a 20-mile border area from any adjacent State which allows such combinations of length and gross vehicle weight.

When permits are issued under ARS 28-1011.N, the gross weight may not exceed 121,000 pounds with nine axles, or 123,500 with 10 axles. These permits are valid on all

listed routes except I-15, US 89 and SR 68, within the 20-mile border area.

When permits are issued under ARS 28-1004.G, gross weight is determined by Federal Bridge Formula B, with gross weight not to exceed 129,000 pounds on I-15 only. Cargo carrying length not to exceed 92 feet on all listed routes, except Interstate 15. I-15 overall length not to exceed 105 feet.

	From	To
Routes:		
I-15	Nevada State Line	Utah State Line.
US 89A	Utah State Line	Milepost 609.
US 160	Jct. US 163	New Mexico State Line.
US 163	Utah State Line	Jct. US 160.
SR 389	Utah State Line	Jct. US 89A.
Legal Citations:		
ARS 28-107	ARS 28-1009.O1	ARS 28-1011.N
ARS 28-108.5	ARS 28-1011.A	ARS 28-1011.O
ARS 28-108.13	ARS 28-1011.C	ARS 28-1013
ARS 28-108.14	ARS 28-1011.F	ARS 28-1014
ARS 28-1001	ARS 28-1011.K	ARS 28-1031
ARS 28-1004.G	ARS 28-1011.L	ARS 28-1051
ARS 28-1008	ARS 28-1011.M	ARS 28-1052
ARS 28-1009	R17-40-426	

State: Arizona.

Combination: Truck-trailer.

Length of the Cargo Carrying Units: 69 feet.

Operational Conditions: On all listed routes, the company must have a Certificate of Compliance on file and a permit in the possession of the driver when operating this type of combination. All companies must have an active safety program.

All drivers are required to comply with Motor Carrier Safety Regulations of the U.S. DOT and title 28, Arizona Revised Statutes.

Longer Combination Vehicles (LCV's) shall not exceed the legal or posted speed, whichever is lower. LCV's are allowed continuous travel, except during adverse weather conditions when the movement of LCV's is prohibited.

Travel is limited to Interstate highways within this State which connect with two States which allow the combination, and such Interstate does not exceed 40 miles between connecting States.

Gross weight is determined by Federal Bridge Formula B.

Axle weights must comply with the appropriate statutes.

Routes: Interstate 15—entire length.

Legal Citations:

ARS 28-107  
ARS 28-108.5  
ARS 28-108.13  
ARS 28-108.14  
ARS 28-1001  
ARS 28-1004.G  
ARS 28-1008  
ARS 28-1009  
ARS 28-1009.O1  
ARS 28-1011.A  
ARS 28-1011.C  
ARS 28-1011.F  
ARS 28-1011.K  
ARS 28-1011.L  
ARS 28-1011.M  
R17-40-426

ARS 28-1011.N

ARS 28-1011.O

ARS 28-1013

ARS 28-1014

ARS 28-1031

ARS 28-1051

ARS 28-1052Q02

State: California.

Combination: Triple.

Length of the Cargo Carrying Units: 55 feet.

Operational Conditions:

#### Driver Qualifications

A driver must have a Class A Commercial Drivers License, with a Double Trailer Endorsement.

Routes: All National Network routes.

Legal Citations:

CVC: 12804.9—Class A Commercial Drivers License

15279(a)—Double Trailer Endorsement

35401(a)—Maximum Length of Vehicle

Combinations

State: Colorado.

Combination: Rocky Mountain Double.

Length of the Cargo Carrying Units: 85 feet.

Operational Conditions: *Longer*

*Combination Vehicles, Greater Than 80,000*

*Pounds*—LCV's must purchase an annual permit for a fee pursuant to C.R.S. 42-4-404.5(1). To operate at greater than 80,000 pounds, LCV's must purchase an overweight permit pursuant to C.R.S. 42-4-409(1)(a)(II)(A), (B), or (C) and comply with rule 4-15 in the Extra-Legal Vehicles and Loads Rules. LCV's must comply with the Rules and Regulations for the Operation of Longer Combination Vehicles on Designated State Highway Segments. The rules address all restrictions and requirements that are imposed on LCV's. However, instead of complying with Rule 5-1 in the Longer Combination Vehicle Rules, LCV's operating at greater than 80,000 pounds must comply with Rule 4-1-5 in the Extra-Legal Vehicles

and Loads Rules concerning hours of operation restrictions. *Longer Combination Vehicles, 80,000 Pounds or Less*—LCV's must purchase an annual permit pursuant to C.R.S. 42-4-404.5(1). LCV's must comply with the Rules and Regulations for the Operation of Longer Combination Vehicles on Designated State Highway Segments. The rules address all restrictions and requirements that are imposed on LCV's.

Hours of Operation: A LCV shall not operate on the following designated highway segments during the hours of 7 a.m. to 9 a.m. and from 4 p.m. to 6 p.m., Monday through Friday, for Colorado Springs, Denver and Pueblo (LCV's operating above the legal maximum weight are subject to different hours of operation restrictions. Refer to rules pertaining to Extra-Legal Vehicles or Loads).

Colorado Springs—I-25 from SH 83

(Academy Blvd. South) to SH 83 (Academy Blvd. North)

Denver—I-25 from I-225 to SH 128 (120th Ave.)

I-70 from US 40/SH26 to I-225

I-76 from I-25 to SH 85

I-225 from I-25 to I-70

I-270 from I-76 to I-70

Pueblo—I-25 from Lake Ave. (Exit #94) to SH 47/SH 50 (Exit #101)

Routes: I-25 from the Colorado-New Mexico State Line to the Colorado-Wyoming State Line.

I-70 from the junction of US 40 and SH 26, in

Denver, to the Colorado-Kansas State Line

I-76 from the junction of I-25, in Denver, to

the Colorado-Nebraska State Line

I-270 from the junction of I-70 to the junction of I-76

I-225 from the junction of I-25 to the junction of I-70

I-70 from the Colorado-Utah State Line to the junction of SH 13

SH 133, in Delta County, from milepoint 8.9 to milepoint 9.7 (Non-Interstate Highway)

Ingress and Egress: LCV's can be permitted to go to the following facilities: (1) Manufacturing or distribution centers, warehouses or truck terminals that are located in an area where industrial uses are permitted and (2) construction sites. This off-highway-segment travel is limited to a maximum of 10 miles, which shall be measured by the most direct travel rather than by the radius from the facility to the designated route. The ingress and egress route(s) between the designated State highway segment and the facility must be approved in advance by the public entity (CDOT, municipality or county) having jurisdiction for the roadway(s) that make up the route(s).

Legal Citations: LCV's must comply with all applicable statutes, such as C.R.S. 42-4-406(2)(b)(I) and (2)(c) axle weight limitations, C.R.S. 42-4-402(1) width, C.R.S. 42-4-404(1) height, C.R.S. 42-4-409(1)(a)(II)(A), (B), or (C) overweight permits (\*) and C.R.S. 42-4-407(1)(c)(III)(A) and (B) Federal Bridge formula (\*\*). LCV's must comply with Rule 4-15 in the Extra-Legal Vehicles and Loads Rules (I) and with the Longer Combination Vehicle Rules.

- applies only to LCV's operating at greater than 80,000 pounds.
- \*\* applies only to LCV's operating at 80,000 pounds or less.

State: Colorado.  
Combination: Turnpike Double.  
Length of the Cargo Carrying Units: 95 feet.  
Operational Conditions: Same as for Colorado Rocky Mountain Doubles.  
Routes: Same as for Colorado Rocky Mountain Doubles.

State: Colorado.  
Combination: Triple.  
Length of the Cargo Carrying Units: 95 feet.  
Operational Conditions: Same as for Colorado Rocky Mountain Doubles.  
Routes: Same as for Colorado Rocky Mountain Doubles.  
Legal Citations: Same as for Colorado Rocky Mountain Doubles.

State: Colorado.  
Combination: Truck-trailer.  
Length of the Cargo Carrying Units: 78 feet.  
Operational Conditions: Same as for Colorado Rocky Mountain Doubles.  
Routes: Same as for Colorado Rocky Mountain Doubles.  
Legal Citations: Same as for Colorado Rocky Mountain Doubles.

State: Florida.  
Combination: Rocky Mountain Double.  
Length of the Cargo Carrying Units: 106 feet.  
Operational Conditions: All overdimensional and weight regulations of the Florida Turnpike Authority shall apply to such units unless specifically excluded under the terms of the Tandem Trailer Permit or these regulations.

A tractor used in the tandem trailer operations shall be capable of hauling the maximum gross load to be transported by a permittee at a speed of not less than 40 miles per hour on all portions of the turnpike system, excepting that portion of the

roadway, as posted in 1988, between milepost 234 and milepost 238 where a minimum speed of 30 miles per hour will be permitted.

A tractor, which will be used to haul a complete tandem trailer combination with a total gross weight of 110,000 pounds or more, shall be equipped with tandem rear axles, neither of which shall be a retractable type axle. All axles shall be equipped with operating brakes. Tractors with single drive axles shall be certified by the operator and manufacturer as having the capacity to control loads in excess of 110,000 pounds. When the above tandem-axle tractor is required, a tandem-axle dolly converter must be used.

Proposed drivers of tandem trailer units shall be registered by the Florida Turnpike Authority prior to driving such equipment on the turnpike system.

A minimum distance of 500 feet shall be maintained, under normal conditions, between a tandem trailer unit and a vehicle traveling in front of it in the same travel lane, except when passing occurs.

A tandem trailer unit may pass another vehicle traveling in the same direction only if the speed differential will allow the tandem trailer unit to complete the maneuver and return to the normal driving lane within a distance of 1 mile.

Except as noted herein and in the Tandem Trailer Permit, all rules and regulations governing the use and occupancy of the turnpike system shall apply to the operation of tandem trailer units on the turnpike system.

Routes: Florida Turnpike.  
Legal Citations: Chapter 14-62 "Regulations Governing Tandem Combinations of Florida's Turnpike," Florida Administrative Code.

State: Florida.  
Combination: Turnpike Double.  
Length of the Cargo Carrying Units: 106 feet.

Operational Conditions: Same as for Florida Rocky Mountain Doubles.  
Routes: Same as for Florida Rocky Mountain Doubles.  
Legal Citations: Same as for Florida Rocky Mountain Doubles.

State: Idaho.  
Combination: Rocky Mountain Double.  
Length of the Cargo Carrying Units: 95 feet (State estimate).

Operational Conditions: Idaho's permit system for longer combination vehicles (LCV's) does not limit individual vehicle or combined trailer lengths within the combination. The rules provide for routes which accommodate maximum combination lengths of 85 feet and 105 feet based on calculated maximum off-tracking. Permits are required. Permit duration is 1 year from the date of issuance. There are extra-length permit, excess-weight permit and extra-length/excess-weight permit fees—only if the vehicle operates on the Interstate System.

The maximum number of units allowed in a combination vehicle is one tractor and three cargo units.

Vehicles under permit must comply with the Calculated Maximum Off-Track (CMOT) Formula (shown below).

$$\text{CMOT} = R - [R^2 - (A^2 + B^2 + C^2 + D^2 + E^2)]^{1/2}$$

$$R = 165 - 4 = 161$$

A, B, C, D, E, etc. = measurements between points of articulation or pivot. Squared dimensions to stinger steer points of articulation are negative.

Vehicles under permit must also comply with axle and axle group weight limits of Idaho Code, section 49-1001.

Maximum weight: registered weight up to 105,500 pounds.

Maximum width: 8 feet 6 inches

Routes: All National Network routes.

Legal Citations: Idaho Code 49-1001, Idaho Code 49-1002, Idaho Code 49-1004, Idaho Code 49-1010, Idaho Code 49-1011.

Idaho Transportation Department Rules 39.C.01, 39.C.06, 39.C.08, 39.C.09, 39.C.10, 39.C.11, 39.C.14, 39.C.15, 39.C.19, 39.C.20, 39.C.21, 39.C.22, 39.C.23.

State: Idaho.

Combination: Turnpike Double.

Length of the Cargo Carrying Units: 95 feet (State estimate).

Operational Conditions: Same as for Idaho Rocky Mountain Doubles.

Routes: Same as for Idaho Rocky Mountain Doubles.

Legal Citations: Same as for Idaho Rocky Mountain Doubles.

State: Idaho.

Combination: Triple.

Length of the Cargo Carrying Units: 95 feet (State estimate).

Operational Conditions: Same as for Idaho Rocky Mountain Doubles.

Routes: Same as for Idaho Rocky Mountain Doubles.

Legal Citations: Same as for Idaho Rocky Mountain Doubles.

State: Idaho.

Combination: Truck tractor-semitrailer-trailer.

Length of the Cargo Carrying Units: 76 feet 10 inches.

Operational Conditions: Same as for Idaho Rocky Mountain Doubles.

Routes: Same as for Idaho Rocky Mountain Doubles.

Legal citations: Same as for Idaho Rocky Mountain Doubles.

State: Idaho.

Combination: Truck tractor-semitrailer-trailer, used for hauling logs.

Length of the Cargo Carrying Units: 85 feet.

Operational Conditions: Same as for Idaho Rocky Mountain Doubles.

Routes: Same as for Idaho Rocky Mountain Doubles.

Legal Citations: Same as for Idaho Rocky Mountain Doubles.

State: Idaho.

Combination: Truck-trailer-trailer and Truck-semitrailer-trailer.

Length of the Cargo Carrying Units: 98 feet.

Operational Conditions: Same as for Idaho Rocky Mountain Doubles.

Routes: Same as for Idaho Rocky Mountain Doubles.

Legal Citations: Same as for Idaho Rocky Mountain Doubles.

State: Idaho.

Combination: Truck-trailer.

Length of the Cargo Carrying Units: 78 feet.

Operational Conditions: Same as for Idaho Rocky Mountain Doubles.

Routes: Same as for Idaho Rocky Mountain Doubles.

Legal Citations: Same as for Idaho Rocky Mountain Doubles.

State: Idaho.

Combination: Truck-trailer and Truck tractor-semitrailer-semitrailer, both of which are used in hauling logs.

Length of the Cargo Carrying Units: Truck-trailer, 78 feet; Truck tractor-semitrailer-semitrailer, 75 feet.

Operational Conditions: Same as for Idaho Rocky Mountain Doubles.

Routes: Same as for Idaho Rocky Mountain Doubles.

Legal Citations: Same as for Idaho Rocky Mountain Doubles.

State: Idaho.

Combination: Truck-semitrailer.

Length of the Cargo Carrying Units: 98 feet.

Operational Conditions: Same as for Idaho Rocky Mountain Doubles.

Routes: Same as for Idaho Rocky Mountain Doubles.

Legal Citations: Same as for Idaho Rocky Mountain Doubles.

State: Indiana.

Combination: Rocky Mountain Double.

Length of the Cargo Carrying Units: 86 feet.

Operational Conditions: Trailer

combinations may operate on the toll road only under an annual tandem permit issued by the Indiana Department of Highways (IDOH) General Manager and subject to compliance by the permittee with 135 IAC 2-7. The permissible number of axles on a tandem trailer combination shall be a minimum of five and a maximum of nine.

The maximum gross weight for a trailer combination shall be governed by the formula—90,000 pounds plus 1,070 pounds per foot for each foot of combination length (front bumper to end of combination) in excess of 60 feet. However, any such combination of vehicles may not exceed a total maximum gross weight of 127,400 pounds. The gross load of a combination of vehicles shall not exceed the sum of allowable gross loads on the axles, which are as follows:

Maximum gross weight on any one axle—22,400 pounds, (axles measuring less than 40 inches between axle centers are considered one axle).

Maximum combined axle load of any two successive axles, spaced more than 40 inches apart but less than 9 feet apart—36,000 pounds.

No such combinations will be permitted to leave the toll road for travel as combinations upon the State highways of Indiana without a permit from the IDOH. Maximum gross weight and axle weight of vehicles leaving the toll road as singles to travel upon the public highways of Indiana must comply with the Indiana State law. All other maximum dimensions of 135 IAC 2 for the control and regulation of traffic on the toll road shall apply.

A responsible officer of the applicant shall certify to the IDOH, prior to the approval of a truck tractor, that the vehicle proposed to be furnished and used for specified gross loads will comply with and meet all minimum safety and performance factors of the IDOH.

The distance between trailers coupled in combination shall not exceed 9 feet. In the

assembly of trailer combinations, prior to their operation on the Indiana Toll Road, the permittee shall ascertain the total gross weight of each trailer of the proposed combination. The permittee shall couple them according to their gross weights with the heaviest trailer coupled to the tractor and lightest trailer in the rear. Trailer combinations shall comply with existing speed regulations. A minimum speed of 45 miles per hour must be maintained on the toll road, under normal conditions, except on entry and exit ramps. A minimum distance of 500 feet shall be maintained, under normal conditions between trailer combinations and a vehicle traveling in front of it in the same travel lane, except when passing occurs. Trailer combinations may pass another vehicle traveling in the same direction only if the speed differential will allow the trailer combination to complete the maneuver and return to the normal driving lane within a distance of 1 mile. Trailer combinations shall not pass another vehicle traveling the same direction within 1 mile of any service area or interchange.

Application for permission to operate trailer combinations on the toll road shall be filed with the IDOH on forms provided, including a description of each vehicle making up trailer combinations.

(1) Upon approval, by the IDOH's General Manager, of the application for a truck tractor to operate in trailer combination service, an identification number issued by the IDOH shall be stenciled at a designated location on that truck tractor.

(2) In addition, upon approval of a truck tractor, a certificate shall be issued by the IDOH for the truck tractor as approved. Such certificate shall be suitably protected and carried in the cab of the truck tractor in a place where it shall be readily available for inspection.

Drivers shall possess the minimum qualifications as required by the State of Indiana for drivers operating vehicles within the State as further provided herein:

(1) Drivers of trailer combinations on the toll road must be not less than 26 years of age, must be in good health, and shall have not less than 5 years of provable experience in driving semitrailer or tandem trailer type motor vehicles. Such driving experience shall include experience throughout the four seasons.

(2) An applicant will be rejected if:

(a) His license has been revoked more than once in the past 10 years;

(b) His license has been suspended more than twice in the past 10 years;

(c) His record of major traffic violations shows more than five points in the preceding 2 years or seven points in the preceding 3 years; or

(d) His record of chargeable (preventable) accidents shows more than two in the preceding 5 years or more than one in the preceding 2 years on the toll road, or more than two in the preceding 2 years off the toll road. In any case, the maximum total is two in the preceding 2 years.

A proposed driver of trailer combinations shall make application on the prescribed form, which includes the driver's driving and safety record. The application must be

accompanied by an official abstract of his driving record.

In the event of any accidents during the 5 years immediately preceding the application, copies of reports of all such accidents must be submitted. In addition, the driver must have a physical examination not less than every 2 years, and a copy of the physical examination certificate must accompany his application. Upon approval by the IDOH, an identification card bearing a permit number will be issued to the driver. The driver must carry the card with him at all times while operating tandem trailer combinations on the toll road for presentation upon request by toll road personnel or a police officer.

Permission to operate trailer combinations on the toll road may be temporarily suspended by the IDOH at any time due to weather conditions, unfavorable road conditions, holiday traffic and any other emergency conditions.

Applicants for trailer combination operating permits shall furnish to the IDOH a certificate attesting to the fact that public liability insurance affording coverages of not less than \$500,000/\$1 million for all damages arising from bodily injury, including death, and \$100,000/\$500,000 for property damage, including damage to toll road property and facilities has been secured by the applicant. The named insured thereon shall include the IDOH, its officers, agents and employees. The certificate shall indicate that the policy contains an endorsement reading as follows:

"The inclusion of the Indiana Department of Highways, Toll Road Division, as an additional named insured shall not exclude coverage of liability of the named insured for damage of property of the additional named insured, or for injury to or death of any person working with or for the additional named insured."

Such certificate shall also provide that the coverage under the policy may not be cancelled without 30-days prior notice to the IDOH.

Except as noted herein and in the trailer combination permit, all rules and regulations for the control and regulation of traffic on the toll road shall apply to the operation of trailer combinations on the toll road.

Routes:

From	To
I-80—Gate 21 .....	Gate 156.
I-90—Gate 0 .....	Gate 156.

Indiana Toll Road plus 15 miles access, subject to Indiana DOH approval.

Legal Citations: Indiana Code 9-8-1-16, Indiana Code 8-15-2, 135 Indiana Administrative Code 2.

State: Indiana.

Combination: "Turnpike Double".

Length of the Cargo Carrying Units: 106 feet.

Operational Conditions: Same as for Indiana Rocky Mountain Doubles.

Routes: Same as for Indiana Rocky Mountain Doubles.

Legal Citations: Same as for Indiana Rocky Mountain Doubles.

State: Indiana.

Combination: "Triple".

Length of the Cargo Carrying Units: 104.5 feet.

Operational Conditions: Trailer combinations may operate on the toll road only under an annual tandem permit issued by the Indiana Department of Highways (IDOH) General Manager and subject to compliance by the permittee with 135 IAC 2-7. The permissible number of axles on a tandem trailer combination shall be a minimum of five and a maximum of nine.

Triple trailer combinations—A triple trailer combination shall consist of a truck tractor, semitrailer and two trailers. Neither the semitrailer nor either of the two trailers shall be longer than 28 feet and 6 inches in length. The permissible number of axles of a triple trailer combination shall be a minimum of seven and a maximum of nine. The maximum gross weight for a trailer combination shall be governed by the formula—90,000 pounds plus 1,070 pounds per foot for each foot of combination length (front bumper to end of combination) in excess of 60 feet. However, any such combination of vehicles may not exceed a total maximum gross weight of 127,400 pounds. The gross load of a combination of vehicles shall not exceed the sum of allowable gross loads on the axles, which are as follows:

Maximum gross weight on any one axle—22,400 pounds, (axles measuring less than 40 inches between axle centers are considered one axle).

Maximum combined axle load of any two successive axles, spaced more than 40 inches apart but less than 9 feet apart—36,000 pounds.

No such combinations will be permitted to leave the toll road for travel as combinations upon the State highways of Indiana without a permit from the IDOH. Maximum gross weight and axle weight of vehicles leaving the toll road as singles to travel upon the public highways of Indiana must comply with the Indiana State law. All other maximum dimensions of 135 IAC 2 for the control and regulation of traffic on the toll road shall apply.

A responsible officer of the applicant shall certify to the IDOH, prior to the approval of a truck tractor, that the vehicle proposed to be furnished and used for specified gross loads will comply with and meet all minimum safety and performance factors of the IDOH.

The distance between trailers coupled in combination shall not exceed 9 feet. In the assembly of trailer combinations, prior to their operation on the Indiana Toll Road, the permittee shall ascertain the total gross weight of each trailer of the proposed combination. The permittee shall couple them according to their gross weights with the heaviest trailer coupled to the tractor and lightest trailer in the rear. Trailer combinations shall comply with existing speed regulations. A minimum speed of 45 miles per hour must be maintained on the toll road, under normal conditions, except on entry and exit ramps. A minimum distance of 500 feet shall be maintained, under normal conditions, between trailer combinations and

a vehicle traveling in front of it in the same travel lane, except when passing occurs. Trailer combinations may pass another vehicle traveling in the same direction only if the speed differential will allow the trailer combination to complete the maneuver and return to the normal driving lane within a distance of 1 mile. Trailer combinations shall not pass another vehicle traveling the same direction within 1 mile of any service area or interchange.

Application for permission to operate trailer combinations on the toll road shall be filed with the IDOH on forms provided, including a description of each vehicle making up trailer combinations.

(1) Upon approval, by the IDOH's General Manager, of the application for a truck tractor to operate in trailer combination service, an identification number issued by the IDOH shall be stenciled at a designated location on that truck tractor.

(2) In addition, upon approval of a truck tractor, a certificate shall be issued by the IDOH for the truck tractor as approved. Such certificate shall be suitably protected and carried in the cab of the truck tractor in a place where it shall be readily available for inspection.

Drivers shall possess the minimum qualifications as required by the State of Indiana for drivers operating vehicles within the State as further provided herein:

(1) Drivers of trailer combinations on the toll road must be not less than 26 years of age, must be in good health, and shall have not less than 5 years of provable experience in driving semitrailer or tandem trailer type motor vehicles. Such driving experience shall include experience throughout the four seasons.

(2) An applicant will be rejected if:  
(a) His license has been revoked more than once in the past 10 years;

(b) His license has been suspended more than twice in the past 10 years;

(c) His record of major traffic violations shows more than five points in the preceding 2 years or seven points in the preceding 3 years; or

(d) His record of chargeable (preventable) accidents shows more than two in the preceding 5 years or more than one in the preceding 2 years on the toll road, or more than two in the preceding 2 years off the toll road. In any case, the maximum total is two in the preceding 2 years.

A proposed driver of trailer combinations shall make application on the prescribed form, which includes the driver's driving and safety record. The application must be accompanied by an official abstract of his driving record. In the event of any accidents during the 5 years immediately preceding the application, copies of reports of all such accidents must be submitted. In addition, the driver must have a physical examination not less than every 2 years, and a copy of the physical examination certificate must accompany his application. Upon approval by the IDOH, an identification card bearing a permit number will be issued to the driver. The driver must carry the card with him at all times while operating tandem trailer combinations on the toll road for presentation upon request by toll road personnel or a police officer.

Permission to operate trailer combinations on the toll road may be temporarily suspended by the IDOH at any time due to weather conditions, unfavorable road conditions, holiday traffic and any other emergency conditions.

Applicants for trailer combination operating permits shall furnish to the IDOH a certificate attesting to the fact that public liability insurance affording coverages of not less than \$500,000/\$1 million for all damages arising from bodily injury, including death, and \$100,000/\$500,000 for property damage, including damage to toll road property and facilities has been secured by the applicant. The named insured thereon shall include the IDOH, its officers, agents and employees. The certificate shall indicate that the policy contains an endorsement reading as follows:

The inclusion of the Indiana Department of Highways, Toll Road Division, as an additional named insured shall not exclude coverage of liability of the named insured for damage of property of the additional named insured, or for injury to or death of any person working with or for the additional named insured.

Such certificate shall also provide that the coverage under the policy may not be cancelled without 30-days prior notice to the IDOH.

Except as noted herein and in the trailer combination permit, all rules and regulations for the control and regulation of traffic on the toll road shall apply to the operation of trailer combinations on the toll road.

Routes:

From	To
I-80—Gate 21 .....	Gate 156
I-90—Gate 0 .....	Gate 156

Indiana Toll Road plus 15 miles access, subject to Indiana DOH approval.

Legal Citations: Indiana Code 9-8-1-16, Indiana Code 8-15-2, 135 Indiana Administrative Code 2.

