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FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

T4WHEN: April 7, at 9:00 a.m.
WHERE: Office of the Federal Register,
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RESERVATIONS: 202–523–5240.
DIRECTIONS: North on 11th Street from
Metro Center to corner
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WHEN: April 23; at 9:00 a.m.
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Federal Building,
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Chapter III

Transfer of Receivership Rules and Removal of Subchapter

AGENCY: Federal Deposit Insurance Corporation ("FDIC").

ACTION: Final rule; technical amendment.

SUMMARY: The FDIC is transferring its receivership rules (12 CFR part 360) from subchapter C to subchapter B of chapter III and removing subchapter C in its entirety from the Code of Federal Regulations. This action is being taken because subchapter C is no longer necessary. Subchapter C was added to accommodate regulations transferred from the Federal Savings and Loan Insurance Corporation by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989. Since the transfer (54 FR 42800, October 18, 1989) all subchapter C regulations, except part 360, have been revoked or incorporated into other FDIC regulations.

EFFECTIVE DATE: March 26, 1992.

FOR FURTHER INFORMATION CONTACT: Jen Hickson, 202–898–3807.

SUPPLEMENTARY INFORMATION: The provisions of section 553 of title 5, United States Code, relating to notice, public participation, and deferred effective date do not apply because this amendment is procedural in nature and does not constitute a substantive rule subject to the requirements of that section.

Accordingly, under the authority of title IV of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (Pub. L. 101–73; 103 Stat. 183, 354), the FDIC is amending 12 CFR chapter III as follows:

PART 360—[AMENDED]

1. Part 360 is transferred from subchapter C to subchapter B.

PART 386—[REMOVED]

2. Subchapter C, consisting of Part 386, which is reserved, is removed.

Dated: March 20, 1992.
Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.
[FR Doc. 92–6979 Filed 3–25–92; 8:45 am]
BILLING CODE 6714–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91–NM–188–AD; Amendment 39–8207; AD 92–07–11]

Airworthiness Directives; Boeing Model 747–100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Boeing Model 747–100 series airplanes, which requires inspection to detect cracking of the wing front spar web above engine numbers 2 and 3, and repair, if necessary. This amendment is prompted by a report of an 18-inch crack in the front spar web at the attach fitting of the number 3 engine. The actions specified by this AD are intended to prevent fuel leakage onto an engine and a resultant fire.

DATES: Effective May 4, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 4, 1992.

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

FOR FURTHER INFORMATION CONTACT: Satish Pahuja, Seattle Aircraft Certification Office, Airframe Branch, ANM–120S; telephone (206) 227–2781; fax (206) 227–1181. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to Boeing Model 747–100 series airplanes was published in the **Federal Register**, on October 11, 1991 (56 FR 51349). That action proposed to require repetitive visual and ultrasonic inspections of the wing front spar web above engine numbers 2 and 3 to detect cracks; and repair if necesary. That action also proposed an optional terminating action, consisting of the replacement of fasteners at the upper and lower chord with oversized fasteners.

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

Several commenters do not concur with the issuance of the proposed rule, because only one operator reported a single crack on an airplane that had accumulated 19,458 flight cycles. Similar cracking has not been observed on the manufacturer's "Fatigue Test Airplane," which has accumulated 25,601 flight cycles. The FAA does not concur. It has been determined that the crack was caused by fatigue; therefore, similar cracking is likely to develop on the wing front spar web on other Boeing Model 747–100 series airplanes, which are built with identical structural design and fabrication methods.

The Air Transport Association (ATA) of America, on behalf of several of its members, requests that the proposed threshold for inspections be revised. Two members question whether the proposed inspection threshold of 15,000 flight cycles is justified, considering that the airplane on which the subject cracking was detected had accumulated 19,458 flight cycles. These commenters suggest that the proposed threshold for inspections be extended to 18,000 flight cycles. The FAA does not concur. The inspection threshold was established

based upon (1) general priniciples of fatigue crack growth analysis, (2) the average annual utilization of the Boeing Model 747–100 fleet, and (3) the service experience of the airplane on which the cracking was discovered. Based on these factors, the FAA has determined that 15,000 flight cycles represents a conservative estimate of the interval when fatigue cracking may initiate, and when such cracking could be detected by ultrasonic inspection prior to the crack jeopardizing the structural integrity of the wing front spar web.

Other ATA members suggest changes to the proposed compliance times. One member requests that the proposed one-year inspection compliance time for airplanes that have accumulated fewer than 20,000 flight cycles be extended an additional 3 months. Several other commenters request that the compliance period be increased from the proposed one year to 15 months for airplanes that have accumulated between 15,000 and 20,000 flight cycles. These commenters consider that such extensions would ensure that inspections could be accomplished during scheduled heavy maintenance visits, and passenger service would not be disrupted. Also, extension of the proposed one-year compliance time would preclude special scheduling at considerable expense, beyond what was projected by the proposed rule. One commenter requests that the proposed one-year compliance time be increased, because paint stripping would be required in order to perform the inspection, and an airplane would be out of service for at least one day. The FAA concurs that the compliance times can be extended somewhat. The FAA's intent was that the inspections be conducted during a regularly scheduled maintenance visit for the majority of the affected fleet, when the airplanes would be located at a base where special equipment and trained personnel would be readily available, if necessary. Based on the information supplied by the commenters, the FAA now recognizes that 15 months corresponds more closely to the interval representative of most of the affected operators' normal maintenance schedules. Accordingly, paragraphs (a)(2) and (a)(3) of the final rule have been revised to reflect a compliance time of 15 months. The FAA does not consider that this extension will adversely affect safety.

Two commenters recommend that the proposed rule include a terminating action for the repetitive inspections. The FAA notes that provisions for a terminating action were included in paragraph (c)(2) of the notice (and, likewise, in this final rule).

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

There are approximately 135 Boeing Model 747–100 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 87 airplanes of U.S. registry will be affected by this AD, that it will take approximately 16 work hours per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $76,560.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

92–07–11. Boeing: Amendment 39–8207. Docket 91–NM–188–AD.

Applicability: Model 747–100 series airplanes; as listed in Boeing Alert Service Bulletin 747–57A2266, dated June 6, 1991; certificated in any category.

Compliance: Required as indicated, unless accomplished previously. To prevent fuel leakage onto an engine and a resultant fire, accomplish the following:

(a) Perform a visual and an ultrasonic inspection of the wing front spar web between front spar station (FSS) 636 and FSS 675 in accordance with Boeing Alert Service Bulletin 747–57A2266, dated June 6, 1991, at the applicable time specified in the following schedule:

(1) For airplanes that have accumulated more than 20,000 flight cycles as of the effective date of this AD, perform the inspections within six months after the effective date of this AD.

(2) For airplanes that have accumulated between 15,000 flight cycles and 20,000 flight cycles as of the effective date of this AD, perform the inspections within 15 months after the effective date of this AD.

(3) For airplanes with fewer than 15,000 flight cycles as of the effective date of this AD, perform the inspections within 15 months after accumulating 15,000 flight cycles.

(b) If cracking is found, prior to further flight, repair in a manner approved by the Manager, Seattle Aircraft Certification Office, FAA, Transport Airplane Directorate.

(c) If no cracking is found, accomplish either subparagraph (c)(1) or (c)(2) of this AD:

(1) Repeat the inspections required by paragraph (a) of this AD at intervals not to exceed 2,000 flight cycles.

(2) Install the modification, consisting of the replacement of fasteners, specified in Boeing Alert Service Bulletin 747–57A2266, dated June 6, 1991. Accomplishment of this modification constitutes terminating action for the repetitive inspection requirements of this AD.

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

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

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

(f) The inspections and repairs shall be done in accordance with Boeing Alert Service Bulletin 747–57A2266, dated June 6, 1991. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. Copies may be inspected at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, DC.

(g) This amendment becomes effective May 4, 1992.

Issued in Renton, Washington, on March 10, 1992.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92–7032 Filed 3–25–92; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 91–NM–215–AD; Amendment 39–8205; AD 92–07–09]

Airworthiness Directives; Boeing Model 737–300, –400, and –500 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Boeing Model 737 series airplanes, that currently requires a limitation in the FAA-approved Airplane Flight Manual (AFM) to incorporate certain operational procedures to detect uncommanded changes in the altitude windows of the Mode Control Panel (MCP). This amendment requires modification of the currently-installed MCP. This amendment is prompted by the development of a new MCP that is not susceptible to uncommanded changes in the altitude window. The actions specified by this AD are intended to prevent uncommanded changes that could cause the airplane to fly to an altitude that was not selected by the pilot.

DATES: Effective May 4, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 4, 1992.

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

FOR FURTHER INFORMATION CONTACT: Mr. Peter Skaves, Aerospace Engineer, Seattle Aircraft Certification Office, Systems & Equipment Branch, ANM–130S, FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (206) 227–2795; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation regulations by superseding AD 90–07–02, Amendment 39–6547 (55 FR 10605, March 22, 1990), which is applicable to Boeing Model 737–300 series airplanes equipped with Sperry SP300 autopilots, was published in the **Federal Register** on November 18, 1991 (56 FR 58191). The action proposed to require modification of the currently-installed Mode Control Panel (MCP).

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

One commenter supports the rule as proposed.

Two commenters request that the proposed compliance time be extended from 12 to 24 months after the effective date of the AD. One of these commenters states that certain operators are accomplishing the MCP modifications in their own facilities, and that spare MCP availability and existing operator modification capabilities cannot support equipment modification turnaround rates that are high enough to meet the proposed 12 month compliance period. Another commenter points out that timely accomplishment of the modification is dependent upon the ability of Honeywell to quickly rework and return a fixed number of rotatable units. The commenter indicates that most of the units affected by the AD belong to one operator; consequently, retrofit cannot be easily accelerated unless significantly more rotatable units are made available to this operator. Additionally, the commenter believes that, since the operational limitations required by AD 90–07–02 remain in effect until the modification required by this AD is accomplished, flight safety would not be compromised in the interim. The FAA partially concurs. Since operators have been aware of the problem addressed in this AD since the time Boeing issued Service Bulletin 737–22A1098 (January 17, 1991), the FAA has determined that an extension of the proposed compliance time from 12 to 18 months is warranted in order to provide adequate time for operators to comply with the requirements of this AD.

Two commenters suggest that the economic analysis paragraph of the preamble be revised. These commenters state that there are no parts or labor costs involved with this action, since Boeing and Honeywell are covering these costs with regard to the modification. Therefore, only the costs associated with removal and reinstallation of the MCP's will be incurred by the operators. One commenter suggests that the number of work hours required to accomplish this removal and reinstallation should reflect only 1 work hour, rather than the 16 work hour figure that appeared in the preamble to the proposal. Further, the commenter states that labor costs to an airline modifying its own MCP's will be reimbursed at the normal hourly rate paid for warranty repairs. The FAA concurs and, based on this new data, the economic analysis paragraph, below, has been revised accordingly.

One commenter, Honeywell, requests that the final rule provide clarification as to how the modification will be performed. This commenter states that reference to "replacement of MCP's," as stated in the cost analysis information in the preamble to the notice, could result in confusion. The FAA concurs that clarification of this point is necessary: Honeywell is producing modification kits for existing MCP's; once the MCP is modified with this kit, it is assigned a new part number. An operator can either install the modification kit and bill Honeywell for the costs, or send the MCP to a Honeywell service center for installation of the modification kit (at no cost to the operator). Upon request, a spare MCP may be loaned to an operator temporarily, until the operator's modification kit is installed. Honeywell has established a modification schedule to facilitate the flow of units to be modified for operators. To further clarify this point, the FAA has revised paragraph (b) of the final rule to specify that the required action is to "modify" the MCP, rather than "replace."

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

There are approximately 864 Boeing Model 737–300, –400, and –500 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 440 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to remove and reinstall the MCP, and that the average labor rate is $55 per work hour. Modification of the MCP's will be accomplished by the manufacturer and vendor at no cost to the operators. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $24,200.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–6547 (55 FR 10605, March 22, 1990), and by adding a new airworthiness directive (AD), amendment 39–8205, to read as follows:

92–07–09. Boeing: Amendment 39–8205. Docket 91–NM–215–AD. Supersedes AD 90–07–02, Amendment 39–6547.

Applicability: Model 737–300, –400, and –500 series airplanes; equipped with Sperry SP300 Autopilot Flight Control Computers and Mode Control Panels (MCP); certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent uncommanded changes to the target altitude displayed in the altitude window of the autopilot mode control panel (MCP), accomplish the following:

(a) For Model 737–300 series airplanes: Within 10 days after April 5, 1990 (the effective date of AD 90–07–02, Amendment 39–6547), incorporate the following procedures into the Limitations Section of the FAA-approved Airplane Flight Manual (AFM). This may be accomplished by inserting a copy of this AD in the AFM.

"Autopilot Limitations

"For airplanes with SP300 autopilot MCP. Flightcrews must use the following procedures:

1. Check MCP settings after any electrical power interruptions.

2. Following change in ALT selection in the MCP window, check ALT display to ensure desired altitude is displayed.

3. Closely monitor altitude during all altitude changes to ensure that the autopilot captures and levels off at the desired altitude.

Note: Standard 'callouts,' crew coordination, and cross-checking of MCP settings and flight instruments are necessary to detect any nonselected MCP display number changes."

(b) For all airplanes: Within 18 months after the effective date of this AD, modify the MCP in accordance with Boeing Alert Service Bulletin 737–22A1098, dated January 17, 1991.

(c) After accomplishment of paragraph (b) of this AD, remove the AFM limitation that is specified in paragraph (a) of this AD.

Note: For Model 737–400 and –500 series airplanes, this limitation was included in the amended type certificate, and must be deleted in accordance with this paragraph.

(d) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

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

(f) The modification shall be done in accordance with Boeing Alert Service Bulletin 737–22A1098, dated January 17, 1991. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, DC.

(g) This amendment becomes effective on May 4, 1992.

Issued in Renton, Washington, on March 10, 1992.

James. V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92–7033 Filed 3–25–92; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 91–NM–93–AD; Amendment 39–8206; AD 92–07–10]

Airworthiness Directives; Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 737 series airplanes, that requires the installation of additional protection on the wire bundles in the circuit breaker panel to guard against damage from chafing and to protect the battery bus wiring from overloading. This amendment is prompted by reports of arcing and smoke emanating from the panel, and the discovery of undersized wiring to the battery bus. The actions specified by this AD are intended to prevent smoke and fire in the cockpit emanating from the panel and loss of safety-essential systems.

DATES: Effective May 4, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 4, 1992.

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

FOR FURTHER INFORMATION CONTACT: Mr. Matthew S. Wade, Seattle Aircraft Certification Office, Systems and Equipment Branch, ANM–130S, FAA, Transport Airplane Directorate, 1601

Lind Avenue SW., Renton, Washington 98055–4056; telephone (206) 227–2751; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain Boeing Model 737 series airplanes was published in the **Federal Register** on October 8, 1991 (56 FR 50679). That action proposed to require the installation of additional protection on the wire bundles in the circuit breaker panel to guard against damage from chafing and to protect the battery bus wiring from overloading.

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

One commenter supports the proposal.

The Air Transport Association (ATA) of America, on behalf of several of its member operators, requests that the proposed compliance time of 6 months be extended. Several members suggest that the proposed compliance time be changed so that the modifications can be scheduled during a "C" check, approximately 18 months. One member points out that an extension of the compliance time is necessary since all electrical power must be removed from each airplane for 10 to 12 hours in order to complete the proposed modification; consequently, retrofit could not be accomplished during a typical overnight hold, because other maintenance activity requiring electrical power could not be completed. The FAA does not concur that an extension of the compliance time is warranted. Continued use of the existing wire between the 28 volt DC battery bus and the Digital Flight Control System poses a hazard to the system itself, as well as the adjoining wire bundles in the P6 panel. Consequently, many systems contained in the wire bundles could be damaged from wire chafing or overheating of the DC battery bus wiring. In developing an appropriate compliance time for the AD, the FAA considered not only the degree of urgency associated with addressing this unsafe condition, but the availability of required parts and the practical aspect of installing the required modification within a maximum interval of time allowable for all affected airplanes to continue to operate without compromising safety. Additionally, the proposed compliance time was selected so that it would fall during an interval of regularly scheduled maintenance for the majority of the affected fleet. Further, since issuance of the NPRM, another incident has occurred, causing 22 wires to chafe and short against the airplane structure. Taking these items into consideration, the FAA considers the compliance time, as proposed, to be justified. However, as provided by paragraph (c) of the final rule, the FAA may consider the approval of an extended interval as an alternative method of compliance, if the operator can provide sufficient data to justify such an extension.

One commenter maintains that if wire bundles located in the P6–2 circuit breaker panel are modified in accordance with Boeing Service Bulletin 737–24–1077, as would be required by proposed paragraph (a), then the failure mode addressed by Boeing Service Bulletin 737–24–1084 (and proposed paragraph (b)) that would produce a 60 amp load on the 28 volt DC battery bus wiring circuit is highly unlikely to occur. In light of this, the commenter believes that the subsequent installation of the correct gauge wire in the circuit breaker panel, as would be required by proposed paragraph (b), is not necessary. The FAA does not concur. As demonstrated by service history and confirmed through fault analysis, either failure mode described in the referenced Boeing service bulletins can occur and each represents an unsafe condition if the undersized wire is operated beyond the carrying limits of current industry standards. Both proposed modifications are necessary in order to fully protect the system and address positively the unsafe condition presented.

The manufacturer recommends that the AD be revised to state that airplanes previously modified in accordance with earlier versions of the cited Boeing service bulletins (that is, Service Bulletin 737–24–1077, dated August 17, 1989, or Revision 1, dated August 16, 1990; or Service Bulletin 737–24–1084, dated October 11, 1990) are considered to be in compliance with the rule. The FAA concurs, and has revised paragraphs (a) and (b) of the final rule to reflect this.

This final rule specifies that Boeing Service Bulletin 737–24–1084, Revision 1, was issued on March 21, 1991, instead of March 8, 1991, as was inadvertently cited in the notice.

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

There are approximately 863 Boeing Model 737 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 450 airplanes of U.S. registry will be affected by this AD. Both modifications specified in the rule will be required to be accomplished on approximately 388 airplanes; it will take approximately 10 manhours per airplane to accomplish both modifications. Replacement of the undersized wire will be required to be accomplished on approximately 62 airplanes; it will take approximately 6 manhours per airplane to accomplish the replacement. The average labor rate is $55 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $233,860.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

92-07-10. Boeing: Amendment 39-8206. Docket 91-NM-93-AD.

Applicability: Model 737 airplanes, as listed in Boeing Service Bulletin 737-24-1077, Revision 2, dated July 25, 1991, and Boeing Service Bulletin 737-24-1084, Revision 1, dated March 21, 1991; certificated in any category.

Compliance: Required within 6 months after the effective date of this AD, unless accomplished previously.

To prevent chafing of wires and electrical overload of wires, and to remove the potential for a fire in the cockpit, accomplish the following:

(a) For airplanes listed in Boeing Service Bulletin 737-24-1077, Revision 2 dated July 25, 1991: Modify the wire bundles and install a capped quick release receptacle and nutplate, in accordance with Boeing Service Bulletin 737-24-1077, dated August 17, 1989; or Revision 1, dated August 16, 1990; or Revision 2, dated July 25, 1991.

(b) For airplanes listed in Boeing Service Bulletin 737-24-1084, Revision 1, dated March 21, 1991: Replace the undersized wire with a 12 gauge wire in the P6-2 circuit breaker panel, in accordance with Boeing Service Bulletin 737-24-1084, dated October 11, 1990; or Revision 1, dated March 21, 1991.

(c) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

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

(e) The modifications shall be done in accordance with Boeing Service Bulletin 737-24-1077, dated August 17, 1989, or Revision 1, dated August 16, 1990, or Revision 2, dated July 25, 1991; and in accordance with Boeing Service Bulletin 737-24-1084, dated October 11, 1990, or Revision 1, dated March 21, 1991. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. Copies may be inspected at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

(f) This amendment becomes effective on May 4, 1992.

Issued in Renton, Washington, on March 10, 1992.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-7034 Filed 3-25-92; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 91-NM-164-AD; Amendment 39-8208; AD 92-07-12]

Airworthiness Directives; Boeing Model 767 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Boeing Model 767 series airplanes, that requires modification of the lever and bracket assemblies and connecting bolts for the off-wing escape slide compartment door opening actuators. This amendment is prompted by reports of operations unable to adjust the travel on the actuator firing pins to obtain the required engagement, and insufficient connecting bolt length. The actions specified by this AD are intended to prevent an inadvertent in-flight off-wing escape slide deployment during flight and consequent damage to the airplane, or failure of the off-wing escape system to deploy when required for an emergency evacuation.

DATES: Effective May 4, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 4, 1992.

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

FOR FURTHER INFORMATION CONTACT: Mr. Jayson Claar, Aerospace Engineer, Airframe Branch, ANM-120S, Seattle Aircraft Certification Office, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2784; fax (206) 227-1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain Boeing Model 767 series airplanes was published in the **Federal Register** on September 30, 1991 (56 FR 49437). That action proposed to require modification of the lever and bracket assemblies and connecting bolts for the off-wing escape slide compartment door opening actuators.

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

One commenter supports the proposed rule.

Another commenter requests that the applicability of the AD be revised to include only those Boeing Model 767 series airplanes on which a firing pin lever has been installed in accordance with the original version of Boeing Service Bulletin 767-25-0137, and those with the production equivalent through line number 357. The commenter contends that installation of a firing pin lever was intended only as a product improvement to assist operators in performing the required rigging adjustment. The FAA does not concur. The FAA has received reports indicating that some operators have experienced difficulty rigging the compartment doors, in particular, aligning the firing pin lever. Difficulty in rigging the compartment doors could lead to the possibility of airplanes being returned to service with misrigged or inoperative doors. Incorporation of the procedures specified in the original service bulletin will eliminate this difficulty. In light of this information, the FAA has determined that both the installation of the firing pin lever (reference the original version of the service bulletin) and the correction of the bolt length (reference Revision 1 of the service bulletin) are necessary for all airplanes currently listed in the applicability of the Notice in order to ensure that the unsafe condition is corrected.

One commenter questions the justification for proceeding with the proposed rule. This commenter states that there have been no occurrences where the firing pin was not pulled adequately in order to fire the actuator, and no occurrences where inadvertent deployment was caused by pulling the pins by mistake. The FAA does not concur with commenter's suggestion that this AD action is not justified. Although there have been no in-service incidents of inadvertent slide deployment, there have been at least three reports of the inability of crew or maintenance personnel to adjust the travel on the actuator firing pins in order to obtain the required engagement. Sufficient data

exist to demonstrate that this factor, coupled with the fact that connecting bolts may have insufficient length, presents a situation that could result in the inadvertent deployment of the slide. Since this unsafe condition potentially could exist on any of the affected airplanes equipped with these escape systems, the FAA has determined that the modification required by this AD represents a positive fix to prevent its occurrence.

One commenter requests that the proposed rule be revised to require only repetitive verification of the travel distance of the actuator firing pins. This commenter believes that modification of the subject unit is not necessary to address the unsafe condition. The FAA does not concur. This AD action reflects the FAA's decision that long term continued operational safety should be assured by actual modification of the airframe to remove the identified problem, rather than by repetitive inspections. As addressed previously, the modification required by this AD action is a positive fix to prevent the occurrence of the addressed unsafe condition.

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

There are approximately 318 Boeing Model 767 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 131 airplanes of U.S. registry will be affected by this AD, that it will take approximately 8 work hours per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. Modification parts will be provided by the manufacturer at no cost to operators. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $57,640.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

92-07-12. Boeing: Amendment 39-8208. Docket 91-NM-164-AD.

Applicability: Model 767 series airplanes, as listed in Boeing Service Bulletin 767-25-0137, Revision 1, dated May 9, 1991, certificated in any category.

Compliance: Required within the next 18 months after the effective date of this AD, unless accomplished previously.

To ensure proper deployment of the off-wing escape system, accomplish the following:

(a) Modify the off-wing escape system in accordance with Boeing Service Bulletin 767-25-0137, Revision 1, dated May 9, 1991.

(b) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

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

(d) The modification shall be done in accordance with Boeing Service Bulletin 767-25-0137, Revision 1, dated May 9, 1991. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

(e) This amendment becomes effective on April 30, 1992.

Issued in Renton, Washington, on March 10, 1992.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-7035 Filed 3-25-92; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 91-NM-154-AD; Amendment 39-8209; AD 92-07-13]

Airworthiness Directives; Boeing Model 767 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 767 series airplanes, that requires adjustment of the escape system girt bar locks. This amendment is prompted by a report of an escape slide that failed to deploy and fell to the ground. The actions specified by this AD are intended to ensure proper retention of the girt bar to the girt bar carrier. This condition, if not corrected, could result in the escape system not being available during an emergency evacuation.

DATES: Effective May 4, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 4, 1992.

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

FOR FURTHER INFORMATION CONTACT: Mr. Jayson B. Claar, Seattle Aircraft Certification Office, Airframe Branch, ANM-120S; telephone (206) 227-2784. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an

airworthiness directive (AD) that is applicable to certain Boeing Model 767 series airplanes was published in the Federal Register as a supplemental notice of proposed rulemaking on January 13, 1992 (57 FR 1229). That action proposed to require adjustment of the escape system girt bar locks on Type A and certain Type I emergency exits.

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

Both commenters support the rule as proposed.

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

There are approximately 354 Boeing Model 767 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 134 airplanes of U.S. registry will be affected by this AD, that it will take approximately 20 work hours per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $147,400.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

92-07-13. Boeing: Amendment 39-8209. Docket 91-NM-154-AD.

Applicability: Model 767 series airplanes; as listed in Boeing Alert Service Bulletin 767-52A0061, Revision 1, dated September 26, 1991; certificated in any category.

Compliance: Required within the next 60 days after the effective date of this AD, unless accomplished previously.

To ensure proper retention of the girt bar to the girt bar carrier, accomplish the following:

(a) Adjust the ball plunger for the girt bar locks in accordance with Boeing Alert Service Bulletin 767-52A0061, Revision 1, dated September 26, 1991.

(b) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

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

(d) The repair shall be done in accordance with Boeing Alert Service Bulletin 767-52A0061, Revision 1, dated September 26, 1991. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle Washington 98124. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

(e) This amendment becomes effective on May 4, 1992.

Issued in Renton, Washington, on March 10, 1992.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-7036 Filed 3-25-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 91-NM-208-AD; Amendment 39-8199; AD 92-07-03]

Airworthiness Directives; British Aerospace Model BAe 125-800A Series Airplanes

AGENCY: Federal Aviation Adminstration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain British Aerospace Model BAe 125-800A series airplanes, that requires installation of an improved wash basin water tank shroud drain outlet. This amendment is prompted by reports of wash basin water tank leakage, which could result in ice forming on the aileron control cables. The actions specified by this AD are intended to prevent reduced controllability of the airplane.

DATES: Effective May 4, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 4, 1992.

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

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

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain British Aerospace Model BAe 125-800A series airplanes was published in the Federal Register on December 2, 1991 (56 FR 61213). That action proposed to require installation of an improved wash basin water tank shroud drain outlet.

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

The commenter requests that the FAA require the manufacturer to develop a shield to cover the aileron control cable pulleys in order to prevent the unsafe condition regardless of where the water leak occurs. The commenter notes that the British Aerospace service bulletin referenced in the proposal addresses only one possible source of water leakage that could freeze and result in the unsafe condition. Additionally, the commenter indicates that a Service Difficulty Report on a certain British Aerospace Model BAe 125–800A series airplane has been filed, which depicts another water leak source that could result in ice forming on the aileron control cables.

The FAA does not concur with the commenter's request. The notice proposes corrective action to address service difficulties involving aileron cable freezing that could occur due to failures in an aft lavatory water supply and drain system supplied by British Aerospace at the time the airplane was manufactured. The FAA has determined that the currently proposed corrective action is an adequate solution to problems that the manufacturer's assessment indicates could occur with that system. The commenter's request for a different approach to correct aileron freezing problems is prompted by other service experience involving aileron cable freezing associated with a specific Supplemental Type Certificate (STC)-approved aft bar and ice maker system installation. The FAA plans to investigate the need for different or additonal corrective action to prevent aileron cable freezing on airplanes with the STC-approved aft bar and ice maker installation as a separate project, and will take corrective action, as warranted. However, the FAA would consider a request for approval to correct the aileron cable freezing problem by means other than that specified in this AD, in accordance with the provisions of paragraph (c) of this AD.

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

The FAA estimates that 4 airplanes of U.S. registry will be affected by this AD, that it will take approximately 8 work hours per airplane to accomplish the required actions, and that the average labor rate of $55 per work hour. Required parts will cost approximately $2,159 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $10,396.

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 responsibilites among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

92–07–03. British Aerospace: Amendment 39–8199. Docket 91–NM–208–AD.

Applicability: Model BAe 125–800A series airplanes, as listed in British Aerospace Service Bulletin 25–67–25A013A, Revision 2, dated October 18, 1991; certificated in any category.

Compliance: Required as indicated, unless accomplished previously. To prevent reduced controllability of the airplane, accomplish the following:

(a) Within 30 days after the effective date of this AD, drain the water from the wash basin water tank; and fabricate and install a placard to indicate that the wash basin is "inoperative."

(b) Within 3 months after the effective date of this AD, install a new collector/outlet and drain pipe below the wash basin water tank outlet in accordance with British Aerospace Service Bulletin 25–67–25A013A, Revision 2, dated October 18, 1991. After installing the new collector/outlet and drain pipe, remove the placard required by paragraph (a) of this AD.

(c) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Standardization Branch, ANM–113.

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

(e) The installation shall be done in accordance with British Aerospace Service Bulletin 25–67–25A013A, Revision 2, dated October 18, 1991, which includes the following list of effective pages:

Note: The individual pages of this service bulletin are marked only with a "revision level." No dates appear on the pages, except for page 1, which references July 18, 1991, as the issue date of the original version of the service bulletin, and October 18, 1991, as the issue date of Revision 2.

Page No:	Revision level
1, 7–8, 9–10	2.
2, 3, 4, 5–6, 11–12, 13, 14	Original.

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

(f) This amendment becomes effective on May 4, 1992.

Issued in Renton, Washington, on March 5, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92–7037 Filed 3–25–92; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 200, 203, and 234

[Docket No. R-92-1514; FR-2855-C-03]

Single Family Development Acceptance of Individual Residential Water Purification Equipment; Correction

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule; correction.

SUMMARY: On March 19, 1992 (57 FR 9602), the Department published in the **Federal Register**, a final rule that sets out the circumstances under which the Department will agree to provide FHA mortgage insurance on single family properties for which a loan-to-value ration (LTV) greater than 90% is proposed, and when certain of the requirements associated with water supply systems set out in 24 CFR 200.926d(f), and usually applied to such properties, cannot be met. The purpose of this document is to correct the regulatory text amendatory language indicated in the final rule to reflect the fact that the published rule was indeed a final rule and not a proposed rule. This document will also list the Subject Indexing Terms for 24 CFR parts 200, 203, and 234, and the Federal Domestic Assistance Catalog number that the inadvertently omitted from the published final rule.

EFFECTIVE DATE: April 20, 1992.

FOR FURTHER INFORMATION CONTACT: Donald Fairman, Manufactured Housing and Construction Standards Division, room 6207, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone, voice: (202) 708–0718; (TDD) (202) 708–4594. (These are not toll-free numbers).

SUPPLEMENTARY INFORMATION: Accordingly, FR Doc. 92–6234, the final rule amending 24 CFR parts 200, 203, and 234, published in the **Federal Register** on Thursday, March 19, 1992 (57 FR 9602) is corrected to read as follows:

PARTS 200, 203, and 234—[CORRECTED]

1. On page 9609, immediately following the end of the preamble and before the words of issuance at the top of the third column, the Federal Domestic Assistance Catalog number (FDAC) and the list of subjects are added to read as follows:

"The Federal Domestic Assistance Catalog number (FDAC) for this final rule is 14.181.

List of Subjects

24 CFR Part 200

"Administrative practice and procedure, Claims, Equal employment opportunity, Fair housing, Home improvement, Housing standards, Lead poisoning, Loan programs—housing and community development, Mortgage insurance, Organization and functions (Government agencies), Reporting and Recordkeeping requirements, and Social security.

24 CFR Part 203

Hawaiian Natives, Home improvement, Loan programs—housing and community development, Mortgage insurance, Reporting and recordkeeping requirements, and Solar energy.

24 CFR Part 234

Condominiums, Mortgage insurance, Reporting and recordkeeping requirements."

2. On page 9609, in the third column, at the top of the page, the words of issuance for parts 200, 203 and 234 is corrected to read as follows:

"Accordingly, the Department amends 24 CFR parts 200, 203, and 234 as follows:".

3. On page 9609, in the third column, item 1 is corrected to read as follows:

"1. The authority citation for part 200 continues to read as follows:

"**Authority:** Titles I and II, National Housing Act (12 U.S.C. 1701–1715z–18); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d))."

4. On page 9609, in the third column, the amendatory language for item 2 is corrected to read as follows:

§ 200.926d [Corrected]

"2. Section 200.926d is amended by revising paragraph (f)(2)(ii) to read as follows:".

5. On page 9609, in the third column item 3 is corrected to read as follows:

"3. The authority citation for part 203 continues to read as follows:

Authority: Secs. 203, 211, National Housing Act (12 U.S.C. 1709, 1715b); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d). In addition, subpart C is issued under sec. 230, National Housing Act (12 U.S.C. 1715u)."

6. On page 9609, in the third column, the amendatory language for item 4 is corrected to read as follows:

§ 203.52 [Corrected]

"4. A new § 203.52 is added to subpart A, to read as follows:".

7. On page 9611, in the first column, the amendatory language for item 5 is corrected to read as follows:

§ 203.550 [Corrected]

"5. In subpart C, § 203.550 is amended by revising the first sentence in paragraph (c), and by adding a new second sentence to paragraph (c), to read as follows:".

8. On page 9611, in the second column, item 6 is corrected to read as follows:

"6. The authority citation for part 234 continues to read as follows:

"**Authority:** Secs. 211, 234, National Housing Act (12 U.S.C. 1715b, 1715y); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)). Section 234.520(a)(2)(ii) is also issued under sec. 201(a), National Housing Act (12 U.S.C. 1707(a))."

9. On page 9611, in the second column, the amendatory language for item 7 is corrected to read as follows:

§ 234.64 [Corrected]

"7. A new § 234.64 is added to subpart A, to read as follows:".

Dated: March 20, 1992.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 92–6947 Filed 3–25–92; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900–AF66

Veterans' Benefits Programs Improvement Act of 1991

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) has amended its adjudication regulations concerning the frequency of parents' dependency and indemnity compensation (DIC) payments, the eligibility of remarried surviving spouses or married children for the reinstatement of benefits, the presumptive period for leukemia as a radiogenic disease, the definition of a radiation-exposed veteran and the protection of ratings when changes are made in the Schedule for Rating Disabilities (38 CFR part 4). These amendments are necessary to implement recently enacted legislation. The intended effect of these

amendments is to bring the regulations into conformance with the new statutory requirements.

EFFECTIVE DATE: These amendments are effective August 14, 1991, the date that Public Law 102–86 was signed into law.

FOR FURTHER INFORMATION CONTACT: John Bisset, Jr., Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 233–3005.

SUPPLEMENTARY INFORMATION: Section 102 of the Veterans' Benefits Programs Improvement Act of 1991, Public Law 102–86, amended 38 U.S.C. 1315 (formerly 415) to authorize the Secretary to make payment of parents' DIC less frequently than monthly if the amount of the annual benefit is less than 4 percent of the maximum annual rate payable under 38 U.S.C. 1315. The Secretary has decided to exercise that authority by authorizing semiannual payments, but allowing affected beneficiaries to elect to receive payment monthly in cases in which other federal benefits would otherwise be denied. Because of the small number of beneficiaries receiving benefits under this program, and because the difference between the minimum payment of $5 per month and the point at which payment less frequently than monthly is authorized is so slight, the cost of programming to provide for payment at additional intervals is not warranted. VA is amending 38 CFR 3.30 to provide for semiannual payments.

Section 8004 of the Omnibus Budget Reconciliation Act of 1990, Public Law 101–508, eliminated the eligibility of remarried surviving spouses and married children for reinstatement of benefits when that marital relationship terminates unless the disqualifying marital relationship was void or was annulled. Similarly, the fact that a surviving spouse of a veteran terminated a relationship with another person, in which the surviving spouse held himself or herself out openly to the public as the spouse of that person, was also eliminated as a basis for the reinstatement of benefits. These provisions apply to claims filed after October 31, 1990. Section 502 of Public Law 102–86 provides that the amendments made by section 8004 of Public Law 101–508 do not apply with respect to any individual who on October 31, 1990, was a surviving spouse or child within the meaning of title 38, United States Code, unless after that date that individual marries or, in the case of a surviving spouse, begins to live with another person while holding himself or herself out openly to the public as that person's spouse. VA is amending 38 CFR 3.55, 3.215, 3.400(u), 3.400(v), and 3.400(w) (as amended by 56 FR 25043–45) to implement this new statutory provision.

Section 2 of the Radiation-Exposed Veterans Compensation Act of 1988, Public Law 100–321, provided a 40-year presumptive period for all but one of the conditions for which presumptive service connection may be granted based upon participation in a radiation-risk activity during active military service; a 30-year presumptive period was provided for leukemia. Under Public Law 100–321, reservists who participated in a radiation-risk activity while on active duty for training or inactive duty training are not entitled to presumptive service connection. Section 104 of Public Law 102–86 amended 38 U.S.C. 1112 (formerly 312) to provide for a 40-year presumptive period for the occurrence of leukemia in veterans exposed to radiation, and section 105 of Public Law 102–86 extended presumptive service connection to individuals who were engaged in a radiation-risk activity during active duty for training or inactive duty training. VA is amending 38 CFR 3.309(d) to implement these new statutory provisions.

The VA General Counsel, in O.G.C. Prec. 66–90, determined that VA had no statutory authority to "grandfather" or protect disability evaluations assigned under superceded rating criteria. Section 103 of Public Law 102–86 amended 38 U.S.C. 1155 (formerly 355) to provide that a modification to the rating schedule occurring after August 14, 1991, will not result in a reduction of any disability evaluation unless that disability has actually improved. VA is deleting 38 CFR 3.343(d) since that paragraph is no longer relevant, and is amending § 3.951 to implement this new statutory provision.

VA is issuing a final rule to implement the statutory changes contained in Public Law 102–86. Because these amendments implement statutory changes, publication as a proposal for public notice and comment is unnecessary.

Since a notice of proposed rulemaking is unnecessary and will not be published, these amendments are not a "rule" as defined in and made subject to the Regulatory Flexibility Act (RFA), 5 U.S.C. 601(2). In any case, these regulatory amendments will not have a significant economic impact on a substantial number of small entities as they are defined in the RFA, 5 U.S.C. sections 601–612. These amendments will not directly affect any small entity.

In accordance with Executive Order 12291, Federal Regulation, the Secretary has determined that these regulatory amendments are non-major for the following reasons:

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

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

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

The Catalog of Federal Domestic Assistance program numbers are 64.105, 64.109 and 64.110.

List of Subjects in 38 CFR Part 3

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

Approved February 7, 1992.

Edward J. Derwinski,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 3 is amended as set forth below:

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

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

Authority: 72 Stat. 1114; 38 U.S.C. 501(a), unless otherwise noted.

2. In § 3.30, paragraph (e) is redesignated as paragraph (f), a new paragraph (e) is added, the section heading, introductory text and paragraph headings for paragraphs (a), (b), (c), and (d) are revised to read as follows:

§ 3.30 Frequency of payment of improved pension and parents' dependency and indemnity compensation (DIC).

Payment shall be made as shown in paragraphs (a), (b), (c), (d), (e), and (f) of this section; however, beneficiaries receiving payment less frequently than monthly may elect to receive payment monthly in cases in which other Federal benefits would otherwise be denied.

(a) *Improved pension—Monthly.*

* * * * *

(b) *Improved pension—Quarterly.*

* * * * *

(c) *Improved pension—Semiannually.*
* * * * *

(d) *Improved pension—Annually.*
* * * * *

(e) *Parents' DIC—Semiannually.*

Benefits shall be paid every 6 months on or about June 1, and December 1, if the amount of the annual benefit is less than 4 percent of the maximum annual rate payable under 38 U.S.C. 1315.
* * * * *

3. In § 3.55, paragraphs (b),(c), (d), (e), and the cross reference that appears at the end of the section are revised to read as follows:

§ 3.55 Terminated marital relationships.
* * * * *

(b) Provided that the marriage:

(1) Has been terminated by death, or

(2) Has been dissolved by a court with basic authority to render divorce decrees unless the Department of Veterans Affairs determines that the divorce was secured through fraud by the surviving spouse or by collusion, and

(3) The surviving spouse has not remarried after October 31, 1990, marital relationships terminated on or after January 1, 1971, but prior to November 1, 1990, shall not bar the furnishing of benefits to such surviving spouse.

(c) Provided that the same or similar relationship does not resume after October 31, 1990, the fact that a surviving spouse has lived with another person and has held himself or herself out openly to the public as the spouse of such other person shall not bar the furnishing of benefits to him or her after he or she terminates the relationship, on or after January 1, 1971, but prior to November 1, 1990.

(d) Provided that the same or similar conduct or relationship does not resume after October 31, 1990, the fact that benefits to a surviving spouse may previously have been barred because his or her conduct or a relationship into which he or she had entered had raised an inference or presumption that he or she had remarried or had been determined to be open and notorious adulterous cohabitation, or similar conduct, shall not bar the furnishing of benefits to such surviving spouse after he or she terminates the conduct or relationship, on or after January 1, 1971, but prior to November 1, 1990.

(e) Provided that the marriage:

(1) Has been terminated by death, or

(2) Has been dissolved by a court with basic authority to render divorce decrees unless the Department of Veterans Affairs determines that the divorce was secured through fraud by either party or by collusion, and

(3) The child has not remarried after October 31, 1990, marital relationships terminated on or after January 1, 1971, but prior to November 1, 1990, shall not bar the furnishing of benefits to or for such child.

Cross Reference: Evidence. See § 3.207. Termination of marital relationship or conduct. See § 3.215.

* * * * *

4. Section 3.215 is revised to read as follows:

§ 3.215 Termination of marital relationship or conduct.

With respect to marriages terminated on or after January 1, 1971, but prior to November 1, 1990, benefits may be resumed to an unmarried surviving spouse upon filing of an application and submission of satisfactory evidence that the surviving spouse has ceased living with another person and holding himself or herself out openly to the public as that person's spouse or that the surviving spouse has terminated a relationship or conduct which had created an inference or presumption of remarriage or related to open or notorious adulterous cohabitation or similar conduct, unless the same or similar conduct or relationship resumes after October 31, 1990. Such evidence may consist of, but is not limited to, the surviving spouse's certified statement of the fact.

5. In § 3.309, paragraphs (d)(3) and (d)(4)(i) are revised to read as follows:

§ 3.309 Disease subject to presumptive service connection.
* * * * *

(d) * * *

(3) The presumptive period referred to in paragraph (d)(1) of this section is the 40-year period beginning on the last day on which the veteran participated in a radiation-risk activity.

(4) * * *

(i) The term *radiation-exposed veteran* means either a veteran who while serving on active duty, or an individual who while a member of a reserve component of the Armed Forces during a period of active duty for training or inactive duty training, participated in a radiation-risk activity.
* * * * *

6. In § 3.343, paragraph (d) is removed.

7. In § 3.400, paragraphs (u)(3) and (u)(4), (v)(3) and (v)(4), and (w) are revised to read as follows:

§ 3.400 General.
* * * * *

(u) * * *

(3) *Death.* Date of death if claim is filed within 1 year after that date; otherwise date of receipt of claim. Benefits are not payable unless the provisions of § 3.55(e) of this part are met.

(4) *Divorce.* Date the decree became final if claim is filed within 1 year of that date; otherwise date of receipt of claim. Benefits are not payable unless the provisions of § 3.55(e) of this part are met.

(v) * * *

(3) *Death.* Date of death if claim is filed within 1 year after that date; otherwise date of receipt of claim. Benefits are not payable unless the provisions of § 3.55(b) of this part are met.

(4) *Divorce.* Date the decree became final if claim is filed within 1 year after that date; otherwise date of receipt of claim. Benefits are not payable unless the provisions of § 3.55(b) of this part are met.

(w) *Termination of relationship or conduct resulting in restriction on payment of benefits (38 U.S.C. 103(d)(3), 5110(m), effective January 1, 1971; §§ 3.50(b)(2) and 3.55).*

Date of receipt of application filed after termination of relationship and after December 31, 1970. Benefits are not payable unless the provisions of § 3.55 (c) or (d), as applicable, are met.
* * * * *

8. In § 3.951, the current text is designated as paragraph (b) and a new paragraph (a) and authority citation are added to read as follows:

§ 3.951 Preservation of disability ratings.

(a) A readjustment to the Schedule for Rating Disabilities shall not be grounds for reduction of a disability rating in effect on the date of the readjustment unless medical evidence establishes that the disability to be evaluated has actually improved.

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

[FR Doc. 92-6581 Filed 3-25-92; 8:45 am]
BILLING CODE 8320-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6925

[CA-940-4214-10; CACA 7435]

Revocation of Secretarial Order Dated June 23, 1908; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes in its entirety a Secretarial order which

withdrew 80 acres of National Forest System land for use as an administrative site. The land is no longer needed for this purpose, and the revocation is needed to permit disposal of the land through land exchange under the General Exchange Act of 1922. This action will open the land to such forms of disposition as may by law be made of National Forest System land. The land is temporarily closed to mining by a Forest Service exchange proposal. The land has been and will remain open to mineral leasing.

EFFECTIVE DATE: April 27, 1992.

FOR FURTHER INFORMATION CONTACT: Viola Andrade, BLM California State Office, Federal Office Building, 2800 Cottage Way, room E–2845, Sacramento, California 95825, 916–978–4820.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. The Secretarial Order dated June 23, 1908, which withdrew the following described National Forest System land for use as an administrative site, is hereby revoked in its entirety:

Mount Diablo Meridian

Klamath National Forest
Crawford Creek Administrative Site
T. 38 N., R. 11 W.,
Sec. 20, W½NE¼SW¼, NW¼SW¼, NE¼ SW¼SW¼, and NW¼SE¼SW¼.

The area described contains 80 acres in Siskiyou County.

2. At 10 a.m. on April 27, 1992, the land shall be opened to such forms of disposition as may by law be made of National Forest land, subject to valid existing rights, the provision of existing withdrawals, other segregations of record, and the requirements of applicable law.

Dated: March 17, 1992.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 92–6952 Filed 3–25–92; 8:45 am]

BILLING CODE 4310–40–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 91–310; RM–7829]

Radio Broadcasting Services; Fort Bragg, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 253B1 for Channel 253A at Fort Bragg, California, and modifies the license for Station KSAY(FM) to specify operation on the higher-powered channel, as requested by Axell Broadcasting. See 56 FR 56489, November 5, 1991. Coordinates for Channel 253B1 at Fort Bragg are 39–28–03 and 123–45–34. With this action the proceeding is terminated.

EFFECTIVE DATE: May 4, 1992.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 91–310, adopted March 12, 1992, and released March 20, 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 contractors, Downtown Copy Center, (202) 452–1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California, is amended by removing Channel 253A and adding Channel 253B1 at Fort Bragg.

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 92–7045 Filed 3–25–92; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 91–336; RM–7757]

Radio Broadcasting Services; Leesburg and Unadilla, GA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 278C3 for Channel 279A at Leesburg, Georgia, and modifies the construction permit for Station WEGC(FM) to specify operation on the higher class channel, and substitutes Channel 260A for vacant but applied for Channel 278A at Unadilla, Georgia, at the request of Rowland Albany Radio, Inc. See 56 FR 58864, November 22, 1991. Channel 278C3 can be allotted to Leesburg in compliance with the Commission's minimum distance separation requirements with a site restriction of 11.7 kilometers (7.3 miles) southeast of the community. The coordinates are North Latitude 31–39–09 and West Longitude 84–05–20. Channel 260A can be substituted for vacant but applied for Channel 278A at Unadilla in compliance with the Commission's minimum distance separation requirements with a site restriction of 3.3 kilometers (2.1 miles) northwest of the community, in order to avoid a short-spacing to Station WSGY(FM), Channel 262C, Tifton, Georgia. The coordinates are North Latitude 32–17–13 and West Longitude 83–45–13. With this action, this proceeding is terminated.

EFFECTIVE DATE: May 4, 1992.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 91–336, adopted March 9, 1992, and released March 19, 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 contractors, Downtown Copy Center, (202) 452–1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Georgia, is amended by removing Channel 279A and adding Channel 278C3 at Leesburg, and by removing Channel 278A and adding Channel 260A at Unadilla.

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 92–7046 Filed 3–25–92; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 90-592; RM-7074; RM-7659]

Radio Broadcasting Services; Oak Grove, Bastrop, and Dubach, LA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of William W. Brown (RM-7659), substitutes Channel 249C3 for Channel 249A at Dubach, Louisiana. Channel 249C3 can be allotted to Dubach in compliance with the Commission's minimum distance separation requirements with a site restriction of 5.4 kilometers (3.3 miles) south to accommodate Brown's desired site. The coordinates for Channel 249C3 at Dubach are 32-39-11 and 92-40-38. The proposal filed by 96.7 FM Radio, Inc. (RM-7074), requesting the substitution of Channel 244C2 for Channel 244C3 at Oak Grove and the substitution of channel 248A for Channel 247A at Bastrop, Louisiana, is dismissed. See 55 FR 51133, December 12, 1990. With this action, this proceeding is terminated.

EFFECTIVE DATE: May 4, 1992.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 90-592, adopted March 9, 1992, and released March 19, 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

List of Subjects in 47 CFR Part 73

Radio broadcasting

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2 Section 73.202(b), the Table of FM Allotments under Louisiana, is amended by removing Channel 249A and adding Channel 249C3 at Dubach.

Federal Communications Commission.

Michael C. Ruger,

Acting Chief, Allocations Branch, Policy and Rules Divisions, Mass Media Bureau.

[FR Doc. 92-7047 Filed 3-25-92; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-544; RM-7527 and RM-7615]

Radio Broadcasting Services; Thief River Falls and Walker, MN

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 256C1 for Channel 256C2 at Walker, Minnesota, and modifies the license for Station KLLZ-FM (formerly KLLR-FM), in response to a petition filed by Thomas E. Ferebee and Sioux Valley Broadcasting Co. See 55 FR 48257, November 20, 1990. Channel 256C1 can be allotted to Walker, Minnesota, in compliance with the Commission's spacing requirements at coordinates 47-12-42 and 94-55-02. Canadian concurrence has been obtained for this allotment. The counterproposal filed by Olmstead Broadcasting, Inc., to substitute Channel 257C2 for Channel 257A at Thief River Falls, Minnesota, has been denied (RM-7615). With this action, this proceeding is terminated.

EFFECTIVE DATE: May 4, 1992.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 90-544, adopted March 9, 1992, and released March 20, 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 contractors, Downtown Copy Center, 1714 21st Street, NW., Washington, DC 20036, (202 452-1422.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Minnesota, is amended by removing Channel 256C2 and adding Channel 256C1 at Walker.

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 92-7048 Filed 3-25-92; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-405; RM-7232]

Radio Broadcasting Services; Oakes and Kindred, ND

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of CERM Broadcasting Corporation, substitutes Channel 224C3 for Channel 223C1 at Oakes, North Dakota, reallots the channel to Kindred, North Dakota, and modifies the license of Station KDDR-FM to specify Kindred as its community of license. See 55 FR 37253, September 10, 1990. Channel 224C3 can be allotted to Kindred in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction, at coordinates North Latitude 46-38-48 and West Longitude 97-00-54. Canadian concurrence in the allotment has been received since Kindred is located within 320 kilometers (200 miles) of the U.S.-Canadian border. With this action, this proceeding is terminated.

EFFECTIVE DATE: May 4, 1992.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 90-405, adopted March 10, 1991, and released March 20, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under North Dakota, is amended by removing Oakes, Channel 223C1, and adding Kindred, Channel 224C3.

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 92-7049 Filed 3-25-92; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 663

[Docket No. 920109-2009]

Pacific Coast Groundfish Fishery

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

ACTION: Notice of fishing restriction; request for comments.

SUMMARY: NOAA announces the reduction of the daily trip landing limit for sablefish taken with nontrawl gear from 1,500 pounds to 500 pounds. This action is necessary to comply with the 1992 notice of fishery specifications and management measures that specified if 440 metric tons are projected to be taken before the regular season begins, the 500-pound trip landing limit imposed at the beginning of the year will be reimposed until the beginning of the regular season.

DATES: Effective from 0001 hours March 20, 1992. Comments will be accepted until April 6, 1992.

ADDRESSES: Send comments to Rolland A. Schmitten, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE., Bldg. 1, Seattle, Washington 98115; or E. Charles Fullerton, Director Southwest Region, National Marine Fisheries Service, 501 West Ocean Blvd; Suite 4200, Long Beach, California 90802-4213.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at (206) 526-6140; or Rodney R. McInnis at (310) 980-4040.

SUPPLEMENTARY INFORMATION: The notice of 1992 groundfish fishery specifications and management measures (57 FR 1654; January 15, 1992) announced a two-tier scheme of trip landing limits for the nontrawl sablefish fishery that began in January and was intended to extend until the beginning of the regular nontrawl sablefish season. The fishing year began with a 500-pound daily trip limit which was increased to 1500 pounds on March 1, 1992. If 440 metric tons (mt) of the 3,612 mt designated for the nontrawl sablefish fishery is projected to be taken prior to the beginning of the regular season, which is currently scheduled to begin April 1, 1992, the 500-pound daily trip limit is to be reimposed until the beginning of the regular season.

Between January 1, 1992 and February 29, 1992, about 70 mt is estimated to have been taken under the 500-pound daily trip limit. During the first week of March, under the 1500-pound trip limit, about 200 mt of sablefish is estimated to have been taken. Because the amount of effort in the fishery has not diminished, it is projected that at least 200 mt will have been landed between March 8-14 bringing the season total to at least 470 mt as of March 14, 1992.

Thus NOAA is reimposing the 500-pound daily trip limit until the beginning of the regular season. The public should be aware that NOAA is considering an emergency regulation to delay the beginning of the regular season from April 1, 1992, until May 12, 1992. If this emergency regulation is implemented, the 500-pound daily trip limit will apply through May 11, 1992.

Secretarial Action

For the reasons stated above, the Secretary of Commerce announces that:

(1) From 0001 hours April 20, 1992, until 2400 hours on the last day before the 1992 nontrawl sablefish regular season begins, the daily trip limit for sablefish caught with nontrawl gear is 500 pounds. This trip limit applies to sablefish of any size.

(2) This restriction applies to all sablefish caught with nontrawl gear between 3 and 200 nautical miles offshore of Washington, Oregon, and California. All sablefish caught with nontrawl gear and possessed between 0 and 200 nautical miles offshore or landed in Washington, Oregon, or California are presumed to have been taken and retained between 3 and 200 nautical miles offshore of Washington, Oregon, or California unless otherwise demonstrated by the person in possession of those fish.

Classification

The determination to reduce the daily drip limit for the nontrawl sablefish fishery is based on the most recent data available. The aggregate data upon which the determination is based are available for public inspection at the Office of the Director, Northwest Region (see **ADDRESSES**) during business hours until April 6, 1992.

Because any delay in implementation of the this action would result in greater than 440 mt being landed in the nontrawl sablefish fishery prior to the beginning of the regular season, the Secretary finds that additional advance notice and public comment on this change are impracticable and not in the public interest, and that no delay should occur in its effective date. Public comments were accepted for 15 days after publication of 57 FR 1654 (January 15, 1992) in the **Federal Register** which announced NOAA's intent to take this action. No comments were received. The Secretary therefore finds good cause to waive the 30-day delayed effectiveness requirement of the Administrative Procedure Act.

This action is authorized by Amendment 4 to the FMP for which a Supplemental Environmental Impact Statement (SEIS) was prepared in accordance with the National Environmental Policy Act (NEPA). Because this action and its impacts have not changed significantly from those considered in the SEIS, this action is categorically excluded from the NEPA requirement to prepare an environmental assessment in accordance with paragraph 6.02c3(f) of the NOAA Administrative Order 216-6.

This action is taken under the authority of 50 CFR 663.23(c) and section III.B.1. of the Appendix to 50 CFR part 663, and is in compliance with Executive Order 12291. The action is covered by the Regulatory Flexibility Analysis prepared for the authorizing regulations.

List of Subjects in 50 CFR Part 663

Administrative practice and procedure, Fisheries, Fishing, and Recordkeeping and reporting requirements.

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

Dated: March 20, 1992.

David S. Crestin,

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

[FR Doc. 92-6977 Filed 3-20-92; 4:58 pm]

BILLING CODE 3510-22-M

50 CFR Parts 672 and 675

[Docket No. 911182-2044]

RIN 0648-AE47

Groundfish of the Gulf of Alaska; Groundfish of the Bering Sea and Aleutian Islands Area

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

ACTION: Final rule.

SUMMARY: NMFS issues final regulations to implement Amendment 17 to the Fishery Management Plan (FMP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (BSAI) and Amendment 22 to the FMP for Groundfish of the Gulf of Alaska (GOA). These regulations implement FMP amendment measures, which: (1) Establish a new management subarea in the BSAI; (2) establish area closures around walrus haulout sites in the BSAI; (3) remove Statistical Area 68 in the GOA; and (4) authorize the Regional Director, Alaska Region, NMFS, to issue experimental fishing permits in the GOA and/or BSAI. Certain technical changes to existing regulations are implemented. Two technical amendments to directed fishing standards for BSAI rockfish and GOA flatfish also are implemented. These actions are necessary to promote management and conservation of groundfish and other living marine resources. They are intended to further the goals and objectives contained in the FMPs that govern these fisheries.

EFFECTIVE DATE: Effective on April 24, 1992, except § 675.22(f) which is effective 12 noon, Alaska local time (Alt), April 1, 1992.

ADDRESSES: Copies of the environmental assessment/regulatory impact review/final regulatory flexibility analysis (EA/RIR/FRFA) may be obtained from the North Pacific Fishery Management Council, P O. Box 103136, Anchorage, AK 99510 (telephone 907-271-2809).

FOR FURTHER INFORMATION CONTACT: Ronald J. Berg, Acting Chief, Fishery Management Division, Alaska Region, NMFS, 907-586-7230.

SUPPLEMENTARY INFORMATION:

Background

The domestic and foreign groundfish fisheries in the Exclusive Economic Zone (EEZ) of the GOA and BSAI are managed by the Secretary of Commerce (Secretary) according to FMPs prepared by the North Pacific Fishery Management Council (Council) under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). The FMPs are implemented by regulations for the foreign fishery at 40 CFR part 611 and for the U.S. fishery at 50 CFR parts 672 and 675. General regulations that also pertain to U.S. fisheries appear at 50 CFR part 620.

During its August 13-15, 1991, meeting, the Council approved Amendments 17 and 22 for review by the Secretary under section 304(b) of the Magnuson Act. Section 304(b) requires the Secretary, or his designee, to approve, disapprove, or partially disapprove FMPs or FMP amendments any time after the 60th day after the receipt date and before the close of the 95th day following receipt. A Notice of Availability of the proposed amendments was published in the **Federal Register** (56 FR 56353; November 4, 1991). It invited review of, and comment on, the amendments until December 27, 1991. A notice of proposed rulemaking was published in the **Federal Register** on December 4, 1991 (56 FR 63487). It invited comments on the proposed rule implementing the amendments through January 13, 1992. One hundred and fifty letters of comments were received. They are summarized and responded to below in the "Response to comments" section.

The Regional Director has reviewed and approved the measures in amendments 17 and 22 and the reasons for them and has determined that they are necessary for conservation and management of the groundfish fisheries off Alaska. This final rule: (1) Establishes the Bogoslof subarea in the BSAI, (2) establishes groundfish fishing closures around walrus haulout sites in the BSAI; (3) rescinds Statistical Area 68 in the GOA; and (4) authorizes the Regional Director to issue experimental fishing permits for the GOA and/or BSAI groundfish fisheries. A full description of these measures and their justification are presented in the December 4, 1991, notice of proposed rulemaking.

With respect to measure (4) above, regulations are set forth for the GOA at 50 CFR 672.6. Regulations at 50 CFR 675.6 require persons interested in experimental fishing permits for the BSAI to comply with the provisions at § 672.6.

In addition to the above measures, certain existing regulations were proposed to be amended as discussed in the December 4, 1991, notice of proposed rulemaking. These amendments are listed as follows:

1. In § 672.20(f)(1) (i), (ii), and (iii), the phrase "* * * the Regional Director will publish a notice in the **Federal Register** prohibiting fishing by JVP and DAP vessels * * *" was proposed to be revised to read, "* * * NMFS will publish a notice in the **Federal Register** prohibiting directed fishing for groundfish by JVP and DAP vessels * * *".

2. Section 672.20(g)(3) was proposed to be amended to clarify authority for State of Alaska management of the demersal shelf rockfish fishery by referring to Alaska Administrative Code 28.170 for directed fishing standards that apply to demersal shelf rockfish.

3. A definition of "non-pelagic trawl", a term already used elsewhere in implementing regulations, was proposed to be added to §§ 672.2 and 675.2.

4. In § 675.20(h)(2), the first sentence was proposed to be revised to read, "Using trawl gear for yellowfin sole, 'other flatfish,' or arrowtooth flounder until May 1." After the general flatfish season starts on May 1, directed fishing standards specify that yellowfin sole, "other flatfish," or arrowtooth flounder will be allowed in amounts up to 20 percent of other fish species on board the vessel during the same trip.

5. Sections 672.2 and 675.2 were proposed to be amended by revising the definitions of groundfish. Rather than listing individual groundfish species, the definitions would reference §§ 672.20(a)(1) or 675.20(a)(1).

6. Paragraphs 672.24(a) and 675.24(a) were proposed to be amended to require fishermen using pots in the groundfish fishery to mark each pot with a tag that identifies the pot as being used in the groundfish fishery.

Each of the above regulatory amendments was discussed in the same **Federal Register** notice (56 FR 63487; December 4, 1991) that proposed regulations implementing Amendments 17 and 22. Each of these amendments is intended to clarify, or promote, management of the groundfish fisheries off Alaska. The amendments were approved in principle by NMFS on January 31, 1992. However, a moratorium on proposed and final rules was issued by the President on January 28, 1992. Four of these six amendments do not fall within any of the exemptions to the moratorium and, although they have been approved in principle, are not included in this final rule. The two amendments concerning State of Alaska authority to manage the demersal shelf rockfish fishery and the definition of groundfish are technical in nature and, because they do not constitute a substantive change to existing regulations, are implemented. A final rule implementing the remaining four regulatory amendments will be issued after the moratorium has ended.

Charges in the Final Rule From the Proposed Rule

This final rule includes changes from the proposed rule. These changes are described as follows:

1. Technical amendments to §§ 672.20(g)(1)(i) and 675.20(h)(3)(iii) are implemented. First, § 672.20(g)(1) presently contains a definition of a directed sablefish trawl fishery, which reads, in part:

> The operator of a vessel is engaged in the directed fishing for sablefish if he retains at any particular time during a trip sablefish caught using trawl gear in an amount equal to or greater than:
> (i) 15 percent of the aggregate amount of deepwater flatfish species, including Dover sole, rex sole, and flathead sole, * * *.

Because flathead sole has been separated from the deepwater flatfish target species category identified in the notice of final specifications as provided in the § 672.20(c)(1)(ii), flathead sole is not a deep water flatfish, and the current regulation technically is wrong. Section 672.20(g)(1)(i) is revised to reflect this.

Second, the definition of a directed rockfish fishery contained in § 675.20(h)(3)(iii), reads:

> For rockfish, 10 percent of the total amount of all sablefish and Greenland turbot retained at the same time on the vessel during the same trip plus 1 percent of the total amount of other fish species retained at the same time on the vessel during the same trip.

This definition is not operative when some rockfish fisheries are open and some are closed. Because a definition is necessary to allow measures against rockfish target species categories for which directed fisheries are open, § 675.20(h)(3)(iii) has been revised.

Neither technical amendment has an impact other than to render effective management of directed fishing closures.

2. In § 675.24 (c)(1)(i) and (f)(1), references to the Bogoslof Subarea are added to reflect the division of the former Bering Sea Subarea into a smaller Bering Sea Subarea and the newly established Bogoslof Subarea.