State: Kansas.

Combination: Rocky Mountain Double.

Length of the Cargo Carrying Units: 109 feet.

Operational Conditions: Permits are not required for operation on the Kansas Turnpike. A permit fee is required for access between the turnpike and motor freight terminals located within a 10-mile radius of each toll booth, except at the northeastern end of the turnpike where a 20-mile radius is allowed. A per-company and per-power-unit permit is required for special vehicle combinations (SVC), i.e., Triples. Access permits are valid for 6 months, while SVC permits are valid for 1 year.

The maximum number of units in a combination vehicle is three cargo carrying units plus one tractor. The maximum vehicle overall length is 119 feet. Authorization from the Chief Engineer/Manager or Highway Patrol Captain is required for loads and vehicles longer than 119 feet. SVC trailers are limited to 28.5 feet in length. The maximum vehicle width is 12.5 feet for vehicles and loads for both day and night operation. The

maximum vehicle height is 14 feet. Vehicles and loads activating high load detectors must stop and cannot proceed without authorization. The maximum vehicle weight is 120,000 pounds on the turnpike; however, SVC's have a maximum weight of 110,000 pounds and must comply with the Federal bridge formula. The maximum axle weight is 20,000 pounds on a single axle and 34,000 pounds on a tandem axle.

SVC permits may include any restrictions deemed necessary, including specific routes and hours, days and/or seasons of operation. Rules and regulations can be promulgated regarding driver qualifications, vehicle equipment and operational standards. SVC's cannot be dispatched or operated during adverse weather conditions. All axles, except steering axles, must have dual wheels and must be able to achieve and maintain a speed of 40 miles per hour on all grades. Drop and lift axles are prohibited. A minimum of six and a maximum of nine axles are required. All but the steering axle must be equipped with antispray devices. The heaviest trailers are to be placed forward. Following distance is 100 feet for every 10 miles per hour. SVC's must travel in the right lane except for passing. Hazardous cargo is prohibited. Convex mirrors are required on both sides of the cab. Drivers must have a CDL with appropriate endorsements: 2-years experience driving tractor semitrailers, 1 year driving doubles, have completed SCV driving training and a company road test. Equipment must comply with the requirements of 49 CFR 390-399.

The turnpike has no time-of-day travel restrictions; however, SVC's cannot operate on holidays or during holiday weekends. There are no turnpike route limits, however, SVC's are restricted to travel only on I-70 from a motor-freight truck terminal located within 5 miles of Goodland to the Kansas-Colorado State Line and on US 69 Alternate from Baxter Springs motor-freight terminal to the Kansas-Oklahoma State Line.

Routes: SVC's are allowed to travel the entire length of the Turnpike. However, SVC's are restricted on I-70 to travel only from a motor-freight truck terminal located within 5 miles of Goodland to the Kansas-Colorado State Line, and on US 69 Alternate from Baxter Springs to the Kansas-Oklahoma State Line. The Interstate Route designation of the Turnpike is as follows.

	From	To
I-35.....	Oklahoma State Line.	Kansas Turnpike Authority (KTA) Milepost 127.
I-70.....	KTA Milepost 182.	KTA Milepost 223.
I-335.....	KTA Milepost 127.	KTA Milepost 177.
I-470.....	KTA Milepost 177.	KTA Milepost 182.
Legal Citations: Kansas Statutes Annotated (KSA).		
KSA 8-1911.....	KSA 8-1914.....	KSA 68-2003

	From	To
KSA 68-2004.....	KSA 68-2005.....	KSA 68-2019
KSA 68-2048a.....		

State: Kansas.  
Combination: Turnpike Double.  
Length of the Cargo Carrying Units: 109 feet.

Operational Conditions: Same as for Kansas Rocky Mountain Doubles.  
Routes: Same as for Kansas Rocky Mountain Doubles.  
Legal Citations: Same as for Kansas Rocky Mountain Doubles.

State: Kansas.  
Combination: Triple.  
Length of the Cargo Carrying Units: 109 feet.

Operational Conditions: Same as for Kansas Rocky Mountain Doubles.  
Routes: Same as for Kansas Rocky Mountain Doubles.  
Legal Citations: Same as for Kansas Rocky Mountain Doubles.

State: Louisiana.  
Combination: Rocky Mountain Double Truck tractor-semitrailer-trailer.  
Length of the Cargo Carrying Units: 75 feet.  
Operational Conditions:

1. No permits required.
2. No linear size limits.
3. Routes restricted to National Network.
4. Speed restricted by normal posted limits.
5. No restriction on time of day or weather.
6. CDL required.
7. 10-mile access.
8. The drawbar between trailers shall not exceed 15 feet.
9. Tire load on the pavement is limited to 650 pounds per inch of tire width.
10. Weight limits can be reduced due to weather or other emergency or due to pavement deterioration.

Routes: All National Network routes.  
Legal Citations:  
LA R.S. 32:382 (A) (1); (2) (b) (c) (d); (B); (C); (D); LA R.S. 32:384 (A); (C); LA R.S. 32:386 (A); (B); (C); (D); (H); (J).

State: Massachusetts.  
Combination: Turnpike Double.  
Length of the Cargo Carrying Units: 114 feet.

Operational Conditions: Both the tractor manufacturer for each tractor used in tandem trailer operations on the turnpike and the permittee shall certify to the Massachusetts Turnpike Authority (MTA), prior to the approval of a tractor that it is capable of hauling the maximum permissible gross load to be transported by the permittee at a speed not less than 20 miles per hour on all portions of the turnpike system.

**Brake Regulation**

1. The brakes on any vehicle or dolly converter or combination of vehicles used in tandem trailer operations shall comply with Federal regulations as stated in 49 CFR 393(C), as revised, and effective on the date of entry upon or use of the turnpike.
2. In addition, any vehicle or dolly converter or combination of vehicles used in

tandem trailer operations shall meet the requirements of the provisions of the Massachusetts Motor Vehicle Law.

3. On units of tandem trailer combinations certified on and after June 1, 1968, the brake application line of every tandem combination shall be equipped with suitable devices to accelerate application and release of the brakes of the towed vehicles, and these devices shall be so arranged that the brake application signal does not pass directly through more than one trailer, but is dead-ended at the rear of the trailer or alternatively at the dolly, and the application signal then is retransmitted to the dolly and the second trailer. The devices required above for retransmission of the application signal shall be closely connected to and supplied by air reservoirs which have their air supplied to them by the emergency line. In the event of a rupture of the application line on the towed vehicle of any tandem combination, the loss of brake application shall be limited upstream of the loss to those vehicles between the rupture and the first retransmission device.

**Axles**

A tractor used to haul a tandem trailer combination with a gross weight of more than 110,000 pounds shall be equipped with tandem rear axles, each of which shall be engaged to bear its full share of the load on the roadway surface.

**Tandem Assembly**

In the assembly of tandem combinations prior to their operation on the turnpike, the permittee shall ascertain the total gross weight of each trailer of the proposed combination. In the event that the gross weight of the trailers vary by more than 20 percent, the permittee shall couple them for each trip according to their gross weight, that is with the heaviest trailer coupled to the tractor.

**Indication That Trailers Form One Unit**

When the distance between the rear of the one semitrailer and the front of the following semitrailer is 10 feet or more, the dolly shall be equipped with a device, or the trailers shall be connected along the sides with suitable material, which will indicate to other turnpike users that the trailers are connected and are in effect one unit. Such devices or connections shall be approved by the MTA prior to use on a tandem trailer combination.

**Shifting and Swerving**

Coupling devices shall be so designed, constructed and installed and the vehicles in a tandem trailer combination traveling on a level, smooth, paved surface will follow in the path of the towing vehicle without shifting or swerving from side to side over 3 inches to each side of the path of the towing vehicle when it is moving in a straight line.

**Registration of Drivers**

Proposed drivers of tandem trailer combinations shall be registered by the MTA prior to driving such equipment on the turnpike. Applications for registration shall include all specified driving, safety and physical examination records and be

accompanied by an official abstract of the driving record of the individual for who it is being submitted. Drivers of tandem trailer combinations are required to prove to the MTA a minimum of 5 years of tractor trailer driving experience.

#### Speed Regulations

Tandem trailer combinations shall comply with the existing speed regulations for trucks and shall be subject to the rigid enforcement of the 55 miles per hour speed limit, or any lower speed limit posted due to adverse weather or road conditions for such vehicles on the turnpike.

#### Distance Between Vehicles

A minimum distance of 500 feet, or approximately two delineator spaces, shall be maintained under normal conditions between a tandem trailer combination and a vehicle traveling in front of it in the same travel lane, except when passing occurs.

#### Passing

A tandem trailer unit may pass another vehicle traveling in the same direction only if the speed differential will allow the tandem trailer unit to complete the maneuver and return to the normal driving lane within a distance of 1 mile.

#### Turnpike Regulations

Except as noted herein, and in the Tandem Trailer Permit, all rules and regulations governing the use and occupancy of the turnpike shall apply to the operation of tandem trailer combinations on the turnpike.

#### Miscellaneous Powers

The MTA may revoke or temporarily suspend at will any permit issued for the operation of tandem combinations on the turnpike, at its sole discretion, in whole or in part. If the MTA shall temporarily suspend tandem trailer operations at any time for any reason, including reasons of inclement weather, reconstruction or other conditions, the instructions of the MTA and of the Massachusetts State Police shall be complied with immediately.

#### Makeup-Breakup Areas

Tandem trailer units shall be assembled and disassembled only in special makeup-breakup areas designated for this purpose by the MTA: no combination consisting of a truck tractor, first semitrailer and dolly, with or without a second semitrailer, shall exit from the turnpike into a publicly maintained highway within the Commonwealth of Massachusetts, except where other laws or local regulations permit.

Routes: I-90 from Boston to New York Line.  
Legal Citations: Massachusetts Turnpike Authority (MTA) Rules and Regulations 730 CMR 4.00.

State: Mississippi.  
Combination: Tractor-semitrailer-trailer (Each trailer is 30 feet or less in length).  
Length of the Cargo Carrying Units: 65 feet (estimated).  
Operational Conditions: None.  
Routes: All Interstate routes. All U.S. numbered routes. All State numbered routes.  
Legal Citations: Sec. 63-5-19, Para. (3) MS Code, 1972.

State: Missouri.  
Combination: Rocky Mountain Double.  
Length of the Cargo Carrying Units: 102 feet.

Operational Units: Annual blanket over-dimension permits are issued to allow travel moving to terminals which involves travel on Interstate, primary and secondary routes with an overall length not to exceed 120 feet. The permit fee is per power unit. The permits carry routine permit restrictions, but do not address driver qualifications or any other restrictions not included in the rules and regulations for all permitted movement.

Routes: All National Network routes in Missouri within a 20-mile band from the Oklahoma and Kansas borders.

Legal Citations: § 304.200 Revised Statutes of Missouri 1990.

State: Missouri.  
Combination: Turnpike Double.  
Length of the Cargo Carrying Units: 109 feet.

Operational Conditions: Same as for Missouri Rocky Mountain Doubles.

Routes: Same as for Missouri Rocky Mountain Doubles.

Legal Citations: Same as for Missouri Rocky Mountain Doubles.

State: Missouri.  
Combination: Triple.  
Length of the Cargo Carrying Units: 100 feet.

Operational Conditions: Same as for Missouri Rocky Mountain Doubles.

Routes: Same as for Missouri Rocky Mountain Doubles.

Legal Citations: Same as for Missouri Rocky Mountain Doubles.

State: Montana.  
Combination: Rocky Mountain Double.  
Length of the Cargo Carrying Units: 81 feet.

Operational Conditions: Vehicle combinations must conform to posted speed limits. Vehicle combinations may operate 24 hours a day, 7 days a week on all highways. Operations are restricted during adverse weather conditions, when such operation affects the safety of the traveling public.

Routes: All National Network routes except US 87 from milepost 79.3 to milepost 82.5.

Legal Citations: 61-10-124 MCA; 61-10-121 MCA; ARM 18.8.509.

State: Montana.  
Combination: Turnpike Double.  
Length of the Cargo Carrying Units: 90 feet.

Operational Conditions: "Turnpike Doubles" with a 100-foot overall length are limited to the Interstate System plus a 2-mile access provision to and from the Interstate. On all other highways "Turnpike Doubles" are limited to a 95-foot overall length. All "Turnpike Doubles" are restricted to the posted speed limits and cannot operate during adverse weather conditions if such travel affects the safety of the public.

Routes: All National Network routes except US 87 from milepost 79.3 to milepost 82.5.

Legal Citations: 61-10-124(4) MCA; 61-10-121 MCA.

State: Montana.  
Combination: Triple.  
Length of the Cargo Carrying Units: 100 feet.

Operational Conditions: Triple units are allowed only on routes that are part of the

Interstate System. "Triples" are granted a 2-mile access provision off the Interstate for services or loading. Provisions may be granted at the discretion of the Administrator of the Motor Services Division for access beyond the 2-mile radius of the Interstate.

Triple operations are subject to a variety of equipment specifications. In addition, drivers of triple vehicle combinations are required to be certified. The certification process includes an actual road test under all types of driving conditions familiar to Montana.

Routes: Triples may operate on the following National Network routes. The entire length of Interstate routes 15, 90, 94 plus the 2-mile access provision discussed under "Operational Conditions."

Legal Citations: 61-10-124(6) MCA, ARM 18.8.517; 61-10-146(12) MCA, ARM 18.8.518; 61-10-121 MCA.

State: Montana.  
Combination: Truck-trailer-trailer.  
Length of the Cargo Carrying Units: 103 feet.

Operational Conditions: Maximum overall dimensions for truck-trailer-trailer combinations are as follows:

- 110-foot overall length on the Interstate, only with a conventional truck, with a 2-mile access provision.
- 105-foot overall length on the Interstate, only with a cab-over-engine truck, with a 2-mile access provision.
- 95-foot overall length on two-lane highways.

Routes: All National Network routes except US 87 from milepost 79.3 to milepost 82.5.

Legal Citations: 61-10-124 MCA; 61-10-121 MCA; ARM 18-8-509.

State: Nebraska.  
Combination: Rocky Mountain Double.  
Length of the Cargo Carrying Units: 85 feet.

Double trailers not exceeding a total length of 65 feet may travel without restriction as to route or as to relative trailer dimension. Double trailers over 65 feet may travel empty, but only with permits subject to the limitations set forth in the Rules and Regulations of the State of Nebraska Department of Roads.

Operational Conditions: Permits, for which a fee is charged, are required for operation on the Interstate and Defense Highway System only. Axle weight limits are 20,000 pounds for single axle and 34,000 pounds for tandem axle. Lift axles, which may be raised or lowered from within the vehicle or which have controls that may be reached from within the vehicle, and dummy axles will be disregarded in determining lawful weight.

- No wheel of a vehicle or trailer equipped with pneumatic, solid rubber or cushion tires shall carry a gross load in excess of 10,000 pounds on any road or highway nor shall any axle carry a gross load in excess of 20,000 pounds on any road or highway.
- No group of two or more consecutive axles shall carry a load in pounds in excess of the value given in the following table corresponding to the distance in feet between the extreme axles of the group, measured longitudinally to the nearest foot, except that the maximum load carried on any group of two or more axles shall not

exceed 80,000 pounds on the Interstate

System unless the Director-State Engineer

authorizes a greater weight.

TABLE 1.—ALLOWABLE AXLE GROUP WEIGHT

Axle spacing (ft)	Maximum Load (lbs) by Axle Group					
	2 Axles	3 Axles	4 Axles	5 Axles	6 Axles	7 Axles
4	34,000					
5	34,000					
6	34,000					
7	34,000					
8	34,000	42,000				
9	39,000	42,500				
10	40,000	43,500				
11		44,000				
12		45,000	50,000			
13		45,500	50,500			
14		46,500	51,500			
15		47,000	52,000			
16		48,000	52,500	58,000		
17		48,500	53,500	58,500		
18		49,500	54,000	59,000		
19		50,000	54,500	60,000		
20		51,000	55,500	60,500		
21		51,500	56,000	61,000		
22		52,500	56,500	61,500		
23		53,000	57,500	62,500		
24		54,000	58,000	63,000		
25		54,500	58,500	63,500	69,000	
26		55,500	59,500	64,000	69,500	
27		56,000	60,000	65,000	70,000	
28		57,000	60,500	65,500	71,000	
29		57,500	61,500	66,000	71,500	
30		58,500	62,000	66,500	72,000	
31		59,000	62,500	67,500	72,500	
32		60,000	63,500	68,000	73,000	
33			64,000	68,500	74,000	
34			65,500	69,000	74,500	
35			65,500	70,000	75,000	
36			66,000	70,500	75,500	
37			66,500	71,000	76,000	81,500
38			67,500	72,000	77,000	82,000
39			68,000	72,500	77,500	82,500
40			68,500	73,000	78,000	83,500
41			69,500	73,500	78,500	84,000
42			70,000	74,000	79,000	84,500
43			70,500	75,000	80,000	85,000
44			71,500	75,500	80,500	85,500
45			72,000	76,000	81,000	86,000
46			72,500	76,500	81,500	87,000
47			73,500	77,500	82,000	87,500
48			74,000	78,000	83,000	88,000
49			74,500	78,500	83,500	88,500
50			75,500	79,000	84,000	89,000
51			76,000	80,000	84,500	89,500
52			76,500	80,500	85,000	90,500
53			77,500	81,000	86,000	91,000
54			78,000	81,500	86,500	91,500
55			78,500	82,500	87,000	92,000
56			79,500	83,000	87,500	92,500
57			80,000	83,500	88,000	93,000
58				84,000	89,000	94,000
59				85,000	89,500	94,500
60				85,500	90,000	95,000

(3) The distance between axles shall be measured to the nearest foot. When a fraction is exactly 1/2 foot the next larger whole number shall be used, except that (a) any group of three axles shall be restricted to a maximum load of 34,000 pounds unless the distance between the extremes of the first and third axles is at least 96 inches and (b) the maximum gross load on any group of two axles, the distance between the extremes of which is more than 8 feet but less than 8 feet 6 inches, shall be 38,000 pounds.

(4) The weight limitations of wheel and axle loads shall be restricted to the extent deemed necessary by the Nebraska Department of Roads for a reasonable period where road subgrades or pavements are weak or are materially weakened by climatic conditions.

(5) Vehicles equipped with a greater number of axles than provided in the tables shall be legal if they do not exceed the maximum load upon any wheel or axle, the maximum load upon any group of two or more consecutive axles, the total gross weight or

any of such weights as provided in subsections (2) and (4) of this section.

(6) This section shall not apply to a vehicle that has been issued a permit pursuant to section 39-6,181.

(7) Any two consecutive axles, the centers of which are more than 40 inches and not more than 96 inches apart, measured to the nearest inch between any two adjacent axles in the series shall be defined as tandem axles and the gross weight transmitted to the road surface through such series shall not exceed 34,000 pounds.

No axle of the series shall exceed the maximum weight permitted under this section for a single axle.

**Provisions Applicable for the Movement of Multi-Unit Combinations of Trailers and Semi-Trailers Requiring Special Permits**

**Definitions:**

**Extra-Long Vehicle Combinations:** For the purpose of these rules and regulations, extra-long vehicle combinations may include the following vehicle combinations:

A vehicle combination consisting of a truck tractor, semitrailer and two trailers having an overall length of not more than 105 feet, the semitrailer and trailers of which must be of approximately equal lengths.

A vehicle combination consisting of a truck tractor, semitrailer and single trailer having an overall length of not more than 105 feet, the semitrailer and trailers of which must be of approximately equal lengths.

A vehicle combination consisting of a truck tractor, semitrailer and single trailer, one trailer of which is not more than 48 feet long and the other trailer of which is not more than 28 feet long nor less than 26 feet long. The entire combination of which is not more than 95 feet long. In this combination, the shorter trailer shall be operated as the rear trailer.

Trailer shall mean any vehicle, with or without motive power, designed for the carrying of property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle; and for the purpose of these rules and regulations, a semitrailer used with a converter dolly shall be considered a trailer.

A location within 8 miles of the Interstate System that is approved by the permit and that is to be used by the permittee for assembling or disassembling extra-long vehicle combinations.

Highways, roads or streets upon which the permittee will be allowed to move an extra-long vehicle combination when moving from or to a designated staging area and to or from the Interstate System and the area of the interchanges of the Interstate System which may be traveled by the permittee. No extra-long vehicle permits will be issued to allow travel east of Nebraska Highway 50 on the Interstate System. Except as designated on the permit, in case of deteriorating weather conditions, emergency or breakdown, vehicles moving by authority of an extra-long vehicle permit shall not be permitted to reenter the Interstate System.

The Nebraska Department of Roads, at its discretion, may issue permits for the operation of extra-long vehicle combinations when unladen, but only over a designated route on the Interstate System and from a staging area located not more than 6 miles from the Interstate System.

No departure from, amendment, alteration or change of the routes designated on the extra-long vehicle combination permit shall be allowed. If the permit holder desires to travel on any route not designated on its permit the Nebraska Department of Roads must approve, in writing, an amendment authorizing the additional route.

**Inspection of Permit and Vehicle:** As a condition of the issuance of an extra-long

vehicle combination permit, applicant must agree that the operator of the vehicle operating under the authority of an extra-long vehicle combination permit will submit to an inspection of the permit and of the vehicle at any time such vehicle is on Nebraska highways, whether or not there is reason to believe that such vehicle is in violation of the permit or the Nebraska motor vehicle laws. A copy of the permit must be carried in the power unit of the extra-long vehicle combination.

The granting of a permit by the Nebraska Department of Roads may contain restrictions or prohibit operations as determined necessary by the Department of Roads. Movement shall be made during daylight hours (sunrise to sunset). No movement shall be permitted on Saturday, Sunday, holidays or long holidays as defined in the Department of Roads' rules and regulations pertaining to the issuing of over-dimensional and overweight permits. No movement will be permitted when the ground winds, in the vicinity or on the highways over which the extra-long vehicle combinations may move, exceed a velocity of 25 miles per hour, nor during steady rain, snow, sleet, ice or other conditions that cause the pavement to be slippery or when visibility is less than 800 feet. Should any of these conditions be encountered after commencement of the move, the driver shall cease operations by moving the extra-long vehicle combination from the roadway at the first point that the vehicle can be safely removed to prohibit the hazardous operation of the combination and to provide for safety of other highway users. Movement of extra-long vehicle combinations during any of the aforesaid prohibited times shall be grounds for revocation of the permit.

**Application for Extra-Long Vehicle Combination Permit**

An annual permit application shall be made on the Standard Form Number RM-425 furnished by the Nebraska Department of Roads and shall be submitted to the State of Nebraska, Department of Roads, Permit Office, Lincoln, Nebraska. Permits will only be issued from the Lincoln Permit Office, Monday through Friday from 8 a.m. to 12 p.m. and 1 p.m. to 5 p.m. when open for business. Permittee shall give at least 5 working days for processing of any extra-long vehicle combination permits.

The permit application must list all truck tractors to be operated under the registered permit, as well as the license number of such vehicles, the State of issuance of the license, number of such vehicles, the vehicle identification numbers and the drivers who will operate under the requested permit. Only trucks owned or leased exclusively to the permit applicant for the entire term of the requested permit and only drivers under the control and supervision of the applicant may be listed on such applications. An annual permit is required for each qualified carrier company or individual. In the event the permittee desires to change the information listed on its permit application regarding vehicles or drivers, it may do so by written notice to the Nebraska Department of Roads in Lincoln. Such notice shall be by means of registered or personally delivered mail and

shall not be effective for a period of 2 calendar days from the receipt of such notice by Nebraska Department of Roads.

Applicants for an extra-long vehicle combination permit must certify in writing to the Nebraska Department of Roads that the driver of a vehicle which is permitted to move by authority of such permit has complied with all Federal Motor Carrier Safety Regulations and all State laws, rules and regulations pertaining to drivers and drivers' licenses. Applicants must notify the Nebraska Department of Roads, in writing, of traffic citations issued to any driver for improper operation of an extra-long vehicle combination within 5 days of the issuance of said citation.

The owner or operator of each extra-long vehicle combination shall have on file with the Nebraska Department of Roads, an insurance certificate with a company authorized to do business in Nebraska, in an amount of not less than \$1,000,000 for public liability and property damage. The insurance certificate must contain a provision stating that the insurance company will give at least 30 days written notice to the Nebraska Department of Roads in case of cancellation.

**Additional Restrictions Pertaining to Movement of Extra-Long Vehicle Combinations**

From November 15 to April 15 of each year, the permittee must contact the Nebraska Department of Roads in Lincoln, Nebraska, between the hours of 8 a.m. and 5 p.m. on any day the Nebraska Department of Roads is open for business and within 3 hours prior to commencing travel to obtain authorization for movement that day. From April 16 through November 14 of each year, the permittee must contact the Nebraska Department of Roads in Lincoln, Nebraska, between the hours of 8 a.m. and 5 p.m. on any day that the Nebraska Department of Roads is open for business and within three days of commencing travel to obtain authorization for movement. The Department of Roads will at that time issue an authorization number, record the time of the call, the driver of the vehicle to be moved and the route to be traveled.

A sign may be required to be displayed at least 8 feet above the roadway surface on the rear-most vehicle of the combination of the vehicles. The sign shall be of yellow reflectorized material with reflectorized black letters of not less than 10 inches high, and must conform to the diagram set forth in Nebraska's Exhibit A (not included).

The granting of a permit shall not constitute a waiver of any license (tonnage) requirements imposed by the State of Nebraska.

The granting of a permit pursuant to these rules and regulations shall not waive any liability or responsibility of the applicant which might accrue for property damages, including damage to the highways, or for personal injuries resulting from the operation of extra-long vehicle combinations.

A distance of at least 500 feet must be maintained between all vehicles and any two extra-long combination of vehicles when operating on Nebraska streets or highways.

except when one extra-long combination of vehicles is passing another.

All vehicles in an extra-long combination of vehicles and all devices used to couple vehicles in the extra-long vehicle combination must be designed, constructed and installed so that each towed vehicle follows the alignment of the towing vehicle without shifting or swerving more than 3 inches to the right or left of the alignment when the combination is moving in a straight line on a level, smooth, paved highway during calm, dry weather conditions.

Extra-long vehicle combinations of not more than three cargo units shall have not less than six axles nor more than nine axles.

In addition to any other accident reports required by State or Federal laws, all accidents involving extra-long vehicle combinations shall be reported in writing by the permittee to the Nebraska Department of Roads, Permit Office, P.O. Box 94759, Lincoln, Nebraska 68509 within 5 business days of such accident.

The Nebraska Department of Roads may impose additional restrictions and requirements not set forth in these rules and regulations as a condition for the operation of the extra-long vehicle combinations over particular highways or sections of particular highways in this State. The Nebraska Department of Roads shall revoke or amend a decision to allow the operation of an extra-long vehicle combination on any highway of this State if changed circumstances or conditions render the operation of the combination of vehicles impracticable or unsafe.

Routes: Vehicles requiring permits are restricted to I-80 from west of Nebraska Highway 50 to the Wyoming border. There are no route restrictions for vehicles not requiring permits.

Legal Citations: Neb. Rev. Stat. § 39-6,179 (Reissue 1988) (Double trailers under 65 feet); Neb. Rev. Stat. § 39-6,179.01 (Reissue 1988) (Double trailers over 65 feet); Nebraska Department of Roads Rules and Regulations, Title 408, Chapter 1 (Double over 65 feet).

State: Nebraska.

Combination: Turnpike Double.

Length of the Cargo Carrying Units: 95 feet.

Operational Conditions: Same conditions as for Nebraska Rocky Mountain Doubles, except that the trailers must be of approximately equal length.

Routes: Same routes as for Nebraska Rocky Mountain Doubles.

Legal Citations: Same as for Nebraska Rocky Mountain Doubles.

State: Nebraska.

Combination: Triple.

Length of the Cargo Carrying Units: 95 feet.

Operational Conditions: Triple trailer units are allowed only when empty and in compliance with the restrictions set out in appendix C to part 658.

Routes: Vehicles requiring permits are restricted to I-80 from west of Nebraska Highway 50 to the Wyoming border. There are no route restrictions for vehicles not requiring permits.

Legal Citations: Neb. Rev. Stat. § 39-6,179.01 (Reissue 1988); Nebraska Department of Roads Rules and Regulations; title 408, chapter 1.

State: Nebraska.

Combination: Truck and trailer—75 feet overall length.

Length of the Cargo Carrying Units: Truck and trailer—68 feet.

Operational Conditions: One truck and one trailer, loaded or unloaded, used in transporting a combine to be engaged in harvesting, while being transported into or through the State during daylight hours and the total length does not exceed 75 feet including load.

Routes: All State routes.

Legal Citations: Neb. Rev. Stat. § 39-6,179.

State: Nevada.

Combination: Rocky Mountain Double.

Length of the Cargo Carrying Units: 95 feet.

Operational Conditions: Permitted vehicles with total overall length of over 70 feet and up to 105 feet, consisting of not more than three trailers or a truck and two trailers. No trailer longer than 48 feet. If one trailer is 48 feet the other trailer cannot exceed 42 feet. Maximum weight not to exceed 129,000 pounds using uncapped Bridge Formula B.

Identifying devices must be carried and displayed. Nevada regulations establish standards for the operation of such vehicles including:

- Types and number of vehicles to be permitted in combination;
- Horsepower of a motor truck;
- Operating speeds;
- Braking ability; and
- Driver qualifications.

Routes: All National Network Routes.

Legal Citations: NRS 484.739; NRS 706.531.

State: Nevada.

Combination: Turnpike Double.

Length of the Cargo Carrying Units: 95 feet.

Operational Conditions: Same as for Nevada Rocky Mountain Doubles.

Routes: Same as for Nevada Rocky Mountain Doubles.

Legal Citations: Same as for Nevada Rocky Mountain Doubles.

State: Nevada.

Combination: Triple.

Length of the Cargo Carrying Units: 95 feet.

Operational Conditions: Same as for Nevada Rocky Mountain Doubles.

Routes: Same as for Nevada Rocky Mountain Doubles.

Legal Citations: Same as for Nevada Rocky Mountain Doubles.

State: Nevada.

Combination: Truck-trailer-trailer.

Length of the Cargo Carrying Units: 98 feet.

Operational Conditions: Same as for Nevada Rocky Mountain Doubles.

Routes: Same as for Nevada Rocky Mountain Doubles.

Legal Citations: Same as for Nevada Rocky Mountain Doubles.

State: New Hampshire.

Combination: Truck and trailer.

Length of the Cargo Carrying Units: 85 feet.

Operational Conditions: No special restrictions.

Routes: All National Network routes.

Legal Citations: RSA 265:108; RSA 266:11.

State: New York.

Combination: Rocky Mountain Double.

Length of the Cargo Carrying Units: 102 feet.

Operational Conditions: Tandem trailer combinations in excess of the limits of section 385 of the New York State Vehicle and Traffic Law, may operate on the thruway system under a Tandem Trailer Permit issued by the New York State Thruway Authority upon application to it by the prospective permittee on Form TA-6807, subject to certain provisions as follows:

Definition of a Tandem

A complete tandem trailer combination shall consist of a tractor, first semitrailer, dolly and second semitrailer; tractor, first semitrailer and dolly or other such combination as may be approved by the Authority. No semitrailer, including any load thereon shall be in excess of 48 feet. The total length of the combination, including the tractor, semitrailers and dolly shall not exceed 114 feet.

Also, tandem combinations not utilizing a converter dolly, but a sliding fifth wheel attached to the lead trailer commonly referred to as "B-Train" combination, will require separate Thruway Engineer Services approval prior to initial tandem run. Special provisions regarding B-Train's will be reviewed at time of application or request for use on the thruway.

Weight Limits

Any such combinations of vehicles may not exceed a total maximum gross weight of 143,000 pounds. The maximum gross weight of the unit of tractor and first semitrailer shall not exceed 80,000 pounds. The maximum gross weight that may be carried upon any combination of units is limited by the maximum gross weight that can be carried upon each unit and the axles thereof as provided in section 385 of the New York State Vehicle and Traffic Law.

The maximum gross weight for the unit of tractor and first semitrailer exceeding 80,000 pounds is governed by section 385 of the New York State Vehicle and Traffic Law, as amended.

Thruway requirements for maximum gross weights of tandem combinations exceeding 138,000 pounds:

- Tandem combinations grossing in excess of 138,000 pounds must have a tandem-axle dolly to meet the nine axle requirement.
- The maximum permissible gross weight for B-Train combinations is 127,000 pounds.

Hazardous Materials

Special restrictions are applicable to the transportation of hazardous materials along with part 397 of the Federal Motor Carrier Safety Regulations.

All radioactive material and explosives Class A and B are prohibited.

Other hazardous materials, classifications 2 through 9, as defined in the U.S. DOT, § 173.2, may be carried in tandem combinations, but the total volume of such material in a tandem combination shall not exceed the total volume that could be carried in a single trailer.

All provisions of the Federal Motor Carrier Safety Regulations shall be observed at all times. All unattended tandem combinations containing or including the power unit shall have the shipping papers of each trailer unit

in the vehicle, available and accessible for review. All single trailers or trailer combinations shall display appropriate placarding as required.

#### Over-Dimension Regulations

All over-dimensional and weight regulations of the Authority shall apply to such units unless specifically excluded under the terms of the Tandem Trailer Permit of these regulations.

#### Safety Training

Prior to the issuance of a Tandem Operator Certification, company management and operating personnel must comply with safety training requirements set by the Authority.

The Authority has established a program of safety training seminars for all certified tandem companies and company safety patrols. The safety-intensive classes are tailored to the individual needs of each company and offered at no charge during normal business hours with lectures, video presentations and hands-on demonstrations. Authority personnel will cover the following subjects:

1. Proper tandem hookups.
2. On-the-road operations.
3. Professional driver safety attitudes.
4. Tandem Rules and Regulations.
5. Certification procedures.
6. Expediting paperwork.
7. Accident/incident investigations.
8. Disabled vehicle procedures.
9. Hazardous materials regulations.
10. Sharing the road with other drivers.
11. Tandem area usage.
12. Federal Motor Carrier Safety Regulations parts 383, 392, 395, 396.

#### Certification of Tractors

Both the tractor manufacturer for each tractor used in tandem trailer operations on the thruway and the permittee shall certify to the Authority prior to the approval of the tractor that it is capable of hauling the maximum permissible gross load to be transported by the permittee at a speed on not less than 20 miles per hour on all portions of the thruway system.

Companies leasing equipment requiring certification for use in tandem operations are responsible for certification and maintenance of all equipment.

#### Brake Regulations

(1) The brakes on any vehicle or dolly converter or combination of vehicles used in tandem trailer operations shall comply with the Federal regulations as stated in 49 CFR part 393, as amended.

(2) In addition, any vehicle or dolly converter or combination of vehicles used in tandem trailer operations shall meet the additional applicable requirements of the provisions of the New York State and Traffic Law.

(3) On units of tandem trailer combinations certified on and after June 1, 1968, the brake application line of every tandem combination shall be equipped with suitable devices to accelerate application and release of the brakes of the towed vehicles, and these devices shall be so arranged that the brake application signal does not pass directly through more than one trailer but is deadened at the rear of the lead trailer or, alternatively

at the dolly, and the application signal then retransmitted to the dolly and the second trailer. The devices required above for retransmission of the application signal shall be closely connected to and supplied by air reservoirs which have their air supplied to them by the emergency line. In the event of rupture of the application line on the towed vehicles of any tandem combination, the loss of brake application shall be limited up stream of the loss to those vehicles between the rupture and the first transmission device.

#### Axle Type

A tractor which will be used to haul a tandem trailer combination with a total gross weight of more than 110,000 pounds shall be equipped with tandem rear axles, both with driving power, or other axle configuration as may be approved by the Authority.

A tractor which will be used to haul a tandem trailer combination with a total gross weight of 110,000 pounds or less may be a two axle tractor with a single drive axle.

Any tandem combination utilizing single wheel tires commonly referred to as "Super Singles" instead of conventional dual wheel are required to utilize triple-axle tractors, dual-axle trailers and dual-axle dollies.

#### Tandem Assembly

In the assembly of tandem combinations prior to their operation on the thruway, the permittee shall ascertain the total gross weight of each trailer of the proposed combination. When the gross weight of the two trailers in a tandem combination vary more than 20 percent, the heavier of the two must be placed in the lead position.

#### Dollies

Every converter dolly certified on and after June 1, 1968, used to convert a semitrailer to a full trailer may have either single or tandem-axles at the option of the permittee. However, single-axle dollies may not utilize low profile tires. Tandems grossing in excess of 138,000 pounds must have a tandem-axle dolly to meet the nine-axle requirement.

When the distance between the rear of the first semitrailer and the front of the following semitrailer is 10 feet or more, the dolly shall be equipped with a device, or the trailers shall be connected along the sides with suitable material, which will indicate to other thruway users that the trailers are connected and are in effect one unit. Such devices or connection shall be approved by the Authority prior to use on a tandem trailer combination.

Also, tandem combinations not utilizing a converter dolly, but a sliding fifth wheel attached to the lead trailer commonly referred to as "B-Train" combination, will require separate Thruway Engineer Service approval prior to initial tandem run. Special provisions regarding B-Trains will be reviewed at time of application or request for use on the thruway.

#### Drivers—Driver Forms Required for Permit

Application for special permit to operate tandem trailer vehicle must be accompanied by accident reports over the last 5 years, a medical certificate within the last 2 years and a motor vehicle driver's 10-year abstract (Original-Certified copy, dated within last 3

months). The abstract is not required for New York State licensed operators.

#### Speed Limit

Tandem trailer combinations shall comply with the existing speed regulations for trucks and shall be subject to the rigid enforcement of 55 miles per hour speed limit, or any lower speed limit posted due to adverse weather or road conditions for such vehicles on the thruway. Radar detection devices are not permitted in tandem operations on the thruway.

#### Operational Safety

A minimum distance of 500 feet, or approximately four delineator spaces, shall be maintained under normal conditions between a tandem trailer combination and a vehicle traveling in front of it in the same travel lane, except when passing occurs. All tandem operators are required to wear safety belts when operating a tandem combination.

#### Passing Vehicles

A tandem trailer combination may pass another vehicle traveling in the same direction, only if the speed differential will allow the tandem trailer combination to safely complete the maneuver and return to the normal driving lane within a distance of 1 mile.

#### Routes:

IR 87 between the Bronx-Westchester County Line and IR 90 (Thruway Exit 24).

IR 90 between the New York-Pennsylvania State Line (Thruway Exit 61) and IR 87 (Thruway Exit 24).

IR 90 between IR 90 (Thruway Exit B1) and the New York-Massachusetts State Line.

IR 190 between IR 90 (Thruway Exit 53) and the New York-Canada border at the Lewiston-Queenston Bridge.

Route NY 912M (Berkshire Connection of the New York State Thruway) between IR 87 (Thruway Exit 21A) and IR 90 (Exit B1).

IR 87 Section of the New York State Thruway:

Exit 21B—Roadway between IR 87 the New York State Turnpike Authority (NYSTA) Exit 21B toll booth at Exit 21B and the access road to Route US 9W. Route US 9W between the access road and a point 1500 feet north.

IR 90 (Berkshire Spur) Section of the New York State Thruway:

Exit B1—Route US 9 between the southern most access ramp and a point 0.8 miles north.

Exit B3—Within a radius of 2000 feet of any exit or entrance designated B3 to the New York State Thruway, Berkshire section, at Route NY 22.

IR 90 Section of the New York State Thruway:

Exit 28—Within a radius of 1500 feet of any NYSTA toll booth at Fultonville, New York.

Exit 32—Route NY 233 between IR 90 and a point 0.6 miles north at Westmoreland in Oneida County.

Exit 44—Rout NY 332 between IR 90 and Collett Road. Collett Road between Route NY 332 and 6070 Collett Road, a distance of 0.8 ± miles.

Exit 52—A.) Walden Avenue between IR 90 and a point 0.8 miles west. Route NY 240 (Harlem Road) between Walden Avenue and a point 0.9 miles south B.) Walden Avenue

between IR 90 and a point 0.5 miles east. A roadway purchased from Sorrento Cheese, Inc. by the Town of Cheektowaga between Walden Avenue and a point 1640 feet south.

Exit 54—Routh NY 400 between IR 90 and Route NY 277. Route NY 277 between Route NY 400 and a point 0.5 miles north.

Exit 56—Within a radius of 1.2 miles from the New York State Turnpike Authority (NYSTA) toll booth on an access road to be built between the toll booth and the present eastern terminus of Route NY 179 at South Park Avenue, over Route NY 179 and Old Mile Strip Road to the truck terminal entrance on Old Mile Strip Road at a point approximately 2,430 feet southeast of the intersection of Old Mile Strip Road, or across Lake Avenue at the northern end of the truck terminal.

IR 190 (Niagara) Section of the New York State Thruway:

Exit N1—Dingens Street between IR 190 at Ogden Street and a point 0.8 miles west. James E. Casey Drive between Dingens Street and a point 0.45 miles north.

Exit N5—Louisiana Street between IR 190 and a point 0.7 miles south. South Street between Louisiana Street and Hamburg Street, a distance of 0.25 miles.

Exit N15—Route NY 325 (Sheridan Drive) between IR 190 and a point 0.1 miles east. Kenmore Avenue between Sheridan Drive and a point 0.4 miles south.

Exit N17—A) Route NY 266 (River Road) between IR 190 and a point 1.5 miles northerly. B) Route NY 266 (River Road) between IR 190 and a point 1700 feet south of the southern most access road to the NYSTA.

#### Legal Citations:

Public Authorities Law—Title 9, sec. 350, et. seq. (section 361 is most relevant).

New York State Thruway Authority Rules and Regulations, sections 100.6, 100.8 and 100.13.

New York State Vehicle and Traffic Laws, sections 385 and 1630.

State: New York.

Combination: Turnpike Double.

Length of the Cargo Carrying Units: 102 feet.

Operational Conditions: Same as for New York Rocky Mountain Doubles.

Routes: Same as for New York Rocky Mountain Doubles.

Legal Citations: Same as for New York Rocky Mountain Doubles.

State: North Dakota.

Combination: Rocky Mountain Double.

Length of the Cargo Carrying Units: 110 feet.

Operational Conditions: No permits are required if less than 80,000 pounds Gross Vehicle Weight. Weather restrictions (37-06-04-06, NDAC), weight distribution on trailers (37-06-04, NDAC), signing requirements (37-06-04-05, NDAC). Single trip permits are required only when exceeding 80,000 pounds Gross Vehicle Weight (GVW).

Weather restrictions—movements of longer combination vehicles (LCV's) are prohibited when:

1. road surfaces, due to ice, snow, slush or frost present a slippery condition which may be hazardous to the operation of the unit or to other highway users;

2. wind or other conditions may cause the unit or any part thereof to swerve, whip,

sway or fail to follow substantially in the path of the towing vehicle; or

3. visibility is reduced due to snow, ice, sleet, fog, mist, rain, dust or smoke.

The North Dakota highway patrol may restrict or prohibit operations during periods when in its judgment traffic, weather or other safety conditions make travel unsafe.

#### Weight Distribution by Trailer:

1. In any three-unit combination, the lighter trailer must always be operated as the rear trailer, except when the gross weight differential with the other trailer does not exceed 5,000 pounds.

2. In any four-unit combination, the lightest trailer must always be operated as the rear trailer. The other two trailers must be arranged as provided in the above paragraph.

Signing requirement—the last trailer in any combination must have an "OVERLENGTH" sign mounted on the rear. The "OVERLENGTH" sign must be a minimum 12 inches in height and 60 inches in length. The lettering must be 8 inches in height with 1-inch brush strokes. The letters must be black on yellow background. A "LONG LOAD" sign may be used in lieu of the overlength sign. Beginning January 1, 1985, the "LONG LOAD" sign is mandatory.

Legal width—8 feet 6 inches on all highways.

Legal height—13 feet 6 inches.

Legal length—A single unit vehicle with two or more axles including the load thereon shall not exceed a length of 50 feet. A combination of two units including the load thereon shall not exceed a length of 75 feet. A combination of three or four units including the load thereon shall not exceed a length of 75 feet subject to safety rules adopted by the North Dakota Highway Commissioner. A combination of two, three or four units including the load thereon may exceed 75 feet in length but shall not exceed 110 feet in length when traveling on four-lane divided highways and those highways designated by the Highway Commissioner and local authorities as to the highways under their respective jurisdictions. All such combinations are subject to safety rules adopted by the Highway Commissioner. The length of a trailer or semitrailer including the load thereon may not exceed 53 feet except that trailers and semitrailers titled and registered in North Dakota prior to July 1, 1987, and towed vehicles may not exceed a length of 60 feet. A truck tractor and semitrailer or truck tractor-semi-trailer-trailer when operated on the Interstate System or parts of the Federal-aid and primary system designated by the Highway Commissioner.

#### Legal Weight Limitations

A. Gross Vehicle Weight (GVW):

1. The GVW of any vehicle or combination of vehicles is determined by the following weight formula:  $W = 500(LN/N-1 + 12N + 36)$  whereon the Interstate System  $W$  equals maximum weight in pounds carried on any group of two or more axles;  $L$  equals distance in feet between the extremes of any group of two or more consecutive axles; and  $N$  equals number of axles in the group under consideration, except that two consecutive sets of tandem axles may carry a gross load

of 34,000 pounds each, providing the overall distance between the first and last axles of the consecutive sets of tandem axles is at least 36 feet; and where on highways other than the Interstate System  $W$  equals the maximum gross weight in pounds on any vehicle or combination of vehicles;  $L$  equals distance in feet between the two extreme axles on any vehicle or combination of vehicles; and  $N$  equals the number of axles of any vehicle or combination of vehicles under consideration.

2. The maximum GVW on State highways is 105,500 pounds unless otherwise posted. On the Interstate System the maximum GVW is 80,000 pounds. On all other highways the maximum GVW is 80,000 pounds unless designated for more, not to exceed 105,500 pounds.

#### B. Axle Weight:

1. No single axle shall carry a gross weight in excess of 20,000 pounds. Axles spaced 40 inches or less apart are considered one axle. Axles spaced 8 feet apart or over are considered as individual axles. The gross weight of two individual axles may be restricted by the weight formula except that on highways other than the Interstate, two axles spaced 8 feet apart or more may have a combined gross weight not to exceed 40,000 pounds. Spacing between axles shall be measured from axle center to axle center.

2. Axles spaced over 40 inches apart and less than 8 feet apart shall not carry a gross weight in excess of 17,000 pounds per axle. The gross weight of three or more axles in a grouping is determined by the measurement between the extreme axle centers except that on highways other than the Interstate, groupings of three or more axles may have a gross weight not to exceed 48,000 pounds.

3. During the spring breakup season or on otherwise posted highways, reductions in the above axle weights may be specified. Axle weights may also be reduced by the Bridge Load Limitations Map.

#### C. Wheel Weight:

1. The weight in pounds on any one wheel shall not exceed one-half the allowable axle weight. Dual tires are considered one wheel.

#### D. Tire Weight:

1. The weight per inch width of tire shall not exceed 550 pounds. The width of tire for solid tires shall be the rim width; for pneumatic tires, the manufacturer's width.

Minimum power requirement—The power unit shall have adequate power and traction to maintain a minimum speed of 15 miles per hour on all grades.

Routes: All National Network routes.

Legal Citations: North Dakota Century Code, section 39-12-04, North Dakota Administrative Code, article 37-06.

State: North Dakota.

Combination: Turnpike Double.

Length of the Cargo Carrying Units: 110 feet.

Operational Conditions: Same as for North Dakota Rocky Mountain Doubles.

Routes: Same as for North Dakota Rocky Mountain Doubles.

Legal Citations: Same as for North Dakota Rocky Mountain Doubles.

State: North Dakota.

Combination: Triple.

Length of the Cargo Carrying Units: 100 feet.

Operational Conditions: Same as for North Dakota Rocky Mountain Doubles.

Routes: Same as for North Dakota Rocky Mountain Doubles.

Legal Citations: Same as for North Dakota Rocky Mountain Doubles.

State: North Dakota.

Combination: Truck-trailer; Truck-trailer-trailer.

Length of the Cargo Carrying Units: 103 feet.

Operational Conditions: Same as for North Dakota Rocky Mountain Doubles.

Routes: Same as for North Dakota Rocky Mountain Doubles.

Legal Citations: Same as for North Dakota Rocky Mountain Doubles.

State: Ohio.

Combination: Rocky Mountain Double.

Length of the Cargo Carrying Units: 80 feet.

Operational Conditions: For each trip, an LCV as described above must obtain a permit at the entering toll plaza if it exceeds 75 feet in overall length. In addition to the normal toll charge for the vehicle as determined by weight class, a permit fee with an additional overlength fee per mile traveled is charged. Operations, of both long double combinations and triple combination vehicles, on the turnpike are subject to the provisions of a special permit.

#### Dimensional and Weight Limitations and Permit Information

*No Permits Required* for vehicles that do not exceed the following dimensional and weight limits:

*Width:* 8 feet 6 inches (102 inches).

*Height:* maximum 14 feet.

*Length:* (total).

#### Single Units

Trucks and two-axle buses, 40 feet.

Buses with three or more axles, 45 feet.

#### Combinations

Tractor-semi-trailer, 75 feet.\*\*

Tractor-semi-trailer-semi-trailer (short doubles), 75 feet.\*

Other combinations of vehicles coupled together (includes house trailers, etc.), 65 feet.\*

*Long Combination Vehicles (LCV):* Long double combinations (in excess of 90 feet but not exceeding 112 feet in length, maximum gross weight allowed 127,400 pounds) and triple trailer combinations (in excess of 90 feet but not exceeding 105 feet in length, maximum gross weight allowed 115,000 pounds). Operating permits are available, subject to compliance with provisions established by the Ohio Turnpike Commission, for the operation of a LCV on the turnpike. For information and details of the provision requirements, a letter setting forth all of the pertinent facts relative to obtaining a long double combination or triple

trailer combination operating permit should be addressed to the Executive Director of the Ohio Turnpike Commission.

#### Weight

Maximum Single Axle Weight, 21,000 pounds.

Maximum Gross Weight, 90,000 pounds.

Tandem Axle Weight (4 feet or less), 24,000 pounds.

Tandem Axle Weight (over 4 feet but less than 8 feet), 34,000 pounds.

No permits will be issued to any vehicles exceeding weight or height limits. Any overdimension will require the use of a permit. Permits are issued at the toll plazas. Charges for these permits are computed as follows:

There is a basic charge for a single trip permit, plus a fee per mile for each foot (and/or each fractional part of a foot) of overwidth, and a fee for each foot (and/or each fractional part of a foot) of overlength and a fee per mile for each foot (or fractional part of a foot) of overheight. These permit charges are in addition to the regular toll charges for the weight class of the vehicle.

Travel under permit may be made at any time of the day or night if the vehicle does not exceed the following dimensions:

Width—10 feet.

Height—14 feet.

Length—(overall) 80 feet (82 feet with overhangs for vehicle carriers) with no single unit, or component thereof exceeding 60 feet. Travel under permits issued to vehicles in excess of the dimensions listed above is restricted to daylight hours, Monday through Saturday noon, and is prohibited on holidays or on the day before or the day after a holiday. *Nighttime* travel is, however, subject to the following regulations and restrictions:

(1) Overdimensional vehicles permitted to travel at night shall have all lights and reflectors required by the U.S. Department of Transportation, Federal Highway Administration Rules and Regulations which require, in addition to other lights, two tail lights and two stop lights.

(2) Vehicles having an overhanging load in excess of 4 feet beyond the bed or body of the vehicle shall be restricted to daylight travel.

Provisions Covering Permits for Operation for Longer Combination Vehicles (LCV's) Long Double Trailer Combinations in Excess of 90 Feet in Length on the Ohio Turnpike

Long double trailer combinations in excess of 90 feet in length (double) may operate on the turnpike under a "long double trailer permit" (permit issued by the Ohio Turnpike Commission subject to compliance by the permittee with the following provisions:

#### 1. General Conditions

a. A double shall consist of a tractor, first semi-trailer, a dolly and a second semi-trailer. Neither the first semi-trailer nor the second semi-trailer shall be longer than 48 feet in length; mixed trailer length combinations are not permitted. The minimum length permitted to operate as a double shall be 90 feet and the maximum length of such a double shall not exceed 112 feet. The number of axles of a double shall be a minimum of five and a maximum of nine.

b. The total gross weight for a double shall not exceed 127,400 pounds. The gross load of a double shall not exceed the sum of the allowable gross loads on the axles, which are as follows:

Maximum gross weight on any one axle, 21,000 pounds.

Maximum combined axle load of any two successive axles, spaced 4 feet or less apart, 24,000 pounds.

Maximum combined axle load of any two successive axles, spaced more than 4 feet apart but less than 8 feet apart, 34,000 pounds.