3. The final rule revises the definition of groundfish, removes Table 1 from §§ 672.20 and 675.20 and amends §§ 672.20(a)(1) and 675.20(a)(1) to include a reference to Table 1 of the annual notice of harvest limits for groundfish as provided in §§ 672.20(c)(1) and 675.20(a)(7). These changes to the proposed rule are necessary to reflect the intent of the proposed rule to provide a single reference source for groundfish. All references to Table 1 throughout parts 672 and 675 have been revised to refer to §§ 672.20(a)(1) and 675.20(a)(1).

4. In § 672.20, paragraph (g)(3) is redesignated (g)(4), and a new paragraph (g)(3) is added. Paragraph (g) contains a series of directed fishing standards. This change maintains the function of the last paragraph under paragraph (g).

5. In § 672.24(a), paragraph (2) is revised by removing the phrase "in good condition" and replacing it with the phrase, "* * * so the markings are clearly visible." This change clarifies the purpose of this regulation.

Response to Comments

One hundred fifty letters of comments were received during the comment period. Each was directed at the proposed measure to prohibit groundfish operations between 3 and 12 miles of walrus haulout sites known as Round Island, the Twins, and Cape Pierce for purposes of reducing noise associated with groundfish trawl operations. One hundred forty-nine letters supported this measure. One recommended that even larger areas should be established to protect walrus haulout sites. Comments were of three types and are summarized and responded to below:

Comment: The measure that prohibits groundfish operations within the 12 miles of walrus haulout sites at Round Island, the Twins, and Cape Pierce should be approved.

Response: The Regional Director concurs and approved this measure.

Comment: The North Pacific Fishery Management Council provided a written comment after its December 1991 meeting, recommending that the measure establishing the walrus haulout sites be disapproved. Upon reviewing its December 1991 action during its January 1992 meeting, after the comment period had closed, the Council recommended instead that the measure be approved as initially recommended at its August 1991 meeting.

Response: The Regional Director notes the Council's actions.

Comment: Alternative 3 contained in the EA should be implemented, because closed areas would be larger and would afford greater protection to those haulout sites used by walrus.

Response: Although Alternative 3 would implement a larger area that would be closed to groundfish operations, no evidence is available to indicate that it is a superior alternative. This measure will be reviewed periodically with respect to its effectiveness and may be adjusted as necessary.

Classification

The Regional Director determined, and the Assistant Administrator for Fisheries, NOAA (Assistant Administrator), concurred, that the FMP amendments and their implementing regulations are necessary for the conservation and management of the groundfish fisheries in the GOA and BSAI and that they are consistent with the Magnuson Act and other applicable law.

The Council prepared an EA for these amendments. The Assistant Administrator found that no significant impact on the quality of the human environment will result from this rule. A copy of the EA may be obtained from the Council (See **ADDRESSES**).

On October 22, 1991, NMFS concluded informal consultation under section 7 of the Endangered Species Act concerning Amendments 17/22. NMFS concluded that adoption of the management measures proposed in amendments 17/22 was not likely to adversely affect listed species in a manner or to an extent not previously considered in three formal consultations on these fisheries. The analysis and consensus of the October conclusion were supplemented by a formal biological opinion dated January 21, 1992. The January opinion analyzed the 1992 total allowable catch (TAC) specifications for the BSAI, and specifically analyzed the impact of the reduced TAC specification for the newly created Bogoslof subarea. The January opinion concluded that, with the implementation of Steller sea lion protection measures, the 1992 TAC specifications would not jeopardize the continued existence of this species.

This Assistant Administrator determined that this rule is not a "major rule" requiring a regulatory impact analysis under E.O. 12291. This determination is based on the EA/RIR/FRFA prepared by the Council. A copy of the EA/RIR/FRFA may be obtained from the Council (see **ADDRESSES**).

The Assistant Administrator concluded that this rule will have significant effects on a substantial number of small entities. These effects have been discussed in the EA/RIR/FRFA, a copy of which may be obtained from the Council (see **ADDRESSES**).

This rule contains a collection-of-information requirement for purposes of the Paperwork Reduction Act. A request to collect this information has been approved by OMB as a revision to OMB No. 0648–0206. Information collected under the rule regarding experimental fishing permits is limited to that necessary to determine whether such a permit should be issued and to monitor the progress of the experimental fishing. The additional burden is estimated to be about 240 hours per year, assuming 20

applicants apply for a permit each year. The 240-hour estimate assumes that each applicant might spend as many as 10 hours preparing an application and 2 hours preparing and submitting a report about the experiment. Each applicant would spend 12 hours per year. Therefore, 20 applicants would spend a total of 240 hours per year. Send comments regarding this burden estimate or any other aspect of this collection of information to NMFS (see **ADDRESSES**) and to the Office of Information and Budget, (see **ADDRESSES**). This rule also includes changes to statistical areas that would affect reporting requirements already approved by OMB under Approval Number 0648–0213. In addition, the data requirements under §§ 672.5 and 675.5 have been approved by OMB under Approval Number 0648–0213.

The Council determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal management program of Alaska. This determination has been submitted for review by the responsible State of Alaska agencies under section 307 of the Coastal Zone Management Act. Consistency is automatically inferred, because the appropriate State agency did not reply within the statutory time period.

This rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

To afford maximum opportunity for public comment and participation, the Administrative Procedure Act (5 U.S.C. 553) requires that, generally, final rules be published not less than 30 days before they become effective. This 30-day period may be shortened or waived if the rulemaking agency publishes with the rule an explanation of what good cause justifies an earlier date. This rule, implementing Amendment 17 to the FMP, establishes permanently a seasonal closure (April 1 through September 30) for directed fishing for groundfish in the Exclusive Economic Zone (EEZ) within 12 miles of islands named Round Island and The Twins, and around Cape Peirce. The purpose of the closure is to reduce noise associated with groundfish trawl operations during the time of the year that the walrus use these areas for haulout sites. The seasonal closure corresponds directly to the period of peak walrus utilization. This measure addresses potential disturbance problems by prohibiting groundfish operations within the 12 miles of the walrus haulout sites during the seasonal closure. These closures were originally authorized by regulation implementing Amendment 13 to the BSAI FMP (54 FR 50386; December 6, 1989): However, the authority expired on December 31, 1991. The public had an opportunity to comment on the proposed rule to implement 17. Of the 150 comments received, 149 supported the closure and one recommended that even larger areas should be established to protect walrus haulout sites. The Assistant Administrator has determined that the closures are necessary and the potential disruption to the walrus make it impracticable and contrary to the public interest to delay its effective date. Therefore, § 675.22(f) is effective at 12 noon, Alt, April 1, 1992. Other measures contained in the rule will be effective after the 30-day cooling off period, as noted above.

List of Subjects in 50 CFR Parts 672 and 675

Fisheries, Reporting and recordkeeping requirements.

Dated: March 20, 1992.

Samuel W. McKeen,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR parts 672 and 675 are amended as follows:

PART 672—GROUNDFISH OF THE GULF OF ALASKA

1. The authority citation for part 672 continues to read as follows:

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

2. In § 672.2, the definition of "groundfish" is revised and the definition of "statistical area" is amended by removing paragraph (6) and revising the introductory text and paragraph (5) of the definition, to read as follows:

§ 672.2 Definitions.

* * * * *

Groundfish means target species categories and the "other species" category, referenced in § 672.20(a)(1).

* * * * *

Statistical area means any one of the five statistical areas of the EEZ in the Gulf of Alaska defined as follows:

* * * * *

(5) Statistical Area 65—between 132°40′ and 140° W. longitudes and north of 54°30′ N. latitude;

* * * * *

3. In § 672.5, paragraph (b)(3)(ii)(A)(*11*) is amended by revising the last sentence of the introductory text, paragraph (c)(2)(iii)(I) is amended by revising the first sentence, and paragraph (c)(3)(ii)(F) is revised, to read as follows:

§ 672.5 Recordkeeping and reporting.

* * * * *

(b) * * *

(3) * * *

(ii) * * *

(A) * * *

(*11*) * * * Product information must include the following information for any product resulting from the processing of any groundfish species or species group for which a total allowable catch (TAC) is specified under § 672.20 of this part, with one exception: Species within the "other species" category must be reported by species or species group identified in § 672.20(a)(1).

* * * * *

(c) * * *

(2) * * *

(iii) * * *

(I) The fish product weight of each product produced during the weekly reporting period, including species and product-type codes, for each groundfish species or species group for which a total allowable catch is specified under § 672.20, with one exception: Species within the "other species" category must be reported by the species or species group identified in § 672.20(a)(1). * * *

* * * * *

(3) * * *

(ii) * * *

(F) The fish product weight of each product produced during a day, including species and product-type codes, for each groundfish species or species group for which a total allowable catch is specified under § 672.20 of this part, with one exception: Species within the "other species" category must be reported by species or species group identified in § 672.20(a)(1).

* * * * *

4. Section 672.6, which was reserved, is added to read as follows:

§ 672.6 Experimental fisheries.

(a) *General.* For limited experimental purposes, the Regional Director may authorize, after consulting with the Council, fishing for groundfish in a manner that would otherwise be prohibited. No experimental fishing may be conducted unless authorized by an experimental fishing permit issued by the Regional Director to the participating vessel owner in accordance with the criteria and procedures specified in this section. Experimental fishing permits will be issued without charge and will expire at the end of a calendar year unless

otherwise provided for under paragraph (e) of this section.

(b) *Application.* An applicant for an experimental fishing permit shall submit to the Regional Director, at least 60 days before the desired effective date of the experimental fishing permit, a written application including, but not limited to, the following information:

(1) The date of the application;

(2) The applicant's name, mailing address, and telephone number;

(3) A statement of the purpose and goal of the experiment for which an experimental fishing permit is needed, including a general description of the arrangements for disposition of all species harvested under the experimental fishing permit;

(4) Technical details about the experiment, including:

(i) Amounts of each species to be harvested that are necessary to conduct the experiment, and arrangement for disposition of all species taken;

(ii) Area and timing of the experiment;

(iii) Vessel and gear to be used;

(iv) Experimental design (e.g., sampling procedures, the data and samples to be collected, and analysis of the data and samples); and

(v) Provision for public release of all obtained information, and submission of interim and final reports;

(5) The willingness of the applicant to carry observers, if required by the Regional Director, and a description of accommodations and work space for the observer(s);

(6) Details for all coordinating parties engaged in the experiment and signatures of all representatives of all principal parties;

(7) Information about each vessel to be covered by the experimental fishing permit, including:

(i) Vessel name;

(ii) Name, address, and telephone number of owner and master;

(iii) U.S. Coast Guard documentation, State license, or registration number;

(iv) Home port;

(v) Length of vessel;

(vi) Net tonnage;

(vii) Gross tonnage;

(8) The signature of the applicant; and

(9) The Regional Director may request from an applicant additional information necessary to make the determinations required under this section. Any application that does not include all necessary information will be considered incomplete. An incomplete application will not be considered to be complete until the necessary information is provided in writing. An applicant for an experimental fishing permit need not be the owner or operator of the vessel(s) for which the experimental fishing permit is requested.

(c) *Review procedures.* (1) The Regional Director, in consultation with the Alaska Fishery Science Center, will review each application and will make a preliminary determination whether the application contains all the information necessary to determine if the proposal constitutes a valid fishing experiment appropriate for further consideration. If the Regional Director finds any application does not warrant further consideration, the applicant will be notified in writing of the reasons for the decision.

(2) If the Regional Director determines any application is complete and warrants further consideration, he will initiate consultation with the Council by forwarding the application to the Council. The Council's Executive Director shall notify the applicant of a meeting at which the Council will consider the application and invite the applicant to appear in support of the application if the applicant desires. If the Regional Director initiates consultation with the Council, the Secretary will publish a notice of receipt of the application in the **Federal Register** with a brief description of the proposal.

(d) *Notifying the applicant.* (1) The decision of the Regional Director, after consulting with the Council, to grant or deny an experimental fishing permit is the final action of the agency. The Regional Director shall notify the applicant in writing of the decision to grant or deny the experimental fishing permit and, if denied, the reasons for the denial, including:

(i) The applicant has failed to disclose material information required, or has made false statements as to any material fact, in connection with the application;

(ii) According to the best scientific information available, the harvest to be conducted under the permit would detrimentally affect living marine resources, including marine mammals and birds, and their habitat in a significant way;

(iii) Activities to be conducted under the experimental fishing permit would be inconsistent with the intent of this section or the management objectives of the FMP;

(iv) The applicant has failed to demonstrate a valid justification for the permit;

(v) The activity proposed under the experimental fishing permit could create a significant enforcement problem;

(vi) The applicant failed to make available to the public information that had been obtained under a previously issued experimental fishing permit; or

(vii) The proposed activity had economic allocation as its sole purpose.

(2) In the event a permit is denied on the basis of incomplete information or design flaws, the applicant will be provided an opportunity to resubmit the application, unless a permit is denied because experimental fishing would detrimentally affect living marine resources, be inconsistent with the management objectives of the FMP, create significant enforcement problems, or have economic allocation as its sole purpose.

(e) *Terms and conditions.* The Regional Director may attach terms and conditions to the experimental fishing permit that are consistent with the purpose of the experiment, including but not limited to:

(1) The maximum amount of each species that can be harvested and landed during the term of the experimental fishing permit, including trip limitations, where appropriate;

(2) The number, sizes, names, and identification numbers of the vessels authorized to conduct fishing activities under the experimental fishing permit;

(3) The time(s) and place(s) where experimental fishing may be conducted;

(4) The type, size, and amount of gear that may be used by each vessel operated under the experimental fishing permit;

(5) The condition that observers be carried aboard vessels operated under an experimental fishing permit;

(6) Reasonable data reporting requirements (OMB Approval No. 0648–0206);

(7) Such other conditions as may be necessary to assure compliance with the purposes of the experimental fishing permit and consistency with the FMP objectives; and

(8) Provisions for public release of data obtained under the experimental fishing permit.

(f) *Effectiveness.* Unless otherwise specified in the experimental fishing permit or a superseding notice or regulation, an experimental fishing permit is effective for no longer than 1 calendar year, but may be revoked, suspended, or modified during the calendar year. Experimental fishing permits may be renewed following the application procedures in paragraph (b) of this section.

5. In § 672.20, paragraph (a)(1) is amended by revising the last sentence; Table 1 to the section is removed; paragraph (c)(2) is amended by revising the second sentence; paragraph (c)(3) is amended by revising the first sentence; paragraphs (c)(6), (d)(1)(i), (e)(4), and (g)(1)(i) are revised; paragraph (g)(3) is

redesignated (g)(4); and a new paragraph (g)(3) is added to read as follows:

§ 672.20 General limitations.

(a) * * *

(1) * * * The species categories are defined in Table 1 of the notice of specifications as provided in § 672.20(c)(1).

* * * * *

(c) * * *

(2) *Notices prohibiting directed fishing.* * * * The amount of a species or species group apportioned to a fishery or, with respect to pollock, to a quarterly allowance, is the amount identified in the notice of specifications as provided in § 672.20(c)(1) as these amounts are revised by inseason adjustments, for that species or species group, as identified by regulatory area or district and as further identified according to any allocation of TALFF, the apportionment for JVP, the apportionment for DAP, the quarterly allowance of pollock and, if applicable, as further identified by gear type. * * *

(3) *Notices of closure.* If the Regional Director determines that the TAC for any target species or of the "other species" category in a regulatory area or district identified in the notice of specifications as provided in § 672.20(c)(1) has been or will be reached, the Secretary will publish a notice in the **Federal Register** declaring that the species or species group is to be treated as a prohibited species under paragraph (e) of this section in all or part of that area or district. * * *

* * * * * *

(6) *Prohibition of JVP or TALFF fishing if PSC limit is or will be reached.* If the Regional Director determines that a PSC limit applicable to a directed JVP or TALFF fishery in a regulatory area or district identified in the notice of specifications as provided in § 672.20(c)(1) is or will be reached, the Secretary will publish a notice of closure in the **Federal Register** prohibiting all further JVP or TALFF fishing in or all or part of the regulatory area or district concerned.

(d) * * *

(1) * * *

(i) In accordance with paragraph (d)(5) of this section and as soon as practicable after April 1, June 1, and August 1, and on such other dates as he determines necessary, the Secretary, after consultation with the Council, may reapportion to TALFF, part or all of the reserves identified in the notice of specifications as provided in § 672.20(c)(1).

* * * * *

(e) * * *

(4) In any regulatory area where the TAC in the notices provided for in § 672.20(c) for any species is zero, any catch of that species by a vessel regulated by this part, in that fishing area, will be considered catch of a "prohibited species" and will be treated in accordance with this paragraph.

* * * * *

(g) * * *

(1) * * *

(i) 15 percent of the aggregate amount of deepwater flatfish species, flathead sole, and rockfish species of the genera *Sebastes* and *Sebastolobus* retained at the same time by the vessel during the same trip; plus

* * * * *

(3) *Demersal shelf rockfish.* Directed fishing standards for demersal shelf rockfish in management areas within the Eastern Regulatory Area, for which a total allowable catch is specified in § 672.20(a)(1), are governed by title 5 of the Alaska Administrative Code, section 28.170.

* * * * *

6. In § 672.24, paragraph (a)(2) is revised to read as follows:

§ 672.24 Gear limitations.

(a) * * *

(2) Markings shall be in characters at least 4 inches (10.16 cm) in height and one-half inch (1.27 cm) in width in a contrasting color visible above the water line and shall be maintained so the markings are clearly visible.

* * * * *

PART 675—GROUNDFISH OF THE BERING SEA AND ALEUTIAN ISLANDS AREA

7. The authority citation for part 675 continues to read as follows:

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

8. In § 675.2, the definition of "Bering Sea and Aleutian Islands management area" is amended by revising paragraph (a) and adding a new paragraph (c), the definition of "groundfish" is revised, and the definition of "statistical area" is amended by revising the introductory text, removing existing paragraph (e), redesignating existing paragraphs (f) and (g) as (e) and (f), respectively, redesignating existing paragraphs (h) through (k) as (i) through (l), respectively, and adding new paragraphs (g) and (h), to read as follows:

§ 675.2 Definitions.

* * * * *

Bering Sea and Aleutian Islands management area * * *

(a) The Bering Sea subarea of the management area means that part of the EEZ contained in areas I, exclusive of the Bogoslof subarea, II, and III of Figure 1.

* * * * *

(c) The Bogoslof subarea of the management unit means that portion of the EEZ contained in Statistical Area 518 as defined in this section.

* * * * *

Groundfish means target species categories and the "other species" category, referenced in § 675.20(a)(1).

* * * * *

Statistical Area means any one of the 12 statistical areas of the Bering Sea and Aleutian Islands management area defined as follows (Figure 2):

* * * * *

(g) Statistical area 518—south of straight lines connecting the following coordinates in the order listed: 55°46′ N. 170°00′ W., 54°30′ N. 167°00′ W., then south to straight lines between the Aleutian Islands connecting the following coordinates in the order listed:

54°23.9′ N. 164°44.0′ W.,
54°11.9′ N. 165°23.3′ W.,
54°08.9′ N. 165°38.8′ W.,
54°07.7′ N. 165°40.6′ W.,
54°02.9′ N. 166°03.0′ W.,
53°59.0′ N. 166°17.2′ W.,
53°23.8′ N. 167°50.1′ W.,
53°18.7′ N. 167°51.4′ W.,
52°49.8′ N. 169°06.3′ W., and
52°49.2′ N. 169°40.4′ W.,
52°49.2′ N. 170°00.0′ W., then north to
55°46.0′ N. 170°00.0′ W.

(h) Statistical Area 519—the area bounded by the following coordinates in the order listed:

54°30′ N. 167°00′ W.,
54°30′ N. 165°00′ W.,
53°30′ N. 167°00′ W., and
54°30′ N. 167°00′ W.

* * * * *

9. In § 675.5, paragraph (b)(3)(ii)(A)(*11*) is amended by revising the last sentence of the introductory text, paragraph (c)(2)(iii)(I) is amended by revising the first sentence, and paragraph (c)(3)(ii)(F) is revised, to read as follows:

§ 675.5 Recordkeeping and reporting.

* * * * *

(b) * * *

(3) * * *

(ii) * * *

(A) * * *

(*11*) * * * Product information must include the following information for any product resulting from the processing of any groundfish species or species group for which a total

allowable catch (TAC) is specified under § 675.20 of this part, with one exception: Species within the "other species" category must be reported by species or species group identified in § 675.20(a)(1).

* * * * *

(c) * * *

(2) * * *

(iii) * * *

(I) The fish product weight of each product produced during the weekly reporting period, including species and product-type codes, for each groundfish species or species group for which a total allowable catch is specified under § 675.20, with one exception: Species within the "other species" category must be reported by the species or species group identified in § 675.20(a)(1). * * *

* * * * *

(3) * * *

(ii) * * *

(F) The fish product weight of each product produced during a day, including species and product-type codes, for each groundfish species or species group for which a total allowable catch is specified under § 675.20 of this part, with one exception. species within the "other species" category must be reported by species or species group identified in § 675.20(a)(1).

* * * * *

10. Section 675.6, which was reserved, is added to read as follows:

§ 675.6 Experimental fisheries.

Issuance of experimental fishing permits issued under this section is governed by provisions set forth in § 672.6(a) through (g).

11. In § 675.20, paragraph (a)(1) is amended by revising the last sentence, Table 1 to the section is removed, and paragraph (h)(3)(iii) is revised to read as follows:

§ 675.20 General limitations.

(a) * * *

(1) * * * The species categories are defined in Table 1 of the notice of specifications as provided in § 675.20(a)(7).

* * * * *

(h) * * *

(3) * * *

(iii) For the aggregate amount of rockfish target species categories for which a directed fishing closure applies, 10 percent of the total amount of all sablefish, Greenland turbot, and other rockfish target species categories for which directed fisheries are open that are retained at the same time on the vessel during the same trip plus 1 percent of the total amount of other fish species retained at the same time on the vessel during the same trip.

* * * * *

11. In § 675.22, paragraph (f) is revised to read as follows:

§ 675.22 Time and area closures.

* * * * *

(f) From April 1 through September 30 of any fishing year, vessels permitted under § 675.4 are prohibited in that part of the Bering Sea subarea between 3 and 12 miles seaward of the baseline used to measure the territorial sea around islands named Round Island and The Twins, as shown on National Ocean Survey Chart 16315, and around Cape Peirce (58°33′ N. latitude, 161°43′ W. longitude).

12. In § 675.24, paragraph (c)(1)(i) and the heading of paragraph (f)(1) are revised to read as follows:

§ 675.24 Gear limitations.

* * * * *

(c) * * *

(1) * * *

(i) In the Bering Sea and Bogoslof subareas, defined at § 675.2, hook-and-line and pot gear may be used to take up to 50 percent of the TAC for sablefish; trawl gear may be used to take up to 50 percent of the TAC for sablefish.

* * * * *

(f) * * *

(1) Bering Sea and Bogoslof Subareas

* * * * *

12. Figure 2 to part 675, is revised to read as follows:

BILLING CODE 3510-22-M

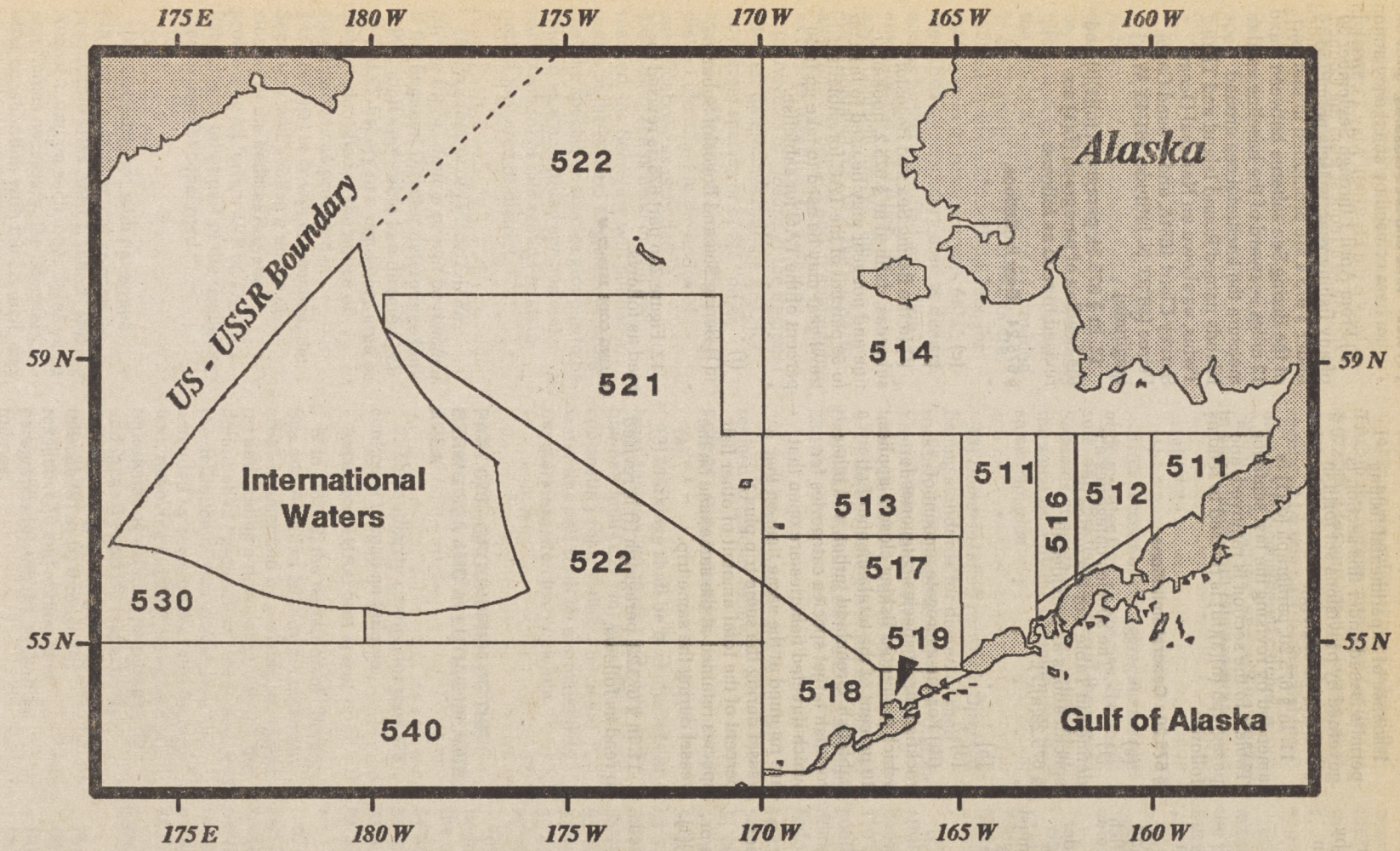

Figure 2. Reporting areas and bycatch limitation zones in Bering Sea and Aleutian Islands Management Area. Zone 1 = 511+512+516; Zone 2 = 513+517+521; and Zone 2H = 517.

10/91

[FR Doc. 92-6962 Filed 3-25-92; 8:45 am]
BILLING CODE 3510-22-C

50 CFR Part 681

[Docket No. 911193-2048]

RIN 0648-AD82

Western Pacific Crustacean Fisheries

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement Amendment 7 to the Fishery Management Plan for the Crustacean Fisheries of the Western Pacific Region (FMP). This rule establishes a limited access program for the lobster fishery of the Northwestern Hawaiian Islands (NWHI), with vessel permit eligibility based on historical participation in the fishery. A maximum of 15 vessel permits will be effective at any time. Permits will be transferable. Only one permit may be held by any person, except a person who qualifies initially for two or more permits. To further control effort, a maximum of 1100 assembled lobster traps (and up to 100 unassembled replacement traps) may be maintained on board or in the water by any vessel. To further protect lobster stocks, the rule establishes an annual closed season (January 1–June 30) and an annual quota based on the condition of stocks. The rule imposes additional reporting requirements to ensure adequate data to monitor and carry out the limited access and conservation measures for the fishery. The Director, Southwest Region, NMFS (Regional Director), with the concurrence of the Western Pacific Fishery Management Council (Council), may initiate rulemaking to adjust the number of permits, the length of the closed season, the quota, or reporting requirements. The amendment is intended to conserve NWHI lobster stocks and provide the basis for an economically healthy and productive fishery for the long term.

DATES: Effective on April 27, 1992, except § 681.29, which is effective at 0001 hours local time April 10, 1992.

ADDRESSES: Copies of Amendment 7 and the environmental assessment may be obtained from the Western Pacific Fishery Management Council, 1164 Bishop St., Suite 1405, Honolulu, HI 96813.

Send comments on the collections of information to the Director, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802–4213 and to the Office of Information and Regulatory Affairs, OMB, ATTN: Paperwork Reduction Projects 0648–0204 and 0648–0214, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Svein Fougner, Fisheries Management Division, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802–4213 (310) 980–4034; or Alvin Z. Katekaru, Pacific Area Office, NMFS Southwest Region, Honolulu, Hawaii (808) 955–8831

SUPPLEMENTARY INFORMATION: The FMP was prepared by the Council and approved and implemented by the Secretary of Commerce (Secretary) in 1983 (48 FR 5560, February 7, 1983). The FMP has been amended six times. The FMP covers fisheries for spiny lobster and slipper lobster in Hawaii, Guam, and American Samoa, but the fishery in the NWHI is more heavily regulated than the other areas. This has been the largest and most dynamic lobster fishery in the region, with peak landings of almost 1,100 metric tons (mt) in 1985. Conservation and management measures have included permits and reporting requirements for fishermen to monitor the fishery, and size limits, area closures, and trap escape vents to conserve the lobster stocks.

As indicated in the proposed rule (56 FR 65209, December 16, 1991) for this amendment, several recent trends in the NWHI lobster fishery are clear. Landings, catch per unit effort (CPUE), and revenues all declined in 1990 after 2 years of relative stability in the fishery. The average size of spiny lobster tails (4–8 oz for 1990) continued to decrease through the year, causing increasing concern among vessel operators. Fleet revenues for 1990 were $4.9 million, down 22 percent from 1989. Commercial fishing logbooks for the period January–April indicated that CPUE for the period was 0.63 legal lobsters/trap-haul, the lowest ever recorded during that period since 1984 (when such data started being recorded). By comparison, the CPUE for this period in 1990 was 0.84.

Low recruitment to the fishery was first observed at Maro Reef and the banks northwest of Maro, resulting in a decline in CPUE. Fishing effort then intensified at Necker Island and Gardner Pinnacles, resulting in declining lobster stocks in those areas. The 1990 spawning stock biomass of spiny and slipper lobsters in the NWHI was 22 percent of the levels in the late 1970's, prior to the development of the fishery, an indication that the million trap-hauls in 1990 may have been excessive since recruitment to the fishery was low. The FMP defines the threshold for recruitment overfishing at 20 percent of the pre-fishery level. Thus, the status of spawning stock biomass in 1990 was at or near a level that could cause a severe decline in recruitment. In 1991, lobster fishing continued in the NWHI until the fishery was closed by emergency action on May 8 (56 FR 21961, May 13, 1991), in response to a request from the Council. The closure was subsequently extended for a second 90-day period (56 FR 36012, July 30, 1991).

During the emergency closure, the Council completed an amendment to the FMP to provide long-term conservation. The Council concluded that a combination of limited access and effort and harvest limitations is needed to protect the resource and the industry that depends on it. The amendment and its implementing rule provide for a limited access system, a limit on effort, an annual fleet harvest quota, a closed season, and new reporting requirements. These measures and the rationale for the limited access system are described in detail in the proposed rule and will not be repeated here.

In total, the amendment proposes a comprehensive program of conservation and management measures to ensure the long-term health of the stocks and of the businesses that depend on them.

The seasonal closure becomes effective 15 days after publication of this rule. Timely notice will be given to fishermen on the grounds by the Regional Director to allow a reasonable time to retrieve their gear and exit the fishing gounds. This will allow operators of vessels to retrieve their gear and return to Hawaii to unload their catches. The fishery will then be closed until July 1, 1992, when the first annual quota will be implemented.

The only comments received from the public on this rule were from two fishery participants, who support immediate implementation of the rule, and from the Marine Mammal Commission, which supported approval and implementation of the amendment. The Commission also urged the NMFS reinitiate consultations with the Council under Section 7 of the Endangered Species Act (ESA) because the Commission was concerned that the FMP's definition of "overfishing" for lobster stocks could be lower than appropriate for promoting recovery of Hawaiian monk seals in the NWHI. The Commission recommended that the consultations address several concerns. NMFS conducted a review of the proposed amendment relative to Hawaiian monk seals and concluded in informal consultations under the ESA that the amendment will not adversely affect any endangered or threatened species or adversely affect any critical habitat. There was no new information in the Commission's letter to change that conclusion. The Commission's concerns are known to the Council and will be

considered in future planning for the lobster fishery.