#### 2. Equipment

a. A tractor used in the operation of a double shall be capable of hauling a maximum weight, as specified in section 1, paragraph b of these provisions, at a speed of not less than 40 miles per hour on all portions of the turnpike.

b. Each unit used for towing other units in a double shall have sufficient structural strength to insure the safe and secure attachment of any coupling device used to tow other units. The forward semi-trailer must be reinforced and the permittee must certify that it is strong enough for satisfactory attachment of the rear coupling device so that it can tow a trailer and dolly safely.

c. Coupling devices shall be so designed, constructed and installed, and the vehicles in a double shall be designed and constructed, as to insure that any towed vehicles when traveling on a level, smooth, paved surface will follow in the path of the towing vehicle without shifting or swerving more than 3 inches to either side of the path of the towing vehicle when the latter is moving in a straight line.

d. Units used in a double shall be equipped with coupling devices as required per current applicable Economic and Safety regulations of the Public Utilities Commission (PUCO), and Federal Motor Carrier Safety Regulations and as further provided herein.

e. A double shall be equipped with brakes as required as follows and per current applicable Economic and Safety regulations of the PUCO, and Federal Motor Carrier Safety Regulations. The brakes on a double shall also comply with the following:

(1) A double shall be equipped with full air brakes or air activated hydraulic brakes on the tractor and either air or electric brakes on the trailers.

(2) A double, at all times and under all conditions of loading, upon application of the service (foot) brake shall be capable of: developing a brake force that is not less than 43.5 percent of the gross combination weight; decelerating to a stop from not more than 20 miles per hour at not less than 14 feet per second; stopping from a speed of 20 miles per hour in not more than 30 feet, such distance to be measured from the point at which movement of the service brake pedal or control begins. Tests for deceleration and stopping distance shall be made on substantially level (not to exceed plus or minus 1 percent grade), dry, smooth, hard surface that is free from loose material.

(3) The parking brakes shall be capable of being applied by the driver's muscular effort

\* Length includes overhang but does not include safety devices or bumpers attached to the front or rear of such combinations.

\*\* Highway vehicle carriers may have up to 4 feet overhang in the rear and 3 feet overhang in front (82 feet maximum).

or by spring action. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brakes or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain in the applied position despite exhaustion of any source of energy or leakage of any kind.

(4) Every unit in a double shall be equipped with brakes acting on all wheels, which shall include the front axle of the power unit.

(5) Brake hose shall conform to the appropriate specification set forth in the Society of Automotive Engineers Standards for "Hydraulic Hose" or "Automotive Air Brake Hose and Hose Assemblies."

(6) Every tractor used in the double shall be equipped with a reserve capacity, or reservoir for air storage, to insure that, with the engine stopped, a full service brake application may be made without depleting such reservoir pressure by more than 30 percent when such reservoir is fully charged with air at maximum pressure as regulated by the vehicle's air compressor governor cutout setting. Each such reservoir shall be provided with a means for readily draining it of accumulated oil or water.

(7) Every tractor used in the double utilizing compressed air for the operation of its own brakes or the brakes of other vehicles in a Double, shall be provided with a warning signal readily audible or visible to the driver, which signal will operate at any time the air reservoir pressure of such vehicle is below 50 percent of the air compressor governor cut-out pressure. In addition, each such vehicle shall be equipped with a pressure gauge arranged to indicate, in pounds per square inch, the pressure available for braking.

(8) The brakes on a double shall be designed and equipped so that braking action shall take place on all wheels as nearly simultaneously as possible to reduce to a minimum any possible tendency of a double to move out of alignment when stopping.

f. The distance between the rearmost axle of a semitrailer and the front axle of the next semitrailer in a coupled double unit, shall not exceed 12 feet 6 inches. In no event shall the distance between the semitrailers coupled in a double exceed 9 feet.

g. A double must be equipped with adequate, properly maintained, spray-suppressant mud flaps, on all axles except the steering axle.

### 3. Equipment Certification

a. A certification number will be issued by the Ohio Turnpike Commission for each approved tractor. The certification number shall be placed at a designated location on the tractor. The certification numbers are to be 3-inch high block letters and are to be black in color (another color may be used in order to obtain sufficient contrast between the tractor and number color, subject to approval of the Commission). The Commission shall issue a certification card for each approved tractor, the certification

shall be carried in the cab of the tractor in a place readily available for inspection.

### 4. Driver Certification

a. Applications for drivers of a double shall be made by the permittee on a form provided by the Ohio Turnpike Commission prior to driving on the turnpike. No such unit shall be driven on the turnpike by any person other than a driver approved by the Commission.

(1)(A) Drivers must be over 26 years of age, in good health and shall have not less than 5 years experience driving tractor-trailer or tractor short double trailer motor vehicles. Such driving experience shall include experience throughout the four seasons.

(B) Drivers must comply with the applicable current requirements of the Federal Motor Carrier Safety Regulations and Federal Hazardous Materials Regulations and the Economic and Safety regulations of the PUCO, as well as the requirements found herein.

(2)(A) An application for certification of a driver must include all information concerning the applicant's driving and safety record, as well as an official abstract of his driving record and copies of all accident reports for the last 5 years.

(B) The application must include evidence that the driver has undergone biennial physical examination of the type required by the rules of the PUCO and Federal Motor Carrier Safety Regulations.

(C) Driver certification must be renewed annually.

### 5. Operating Conditions

a. A permit fee is charged.

b. Tolls charged for a double will be the same as for other vehicles currently being based on total gross weight as determined automatically by the toll plaza scales, computerized classification system and toll rate schedule (except that Class 10 rates will be charged for units with a gross weight between 90,000 and 115,000 pounds and Class 11 rates charged for all units over 115,000 pounds gross weight), plus a fee for each trip.

c. In the assembly of a double prior to their operation on the turnpike, the permittee shall ascertain the total gross weight of each trailer of the proposed double. In the event that the gross weights of the trailers vary by more than 20 percent the permittee shall couple them according to their gross weights with the heavier trailer coupled to the tractor.

d. A minimum distance of 500 feet shall be maintained between double LCV units and/or Triple units except when overtaking and passing another vehicle. Except when passing or when emergency or work-zone conditions exist, a double shall remain in the right-hand outside lane.

e. When, in the opinion of the Commission, the weather conditions are such that operation of a double is inadvisable, the Commission will notify the permittee that travel is prohibited for a certain period of time.

	From	To
Routes:		
I-80/I-90.....	Milepost 0.0.....	Mile post 143.0 (Exit 1 to Exit 8A on the Ohio Turnpike).
I-80.....	Milepost 143.0.....	Milepost 219.0 (Exit 8A to Exit 15 on the Ohio Turnpike).
I-76.....	Milepost 219.0.....	Milepost 241.3 (Exit 15 to Exit 17 on the Ohio Turnpike).

(No travel is permitted on any Interstate route in Ohio that is under the jurisdiction of the Ohio Department of Transportation)

Legal Citations: Statutory authority, as contained in Chapter 5537 of the Ohio Revised Code, to regulate the dimensions and weights of vehicles using the turnpike.

State: Ohio.

Combination: Turnpike Double.

Length of the Cargo Carrying Units: 100 feet.

Operational Conditions: Operation allowed on the turnpike subject to the provisions of a special permit. Operations, of both long double combinations and triple combination vehicles, on the turnpike are subject to the provisions of a special permit.

Dimensional and Weight Limitations and Permit Information

No Permits Required for vehicles that do not exceed the following dimensional and weight limits:

Width: 8 feet 6 inches (102 inches).

Height: maximum 14 feet.

Length: (total).

### Single Units

Trucks and two-axle busses, 40 feet.

Busses with three or more axles, 45 feet.

### Combinations

Tractor-semitrailer, 75 feet.\*\*

Tractor-semitrailer-semitrailer (short doubles), 75 feet.\*

Other combinations of vehicles coupled together (includes house trailers, etc.), 65 feet.\*

Long Combination Vehicles (LCV): Long double combinations (in excess of 90 feet but not exceeding 112 feet in length, maximum gross weight allowed 127,400 pounds) and triple trailer combinations (in excess of 90 feet but not exceeding 105 feet in length, maximum gross weight allowed 115,000 pounds). Operating permits are available, subject to compliance with provisions established by the Ohio Turnpike Commission, for the operation of a LCV on the turnpike. For information and details of

\* Length includes overhang but does not include safety devices or bumpers attached to the front or rear of such combinations.

\*\* Highway vehicle carries may have up to 4 feet overhang in the rear and 3 feet overhang in front (82 feet maximum).

the provision requirements, a letter setting forth all of the pertinent facts relative to obtaining a Long double Combination or Triple Trailer Combination operating permit should be addressed to the Executive Director of the Ohio Turnpike Commission.

**Weight:** Maximum Single Axle Weight, 21,000 pounds.

Maximum Gross Weight, 90,000 pounds.  
Tandem Axle Weight (4 feet or less), 24,000 pounds.

Tandem Axle Weight (over 4 feet but less than 8 feet), 34,000 pounds.

No permits will be issued to any vehicles exceeding weight or height limits. Any overdimension will require the use of a permit. Permits are issued at the toll plazas. These permit charges they are in addition to the regular toll charges for the weight class of the vehicle.

Travel under permit may be made at any time of the day or night if the vehicle does not exceed the following dimensions:

Width—10 feet.

Height—14 feet maximum.

Length—(overall) 80 feet (82 feet with overhangs for vehicle carriers) with no single unit, or component thereof exceeding 60 feet. Travel under permits issued to vehicles in excess of the dimensions listed above is restricted to daylight hours, Monday through Saturday noon, and is prohibited on holidays or on the day before or the day after a holiday. *Nighttime* travel is, however, subject to the following regulations and restrictions:

(1) Overdimensional vehicles permitted to travel at night shall have all lights and reflectors required by the U.S. Department of Transportation, Federal Highway Administration Rules and Regulations, which require in addition to other lights, two tail lights and two stop lights.

(2) Vehicles having an overhanging load in excess of 4 feet beyond the bed or body of the vehicle shall be restricted to daylight travel.

Provisions Covering Permits for Operation for Longer Combination Vehicles (LCV's) Long Double Trailer Combinations in Excess of 90 Feet in Length on the Ohio Turnpike

Long double trailer combinations in excess of 90 feet in length (Double) may operate on the turnpike under a "Long double Trailer Permit" (Permit) issued by the Ohio Turnpike Commission subject to compliance by the permittee with the following provisions:

#### 1. General Conditions

a. A double shall consist of a tractor, first semitrailer, a dolly and a second semitrailer. Neither the first semitrailer nor the second semitrailer shall be longer than 48 feet in length; mixed trailer length combinations are not permitted. The minimum length permitted to operate as a double shall be 90 feet and the maximum length of such a double shall not exceed 112 feet. The number of axles of a double shall be a minimum of five and a maximum of nine.

b. The total gross weight for a double shall not exceed 127,400 pounds. The gross load of a double shall not exceed the sum of the allowable gross loads on the axles, which are as follows:

Maximum gross weight on any one axle, 21,000 pounds.

Maximum combined axle load of any two successive axles, spaced 4 feet or less apart, 24,000 pounds.

Maximum combined axle load of any two successive axles, spaced more than 4 feet apart but less than 8 feet apart, 34,000 pounds.

#### 2. Equipment

a. A tractor used in the operation of a double shall be capable of hauling a maximum weight, as specified in section 1, paragraph b of these provisions, at a speed of not less than 40 miles per hour on all portions of the turnpike.

b. Each unit used for towing other units in a double shall have sufficient structural strength to insure the safe and secure attachment of any coupling device used to tow other units. The forward semitrailer must be reinforced and the permittee must certify that it is strong enough for satisfactory attachment of the rear coupling device so that it can tow a trailer and dolly safely.

c. Coupling devices shall be so designed, constructed and installed, and the vehicles in a double shall be designed and constructed, as to insure that any towed vehicles when traveling on a level, smooth, paved surface will follow in the path of the towing vehicle without shifting or swerving more than 3 inches to either side of the path of the towing vehicle when the latter is moving in a straight line.

d. Units used in a double shall be equipped with coupling devices as required per current applicable Economic and Safety regulations of the PUCO, and Federal Motor Carrier Safety Regulations and as further provided herein.

e. A double shall be equipped with brakes as required as follows and per current applicable Economic and Safety regulations of the PUCO, and Federal Motor Carrier Safety Regulations. The brakes on a double shall also comply with the following:

(1) A double shall be equipped with full air brakes or air activated hydraulic brakes on the tractor and either air or electric brakes on the trailers.

(2) A double, at all times and under all conditions of loading, upon application of the service (foot) brake shall be capable of: developing a brake force that is not less than 43.5 percent of the gross combination weight; decelerating to a stop from not more than 20 miles per hour at not less than 14 feet per second; stopping from a speed of 20 miles per hour in not more than 30 feet, such distance to be measured from the point at which movement of the service brake pedal or control begins. Tests for deceleration and stopping distance shall be made on substantially level (not to exceed plus or minus 1 percent grade), dry, smooth, hard surface that is free from loose material.

(3) The parking brakes shall be capable of being applied by the driver's muscular effort or by spring action. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brakes or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied

they shall remain in the applied position despite exhaustion of any source of energy or leakage of any kind.

(4) Every unit in a double shall be equipped with brakes acting on all wheels, which shall include the front axle of the power unit.

(5) Brake hose shall conform to the appropriate specification set forth in the Society of Automotive Engineers Standards for "Hydraulic Hose" or "Automotive Air Brake Hose and Hose Assemblies."

(6) Every tractor used in the double shall be equipped with a reserve capacity, or reservoir for air storage, to insure that, with the engine stopped, a full service brake application may be made without depleting such reservoir pressure by more than 30 percent when such reservoir is fully charged with air at maximum pressure as regulated by the vehicle's air compressor governor cutout setting. Each such reservoir shall be provided with a means for readily draining it of accumulated oil or water.

(7) Every tractor used in the double utilizing compressed air for the operation of its own brakes or the brakes of other vehicles in a double, shall be provided with a warning signal readily audible or visible to the driver, which signal will operate at any time the air reservoir pressure of such vehicle is below 50 percent of the air compressor governor cut-out pressure. In addition, each such vehicle shall be equipped with a pressure gauge arranged to indicate, in pounds per square inch, the pressure available for braking.

(8) The brakes on a double shall be designed and equipped so that braking action shall take place on all wheels as nearly simultaneously as possible to reduce to a minimum any possible tendency of a double to move out of alignment when stopping.

f. The distance between the rearmost axle of a semitrailer and the front axle of the next semitrailer in a coupled double unit, shall not exceed 12 feet 6 inches. In no event shall the distance between the semitrailers coupled in a double exceed 9 feet.

g. A double must be equipped with adequate, properly maintained, spray-suppressant mud flaps, on all axles except the steering axle.

#### 3. Equipment Certification

a. A certification number will be issued by the Ohio Turnpike Commission for each approved tractor. The certification number shall be placed at a designated location on the tractor. The certification numbers are to be 3-inch-high block letters and are to be black in color (another color may be used in order to obtain sufficient contrast between the tractor and number color, subject to approval of the Commission). The Commission shall issue a certification card for each approved tractor, the certification shall be carried in the cab of the tractor in a place readily available for inspection.

#### 4. Driver Certification

a. Applications for drivers of a double shall be made by the permittee on a form provided by the Ohio Turnpike Commission prior to driving on the turnpike. No such unit shall be driven on the turnpike by any person other than a driver approved by the Commission.

(1)(A) Drivers must be over 26 years of age, in good health and shall have not less than 5 years experience driving tractor-trailer or tractor short double trailer motor vehicles. Such driving experience shall include experience throughout the four seasons.

(B) Drivers must comply with the applicable current requirements of the Federal Motor Carrier Safety Regulations and Federal Hazardous Materials Regulations and the Economic and Safety regulations of the PUCO, as well as the requirements found herein.

(2)(A) An application for certification of a driver must include all information concerning the applicant's driving and safety record, as well as an official abstract of his driving record and copies of all accident reports for the last 5 years.

(B) The application must include evidence that the driver has undergone biennial physical examination of the type required by the rules of the PUCO and Federal Motor Carrier Safety Regulations.

(C) Driver certification must be renewed annually.

#### 5. Operating Conditions

a. A permit fee is charged.

b. Tolls charged for a double will be the same as for other vehicles currently being based on total gross weight as determined automatically by the toll plaza scales, computerized classification system and toll rate schedule, (except that Class 10 rates will be charged for units with a gross weight between 90,000 and 115,000 pounds and Class 11 rates charged for all units over 115,000 pounds gross weight), plus a fee for each trip.

c. In the assembly of a double prior to their operation on the turnpike, the permittee shall ascertain the total gross weight of each trailer of the proposed double. In the event that the gross weights of the trailers vary by more than 20 percent the permittee shall couple them according to their gross weights with the heavier trailer coupled to the tractor.

d. A minimum distance of 500 feet shall be maintained between double LCV units and/or Triple units except when overtaking and passing another vehicle. Except when passing or when emergency or work-zone conditions exist, a double shall remain in the right-hand outside lane.

e. When, in the opinion of the Commission, the weather conditions are such that operation of a double is inadvisable, the Commission will notify the permittee that travel is prohibited for a certain period of time.

	From	To
Routes:		
I-80/I-90	Milepost 0.0	Mile post 143.0 (Exit 1 to Exit 8A on the Ohio Turnpike)
I-80	Milepost 143.0	Milepost 219.0 (Exit 8A to Exit 15 on the Ohio Turnpike)

	From	To
I-76	Milepost 219.0	Milepost 241.3 (Exit 15 to Exit 17 on the Ohio Turnpike) Extending 1 mile South
SR 7	Exit 16 Ohio Turnpike.	

(No travel is permitted on any Interstate route in Ohio that is under the jurisdiction of the Ohio Department of Transportation)

Legal Citations: Statutory authority, as contained in Chapter 5537 of the Ohio Revised Code, to regulate the dimensions and weights of vehicles using the Ohio Turnpike.

State: Ohio.  
Combination: Triple.  
Length of the Cargo Carrying Units: 89 feet.  
Operational Conditions: Same as for Ohio Turnpike Doubles.

Routes: Same as for Ohio Turnpike Doubles.  
Legal Citations: Same as for Ohio Turnpike Doubles.

State: Oklahoma.  
Combination: Rocky Mountain Double.  
Length of the Cargo Carrying Units: 123 foot.

Operational Conditions:

#### Size and Weight Permit

A permit is required for operation of doubles whose units are greater than 29 feet in length. The maximum unit length is 59.5 feet. Permit movements are limited to travel from one-half hour before sunrise to one-half hour after sunset, 7 days a week, subject to the following restrictions:

- (1) No travel is allowed on specified holidays, beginning at noon the day preceding the holiday. Specified holidays are: New Year's Day, Memorial Day, Independence Day, Thanksgiving Day and Christmas Day.
- (2) Permit loads may move on other holidays if the permit is purchased by 4:30 p.m. prior to the holiday.
- (3) Movement of permitted loads is restricted on the Interstate System in Cleveland, Oklahoma and Tulsa Counties from 7 a.m. to 9 a.m. and from 4 p.m. to 6 p.m., Monday through Friday.

Permits may be issued for travel on the Oklahoma turnpikes, not to exceed the following limits. The maximum weight on all turnpikes is 108,000 pounds. Permits shall not be issued for travel on the turnpikes unless a minimum speed of 40 miles per hour can be maintained.

#### Special Vehicle Combinations

A Special Vehicle Combination (SVC) shall consist of a truck tractor-semitrailer combination towing two complete trailers or semitrailers. No semitrailer or trailer used in such a combination shall have a length greater than 29 feet nor shall a SVC exceed the weight limitations imposed by statute.

No person shall operate or permit the operation of a SVC within Oklahoma without a current SVC permit issued by the Department of Public Safety. Size and Weight

Permit Division. Such permits may only be used for operation upon Federal-aid Interstate highways or four-lane divided Federal-aid primary highways and for access or egress between points of origin or destination. Egress or access shall not exceed 5 statute miles.

A copy of a valid SVC permit shall be carried at all times in the authorized vehicle.

All SVC permit holders and drivers must comply totally with the latest Federal Motor Carrier Safety Regulations, 49 CFR, parts 390-397 of the U.S. Department of Transportation (U.S. DOT), except where Oklahoma rules contain provisions which are not in conflict with Federal requirements and are more stringent.

The driver must be under the control and supervision of the holder of the SVC permit, or have been issued the same.

The permit holder shall ensure that the driver meets the requirements listed below prior to operating any SVC in this State:

- (1) The driver must fully comply with the driver's requirements contained in the Federal Motor Carrier Safety Regulations.
- (2) A driver must have had at least 2 years of experience driving truck-trailer combinations.
- (3) Valid documentation indicating driver compliance with the above driver requirements shall be in the possession of the driver while operating a SVC.
- (4) The permit holder shall certify to the U.S. DOT that the driver is qualified and has valid documentation of same in his possession prior to the issuance of a SVC permit.

A completed and signed application will be accompanied by the tendering of an annual fee for each permit issued.

Each licensee shall insure that the operation of SVC's complies with the following rules in addition to other equipment requirements established by State or Federal laws or rules.

All truck tractors shall be powered to provide adequate acceleration and hill climbing ability under normal operation conditions, and to operate on level grades at speeds compatible with other traffic. The ability to maintain a minimum speed of 40 miles per hour under normal operation conditions on a grade over which the combination is operated is required.

All braking systems must comply with State and Federal requirements. In addition, fast air transmission and release valves must be provided on all trailers, semitrailers and converter dolly axles. A grade force limiting valve, sometimes called a "slippery road" valve, may be provided on the steering axle if Federal Motor Carrier Safety Regulations would so allow. Indiscriminate use of engine retarder brakes is prohibited.

Mud flaps or splash guards meeting the requirements of the procedures established below shall be followed when operating a SVC in this State.

A minimum distance of 500 feet shall be maintained between SCV's and other vehicles except when overtaking and passing. Except when passing another vehicle in the same direction, or when emergency

conditions exist, a SVC shall remain at all times in the right hand outside lane.

Extreme caution in the operation of a SVC shall be exercised when hazardous conditions such as those caused by snow, wind, ice, sleet, fog, mist, rain, dust or smoke adversely affect control, visibility or traction. Speed shall be reduced when such conditions exist. When conditions become sufficiently dangerous the company or driver shall discontinue operations and shall not resume until the vehicle can be safely operated. The State may restrict or prohibit operations during periods, when in the State's judgment traffic, weather or other safety conditions make such operations unsafe or inadvisable.

Transportation by SVC, Class A and B explosives; Class A poisons and Class 1, 2 and 3 radioactive material or any other material deemed to be unduly hazardous by the U.S. DOT is prohibited. This prohibition does not include the transportation of gasoline, fuel, oil or heating oil or other such petroleum products.

All multiple trailer combinations must be stable at all times during normal braking and normal operation. A multiple trailer combination when traveling on a level, smooth, paved surface must follow in the path of the towing vehicle without shifting or swerving more than 3 inches to either side when the towing vehicle is moving in a straight line.

The total weight on any single axle shall not exceed 20,000 pounds. The total axle weight on any tandem axle shall not exceed 34,000 pounds. The total weight on any group of two or more consecutive axles shall not exceed the amounts shown in Table 1. Gross combination weight shall not exceed 90,000 pounds. All SVC's must be properly registered. An Interstate permit to operate on the Interstate System in Oklahoma is required, if registered above 80,000 pounds.

The heaviest trailer or semitrailer should be placed in front with the lightest at the rear. In no case, shall either trailer or semitrailer be placed ahead of another trailer or semitrailer which carries an appreciably heavier load. An empty trailer or semitrailer will not precede a loaded trailer or semitrailer.

**Special Permit Loads**

An annual special authorization permit may be issued for any vehicle transporting a load in excess of 80,000 pounds, but not exceeding 90,000 pounds, for movement upon or touching the Interstate System; provided such vehicle meets the axle requirements as provided for in Table 1.

Vehicles meeting the axle requirements of Table 1 must have a special authorization permit; otherwise, they will be limited to 80,000 pounds gross weight on the Interstate System.

There is a fee for an annual special authorization permit issued, pursuant to paragraph 1, per vehicle. Except as otherwise provided for by this chapter, no vehicle, with or without load, shall have a total outside width in excess of 102 inches excluding both tire bulge and approved safety devices when operated on the Interstate System or on any road or highway in this State having a surface width of 20 feet or more. The total gross weight in pounds imposed by a vehicle or combination of vehicles shall not exceed the value given in the following table corresponding to the distance in feet between the extreme axles of the group measured longitudinally to the nearest foot.

**TABLE 1.—OKLAHOMA ALLOWABLE AXLE GROUP WEIGHT**

Axle spacing (ft)	Maximum load (lbs) by axle group				
	2 Axles	3 Axles	4 Axles	5 Axles	6 Axles
4	34,000				
5	34,000				
6	34,000				
7	34,000				
8	34,000	42,000			
9	39,000	42,500			
10	40,000	43,500			
11		44,000			
12		45,000	50,000		
13		45,500	50,500		
14		46,500	51,500		
15		47,000	52,000		
16		48,000	52,500	58,000	
17		48,500	53,500	58,500	
18		49,500	54,000	59,000	

**TABLE 1.—OKLAHOMA ALLOWABLE AXLE GROUP WEIGHT—Continued**

Axle spacing (ft)	Maximum load (lbs) by axle group				
	2 Axles	3 Axles	4 Axles	5 Axles	6 Axles
19		50,000	54,500	60,000	
20		51,000	55,500	60,500	66,000
21		51,500	56,000	61,000	66,500
22		52,500	56,500	61,500	67,000
23		53,000	57,500	62,500	68,000
24		54,000	58,000	63,000	68,500
25		54,500	58,500	63,500	69,000
26		56,000	59,500	64,000	69,500
27		57,500	60,000	65,000	70,000
28		59,000	60,500	65,500	71,000
29		60,500	61,500	66,000	71,500
30		62,000	62,000	66,500	72,000
31		63,500	63,500	67,000	72,500
32		64,000	64,000	68,000	73,500
33			64,500	68,500	74,000
34			65,000	69,000	74,500
35			66,000	70,000	75,000
36			68,000	70,500	75,500
37			68,000	71,000	76,000
38			69,000	72,000	77,000
39			70,000	72,500	77,500
40			71,000	73,000	78,000
41			72,000	73,500	78,500
42			73,000	74,000	79,000
43			73,280	75,000	80,000
44			73,280	75,500	80,500
45			73,280	76,000	81,000
46			73,280	76,500	81,500
47			73,500	77,500	82,000
48			74,000	78,000	82,000
49			74,500	78,500	83,500
50			75,500	79,000	84,000
51			76,000	80,000	84,500
52			76,500	80,500	85,000
53			77,500	81,000	86,000
54			78,000	81,500	86,500
55			78,500	82,500	87,000
56			79,500	83,000	87,500
57			80,000	83,500	88,000
58				84,000	89,000
59				85,000	89,500
60				85,500	90,000

Routes: Doubles with 29-foot trailers may use any route on the National Network. Doubles with grandfathered 59.5-foot semitrailers and trailers are limited to interstate and four-lane divided highways (as shown in below).

Route No.	From	To
I-35	Texas State Line	Kansas State Line.
I-40	Texas State Line	Arkansas State Line.
I-44	Texas State Line	Missouri State Line.
I-235	I-35/OKC	I-44/OKC.
I-240	I-44/OKC	I-40/OKC.
I-244	I-44/Tulsa	I-44/Tulsa.
I-444	I-244/Tulsa	I-244/Tulsa.
I-40 Bus.*	I-40 W. of El Reno	El Reno.
US 60*	I-35	Ponca City.
US 62*	US 69/Muskogee	SH 80/Ft. Gibson.
US 62*	I-44 Lawton	SH 115/Cache.
US 64	Cimarron T.P	I-244/Tulsa.
US 412*	SH 58/Ringwood	I-35.
US 64*	I-35	Perry.
US 64*	I-40/Roland	Ft. Smith.
US 69*	Texas State Line	I-44/Big Cabin.
US 70*	Wilson.	I-35/Ardmore.
US 75*	I-40/Henryetta	I-244/Tulsa.
US 75*.*	I-244/Tulsa	Bartlesville.
US 77*	I-44/OKC	Edmond.
US 81*.*	I-44/Chickasha	Duncan.
US 81*	SH 51/Hennessey	End of divided section 11.43 mi. N. of US 412.
US 169*	SH 51/Tulsa	Collinsville.

Route No.	From	To
US 270	Indian Nation T.P.	US 69/McAlester.
US 270*	SH 9/Tecumseh	I-40.
US 271	Texas State Line	Indian Nation T.P.
US 412	I-44/Catoosa	US 69.
US 412*	US 69	SH 412B.
SH 3*	I-44/OKC	Canadian County line.
SH 3A	SH 3/OKC	I-44/OKC.
SH 7*	I-44/Lawton	SH 65/Pumpkin Center.
SH 7*	I-35	Sulphur.
SH 7*	US 81/Duncan	End of divided section 7.33 miles E. of US 81.
SH 9*	I-35	US 77/Norman.
SH 11*	I-35	Blackwell.
SH 11	US 75/Tulsa	I-244/Tulsa.
SH 33*	Guthrie	I-35.
SH 51*	I-35	Stillwater.
SH 51*	I-44/Tulsa	Muskogee T.P.
SH 165*	Muskogee T.P.	Muskogee T.P.
SH 165*	US 64 Bus./Muskogee	Muskogee T.P.
Cimarron T.P.*	I-35 N.W. of Perry	US 64 S.E. of Cleveland.
Cimarron T.P. Conn.*	US 177 N. of Stillwater	Cimarron T.P. N.W. of Glencoe.
Indian Nation Turnpike*	US 70 N.W. of Hugo	I-40 Henryetta.
Muskogee T.P.*	OK 51/Broken Arrow	OK 165/Muskogee.
Muskogee T.P.*	OK 165/Muskogee	I-40 S.W. of Webber's Falls.

\* Reasonable Access: Access from legally available routes to service facilities and terminals within 5 mile radius.

\* Route contains non-divided section(s) that requires lawful interpretation of utilization by doubles and triples prior to June 1, 1991.

\* Route contains non-FAP section(s) functioning as vital connection link to FAP and Interstate network.

Legal Citations: Title 49 1981 O.S. 14-101; Title 49 1990 O.S. 14-103C(3).

State: Oklahoma.

Combination: Turnpike Double.

Length of the Cargo Carrying Units: 123 feet.

Operational Conditions: Same as for Oklahoma Rocky Mountain Doubles.

Routes: Same as for Oklahoma Rocky Mountain Doubles.

Legal Citations: Same as for Oklahoma Rocky Mountain Doubles.

State: Oklahoma.

Combination: Triple.

Length of the Cargo Carrying Units: 95 feet.

Operational Conditions: Same as for Oklahoma Rocky Mountain Doubles.

Routes: Same as for Oklahoma Rocky Mountain Doubles.

Legal Citations: Title 47 1990 O.S. 14-109; Title 47 1990 O.S. 14-116; Title 49 1990 O.S. 14-121.

State: Oregon.

Combination: Rocky Mountain Double.

Length of the Cargo Carrying Units: 68 feet.

Note: In Oregon these combinations are also known as "Oregon Doubles."

Operational Conditions: The lead semitrailer may be up to 40 feet long. The trailing trailer may be up to 35 feet long. However, the 68-foot cargo carrying unit length is the primary control. This vehicle combination is eligible for a divisible load permit to operate with gross weight up to and including 105,500 pounds. There is a permit fee. In addition, vehicles are subject to weight-mile taxes pursuant to ORS Chapter 767. These permits limit weight to 600 pounds per inch of tire width, 20,000-pound axles, 34,000-pound tandem axles or the table of weight shown in Permit Weight Table 2 (not included). Permit Weight Table 2 is an extension of the legal table of weights for Oregon. Permits for these vehicles are issued annually from the date of issue. The permits require use of splash and spray suppressant devices when operating in rainy weather,

trailer placement by weight (lightest to the rear) and only on specific routes. Movement is not allowed when road surfaces are hazardous due to ice or snow, or when other atmospheric conditions make travel unsafe. A classified driver license for the appropriate combination of vehicles is required. Truck speed in Oregon is limited to 55 miles per hour, but there are no time of travel restrictions.

Routes: All National Network routes.

Legal Citations: ORS 810.010, ORS 810.050; ORS 810.030, ORS 810.060; ORS 810.040, ORS 818.010 through 818.235.

State: Oregon.

Combination: Triple.

Length of the Cargo Carrying Units: 95 feet

Operational Conditions: Triple trailer combinations are eligible for permits, including divisible load weight, to operate with gross weight up to and including 105,500 pounds. There is a permit fee. In addition, vehicles are subject to weight-mile tax through ORS Chapter 767. These permits limit weight to 600 pounds per inch of tire width, 20,000-pound axles, 34,000-pound tandem axles or the table of weight shown in Permit Weight Table 2 (not included). Permit Weight Table 2 is an extension of the legal table of weights for Oregon. Permits for these vehicles are valid for 1 year from the date of issue. The permits require use of splash and spray suppressant devices when operating in rainy weather, trailer placement by weight (lightest to the rear) and only on specific routes. Movement is not allowed when road surfaces are hazardous due to ice or snow, or when other atmospheric conditions make travel unsafe. A classified driver license with a triple trailer endorsement is required. Truck speed in Oregon is limited to 55 miles per hour, and there are no time of travel restrictions.

Routes: To be determined.

Legal Citations: ORS 810.010, ORS 810.050; ORS 810.030, ORS 810.060; ORS 810.040, ORS 818.010 through 818.235.

State: South Dakota.

Combination: Rocky Mountain Double.

Length of the Cargo Carrying Units: 81 feet 6 inches.

Operational Conditions: Weight limited by Bridge Gross Weight Formula. Unit allowed to exceed 80,000 pound limit on Interstate with single trip self-issuing permit. The weight of the second unit may not exceed the weight of the first unit by more than 3,000 pounds. If towbar exceeds 19 feet, it must be lighted at night and flagged during daylight hours.

Length limitation is exclusive of safety and energy conservation devices, including but not limited to mirrors, turn signal lamps, hand holds, flexible fender extensions and mud flaps.

The power unit must be of sufficient horsepower to maintain a minimum speed of 40 miles per hour when pulling fully loaded trailers. LCV maximum speed is 55 miles per hour.

Route: All National Network routes.

Legal Citations: SDCL 32-22-8.1; Admin. Rules of South Dakota Article 70:03.

State: South Dakota.

Combination: Turnpike Double.

Length of the Cargo Carrying Units: 110 feet.

Operational Conditions: Same conditions as for South Dakota Rocky Mountain Doubles.

	From	To
Routes: All Interstate routes and:		
US 281	North Dakota	US 281 and 8th Ave. in Aberdeen.
SD 50	I-29	SD 50 and Burleigh Street in Yankton.
US 85	North Dakota	I-90 North of Spearfish.

	From	To
Bypass US 14.....	I-29.....	US 14 and Bypass US 14 W. of Brookings.
US 14.....	Jct. US 14 Bypass, US 14 W. of Brookings.	US 14 and US 281 S. of Woolsey.
US 281.....	I-90.....	US 14 and US 281 S. of Woolsey.

Legal Citations: SDCL 32-22-42; Admin. Rules of South Dakota Article 70:03.

State: South Dakota.  
Combination: Triple.  
Length of the Cargo Carrying Units: 100 feet.

Operational Conditions: Same conditions as for South Dakota Rocky Mountain Doubles.

	From	To
Routes: All Interstate routes and:		
US 281.....	North Dakota.....	US 281 and 8th Ave. in Aberdeen.
SD 50.....	I-29.....	SD 50 and Burleigh Street in Yankton.
US 85.....	North Dakota.....	I-90 North of Spearfish.
Bypass US 14.....	I-29.....	US 14 and Bypass US 14 W. of Brookings.
US 14.....	Jct. US 14 Bypass, US 14 W. of Brookings.	US 14 and US 281 S. of Woolsey.
US 281.....	I-90.....	US 14 and US 281 S. of Woolsey.

Legal Citations: SDCL 32-22-42; SDCL 32-22-42.14; Admin. Rules of South Dakota Article 70:03:01:60-70.

State: South Dakota.  
Combination: Truck-trailer.  
Length of the Cargo Carrying Units: 73 feet.  
Operational Conditions: Overall vehicle length not to exceed 80 feet, trailer not to exceed 28 feet 6 inches. If towbar exceeds 19 feet it must be flagged during daylight hours and lighted at night.

Routes: All National Network routes.  
Legal Citations: SDCL 32-22-8.1.  
State: South Dakota.  
Combination: Truck tractor-trailer-trailer.  
Length of the Cargo Carrying Units: 76 feet.  
Operational Conditions: Towbars may not exceed 19 feet. The length from the end of the truck tractor to the end of the second cargo unit not to exceed 80 feet. The length of each cargo unit not to exceed 28 feet 6 inches.

Routes: All National Network routes.  
Legal Citations: SDCL 32-22-8.1.  
State: Utah.  
Combination: Rocky Mountain Double.

Length of the Cargo Carrying Units: 85 feet.  
Operational Conditions: *Permits*—trip, quarter and annual (annual permits only for vehicles exceeding 92 feet). *Adverse Weather Conditions*—Extreme caution must be exercised in the dispatching and operation of vehicles during adverse weather. Failure to comply will nullify the permit. *Overall Vehicle Length*, limited by cargo and highway type, as follows:

Divided highway	Non-divided highway
Regular Combination—98 feet.	Maximum Length—92 feet.
Fuel Transporters—95 feet.	
Auto Transporters—105 feet.	

Routes: All National Network routes with restrictions as noted under operational conditions.

Legal Citations: Utah Code 27-12-154(a); Utah Regulations for Legal and Permitted Vehicles Legal authority, Section 100. Size and Weight-Section 400.

State: Utah.  
Combination: Turnpike Double.  
Length of the Cargo Carrying Units: 94 feet.  
Operational Conditions: *Permits*—Vehicles with an overall length of 92 feet and less (trip, quarter and annual). Vehicles exceeding 92 feet overall length (annual permit only). *Adverse Weather Conditions*—Extreme caution must be exercised in the dispatching and operation of vehicles during adverse weather. Failure to comply will nullify the permit. Overall vehicle length, limited by cargo and highway type, as follows:

Divided highway	Non-divided highway
Regular Combination—105 feet.	Maximum Length—92 feet.
Fuel Transporter—95 feet.	
Auto Transporter—105 feet.	

Routes: All National Network routes with restrictions as noted under operational conditions.

Legal Citations: Utah Code (Statutes) 27-12-148 and 27-12-149; Utah Regulations for Legal and Permitted Vehicles, Sections 400 and 500.

State: Utah.  
Combination: Triple.  
Length of the Cargo Carrying Units: 94 feet.  
Operational Conditions: *Permits*—Annual only; Weight fee, Length fee. *Adverse Weather Conditions*—Extreme caution must be exercised in the dispatching and operation of vehicles during adverse weather. Failure to comply will nullify the permit.

Routes: Divided highways only.

	From	To
I-15.....	Arizona.....	Idaho.
I-70.....	I-15.....	Colorado State Line.
I-80.....	Nevada.....	Wyoming.

	From	To
I-84.....	Idaho.....	I-80.
I-215.....	Entire Route.....	
SR-201.....	I-80.....	300 West, SLC.

Legal Citations: Utah Code (Statutes) 27-12-148 and 27-12-149; Utah Regulations for Legal and Permitted Vehicles, Sections 400 and 500.

State: Utah.  
Combination: Truck-trailer-trailer.  
Length of the Cargo Carrying Units: 88 feet.  
Operational Conditions: *Permits*: Annual Permit. *Adverse Weather Conditions*—Extreme caution must be exercised in the dispatching and operation of vehicles during adverse weather. Failure to comply will nullify the permit.  
Routes: Divided highways only.

	From	To
I-15.....	Arizona.....	Idaho.
I-70.....	I-15.....	Colorado State Line.
I-80.....	Nevada.....	Wyoming.
I-84.....	Idaho.....	I-80.
I-215.....	Entire Route.....	
SR-201.....	I-80.....	300 West, SLC.

Legal Citations: Utah Code (Statutes) 27-12-148 and 27-12-149; Utah Regulations for Legal and Permitted Vehicles, Sections 400 and 500.

State: Washington.  
Combination: Rocky Mountain Double.  
Length of the Cargo Carrying Units: 68 feet.  
Operational Conditions: Washington allows two trailers extending up to 68 feet or less to operate on all State highways. However, trailers exceeding 60 feet must acquire an overlength permit. Operation of combinations, solely based on these length parameters, is not restricted by time of day, weather, route or speed.

Trailers exceeding 60 feet, but not exceeding 68 feet, shall acquire an annual overlength permit. Operating conditions are the same for permitted doubles as they are for 80-foot or less doubles. A special endorsement is required on the driver's license to pull doubles.

Routes: All National Network routes except SR 410 in the vicinity of Mt. Rainier National Park.

Legal Citations: RCW 46.44.030 (legal combination); RCW 46.44.06941 (permits).

State: Washington.  
Combination: Truck tractor with dromedary box-semitrailer-trailer.  
Length of the Cargo Carrying Units: 68 feet.  
Operational Conditions: Washington allows a number of tractor-trailer combinations, all within the required parameter outlined below, but with the added stipulation that the overall combination, including power unit, must not exceed 75 feet. This allows for a variety of trailer length combinations positioned to comply with the Federal bridge formula. There are no restrictions on the operation of these combinations based on length alone.

Washington allows two trailers extending up to 68 feet or less to operate on all State highways. However, trailers exceeding 60 feet must acquire an overlength permit. Operation of combinations, solely based on these length parameters, is not restricted by time of day, weather, route or speed.

Trailers exceeding 60 feet, but not exceeding 68 feet, shall acquire an annual overlength permit. Operating conditions are the same for permitted doubles as they are for 60-foot or less doubles. A driver's license endorsement is required when pulling doubles.

Routes: All National Network routes except SR 410 in the vicinity of Mt. Rainier National Park.

Legal Citations: RCW 46.44.037(3); RCW 46.44.030 (legal combination); RCW 46.44.0941 (permits).

State: Washington.

Combination: Dumptruck with pup trailers.

Length of the Cargo Carrying Units: 68 feet.

Operational Conditions: Washington allows a number of truck-trailer combinations, all within the required parameter outlined below, but with the added stipulation that the overall combination, including power unit, must not exceed 75 feet. This allows for a variety of trailer length combinations positioned to comply with the Federal bridge formula. There are no restrictions on the operation of these combinations based on length alone.

Washington allows two trailers extending up to 68 feet or less to operate on all State highways. However, trailers exceeding 60 feet must acquire an overlength permit. Operation of combinations, solely based on

these length parameters, is not restricted by time of day, weather, route or speed.

Trailers exceeding 60 feet, but not exceeding 68 feet, shall acquire an annual overlength permit. Operating conditions are the same for permitted doubles as they are for 60-foot or less doubles. A driver's license endorsement is required when pulling doubles.

Routes: All National Network routes except SR 410 in the vicinity of Mt. Rainier National Park.

Legal Citations: RCW 46.44.030 (legal combination); RCW 46.44.0941 (permits).

State: Washington.

Combination: Truck tractor-semitrailer-trailer, commonly known as a "Log Truck Double".

Length of the Cargo Carrying Units: 68 feet. Operational Conditions: Washington allows a number of tractor-trailer combinations, all within the required parameter outlined below, but with the added stipulation that the overall combination, including power unit, must not exceed 75 feet. This allows for a variety of trailer length combinations positioned to comply with the Federal bridge formula. There are no restrictions on the operation of these combinations based on length alone.

Washington allows two trailers extending up to 68 feet or less to operate on all State highways. However, trailers exceeding 60 feet must acquire an overlength permit. Operation of combinations, solely based on these length parameters, is not restricted by time of day, weather, route or speed.

Trailers exceeding 60 feet, but not exceeding 68 feet, shall acquire an annual overlength permit. Operating conditions are

the same for permitted doubles as they are for 60-foot or less doubles. A driver's license endorsement is required when pulling doubles.

Routes: All National Network routes except SR 410 in the vicinity of Mt. Rainier National Park.

Legal Citations: RCW 46.44.030 (legal combination); RCW 46.44.0941 (permits).

State: Wyoming.

Combination: Rocky Mountain Double.

Length of the Cargo Carrying Units: 81 feet.

Operational Conditions: The lead semitrailer can be up to 48 feet long with the trailing unit up to 40 feet long. The longest unit must be first, however, overall 81-foot cargo length controls.

Routes: All National Network routes.

Legal Citations: WS 31-5-1001; WS 31-5-1002; WS 31-5-1004.

State: Wyoming.

Combination: Truck-trailer.

Length of the Cargo Carrying Units: 78 feet.

Operational Conditions: No single vehicle shall exceed 60 feet in length within an overall limit of 85 feet.

Routes: All National Network routes.

Legal Citations: WS 31-5-1002.

State: Wyoming.

Combination: Truck tractor-semitrailer-semitrailer (B-Train).

Length of the Cargo Carrying Units: 75 feet.

Operational Conditions: The longest semitrailer shall be first, the overall vehicle length is 85 feet.

Routes: All National Network routes.

Legal Citations: WS 31-5-1002.

[FR Doc. 92-6402 Filed 3-19-92; 8:45 am]

BILLING CODE 4910-22-M

# Registered Federal

Friday  
March 20, 1992

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## Part VI

# Department of the Interior

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Bureau of Indian Affairs

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FY 1992 Indian Child Welfare Act Grant  
Program; Availability of Funds; Notice

**DEPARTMENT OF THE INTERIOR****Bureau of Indian Affairs****Fiscal Year 1992 Indian Child Welfare Act (ICWA) Grant Program; Availability of Title II ICWA Funds**

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Correction.

**SUMMARY:** In the Federal Register notice document 92-5465 beginning on page 8554 in the issue of Tuesday, March 10, 1992, vol. 57, No. 47, make the following correction:

On page 8554 in the second column, Part II. Available Funds, paragraph two should read: Subject to the availability of funds through appropriations for this program in FY 1992, grants within the following categories will be awarded to

individual tribes, organizations, or to consortia of tribes and organizations, provided the applicant's service area population includes the minimum child population requirement of 50 children under the age of 18 years.

Dated: March 16, 1992.

**Eddie F. Brown,**

*Assistant Secretary—Indian Affairs.*

[FR Doc. 92-6501 Filed 3-19-92; 8:45 am]

**BILLING CODE 4310-02-M**

# Federal Register

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Friday  
March 20, 1992

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## Part VII

### Department of Education

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**Robert C. Byrd Honors Scholarship  
Program; Notice of Final Procedures for  
Implementing the Program in FY 1992**

## DEPARTMENT OF EDUCATION

## Robert C. Byrd Honors Scholarship Program

**AGENCY:** Department of Education.

**ACTION:** Notice of the final procedures for implementing the Robert C. Byrd Honors Scholarship Program in fiscal year 1992.

**SUMMARY:** The Secretary establishes procedures necessary to implement certain aspects of the Robert C. Byrd Honors Scholarship Program (the Byrd Scholarship Program) in fiscal year 1992 in accordance with the provisions of the program statute (title IV, part A, subpart 6 of the Higher Education Act of 1965, as amended, 20 U.S.C. 1070d-31, *et seq.*) and the program regulations, published at 54 FR 12549 and codified at 34 CFR part 654, as superseded by Public Law 102-170, the Department of Education Appropriations Act, 1992 (1992 appropriations act). Grant awards to the States for fiscal year 1992 are governed by applicable provisions of the program statute, the program regulations, the General Education Provisions Act, the Education Department General Administrative Regulations, and the procedures in this Notice.

**EFFECTIVE DATE:** This Notice takes effect either 45 days after publication in the *Federal Register* or later if the Congress takes certain adjournments. If you want to know the effective date of this notice, call or write the Department of Education contact person.

**FOR FURTHER INFORMATION CONTACT:** Fred H. Sellers, Chief, State Grant Section (room 4018, ROB #3), Office of Student Financial Assistance, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202-5447, telephone (202) 708-4607. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1-800-877-8339 (in the Washington, DC 202 area code, telephone 708-9300) between 8 a.m. and 7 p.m., Eastern time.

**SUPPLEMENTARY INFORMATION:** Under the Byrd Scholarship Program, the Secretary makes available, through grants to the States, scholarships to outstanding high school graduates for the first year of study at institutions of higher education. This program supports AMERICA 2000, the President's strategy for moving the Nation toward the National Education Goals, by rewarding outstanding academic achievement in

high school and encouraging continued achievement in postsecondary education. National Education Goal 3 specifically calls for American students to demonstrate competency in challenging subject matter and to learn to use their minds well.

In the Department of Education Appropriations Act, 1992, Congress appropriated \$9.642 million for the Byrd Scholarship Program. Pursuant to the Department of Education Appropriations Act, 1992, as was also the case in fiscal years 1987, 1988, 1989, 1990, and 1991, sections 419G(b) and 419I(a) of the program statute do not apply to the administration of the program. Therefore, §§ 654.20(a) and 654.50(a)(4) of the program regulations published as final regulations on June 20, 1989 (54 FR 26006) also do not apply to the administration of the program in fiscal year 1992. The Secretary adopts the following procedures for fiscal year 1992 in lieu of the statutory and regulatory provisions that have been superseded by the 1992 appropriation language. These procedures are necessary for the administration of those aspects of the program which, due to superseding statutory provisions in the 1992 appropriations act, are not governed by provisions of the program statute and regulations.

1. The Secretary allots to the States the funds appropriated for the Byrd Scholarship Program in fiscal year 1992 in accordance with the provisions of section 419D of the program statute, except that the amount allotted for scholarship payments to each State is \$1,500 multiplied by the number of scholarships that the Secretary has assigned to the State. The Secretary assigns to each State participating in the program the number of Byrd Scholarships that bears the same ratio to the total number of scholarships made available to all States as the State's school-aged population (ages five through seventeen) bears to the total school-aged population in all participating States, except that no State shall receive fewer than 10 scholarships. The population figures used to calculate the allotment of funds are determined by the most recently available data from the United States Census Bureau.

2. States shall administer their fiscal year 1992 allotments under the Byrd Scholarship Program, for scholarships for academic year 1992-93, in accordance with applicable provisions

of the program statute and the final program regulations. However, since sections 419G(b) and 419I(a) of the program statute do not apply to the fiscal year 1992 appropriation, States shall also administer their fiscal year 1992 allotments in accordance with the following procedures—

(a) Byrd Scholars shall be selected solely on the basis of demonstrated outstanding academic achievement, promise of continued academic achievement, and the geographic considerations described in item 2(b) below.

(b) Byrd Scholars shall be selected in such a way that all parts of a State are fairly represented, and no part of a State has a disproportionate share of awards.

#### Waiver of Notice of Proposed Rulemaking

In accordance with section 431(b)(2)(A) of the General Education Provisions Act (20 U.S.C. 1232(b)(2)(A)), and the Administrative Procedure Act, 5 U.S.C. 553, it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. The Secretary solicited public comments on these same procedures, resulting from identical appropriation language in the 1987 Appropriations Act, in fiscal year 1987, through a Notice of Proposed Procedures published in the *Federal Register*. No comments were received. The same special procedures were subsequently published in final form and implemented in fiscal years 1988, 1989, 1990 and 1991. Since it is imperative for State educational agencies to receive their program allotments in time to make scholarship awards and payments by the end of the high school academic year during which the scholars have graduated, as required by section 419I(b) of the program statute (20 U.S.C. 1070d-39(b)), the Secretary finds that publication of a Notice of Proposed Procedures for fiscal year 1992 is impracticable and contrary to the public interest under 5 U.S.C. 553(b)(B).

**Authority:** 20 U.S.C. 1070d-31, *et seq.* (Catalog of Federal Domestic Assistance No. 84.165, Robert C. Byrd Honors Scholarship Program)

Dated: January 29, 1992.

Lamar Alexander,  
Secretary of Education.

[FR Doc. 92-6502 Filed 3-19-92; 8:45 am]

BILLING CODE 4000-01-M

# Federal Register

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Friday  
March 20, 1992

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## Part VIII

# Department of Transportation

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Federal Aviation Administration

14 CFR Part 135

Ground Proximity Warning Systems; Final  
Rule

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 135

[Docket No. 26202; Amendment No. 135-42]

RIN 2120-AD29

## Ground Proximity Warning Systems

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This final rule revises the operating rules for air taxi and commercial operators by requiring that all turbine-powered (rather than just turbojet) airplanes with ten or more seats be equipped with an approved ground proximity warning system. These changes are needed because studies have shown that several controlled flight into terrain accidents involving turbo-propeller powered airplanes might have been avoided had the airplanes been equipped with a ground proximity warning system. This final rule is intended to reduce the risk of airplanes being flown into terrain with no awareness by the crews that they are approaching the ground.

EFFECTIVE DATE: April 20, 1992.

**FOR FURTHER INFORMATION CONTACT:** Mr. Philip Akers, Aircraft Certification Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-9571.

## SUPPLEMENTARY INFORMATION:

## Background

A number of studies have looked at the occurrence of "Controlled Flight Into Terrain" (CFIT)-type accidents, where an airplane under the control of a fully qualified and certificated crew is flown into terrain (or water or obstacles) with no apparent awareness on the part of the crew. Some of these studies found that many such accidents could have been avoided if a warning device called a ground proximity warning system (GPWS) was used. (For detailed information on the studies, see "Investigation of Controlled Flight Into Terrain (CFIT)", Department of Transportation, Transportation Systems Center (DOT/TSC), March 1989). A copy of this study has been placed in the docket for this rulemaking.)