This rule is different from the proposed rule in several respects. The proposed definition for "fleet harvest quota" has been deleted because it was deemed superfluous. The definition for "Regional Director" has been amended to note the change in address for the Southwest Region, NMFS. Section 681.31(a)(2) has been revised to clarify that, for 1992, only lobster caught and retained after the season closure becomes effective will count toward the final quota. Other editorial changes have been made to clarify the requirements and prohibitions under the rule. In addition, it should be noted that permit holders will be provided with a copy of a National Weather Service chart, which depicts different combinations of wind and sea conditions. Permit holders should refer to this chart in providing information in fishing logbooks regarding the general condition of sea surface, as required in § 681.5(b)(2)(ix).

Classification

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), has determined that Amendment 7 to the FMP and its implementing rule are necessary for the conservation and management of the crustacean fishery resources of the western Pacific region and are consistent with the Magnuson Fishery Conservation and Management Act and other applicable law.

The Council prepared an environmental assessment (EA) for this amendment that concluded that there will be no significant impact on the environment. Based on this EA, the Assistant Administrator signed a Finding of No Significant Impact. A copy of the EA is available from the Council (see **ADDRESSES**).

The Assistant Administrator has determined that this final rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291.

The General Counsel of the Department of Commerce certified to the Small Business Administration that this rule will not have a significant economic impact on a substantial number of small entities. No new information has been obtained or presented to change that certification.

The Council considered the potential effects of this action on endangered and threatened species and concluded that no impacts are likely. The Council initiated informal consultations with NMFS under the Endangered Species Act. NMFS concluded that the action would not adversely affect any listed species and would not adversely affect any critical habitat.

This rule contains several collection-of-information requirements that are subject to the Paperwork Reduction Act. Information requested from lobster permit applicants is standardized to consolidate into one form the different permits for fisheries in the Western Pacific Region. The public reporting burden for this collection of information is estimated to average 15 minutes per application, including the time to review and complete the form, and return it to NMFS. Corporations or partnerships filing permit applications will complete a supplementary information sheet listing the names of individual owners and their respective ownership shares in the vessel. The reporting burden for this information is estimated to be 30 minutes per application. The standardized permit application form was approved by OMB in conjunction with the Southwest Region Family of Permit Forms (OMB Control No. 0648–0204). A new section is required for reporting weather conditions in the currently approved fishing logbook. The estimated burden is 2 minutes per fishing day. A new information element (tail sizes) is added to the existing processing and sales report requirement. The public burden for completing the new section is estimated to be 5 minutes per trip (trips normally last 1.5 to 3 months). Periodic at-sea reports of catch and effort are required to monitor catches, revise quotas, and close the fishery when the quota is taken. The public burden for these reports is estimated to be 5 minutes per report, including establishing communications and reporting the catch. This may be weekly, daily, or otherwise. The final rule also requires vessel operators to notify NMFS if they are forced to leave traps on the fishing grounds due to an emergency situation. While no such emergencies are predicted, it is estimated that such a report would take less than 5 minutes. A request for clearance of these additional collections of information was approved by OMB (OMB Control No. 0648–0214). Send comments on the burden estimates or any other aspects of these collections of information, including suggestions on how to reduce the burden, to the Director, Southwest Region, NMFS, and the Office of Information Regulatory Affairs, OMB (see **ADDRESSES**).

The Council determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management program of Hawaii. The State has agreed with this determination.

This final rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O 12612.

The Administrative Procedure Act (5 U.S.C. 553) requires that, generally, final rules be published not less than 30 days before they become effective. This 30-day period may be shortened or waived if the rulemaking agency publishes with the rule an explanation of what good cause justifies an earlier date. This rule will establish a seasonal closure (January through June each year). To protect the spawning stocks of lobsters in the first half of 1992, it is desirable to implement this measure as soon as practicable. Therefore, it would be impracticable and contrary to the public interest to delay implementation of this measure any longer than the minimum time necessary. It is necessary to provide time to notify vessel owners and operators of the change in regulations, and to allow operators of vessels on the grounds to complete their trips, retrieve their gear, and return to port to unload their catch. Therefore, the rule balances practicability and the public interest in protecting spawning stocks by providing that further landings of lobster from NWHI will be prohibited 15 days after the date of publication. Other measures will be effective after the 30-day cooling off period.

List of Subjects in 50 CFR Part 681

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: March 20, 1992.

Michael F. Tillman,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 681 is amended as follows:

PART 681—WESTERN PACIFIC CRUSTACEAN FISHERIES

1. The authority citation for part 681 continues to read as follows:

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

2. In § 681.2 the following definitions for *Final quota, Initial quota, Owner, Pacific Area Office* and *Receiving vessel* are added in alphabetical order, the definition of *Permit Number* is removed, and the definition of *Regional Director* is revised, to read as follows:

§ 681.2 Definitions.

* * * * *

Final quota means the total allowable number of spiny and slipper lobsters

(combined) that may be caught and retained from Permit Area 1 by all permitted vessels in a given year. It is derived by adjusting the initial quota based on catch and effort data from the first month of fishing each year and is published after fishing begins in any year.

Initial quota means the initially determined total allowable number of spiny and slipper lobster (combined) that may be caught and retained from Permit Area 1 by all permitted vessels and is calculated, using the quota formula in the FMP, from previous years' catch and effort information, and published in February each year.

* * * * *

Owner means the person who is identified as the current owner of the vessel as described in the Certificate of Documentation (Form CG–1270) issued by the U.S. Coast Guard for a documented vessel or in a registration certificate issued by a State or Territory or the U.S. Coast Guard for an undocumented vessel.

Pacific Area Office means the Pacific Area Office, Southwest Region, National Marine Fisheries Service, 2570 Dole Street, Honolulu, Hawaii, 96822–2396.

* * * * *

Receiving Vessel means a vessel of the United States to which lobster taken in Permit Area 1 are transferred from another vessel.

Regional Director means the Director, Southwest Region, National Marine Fisheries Service, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802–4213, or a designee.

* * * * *

3. In § 681.4, paragraphs (a)(1), (b), and (d) through (h) are revised to read as follows:

§ 681.4 Permits.

(a) *General.* (1) Any vessel of the United States engaged in commercial fishing for lobsters in the Management Area must have a permit issued under this part. Vessels engaged in commercial fishing for lobsters in Permit Area 2 or Permit Area 3 require only a permit issued under this section. Vessels engaged in commercial fishing for lobsters in Permit Area 1 require only a limited access permit issued under § 681.30.

* * * * *

(b) *Applications.* (1) An application for a permit under this section should be submitted to the Pacific Area Office by the vessel owner or a designee of the owner at least 15 days before the date the applicant desires to have the permit be effective.

(2) Each application must be submitted on an application form obtained from the Pacific Area Office and must provide the following information:

(i) Type of application; whether the application is for a new permit or a renewal; and what permit area it is for;

(ii) Owner's name, social security number, mailing address, and telephone numbers (business and home);

(iii) Name of the partnership or corporation, if the vessel is owned by such an entity;

(iv) Primary operator's name, social security number, mailing address, and telephone numbers (business and home),

(v) Relief operator's name;

(vi) Name of the vessel;

(vii) Official number of the vessel;

(viii) Radio call sign of the vessel;

(ix) Principal port of the vessel;

(x) Length of the vessel;

(xi) Engine horsepower;

(xii) Approximate fish hold capacity;

(xiii) Number of crew (excluding operator);

(xiv) Construction date;

(xv) Date vessel purchased;

(xvi) Purchase price;

(xvii) Type and amount of fishing gear carried on board the vessel;

(xviii) Position of the applicant in the corporation, if the vessel is owned by such an entity;

(xix) Signature of the applicant; and

(xx) Date of signature.

* * * * *

(d) *Change in application information.* Any change in the information specified in paragraph (b)(2) of this section must be reported to the Pacific Area Office at least 10 days before the effective date of the change, or if an unplanned change, within 10 days after the change. Failure to report such changes may result in termination of the permit.

(e) *Issuance.* (1) Within 15 days after receipt of a properly completed application, the Regional Director will determine whether to issue a permit.

(2) If an incomplete or improperly completed permit application is submitted, the Regional Director will notify the applicant in writing of the deficiency. If the applicant fails to correct the deficiency within 15 days following the date of notification, the application will be considered abandoned.

(f) *Expiration.* Permits issued under this section expire at 2400 hours local time on December 31 following the effective date of the permit.

(g) *Renewal.* An application for renewal of a permit must be submitted to the Pacific Area Office in the same manner as described in paragraph (b) of this section.

(h) *Alteration.* Any permit that has been altered, erased, or mutilated is invalid.

* * * * *

4. In § 681.5, paragraph (b)(2)(ix) is redesignated (b)(2)(x), paragraphs (c)(3)(iii) and (c)(3)(iv) are revised, and new paragraphs (b)(2)(ix), (c)(3)(v), and (d) are added to read as follows:

§ 681.5 Recordkeeping and reporting.

* * * * *

(b) * * *

(2) * * *

(ix) General condition of sea surface for each day fished (e.g., wave height, wind speed); and

* * * * *

(c) * * *

(3) * * *

(iii) Weight and revenue from sale of octopus by product type;

(iv) Weight and revenue from sale of other fishery products by type; and

(v) Number of lobsters, by tail weight (in 2-ounce intervals, i.e., 2.0–3.9, 4.0–5.9, etc.), by species.

* * * * *

(d) *Transshipment.* If any receiving vessel is used to transship lobsters from the harvesting vessel to port, then the operator of the receiving vessel must, within 72 hours of landing those lobsters, submit to the Regional Director the original copies of the NMFS Daily Lobster Catch Reports that were completed by the operator of the vessel that harvested the lobster.

§ 681.6 [Amended]

5. In § 681.6, in each place it occurs in paragraph (a), (b) and (c), the word "permit" is replaced by the word "official".

6. In § 681.7, paragraph (b)(1), (c)(1)(i), (c)(1)(ii), and (c)(2) through (c)(4) are revised and new paragraphs (b)(7) through (b)(13) are added, to read as follows:

§ 681.7 Prohibitions.

* * * * *

(b) * * *

(1) Fish for, take, or retain lobsters:

(i) Without a limited access permit issued under § 681.30;

(ii) By methods other than lobster traps or by hand for lobsters, as specified in § 681.24;

(iii) From closed areas for lobsters, as specified in § 681.23;

(iv) During a closed season, as specified in § 681.29; or

(v) After the date published in the **Federal Register**, as specified in § 681.31(c) (4) or (5), and until the fishery

opens again in the following calendar year.

* * * * *

(7) When fishing for lobster is prohibited as specified in §§ 681.23, 681.24, 681.29, 681.30, or 681.31, possess on a fishing vessel any lobster trap.

(8) Fail to report catch and effort data, as specified § 681.5.

(9) Leave a trap unattended in the Management Area except as provided in § 681.24(f).

(10) Maintain on board the vessel or in the water, more than 1200 traps per fishing vessel, of which no more than 1100 can be assembled traps, as specified § 681.24(e).

(11) Fail to mark legibly the vessel's official number on all traps and floats maintained on board the vessel or in the water, as specified in § 681.24(g).

(12) Land lobsters taken in Permit Area 1 after the closure date announced in the **Federal Register**, as specified in § 681.31(c) (4) and (5), and until the fishery opens again in the following calendar year.

(13) Fail to make a limited access permit available for inspection by an authorized officer upon request by that officer.

(c) * * *

(1) * * *

(i) By methods other than lobster traps or by hand, as specified in § 681.44; or

(ii) In the months of June, July, and August, as specified in § 681.43.

(2) Retain or possess on a fishing vessel any lobster taken in Permit Area 2 which is less than the minimum size specified in § 681.41.

(3) Possess on a fishing vessel any lobster or lobster part taken in Permit Area 2 in a condition where the lobster is not whole and undamaged as specified in § 681.45.

(4) Retain or possess on a fishing vessel, or remove the eggs from, any egg-bearing lobster, as specified in § 681.42.

7. In subpart B, in § 681.24, paragraphs (e) through (g) are added to read as follows:

§ 681.24 Gear restrictions.

* * * * *

(e) A maximum of 1200 traps per vessel may be maintained on board or in the water, provided that no more than 1100 assembled traps are maintained on board or in the water. If more than 1100 traps are maintained, the unassembled traps may be carried as spares only, in order to replace assembled traps that may be lost or become unusable.

(f) Traps shall not be left unattended in the Management Area, except in the event of an emergency, in which case the vessel operator must notify the NMFS Law Enforcement Office of the emergency that necessitated leaving the traps on the grounds, and the location and number of the traps, within 24 hours after the vessel reaches port. The NMFS Law Enforcement Office can be reached 24 hours a day by calling (808) 541–2727.

(g) The vessel's official number must be marked legibly on all traps and floats maintained on board the vessel or in the water by that vessel.

§§ 681.30 through 681.35 Redesignated as §§ 681.40 through 681.45

8. In subpart C, §§ 681.30 through 681.35 are redesignated §§ 681.40 through 681.45, respectively.

(9) Subpart B is amended by adding new §§ 681.29 through 681.32 to read as follows:

§ 681.29 Closed season.

Lobster fishing is prohibited in Permit Area 1 during the months of January through June, inclusive.

§ 681.30 Limited access management program.

(a) *General requirements.* (1) The owner of any vessel used to fish for lobster in Permit Area 1 must have a limited access permit issued for such vessel under this section. Only one permit will be assigned to any vessel.

(2) A limited access permit is valid for fishing only in Permit Area 1.

(3) The application form for a limited access permit is the same as the application form for a permit under § 681.4(b)(2). If the application is submitted on behalf of a partnership or corporation, the application must be accompanied by a supplementary information sheet obtained from the Pacific Area Office and contain the names and mailing addresses of all partners or shareholders and their respective percentage of ownership in the partnership or corporation.

(4) A maximum of 15 limited access permits can be valid at any time.

(5) No fee is required for a limited access permit.

(6) Any change in the information specified in the application form for a limited access permit must be reported to the Pacific Area Office at least 10 days after the change. Failure to report such changes may result in termination of the permit.

(7) If an incomplete or improperly completed application form is submitted, the Regional Director will notify the applicant in writing of the deficiency. If the applicant fails to correct the deficiency within 15 days following the notification, the application will be considered abandoned.

(8) A limited access permit expires at 2400 hours local time on December 31 following the effective date of the permit.

(9) A limited access permit that has been altered, erased, or mutilated is invalid.

(10) A limited access permit may be issued to replace a lost or mutilated permit. An application for a replacement permit is not considered a new application.

(11) A limited access permit must be on board the vessel at all times and is subject to inspection upon request of any authorized officer.

(12) Procedures governing permit sanctions and denials are found at subpart D of 15 CFR part 904.

(b) *Issuance of initial limited access permits.* (1) An application for an initial limited access permit must be submitted to the Pacific Area Office on the same form used for a permit under § 681.4(b)(2) within 90 days of the effective date of this rule.

(2) The Regional Director will issue initial limited access permits based on the eligibility criteria listed below. An initial permit issued under this paragraph will be issued to the person who owned the vessel when the vessel was last used to land lobsters from Permit Area 1 in 1990. Priority for initial permits will be given, in descending order, to an owner of a vessel that had made at least one landing of lobsters from Permit Area 1:

(i) Before August 8, 1985, and during every calendar year from 1985 through 1990;

(ii) Before August 8, 1985, and during calendar year 1990;

(iii) During 1990 only.

(3) If fewer than 15 initial limited entry permits are issued under paragraph (b)(2) of this section, then the remaining initial permits will be issued to vessel owners based upon a point system.

(i) One point shall be assigned for each calendar year prior to 1985 that the applicant was the owner or operator of a vessel that was used to land lobsters from Permit Area 1.

(ii) Under the point system, applicants will be ranked by the number of points. Available permits will be issued to applicants with the greatest number of points in descending order.

(iii) If two or more applicants have the same number of points and there are insufficient permits for all such applicants, the Regional Director shall issue permits to such applicants through a lottery.

(iv) No points shall be assigned under paragraph (b)(3)(i) of this section for

lobster landings by a vessel for which a permit has been issued under paragraph (b)(2) of this section.

(c) *Renewal of limited access permits.* (1) A person filing an application for renewal of a limited access permit must submit the application by December 31 of the preceding year.

(2) The Regional Director will renew a limited access permit for a subsequent year if the permitted vessel was used to:

(i) Land the equivalent of at least four lobsters for each trap normally used, calculated over one calendar year, and

(ii) Make the landings under paragraph (c)(2)(i) of this section during at least one of the 2 years prior to the year for which the new permit will be valid.

(3) In paragraph (c)(2)(i) of this section, the number of lobsters "for each trap normally used" is calculated by taking the sum of all legal lobsters caught and retained by the harvesting vessel divided by the average number of traps deployed by the vessel based on the logbook records for the calendar year.

(d) *Transfer or sale of limited access permits.* (1) Permits may be transferred or sold, but no one individual, partnership or corporation will be allowed to hold a whole or partial interest in more than one permit, except that an owner who qualifies initially for more than one permit may maintain those permits so long as he or she satisfies the landings requirement in paragraph (c)(2)(i) of this section, but may not obtain additional permits. Layering of partnerships or corporations shall not insulate a permit holder from this requirement.

(2) If 50 percent or more of the ownership of a limited access permit is passed to persons other than those listed on the permit application, the Pacific Area Office must be notified of the change in writing and provided copies of the appropriate documents confirming the changes within 30 days.

(3) Upon the transfer or sale of a limited access permit, a new application must be submitted by the new permit owner according to the requirements of paragraph (a) of this section. The transferred permit is not valid until this process is completed.

(e) *Replacement of a vessel covered by a limited access permit.* An owner of a permitted vessel may, without limitation, transfer his or her limited access permit to another vessel of that owner provided that the replacement vessel is put into service within 12 months after declaring to the Regional Director his or her intent to transfer the permit

(f) *Issuance of limited access permits to future applicants.* (1) The Regional Director may issue limited access permits under this section when fewer than 15 vessel owners hold active permits.

(2) When the Regional Director has determined that limited access permits may be issued to new persons, a notice shall be placed in the **Federal Register**, and other means will be used to notify prospective applicants of the opportunity to obtain permits under the limited access management program.

(3) An application for a new limited access permit must be filed within 90 days following the publication of the **Federal Register** notice.

(4) Limited access permits issued under paragraph (f) of this section will be issued first to applicants qualifying under paragraph (f)(4)(i) of this section. If the number of limited access permits available is greater than the number of applicants that qualify under paragraph (f)(4)(i) of this section, then limited access permits will be issued to applicants under paragraph (f)(4)(ii) of this section.

(i) First priority to receive limited access permits under this paragraph goes to owners of vessels that were used to land lobster from Permit Area 1 during the period from 1983 through 1990, and who were excluded from the fishery by implementation of the limited access system. If there are insufficient permits for all such applicants, the new permits shall be issued by the Regional Director through a lottery.

(ii) Second priority to receive limited access permits under this paragraph goes to owners with the most points, based upon a point system. If two or more owners have the same number of points and there are insufficient permits for all such owners, the Regional Director shall issue the permits through a lottery. Under the point system, limited access permits will be issued, in descending order, beginning with owners who have the most points and proceeding to owners who have the least points, based on the following:

(A) Three points shall be assigned for each calendar year after August 8, 1985 that the applicant was the operator of a vessel that was used to land lobster from Permit Area 1;

(B) Two points shall be assigned for each calendar year or partial year after August 8, 1985, that the applicant was the owner, operator, or crew member of a vessel engaged in either commercial fishing in Permit Area 2 for lobster, or fishing in Permit Area 1 for fish other than lobster with an intention to sell all or part of the catch,

(C) One point shall be assigned for each calendar year or partial year after August 8, 1985, that the applicant was the owner, operator, or crew member of a vessel engaged in any other commercial fishing in the exclusive economic zone surrounding Hawaii.

(5) A holder of a new limited access permit must own at least a 50 percent share in the vessel that the permit would cover.

§ 681.31 Quota management program.

(a) An initial quota and a final quota will be set annually. The final quota for a calendar year shall:

(1) Apply to the total catch of spiny and slipper lobsters; and

(2) Be expressed in terms of numbers of lobsters. All lobsters caught and retained after April 10, 1992, shall count toward the final quota for the year in which they were caught and retained, regardless of the product form (e.g., alive and dead, whole and tails) in which they are landed.

(b) *Initial quota.* (1) The Regional Director shall use information in commercial fishing logbooks from previous years, and may use information from research sampling and other sources, to establish the initial quota, applying the quota formula of the fishery management plan.

(2) The Assistant Administrator shall publish a notice indicating the initial quota in the **Federal Register** by February 15 each year, and shall use other means to notify permit holders of the intital quota for the year.

(c) *Final quota.* (1) The Regional Director shall use the catch and effort information provided during July (or the first month of the open season) to determine any change needed to establish the final quota.

(2) If no fishing is conducted during July (or the first month of the open season), then the final quota shall equal the intital quota.

(3) The Assistant Administrator shall publish a notice in the **Federal Register** indicating the final quota, as soon after August 15 as practicable, and shall use other means to notify permit holders of the final quota for the year.

(4) If the total reported catch by the date that the final quota is announced exceeds the final quota, the Assistant Administrator will publish a notice in the **Federal Register** not less than 7 days prior to the effective date to prohibit further landings of lobster taken in Permit Area 1.

(5) The Regional Director shall determine on the basis of the evidence available to him the date upon which the quota will be reached or exceeded.

Notice of this determination, with a specification of the date after which further landings of lobster taken in Permit Area 1 will be prohibited, will be published in the **Federal Register** by the Assistant Administrator not less than 7 days prior to the effective date.

(d) *Monitoring and Adjustment.* The operator of each vessel fishing during the open season shall report lobster catch (by species) and effort (number of trap hauls) data while at sea to the NMFS in Honolulu. The Regional Director shall notify permit holders of the reporting method, schedule and logistics, at least 30 days prior to the opening of the fishing season.

§ 681.32 Conservation and management adjustments.

If the Regional Director determines that adjustments are warranted, the Regional Director may, with the Council's concurrence, initiate rulemaking to change the:

(a) maximum number of limited access permits that may be valid at any time;

(b) length of the closed season;

(c) maximum number of traps; or

(d) reporting requirements.

[FR Doc. 92-7025 Filed 3-25-92; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 57, No. 59
Thursday, March 26, 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.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92-CE-18-AD]

Airworthiness Directives; Beech T-34C, 90, 99, 100, 200, and 300 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD) that would be applicable to certain Beech T-34C, 90, 99, 100, 200, and 300 series airplanes. The proposed action would require a one-time visual inspection of all engine truss-to-firewall bolts to determine whether bolts that could have been improperly heat treated (soft bolts) where installed, and replacement of any such bolts. The Federal Aviation Administration (FAA) has received several reports indicating that Dumont Aviation manufactured soft bolts and that these are the type of bolts utilized on the affected airplanes. The actions specified by the proposed AD are intended to prevent undetected failure of engine truss-to-firewall bolts, which could eventually lead to separation of the engine mount from the airplane.

DATES: Comments must be received on or before May 29, 1992.

ADDRESSES: Service information that is applicable to this AD may be obtained from the Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201-0085. This information may also be examined at the Rules Docket at the address below.

Submit comments in triplicate to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 92-CE-18-AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

FOR FURTHER INFORMATION CONTACT: Mr. Don Campbell, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 946-4128; Facsimile (316) 946-4407.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 92-CE-18-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 92-CE-18-AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The FAA has received reports where engine truss-to-firewall bolts were improperly heat treated (soft bolts). Dumont Aviation manufactured these soft bolts and the bolts are identified by the letters "DA" on the bolt head. The FAA does not know the number of soft bolts that may have been delivered as original or spare parts because Dumont Aviation is no longer in business, but the FAA does know that Beech T-34C, 90, 99, 100, 200, and 300 series airplanes utilize these type bolts. If installation of these bolts is not detected and corrected, they could break while in service and cause engine mount movement, which could result in damage to the cowling, engine, or propeller and eventually lead to separation of the engine mount from the airplane.

The manufacturer (Beech) has issued Service Bulletin (SB) No. 2432, dated February 1992, which specifies procedures for inspecting the engine truss-to-firewall bolts for corrosion and determining whether any bolts identified by the letters "DA" are installed on any of the affected airplanes. It also specifies procedures for replacing these bolts.

After examining the circumstances and reviewing all available information related to the incidents described above, the FAA has determined that AD action should be taken to prevent undetected failure of engine truss-to-firewall bolts, which could eventually lead to separation of the engine mount from the airplane.

Since the condition described is likely to exist or develop in other Beech T-34C, 90, 99, 100, 200, and 300 series airplanes of the same type design, the proposed AD would require a one-time visual inspection of all engine truss-to-firewall bolts to identify any engine truss-to-firewall bolts that were manufactured by Dumont Aviation (identified by "DA" on the bolt head), and replacement of any installed bolt that is identified as being manufactured by Dumont Aviation. The proposed actions would be accomplished in accordance with Beech SB No. 2432, dated February 1992.

The inspection of the engine truss-to-firewall bolt and associated hardware for corrosion that is referenced in Beech SB No. 2432, dated February 1992, is recommended but would be required by the proposed AD.

The FAA estimates that 3,590 airplanes in the U.S. registry would be affected by the proposed AD, that it

would take approximately 2 workhours per airplane to accomplish the proposed action, and that the average labor rate is approximately $55 an hour. Parts would be provided by the manufacturer at no cost to the operator. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $394,900.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Beech: Docket No. 92-CE-18-AD.

Applicability: The following model and serial numbered airplanes, certificated in any category:

Models	Serial Nos.
T-34C	GP-1 through GP-50, GL-1 through GL-353, and GM-2 through GM-98.
65-90, 65-A90, 65-A90-1, 65-A90-2, 65-A90-3, 65-A90-4, B90, C90, C90A, E90, F90, and H90.	LJ-1 through LJ-1285, LW-1 through LW-347, LA-2 through LA 236, LM-1 through LM-141, LS-1, LS-2, LS-3, LT-1, LT-2, LU-1 through LU-15, and LL-1 through LL-61.
99, 99A, A99A, B99, and C99.	U-1 through U-239.
100, A100, and B100	B-1 through B-247 and BE-1 through BE-137.
200, 200C, 200CT, 200T, A200, A100-1, A200CT, B200, B200C, B300CT, and B200T.	BB-2 through BB-1405, BC-1 through BC-75, BD-1 through BD-30, BJ-1 through BJ-66, BL-1 through BL-137, BN-1 through BN-4, BP-1 through BP-71, BT-1 through BT-33, BU-1 through BU-12, BV-1 through BV-12, FC-1, FC-2, FC-3, FE-1 through FE-9, FG-1, and FG-2.
300, 300C, B300, and B300C.	FA-1 through FA-217, FF-1 through FF-19, FL-1 through FL-60, and FM-1.

Compliance: Required as indicated, unless already accomplished.

To prevent undetected failure of engine truss-to-firewall bolts, which could eventually lead to separation of the engine mount from the airplane, accomplish the following:

(a) Within the next 150 hours time-in-service after the effective date of this AD, accomplish the following:

(1) Individually remove each engine truss-to-firewall bolt and determine whether the bolt is manufactured by Dumont Aviation as specified by Figure 2 and in accordance with paragraphs 1 and 2 of the ACCOMPLISHMENT INSTRUCTIONS in Beech Service Bulletin (SB) No. 2432, dated February 1992. Only one engine truss-to-firewall bolt should be removed at any given time.

(2) Prior to further flight, replace any bolt manufactured by Dumont Aviation as identified in paragraph (a)(1) of this AD with a new bolt part number (P/N) MS20006-20 /M/.

Note: The inspection of the engine truss-to-firewall bolts and associated hardware for corrosion that is referenced in Beech SB No. 2432, dated February 1992, is recommended but is not required by this AD.

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

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

(d) All persons affected by this directive may obtain copies of the document referred to herein upon request to the Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201-0085; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on March 20, 1992.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-6986 Filed 3-25-92; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 217

RIN 0596-AB30

Review of and Comment on National Forest Plans and Project Decisions

AGENCY: Forest Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Department proposes to adopt new rules that focus on public notice of, and opportunity to comment on, proposed Forest Service actions described in an Environmental Assessment and Finding of No Significant Impact prior to the decision being made. Corollary to this proposed rule, the agency also proposes to revise its administrative appeal process at 36 CFR part 217 to limit appeals to only final decisions approving, revising, or significantly amending a National Forest Land and Resource Management Plan. Public review and comment is required for proposed actions having a significant environmental impact as described in a Draft Environmental Impact Statement under the National Environmental Policy Act. The intended effect is to expand opportunities for pre-decisional involvement of the public in Forest Service decisionmaking, achieve administrative efficiencies in agency decisionmaking, reduce the uncertainty for communities and workers dependent upon Forest Service goods and services by minimizing delay in providing a stable supply of resources, remove impediments to economic growth arising from the current appeals process, and provide a reasonable assurance that the Forest Service has the ability to carry out programs authorized and funded by

the Congress. The provisions of this proposed change do not in any way affect either the opportunity that has always existed for people to contact a higher level line officer to express dissatisfaction with a final decision or the right of a higher level line officer to review a lower level line officer's decision. The appeal procedures at 36 CFR part 251, subpart C, are not affected by this proposed change. Public comment is invited.

DATE: Comments must be received in writing by April 27, 1992.

ADDRESSES: Send written comments to APPEALS STAFF (NFS), Forest Service, USDA, P.O. Box 96090, Washington, DC 20090–6090.

The public may inspect comments received on this proposed rule in the Office of the Staff Assistant for Operations, National Forest System, 3d Floor, Northwest Wing, Auditors Building, 14th and Independence Avenues, Northwest, Washington, DC, between the hours of 8:30 a.m. and 4 p.m. Those wishing to inspect comments are encouraged to call ahead (202/205–1346) to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Kathryn Hauser, Office of the Staff Assistant for Operations, National Forest System, (202) 205–1346.

SUPPLEMENTARY INFORMATION: While there is no statutory requirement that the Forest Service provide an appeal procedure, the agency, at its own discretion, has provided an administrative appeal process since 1907. Until the enactment of several environmental statutes in the 1960's and 1970's, the appeal process was used primarily by those with a business relationship with the Forest Service.

Over the past 50 years, the administrative appeal process has shifted back and forth from an informal to a formal process, from adjudication by semi-independent boards to a wholly internal administrative review. Since 1965, the appeal process has undergone four major revisions. The most recent major revision, published on January 23, 1989, at 54 FR 3342, part VI, resulted in two separate and distinct appeal rules: 36 CFR part 251, subpart C for appeals by persons or organizations holding written instruments authorizing the use of National Forest System lands and 36 CFR part 217 for appeals of decisions relating to national forest land and resource management plans, projects, and activities. The decisions reviewable under part 217 arise from compliance with the National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA), and implementing regulations, policies, and procedures.

The appeal process has long been envisioned as a simple, quick, informal process to provide a last administrative opportunity to resolve disputes between the agency and interested or affected parties after a decision was made but before a decision was implemented. Instead, it has become a significant generator of paperwork and a time-consuming, procedurally onerous, confrontational, and costly effort, diverting resources and energies that otherwise might be directed to substantive on-the-ground resource management needs and accomplishments.

In the traditional sense, an appeal process is adjudicatory, a process by which a party that has a legal right and that believes the right was violated, addresses the grievance. Whether in court or in an administrative context, the traditional process looks at the facts and judges the rightness or wrongness of a decision (within the defined limits of the standard of review) and prescribes a remedy. The agency offers this type of appeal process at 36 CFR part 251, subpart C for those decisions made by Forest Officers affecting a written instrument. No change is contemplated in this regulation as part of this rulemaking although minor technical changes may be proposed later.

The often-voiced purpose of the agency's 36 CFR part 217 appeal process has been to give the public an informal avenue for review and resolution of disputed agency decisions without the necessity of litigation. Contrary to the situation in the late 1960s, the public today is involved in National Forest System decisionmaking both before management decisions are made (pre-decisional) and after decisions are made (post-decisional).

The National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4332) has significantly changed the way Federal agencies make decisions because it requires that all Federal agencies must involve the affected and interested public in planning and analysis prior to making decisions. In addition, the opportunity for judicial review of Forest officers' decisions was not generally available to the public until the 1970's.