In 1974, the FAA required all part 121 and some part 135 certificate holders to install Technical Standard Order (TSO) approved GPWS equipment on large turbine-powered airplanes (§ 121.360). In 1978, the FAA required part 135 certificate holders operating turbojet

airplanes with 10 or more seats to install TSO-approved GPWS equipment or alternative ground proximity advisory systems approved by the Director, Flight Standards Service (§ 135.153). (A TSO-approved GPWS is one that operates only when there is an imminent potential hazard; a ground proximity advisory system is usually one that provides routine altitude callouts, whether or not there is any imminent danger.)

Installation of GPWS's or alternative FAA-approved advisory systems was not originally required on turbo-propeller powered (turbo-prop) airplanes because, at the time, it was believed that the performance characteristics of turbo-prop airplanes made them less susceptible to CFIT accidents. However, later studies, including investigations by the National Transportation Safety Board (NTSB), analyzed accidents involving turbo-prop airplanes and found that many of the accidents could have been avoided if GPWS equipment had been used. In 1986, the NTSB recommended that § 135.153 be amended to require the installation of GPWS equipment in all turbine-powered airplanes carrying 10 or more passengers.

In response to the NTSB recommendation, the FAA requested that DOT/TSC analyze past CFIT accidents involving turbine-powered airplanes operating under part 135. The study looked at data from 41 CFIT accidents that occurred between 1970-1988. It found that of the 25 accidents that involved the type of airplane covered by this rule, and for which sufficient accident investigation data were available (covering the period 1978-1987) 16, or 64 percent, might have been avoided if the airplanes had GPWS's.

The DOT/TSC study also compared the TSO-approved GPWS to two FAA-approved alternative ground proximity advisory systems in five different operational modes. These five modes are: (1) Excessive rate of descent; (2) Excessive closure rate to terrain; (3) Altitude loss after takeoff; (4) Not in landing configuration; and (5) Deviation below glideslope. The study found equivalence in two modes (not in landing configuration and deviation below glideslope). However, there were significant performance differences in the most critical operational situation (excessive closure rate to terrain); advisory systems were found to always give automatic callouts below certain altitudes, whereas the GPWS would warn only when necessary. The GPWS would also provide maximum warning

time while minimizing unwanted alarms and would use command-type warnings.

The DOT/TSC study also found that the unit cost of a TSO-approved GPWS would be comparable to that of an advisory system and therefore neither system is prohibitively expensive.

As a result of the studies discussed above, as well as a significant increase in the operation of this class of turbopropeller airplanes, the FAA issued Notice of Proposed Rulemaking (NPRM) No. 90-14 (55 FR 17358, April 24, 1990) entitled "Ground Proximity Warning Systems." The NPRM proposed the installation of TSO-approved GPWS equipment on all turbine-powered airplanes with 10 or more seats operating under part 135.

Subsequent to issuing the NPRM, the NTSB advised the FAA that six commuter airplane accidents occurred between January 1987 and January 1990. The NTSB advised that:

(1) On January 19, 1988, a Fairchild Metro III SA227-AC crashed on approach to Durango, Colorado. There were 9 fatalities and 8 survivors. The NTSB stated that "a ground proximity warning device probably would have alerted the crew to the airplane's increasing proximity to terrain and may have prevented the accident" and that "over 20 seconds of advance warning could have been provided by a GPWS."

(2) On February 19, 1988, a Fairchild Metro III SA227-AC crashed shortly after departing from Raleigh Durham International Airport due to "an excessive angle of bank initiated at an altitude that was too low." There were 12 fatalities and no survivors. The NTSB stated that "about 7½ seconds of advance warning could have been provided by a GPWS."

(3) On August 7, 1989, a DeHaviland DHC-6 flew into a mountain in Ethiopia during a flight with bad weather conditions and too low an altitude. There were 16 fatalities and no survivors. The NTSB stated that "a ground proximity warning system \* \* \* may have prevented this accident since it can warn of a projected impact with terrain in time for corrective action by the pilot."

(4) On October 28, 1989, a DeHaviland DHC-6-300 crashed in Molokai, Hawaii. There were 20 fatalities and no survivors. In the final NTSB accident report dated September 25, 1990, the NTSB stated that "a ground proximity warning system would have provided sufficient warning for the crew to have pulled up and overflown the terrain." The NTSB determined that the probable cause of the accident was the airplane's controlled flight into terrain as a result

of the decision of the captain to continue flight under visual flight rules at night into instrument meteorological conditions, which obscured rising mountainous terrain.

(5) On December 26, 1989, a British Aerospace Jetstream 3101 crashed during its final approach to Pasco Washington; the airplane had been too high on the final approach, therefore requiring a steep descent. There were 6 fatalities and no survivors. The NTSB advised that "a high descent rate at low altitude will cause a GPWS warning."

(6) On January 15, 1990, a Fairchild Metro III SA227-AC crashed during its approach to Elko, Nevada. There were 13 injuries and no fatalities. The NTSB stated that "about 25 seconds of advance warning time could have been provided by a GPWS."

#### Discussion of Comments

The FAA received 17 comments in response to the proposed rule. Most of the comments received generally support the rule; however, the comments address one or more broad areas, including: ground proximity warning systems (produced by one manufacturer) vs. advisory systems (produced by at least two manufacturers); cost; timetable for compliance; false warnings; installation problems; training; and applicability of the rule. Five commenters oppose the NPRM.

Those who fully support the proposed rule are the NTSB and Sundstrand Data Control, Inc. The Airline Pilots Association (ALPA) also supports the proposal but recommends changing compliance deadlines. The General Aviation Manufacturer's Association (GAMA) comments that it cannot respond to the NPRM because it believes that the DOT/TSC report upon which it is based is "technically inaccurate." GAMA recommends that the NPRM be delayed until the report's analysis and conclusion are made "technically correct." In addition, some commenters provide a direct response to the DOT/TSC study. All comments and FAA responses are addressed in the following section.

#### Ground Proximity Warning Systems vs. Advisory Systems

Eight commenters, including the Regional Airline Association (RAA), National Air Transportation Association (NATA), manufacturers of advisory systems such as Rockwell International and Kollsman, and part 135 operators such as Continental Express, express dissatisfaction with the NPRM's proposed requirement that only TSO-

approved GPWS's be installed in part 135 turbine-powered airplanes.

Reasons for this position can be categorized into two broad areas: (1) Some believe that advisory systems are as effective as GPWS's; and (2) GPWS equipment is produced and sold by one manufacturer, creating monopolistic conditions. These two areas are described below, each with its own FAA response.

*Effectiveness of Ground Proximity Warning Systems vs. Advisory Systems.* Some commenters say that ground proximity advisory systems are as effective as GPWS's in terms of giving clear and specific warnings when the airplane is too close to terrain. For example, Continental Express asserts that the aural and visual alerts of advisory systems are no more routine than those of GPWS's and that, similar to GPWS's, they provide additional warnings which are based on the violation of "defined flight profiles". Several commenters, including RAA, recommend that the rule be expanded to allow the use of alternative systems, in addition to GPWS's.

Some commenters, e.g., Kollsman, feel that the FAA's position in the NPRM is contradictory, i.e., it is recognized (based on the DOT/TSC study) that advisory systems are functionally equivalent and provide the same safety benefit as GPWS's, yet it is considered unacceptable to allow anything that is not TSO-approved.

*FAA Response:* The FAA has found, in the DOT/TSC and other studies, that GPWS equipment and advisory systems are functionally equivalent in 2 out of 5 modes or warning envelopes: Mode 4 (not in landing configuration) and Mode 5 (deviation below glideslope). In the other 3 modes, there are either minor or significant differences: In Mode 3 (altitude loss after takeoff), the two systems have proximate equivalence, although the GPWS shows some superiority over advisory systems because it provides a direct warning to "pull-up"; advisory systems, in contrast, require much more integration of data on the part of the flightcrew (i.e., first receiving altitude callouts reflecting an increasing trend in altitude after takeoff, then receiving callouts reflecting decreased altitude and reversing this trend). Most importantly, in Mode 1 (excessive sink rate) and Mode 2 (excessive closure to terrain), the two systems have shown a critical difference in their performance. The FAA has analyzed accident data from many sources, including the NTSB, and has found that GPWS performance is far superior to advisory system performance in these two modes.

Ground proximity warning system equipment is able to calculate the airplane descent and closure rate, compare these to the defined warning envelopes and provide a warning only if the limits are exceeded. In comparison, advisory systems either provide only one callout when the airplane enters a certain radio altimeter range and no warnings for an excessive descent rate at higher altitudes; or they provide continuous callouts below a certain altitude limit.

In addition, during the DOT/TSC study, advisory system manufacturers and others were requested to submit "hard" data to substantiate the safety performance of these systems. The FAA was interested in receiving data such as accident/incident investigation reports, reconstructed accident profiles, cockpit voice recorder and flight data recorder readouts, and pilot surveys. No such quantifiable or "hard" data was made available during the DOT/TSC study, nor was any submitted for the public record during the comment period to establish the equivalence of GPWS's and advisory systems.

Therefore, the FAA continues to support a TSO-approved GPWS because it has been shown to meet minimum performance specifications in all 5 modes and provides a higher level of safety. (This TSO (TSO-C92b), in fact, incorporates by reference RTCA Document DO-161A, which was developed by a consortium of government and industry experts and addresses all 5 warning envelopes.)

In addition, the FAA has confidence in the GPWS because it has proven to be a reliable and effective system under part 121 operations.

*One Manufacturer of GPWS Equipment.* Some commenters, including RAA, Continental Express, Northwest Airlin, and Kollsman say that there is currently only one manufacturer of the TSO-approved GPWS (Sundstrand). As a result, this manufacturer will continue to monopolize the market on the production and sale of GPWS's destroying competition and raising prices. RAA recommends that there be at least three systems available, which would motivate manufacturers to provide an effective product at competitive prices.

*FAA Response:* It is the FAA's policy to encourage and support competitive sourcing of equipment. TSO-C92b incorporates both government and industry input for a GPWS which meets minimum performance specifications. The FAA will approve a GPWS from any manufacturer whose product complies with TSO-C92b.

In response to comments that it has monopolized the market for GPWS equipment, Sundstrand has informed the FAA that it has dedicated its GPWS patent (#3,946,358; glide slope boundary conditions and detection) for public use (see public docket #26202). The FAA welcomes this action and believes that it will encourage other manufacturers, who may have construed this to be a design impediment, to produce and market a TSO-approved GPWS.

#### Cost

There were eight comments in this area.

Six commenters, including NATA, Kollsman, and several airlines, say that the NPRM's cost estimates for a GPWS and its installation are too low, primarily because associated equipment costs, weight penalties, and installation costs are underestimated or not considered. Examples of such additional costs are: extra equipment needed to support a GPWS such as a radio altimeter and barometric rate computer; increased weight penalties due to the need for additional equipment; and installation costs resulting from the down time needed for installation.

In addition, Continental Express states that the estimated cost of a GPWS, as presented in the NPRM, is too low because the proposed system is only in the planning stage; the purchase and installation costs will most likely rise.

Two commenters say that the NPRM is incorrect in assuming that the cost of a GPWS is comparable to that of alternative systems. Kollsman presents cost data for its VTA system (\$15,000) and expresses doubt that a GPWS would be available for less than that amount. RAA cites findings from the DOT/TSC study and says that the highest-cost system is 48% more than the lowest-cost system.

Virtually all commenters on this issue state that the monopolistic situation that would be created by the proposed rule (given Sundstrand's patent situation at the time of the NPRM) would undoubtedly lead to higher prices.

**FAA Response:** The FAA partly concurs that its cost estimates do not include certain equipment and weight penalties. In calculating GPWS costs, the FAA did include the equipment and weight costs of the radio altimeter. Additionally, the FAA did not calculate the equipment and weight costs of the barometric rate computer as an additional cost. (The barometric-rate computer is a necessary component for GPWS operation.) Since the NPRM was published, the FAA has determined that on average only one in three regional air

carrier airplanes already has a barometric-rate computer. Therefore, the FAA has reestimated GPWS costs to be approximately \$1000 higher to reflect this additional equipment and weight. (See the economic evaluation in this final rule document for further detail.) Additionally, Sundstrand indicates that the barometric rate function may be provided, at a much lower cost, as an option to be included with their GPWS. In terms of installation costs, the FAA did include retrofitting and down-time costs in its original calculations, just as these costs are included for any new system.

Regarding manufacturer costs, the FAA, during the course of the DOT/TSC study, asked manufacturers of advisory systems to provide "representative" cost data for their own systems and their competitors' systems. In all cases, manufacturers provided lower acquisition and retrofitting cost estimates for their own systems, as compared to what they estimated for competitors' systems. The FAA, therefore, used "own-system" estimates from each manufacturer's system presented in the DOT/TSC report and the NPRM.

In addition, Sundstrand provided the FAA the same cost estimates at least three times before their estimates were published in the DOT/TSC study and later, the NPRM. Because Sundstrand publicly reaffirmed these cost estimates several times, the FAA considers them valid unless proven otherwise.

The concern that Sundstrand's costs will rise because of a monopolistic situation created by the rule, is unjustified due to Sundstrand's opening its GPWS patent to the public. On the contrary, the FAA believes that more competition will be stimulated, which will serve to keep costs at a lower level.

#### Timetable for Compliance

There were two comments in this area.

Mesaba Airlines claims that the 2-year compliance date is inadequate because it would not allow enough time for system engineering and installation; much time would be needed for systems integration. In addition, down time would be needed for actual installation. It recommends that the deadline for existing airplane retrofits be extended to at least 4 years.

ALPA says that the compliance time is too lengthy, and cites the DOT/TSC study as support that CFIT-type accidents will continue until GPWS's are installed on all turbine-powered airplanes. Therefore, ALPA recommends that the time frame in which airplanes would be required to have a GPWS

should be shortened as follows: Airplanes with 10 or more seats should be retrofitted within 1 year, not 2 years; airplanes with a ground proximity advisory system should be retrofitted with a GPWS within 2 years.

**FAA Response:** The FAA has considered these alternative timetables and maintains that the proposed timetable is the most reasonable one for installing GPWS equipment. There is concern, however, on having all airplanes meet the compliance dates in an orderly manner. In previous instances involving rules requiring equipment installation, there have been cases where delays could have been avoided by installing the equipment during the periodic maintenance cycle of the airplane. Certificate holders have made an unacceptable number of requests to extend compliance dates. To alleviate this problem, an installation schedule was included in several recent amendments to the FAR's. Because an installation schedule was not proposed in this rulemaking, and because issuing a supplemental notice of proposed rulemaking would add further delays, FAA principal airworthiness inspectors will be monitoring part 135 operators to ensure that an acceptable transition to the GPWS is made.

Increased compliance time would very likely result in more lives lost from CFIT-type accidents. As stated in the background, the NTSB found, in its preliminary investigations of six other accidents (beyond those which were documented in the DOT/TSC report) that GPWS "may have prevented the accident" or provided "advance warning." NTSB also stated that, for all six accidents, the GPWS at least could have been a factor to prevent the accident. Alternatively, a reduction in compliance time is unrealistic, considering the amount of time needed to retrofit each airplane, including scheduling and the ordering and availability of equipment.

The FAA expects airplane operators affected by this rule to make a "good faith" effort in complying with the timetable established for installation of the GPWS. While the final rule does not contain an installation schedule, affected operators are expected to begin the approval process as soon as possible so that they will not be faced with last minute scheduling problems. The FAA assumes that planning will begin at the time of publication of the rule.

At this time, the FAA knows of no circumstances under which it would consider granting an extension of the compliance date unless an operator can present evidence of good faith efforts to

secure the equipment and installation services. Examples of such evidence include purchase orders and contracts dated in 1992 to indicate a plan to ensure implementation within the 2-year compliance period.

The FAA considers its proposed timetable a middle ground between the need to reduce CFIT-type accidents as quickly as possible and practical considerations of installing GPWS equipment on all airplanes affected by the rule. Therefore, part 135 operators affected by this rule are required to comply with the proposed timetable for installing GPWS equipment on their airplanes. Additionally, the FAA considers compliance date extensions to be unwarranted, since GPWS equipment is available and can be installed within the time required by the rule.

#### *False Warnings*

There were three comments in this area.

Rockwell International, Conquest Airlines, and Continental Express claim that the GPWS has been found to give frequent and unnecessary false warnings, which pre-conditions crewmembers to ignore the warnings and also interferes with crew communications; in some cases, the GPWS is deactivated, thus negating its usefulness.

*FAA Response:* The GPWS requirements were refined by amendments in 1975 and 1976. (See 40 FR 19638, 42183, 50707, 55313, and 41 FR 35070.) One of the major considerations at that time was the transition from TSO-C92a to the current standard, TSO-C92b, which resolved the problem of false or nuisance alarms. Since the effective dates of the amendments listed above, there have been only rare occasions of GPWS false alarms. These were mostly attributed to non-standard approaches with unusually high glide slope angles or terrain closure rates, and have been resolved on an individual basis. Operating experience has demonstrated that false/nuisance GPWS warnings are minimal and are no longer a problem.

#### *Installation Problems*

Mesaba Airlines says that it will be difficult to install GPWS's on many airplanes due to limited rack and panel space.

*FAA Response:* The FAA has consulted with Sundstrand who has developed a new GPWS model for smaller turbine-powered airplanes. This manufacturer has informed the FAA that the new model is smaller than the existing system now used in part 121 operations and that it is specifically

designed for installation in the commuter type airplane. Use of this or a similar model for airplanes that have limited rack and panel space is recommended.

#### *Training*

There were three comments in this area.

ALPA stresses the importance of an appropriate and quick response to GPWS warnings and recommends training for pilots in how to use GPWS equipment.

Conquest Airlines is against requiring GPWS's in commuter airplanes, stating that the GPWS can interfere with crew communication emergencies; it recommends instead, improved training for flight crews (e.g., Line-Oriented Flight Training [LOFT] and Cockpit Resource Management [CRM]) to enhance safety.

Similarly, Rockwell International says that the DOT/TSC report does not evaluate the interrelationship between GPWS's and other warning systems (e.g., windshear) and how this affects crew performance.

*FAA Response:* The rule (§ 135.153(d)) requires GPWS training by stating that operators' Airplane Flight Manuals must contain appropriate procedures for the use of GPWS equipment by flight crews. The FAA, however, is not specifying the contents of this type of training due to the diversity of Part 135 operations. As was the case with previous rulemaking concerning new equipment, the FAA expects each operator to develop GPWS training to fit its own operations and to meet the requirements of § 135.153(d).

In addition, the FAA believes that GPWS equipment will not impede crew communications or interfere with other warning devices because the interference problem created by false alarms has been virtually eliminated. The GPWS equipment helps, rather than hinders crew communications, because it produces fewer warnings (compared to advisory systems) resulting in less confusion in the cockpit.

In terms of improved training for flight crews, the FAA has already required or recommended such training in recent amendments to parts 121 and 135, as well as in advisory circulars on LOFT and CRM. The FAA has also established procedures for a voluntary alternative training program called the "Advanced Qualifications Program" (AQP). A key element of this program is cockpit resource management training, which teaches crewmembers how to operate as a team through effective communication and decision-making. Whether a commuter airline continues to employ current training methods or implements

an AQP, there are provisions in place for providing training in the proper use of GPWS's in the flightcrew environment.

#### *Applicability of the Rule*

There were six comments in this area, three of which say that certain categories of airplanes should be exempt from the proposed requirement.

Chalk's International Airlines and Ketchikan Air Service, Inc. are against requiring GPWS's for their seaplanes and floatplanes that are engaged only in daytime, VFR operations. They state that GPWS's would add no further safety benefit for VFR operations, as opposed to IFR operations, and therefore, they recommend that certain day VFR operations be exempted from the rule.

NATA is against requiring GPWS's for on-demand air charter operations; it states that such operations should be distinguished from commuter operations. NATA notes that the NPRM does not make this distinction; thus, it concludes that the proposal discriminates against charter operations. Therefore, NATA recommends that turbo-prop airplanes used for charter operations by on-demand part 135 operators be exempted from the rule and that new airplanes (turbine-powered with 10 or more seats) be equipped with a GPWS 2 years after the adoption of the rule.

Two other commenters (Mesaba Airlines and United Express) recommend that airplanes already in service be exempt from a retrofit installation and that a GPWS be installed only on newly manufactured airplanes.

An individual commenter states that, if the FAA is to require GPWS's for air taxi and commercial operators, it should be required for all airplanes; this would "give a much better economic scale for the avionics manufacturers," i.e., GPWS's would cost less since more would be produced.

*FAA Response:* In considering whether to grant the above-requested exceptions, the FAA studied the extent to which these operations had a history of CFIT-type accidents and fatalities. The FAA found that both VFR and charter operations did, indeed, have a history of CFIT-type accidents and fatalities. The DOT/TSC study reports that between 1978 and 1988, VFR operations had 3 CFIT-type accidents with 18 fatalities; all were Mode 2 (excessive closure rate to terrain) situations. In this same time period, charter operations had 13 CFIT-type accidents with 21 fatalities. Operating

experience demonstrates that GPWS equipment is necessary as a safety component for these operations; therefore, they are not being excluded from the rule.

The FAA does not concur with commenter recommendations to require GPWS equipment only on newly-manufactured airplanes. The NPRM and this final rule document have cited studies showing a significant number of CFIT-type accidents involving commuter airplanes not equipped with a GPWS. Operating experience clearly indicates that GPWS equipment is superior to advisory systems. Since many airplanes already in use will remain in operation for many years, the FAA has concluded that it is crucial that all commuter airplanes be required to have GPWS equipment as soon as feasible in order to prevent more CFIT accidents.

The recommendation to extend the requirement for GPWS to airplanes that are not operated under part 135 is outside the scope of this rulemaking.

#### *Comments on the DOT/TSC Report*

The FAA received some comments which respond directly to the DOT/TSC report. In particular, Rockwell International and Continental Express state that DOT/TSC conclusions, based on the study's analysis of NTSB accident data, are faulty in terms of the following: (1) A GPWS warning may not have been activated in some accidents; if there was a warning, it may not have provided enough reaction time or been heeded by the flight crew; and an advisory system may have been able to perform as effectively as a warning system; (2) Other contributing factors could have caused some of the accidents (e.g., windshear, flight crew stress); GPWS equipment may not have helped in these cases.

In addition to faulting DOT/TSC's analysis of NTSB data, these commenters state that some of the study's information is inaccurate. For example, a table that is supposed to list only accidents involving turbine-powered airplanes also lists those involving piston-engine airplanes. Also, some of the cost/benefit information is faulted, for example, installation costs for GPWS equipment should be higher than quoted because of the need to connect it to other airplane systems; and advisory systems provide the same level of benefit as does GPWS equipment.

**FAA Response:** All comments regarding the DOT/TSC report have been reviewed. In addition, DOT/TSC has thoroughly reviewed all relevant NTSB accident data and exercised the best possible judgment in determining the effectiveness of GPWS equipment in

preventing accidents. In some cases, DOT/TSC has made judgments based on the available data, and the conclusions reached in these cases are sound.

DOT/TSC agrees that, in a few instances, there were minor errors in exhibiting the data; however, the errors did not affect the ultimate conclusions reached in the study. For example, even though the table described above lists two accidents involving piston-engine airplanes, the remaining 25 accidents comprise 22 involving turboprop airplanes and 3 involving turbojet airplanes; thus, the study's conclusion that turboprop airplanes should have approved GPWS equipment remains.

Regarding these commenters' arguments that the study's cost data is inaccurate, the FAA reiterates that each manufacturer provided the cost data for its own system, as well as its competitor's systems and that the latter cost data was biased upwards. Therefore, the cost data used in the study was based on estimates from the respective manufacturers. The FAA considers these estimates to be valid. While each type of system achieves benefits which exceed its costs, the FAA has determined that GPWS is most beneficial from a safety standpoint.

Commenters' arguments that installation costs were not included in DOT/TSC estimates are not valid because these costs were included in GPWS cost calculations presented in the study; this data was subsequently reflected in the NPRM and is explained in the cost section and the economic evaluation of this final rule document.

#### **Regulatory Evaluation Summary**

This section summarizes the full regulatory evaluation prepared by the FAA that provides more detailed estimates of the consequences of this regulatory action. This summary and the full evaluation quantify, to the extent practicable, estimated costs to the private sector and anticipated benefits.

Executive Order 12291, dated February 17, 1981, directs Federal agencies to promulgate new regulations or modify existing regulations only if potential benefits to society for each regulatory change outweigh potential costs. The order also requires the preparation of a Regulatory Impact Analysis of all "major" rules except those responding to emergency situations or other narrowly defined exigencies. A "major" rule is one that is likely to result in an annual effect on the economy of \$100 million or more, a major increase in consumer costs, or a significant adverse effect on competition.

The FAA has determined that this rule is not "major" as defined in the executive order; therefore, a full regulatory analysis has not been prepared. Instead, the agency has prepared a more concise document termed a regulatory evaluation. In addition to a summary of the regulatory evaluation, this section contains a regulatory flexibility determination required by the 1980 Regulatory Flexibility Act (P.L. 96-354), a regulatory flexibility analysis, and an international trade impact assessment. If more detailed economic information than is contained in the summary is desired, the reader is referred to the full regulatory evaluation in the docket.

The rule will amend Part 135 such that 2 years following its effective date, no person may operate a multiengine turbine-powered airplane having a passenger seating configuration, excluding any pilot seat, of 10 seats or more unless it is equipped with an approved GPWS. Airplanes already equipped with a previously approved alternative "advisory" system may continue to be operated with that system until 4 years after the effective date of the rule.

Much discussion and documentation of costs and benefits of this rule were provided in the DOT/TSC study. The costs and benefits presented in this regulatory analysis reflect, to a large degree, both the findings in that study and the comments responding to the NPRM.

#### *Analysis of Costs*

The unit cost of each GPWS, including installation, as reported by the manufacturer, amounts to \$14,600. The FAA estimates that within the 10-year-period 1993-2002, a total of 887 airplanes operating under Part 135 will require a GPWS at a total cost of \$13.0 million. Approximately 725 of 837 airplanes that are currently operating under Part 135 and affected by this rule will need to be equipped with a GPWS within 2 years after the effective date of the rule. About 60 airplanes operating under Part 135 (not included in the above total of 887) are already equipped with GPWS approved for operations under Part 121, and another 52 airplanes have advisory systems that will need to be replaced within 4 years following the effective date of the rule. In addition, newly manufactured multiengine turbine-powered airplanes with 10 or more passenger seats will be affected by this rule and must be equipped with GPWS. The FAA anticipates that in each of the first 10 years after this rule is in effect (1993-2002) 11 new turbine-powered

airplanes in the 10 to 19 passenger seat size will be added to the fleet operating under Part 135 that would not contain GPWS's unless otherwise required.

The manufacturer also provided cost data for compatible radio altimeters and barometric-rate computers that will be needed on-board to accompany the GPWS. The estimated cost per airplane is \$7,000 for an altimeter and \$975 for a computer, including installation. The FAA estimates that 326 existing airplanes are equipped with acceptable radio altimeters, and that 225 existing airplanes are equipped with barometric rate computers (leaving 511 and 612 airplanes to be equipped with a radio altimeter and barometric rate computer, respectively). Among newly-manufactured airplanes, 73 will require altimeters and 88 will require computers during the 10-year period. This assumes that a similar percentage of such airplanes as currently exists would be equipped with these instruments in the absence of this rule. Total outlays for radar altimeters and barometric rate computers for the years 1993-2002, are estimated at \$4.1 million and \$0.7 million, respectively.

The total estimated equipment and installation costs for all airplanes affected is estimated to be \$17.7 million.

The manufacturer estimates annual maintenance costs to be 5 percent of total equipment costs. Therefore, annual maintenance costs for an airplane needing all three pieces of equipment would be  $.5 \times (\$14,600 + 7,000 + 975) = \$1,129$ . The average cost per airplane will be somewhat less since not all airplanes will require the same amount of new equipment to comply with this rule. Total fleet maintenance costs will increase from year-to-year as more airplanes become equipped with GPWS and related instruments. Maintenance costs during the 10-year analysis period will total \$8.3 million.

Each additional pound of weight added to a turbine-powered airplane operating under Part 135 is estimated to consume an additional 8.55 gallons of fuel annually. Applying the current jet fuel cost of \$1.82 per gallon, the annual cost per pound of additional weight is about \$15.56. The total additional weight per airplane associated with the GPWS, altimeter, and barometric rate computer is estimated to be 5.6 pounds. Because some airplanes are already equipped with one or more of these instruments, the average additional weight per airplane is estimated to be about 4 pounds. Therefore, total annual weight penalty costs are estimated to be \$62.24 per airplane. Total additional fleet fuel costs are estimated to be \$0.5 million over the 10-year period.

Two manufacturers estimate that 40 man-hours will be required to install all equipment associated with the GPWS. Although installation is likely to coincide with other scheduled maintenance activity, the loss of the use of an airplane for 40 man-hours, or 5 workdays, typically equates to a loss of 18 revenue hours for Part 135 airplanes, assuming an average of 3.6 revenue hours or block hours per day. The value of this lost revenue is estimated to be \$180 per hour. Therefore, 18 hours of down-time due solely to installation of a GPWS and related equipment will cost an operator \$3,240 per airplane. However, \$3,000 per airplane is used for the purpose of this analysis since it is likely that installation of such equipment will coincide to some extent with other scheduled maintenance. Such costs will occur in 1993 (or sooner) for most affected airplanes, and in 1995 (or sooner) for airplanes that are currently equipped with approved advisory systems. Total fleet down-time costs are estimated to be \$2.3 million over the 10-year period.

The total 10-year cost of this rule for all equipment, installation, maintenance, additional fuel consumption, and down-time costs is estimated to be \$28.9 million, or \$20.7 million discounted present value.

#### *Analysis of Benefits*

Twenty-five accidents involving turbine-powered airplanes occurred during the 10-year period (1978-1987) for which NTSB accident investigations revealed that it was highly improbable that the flight crew had any prior awareness of an impending impact with terrain. None of the airplanes involved in these accidents was equipped with a GPWS, and only one was equipped with an advisory system. The March 1989 DOT-TSC study of CFIT's scrutinized the circumstances of each of these accidents. The study determined that four of the accidents most likely would not have been prevented if a GPWS had been in use. In five other accidents the airplanes involved would have received a GPWS alert if such a system had been in use, but with questionable time provided for recovery. The other 16 accidents involved airplanes that would have had a GPWS alert activated with sufficient time for recovery. The casualties in the 16 accidents that the study considered preventable with the use of a GPWS included 56 fatalities and 7 serious injuries.

Comparable levels of accidents and casualties can be expected in the future if GPWS's are not installed on multiengine, turbine-powered airplanes operating under Part 135. In order to

provide the public and government officials with a bench mark comparison of the expected safety benefits of rulemaking actions over an extended period of time with estimated costs in dollars, the FAA currently uses a minimum value of \$1.5 million to statistically represent the value of a human fatality avoided (in accordance with guidelines issued by the Secretary of Transportation dated June 22, 1990). A value of \$640,000 is used to statistically represent a serious injury prevented. In addition, the DOT-TSC study determined that the value of the average dollar loss for the 10 airplanes destroyed and 6 airplanes substantially damaged, was \$550,000 and \$180,000, respectively. Applying these values against the estimated potential losses provides an estimate of the total benefits of the rule over a 10-year period. The savings in human casualties total \$88.5 million  $((56 \times \$1.5 \text{ million}) + (7 \times \$640,000))$ . The savings in destroyed and substantially damaged airplanes total \$6.6 million  $((10 \times \$550,000) + (6 \times \$180,000))$ . Total benefits amount to \$95.1 million, or \$53.1 million when discounted at 10 percent over the 10-year period.

There have been at least six more commuter airplane accidents occurring since the 1978-1987 study period. Preliminary findings indicate that they may have been prevented if the airplane had been equipped with a GPWS. These accidents have not been included in the estimate of benefits attributable to this rule because the NTSB has not completed its investigations or made final recommendations on all of them. Therefore, it would be inappropriate to attribute a specified number of accidents prevented if this rule had been in effect. However, one of the six accidents in which the NTSB did complete its investigation is mentioned here as further evidence of the merits of this rule. That particular accident occurred on October 28, 1989, in Molokai, Hawaii, and resulted in the deaths of all 20 people aboard the airplane. The NTSB concluded that a GPWS might have prevented the accident and reiterated its stance on the need for use of GPWS's in turbine-powered airplanes operated under part 135.

#### *Comparison of Benefits and Costs*

The anticipated discounted present value of the benefits of this rule (\$53.1 million over 10 years) far exceed the estimated discounted present value of the costs (\$20.7 million over 10 years). Although there is no way to know how many accidents and deaths actually will be prevented, if the rule is only 40

percent as successful as expected in preventing CFIT accidents, it will be cost-beneficial.

#### *International Trade Impact*

This rule will have little or no impact on trade opportunities for U.S. firms doing business overseas or foreign firms doing business in the United States. If foreign nations do not adopt U.S. standards, their airplane operators may be at a disadvantage in the U.S. market. However, the impact is expected to be slight. The maximum annualized cost of this rule per airplane over the 10-year period 1993 to 2002 is estimated at \$3,772 (\$2,800 discounted present value) but the average will be somewhat less. Such costs should not create an economic disadvantage to either domestic operators or foreign carriers operating in the United States.

#### *Regulatory Flexibility Determination*

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily and disproportionately burdened by government regulations. The RFA requires agencies to review rules that may have a "significant economic impact on a substantial number of small entities."

For air carriers, a small entity is defined as one that owns, but does not necessarily operate, 9 or fewer airplanes. The FAA's criteria for a "substantial number" is a number that is not less than eleven and that is more than one third of the small entities subject to the rule. The FAA's criteria for a "significant impact" is at least \$4,200 per year (1991 dollars) for an unscheduled carrier and \$60,300 per year for a scheduled carrier operating a fleet that includes small airplanes, which have 60 or fewer seats.

An unscheduled small entity carrier with at least 2 airplanes will incur a significant economic impact because the annualized present value cost of \$5,600 for 2 airplanes exceeds the \$3,700 criteria used by the FAA. Such carriers represent approximately 37 percent of all small entities subject to the rule. Therefore, as required by law, a regulatory flexibility analysis follows.

#### *Regulatory Flexibility Analysis*

As required by sections 603(b) and (c) of the Regulatory Flexibility Act, the following analysis deals with the rule as it relates to small entities.

#### *Why Agency Action is Taken*

The reasons for agency action are detailed in the preamble to the rule. Briefly, the amendment will improve safety involving Part 135 operations by

reducing controlled flight into terrain accidents involving turbine-powered airplanes. The FAA estimates that 16 such accidents could have been prevented during the 10-year period of 1978 through 1987 if the airplanes had been equipped with the ground proximity warning systems required by this rule. The rule addresses an NTSB recommendation and is supported by studies concluding that installation of a GPWS will contribute to prevention of CFIT accidents.

#### *Objective of and Legal Basis for the Rule*

The objective of the rule is to improve the operating safety of part 135 airplanes by preventing controlled flights into terrain. The objective is more thoroughly discussed in the preamble to the rule. The legal basis of the rule is sections 313, 314 and 601 through 610 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354, 1355, and 1421 through 1430) and the Department of Transportation Act (49 U.S.C. 106(g)).

#### *Description of the Small Entities Affected by the Rule*

The small entities affected by the rule will be unscheduled carriers operating under part 135 of the Federal Aviation Regulations having more than one, and fewer than nine airplanes.

#### *Compliance Requirement of the Rule*

Compliance with the amendment will be mandatory for all turbine-powered multiengine airplanes with 10 or more seats operating under part 135. Those turbojet airplanes that are currently using alternative warning systems approved by the FAA will be required to replace those systems within 4 years of the effective date of the rule.

#### *Alternatives to the Rule*

As part of the rulemaking action, the FAA considered several alternative approaches to the problem addressed by this rule.

*Alternative One:* Let the market decide. The airline would be free to choose whether it should install GPWS's as recommended. This alternative would allow the public to select an airline based on competitive factors including those of a safety nature. This is an alternative applicable to all safety regulations and, in the view of the FAA, would not assure a safe U.S. air transportation system.

*Alternative Two:* Delay development of the rule pending additional information that could be obtained during further government and industry reviews. This alternative is also

rejected. The current rule is supported by adequate investigations and studies.

*Alternative Three:* Reduce costs to the industry by allowing operators to install either a GPWS or a ground proximity "advisory" system. Advisory systems provide a full complement of five warning envelopes and are available for less than the cost of a GPWS. The FAA rejects this alternative because the most effective advisory systems available are comparable in price to a GPWS, but not in effectiveness. The FAA has found, in the DOT/TSC and other studies, that GPWS equipment and advisory systems are functionally equivalent in only 2 out of 5 modes or warning envelopes. Only the TSO-approved GPWS meets minimum performance specifications in all 5 modes and provides the highest level of safety possible.

#### *Federalism Implications*

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

#### *Conclusion*

This rule is significant under Department of Transportation Policies and Procedures (44 FR 11034, February 26, 1979) and, if adopted, the FAA certifies that it may have a significant negative economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act; however, no other feasible alternatives were identified. The annual cost that would be imposed on part 135 operators to install a ground proximity warning system on turbine-powered airplanes would exceed the \$3,700 significant impact criteria per year for unscheduled air carriers. The FAA has determined that this notice involves a rulemaking action that is not a major rule under Executive Order 12291. A final regulatory evaluation of the proposal, including a final regulatory flexibility analysis and international trade impact analysis has been placed in the docket. A copy may be obtained by contacting the person identified under "FOR FURTHER INFORMATION CONTACT."

#### *List of Subjects in 14 CFR Part 135*

Ground proximity warning systems.

### The Amendment

Accordingly, the Federal Aviation Administration (FAA) amend 14 CFR Part 135 of the Federal Aviation Regulations (FAR) as follows:

#### **PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS**

1. The authority citation for part 135 continues to read as follows:

**Authority:** 49 U.S.C. 1354(a), 1421 through 1431, and 1502; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

2. Section 135.153 is revised to read as follows:

#### **§ 135.153 Ground proximity warning system.**

(a) Except as provided in paragraph (b) of this section, after April 20, 1994, no person may operate a turbine-powered airplane having a passenger seating configuration, excluding any

pilot seat, of 10 seats or more, unless it is equipped with an approved ground proximity warning system.

(b) Any airplane equipped before April 20, 1992, with an alternative system that conveys warnings of excessive closure rates with the terrain and any deviations below glide slope by visual and audible means may continue to be operated with that system until April 20, 1996, provided that—

- (1) The system must have been approved by the Administrator;
- (2) The system must have a means of alerting the pilot when a malfunction occurs in the system; and
- (3) Procedures must have been established by the certificate holder to ensure that the performance of the system can be appropriately monitored.

(c) For a system required by this section, the Airplane Flight Manual shall contain—

- (1) Appropriate procedures for—

- (i) The use of the equipment;
- (ii) Proper flight crew action with respect to the equipment; and
- (iii) Deactivation for planned abnormal and emergency conditions; and

(2) An outline of all input sources that must be operating.

(d) No person may deactivate a system required by this section except under procedures in the Airplane Flight Manual.

(e) Whenever a system required by this section is deactivated, an entry shall be made in the airplane maintenance record that includes the date and time of deactivation.

Issued in Washington, DC, on March 17, 1992.

**Barry Lambert Harris,**  
*Acting Administrator.*

[FR Doc. 92-6516 Filed 3-17-92; 12:10 pm]

**BILLING CODE 4910-13-M**

**PART 125—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS**

1. The purpose of this part is to establish minimum standards for the operation of air taxi and commercial operations in the United States.

2. The purpose of this part is to establish minimum standards for the operation of air taxi and commercial operations in the United States.

3. The purpose of this part is to establish minimum standards for the operation of air taxi and commercial operations in the United States.

4. The purpose of this part is to establish minimum standards for the operation of air taxi and commercial operations in the United States.

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10. The purpose of this part is to establish minimum standards for the operation of air taxi and commercial operations in the United States.

11. The purpose of this part is to establish minimum standards for the operation of air taxi and commercial operations in the United States.

12. The purpose of this part is to establish minimum standards for the operation of air taxi and commercial operations in the United States.

13. The purpose of this part is to establish minimum standards for the operation of air taxi and commercial operations in the United States.

14. The purpose of this part is to establish minimum standards for the operation of air taxi and commercial operations in the United States.

15. The purpose of this part is to establish minimum standards for the operation of air taxi and commercial operations in the United States.

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## Part IX

## Department of Labor

### Employment and Training Administration

**Federal and State Unemployment Insurance Program; Project to Review and Change the Formulation and Allocation Systems for Unemployment Insurance Administrative Funding to the State Employment Security Agencies (SESAs); Notice of Study Project**

**DEPARTMENT OF LABOR****Employment and Training Administration****Federal and State Unemployment Insurance Program; Project to Review and Change the Formulation and Allocation Systems for Unemployment Insurance Administrative Funding to the State Employment Security Agencies (SESAs)****AGENCY:** Employment and Training Administration, Labor.**ACTION:** Notice of study project.

**SUMMARY:** The Employment and Training Administration (ETA) announces an Unemployment Insurance (UI) project to review and change the current budget formulation and resource allocation systems used to provide SESAs administrative funds for the operation of the UI program. This project is part of a Congressional mandate under the Emergency Unemployment Compensation (EUC) Act (Pub. L. 102-164) which requires the Secretary of Labor to submit a report to Congress before November 15, 1992 including a proposal for revising the method of allocating grants among the SESAs. This review is part of an effort by ETA to increase the SESAs' efficiency and flexibility in the financial and operational management of their UI programs, while assuring the Secretary of Labor's statutory obligation to provide funding for "proper and efficient" administration of the UI program is fulfilled.

**DATES:** Comments must be received in the Department of Labor by the close of business May 19, 1992.

**ADDRESSES:** Submit written comments to Mary Ann Wyrsh, Director, Unemployment Insurance Service, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., room S-4231, Washington, DC 20210.

**FOR FURTHER INFORMATION CONTACT:** Darla Letourneau, Budget Officer, Unemployment Insurance Service, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., room S-4219, Washington, DC 20210. Telephone (202) 535-0210 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:****A. Project Objectives**

ETA is attempting to update its method of budgeting funds for the UI

program and allocating these funds to the SESAs. The current methods are complex, outdated, and inhibit improvements in efficiency. The system uses State work measurement factors that are almost a decade old. The current methods also rely on outdated processes carried over from the period when the Unemployment Insurance Service (UIS) had more involvement with the operational methods of the SESAs. Since 1987, SESAs have had bottom line authority to use UI administrative resources based on State assessment of needs. ETA ceased requiring States to account for costs by specific cost categories, and emphasized instead the meeting of performance standards within overall discretion in fund utilization.

ETA has three goals for this effort: (1) To secure stable and adequate funding for basic UI administrative costs with an annual allocation made prior to the beginning of the fiscal year;

(2) To establish a mechanism for providing timely and adequate funding to the States for unanticipated workload increases; and

(3) To provide an equitable allocation of resources among the States that promotes innovative and cost effective practices.

The legislation calling for the report on revised methodology directs that the report include consideration of the following principles. ETA will use them as guiding principles for this effort:

- Workload levels should be the primary factor in determining allocations;
- Ways should be sought to ensure each State a minimum grant level, regardless of workload;
- Nationally available objective data should be used for determining State costs, with consideration of legitimate cost differences among the States;
- Methods for allocating grants among States should be simplified;
- Disincentives to productivity and efficiency in the current methodology should be eliminated; and
- Promotion of innovative and cost effective practices should be included in the allocation methodology.

Finally, we will use two working assumptions that provide some framework for the administrative financing debate. These are:

- (1) Changes to the UI administrative financing system will not require legislative changes.
- (2) The revised system is intended to produce new national cost factors that are to be used both in determining the

overall funding needs for the program, as well as the distribution of the resources among the States.

**B. Implementation and Consultation Approach**

The EUC Act calls for the submission of a report on a new allocation system within the 12-month period beginning on the date of the enactment of this Act. The Department will issue the report in two phases. The first phase report will include the framework of the new methodology, but not the final proposal because of the necessity of developing cost measurements based on on-site State observations. This first report will be submitted by the November deadline. The second phase report will be the final proposal and will include new funding cost measures which will result from detailed surveys and analyses undertaken in FY 1993-94. Our anticipated target date for this second report to Congress is December 31, 1994. The Act requires a 12-month Congressional review period before the implementation of the proposed allocation methodology. The new funding and allocation methodologies will be effective for FY 1997.

Throughout this process, ETA will seek input from a broad range of parties to ensure that all groups affected by the change have an opportunity to share their ideas and comment on the Department's proposal. ETA welcomes comments, to be submitted to the above address, on the current system and any suggestions for areas to be examined during the initial phase of the project study.

**C. Schedule of Federal Register Notice Publications**

The first report to Congress outlining the proposed methodology is scheduled to be published, for comment, after the report is submitted in November 1992. The comments received on this report will be incorporated in the second report to Congress which will contain the final proposal for the new UI funding and allocation methodologies.

Signed at Washington, DC, on March 11, 1992.

**Roberts T. Jones,**  
*Assistant Secretary of Labor.*

[FR Doc. 92-6504 Filed 3-19-92; 8:45 am]

BILLING CODE 4510-30-M

# **federal register**

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## **Part X**

### **Department of Housing and Urban Development**

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Office of the Assistant Secretary for  
Housing and Development

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**Announcement of Funding—Invitation for  
FY 1992 Section 8 Rental Voucher Set-  
Aside for Homeless Veterans With  
Severe Psychiatric or Substance Abuse  
Disorders; Notice**

**DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT**

**Office of the Assistant Secretary for  
Public and Indian Housing**

[Docket No. N-92-3402; FR-3222-N-01]

**Announcement of Funding—Invitation  
for FY 1992 Section 8 Rental Voucher  
Set-Aside for Homeless Veterans With  
Severe Psychiatric or Substance  
Abuse Disorders**

**AGENCY:** Office of the Assistant  
Secretary for Public and Indian Housing,  
HUD

**ACTION:** Announcement of funding  
availability for fiscal year 1992.

**SUMMARY:** The Department of Housing and Urban Development (HUD) announces \$17.9 million in Fiscal Year 1992 funding which will support approximately 750 section 8 rental vouchers to be used in a program established by HUD and the Department of Veterans Affairs (VA) that will benefit homeless veterans with severe psychiatric or substance abuse disorders. This Announcement invites applications from the PHAs administering the rental voucher program in the areas, selected by VA, where homeless veterans will receive supportive services. In the body of this document is information regarding eligibility, the allocation of the funds, application processing, and how to apply, and a list of steps and exhibits involved in the application process.

**DATES:** Applications are due before 3 p.m. local time on April 20, 1992 at the HUD Field Office receiving the application.

**FOR FURTHER INFORMATION CONTACT:** Gerald J. Benoit, room 6126, Office of Public and Indian Housing, Office of Assisted Housing, Rental Assistance Division, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, (202) 708-0477. The TTD number for the hearing impaired is (202) 708-4594. (These are not toll-free numbers.)

**SUPPLEMENTARY INFORMATION:**

**Paperwork Reduction Act Statement**

The information collection requirements contained in this announcement have been approved by the Office of Management and Budget under the Paperwork Reduction Act of 1980 and have been assigned OMB Control Number 2502-0123.

**I. Purpose and Substantive Description**

The HUD-Veterans Affairs Supportive Housing (HUD-VASH) program for

homeless veterans with severe psychiatric or substance abuse disorders is a national initiative of the U.S. Department of Housing and Urban Development (HUD) and the Department of Veterans Affairs (VA). Under this initiative, VA ongoing case management, health and other supportive services will be made available for up to nineteen supportive services sites across the nation and HUD has set-aside funding for section 8 rental vouchers for homeless veterans with severe psychiatric or substance abuse disorders who will benefit from the supportive services. (A listing of the service sites selected by VA and of the Public Housing Agencies (PHAs) administering the rental voucher program at the service sites is included in Table 1. at the end of this announcement). The VA services and HUD rental vouchers will support community-based projects aimed at providing model programs of comprehensive health, housing assistance, and other supportive services to homeless veterans suffering from complex, often chronic, health, mental health and substance abuse problems and the lack of needed services. These services will be organized and delivered in conjunction with permanent, affordable housing.

The goal of the HUD-VASH initiative is to show that appropriately designed health and other supportive services, combined with decent, safe and sanitary affordable housing, can help homeless veterans with severe psychiatric or substance abuse disorders lead healthy, productive lives in the community, and avoid becoming permanent members of the nation's homeless. The initiative also seeks to promote the expansion of permanent housing options for these individuals.

The HUD-VASH initiative is an outgrowth of several previous demonstration programs on behalf of homeless veterans or mentally ill persons, including the VA's Homeless Chronically Mentally Ill (HCMI) and Domiciliary Care for the Homeless Veterans (DCHV) programs, and the HUD/Robert Wood Johnson Program on Chronic Mental Illness as well as the Supportive Housing Demonstration program (SHD) under the Stewart B. McKinney Act. Experience under the SHD program and other McKinney Act housing programs has reinforced the understanding of the need for comprehensive, individually tailored service packages to assist the homeless in achieving self-sufficiency.

The HUD-VASH initiative combines Section 8 rental voucher assistance provided by HUD to selected PHAs with

case management and clinical services provided by VA at its medical centers and in the community. Under this initiative, VA will first identify homeless veterans with severe psychiatric or substance abuse disorders through outreach efforts. The persons identified will then receive treatment and be stabilized medically prior to issuance of the rental voucher. The VA will work with PHA staff to help veterans locate suitable private market rental units where they can be assisted under the rental voucher program. VA will continue to provide community based case management services, outpatient health services, hospitalization and other assistance on a regular basis, as needed. It is expected that veterans involved in this program will continue in the prescribed treatment programs after they have leased units under the rental voucher program.

This announcement invites the PHAs that administer the rental voucher program in the area where service sites selected by VA are located to apply for a share of the approximately 750 Section 8 rental vouchers that have been set aside for this initiative.

**II. VA Application Selection Process**

In 1990, VA considered 63 specialized HCMI and DCHV programs for participation in the HUD-VASH program. Sites were reviewed by VA's Northeast Program Evaluation Center. The following measures, derived from clinical evaluation findings and management experience during the first two years of HCMI and DCHV program implementation, were used to select supportive services sites:

1. The number of veterans seen per year;
2. The percentage of veterans contacted through outreach;
3. The percentage of veterans sleeping in a shelter or on the streets at the time of first contact;
4. The percentage of veterans with substance abuse problems;
5. The percentage of veterans receiving VA contract residential treatment;
6. Compliance with evaluation procedures;
7. Commitment of the clinicians to developing effective and innovative programs;
8. Quality of medical center administrative support for the program; and
9. Quality of psychiatry service support for the program.

Table 1. at the end of this announcement lists the 19 VA service sites that were selected for participation

in this initiative by VA in September 1991, the PHA administering the section 8 rental voucher program at each VA service site, the amount of budget authority available for each service site, the approximate number of units it will support and the responsible HUD Field or Regional office.

### III. Section 8 Program Guidelines

The PHAs listed in Table 1. at the end of this announcement are invited by HUD to apply for rental vouchers for the HUD-VASH initiative in accordance with the instructions in section V. of this announcement. These vouchers will provide rental subsidies that will enable very low-income homeless veterans with severe psychiatric or substance abuse disorders to live in standard housing. The rent subsidy is usually the difference between the applicable payment standard of the PHA and 30 percent of the family's adjusted income. These subsidies allow an individual to be assisted in a standard rental unit of his or her choice. If the individual moves later to a different unit, he or she can continue to receive the rent subsidy. Five year rental voucher funding will be provided by HUD to the PHA in support of the HUD-VASH program.

PHAs and local VA offices will need to work together throughout the course of this initiative to achieve program objectives.

VA local office responsibilities include (1) screening of homeless veterans currently on the PHA's Section 8 waiting list to determine whether they meet the HUD-VASH program participation criteria established by the VA national office, and if there are an insufficient number of suitable applicants on the PHA waiting list, referring additional very low income homeless veterans meeting the HUD-VASH program participation criteria to the PHA for inclusion on the waiting list; (2) providing appropriate treatment and supportive services to potential HUD-VASH program participants prior to PHA issuance of rental vouchers; (3) providing housing search assistance to HUD-VASH participants with rental vouchers; (4) identifying the social service and medical needs of HUD-VASH participants and providing, or ensuring the provision of, regular, ongoing case management, outpatient health services, hospitalization and other supportive services as needed throughout the five year term of this initiative; and (5) maintaining records and providing information for evaluation purposes, as required by HUD or the VA.

To be eligible for the HUD-VASH initiative a veteran must: (1) Have been

contacted by the VA homeless program while living in a shelter or on the street; (2) have a severe psychiatric or substance abuse disorder; and (3) have received treatment and have been stabilized medically. Preference will be given to veterans who have been homeless for 30 days or more.