Just as NEPA significantly increased the public's rule in Federal decisionmaking, the National Forest Management Act of 1976 (NFMA) (16 U.S.C. 1600) further broadened the public's role by mandating public participation in the development of land and resource management plans for each administrative unit of the National Forest System. Today, individuals and organized interest groups are very much involved and play an important role in forest planning and pre-decisional activities related to project decisionmaking.

Despite this open planning process and involvement of affected and interested persons in Forest Service environmental analysis, land management planning, and associated decisionmaking, many final decisions involving land and resource uses made by Forest Service managers remain controversial. Many of the interested and/or affected person are not satisfied with the agency's resulting decisions. These disagreements are rooted in differing views about the priorities and values assigned to the agency's many wide-ranging and legislatively-mandated multiple-use management objectives. Potential conflicts over objectives coupled with easy access to decisionmakers afforded through the present appeal process has increased opportunities to contest decisions that National Forest users believe are counter to their interests. In short, the agency's appeal process has served to foster and encourage post-decisional questioning of priorities and actions. The same questioning does, and should, occur before decisions are made so that Forest officers can take into account public concerns.

The current appeal regulation adversely affects the agency's ability to implement projects by diverting the efforts of its workforce from on-the-ground resource management activities to processing administrative appeals. Appeals can increase the cost, and sometimes substantially diminish the cost-effectiveness, of a project through the time it takes the agency to complete an appeal, even though the original decision might ultimately be upheld. Also, administrative appeals adversely affect jobs, families, and communities by delaying or withdrawing projects which support the local economy, thus creating uncertainty for communities dependent upon Forest Service goods and services. Many communities dependent upon the National Forests for their economic livelihood depend upon the Forest Service being able to achieve congressionally funded programs in mining, grazing, timber, recreation, fisheries and wildlife. The current post-decisional appeal process creates uncertainty as to the Forest Service's ability to deliver those goods and services, impeding economic growth and development. Delays in delivery of National Forest System goods and services can place the economic viability of communities at risk The

delays arising from the appeals process also can adversely affect the cost of homes, Federal payments for local schools and roads, and costs to the Federal government.

A recent internal review of the current appeal regulation has identified several areas which adversely affect the efficiency of the appeal process:

- Individuals, who have chosen not to become involved in NEPA generated public involvement, are routinely appealing decisions.
- New issues are being raised and must be addressed in appeal decisions, rather than during NEPA generated public involvement in the pre-decisional phase.
- Negotiating with appellants during an appeal excludes some interested parties—those that participated during the decisionmaking process but did not appeal.

In examining the efficiency of the current appeal process, the question is not whether the public should be involved in Forest Service decisionmaking but when (pre-decisionally or post-decisionally) and how such involvement can best be achieved for the benefit of everyone. The Department is committed to fostering a public participation climate that allows for the open expression of ideas and encourages the public to join with the agency in identifying and analyzing natural resource management alternatives that result in balanced multiple use management of the National Forests. The Department has concluded that the public interest is best served by mutual efforts to resolve differences during the decisionmaking process than by trying to resolve those differences after a decision has already been made. Finally, the Department believes better resource decisions and fewer challenges of those decisions will result if interested citizens and organizations become involved early and are provided a meaningful opportunity to comment.

Therefore, the Department proposes to expand opportunities for pre-decisional involvement of the public in its decisionmaking by adopting a process that focuses on public notice of, and opportunity to comment on, proposed projects. The proposed process would be codified in part 217 as subpart B. The current appeal procedures would be designated as subpart A. The current procedures would continue to apply to appeals already filed and to future final decisions, revisions, and significant amendments of Forest Land and Resource Management Plans, documented in a Record of Decision and accompanying Environmental Impact Statement.

Replacing the current project appeal process with a pre-decisional public notice and comment opportunity will reduce the time period of uncertainty for communities dependent upon Forest Service goods and services that is currently occurring as a result of post-decisional appeals and provide greater stability to those dependent communities. Currently, when the environmental analysis is completed and documented in an Environmental Assessment and Finding of No Significant Impact, a Decision Notice is published. Then there is a 45-day appeal period and, if an appeal is filed, the agency has 100 days to respond to that appeal. The proposed process would eliminate that 145-day delay after a decision is made. The Department sees this change as a natural evolution in NEPA compliance and decisionmaking that simply changes the timing of public comment, but not the opportunity to influence Forest Service decisionmaking. The proposed change will provide the public an opportunity to become involved before a decision is made and announced. It will open the bulk of the resource management projects made by Forest Service line officers to public notice and comment and provide a response to those public concerns, with the result being better resource decisions. And, it will provide a process consistent with that of other Federal agencies. It should be noted that nothing in the proposed rule precludes someone dissatisfied with a prospective project from also raising their concerns to a higher administrative level. Nor does it preclude a higher level line officer from exercising existing authority to review a decision of a lower level line officer.

The proposed change would include retitling part 217 as "Review of and Comment on National Forest Plans and Projects and titling the current appeal rules as "Subpart A—Appeals." A description of revisions to the proposed appeal procedures follows, keyed to the CFR section number:

Section 217.3 Decisions Subject to Appeal

This section would be revised to limit decisions subject to appeal to final decisions approving, revising, and significantly amending National Forest Land and Resource Management Plans (forest plan). A forest plan is a broad, programmatic document which establishes direction for how a National Forest will be managed, but it generally does not irretrievably commit the agency to final authorization of individual projects. Each forest plan includes land allocations and measures to ensure environmental protection. The land allocation identifies what uses are permissible and under what conditions: uses include wildlife, recreation, timber, grazing, and others. Because Forest plans set direction for 10–15 year periods and often involve making judgments on controversial and conflicting issues of major interest, it is appropriate to, and the agency does, provide extensive public involvement opportunities in forest plan decisionmaking. At this time, providing higher level review of the development, significant amendment, and revision of forest plans through administrative appeal to the Chief is appropriate and cost effective as the cost of delays associated with appeals of project-level decisions are not applicable to appeals of forest plans.

Section 217.4 Decisions Not Subject to Appeal

Because the proposed change to § 217.3 would make explicit that only National Forest Plan-related decisions are subject to appeal, it would no longer be necessary to list decisions that are not appealable. Therefore, the proposed rule would remove and reserve this section.

Section 217.19 Applicability and Effective Date

Paragraph (a) of this proposed section would provide that no appeals filed pursuant to 36 CFR part 217 would be accepted on decisions published after the effective date of the final rule except as noted in paragraph (b). Proposed paragraph (b) would provide that the rules at 36 CFR part 217, subpart A, would continue in force for decisions issued prior to the effective date of the final.

Subpart B would establish a new process for public notice and comment on proposed projects and would be titled "Comment on Proposed Forest Service Actions." Principal features of this subpart keyed to the CFR section number follow.

Section 217.20 Purpose and Scope

Agency decisionmaking and public participation are guided by the National Environmental Policy Act (NEPA) and the Council on Environmental Quality (CEQ) implementing regulations (40 CFR 1500–1508). Further guidance is provided by the Department of Agriculture regulations that require that policies and programs of the various Department of Agriculture agencies shall be planned, developed, and implemented to achieve

the goals and follow the procedures set forth in NEPA and the CEQ Regulations (7 CFR part 1(b)).

The CEQ regulations ensure that environmental information is available to public officials and the public before decisions are made and before actions are taken. The NEPA procedures require agencies to integrate the NEPA process with planning at the earliest possible time to head off conflicts. However, CEQ procedures for public notice and comment apply only to those projects with a significant environmental impact requiring a Draft and Final Environmental Impact Statement. The purpose of this proposed rule is to foster early and effective public participation in Forest Service decisionmaking.

Section 217.21 Applicability and Effective Date

As proposed, the rules would apply generally to proposed actions published for comment after the adoption of the final rule.

Section 217.22 Proposed Actions Subject to This Subpart

This section proposes that only proposed actions described in an Environmental Assessment and a Finding of No Significant Impact (EA/FONSI), as defined in the CEQ regulations at 40 CFR parts 1500–1508, will be subject to this subpart. The CEQ regulations at 40 CFR 1506.10(c) already require pre-decisional public involvement for proposed actions that have a significant environmental impact. Those regulations will continue to apply to proposed actions described in a Draft Environmental Impact Statement.

To facilitate the orderly transition from a post-decisional review process to a pre-decisional review and comment process, the Department also gives notice that the Forest Service is issuing interim direction to encourage agency officials to begin now the pre-decisional notice and comment that would be mandated should this rule be adopted in current form. Units that, during the rulemaking period, give legal notice of the availability of and a 30-day comment period on Environmental Assessments and Findings of No Significant Impact on proposed actions would be able to proceed with final decisions upon or after adoption of the final rule, and such decisions would not be subject to the current appeal process.

It should also be noted that if officials issue decisions during the rulemaking period, those decisions remain subject to the legal notice and other requirements of the current appeal rules, and any appeals filed on such decisions would continue to be processed under the existing rules after final adoption of this rulemaking.

Section 217.23 Giving Notice of Proposed Actions Subject to This Subpart

Under the proposed rule, the responsible official would announce that the EA/FONSI is completed and ready for public review and solicit public comment. That notice would be given through a legal notice in a previously designated newspaper of general circulation, except for proposed actions of the Chief which require **Federal Register** publication.

Paragraph (b) of the proposed rule outlines the format and content and proposed paragraph (c) would require bi-annual publication in the **Federal Register** of the newspaper to be utilized. These provisions are basically the same as current decision notice requirements in 36 CFR 217.5.

Section 217.24 Proposed Actions Not Subject to This Subpart

Paragraph (a) of the proposed rule would exclude proposed actions described in a draft EIS from this process. This exclusion is appropriate because the National Environmental Policy Act implementing regulations at 40 CFR parts 1500–1508 already require notice and comment requirements for these actions. Proposed paragraph (b) would exclude proposed actions related to emergency situations documented in an Environmental Assessment and Finding of No Significant Impact, when the Regional Forester or Chief has determined that good cause exists to exempt such proposed actions from formal public notice and comment and has given notice of this decision in the **Federal Register**. Paragraph (c) would exclude proposed actions categorically excluded from documentation in an Environmental Assessment or Environmental Impact Statement. Finally, to clearly make the point of the proposed change in the purpose and scope of the rule, paragraph (d) would exclude any proposed action not subject to environmental analysis and documentation in an Environmental Assessment and Finding of No Significant Impact.

Section 217.25 Comments

This section would provide a 30-day comment period on the EA/FONSI following publication of the legal notice described in proposed § 217.23. While this proposed change would replace the current post-decisional appeal of Forest officers' decisions, its effect is to merely shift the timing for expression of public concern and comment, by providing a pre-decisional opportunity for people who are interested in or affected by Forest Service management decisions to comment or question proposed actions instead of raising concerns/issues post-decisionally in an appeal. Moreover, it gives the decisionmaker the benefit of the public comments before the decision is made.

Paragraph (b) would continue the current practice of computing the period for comments by using calendar days and specify that the first day of the comment period is the day following publication of the legal notice.

Section 217.26 Decision

In addition to seeking and considering public comment on proposed decisions, the agency has a responsibility to respond to the public in a documented and visible manner and describe how the comments received were used in making the final decision. Proposed paragraph (a) would provide that a decision would be made on whether or not to proceed with the proposed action within 21 days of the close of the comment period unless a longer time period is necessary to make this determination. In such case, those providing comments will be notified of the delay in the decision. Paragraph (b) would provide that if the determination is made that further environmental analysis is needed, those providing comments shall be notified. Paragraph (c) proposes that if a decision is made, the public comments shall be addressed in the Decision Notice.

In conclusion, the Department, for the reasons noted in this preamble, is proposing to expand public participation in decisionmaking by providing constructive notice and oportunity for comment on the environmental assessments and findings of no significant impact which are prepared for such decisions. The responsible official would consider the comments received and address them in the formal decision document. Corollary with adoption of these expanded pre-decisional public involvement procedures, the Department also proposes to limit the existing post-decisional administrative appeal process to national forest land and resource management plans. A number of Forest Service units have for some time voluntarily adopted the pre-decisional notice and comment procedures that would be mandated by adoption of this rule. The results have shown the benefits of receiving comment prior to making decisions—early resolution of conflicting views over the proposed action, improved

decisions, and fewer post-decisional appeals of those decisions. By adopting this pre-decisional approach Servicewide, the Department is confident that the rule will result in more orderly implementation of agency projects and activities, reductions in administrative costs, redirection of significant agency funding and personnel to on-the-ground resource management, reduction in the uncertainty and delay that currently surrounds the flow of goods and services from National Forest System lands, and greater economic stability to communities and segments of the economy dependent on National Forest System programs and activities. Comments received in response to this rule will be considered in adoption of a final rule.

Regulatory Impact

This proposed rule has been reviewed under USDA procedures and Executive Order 12291 on Federal Regulations. It has been determined that this is not a major rule. The proposed rule will not substantially increase prices or costs for consumers, industry, or State or local governments, nor adversely affect competition, employment , investment productivity, innovation, or the ability of United States-based enterprises to compete in foreign markets. To the contrary, adoption of this proposed rule would have positive benefits to the economy by reducing economic uncertainty and delay for communities dependent upon the flow of Forest Service goods and services. Adoption of this rule would substantially reduce the disruption and delay arising from the current appeal rule and, thereby, provide a greater assurance that the Forest Service can carry out programs authorized and funded by the Congress. This rule also has been reviewed in light of the President's regulatory review guidance of January 28, and it has been determined that the expected benefits of this rule outweigh the expected costs to society, and that the rule is fashioned to maximize net benefits to society, and that the rule provides clarity and certainty to the regulated community and is designed to avoid needless litigation.

Moreover, this proposed rule has been considered inlight of the Regulatory . Flexibility Act (5 U.S.C. 601 *et seq.*), and it has been determined that this action will not have a significant adverse economic impact on a substantial number of small entities.

Civil Justice Reform Act

Executive Order No. 12778. The General Counsel has certified to the Office of Management and Budget that these proposed regulations meet the applicable standards provided in sections 2(a) and 2(b)(2) of Executive Order No. 12778. By focusing on predecisional notice and comment, the proposed rule is fully consistent with the President's emphasis is implementing the Civil Justice Reform Act to use early and alternative methods to resolve conflicts and thereby reduce the potential of litigation.

Environmental Impact

Based on both experience and environmental assessment, this final rule would not have a significant effect on the human environment, individually or cumulatively. Therefore, it is categorically excluded from documentation in an environmental assessment or an environmental impact statement (7 CFR part 1(b)).

Controlling Paperwork Burdens on the Public

This rule does not contain any recordkeeping or reporting requirements or other information collection requirements as defined in 5 CFR part 1320 and therefore imposes no paperwork burden on the public.

List of Subjects in CFR Part 217

Administrative practice and procedures, National forests.

Therefore, for the reasons set forth in the preamble, it is proposed to amend part 217 of title 36 of the Code of Federal Regulations as follows:

PART 217—REVIEW OF AND COMMENT ON NATIONAL FOREST PLANS AND PROJECTS

1. The authority citation for part 217 continues to read:

Authority: 16 U.S.C. 551, 472.

1A. The part heading is revised to read as set forth above.

2. Designate sections 217.1–217.19 as subpart A—Appeals.

Subpart A—Appeals

3. Revise § 217.3 as follows:

§ 217.3 Decisions subject to appeal.

(a) Effective [*insert effective date of final rule*], only written decisions, documented in a Record of Decision, approving, revising, or significantly amending a Forest Land and Resource Management Plan, are subject to appeal under this subpart.

(b) Appeals previously filed pursuant to 36 CFR part 217 will continue to be subject to the appeal procedures at 36 CFR part 217, subpart A.

§ 217.4 [Removed and reserved]

4. Remove and reserve § 217.4.

5. Revise § 217.19 as follows:

§ 217.19 Applicability and effective date.

(a) The appeal procedures established in this part apply to all appealable Records of Decision published after [*insert effective date of final rule*].

(b) Notices of appeal filed under 36 CFR part 217 prior to [*insert effective date of final rule*], remain subject to those procedures.

6. Establish a new subpart B to read as follows:

Subpart B—Comment on Proposed Forest Service Actions

Sec.

217.20 Purpose and scope.
217.21 Applicability and effective date.
217.22 Proposed actions subject to this subpart.
217.23 Giving notice of proposed actions subject to this subpart.
217.24 Proposed actions not subject to this subpart.
217.25 Comments.
217.26 Decision.

§ 217.20 Purpose and scope.

The purpose of this subpart is to establish a process for fostering early and effective public participation in Forest Service decisionmaking documented in an Environmental Assessment and Finding of No Significant Impact. This subpart expands the public participation requirements in the Forest Service's NEPA implementing procedures in Forest Service Manual 1950 and Forest Service Handbook 1909.15 (36 CFR part 200).

§ 217.21 Applicability and effective date.

The procedures established in this subpart apply to all proposed actions (§ 217.22) published after [*insert date of publication of final rule in* **Federal Register**.]

§ 217.22 Proposed actions subject to this subpart.

Only proposed actions described in an Environmental Assessment and Finding of No Significant Impact (EA/FONSI), as defined in 40 CFR parts 1500–1508, will be subject to review and comment under this subpart.

§ 217.23 Giving notice of proposed actions subject to this subpart.

(a) The responsible official shall give notice that a proposed action is ready for public review as follows:

(1) For all proposed actions of the Chief, notice shall be published in the **Federal Register.**

(2) For all other proposed actions, legal notice of the proposed action shall be published in a newspaper of general circulation identified pursuant to the requirements of paragraph (c) of this section.

(b) All notices published pursuant to this section shall include a concise description of the proposed action by title or subject matter, the date of the EA/FONSI, the name and title of the official making the decision, information on how to obtain a copy of the EA/FONSI, and state that the responsible official will accept comments for 30 days following publication of the legal notice.

(c) At least twice annually, in April and in October, each responsible Forest Service officer shall, through **Federal Register** notice, advise the public of the principal newspaper to be utilized for publishing legal notices required by this section.

§ 217.24 Proposed actions not subject to this subpart.

The following proposed actions are not subject to this subpart:

(a) Proposed actions described in a Draft Environmental Impact Statement (DEIS).

(b) Proposed actions related to emergency situations or rehabilitation of National Forest System lands and recovery of forest resources resulting from natural disasters or other natural phenomena such as insect and disease infestation, wildfires, severe wind, earthquakes, and flooding when the Regional Forester or, in situations of national significance, the Chief of the Forest Service, determines and gives notice in the **Federal Register** that the action is exempt from formal public notice and comment because of the essence of time.

(c) Proposed actions categorically excluded from documentation.

(d) Any proposed action not subject to documentation in an Environmental Assessment and Finding of No Significant Impact.

§ 217.25 Comments.

(a) Upon completion of an EA/FONSI on a proposed action, the responsible official shall give notice that a proposed action is ready for public review and accept comments on the proposed action for a period of 30 days from date of publication of the legal notice. In submitting comments, persons or representatives of organizations shall list their name, address, and telephone number (if applicable), identify the proposed action by title and set forth any comments on the proposed action that they believe the decision-maker should consider or that the EA/FONSI does not adequately address. Comments will not be considered unless they are received by the responsible official before the close of business on the 30th day following publication of the legal notice.

(b) *Computation of comment period.* The day after the published legal notice required in section 217.23 is the first day of the comment period. The rest of the 30-day comment period shall be computed using calendar days. Saturdays, Sundays, and Federal holidays are included in computing all time periods in this subpart; however, when the time period would expire on a Saturday, Sunday, or Federal holiday, the period is extended to the end of the next Federal working day.

§ 217.26 Decision.

(a) Within 21 days of the close of the comment period, the responsible official shall consider the comments received and issue a decision, unless the responsible official makes one of the following determinations:

(1) Based on comments received, further environmental analysis and attendant documentation is needed; or

(2) The consideration of comments received cannot be completed within the 21 days.

(b) If the responsible official determines that further environmental analysis is needed or more time is needed to consider comment received, the official shall give written notice of such delay to those who submitted comments.

(c) Comments received on proposed actions in response to notice given pursuant to this subpart shall be addressed in the Decision Notice documenting the decision. A copy of the Decision Notice shall be promptly mailed to those filing comments or requesting the Decision Notice.

Dated: March 19, 1992.

James R. Moseley,

Assistant Secretary, Natural Resources and Environment.

[FR Doc. 92-7030 Filed 3-23-92; 4:03 pm]

BILLING CODE 3410-11-M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900-AF80

Claims Based on Exposure to Ionizing Radiation

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: The Department of Veterans Affairs (VA) is proposing to amend its adjudication regulations concerning diseases claimed to be the result of exposure to ionizing radiation. This amendment is necessary to implement a recommendation by the Veterans Advisory Committee on Environmental Hazards (VACEH) that ovarian cancer be considered "radiogenic", and to clarify the other provisions under which service connection may be established for injury or disease claimed to be the result of exposure to ionizing radiation. The intended effect of this amendment is to add ovarian cancer to the list of radiogenic diseases, and to clarify the other provisions under which service connection may be established for injury or disease claimed to be the result of exposure to ionizing radiation.

DATES: Comments must be received on or before April 27, 1992. Comments will be available for public inspection until May 5, 1992. These amendments are proposed to be effective on the date of publication of the final rule.

ADDRESSES: Interested persons are invited to submit written comments, suggestions, or objections regarding these changes to Secretary of Veterans Affairs (271A), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420. All written comments received will be available for public inspection only in the Veterans Services Unit, room 170, at the above address between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays), until May 5, 1992.

FOR FURTHER INFORMATION CONTACT: John Bisset, Jr., Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, (202) 233-3005.

SUPPLEMENTARY INFORMATION: The Veterans' Dioxin and Radiation Exposure Compensation Standards Act, Public Law 98-542, 98 Stat. 2735 (1984), required VA to publish regulations for the adjudication of compensation claims in which disabilities or deaths of veterans are alleged to be the result of in-service exposure to ionizing radiation. It also required that the regulations be based on sound scientific and medical evidence. To assist VA in this effort, the law mandated the establishment of the VACEH. On December 1, 1988, VA published in the **Federal Register** (53 FR 48551-2) a proposal to amend 38 CFR 3.311a(g) and 3.311b(h) to specify the other provisions under which service connection may be established for injury or disease claimed

to be the result of exposure to ionizing radiation or to herbicides containing dioxin are those governing direct service connection, service connection by aggravation, or presumptive service connection. However, in *Nehmer* v. *United States Veterans Administration*, 712 F. Supp. 1404 (N. D. Cal. 1989), the court concluded that VA incorrectly required that, in determining whether diseases would be service connected based on dioxin exposure, scientific evidence demonstrate a cause-and-effect relationship between the disease and exposure, rather than only a significant statistical association. In view of that decision, VA withdrew the proposed amendments of §§ 3.311a(g) and 3.311b(h) as they made reference to the causal relationship standard (See 54 FR 42802–3).

VA is now proposing to amend § 3.311b(h) to clarify when service connection can be established based upon exposure to ionizing radiation. The list of radiogenic conditions that appears at § 3.311b(b)(2) is meant to be exclusive. The current wording of § 3.311b(h), however, might be misinterpreted to mean that a veteran may attempt to prove that a disease not included on that exclusive listing resulted from exposure to ionizing radiation and is service connected based on "sound scientific or medical evidence." This interpretation of § 3.311b(h) would not conform to section 5(b)(2) of Public Law 98–542 which contemplates that VA will employ regulations which list each disease for which VA finds sound scientific or medical evidence of a connection to ionizing radiation.

Under 38 CFR 1.17(c), when VA determines that a significant statistical association exists between exposure to ionizing radiation and any disease, 38 CFR 3.311b is amended to provide guidelines for the establishment of service connection for that disease. This determination is made after receiving the advice of the VACEH based on its evaluation of scientific or medical studies.

In a public meeting on August 22–23, 1990, the VACEH met in Washington, DC. At that meeting, the VACEH considered 11 papers relating to the health effects of exposure to ionizing radiation focusing primarily on the fifth report of the Committee on Biological Effects of Ionizing Radiation (BEIR V). Based on its review of this literature, VACEH recommended that ovarian cancer be added to the list of diseases that VA will recognize as being radiogenic. The Secretary has accepted that recommendation and we propose to amend 38 CFR 3.311b(b)(2) to implement the Secretary's decision effective the date of publication of the final rule.

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

In accordance with Executive Order 12291, Federal Regulation, the Secretary has determined that these regulatory amendments are non-major for the following reasons:

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

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

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

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

List of Subjects in 38 CFR Part 3

Administrative practice and procedures, Claims, Handicapped, Health care, Pensions, Veterans.

Approved: February 28, 1992.

Edward J. Derwinski,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 3 is proposed to be amended as set forth below:

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

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

Authority: 105 Stat. 386; 38 U.S.C. 501(a), unless otherwise noted.

2. In § 3.311b, add paragraph (b)(2)(xviii) and revise paragraph (h) to read as follows:

§ 3.311b Claims based on exposure to ionizing radiation.

* * * * *

(b) * * *

(2) * * *

(xviii) Ovarian cancer.

* * * * *

(h) *Service connection under other provisions.* Nothing in this section will be construed to prevent the establishment of service connection for any disease or injury shown to have been incurred or aggravated during active service in accordance with §§ 3.304, 3.306, 3.307, or 3.309. However service connection will not be established under this section, or any other section except for §§ 3.309(d) or 3.310(a), on the basis of exposure to ionizing radiation and the subsequent development of any disease not specified in paragraph (b)(2) of this section.

* * * * *

[FR Doc. 92–6990 Filed 3–25–92; 8:45 am]

BILLING CODE 8320–01–M

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38 CFR Part 4

RIN 2900–AE72

Schedule for Rating Disabilities—The Gynecological System

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: The Department of Veterans Affairs (VA) is proposing to amend its rating schedule for the gynecological system. This change is based on a General Accounting Office (GAO) study and recommendation that medical criteria in the rating schedule be reviewed and updated. The intended effect is to update the Schedule for Rating Disabilities of the gynecological system to ensure that it uses current medical terminology and criteria for evaluating disabilities of that system.

DATES: Comments must be received on or before April 27, 1992. Comments will be available for public inspection until May 5, 1992. This change is proposed to be effective 30 days after the date of publication of the final rules.

ADDRESSES: Interested persons are invited to submit written comments, suggestions, or objections regarding this change to Secretary of Veterans Affairs (271A), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420. All written comments will be available for public inspection only in the Veterans Services Unit, room 170, at the above address between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays), until May 5, 1992.

FOR FURTHER INFORMATION CONTACT: Bob Seavey, Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, (202) 233–3005.

SUPPLEMENTARY INFORMATION: In December 1988, GAO published a report entitled "Veterans' Benefits: Need to Update Medical Criteria Used in VA's Disability Rating Schedule" (GAO/HRD–89–28). After consulting numerous medical professionals and VA rating specialists, GAO concluded that a comprehensive and systematic plan was needed for reviewing and updating VA's Schedule for Rating Disabilities (38 CFR part 4). The medical professionals noted outdated terminology, ambiguous impairment classifications and the need to add a number of medical conditions not presently in the rating schedule. GAO recommended that VA prepare a plan for a comprehensive review of the rating schedule and, based on the results, revise the medical criteria accordingly. VA agreed to these recommendations.

In the **Federal Register** of August 20, 1990, VA published an advance notice of proposed rulemaking advising the public that it was preparing to revise and update the rating schedule for gynecological disabilities. A number of comments and suggestions were received from interest groups and VA employees. VA also contracted an outside consultant to suggest revisions to the gynecological portion of the rating schedule and requested recommendations from the VA Advisory Committee on Women Veterans. The primary objective of this review is to update the medical terminology and criteria used to evaluate disabilities rather than to amend the percentage evaluations assigned to each level of severity, albeit some changes in evaluation are proposed.

Several commenters recommended that diagnostic codes be added for benign growths affecting the gynecological system or breasts, and also for endometriosis. These suggestions have been addressed in this proposal.

The title of § 4.116 is currently "Gynecological Conditions." We propose to amend this title to read "Gynecological Conditions and Disorders of the Breast." The title of § 4.116a will be changed in the same manner. This change will more clearly indicate that the schedule of ratings which follows is applicable to disorders of the breast as well as disabilities of the female reproductive system.

Section 4.116 explains the principles of service connection relevant to the gynecological system. We are proposing to substitute the word "neoplasm" for "new growth" at the beginning of the penultimate sentence of this section. The word "neoplasm" better connotes a pathological abnormality than the term "new growth." It will therefore be used in this paragraph as well as under diagnostic codes 7627 and 7628, which will pertain to malignant and benign neoplasms respectively. In order to ensure a more consistent use of terminology, the word "removal" will be substituted for both the word "excision" and the phrase "resection or excision" in the last two sentences of § 4.116. Similarly, the word "removal" will be substituted for the words "excision" and "extirpation" under diagnostic code 7619 for removal of the ovaries.

Diagnostic codes 7610 through 7615 currently classify inflammation of the female reproductive organs as follows: Diagnostic code 7610, "Vulvovaginitis"; diagnostic code 7611, "Vaginitis"; diagnostic code 7612, "Cervicitis"; diagnostic code 7613, "Metritis"; diagnostic code 7614, "Salpingitis"; and diagnostic code 7615, "Oophoritis." We propose to expand the rating of disorders in these affected areas to include disease or injury in general. In the case of the uterus, fallopian tube and ovary, adhesions will also be included. Our proposed revision of the headings will therefore read as follows: Diagnostic code 7610, "Vulva, disease or injury of"; diagnostic code 7611, "Vagina, disease or injury of"; diagnostic code 7612, "Cervix, disease or injury of"; diagnostic code 7613, "Uterus, disease, injury, or adhesions of"; diagnostic code 7614, "Fallopian tube, disease, injury, or adhesions of"; and diagnostic code 7615, "Ovary, disease, injury, or adhesions of." Under diagnostic code 7610, "Vulva, disease or injury of," we propose to add the words "To include rating of vulvovaginitis." In a similar manner, "To include rating of Pelvic inflammatory disease (PID)" will be added after diagnostic code 7614, "Fallopian tube, disease, injury, or adhesions of." These proposed changes will clarify the proper classification of gynecological conditions, and reduce reliance on the uncertain practice of rating by analogy.

The formula for evaluating diagnostic codes 7610 through 7615 is currently divided into levels of 30, 10 and 0%, and each percentage level is determined by whether the disability is "severe," "moderate," or "mild." No elaborating criteria are provided to explain what these words are intended to mean in this context. Under the heading of "General Rating Formula for Disease, Injury, or Adhesions of Female Reproductive Organs (diagnostic codes 7610 through 7615)," we propose to specify objective criteria in terms of the need for or response to treatment. Symptoms of disability not controlled by treatment would warrant a 30% evaluation; symptoms requiring continuous treatment would be evaluated as 10% disabling; and symptoms of disability not requiring continuous treatment would be non-compensable in evaluation. These criteria will ensure that comparable medical conditions are assigned comparable evaluations.

The rating schedule currently allows a total evaluation because of the need for convalescence after surgery for removal of the uterus and ovaries. A six-month period of total evaluation is provided following surgery under diagnostic code 7617, "Uterus and both ovaries, removal of, complete." Advances in therapeutic medicine have significantly reduced the length of convalescent periods required following these surgeries. Under diagnostic code 7617, "Uterus and both ovaries, removal of, complete," we are therefore proposing to change this six-month period to three months.

A six-month period of total evaluation is also currently specified for removal of both ovaries under diagnostic code 7619, "Ovaries, removal of both." In addition to amending this period to three months because of improved surgical techniques, we propose to make the same convalescent period of three months applicable to removal of one ovary as well as two, since the need for immediate post-surgical convalescence does not significantly differ in either instance. We also propose to amend the heading of diagnostic code 7619 to read "Ovary, removal of," in order to make this diagnostic code explicitly applicable to the removal of one ovary as well as to the removal of two ovaries.

A 10% evaluation is currently specified for loss of a single ovary under diagnostic code 7619. The loss of one ovary does not compromise endocrine or reproductive function to such an extent that an impairment of earning capacity ordinarily results. Accordingly, we propose that the removal of one ovary be non-compensable in evaluation.

For malignancies of the gynecological system or of the breast, diagnostic code 7627 currently provides a 100% evaluation for one year following surgery or the cessation of antineoplastic therapy. This provision is applied at the time of rating by assignment of a one-year total evaluation with a prospective reduction consistent with the protected, known or minimum evaluation. Due to improvements in the administration of

chemotherapy and radiation treatments, we believe that a one-year convalescent evaluation is no longer warranted, but that it is reasonable to assess residual disability six months after treatment terminates. Not every patient will recover in a set period of time, however, so a decision to reduce an evaluation after six months should be based on medical findings rather than a regulatory assumption that there has been an improvement.

We propose to change the period of convalescence under diagnostic code 7627 for malignancies from one year to six months. The total evaluation will continue until the veteran is examined and the results of this examination have been reviewed by a rating board. At that time, if a reduction in evaluation is warranted, it would be implemented under the provisions of 38 CFR 3.105(e). This instruction has been included in the note following diagnostic code 7627. No minimum rating is proposed following expiration of the 100% convalescent evaluation.

These changes in the length of convalescent periods will permit a more accurate and timely determination of the veteran's remaining chronic impairment. These changes have been suggested by physicians who are experienced in the treatment of gynecological conditions, and are designed to reflect the period during which most patients can be expected to recover.

The words "severe" and "moderate" now precede the evaluation criteria for the 30% and 10% levels under diagnostic code 7622, "Uterus, displacement of." These words will be removed since they do not significantly help to explain or clarify the specific evaluation criteria which they precede. For the same reason, the words "severe" and "moderate" will be removed in the evaluation criteria following diagnostic code 7623, "Pregnancy, surgical complications of." The 0% level under diagnostic code 7622 which is currently shown as "Mild; slight symptoms," and the 0% level under diagnostic code 7623 shown as "Mild" will be eliminated since the criteria provided are not substantially meaningful. Criteria for non-compensable levels will no longer be specified under these codes. As with every instance in the rating schedule, when the criteria for compensable evaluations are not met, a 0% evaluation will be assigned.

Evaluation criteria under diagnostic code 7624, "Fistula, rectovaginal," currently direct the rater to criteria under diagnostic code 7335, "Ano, fistula in." Diagnostic code 7335, in turn, points to criteria for rating under diagnostic code 7332, "Rectum and anus, impairment of sphincter control." In effect, therefore, the criteria relevant to evaluation of rectovaginal fistulas are contained under diagnostic code 7332. We propose to make this instruction straightforward under diagnostic code 7624.

The rating schedule currently directs that urethrovaginal fistulas under diagnostic code 7625 be rated as "Urethra, fistula of," under diagnostic code 7519. This direction will be amended to conform to proposed revisions in the genitourinary section of the rating schedule and will read "Rate as voiding dysfunction under the genitourinary schedule." Multiple urethroperineal fistulas are evaluated as 100% disabling, which also conforms to criteria under diagnostic code 7519.

Diagnostic code 7626 is now titled "Mammary glands, removal of." We propose to amend this heading to "Breast, removal of," and substitute the word "breast" for "mammary gland" wherever the latter term now occurs. The word "breast" is more commonly used in medical practice, and is consistent with language used in other regulations such as those pertaining to radiogenic disease (see §§ 3.309(d)(2)(iii) and 3.311b(b)(2)(iii)).

Evaluation criteria under diagnostic code 7626 for removal of the breast will be amended to include the terms "radical mastectomy" and "modified radical mastectomy" in the disability levels of 80%/50% and 60%/40%, respectively. These terms are used in modern medical practice, and will clarify application of the rating schedule for these levels of disability.

There has been an increasing tendency in recent years to more conservatively manage neoplasms of the breast without resorting to radical or modified radical mastectomies. For the 50%/30% level, we propose to amend wording of the evaluation criteria to read "Following mastectomy with significant alteration of size or form but without removal of axillary lymph nodes." This language indicates that the application of these percentage levels for a partial mastectomy will depend upon a change in the essential size or shape of the breast. A mastectomy or lumpectomy which does not significantly change the size or form of the breast will be non-compensable.

Two disabilities have been added: diagnostic code, 7628, "Benign neoplasms of the gynecological system or breast"; and diagnostic code 7629, "Endometriosis." The arrangement of separate diagnostic codes for malignant and benign neoplasms is consistent with other systems covered by the rating schedule, and we propose to continue that arrangement in future revisions. Evaluations of benign neoplasms will be determined according to dysfunctions of the genitourinary or gynecological systems, or of the skin.

Endometriosis is a seriously disabling condition and warrants a distinct diagnostic code with rating criteria. Under diagnostic code 7629, disability levels of 50, 30 and 0% are proposed. For the level evaluated as 50% disabling, necessary findings would include endometriomas larger than 2 x 2 cm., ovary or tubes bound down or obstructed by adhesions, or obliteration of the cul-de-sac determined by laparoscopy. At the level of 30%, disabling criteria will consist of several lesions or minimal adhesions, accompanied by side effects such as headaches, muscle cramps, or edema despite treatment. The 0% level would be asymptomatic. Initial diagnosis of endometriosis would require confirmation by laparoscopy.

We are not proposing to change diagnostic codes 7618, 7620 and 7621 in the use of terminology or assigned evaluations. As currently shown, they adequately describe the designated disabilities and levels of severity.

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

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

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

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

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

based enterprises in domestic or export markets.

The Catalog of Federal Domestic Assistance numbers are 64.104 and 64.109.

List of Subjects in 38 CFR Part 4

Handicapped, Pensions, Veterans.

Approved: November 13, 1991.

Edward J. Derwinski,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 4, subpart B, is proposed to be amended as set forth below:

PART 4—SCHEDULE FOR RATING DISABILITIES

Subpart B—Disability Ratings

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

Authority: 72 Stat. 1125; 38 U.S.C. 1155.

2. The undesignated center heading appearing before § 4.116 and § 4.116a are revised to read as follows:

Gynecological Conditions and Disorders of the Breast

4.116. Rating gynecological conditions.

In rating disability from gynecological conditions the following will not be considered as ratable conditions:

(a) the natural menopause,

(b) amenorrhea, when this is based upon developmental defect or abnormality, and

(c) pregnancy and childbirth and their incidents, except surgical complications under certain circumstances. The surgical complications of pregnancy will not be held the result of service except when additional disability resulted from treatment therein or they are otherwise directly attributable to unusual circumstances of service. Congenital malformations are not ratable conditions. Neoplasms are to be rated in accordance with the effect upon parts or organs involved whose function is impaired or whose removal is indicated. The removal of uterus, ovaries, etc., prior to the natural menopause is considered disabling.

§ 4.116a Schedule of ratings—gynecological conditions and disorders of the breast.

	Rating (percent)
7610 Vulva, disease or injury of:	
To include rating of vulvovaginitis.	
7611 Vagina, disease or injury of.	
7612 Cervix, disease or injury of.	
7613 Uterus, disease, injury, or adhesions of.	
7614 Fallopian tube, disease, injury, or adhesions of:	
To include rating of Pelvic inflammatory disease (PID).	
7615 Ovary, disease, injury, or adhesions of:	
General rating formula for disease, injury, or adhesions of female reproductive organs (diagnostic codes 7610 through 7615):	
Symptoms not controlled by treatment	30
Symptoms that require continuous treatment	10
Symptoms that do not require continuous treatment	0
7617 Uterus and both ovaries, removal of, complete:	
For three months after removal	100
Thereafter	50
7618 Uterus, removal of, including corpus:	
For three months after removal	100
Thereafter	30
7619 Ovary, removal of:	
For three months after removal	100
Thereafter:	
Complete removal of both ovaries	30
Removal of one with or without partial removal of the other	0
7620 Ovaries, atrophy of both, complete	20
7621 Uterus, prolapse:	
Complete, through vulva	50
Incomplete	30
7622 Uterus, displacement of:	
With marked displacement and frequent or continuous menstrual disturbances	30
With adhesions and irregular menstruation	10
7623 Pregnancy, surgical complications of:	
With rectocele or cystocele	50
With relaxation of perineum	10
7624 Fistula, rectovaginal:	
Rate as Rectum and anus, impairment of sphincter control, diagnostic code 7332.	
7625 Fistula, urethrovaginal:	
Rate as voiding dysfunction under the genitourinary schedule.	
Multiple urethroperineal	100
7626 Breast, removal of:	
Following radical mastectomy with removal of pectoral muscles and axillary lymph nodes:	
Both	80
One	50
Following modified radical mastectomy with removal of axillary lymph nodes:	
Both	60
One	40
Following mastectomy with significant alteration of size or form but without removal of axillary lymph nodes:	
Both	50
One	30
Following mastectomy or lumpectomy without significant alteration of size or form	0
7627 Malignant neoplasms of gynecological system or breast	100
NOTE: Following the cessation of surgical, X-ray, antineoplastic chemotherapy or other therapeutic procedure, the rating of 100 percent shall continue for six months. A VA examination is mandatory at the expiration of the 6-month period and any change in evaluation based upon that examination shall be subject to the provisions of § 3.105(e) of this chapter.	
7628 Benign neoplasms of the gynecological system or breast:	
Rate according to impairment in function of the genitourinary or gynecological systems, or skin	
7629 Endometriosis:	
With endometriomas larger than 2 x 2 cm., ovary or tubes bound down or obstructed by adhesions, or obliteration of the cul-de-sac determined by laparoscopy	50
With several lesions or minimal adhesions; with side effects such as headaches, muscle cramps, or edema despite treatment	30
Asymptomatic	0
NOTE: Diagnosis of endometriosis must be substantiated by laparoscopy.	

[FR Doc. 92-6991 Filed 3-25-92; 8:45 am]

BILLING CODE 8320-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 18

[ET Docket No. 91-313; DA 92-283]

Conformance of FCC Regulations With International Standards for Industrial, Scientific, and Medical (ISM) Equipment

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The comment periods of ET Docket No. 91-313 56 FR 58863 (November 22, 1991) are extended at the request of The National Electrical and Manufacturing Association to allow a more comprehensive input from the manufacturers of ISM equipment.

DATES: Comments must now be submitted by May 13, 1992. Reply comments must be submitted by June 15, 1992.

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

FOR FURTHER INFORMATION CONTACT: Richard B. Engelman, Office of Engineering and Technology, 202-653-6288.

SUPPLEMENTARY INFORMATION:

In the matter of Conformance of FCC Regulations with International Standards for ISM Equipment

Order Extending Time to File Comments

Adopted: March 11, 1992.
Released: March 12, 1992.
By the Chief Engineer:

1. A notice of inquiry (NOI) in the above entitled proceeding was adopted by the Commission on October 22, 1991 and released on November 6, 1991 (56 FR 58863, November 22, 1991). Comments in this proceeding are due on March 13, 1992. Reply comments are due on April 13, 1992.

2. The National Electrical Manufacturers Association (NEMA) filed with the Commission, on March 4, 1992, a request for extension of the comment period. NEMA indicates that additional time is needed to allow several of its committees to meet and complete their comments.

Because of the many questions raised in the NOI and the need to have a comprehensive input from the manufacturers of ISM equipment, it has been determined that an extension of the comment and reply dates is appropriate. Accordingly, it is ordered, pursuant to the delegated authority contained in 47 CFR 0.241(a), that the period of time for filing comments in the above proceeding is extended until May 13, 1992, and the period for filing reply comments is extended until June 15, 1992.

Federal Communications Commission.

Thomas P. Stanley,

Chief Engineer.

[FR Doc. 92-7018 Filed 3-25-92; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 92-53, RM-7936]

Radio Broadcasting Services; Edmond, OK

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Porter H. Davis, d/b/a Life Broadcasting, Inc., seeking the substitution of Channel 250A for Channel 249A at Edmond, Oklahoma, and the modification of Station KTNT-FM's license to specify operation on the alternate Class A channel. Operation on Channel 250A can permit Station KTNT-FM to operate with maximum Class A power of 6 kW. Channel 250A can be allotted to Edmond in compliance with the Commission's minimum distance separation requirements at Station KTNT-FM's presently licensed site, at coordinates North Latitude 35-34-11 and West Longitude 97-30-01.

DATES: Comments must be filed on or before May 11, 1992, and reply comments on or before May 26, 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: Porter H. Davis, President, Life Broadcasting, Inc., 9400 North Broadway Street, suite 515, Oklahoma City, Oklahoma 73114 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 92-53, adopted March 12, 1992, and released March 20, 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.

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.

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 92-7050 Filed 3-25-92; 8:45 am]

BILLING CODE 6712-01-M

GENERAL SERVICES ADMINISTRATION

48 CFR Part 509

[GSAR Notice No. 5-322]

General Services Administration Acquisition Regulation; Administrative Records for Debarment and Suspension

AGENCY: General Services Administration.

ACTION: Proposed rule.

SUMMARY: This notice invites written comments on a proposed change to the General Services Administration Acquisition Regulation (GSAR), chapter 5 (APD 2800.12A), that would amend the regulation to revise § 509.406-3(b) to add a new paragraph (6) to provide for furnishing parties a copy of the administrative record in a debarment proceeding, and to renumber current paragraphs (6) through (9) as (7) through (10); to revise section 509.407-3(b) to add a new paragraph (5) to provide for furnishing parties a copy of the administrative record in a suspension proceeding, and to renumber current paragraphs (5) and (6) as (6) and (7), respectively. The intended effect is to simplify the process for releasing documents in the administrative record to parties proposed for debarment or suspension.

DATES: Comments are due in writing on or before April 27, 1992.

FOR FURTHER INFORMATION CONTACT: Juan Smith, Office of GSA Acquisition Policy (202) 502-1224.

A. Executive Order 12291

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

B. Regulatory Flexibility Act

An Initial Regulatory Flexibility Analysis has not been prepared because the proposed rule does not appear to have a significant economic impact on a substantial number of small entities, and a waiver of the requirement for both an initial and final Regulatory Flexibility Analysis is believed to be appropriate. Comments from small entities concerning the proposed rule will be considered in accordance with 5 U.S.C. 610, however.

C. Paperwork Reduction Act

This rule does not contain information collection requirements that require the

approval of OMB under 44 U.S C. 3501 et seq.

List of Subjects in 48 CFR Part 509

Government procurement.

Accordingly, it is proposed to amend 48 CFR part 509 as follows:

1. The authority citation for 48 CFR part 509 continues to read as follows:

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

PART 509—CONTRACTOR QUALIFICATIONS

2. Section 509.406–3 is amended by redesignating paragraphs (b) (6), (7), (8), and (9) as paragraphs (b) (7), (8), (9), and (10) respectively, and by adding a new paragraph (b)(6) to read as follows:

§ 509.406–3 Procedures.

* * * * *

(b) * * *

(6) Upon request, the affected party will be furnished a copy of the administrative record which formed the basis for the decision to propose debarment. If there is a reason to withhold from the party any portion of the record, the party will be notified that a portion of the record is being withheld and will be informed of the reasons for the withholding.

* * * * *

3. Section 509.407–3 is amended by redesignating paragraphs (b) (5) and (6) as paragraphs (b) (6) and (7) respectively, and by adding a new paragraph (b) (5) to read as follows:

509.407–3 Procedures.

* * * * *

(b) * * *

(5) Upon request, a copy of the administrative record will be furnished to the affected party under the guidelines set forth at 509.406–3(b)(6).

* * * * *

Dated: March 17, 1992.

Richard H. Hopf III,

Associate Administrator for Acquisition Policy.

[FR Doc. 92–6868 Filed 3–25–92; 8:45 am]

BILLING CODE 6820–61–M

Notices

Federal Register
Vol. 57, No. 59
Thursday, March 26, 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.

DEPARTMENT OF AGRICULTURE

Cooperative State Research Service

Joint Council on Food and Agricultural Sciences; Meeting

According to the Fedeal Advisory Committee Act of October 6, 1972, (Pub. L. 92–463, 86 Stat. 770–776), as amended, the Office of Grants and Program Systems, Cooperative State Research Service, announces the following meeting:

Name: Joint Council on Food and Agricultural Sciences.

Date: April 22–24, 1992.

Time: 1 p.m.–5 p.m., April 22, 1992; 8 a.m.–5 p.m., April 23, 1992; 8 a.m.–12 noon, April 24, 1992.

Place: Capitol Park Suites, 800 Fourth Street, SW., Washington, DC 20024.

Type of Meeting: Open to the public. Persons may participate in the meeting as time and space permit.

Comments: The public may file written comments before or after the meeting with the contact person named below.

Purpose: The purposes of the meeting are to: Review and update 5-Year Plan issues and content; review and select topics for 1992 accomplishments report; finalize UAB/JC white paper; follow-up on Human Nurition Panel from previous meeting; receive briefing on Food Animal Integrated Research for 1995 (FAIR 95) from the American Society of Animal Science; and other business as may be raised.

Contact Person for Agenda and More Information: Dr. Mark R. Bailey, Executive Secretary, Joint Council on Food and Agricultural Sciences, suite 302, Aerospace Building, U.S. Department of Agriculture, Washington, DC 20250–2200; Telephone (202) 401–4662.

Done in Washington, DC, this 12th day of March 1992.

John Patrick Jordan,

Administrator.

[FR Doc. 92–6960 Filed 3–21–92; 8:45 am]

BILLING CODE 3410–22–M

Food Safety and Inspection Service

[Docket No. 92–006N]

Exemption for Retail Stores; Adjustment of Dollar Limitations

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces that the dollar limitations currently in effect on the annual sales of meats and poultry products that can be sold by retail stores exempt from Federal inspection requirements to consumers other than household consumers, such as hotels, restaurants and similar institutions, have been adjusted to conform with price changes for meat and poultry products as indicated by the Consumer Price Index. The dollar limitation for meat products increases from $37,100 to $38,300 for calendar year 1992 and the dollar limitation for poultry products remains at $33,100 for calendar year 1992.

EFFECTIVE DATE: March 26, 1992.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph Stafko, Director, Policy Office, Policy Evaluation and Planning Staff, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 720–8168.

Background

Federal inspection of meat and poultry products prepared for sale or distribution in commerce or in States designated under section 301(c) of the Federal Meat Inspection Act (FMIA) (21 U.S.C. 661(c)) and section 5(c) of the Poultry Products Inspection Act (PPIA) (21 U.S.C. 454(c)) is required by law and administered by the Food Safety and Inspection Service (FSIS). However, section 301(c)(2) of the FMIA (21 U.S.C. 661(c)(2)) and section 5(c)(2) of the PPIA (21 U.S.C. 454(c)(2)) state that the general requirements of routine Federal Inspection "* * * shall not apply to operations of types traditionally and usually conducted at retail stores * * * when conducted at any retail store * * * for sale in normal retail quantities * * * to consumers * * *."

FSIS regulations (9 CFR 303.1(d) and 381.10(d)) define retail stores that qualify for exemption from routine Federal inspection under the FMIA or PPIA. Under the regulations, for an establishment to be an exempt retail establishment depends, in part, upon the percentage and volume of its trade with consumers other than household consumers, such as hotels, restaurants and similar institutions. Accordingly, the Federal meat and poultry products inspection regulations state in terms of dollars the maximum amount of meat the poultry products which may be sold to nonhousehold consumers if the establishment is to remain an exempt retail establishment. During calendar year 1991, the maximum amount for meat products was $37,100; for poultry products, the amount was $33,100.

The Federal meat and poultry products inspection regulations (9 CFR 303.1(d)(2)(iii)(*b*) and 381.10(d)(2)(iii)(*b*)) further provide that the dollar limitation on product sales by retail stores to consumers other than household consumers will be automatically adjusted during the first quarter of each calendar year whenever the Consumer Price Index, published by the Bureau of Labor Statistics (BLS), Department of Labor, indicates a change during the previous year in the price of the same volume of product exceeding $500, upward or downward. The regulations also require that notice of the adjusted dollar limitation be published in the **Federal Register.**

The BLS Consumer Price Index for 1991 indicates an average annual price increase in meat products of 3.1 percent and an average annual price decrease in poultry products of 0.8 percent. When rounded off to the nearest $100, the price increase for meat products amounts of $1,200, and the price decrease for poultry products amounts of $300. As a percentage of the existing dollar limitation, change in excess of $500 is indicated for meat products only.

Accordingly, FSIS, in accordance with §§ 303.1(d)(2)(iii)(*b*) and 381.10(d)(2)(iii)(*b*) of the regulations, has automatically raised the dollar limitation of permitted sales of meat products from $37,100 to $38,000 and maintained the dollar limitation of permitted sales for poultry products at $33,100.

Done at Washington, DC, on: March 19, 1992.

H. Russell Cross,

Administrator, Food and Safety Inspection Service.

[FR Doc. 92–7024 Filed 3–25–92; 8:45 am]

BILLING CODE 3410–DM–M

Forest Service

Exemption of Char Salvage Fire Recovery Project From Appeal

AGENCY: Forest Service, Northern Region, USDA.

ACTION: Notification that a fire recovery and salvage timber sale project is exempted from appeals under provisions of 36 CFR part 217.

SUMMARY: In the spring of 1991, 16 acres of timber adjacent to several harvested units of the Lower Deadman Timber Sale on the Clearwater National Forest were killed during a prescribed burn. In June 1991, the Lochsa District Ranger proposed a salvage and reforestation project for the burned area.

The District Ranger has determined, through an environmental analysis documented in the Char Salvage Timber Sale Environmental Assessment (EA), that there is good cause to expedite these actions in order to rehabilitate National Forest System lands and recover damaged resources. Salvage of commercial sawtimber within the fire area must be accomplished within the spring and summer of 1992 in order to avoid further deterioration of sawtimber

EFFECTIVE DATE: Effective on March 26, 1992.

FOR FURTHER INFORMATION CONTACT: Jon Bledsoe, District Ranger, Lochsa Ranger District, Clearwater National Forest, Route 1, box 398, Kooskia, ID 83539.

SUPPLEMENTARY INFORMATION:

Background

The Lower Deadman Timber Sale was logged during the period of 1988 to 1990. Units were treated with a prescribed burn in the spring of 1991. Approximately 16 acres of timber outside the harvest units was killed during the prescribed burning. The fire-killed timber is within a management area (Clearwater Forest Plan, September 23, 1987) which is to be managed for big game winter range and timber. In June 1991, the Lochsa District Ranger proposed the salvage harvest of the trees which were killed by fire. This proposal was designed to: (a) Salvage merchantable timber products, (b) contribute to a continuing supply of timber for industry, and (c) fully restock the area to allow rapid recovery of thermal cover for big game. An interdisciplinary team was convened, and scoping began in June 1991. After contacting several individuals and State agencies, four environmental issues were identified, and were the basis for the analysis of effects in the EA.

The interdisciplinary team developed two action alternatives and a no action alternative. The effects of these alternatives are disclosed in an EA which was prepared for the proposal. The alternatives ranged from no harvest to salvaging 12 acres of the burned area.

Planned Actions

The selected alternative (Alternative 3) would harvest 140 MBF of timber on 6 acres. No road construction is planned for this sale.

The sale and accompanying work is designed to accomplish the objectives as quickly as possible, minimize salvage volume lost, reduce risk of injury to naturally regenerating seedlings, and return the area to hiding cover as rapidly as possible. To expedite this fire recovery project and accompanying work, procedures outlined in 36 CFR part 217(a)(11) are being followed. Under this Regulation the following may be exempt from appeal:

> Decisions related to rehabilitation of National Forest System lands and recovery of Forest Resources from natural disasters or other natural phenomena, such as wildfires * * * when the Regional Forester * * * determines and gives notice in the **Federal Register** that good causes exist to exempt such decisions from review under this part.

Based on the environmental analysis documented in the Char Salvage Timber Sale EA and the District Ranger's Decision Notice for this project, I have determined that good cause exists to exempt this decision from administrative review. Therefore, upon publication of this notice, this project will not be subject to review under 36 CFR part 217.

Dated: March 20, 1992.

Christopher Risbrudt,

Deputy Regional Forester, Northern Region.

[FR Doc. 92-6989 Filed 3-25-92; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Uintah Basin Unit Expansion, Colorado River Basin Salinity Control Program; Utah

AGENCY: Soil Conservation Service, Agriculture.

ACTION: Notice of availability of a record of decision.

SUMMARY: Francis T. Holt, responsible federal official for projects administered under the provisions of Public Law 93-320 in the State of Utah, is hereby providing notification that a record of decision to proceed with the installation of the Uintah Basin Unit Expansion, Colorado River Basin Salinity Control Program, is available. Single copies of this record of decision may be obtained from Francis T. Holt at the address shown below.

FOR FURTHER INFORMATION CONTACT: Francis T. Holt, State Conservationist, Soil Conservation Service, P.O. Box 11350, Salt Lake City, Utah 84147-0350, (801) 524-5050.

Dated: March 20, 1992.

John E. Beckwith,

Assistant State Conservationist.

[FR Doc. 92-6988 Filed 3-25-92; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Action Affecting Export Privileges; A. Rosenthal (Pty) Ltd.; Order Temporarily Denying Export Privileges

The Office of Export Enforcement, Bureau of Export Administration, United States Department of Commerce (Department), pursuant to the provisions of § 788.19 of the Export Administration Regulations (currently codified at 15 CFR parts 768-799 (1991)) (the Regulations), issued pursuant to the Export Administration Act of 1979, as amended (currently codified at 50 U.S.C.A. app. 2401-2420 (1991)) (the Act),[1] has asked the Assistant Secretary for Export Enforcement to enter an order temporarily denying all United States export privileges to A. Rosenthal (Pty) Ltd., with locations Namibia and South Africa,[2] and two of its employees, Karl Cording and Ian Ace (collectively referred to hereinafter as respondents).

In its request, the Department states that it has reason to believe that an order temporarily denying the export privileges of respondents is necessary in the public interest to prevent an imminent violation of the Regulations.

The Department stated that it has reason to believe that respondents have obtained and may continue to obtain U.S.-origin shotguns, having a barrel length of 18 inches or more, by misrepresenting the shotguns' end user and ultimate destination. The Department further stated it has reason to believe that the shotguns may have been diverted from their licensed destination to South Africa, either

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

[2] The location in Cape Town, South Africa, does business under the name A. Rosenthal (Cape) (Pty) Ltd.

directly, or indirectly through other African nations without the required licenses.

Specifically, the Department stated that it has reason to believe that, in 1990 and 1991, Cording and Ace, on behalf of respondents, negotiated for and bought various makes of U.S.-origin shotguns from a sporting goods dealer located in California. In order to facilitate respondents' purchase of shotguns, the California exporter, on behalf of respondents, sought and obtained from the Department licenses authorizing the export of the U.S.-origin shotguns to Botswana.[3] However, respondents knew that the shotguns were not for delivery to or use in Botswana. Moreover, the Botswana end user apparently does not exist. The Department believes, therefore, that the shotguns were exported from the United States under licenses that were obtained based on false representations.

The Department believes that respondents' activities were deliberate and covert and are likely to occur again unless a temporary denial order naming respondents is entered. In addition, the Department believes that a temporary denial order is necessary to give notice to companies in the United States and abroad that they should cease dealing with respondents in transactions involving U.S.-origin goods.

Therefore, based on the showing made by the Department, I find that an order temporarily denying the export privileges of respondents is necessary in the public interest to prevent an imminent violation of the Act and the Regulations and to give notice to companies in the United States and abroad to cease dealing with respondents in goods and technical data subject to the Act and the Regulations, in order to reduce the substantial likelihood that respondents will continue to engage in activities that are in violation of the Act and the Regulations. This order is issued on an *ex parte* basis without a hearing based on the Department's showing that expedited action is required.

Accordingly, it is hereby Ordered.

I. All outstanding individual validated licenses in which A. Rosenthal (Pty) Ltd., with locations in Namibia and South Africa, or two of its employees, Karl Cording and Ian Ace, appear or participate, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Licensing for cancellation. Further, all of respondents' privileges of participating, in any manner or capacity, in any special licensing procedure, including, but not limited to, distribution licenses, are hereby revoked.

II. For a period of 180 days from the date of entry of this order:

A. Rosenthal (Pty) Ltd. with addresses at: 292 Independence Avenue Windhoek, Namibia

and

65–75th Street Denmyr Building 2104 Linden, South Africa

and

Karl Cording, c/o A. Rosenthal (Pty) Ltd., 292 Independence Avenue, Windhoek, Nambia

and

A. Rosenthal (Cape) (Pty) Ltd., 139 Longmarket Street, Cape Town, South Africa

and

Ian Ace, c/o A. Rosenthal (Cape) (Pty) Ltd., 139 Longmarket Street, Cape Town, South Africa.

and all their successors, assignees, officers, partners, representatives, agents, and employees, hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction in the United States or abroad involving any commodity or technical data exported or to be exported from the United States, in whole or in part, and subject to the Regulations. Without limiting the generally of the foregoing, participation, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (i) As a party or as a representative of a party to any export license application submitted to the Department; (ii) in preparing or filing with the Department any export license application or request for reexport authorization, or any document to be submitted therewith; (iii) in obtaining from the Department or using any validated or general export license, reexport authorization or other export control document; (iv) in carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported or to be exported from the United States, and subject to the Regulations; and (v) in financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. After notice and opportunity for comment, as provided in § 788.3(c) of the Regulations, any person, firm, corporation, or business organization related to one or more of the respondents by affiliation, ownership, control, or position of responsibility or other connection in the conduct of trade or related services may also be subject to the provisions of this Order.

IV. As provided in § 787.12(a) of the Regulations, without prior disclosure of the facts to and specific authorization of the Office of Export Licensing, in consultation with the Office of Export Enforcement, no person may, directly or indirectly, in any manner or capacity: (i) Apply for, obtain, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to an export or reexport of commodities or technical data by, to, or for another person then subject to an order revoking or denying his export privileges or then excluded from practice before the Bureau of Export Administration; or (ii) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate (a) in any transaction which may involve any commodity or technical data exported or to be exported from the United States, (b) in any reexport thereof, or (c) in any other transaction which is subject to the Export Administration Regulations, if the person denied export privileges may obtain any benefit or have any interest in, directly or indirectly, any of these transactions.

V. In accordance with the provisions of § 788.19(e) of the Regulations, any respondent may, at any time, appeal this temporary denial order by filing with the Office of the Administrative Law Judge, U.S. Department of Commerce, room H–6716, 14th Street and Constitution Avenue, NW., Washington, DC 20230, a full written statement in support of the appeal.

VI. This order is effective immediately and shall remain in effect for 180 days.

VII. In accordance with the provisions of § 788.19(d) of the Regulations, the Department may seek renewal of this temporary denial order by filing a written request not later than 20 days before the expiration date. Any respondent may oppose a request to renew this temporary denial order by filing a written submission with the Assistant Secretary for Export Enforcement, which must be received

[3] A validated export license or reexport authorization is required for shipments of shotguns to certain African nations. There is a presumption of denial for any export license application to ship shotguns to South Africa because a strict U.S. arms embargo is in effect, despite the recent relaxation of certain other export controls for South Africa. 15 CFR 785.4(a).

Unitl march 21, 1990, when it received its independence from South Africa, Namibia was also subject to the South African arms embargo, because Namibia was under the control of South Africa. The Department's amendments to the Regulations deleting Namibia from the South Africa controls were published in the **Federal Register** on August 20, 1990. 55 FR 33896.

Although there is no embargo on shotgun shipments to Botswana, nevertheless a validated export license is required.

not later than seven days before the expiration date of this order.

A copy of this order shall be served on each respondent and this order shall be published in the **Federal Register**.

Dated: March 19, 1992.

Douglas E. Lavin,

Acting Assistant Secretary for Export Enforcement.

[FR Doc. 92-7008 Filed 3-25-92; 8:45 am]

BILLING CODE 3510-DT-M

Action Affecting Export Privileges; Ahmed Modarressi; Order Denying Permission To Apply for Or Use Export Licenses

In the matter of: Ahmad Modarressi number 11, Oztu Gap 04 Murettip Sok findikzade, Istanbul, Turkey.

On November 7, 1988, Ahmad Modarressi was convicted in the United States District Court for Masachusetts of violating section 38 of the Arms Export Control Act (currently codified at 22 U.S.C.A. 2778 (1991)) (AECA).

Section 11(h) of the Export Adminstration Act, as amended (currently codified at 50 U.S.C.A. app. 2401-2420 (1991)) (EAA),[1] provides that, at the discretion of the Secretary of Commerce, [2] no person convicted of a viloation of section 38 of the AECA, or certain other provisions of the United States Code, shall be eligible to apply for or use any export license issued pursuant to, or provided by, the EAA or the Export Administration Regulations (currently codified at 15 CFR parts 768-799 (1991)) (the Regulations), for a period of up to 10 years from the date of the conviction. In addition, any export license issued pursuant to the EAA in which such a person had any interest at the time of his conviction may be revoked.