PHA responsibilities include (1) screening the Section 8 waiting list for homeless veterans with severe psychiatric or substance abuse disorders to be referred to the VA local office for a determination of whether they meet the HUD-VASH program participation criteria established by the VA national office; (2) determining the eligibility for Section 8 assistance of homeless veterans referred by VA local offices; (3) prior to ACC execution, amending the administrative plan and equal opportunity housing plan to provide a preference for the homeless veterans selected by the local VA office for participation in the HUD-VASH initiative in a number equal to the number of units provided by HUD for this purpose, and providing for the opening of closed waiting lists if applicable; (4) maintaining records and providing information for evaluation purposes, as required by HUD or VA; and (5) administering the rental voucher program in accordance with HUD regulations and requirements.

### IV. Rental Voucher Application Process Forms

Form HUD-52515 may be obtained from the local HUD Field Office. To assist PHAs, the following are attached to this announcement: Form HUD 52515 (Attachment 1); the Certification for a Drug-Free Workplace (Attachment 2); the text for Certification Regarding Lobbying (Attachment 3); and Standard Form LLL, Disclosure of Lobbying Activities (Attachment 4).

#### *Application Submission Deadline*

PHA applications must be received by 3 p.m. local time on April 20, 1992 at the HUD Field Office receiving the application. Applications that are not delivered before 3 p.m. local time on that date will not be considered. In addition, PHAs should contact their local HUD Field Office for the exact address and room number where applications must be received.

The above-stated application deadline is firm as to date and hour. In the interest of fairness to all competing applicants, the Department will treat as ineligible for consideration any application that is received after the deadline. Applicants should take this practice into account and make early submission of their materials to avoid

risk of loss eligibility brought about by unanticipated delays or other delivery-related problems.

### V. Application Submission Requirements General

PHA applicants must be submitted to the local HUD Field Office on Form HUD-52515 in accordance with the rental voucher program regulations.

Table 1. at the end of this announcement lists by field office the approximate number of units and budget authority for each PHA in support of the HUD-VASH initiative. The funding for each HUD-VASH supportive service site has been determined in consultation with VA. If applications are not received by the application due date or are not approvable for any site, those rental vouchers will be distributed among the sites with approvable applications.

#### *Certification Regarding Drug-Free Workplace*

The Drug-Free Workplace Act of 1988 requires grantees of Federal agencies to certify that they will provide a drug-free workplace. Thus, each PHA must certify (even though it has done so previously) that it will comply with the drug-free workplace requirements in accordance with 24 CFR part 24, subpart F. (See Attachment 2, Certification for Drug-Free Workplace.)

#### *Certification Regarding Lobbying*

Section 319 of the Department of the Interior Appropriations Act, Public Law 101-121, approved October 23, 1989 (31 U.S.C. 1352), generally prohibits recipients of Federal contracts, grants, and loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant, or loan. The Department's regulations on these restrictions on lobbying are codified at 24 CFR part 87. To comply with 24 CFR 87.110, any PHA submitting an application under this announcement for more than \$100,000 of budget authority assistance must submit a certification and, if warranted, a Disclosure of Lobbying Activities. To assist PHAs, the text for the Certification Regarding Lobbying (Attachment 3) and Standard Form LLL, "Disclosure Form to Report Lobbying" (Attachment 4) are attached to this announcement.

#### *Checklist for Technical Requirements*

The following checklist specifies the required information which must be submitted in the PHA's application.

## INITIAL SCREENING CHECKLIST

[Application for HUD-VASH Rental Vouchers]

PHA		Field Office		
Yes	No	Yes	No	
—	—	—	—	The application contains a completed Form HUD 52515.
—	—	—	—	The application states by number of bedrooms the total number of efficiency or one bedroom units requested by PHA.
—	—	—	—	The application demonstrates that the project requested is responsive to the condition of the housing stock in the community and the housing assistance needs of very low income families (including the elderly, handicapped, disabled, large families and those displaced) residing in or expected to reside in the community.
—	—	—	—	The application demonstrates that the applicant qualifies as a public housing agency and is legally qualified and authorized to participate in the Rental Voucher program for the area in which the program is to be carried out. Such demonstration includes (i) the relevant enabling legislation, (ii) any rules and regulations adopted or to be adopted by the agency to govern its operations, and (iii) a supporting opinion from the agency counsel. If such documents are currently on file in the Field Office they do not have to be resubmitted.
—	—	—	—	The application includes a statement that the housing quality standards to be used in the operation of the program will be as set forth in 24 CFR 887.251 or that variations in the Acceptability Criteria as are proposed. In the latter case, each proposed variation shall be specified and justified.
—	—	—	—	The application contains the PHA schedule of leasing which must provide for the expeditious leasing of units. In developing the schedule, a PHA must specify the number of units that are expected to be leased at the end of the three month interval. The schedule must project lease-up by eligible families within twelve months or sooner after execution of the ACC by HUD.
—	—	—	—	The application contains estimates of the average adjusted income for prospective participants for each bedroom size.
Requirement for Drug-Free Workplace Certification and Anti-Lobbying Certification and Disclosure Statement:				
—	—	—	—	The application meets HUD's drug-free workplace requirements set out at 24 CFR part 24, subpart F. (The application contains an executed Certification for Drug-Free Workplace (attachment 2)).
—	—	—	—	The application meets HUD's regulations regarding anti-lobbying set out at 24 CFR part 87. (The anti-lobbying requirements apply only to applications requesting budget authority exceeding \$100,000. If this PHA application for rental voucher funding exceeds \$100,000 in budget authority, the PHA must comply with the anti-lobbying requirements by submitting an Anti-Lobbying Certification (attachment 3) and, if warranted, a Disclosure of Lobbying Activities (attachment 4)).

## VI. Corrections to Deficient Applications

An application must be received by the Field Office no later than the application submission deadline date and time specified in this Announcement, otherwise the application will not be considered by the Field Office. The Field Office will initially screen all applications and notify PHAs of technical deficiencies by letter. The PHA must correct deficiencies within 14 days or the application will not be approved.

All PHAs are encouraged to review the initial screening checklist provided in section V. of this announcement. The checklist identifies technical requirements needed for application processing.

## VII. Other Matters

*Environmental Review*

An environmental finding under the National Environmental Policy Act (42 U.S.C. 4321-4347) is unnecessary since the Rental Voucher Program is part of the Section 8 Existing Housing Program, which is categorically excluded under HUD regulations at 24 CFR 50.20(d).

*Federalism Impact*

The General Counsel, as the Designated Official under section 6(a) of Executive Order 1262, Federalism, has determined that the policies contained in this announcement will not have substantial, direct effects on the states,

on their political subdivisions, or on the relationship between the federal government and the states, or on the distribution of power or responsibilities among the various levels of government. As a result, the announcement is not subject to review under the Order. This announcement would not substantially alter the established roles of HUD, the States and local governments, including PHAs.

*Impact on the Family*

The General Counsel, as the Designated Official under Executive Order 12606, The Family, has determined that this Announcement does not have potential for significant impact on family formation, maintenance, and general well-being and, thus, is not subject to review under the Order. No significant change in existing HUD policies or programs will result from promulgation of this announcement, as those policies and programs relate to family concerns. This is an announcement that does not alter program requirements concerning family eligibility.

*Public Announcement Requirement: HUD Reform Act*

HUD will include recipients of assistance pursuant to this Announcement in its quarterly Federal Register announcement of all recipients of HUD assistance awarded on a competitive basis. (See 24 CFR 12.10(b),

and the announcement published in the Federal Register on January 16, 1992 (57 FR 1942), for further information on this requirement.)

*Section 103 of the HUD Reform Act*

HUD's regulation implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3537a) was published on May 13, 1991 (56 FR 22088) and became effective on June 12, 1991. That regulation, codified as 24 CFR part 4, applies to this funding announcement. The requirements of the rule continue to apply until the announcement of the selection of successful applicants.

HUD employees involved in the review of applications and in the making of funding decisions are restrained by part 4 from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR part 4.

Applicants who have questions should contact the HUD Office of Ethics (202) 708-3815 (Voice/TDD). (This is not a toll-free number.) The Office of Ethics can provide information of a general nature to HUD employees, as well.

However, a HUD employee who has specific program questions, such as whether particular subject matter can be discussed with persons outside the Department, should contact his or her Regional or Field Office Counsel, or Headquarters counsel for the program to which the question pertains.

#### Section 112 of the Reform Act

Section 13 of the Department of Housing and Urban Development Act (42 U.S.C. 3537b) contains two provisions dealing with efforts to influence HUD's decisions with respect to financial assistance. The first imposes disclosure requirements on those who are typically involved in these efforts—those who pay others to influence the

award of assistance or the taking of management action by the Department and those who are paid to provide the influence. The second restricts the payment of fees to those who are paid to influence the award of HUD assistance, if the fees are tied to the number of housing units received or are based on the amount of assistance received, or if they are contingent upon the receipt of assistance.

Section 13 was implemented by final rule published in the *Federal Register* on May 17, 1991 (56 FR 22912). If readers are involved in any efforts to influence the Department in these ways, they are urged to read the final rule, particularly the examples contained in appendix A of the rule.

Any questions about the rule should be directed to Arnold J. Haiman, Director, Office of Ethics, room 2158, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410-3000. Telephone: (202) 708-3815; (Voice/TDD). (This is not a toll-free number.) Forms necessary for compliance with the rule may be obtained from the local HUD office.

**Authority:** Sec. 8, U.S. Housing Act of 1937 (42 U.S.C. 1437f), Sec. 7(d) Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: March 10, 1992.

**Joseph G. Schiff,**

*Assistant Secretary for Public and Indian Housing.*

TABLE 1.—FISCAL YEAR 92 RENTAL VOUCHER ALLOCATION FOR HUD-VASH SET-ASIDE

VA site	PHA	HUD office	Budget authority	Approximate units
1. VA Medical Center, Bedford, MA.....	Massachusetts Executive Office of Community Development.	Boston Regional Office.....	1,365,000	40
2. VA Extended Care Center, St. Albans, NY.	New York City Housing Authority.....	New York Regional Office.....	997,000	40
3. VA Medical Center, New York, NY.....	New York City Housing Authority.....	New York Regional Office.....	997,000	40
4. VA Medical Center, Washington, DC.....	District of Columbia Department of Public and Assisted Housing.	Washington, D.C. Field Office.....	1,255,000	40
5. VA Medical Center, West Haven, CT.....	West Haven Housing Authority.....	Hartford Field Office.....	1,143,000	40
6. VA Medical Center, Cincinnati, OH.....	Cincinnati Metropolitan Housing Authority.....	Cincinnati Field Office.....	714,000	40
7. VA Medical Center, Brecksville, OH.....	Cuyahoga Metropolitan Housing Authority.....	Cleveland Field Office.....	726,000	40
8. VA Medical Center, Bay Pines, FL.....	Pineallas County Housing Authority.....	Jacksonville Field Office.....	785,000	40
9. VA Medical Center, Dallas, TX.....	Dallas Housing Authority.....	Fort Worth Regional Office.....	824,000	40
10. VA Medical Center, Little Rock, AR.....	Little Rock Housing Authority.....	Little Rock Field Office.....	687,000	40
11. VA Medical Center, Nashville, TN.....	Metropolitan Development and Housing Agency (of Nashville).	Nashville Field Office.....	558,000	30
12. VA Medical Center, New Orleans, LA.	Housing Authority of New Orleans.....	New Orleans Field Office.....	797,000	40
13. VA Medical Center, San Antonio, TX..	Housing Authority of San Antonio.....	San Antonio Field Office.....	772,000	40
14. VA Medical Center, Tacoma, WA.....	Pierce County Housing Authority.....	Seattle Regional Office.....	762,000	40
15. VA Medical Center, Loma Linda, CA....	San Bernardino County Housing Authority.....	Los Angeles Field Office.....	958,000	40
16. Veterans Medical Center, San Diego, CA.	San Diego Housing Commission.....	Los Angeles Field Office.....	1,079,000	40
17. Veterans Medical Center, San Francisco, CA.	San Francisco Housing Authority.....	San Francisco Regional Office.....	1,443,000	40
18. VA Medical Center, Tucson, AZ.....	City of Tuscon Community Services Department..	Phoenix Field Office.....	822,000	40
19. VAMC-Brentwood Division, Los Angeles, CA.	Los Angeles City Housing Authority.....	Los Angeles Field Office.....	1,216,000	40

**Application for Existing Housing**

U.S. Department of Housing and Urban Development  
Office of Housing  
Federal Housing Commissioner

Attachment 1



**Section 8 Housing Assistance Payments Program**

Send original and two copies of this application form and attachments to the local HUD Field Office

OMB Approval No. 2502-0123 (exp. 3/31/92)

Public reporting burden for this collection of information is estimated to average 0.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Reports Management Officer, Office of Information Policies and Systems, U.S. Department of Housing and Urban Development, Washington, D.C. 20410-3500 and to the Office of Management and Budget, Paperwork Reduction Project (2502-0123), Washington, D.C. 20503.

Name of the Public Housing Agency (PHA) requesting housing assistance payments:		Application/Project No. (HUD use only)	
Mailing Address of the PHA		Requested housing assistance payments are for: How many Certificates?    How many Vouchers?	
Signature of PHA Officer authorized to sign this application		Have you submitted prior applications: ... for Section 8 Certificates? <input type="checkbox"/> No <input type="checkbox"/> Yes ... for Section 8 Housing Vouchers? <input type="checkbox"/> No <input type="checkbox"/> Yes	
X Title of PHA Officer authorized to sign this application		Date of Application	
Phone Number			
Legal Area of Operation (area in which the PHA determines that it may legally enter into Contracts)			

**A. Primary Area(s) from which families to be assisted will be drawn.**

Locality (City, Town, etc.)	County	Congressional District	Units

B. Proposed Assisted Dwelling Units Housing Program	Number of Dwelling Units by Bedroom Count									Total Dwelling Units
	Elderly, Handicapped, Disabled			Non-Elderly						
	Efficiency	1-BR	2-BR	1-BR	2-BR	3-BR	4-BR	5-BR	6+BR	
Certificates										
Housing Vouchers										

**C. Need for Housing Assistance.** Demonstrate that the project requested in this application is consistent with the applicable Housing Assistance Plan including the goals for meeting the housing needs of Lower-Income Families or, in the absence of such a Plan, that the proposed project is responsive to the condition of the housing stock in the community and the housing assistance needs of Lower-Income Families (including the elderly, handicapped and disabled, large families and those displaced or to be displaced) residing in or expected to reside in the community. (If additional space is needed, add separate pages.)

D. Qualification as a Public Housing Agency.	Submitted with this application	Previously submitted
1. The relevant enabling legislation		
2. Any rules and regulations adopted or to be adopted by the agency to govern its operations		
3. A supporting opinion from the Public Housing Agency Counsel		

**E. Financial and Administrative Capability.** Describe the experience of the PHA in administering housing or other programs and provide other information which evidences present or potential management capability for the proposed program.

**F. Housing Quality Standards.** Provide a statement that the Housing Quality Standards to be used in the operation of the program will be as set forth in the program regulation or that variations in the Acceptability Criteria are proposed. In the latter case, each proposed variation shall be specified and justified.

**G. Leasing Schedule.** Provide a proposed schedule specifying the number of units to be leased by the end of each three-month period.

**H. Average Monthly Adjusted Income (Housing Vouchers Only)**

Efficiency	1-BR	2-BR	3-BR	4-BR	5-BR	6-BR

**I. Attachments.** The following additional items must be submitted either with the application or after application approval, but no later than with the PHA executed ACC.

	Submitted with this application	To be submitted	Previously submitted
1. Equal Opportunity Housing Plan			
2. Equal Opportunity Certifications, Form HUD-916			
3. Estimates of Required Annual Contributions, Forms HUD-52672 and HUD-52673			
4. Administrative Plan			
5. Proposed Schedule of Allowances for Utilities and Other Services, Form HUD-52667, with a justification of the amounts proposed			

**HUD Field Office Recommendations**

Recommendation of Appropriate Reviewing Office	Signature and Title	Date

## Certification Regarding Drug-Free Workplace Requirements

(Form 24 CFR 24, Appendix C)

## Instructions for Certification

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.
2. The certification set out below is a material representation of fact upon which reliance was placed when the agency determined to award the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. For grantees other than individuals, Alternate I applies.
4. For grantees who are individuals, Alternate II applies.

## Certification Regarding Drug-Free Workplace Requirements

## Alternate I

## A. The grantee certifies that it will provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing a drug-free awareness program to inform employees about --
  - (1) The dangers of drug abuse in the workplace;
  - (2) The grantee's policy of maintaining a drug-free workplace;
  - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
  - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will --
  - (1) Abide by the terms of the statement; and
  - (2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
- (e) Notifying the agency within ten days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction;

(f) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted -

(1) Taking appropriate personnel action against such an employee, up to and including termination; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

B. The grantee shall insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Alternate II

The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance in conducting any activity with the grant.

## Certification Regarding Lobbying

## Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form -LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signed by: (Name, Title & Signature of Authorized PHA/IHA Official)

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(Name & Title)

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(Signature & Date)

## DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB  
0348-0046Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352  
(See reverse for public burden disclosure.)

Attachment 4

<b>1. Type of Federal Action:</b> <input type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance	<b>2. Status of Federal Action:</b> <input type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award	<b>3. Report Type:</b> <input type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change <b>For Material Change Only:</b> year _____ quarter _____ date of last report _____
<b>4. Name and Address of Reporting Entity:</b> <input type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known:  Congressional District, if known: _____	<b>5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:</b>  Congressional District, if known: _____	
<b>6. Federal Department/Agency:</b>	<b>7. Federal Program Name/Description:</b>  CFDA Number, if applicable: _____	
<b>8. Federal Action Number, if known:</b>	<b>9. Award Amount, if known:</b> \$ _____	
<b>10. a. Name and Address of Lobbying Entity (if individual, last name, first name, MI):</b>  _____  (attach Continuation Sheet(s) SF-LLL-A, if necessary)		<b>b. Individuals Performing Services (including address if different from No. 10a) (last name, first name, MI):</b>  _____  (attach Continuation Sheet(s) SF-LLL-A, if necessary)
<b>11. Amount of Payment (check all that apply):</b> \$ _____ <input type="checkbox"/> actual <input type="checkbox"/> planned	<b>13. Type of Payment (check all that apply):</b> <input type="checkbox"/> a. retainer <input type="checkbox"/> b. one-time fee <input type="checkbox"/> c. commission <input type="checkbox"/> d. contingent fee <input type="checkbox"/> e. deferred <input type="checkbox"/> f. other; specify: _____	
<b>12. Form of Payment (check all that apply):</b> <input type="checkbox"/> a. cash <input type="checkbox"/> b. in-kind; specify: nature _____ value _____	<b>14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11:</b>  _____  (attach Continuation Sheet(s) SF-LLL-A, if necessary)	
<b>15. Continuation Sheet(s) SF-LLL-A attached:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No		
<b>16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.</b>	<b>Signature:</b> _____ <b>Print Name:</b> _____ <b>Title:</b> _____ <b>Telephone No.:</b> _____ <b>Date:</b> _____	
<b>Federal Use Only:</b>		<b>Authorized for Local Reproduction Standard Form - LLL</b>

## INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee", then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.  
(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).
11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.
12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.
13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.
14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.
15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.
16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D.C. 20503.

DISCLOSURE OF LOBBYING ACTIVITIES  
CONTINUATION SHEET

Approved by OMB  
0348-0046

Reporting Entity: \_\_\_\_\_ Page \_\_\_\_\_ of \_\_\_\_\_



# federal register

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Friday  
March 20, 1992

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Part XI

## The President

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Proclamation 6414—National Public  
Safety Telecommunicators Week, 1992

Friday  
March 20, 1992

Part XI

## The President

Proclamation 6474--National Public  
Safety Telecommunicators Week, 1992

Proclamation 6474--National Public  
Safety Telecommunicators Week, 1992

# Presidential Documents

Title 3—

Proclamation 6414 of March 18, 1992

The President

National Public Safety Telecommunicators Week, 1992

By the President of the United States of America

### A Proclamation

Each day, thousands of Americans dial 9-1-1 for help in emergencies ranging from house fires and automobile accidents to heart attacks and child poisonings. The men and women who answer these calls for help, gathering essential information and dispatching the appropriate assistance, can often make the difference between life and death for persons in need. Our Nation's 9-1-1 dispatchers, however, are among the more than 500,000 telecommunications specialists who work daily to protect and to promote the public safety. This week, we salute all of them—both professional and volunteer—for their dedicated efforts in our behalf.

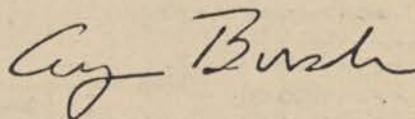
Public safety telecommunicators are more than a calm and reassuring voice at the other end of the phone. They are knowledgeable and highly trained individuals who work closely with other police, fire, and medical personnel. They are Federal and State officials who manage vital government communications in areas such as highway safety, road maintenance, forestry, and conservation; and they are municipal employees who help to ensure the smooth operation of public utilities and other services that affect the health and safety of our citizens. Because emergencies can strike at any time, we rely on the vigilance and the preparedness of these individuals 24 hours a day, 365 days a year.

Our Nation enjoys the highest standards of public health and safety in the world, and we owe a great debt to the men and women who, by applying their expertise in telecommunications, help to make that achievement possible. During this special observance, we acknowledge that debt and extend a heartfelt thanks to each of them.

The Congress, by House Joint Resolution 284, has designated the week of April 12 through April 18, 1992, as "National Public Safety Telecommunicators Week" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week of April 12 through April 18, 1992, as National Public Safety Telecommunicators Week. I invite all Americans to observe this week with appropriate programs and activities in honor of all the emergency dispatchers and other communications specialists, both professional and volunteer, who help to protect our health and safety.

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





# Reader Aids

Federal Register

Vol. 57, No. 55

Friday, March 20, 1992

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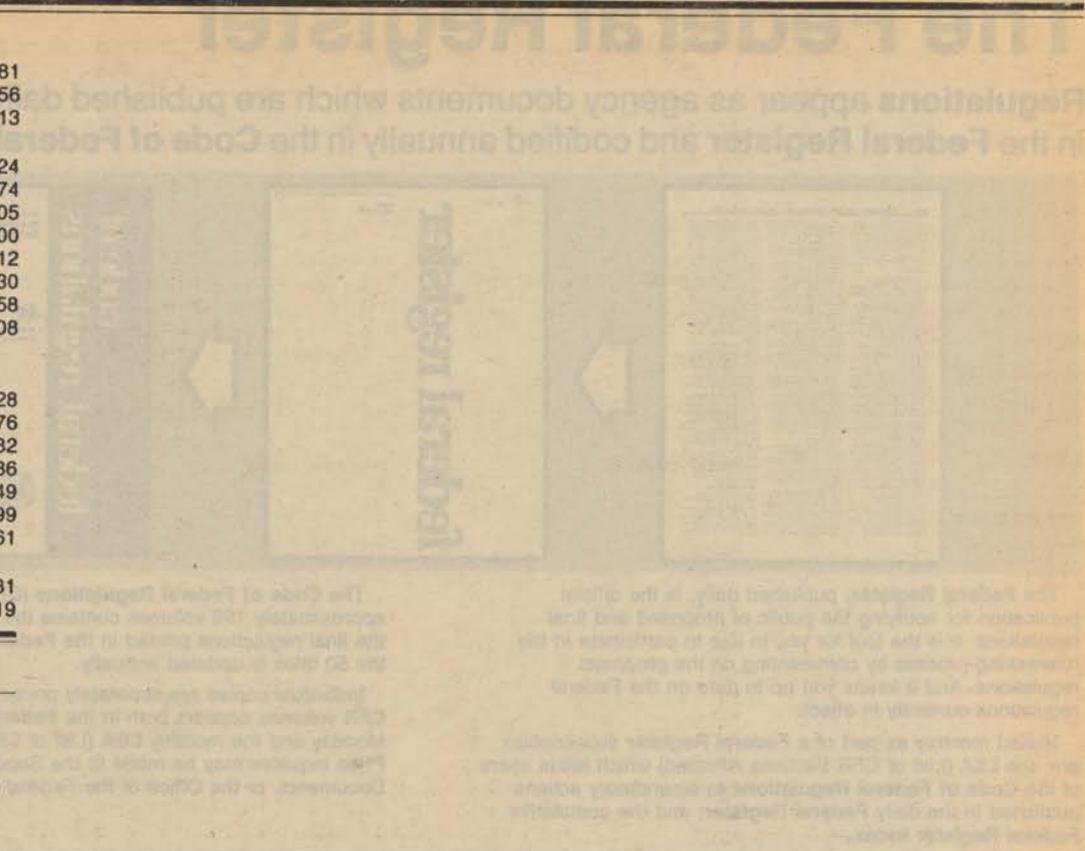
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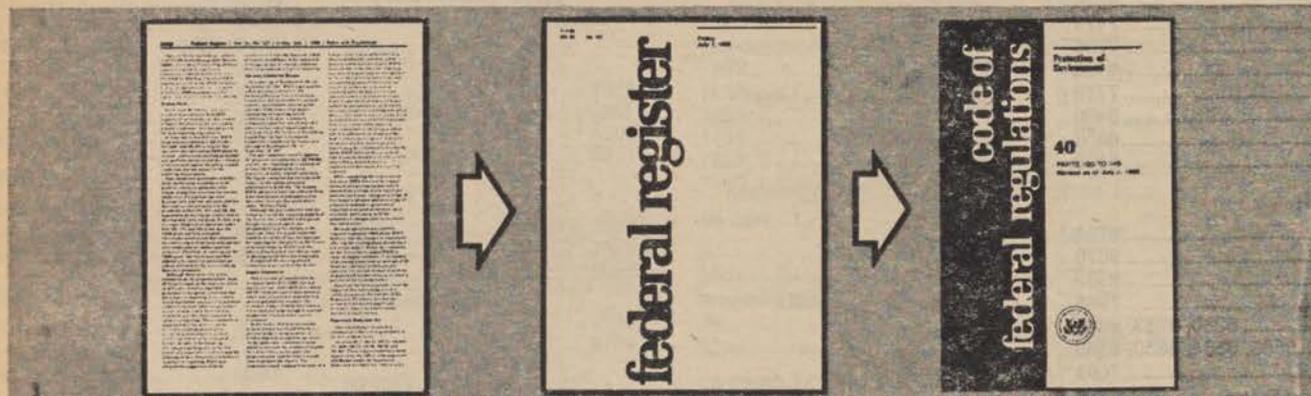
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