Pursuant to §§ 770.15 and 772.1(g) of the Regulations, upon notification that a person has been convicted of violating section 38 of the AECA, the Director, Office of Export Licensing, in consultation with the Director, Office of Export Enforcement, shall determine whether to deny that person permission to apply for or use any export license issued pursuant to, or provided by, the EAA and the Regulations and shall also determine whether to revoke any export license previously issued to such a person. Having received notice of Modarressi's conviction for violating Section 38 of the AECA, and following consultations with the Director, Office of Export Enforcement, I have decided to deny Modarressi permission to apply for or use any export license, including any general license, issued pursuant to, or provided by, the EAA and the Regulations, for a period of 10 years from the date of his conviction. The 10-year period ends on November 7, 1998. I have also decided to revoke all export licenses issued pursuant to the EAA in which Modarressi had an interest at the time of his conviction.

Accordingly, it is hereby Ordered.

I. All outstanding individual validated licenses in which Modarressi appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Licensing for cancellation. Further, all of Modarressi's privileges of participating, in any manner or capacity, in any special licensing procedure, including, but not limited to, distribution licenses, are hereby revoked.

II. Until November 7, 1998, Ahmad Modarressi, Number 11, Oztu Gap, 04 Murettip Sok, Findikzade, Istanbul, Turkey, hereby is denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction in the United States or abroad involving any commodity or technical data exported or to be exported from the United States, in whole or in part, and subject to the Regulations. Without limiting the generality of the foregoing, participation, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capaicity: (i) As a party or as a representative of a party to any export license application submitted to the Department; (ii) in preparing or filing with the Department any export license application or request for reexport authorization, or any document to be submitted therewith; (iii) in obtaining from the Department or using any validated or general export license, reexport authorization, or other export control document; (iv) in carrying on negotiations with respect to, or in receiving, ordering buying selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported or to be exported from the United States and subject to the Regulations; and (v) in financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. After notice and opportunity for comment as provided in § 770.15(h) of the Regulations, any person, firm, corporation, or business organization related to Modarressi by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be subject to the provisions of this Order.

IV. As provided in § 787.12(a) of the Regulations, without prior disclosure of the facts to and specific authorization of the Office of Licensing, in consultation with the Office of Export Enforcement, no person may directly or indirectly, in any manner or capacity: (i) Apply for, obtain, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to an export or reexport of commodities or technical data by, to, or for another person then subject to an order revoking or denying his export privileges or then excluded from practice before the Bureau of Export Administration; or (ii) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate: (a) In any transaction which may involve any comodity or technical data exported or to be exported from the United States; (b) in any reexport thereof; or (c) in any other transaction which is subject to the Export Adminstration Regulations, if the person denied export privileges may obtain any benefit or have any interest in, directly or indirectly, any of these transactions.

V. This Order is effective immediately and shall remain in effect until November 7, 1998.

VI. A copy of this Order shall be deliverd to Modarressi. This order shall be published in the **Federal Register**.

Dated: March 17, 1992.

Iain S. Baird,

Director, Office of Export Licensing.

[FR Doc. 92-7010 Filed 3-25-92; 8:45 am]

BILLING CODE 3510-DT-M

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

[2] Pursuant to appropriate delegations of authority that are reflected in the Regulations, the Director, Office of Export Licensing, in consultation with the Director, Office of Export Enforcement, exercises the authority granted to the Secretary by section 11(h) of the EAA.

International Trade Administration

[C-570-817]

Rescission of Initiation of Countervailing Duty Investigation and Dismissal of Petition: Chrome-Plated Lug Nuts and Wheel Locks From the People's Republic of China ("PRC")

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

EFFECTIVE DATE: March 26, 1992.

FOR FURTHER INFORMATION CONTACT: Stephanie L. Hager or Paulo F. Mendes, Investigations, Import Administration,

International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 377–5055 or 377–5050, respectively.

SUPPLEMENTARY INFORMATION:

Rescission of Initiation

Based on the Department's findings in the March 20, 1992, Redetermination on Remand of Final Antidumping Duty Investigation Pursuant to Court Remand: Chrome-Plated Lug Nuts from the People's Republic of China ("PRC") ("Lug Nuts Redetermination"), we determine that the PRC chrome-plated lug nuts and wheel locks ("lug nuts") industry is not market-oriented and, therefore, our initiation of this countervailing duty investigation is being rescinded and the proceeding terminated.

Case History

Since the publication of our notice of initiation (57 FR 877, January 9, 1992), the Department presented its questionnaire to the Government of the PRC on January 28, 1992.

Scope of Investigation

The merchandise that was covered by this investigation consisted of chrome-plated lug nuts and wheel locks from the PRC, as defined in the "Scope of Investigation" section of our notice of initiation (57 FR 877, January 9, 1992).

The PRC Lug Nuts Industry

In Preliminary Determination of Sales at Less than Fair Value: Sulfanilic Acid from the People's Republic of China (57 FR 9409, 9411, March 18, 1992), the Department articulated its criteria for determining whether a market-oriented industry exists in an economy which will otherwise be considered nonmarket:

- For merchandise under investigation, there must be virtually no government involvement in setting prices or amounts to be produced. For example, state-required production or allocation of production of the merchandise, whether for export or domestic consumption in the nonmarket economy country, would be an almost insuperable barrier to finding a market-oriented industry.
- The industry producing the merchandise under investigation should be characterized by private or collective ownership. There may be state-owned enterprises in the industry but substantial state ownership would weigh heavily against finding a market-oriented industry.
- Market-determined prices must be paid for all significant inputs, whether material or non-material (*e.g.*, labor and overhead), and for an all but insignificant proportion of all the inputs accounting for the total value of the merchandise under investigation. For example, an input price will not be considered market-determined if the producers of the merchandise under investigation pay a state-set price for the input or if the input is supplied to the producers at government direction. Moreover, if there is any state-required production in the industry producing the input, the share of state-required production must be insignificant.

If these conditions are not met, the producers of the merchandise under investigation will be treated as nonmarket economy producers and the countervailing duty law may not be applied. See also, the soon to be published Preliminary Negative Countervailing Duty Determinations: Oscillating and Ceiling Fans from the PRC (signed on March 13, 1992).

In the Lug Nuts Redetermination, we applied these criteria to the PRC chrome-plated lug nut industry and found that a significant input (*i.e.*, steel) is not purchased at a market-determined price because of the extent of state-required production of that input. During the antidumping investigation, we verified the factual premises to this finding. Therefore, the third criteria for finding a market-oriented industry was not met.

Consistent with the Lug Nuts Redetermination, we determine that the PRC producers of lug nuts are nonmarket economy producers to which the countervailing duty law cannot be applied. See *Georgetown Steel Corp.* v. *United States*, 801 F.2d 1308 (Fed. Cir. 1986). Accordingly, we are rescinding our initiation of the countervailing duty investigation of lug nuts from the PRC.

This determination is published pursuant to section 702(c)(3) of the Tariff Act of 1930, as amended, and 19 CFR 355.13(c).

Dated: March 20, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92–7041 Filed 3–25–92; 8:45 am]

BILLING CODE 3510–DS–M

[C–351–062]

Pig Iron From Brazil; Final Results of Countervailing Duty Administrative Review

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

ACTION: Notice of final results of countervailing duty administrative review.

SUMMARY: On January 28, 1992, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on pig iron from Brazil. We have now completed this review and determine the net subsidy to be 0.06 percent *ad valorem* for all firms for the period January 1, 1990 through December 31, 1990. In accordance with 19 CFR 355.7, any rate less than 0.50 percent *ad valorem* is *de minimis*.

EFFECTIVE DATE: March 26, 1992.

FOR FURTHER INFORMATION CONTACT: Dana Mermelstein or Maria MacKay, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–2786.

SUPPLEMENTARY INFORMATION:

Background

On January 28, 1992, the Department of Commerce (the Department) published in the **Federal Register** (56 FR 64763) the preliminary results of its administrative review of the countervailing duty order on pig iron from Brazil (45 FR 23045; April 4, 1980). 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 this review are shipments from Brazil of pig iron of basic, malleable, and low phosphorous grades. During the review period, such merchandise was classifiable under item numbers 7201.10.00, 7201.30.00, and 7206.10.00 of the Harmonized Tariff Schedule (HTS). The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive. The review covers the period January 1, 1990 through December 31, 1990 and seven programs: (1) Income Tax Reduction for Export Earnings; (2) CACEX preferential Working Capital Financing for Exports; (3) FINEX preferential financing; (4) EST preferential financing; (5) EGF preferential financing; (6) BEFIEX Reduction of Taxes and Import Duties; and (7) FINEP Preferential financing. Nineteen companies produced and exported the subject merchandise to the United States during the review period.

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 our review, we determine the net subsidy to be 0.06 percent *ad valorem* for all firms for the period January 1, 1990 through December 31, 1990. In accordance with

19 CFR 355.7, any rate less than 0.50 percent *ad valorem* is *de minimis*.

Therefore, the Department will instruct the Customs Service to liquidate, without regard to countervailing duties, shipments of this merchandise from Brazil exported on or after January 1, 1990 and on or before December 31, 1990. The Department will also instruct the Customs Service to waive the collection of cash deposits of estimated countervailing duties on all shipments of the subject merchandise from Brazil entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.22.

Dated: March 19, 1992.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 92-7042 Filed 3-25-92; 8:45 am]

BILLING CODE 3510-DS-M

U.S. Geological Survey; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897; 15 CFR 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 91-179. *Applicant:* U.S. Geological Survey, Menlo Park, CA 94025. *Instrument:* Electronics for Hydrogen-Water Equilibrium Device and Auto Freezing Microvolume Inlet System. *Manufacturer:* Finnigan MAT, Germany. *Intended Use:* See notice at 57 FR 400, January 6, 1992.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States. *Reasons:* This is a compatible accessory for an instrument previously imported for the use of the applicant. The instrument and accessory were made by the same manufacturer. The accessory is pertinent to the intended uses and we know of no comparable domestic accessory.

We know of no domestic accessory which can be readily adapted to the instrument.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 92-7043 Filed 3-25-92; 8:45 am]

BILLING CODE 3510-DS-M

University of Illinois at Urbana-Champaign, et al.; Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instruments described below, for such purposes as each is intended to be used, is being manufactured in the United States.

Docket Number: 91-185. *Applicant:* University of Illinois at Urbana-Champaign, Urbana, IL 61801. *Instrument:* Mass Spectrometer, Model IMS-5F. *Manufacturer:* Cameca, France. *Intended Use:* See notice at 57 FR 1725, January 15, 1992. *Reasons:* The foreign instrument provides: (1) A double-focussing magnetic sector for microbeam imaging at submicrometer resolution, (2) mass resolution to 20,000 and (3) both oxygen and cesium ion guns. *Advice Received From:* National Institutes of Health, February 20, 1992.

Docket Number: 91-187. *Applicant:* The Pennsylvania State University, University Park, PA 16802-4801. *Instrument:* CCD Microscope System. *Manufacturer:* Japan High Tech Co., Ltd., Japan. *Intended Use:* See notice at 57 FR 1725, January 15, 1992. *Reasons:* The foreign instrument provides: (1) A stage-mounted chamber which can cool or heat specimens from −185°C to 1500°C at a precisely controlled rate (0.1°C/minute to 90°C/minute) and (2) a high resolution CCD image for photographing or videotaping specimen changes. *Advice Received From:* National Institute of Standards and Technology, February 24, 1992.

The National Institutes of Health and National Institute of Standards and Technology advise that (1) the capabilities of each of the foreign instruments described above are pertinent to each applicant's intended purpose and (2) they know of no domestic instrument or apparatus of equivalent scientific value for the intended use of each instrument.

We know of no other instrument or apparatus being manufactured in the United States which is of equivalent scientific value to either of the foreign instruments.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 92-7044 Filed 3-25-92; 8:45 am]

BILLING CODE 3510-DS-M

National Institute of Standards and Technology

[Docket No. 920364-2064]

National Voluntary Laboratory Accreditation Program

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of Change—NVLAP Thermal Insulation Materials (TIM) Testing Program.

SUMMARY: The National Voluntary Laboratory Accreditation Program (NVLAP), National Institute of Standards and Technology (NIST) announces that the Thermal Insulation Materials Testing Program (TIM) is changed to the Thermal Insulation and Building Envelope Materials Testing Program (TIB). The scope of the laboratory accreditation program is revised to include testing products and materials that affect the thermal integrity, energy performance, and quality of building envelopes. The test methods in the expanded program will apply to testing of Thermal Insulation Materials, Fenestration Products (Windows and Doors), Building Seals and Sealants and other appropriate materials that comprise the building envelope.

FOR FURTHER INFORMATION CONTACT: Lawrence Galowin, Program, Manager, National Voluntary Laboratory Accreditation Program, national Institute of Standards and Technology, Building 411, A146, Gaithersburg, MD 20899, (301) 975-4022.

SUPPLEMENTARY INFORMATION:

Background

This notice is issued in accordance with §§ 7.2 and 7.18 of the NVLAP procedures (15 CFR, part 7). The Thermal Insulation Materials Testing Program (TIM) was established in 1979 at the request of three private sector thermal insulation trade associations. The purpose of the program was to develop a list of accredited laboratories

that produce reliable thermal insulation test data. The Thermal Insulation Materials Testing Program was the first of the NVLAP Laboratory Accreditation Programs.

The scope of the TIM program was to provide consumers with reliable data on the ability of thermal products to resist heat flow. The efficient use of these materials contributes to the nation's need to conserve energy consumed in heating and cooling buildings; the added products and materials augment that goal.

Need for Change

One of the continuing goals of NVLAP is to streamline the program where possible to increase efficiency and reduce costs and be responsive to its laboratory constituency. NVLAP, also, aims to carry out its program to be compatible with and recognized by domestic, foreign, and international systems for laboratory accreditation so as to enhance the universal acceptance of test data produced by NVLAP-accredited laboratories. As Federal, state and local governments pass legislation requiring buildings to be more energy-efficient, the performance of the entire building envelope becomes more important. Building owners, architects and heating and cooling engineers need to know the energy performance of the entire building envelope, including thermal insulation, fenestration elements (windows and doors), building seals and sealants, and other appropriate materials, to determine the thermal integrity, energy efficiency and quality of the building envelope.

The purpose of the Thermal Insulation Materials Laboratory Accreditation program, when established in 1979, was to provide consumers with reliable data on the ability of thermal insulation to resist heat flow. The initial program encompassed specific tests on materials such as; batts, blankets, loose fill and pre-formed board thermal insulations.

The request to add the testing of fenestration products (windows and doors) to the NVLAP accreditation was submitted by a NVLAP accredited independent testing laboratory, Warnock Hersey International, Inc. The request initially suggested the window and door program be included in the NVLAP Commercial Products Testing Program. After discussion with NVLAP, the requestor agreed that the program to test window and door products is to include data on the thermal performance and quality of the installed products. Therefore, the request was changed to bring the fenestration testing program into the Thermal Insulation Materials Program and to expand the program to include other building envelope materials. Also, Building Seals and Sealants will be included in TIB (previously only in the Commercial Products Testing Program and to be continued for laboratory interests in that program).

The requestor submitted the following list of test methods for which laboratories may apply for accreditation for testing fenestration products:

(NVLAP Application Test Methods Codes 01/W01—01/W09 and 01/P01 & 01/P02)

01/W01 ASTM E283 Air Leakage Rate—Windows, Curtain Walls and Doors

01/W02 ASTM E330 Structural Performance by Uniform Static Air Pressure Differential—Windows, Curtain Walls and Doors

01/W03 ASTM E331 Water Penetration by Uniform Static Air Pressure Difference—Windows, Curtain Walls and Doors

01/W04 ASTM E424 Solar Energy Transmittance and Reflectance—Sheet Materials

01/W05 ASTM E546 Frost Point of Sealed Insulating Glass Units

01/W06 ASTM E547 Water Penetration—Cyclic Static Air Pressure Difference—Windows, Curtain Walls and Doors

01/W07 ASTM E773 Durability of Sealed Insulating Glass Units

01/W08 ASTM C976 Thermal Performance Calibrated Hot Box

The addition of ASTM C976 "Thermal Performance Calibrated Hot Box" to the expanded TIM Program was recommended by Technical Experts who conduct on-site assessments for NVLAP, the above mentioned laboratory, and by R. G. Miller and W. P. Goss in the paper, "Hot Box, Instrumentation, Calibration and Error Estimate-A Survey" presented at the ASTM Committee C-16 Second Symposium on Insulation Materials: Testing and Applications, October 10-12, 1991 in Gatlinburg, Tennessee.

For comprehensive window programmatic needs the list of methods will also include the new standard ASTM C1199 and Computer Computational Methods:

01/W09 ASTM C1199—91—Test Method for Measuring the Steady State Thermal Transmittance of Fenestration Systems Using Hot Box Methods

01/P01 LBL Report 25685 Window 3.1 A PC Program for Analyzing Window Thermal Performance

01/P02 Frame 2.2 (Carpenter, S. & McGowan, A.G., Waterloo, Ontario, Canada)

The test methods of C976 and C236 "Steady State Thermal Performance of Building Assemblies by Means of a Guarded Hot Box" (already in the TIM program) in the expanded program are referenced for application to window testing.

The National Research Council of Canada (NRC), Canadian Construction Materials Centre (CCMC) has under consideration a policy statement as a guideline for recognition of only NVLAP accredited laboratories for particular tests under the NIST/NVLAP—Canadian Standards Association bi-lateral agreement. The CCMC has indicated (in discussions) their strong interest in the fenestration products addition to the Thermal Insulation Program.

The National Fenestration Research Council (NFRC) is developing a certification, rating and labeling program for window and door products that may include test standards and methods for accreditation as it relates to certification to meet their requirements for energy ratings and labeling.

Recognition of NVLAP accreditation in support of, and in collaboration with, NFRC programs has been proposed.

Fenestration products (windows and doors) are parts of the building envelope; those components contribute to the energy-efficient performance of buildings and provide resistance to external variable conditions. This announcement provides for testing laboratories to apply for accreditation for testing thermal insulation materials, fenestration products (windows and doors), building seals and sealants, under the Thermal Insulation and Building Envelope Materials Testing Program. Other appropriate fields and test methods for building envelope parameters and performance of materials may be requested and added to the Program following NVLAP Procedures through letter submittals.

Dated: March 20, 1992.

John W. Lyons,

Director.

[FR Doc. 92-7039 Filed 3-25-92; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

Availability of Proposed Environmental Assessment, Request for Public Comments and Notice of Public Hearing

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice of availability of proposed environmental assessment; request for public comments and, notice of public hearing.

SUMMARY: The National Oceanic and Atmospheric Administration announces the availability of a proposed Supplemental Environmental Assessment (SEA) of the potential bioeffects of non-ionizing radio frequency radiation (RFR) generated by deployment and operation of Weather Surveillance Radars 88 Doppler (WSR-88D) throughout the United States to support the National Weather Service modernization program, requests comment on the proposed SEA, and gives notice of a public hearing to receive comments on the proposed SEA.

DATES: Comments are requested until May 26, 1992.

A public hearing shall be held on April 21, 1992, at 10 a.m.

ADDRESSES: Comment should be directed to: Mr. David Smiley (SPO121), SEA Coordinator NOAA, 1325 East West Highway, room 15166, Silver Spring, MD 20910, Attn: J. Wargo.

The hearing will be held in the Auditorium, Herbert C. Hoover Building, 14th and Constitution Avenue, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Inquiries or requests for copies of the proposed SEA should be directed to: Mr. David Smiley (SPO121), SEA Coordinator NOAA, 1325 East West Highway, room 15166, Silver Spring, MD 20910, 301-713-1000. Questions on hearing procedures should be directed to the Office of the Administrative Law Judge, 14th Street and Constitution Avenue NW., room 6716, Washington, DC 20230, 202-377-3135.

SUPPLEMENTARY INFORMATION: In November 1984 a Programmatic Environmental Impact Statement (PEIS) was adopted regarding the deployment and operation of the WSR-88D, also known as Next Generation Weather Radars (NEXRADs) being developed jointly by the Departments of Commerce, Defense and Transportation. After public review, the PEIS concluded that deployment and operation of the NEXRADs throughout the United States would have no significant adverse environmental or health impacts.

A proposed SEA has been drafted to update that portion of the PEIS dealing with the potential bioeffects of WSR-88D. The proposed SEA takes into account studies conducted since 1984 on the potential bioeffects of RFR and the specific energy characteristics of WSR-88D. The proposed SEA confirms that there will be no significant impacts.

On April 21, 1992, at 10 a.m. there will be an informal hearing to receive comments on the proposed SEA. This hearing will be held in the Auditorium of the Herbert C. Hoover Building, Department of Commerce, 14th St. and Constitution Avenue NW., Washington, DC. The hearing will continue until all persons desiring to be heard have had an opportunity to present their views. The hearing will be conducted by a member of the Department of Commerce Office of The Administrative Law Judge, who shall make all rulings appropriate for the expeditious conduct of the proceedings for insuring a fair opportunity for all interested persons to be heard. A verbatim transcript of the hearing shall be prepared and considered along with public comments timely submitted.

Persons desiring to comment in writing on the proposed SEA should send comments to the address indicated above to be received on or before the date indicated above.

After taking into account written comments and comments received at the hearing, the final version of the SEA will be prepared.

Dated: March 20, 1992.

Mark A. McCloy,

Deputy Program Manager, NEXRAD Joint System Program Office.

[FR Doc. 92-6958 Filed 3-20-92; 5:08 pm]

BILLING CODE 3510-12-M

Gulf of Mexico Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Gulf of Mexico Fishery Management Council's Law Enforcement Advisory Panel (LEAP) will meet on April 8, 1992, from 1 p.m. until 5 p.m., at the Royal d'Iberville Hotel, 1980 Beach Boulevard, U.S. Highway 90, Biloxi, MS.

The LEAP will review the following: (1) The Coastal Migratory Pelagics Amendment #6, (2) the Shrimp Amendment #6; (3) the Texas Closure Recommendation; and (4) Red Snapper enforcement problems.

For more information contact Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, suite 881, Tampa, FL; telephone: (813) 228-2815.

Dated: March 20, 1992.

David S. Crestin,

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

[FR Doc. 92-6959 Filed 3-25-92; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

Licensing information may be obtained by writing to: National Technical Information Service, Center for Utilization of Federal Technology—Patent Licensing, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151 or by telephoning (703) 487-4732. All patent applications may be purchased, specifying the serial number listed below, by writing NTIS, 5285 Port Royal Road, Springfield, Virginia 22161 or by telephoning the NTIS Sales Desk at (703) 487-4650. Issued patents may be obtained from the Commissioner of Patents, U.S. Patent and Trademark Office, Washington, DC 20231.

Please cite the number and title of inventions of interest.

Douglas J. Campion,

Patent Licensing Specialist, Center for the Utilization of Federal Technology.

Department of Health and Human Services

7-504,306 (U.S. 5,073,486) Assay for Mycoplasma Fermentans

7-528,080 (U.S. 5,044,363) Waste Gas Released During Surgical Activity (Adsorption System for Scavenging Anesthetic Agents)

7-541,032 (U.S. 5,086,072) Treatment of Mood Disorders with Functional Antagonists of the Glycine/NMDA Receptor Complex

7-590,443 (U.S. 5,075,228) Recombinant Clones of Chlamydia Trachomatis Lipopolysaccharide

7-667,170 Polysaccharide-Protein Conjugates

7-668,298 The TRK Typosine Kinase Receptor is the Physiological Receptor for Nerve Growth Factor

7–677,429 Pharmaceutical Compositions and Methods for Preventing Skin Tumor Formation and Causing Regression of Existing Tumors
7–742,750 CD4+, Latently HIV-1-Infected Hematopoietic Progenitor Cells

Department of Agriculture

7–365,226 (U.S. 5,023,174) Recombinant Brucella Abortus Gene Expressing Immunogenic Protein
7–563,170 (U.S. 5,089,701) Nondestructive Measurement of Soluble Solids in Fruits Having a Rind or Skin
7–619,237 (U.S. 5,083,975) Method for Reducing Fecal Leakage and Contamination During Meat and Poultry Processing
7–785,375 Production of Eicosapentaenoic Acid From Filamentous Fungi Utilizing Lactose as a Primary Carbon Source
7–790,042 Process for the Preparation of Ketones and Novel Insecticides Produced Therefrom
7–807,333 Use of Native Aspergillus Flavus Strain to Prevent Aflatoxin Contamination
7–807,334 Attached Growth Biological Reactor
7–822,505 Probiotic for Control of Salmonella
7–826,750 Sex Attractant for the Mint Root Borer

[FR Doc. 92–7013 Filed 3–25–92; 8:45 am]
BILLING CODE 3510–04–M

Patent and Trademark Office

Advisory Commission on Patent Law Reform; Meeting

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Notice of meeting.

SUMMARY: The Commission was chartered on August 15, 1990, to advise the Secretary of Commerce on the state of, and need for, any reform in the United States patent system, as well as the need for any changes in the U.S. laws relating to the enforcement and the licensing of U.S. patents. This meeting will provide an opportunity for a discussion of the findings and draft final report of the Advisory Commission.

DATES: The Advisory Commission on Patent Law Reform will meet on April 27, 1992, from 9 a.m. to 5:30 p.m.

PLACE: Crystal Park Three, Eleventh Floor, 2131 Crystal Drive, Arlington, Virginia 22202.

MATTERS TO BE CONSIDERED: 1. Presentation and discussion of the draft report of the Advisory Commission.

2. Set administrative agenda for further Advisory Commission proceedings and report preparation.

BACKGROUND: As part of its goal of providing the Secretary of Commerce with an assessment of the United States patent system, the Advisory Commission has been studying an agenda of fourteen issues. The Commission has sought public input on the issues through an invitation for public comment published May 16, 1991 (56 FR 22702), and received a substantial response. During the last meeting, the four Working Groups of the Advisory Commission presented draft reports containing their initial findings and recommendations on the fourteen issues. Since that point, the outstanding issues have been addressed, and the findings and recommendations of the four reports have been integrated into a draft final report. The current meeting will provide an opportunity for the Advisory Commission to present the draft final report, and to hold discussions on the findings and recommendations therein.

SUPPLEMENTARY INFORMATION: The meeting will be open to public observation. Approximately 45 seats have been reserved for the public on a first-come, first-served basis. Efforts will be made to accommodate all requests for attendance; however, to ensure that adequate seating will be available, parties wishing to attend should request a reservation by April 25, 1992. Reservations for attendance should be made through the contact person indicated below. If time permits, the Chairperson may allow oral comments or questions from the public attendees. Written comments and suggestions will be accepted before or after the meeting on any of the agenda matters.

FOR FURTHER INFORMATION CONTACT: E.R. Kazenske, Executive Assistant to the Commissioner, Box 15, Patent and Trademark Office, Washington, DC 20231; (703) 305–8600.

Dated: March 20, 1992.

Harry F. Manbeck, Jr.,

Assistant Secretary and Commissioner of Patents and Trademarks.

[FR Doc. 92–6956 Filed 3–25–92; 8:45 am]
BILLING CODE 3510–16–M

CONSUMER PRODUCT SAFETY COMMISSION

Commission Agendas and Priorities; Public Hearing

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of public hearing.

SUMMARY: The Commission will conduct a public hearing to receive views from all interested parties about its agenda and priorities for Commission attention during fiscal year 1994, which begins October 1, 1993. Participation by members of the public is invited. Written comments and oral presentations concerning the Commission's agenda and priorities for fiscal year 1994 will become part of the public record.

DATES: The hearing will begin at 10 a.m. on April 28, 1992. Written comments will be accepted until April 21, 1992. Requests from members of the public desiring to make oral presentations must be received by the Office of the Secretary not later than April 14, 1992. Persons desiring to make oral presentations at this hearing must submit a written text or summary of their presentations not later than April 21, 1992.

ADDRESSES: The hearing will be in room 556 of the Westwood Towers Building, 5401 Westbard Avenue, Bethesda, Maryland. Written comments, requests to make oral presentations, and texts or summaries of oral presentations should be captioned "Agenda and Priorities" and mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207, or delivered to that office, room 420, 5401 Westbard Avenue, Bethesda, Maryland.

FOR FURTHER INFORMATION CONTACT: For information about the hearing or to request an opportunity to make an oral presentation, call or write Sheldon Butts, Deputy Secretary, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504–0800; telefax (301) 504–0127.

SUPPLEMENTARY INFORMATION: Section 4(j) of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2053(j)) requires the Commission to establish an agenda for action under the laws it administers, and priorities for action at least 30 days before the beginning of each fiscal year. Section 4(j) of the CPSA provides further that before establishing its agenda and priorities for action, the Commission shall conduct a public hearing and provide an opportunity for the submission of comments.

Selection of priorities from the Commission's agenda of projects and programs is a crucial step in the development of the Commission's budget for each fiscal year. The Office of Management and Budget requires all Federal agencies to submit their budget requests 13 months before the beginning of each fiscal year. The Commission is beginning the process of formulating its

budget request for fiscal year 1994, which begins on October 1, 1993.

For this reason, the Commission will conduct a public hearing on April 28, 1992, to receive comments from the public concerning its agenda and priorities for fiscal year 1994. The Commissioners desire to obtain the views of a wide range of interested persons including consumers; manufacturers, importers, distributors, and retailers of consumer products; members of the academic community; and health and safety officers of state and local governments.

The Commission is charged by Congress with protection of the public from unreasonable risks of injury associated with consumer products. The Commission enforces and administers the Consumer Product Safety Act (15 U.S.C. 2051 *et seq.*); the Federal Hazardous Substances Act (15 U.S.C. 1261 *et seq.*); the Flammable Fabrics Act (15 U.S.C. 1191 *et seq.*); the Poison Prevention Packaging Act (15 U.S.C. 1471 *et seq.*); and the Refrigerator Safety Act (15 U.S.C. 1211 *et seq.*). Standards and regulations issued under provisions of those statutes are codified in the Code of Federal Regulations, title 16, chapter II.

While the Commission has broad jurisdiction over products used by consumers in or around their homes, in schools, in recreation, and other settings, its staff and budget are limited. Section 4(j) of the CPSA expresses Congressional direction to the Commission to establish an agenda for action each fiscal year and to select from that agenda a limited number of projects for priority attention.

Commission priorities are selected in accordance with the Commission statement of policy governing establishment of priorities codified at 16 CFR 1009.8. That policy statement includes the following factors to be considered by the Commission when selecting its priorities:

1. Frequency and severity of injuries associated with consumer products.

2. Amenability of a product hazard to injury reduction through regulation, information and education, or other action by the Commission.

3. Likelihood of future illness or injury resulting from chronic hazards which may be associated with consumer products.

4. Costs and benefits of Commission action.

5. Unforeseen nature of a risk of injury.

6. Vulnerability of children, the elderly, or persons with disabilities to a risk of injury.

7. Probability of exposure to a hazard associated with consumer products.

Persons who desire to make oral presentations at the hearing on April 28, 1992, should call or write Sheldon Butts, Deputy Secretary, Consumer Product Safety Commission, Washington, DC 20207, telephone (301) 504–0800, telefax (301) 504–0127, not later than April 14, 1992.

Presentations should be limited to approximately ten minutes. Persons desiring to make presentations must submit the written text or a summary of their presentations to the Office of the Secretary not later than April 21, 1991. The Commission reserves the right to impose further time limitations on all presentations and further restrictions to avoid duplication of presentations. The hearing will begin at 10 a.m. on April 28, 1992, and will conclude the same day.

Written comments on the Commission's agenda and priorities for fiscal year 1994, should be received in the Office of the Secretary not later than April 21, 1992.

Dated: March 23, 1992.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 92–7038 Filed 3–25–92; 8:45 am]

BILLING CODE 6355–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

DOD Advisory Panel on Streamlining and Codifying Acquisition

AGENCY: Defense Systems Management College.

ACTION: Notice of meeting.

SUMMARY: Open to the public on April 9, 1992, starting at 8:30 a.m. in the Office of Technology Assessment (OTA) Conference Center, 600 Pennsylvania Ave., SE., Washington DC. The panel will hear presentations/recommendations by the task force on its review of the lower priority laws, and by the various panel working groups on the statutes they have reviewed to date.

For further information contact Major Jean Kopala at (703) 355–2665.

Dated: March 23, 1992.

Linda M. Bynum,

Alternative OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92–7021 Filed 3–25–92; 8:45 am]

BILLING CODE 3810–01–M

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: TRICARE Program Evaluation Survey.

Type of Request: New Collection.

Average Burden Hours/Minutes Per Response: 40 minutes.

Responses Per Respondent: 2.

Number of Respondents: 750.

Annual Burden Hours: 1,000.

Annual Responses: 1,500.

Needs and Uses: The TRICARE coordinated care program will substantially alter the delivery of health care to all military beneficiaries, including retiree dependents, residing in the Tidewater area of Virginia. Evaluation of TRICARE requires survey information on beneficiary satisfaction, health status, access to care, and family background because DOD does not routinely collect this information.

Affected Public: Individuals or households.

Frequency: One time with one follow-up survey.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Mr. Joseph F. Lackey.

Written comments and recommendations on the proposed information collection should be sent to Mr. Lackey at the Office of Management and Budget, Desk Officer for DOD, room 3002, 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. William P. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, suite 1204, Arlington, VA 22202–4302.

Dated: March 23, 1992.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92–7022 Filed 3–25–92; 8:45 am]

BILLING CODE 3810–01–M

Department of the Army

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee At

(Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates/Time of Meeting: 15 April 1992.

Time: 0800–1700 hours daily.

Place: Ft. Leavenworth, KS.

Agenda: Members of the 1992 ASB Summer Study, "C2 on the Move" will meet to continue work on the study. The purpose of this Classified meeting is directed to interviews with commanders who participated in Desert Storm and Just Cause. Areas of interest are in both "real world" operational concerns and command and control areas. This meeting will be closed to the public in accordance with section 552(c) of title 5, U.S.C., specifically subparagraph (1) thereof, and title 5, U.S.C., appendix 2, subsection 10(d). The classified and unclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (703) 695–0781/0782.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 92–6953 Filed 3–25–92; 8:45 am]

BILLING CODE 3710–08–M

Army Science Board, Partially Closed 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: Army Science Board (ASB).

Dates/Time of Meeting: 8–9 April 1992.

Time: 8 April 1992: 0800–1630 hours Open, 1930–2300 hours Closed. 9 April: 0800–1700 hours Open.

Place: Fort Belvoir, Virginia.

Agenda: The Army Science Board Spring General Membership Meeting will be conducted 8–9 April 1992 at Fort Belvoir, Virginia. This annual meeting consists of Issue Group Meetings, Membership Review Committee Meetings, Steering Group Meetings and general ASB planning discussions for the conduct of business in the near future. This meeting will be closed to the public (where indicated) in accordance with section 552b(c) of title 5, U.S.C., specifically subparagraph (1) thereof, and title 5, U.S.C., appendix 2, subsection 10(d). The classified and unclassified matters and proprietary information to be discussed are so inextricably intertwined so as to preclude opening all portions of the meeting. The open portion of the meeting will be open to the public. Any person may attend, appear before or file statements with the committee at the time and in the matter permitted by the committee. The ASB Administrative Officer Sally Warner, may be contacted for further information at (703) 695–0781/0782.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 92–7002 Filed 3–25–92; 8:45 am]

BILLING CODE 3710–8–M

Privacy Act of 1974; Record System Amendment

AGENCY: Department of the Army, DOD.

ACTION: Record system amendment.

SUMMARY: The Department of the Army proposes to amend one record system in its inventory of record system notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The proposed action will be effective without further notice on April 27, 1992, unless comments are received which would result in a contrary determination.

ADDRESSES: Send comments to the Office of Systems Management Branch (ASOP-MP) Ft. Huachuca, AZ 85613–5000.

FOR FURTHER INFORMATION CONTACT: Ms. Pat Turner (602) 538-6856.

SUPPLEMENTARY INFORMATION: The Department of the Army record system notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** as follows:

50 FR 22090, May 29, 1985 (DoD Compilation, changes follow)
51 FR 23576, Jun 30, 1986
51 FR 30900, Aug 29, 1986
51 FR 40479, Nov 7, 1986
51 FR 44361, Dec 9, 1986
52 FR 11847, Apr 13, 1987
52 FR 18798, May 19, 1987
52 FR 25905, Jul 9, 1987
52 FR 32329, Aug 27, 1987
52 FR 43932, Nov 17, 1987
53 FR 12971, Apr 20, 1988
53 FR 16575, May 10, 1988
53 FR 21509, Jun 8, 1988
53 FR 28247, Jul 27, 1988
53 FR 28249, Jul 27, 1988
53 FR 28430, Jul 28, 1988
53 FR 34576, Sep 7, 1988
53 FR 49586, Dec 8, 1988
53 FR 51580, Dec 22, 1988
54 FR 10034, Mar 9, 1989
54 FR 11790, Mar 22, 1989
54 FR 14835, Apr 13, 1989
54 FR 46965, Nov 8, 1989
54 FR 50268, Dec 5, 1989
55 FR 13935, Apr 13, 1990
55 FR 21897, May 30, 1990 (Army Address Directory)
55 FR 41743, Oct 15, 1990
55 FR 46707, Nov 6, 1990
55 FR 46708, Nov 6, 1990
55 FR 48678, Nov 21, 1990
55 FR 48671, Nov 21, 1990 (Amended ID Numbers)
55 FR 51467, Dec 14, 1990
56 FR 7018, Feb 21, 1991
56 FR 15593, Apr 17, 1991
56 FR 21134, May 7, 1991
56 FR 27949, Jun 18, 1991
56 FR 42986, Aug 30, 1991
56 FR 42991, Aug 30, 1991
56 FR 42995, Aug 30, 1991
56 FR 46162, Sep 10, 1991
56 FR 48523, Sep 25, 1991
56 FR 50864, Oct 9, 1991
56 FR 57626, Nov 13, 1991

The amendment is not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of an altered system report. The specific changes to the record system being amended are set forth below, followed by the record system notices, as amended, published in its entirety.

Dated: March 16, 1992.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

A0215–1bSAFM

SYSTEM NAME:

Nonappropriated Fund Accounts Receivable System (53 FR 28430, July 28, 1988)

CHANGES:

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Add "and any other debtor to a nonappropriated fund instrumentality." to the end of the entry.

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with "31 U.S.C. 3511, 3512, 3513, 3514; 10 U.S.C. 2481 and 3012; 5 U.S.C. 5514 and 5101; 26 U.S.C. 6103(m)(2) IRC; 31 U.S.C. 3716; and Executive Order 9397."

* * * * *

PURPOSE(S):

Add "To permit collection of debts owed to a nonappropriated fund instrumentality. Records in this system of records are subject to use in authorized approved computer matching programs regulated under the Privacy Act of 1974 (5 U.S.C. 552a), as amended, for debt collection." to the end of the entry.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USERS:

Delete the entry and replace with "Records on individuals contained in this system of records may be disclosed:

To the General Accounting Office and the Department of Justice for collection action for any delinquent account when circumstances warrant.

To a commercial credit reporting agency for the purpose of either adding to a credit history file or obtaining a credit history file for use in the administration of debt collection.

To a debt collection agency for the purpose of collection services to recover indebtedness owed to an Army nonappropriated fund instrumentality.

To any other Federal agency for the purpose of effecting salary offset procedures under the provisions of 5 U.S.C. 5514, against a person employed by that agency when any creditor Army nonappropriated fund instrumentality has a claim against the person.

To any other Federal agency including, but not limited to, the Internal Revenue Service and Office of Personnel Management for the purpose of effecting an administrative offset of a debt, as defined at 31 U.S.C. 3701.

To the Internal Revenue Service (IRS) under the provisions of 26 U.S.C. 6103(m)(2) IRC to obtain the mailing address of a taxpayer for the purpose of locating such taxpayer to collect or to compromise a Federal claim against the taxpayer. (NOTE: Disclosure of a mailing address from the IRS may be made only for the purpose of debt collection, including to a debt collection agency in order to facilitate the collection or compromise of a Federal claim under the Debt Collection Act of 1982, except that a mailing address to a consumer reporting agency is for the limited purpose of obtaining a commercial credit report on the particular taxpayer. Any such address information obtained from the IRS will not be used or shared for any other DOD purpose or disclosed to another Federal, state or local agency which seeks to locate the same individual for its own debt collection purpose.)

To any other Federal, state or local agency for the purpose of conducting an authorized computer matching program to identify and locate delinquent debtors for recoupment of debts owed the Army nonappropriated fund instrumentality.

Any information in this system concerning an individual may be disclosed to a creditor Federal agency requesting assistance for the purpose of initiating debt collection action by way of a salary or administration offset against the individual.

The "Blanket Routine Uses" set forth at the beginning of the Army's compilation of system of records notices apply to this system."

ADD A NEW CATEGORY "DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act of 1966 (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). The disclosure is limited to information necessary to establish the identity of the individual, including name, address, and taxpayer identification number (SSN); the amount, status, and history of the claim; and the agency or program under which the claim arose for the sole purpose of allowing the consumer reporting agency to prepare a commercial credit report."

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with "Director, Defense Finance and Accounting Service-Indianapolis Center, ATTN: DFAS-IN-PN, Indianapolis, IN 46249–1056."

* * * * *

RECORD SOURCE CATEGORIES:

Add "from the Department of the Treasury and the Defense Manpower Data Center." to the end of the entry.

* * * * *

A0215–1bSAFM

SYSTEM NAME:

Nonappropriated Fund Accounts Receivable System

SYSTEM LOCATION:

Nonappropriated Fund (NAF) activities at Army installations worldwide. Official mailing addresses are published as an appendix to the Army's compilation of system of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and past users of nonappropriated fund instrumentalities (NAFI) whose accounts show balances other than zero. Persons using Post billeting facilities on a fee paid basis (bachelor officer quarters, visitor officer quarters and guest house facilities) and persons no longer using such facilities whose accounts have other than zero balances. Any individual having a statement of account for the billing period, individuals occupying government housing at any military installation. Individual class B telephone subscribers. Members, customers or civilians having 30 day credit terms for 'charge sales and/or dues obligations to NAF activities. All persons whose accounts have been dishonored by banking institutions and their checks returned to NAF activities. Individuals who have cash loans charged to their accounts and any other debtor to a nonappropriated fund instrumentality (NAFI).

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, SSN, rank, amount of charges, billings of items or services furnished, subsidiary ledgers containing detail of services billed and paid by individual; work order forms, invoice listings, monthly receipt vouchers, date and method of payment, file of billings associated with returned/dishonored checks, and relevant similar documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 3511, 3512, 3513, 3514; 10 U.S.C. 2481 and 3012; 5 U.S.C. 5514 and 5101; 26 U.S.C. 6103(m)(2) IRC; 31 U.S.C. 3716; and Executive Order 9397.

PURPOSE(S):

To maintain current rosters as subsidiary records for accounts receivable and cash accountability control; to provide monthly statements to customers. To provide ledger balances for activity financial statements. To prepare aged listing of accounts receivable, 30, 60, and 90 days. To answer inquiries of members on account status and specific transactions.

To permit collection of debts owed to a nonappropriated fund instrumentality.

Records in this system of records are subject to use in authorized approved computer matching programs regulated under the Privacy Act of 1974 (5 U.S.C. 552a), as amended, for debt collection.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USERS:

Records on individuals contained in this system of records may be disclosed:

To the General Accounting Office and the Department of Justice for collection action for any delinquent account when circumstances warrant.

To a commercial credit reporting agency for the purpose of either adding to a credit history file or obtaining a credit history file for use in the administration of debt collection.

To a debt collection agency for the purpose of collection services to recover indebtedness owed to an Army nonappropriated fund instrumentality.

To any other Federal agency for the purpose of effecting salary offset procedures under the provisions of 5 U.S.C. 5514, against a person employed by that agency when any creditor Army nonappropriated fund instrumentality has a claim against the person.

To any other Federal agency including, but not limited to, the Internal Revenue Service and Office of Personnel Management for the purpose of effecting an administrative offset, as defined at 31 U.S.C. 3701, of a debt.

To the Internal Revenue Service (IRS) under the provisions of 26 U.S.C. 6103(m)(2) IRC to obtain the mailing address of a taxpayer for the purpose of locating such taxpayer to collect or to compromise a Federal claim against the taxpayer. (NOTE: Disclosure of a mailing address from the IRS may be made only for the purpose of debt collection, including to a debt collection agency in order to facilitate the collection or compromise of a Federal claim under the Debt Collection Act of 1982, except that a mailing address to a consumer reporting agency is for the limited purpose of obtaining a commercial credit report on the particular taxpayer. Any such address information obtained from the IRS will not be used or shared for any other DOD purpose or disclosed to another Federal, state or local agency which seeks to locate the same individual for its own debt collection purpose.)

To any other Federal, state or local agency for the purpose of conducting an authorized computer matching program to identify and locate delinquent debtors for recoupment of debts owed an Army nonappropriated fund instrumentality.

Any information in this system concerning an individual may be disclosed to a creditor Federal agency requesting assistance for the purpose of initiating debt collection action by way of a salary or administration offset against the individual.

The "Blanket Routine Uses" set forth at the beginning of the Army's compilation of system of records notices apply to this system.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act of 1966 (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). The disclosure is limited to information necessary to establish the identity of the individual, including name, address, and taxpayer identification number (SSN); the amount, status, and history of the claim; and the agency or program under which the claim arose for the sole purpose of allowing the consumer reporting agency to prepare a commercial credit report.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING AND REPORTING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes and/or discs by account in numerical and alphabetical order; computer hard copy printouts filed in binders; copies of statements filed in folders.

RETRIEVABILITY:

By customer name and SSN.

SAFEGUARDS:

Records are maintained in lock-type cabinets within storage areas accessible only to authorized personnel. Personnel having access are limited to those having an official need-to-know who have been trained in handling personal information subject to the Privacy Act.

RETENTION AND DISPOSAL:

Destroyed after 10 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Defense Finance and Accounting Service - Indianapolis Center, ATTN: DFAS-IN-PN, Indianapolis, IN 46249–1056.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the custodian of nonappropriated funds activities at the installation where record is believed to exist. Official mailing addresses are published as an appendix to the Army's compilation of system of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records contained in this system of records should address written inquiries to the appropriate nonappropriated fund activity custodian. Official mailing addresses are published as an appendix to the Army's compilation of system of records notices.

Individual should furnish their full name, SSN, and account number.

CONTESTING RECORD PROCEDURES.

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From daily transaction registers/journals received from billeting officer, signal officer, and/or club officers; from the Department of the Treasury and the Defense Manpower Data Center.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 92–6363 Filed 3–25–92; 8:45 am]

BILLING CODE 3810–01–F

Defense Investigative Service

Privacy Act of 1974; Amend a Record System

AGENCY: Defense Investigative Service, DOD.

ACTION: Amend a record system.

SUMMARY: The Defense Investigative Service proposes to amend one record system notice subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The proposed amendment will be effective April 27, 1992, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Chief, Office of Information and Public Affairs, Defense Investigative Service, 1900 Half Street, SW., Room 6115, Washington, DC 20324–1700.

FOR FURTHER INFORMATION CONTACT: Mr. Dale Hartig at (202) 475–1062.

SUPPLEMENTARY INFORMATION: The complete Defense Investigative Service system of records notices inventory subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, has been published in the **Federal Register** as follows:

50 FR 22943, May 29, 1985 (DOD Compilation, changes follow)
55 FR 22390, Jun 1, 1990
56 FR 12716, Mar 27, 1991
56 FR 46163, Sep 10, 1991
57 FR 1155, Jan 10, 1992
57 FR 5421, Feb 14, 1992

The amendment is not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of an altered system report. The specific changes to the notice being amended are set forth below followed by the system notice, as amended, published in its entirety.

Dated: March 18, 1992.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

V1-01

CHANGES:

SYSTEM NAME:

Privacy and Freedom of Information Request Records (50 FR 22944, May 29, 1985)

* * * * *

SYSTEM LOCATION:

Add "Privacy Act records are located at the Defense Investigative Service, Privacy Act Office, P.O. Box 1211, Baltimore, MD 21203–1211." to the end of the entry.

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

On line 2 after "requesters" insert a semicolon (;). Delete the rest of line 2 and all of line 3 and replace with "correspondence and other documentation pertaining to requests for information released or withheld;".

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Add "DOD Regulation 5400.7-R, Freedom of Information Act Program (32 CFR part 286); and DOD Regulation 5400.11-R, DOD Privacy Program (32 CFR part 286a)." to the end of the entry.

PURPOSE(S):

Delete entry and replace with "The system contains records documenting requests for information and DIS responses to those requests; actions taken in subsequent requests (including correction and amendment actions), appeals, or litigation. The records are also used as a basis for reports and implementing directives."

* * * * *

STORAGE:

At the end of the first line delete "and" insert a period (.). On line 2, delete "microfilm" and replace with "Backup copies exist on microfilm or other machine-readable media."

RETRIEVABILITY:

Delete lines 2 and 3.

SAFEGUARDS:

On line 4, add a period (.) after "personnel". Delete the rest of line 4 and line 5.

RETENTION AND DISPOSAL:

Delete entry and replace with "Records are destroyed two years after date of reply EXCEPT when access to all or any part of the information requested has been denied, destruction occurs 5 years after date of reply; when subsequent administrative action has occurred under the governing act, all originals and copies shall be destroyed 4 years after final denial by the agency or 3 years after final adjudication by the courts, whichever is later. Destruction of paper records is accomplished by shredding, burning or pulping. Machine readable media are erased or overwritten."

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with "Defense Investigative Service, Office of Information and Public Affairs, 1900 Half St, SW, Washington, DC 20324–1700 for Freedom of Information Request records.

Defense Investigative Service, Privacy Act Office, 2200 Van Deman Street, Baltimore, MD 21224–6603 for Privacy Act records."

NOTIFICATION PROCEDURE:

Delete the entry and replace with "Individuals seeking to determine if information about themselves is contained in this system of records should address written inquiries to the Defense Investigative Service, Office of Information and Public Affairs, 1900 Half Street, SW, Washington, DC 20324–1700 for Freedom of Information request records and the Defense Investigative Service, Privacy Act Office, 2200 Van Deman Street, Baltimore, MD 21224–6603 for Privacy Act records."

RECORD ACCESS PROCEDURES:

Delete the entry and replace with "Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Defense Investigative Service, Office of Information and Public Affairs, 1900 Half Street, SW, Washington, DC 20324–1700 for Freedom of Information request records and the Defense Investigative Service, Privacy Act Office, 2200 Van Deman Street, Baltimore, MD 21224–6603 for Privacy Act records.

A request for information must contain the full name of the subject individual.

Personal visits will require a valid driver's license or other picture identification and are limited to the Privacy Act Office."

CONTESTING RECORD PROCEDURES:

Delete entry and replace with "The agency's rules for accessing records, contesting contents, and appealing initial determinations by the individual concerned are contained in DIS Regulation 28–4, Access to and Maintenance of DIS Personal Records; 32 CFR part 321; or may be obtained from the Defense Investigative Service, Office of Information and Public Affairs, 1900 Half Street, SW., Washington, DC 20324–1700".

* * * * *

V1-01

SYSTEM NAME:

Freedom of Information and Privacy Request Records.

SYSTEM LOCATION:

Freedom of Information records are located at the Defense Investigative Service, Information and Public Affairs Office, 1900 Half Street, SW, Washington, DC 20324–1700.

Privacy Act records are located at the Defense Investigative Service, Privacy Act Office, 2200 Van Deman Street, Baltimore, MD 21224–6603.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have submitted requests or who were the subject of requests under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of all correspondence by requesters; correspondence and other documentation pertaining to requests for information released or withheld; summaries and logs of actions taken regarding requests.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 5 U.S.C. 552 as amended by Pub. L. 93–502, Freedom of Information Act; 5 U.S.C. 552a, Pub. L. 93–579, the Privacy Act of 1974, as amended; Department of Defense Regulation 5400.7-R, Freedom of Information Act Program (32 CFR part 286); and Department of Defense Regulation 5400.11-R, DOD Privacy Program (32 CFR part 286a).

PURPOSE(S):

To facilitate responses to individual requests for information; to document actions taken in subsequent requests (including correction and amendment actions), appeals, or litigation; to provide a basis for reports and implementing directives.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The "Blanket Routine Uses" published at the beginning of DIS' compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are maintained in file folders, backup copies exist on diskettes or other machine-readable media.

RETRIEVABILITY:

Information is retrieved by the name of the subject of the request.

SAFEGUARDS:

Records are maintained in security containers and only authorized personnel are permitted access.

RETENTION AND DISPOSAL:

Records are destroyed two years after date of reply EXCEPT when access to all or any part of the requested information has been denied, destruction occurs 5 years after date of reply; when subsequent administrative action has occurred under the governing act, all originals and copies shall be destroyed 4 years after final denial by the agency or 3 years after final adjudication by the courts, whichever is later. Destruction of paper records is accomplished by shredding or burning. Machine readable media are erased or overwritten.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Investigative Service, Deputy Director (Resources), 1900 Half Street, SW., Washington, DC 20324–1700.

NOTIFICATION PROCEDURES:

Individuals seeking to determine if information about themselves is contained in this system of records should address written inquiries to the Defense Investigative Service, Office of Information and Public Affairs, 1900 Half Street, SW, Washington, DC 20324–1700 for Freedom of Information request records and the Defense Investigative Service, Privacy Act Office, 2200 Van Deman Street, Baltimore, MD 21224–6603 for Privacy Act records.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Defense Investigative Service, Office of Information and Public Affairs, 1900 Half Street, SW, Washington, DC 20324–1700 for Freedom of Information request records and the Defense Investigative Service, Privacy Act Office, 2200 Van Deman Street, Baltimore, MD 21224–6603 for Privacy Act records.

A request for information must contain the full name of the subject individual.

Personal visits will require a valid driver's license or other picture identification and are limited to the Privacy Act Office.

CONTESTING RECORD PROCEDURES:

The agency's rules for accessing records, contesting contents, and appealing initial determinations by the individual concerned are contained in DIS Regulation 28–4, Access to and Maintenance of DIS Personal Records; 32 CFR part 321; or may be obtained from the Defense Investigative Service, Office of Information and Public Affairs, 1900 Half Street, SW., Washington, DC 20324–1700.

RECORD SOURCE CATEGORIES:

Information in this system is obtained from requesters, from other federal agencies with collateral interest in a request, and from records which were the subject of requests.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system of records may be exempt pursuant to 5 U.S.C. 522a(k)(2), (k)(3), and (k)(5), as applicable.

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 321. For additional information contact the system manager.

[FR Doc. 92–6758 Filed 3–25–92; 8:45 am]

BILLING CODE 3810–01–F

Department of the Navy

Board of Advisors to the Superintendent, Naval Postgraduate School; Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app. 2), notice is hereby given that the Board of Advisors to the Superintendent, Naval Postgraduate School, Monterey, California, will meet on 7-8 May 1992, in Herrmann Hall (Building 220) at the school. All sessions will be open to the public.

The purpose of the meeting is to elicit the advice of the board on the Navy's Postgraduate Education Program. The board examines the effectiveness with which the Naval Postgraduate School is accomplishing its mission. To this end, the board will inquire in the curricula; instruction; physical equipment; administration; state of morale of the student body, faculty, and staff; fiscal affairs; and any other matters relating to the operation of the Naval Postgraduate School as the board considers pertinent.

For further information concerning this meeting, contact: Captain Gary K. Iversen, USN (Code 007), Naval Postgraduate School, Monterey, California, 93943-5001. Telephone: (408) 646-2512.

Dated: March 18, 1992.

Wayne T. Baucino,

Lieutenant, JAGC, U.S. Naval Reserve, Alternate Federal Register Liaison Officer.

[FR Doc. 92–7005; Filed 3–25–92; 8:45 am]

BILLING CODE 3810–AE–F

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app. 2), notice is hereby given that the Naval Research Advisory Committee Panel on STOVL (Short Take-Off/Vertical Landing) Strike Fighter (SSF) Replacement Aircraft in the 2010-2020 Timeframe will meet on April 22 and 23, 1992. The meeting will be held at the Center for Naval Analyses, 4401 Ford Avenue, Alexandria Virginia. The meeting will commence at 8:30 am and terminate at 5:30 pm on April 22; and commence at 8:00 am and terminate at 3:30 pm on April 23, 1992.

The purpose of the meeting is to provide the Navy with an assessment of the need for an SSF as a multi-mission replacement aircraft for the 2010-2020 timeframe, and identify the key technology issues and trade-offs associated with the SSF versus Convential Take-Offs and Landing (CTOL) aircraft. The agenda will include briefings and discussions related to the projected threat and future requirements, including an SSF Operational Utility Analyses briefing, U.S. Navy program and acquision sponsor perspectives, and threat projections and future requirements of the U.S. Air Force and National Aeronautics and Space Administration. These briefings and discussions will contain classified information that is specifically authorized under critera established by Executive order to be kept secret in the interest of national defense and are in fact properly classified pursuant to such Executive order. The classified and nonclassied matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matter listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander John Hrenko, USN, Office of the Chif of Naval Research, 800 North Quincy

Street, Arlington, VA 22217-5000, Telephone Number: (703) 696-4870.

Dated: March 18, 1992.

Wayne T. Baucino,

Lieutenant, JAGC, U.S. Naval Reserve, Alternate Federal Register Liaison Officer.

[FR Doc. 92-7006; Filed 3-25-92; 8:45 am]

BILLING CODE 3810-AE-F

Government Owned Inventions; Intent to Grant Exclusive Patent License

AGENCY: Department of the Navy, DoD.

ACTION: Intent to Grant Exclusive Patent License; Focal Technologies Inc.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to Focal Technologies Inc. a revocable, nonassignable, exclusive license to practice the Government-owned invention described in U.S. Patent No. 4,027,945 "Optical Sliprings", issued June 7, 1977.

Anyone wishing to object to the grant of this license has 60 days from the date of this notice to file written objections along with supporting evidence, if any. Written objections are to be filed with the Office of the Chief of Naval Research (Code OOCCIP), Arlington, Virginia 22217-5000.

FOR FURTHER INFORMATION CONTACT: Mr. R. J. Erickson, Staff Patent Attorney, Office of the Chief of Naval Research (Code OOCCIPP), 800 North Quincy, Arlington, Virginia 22217-5000, telephone (703) 696-4001.

Dated: March 18, 1992.

Wayne T. Baucino,

Lieutenant, JAGC, U.S. Naval Reserve, Alternate Federal Register Liaison Officer.

[FR Doc. 92-7004; Filed 3-25-92; 8:45 am]

BILLING CODE 3810-AE-F

DEPARTMENT OF EDUCATION

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Office of Information Resources Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before April 27, 1992.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok, Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place, NW., room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Wallace R. McPherson, Jr., Department of Education, 400 Maryland Avenue, SW., room 5624, Regional Office Building 3, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Wallace R. McPherson, (202) 708-5174.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Acting Director, Office of Information Resources Management, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Wallace R. McPherson, Jr. at the address specified above.

Dated: March 20, 1992.

Wallace R. McPherson, Jr.,

Acting Director, Office of Information Resources Management.

Office of Elementary and Secondary Education

Type of Review: Reinstatement.
Title: State Plan Operated by State Educational Agencies Under the Even Start Program and Application and Continuation Applications for Indian Tribes and Tribal Organizations Under the Even Start Program.
Frequency: Annually.
Affected Public: State or Local Government.
Reporting Burden: Responses—95; Burden Hours—1,495.
Recordkeeping Burden: Recordkeepers—0; Burden Hours—0.
Abstract: This State Plan will be used by the Department to make awards and to ensure the states meet the requirements of the statutes and regulations. Indian tribes and tribal organizations are required to submit applications for new and continuation grants to operate Even Start projects.

Office of Educational Research and Improvement

Type of Review: Reinstatement.
Title: Star School Program.
Frequency: Quarterly.
Affected Public: State or local governments, Business or other for profit, Non-profit institutions, Small businesses or organizations.
Reporting Burden: Responses—75; Burden Hours—7,500.
Recordkeeping Burden: Recordkeepers—0; Burden Hours—0.
Abstract: This application will be used by telecommunication partnership grantees who apply for funding. The information will be used to make grants awards.

[FR Doc. 92-6981 Filed 3-25-92; 8:45 am]

BILLING CODE 4000-01-M

Office of Administrative Law Judges; Intent To Compromise a Claim, Washington State Board for Vocational Education

AGENCY: Department of Education.

ACTION: Notice of intent to compromise a claim.

SUMMARY: The Department intends to compromise a claim against the Washington State Board for Vocational Education now pending before the Office of Administrative Law Judges (OALJ), Docket No. 91-27-R. (20 U.S.C. 1234a(j)).

DATES: Interested persons may comment on the proposed action by submitting written data, views, or arguments on or before May 11, 1992.

ADDRESSES: Comments should be addressed to Kathleen Ryan, Esq., Office of the General Counsel, U.S. Department of Education, 400 Maryland Avenue, SW., (room 4099, FOB-6), Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Kathleen Ryan, Esq., Telephone: (202) 401-0807. 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: The claim in question arose from an audit of

the financial affairs and operations of the State of Washington Department of Education (State) for the fiscal year ending June 30, 1989. The audit was performed by the Washington State Auditor, to fulfill the requirements of Office of Management and Budget Circular A-128. The audit included the evaluation of the internal control systems, including applicable internal administrative controls, used in administering Federal financial assistance programs. Among the systems examined were the State community colleges' procedures for ensuring that funds reserved under section 202 of the Carl D. Perkins Vocational Education Act (Perkins Act), 20 U.S.C. 2332 (1988), for handicapped and disadvantaged vocational education students were being used to pay only for the Federal share of the "excess costs" of serving handicapped and disadvantaged students enrolled in vocational programs.

Sections 201(c) (1) and (2) of the Perkins Act (20 U.S.C. 2331(c) (1) and (2)) and the implementing regulations (34 CFR 401.52(a) and 401.53(a)(1)) provide that funds reserved for the handicapped and disadvantaged may only be used for the Federal share of the costs of providing "supplemental or additional staff, equipment, materials, and services not provided to other individuals in vocational education that are essential for handicapped (and disadvantaged) individuals to participate in vocational education." Pursuant to section 201(h)(1) of the Act (20 U.S.C. 2331(h)(1)) and the implementing regulations (34 CFR 401.58(a)(1)), these excess costs may include the cost of providing basic skills instruction for handicapped and disadvantaged individuals who are enrolled in vocational education programs.

During the course of the audit, the auditors were unable to find documentation to show that the handicapped and disadvantaged students being served in the projects supported by Perkins funds—which included counseling and basic skills instruction—were also enrolled in vocational programs. In addition, the auditors questioned whether the funded activities and services were limited to the excess costs of enabling the handicapped and disadvantaged to participate in vocational education. Based on these findings, and on a finding that some of the community colleges had violated the assurance made in the State plan and required by section 113(b)(16) of the Perkins Act (20 U.S.C. 2323(b)(16)) that the State would use Perkins funds to supplement, and not supplant, State and local funds available for vocational education, the Assistant Secretary for Vocational and Adult Education (Assistant Secretary) notified the State Board for Vocational Education in a program determination letter dated March 29, 1991, that it had to repay a total of $192,354 for disallowed costs charged to the Perkins Act grant. The State appealed the Assistant Secretary's determination to the Office of the Administrative Law Judges.

The Department proposes to compromise the full amount of the $192,354 claim for $49,500. In mediation sessions before the Federal Mediation and Conciliation Service, the State provided additional information and documentation concerning the numbers of handicapped or disadvantaged vocational education students being served and the types of services and activities involved. The State also submitted documentary evidence concerning the necessity of the services and activities to the participation of the handicapped and disadvantaged students in vocational education, and the non-availability of these services and activities to non-handicapped and non-disadvantaged vocational students.

The State has also indicated that corrective action has been taken to ensure that the community colleges will keep documentation sufficient to show, where necessary, that students being served with Perkins funds are enrolled in vocational programs. Information contained in the Washington State plan for vocational education submitted under the current statute, the Carl D. Perkins Vocational and Applied Technology Education Act of 1990, Public Law No. 101-392, 104 Stat. 753, indicates that the community colleges have a system for keeping records of the members of special populations, including the handicapped and disadvantaged, enrolled in vocational education programs. Given these factors, and the litigation risks and costs of proceeding through the appeal process, the Department has determined that it would not be practical or in the public interest to continue this proceeding. Moreover, the Department is satisfied that the practices that resulted in the claim have been corrected and will not recur.

The public is invited to comment on the Department's intent to compromise this claim. Additional information may be obtained by writing to Kathleen Ryan, Esq. at the address given at the beginning of the notice.

Program Authority: 20 U.S.C. 1234a(f).

Dated: March 19, 1992.

Donald A. Laidlaw,

Assistant Secretary for Human Resources and Administration.

[FR Doc. 92-6982 Filed 3-25-92; 8:45 am]

BILLING CODE 4000-01-M

National Education Commission on Time and Learning; Meeting

AGENCY: National Education Commission on Time and Learning, Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Education Commission on Time and Learning. This notice also describes the functions of the Commission. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act.

DATE AND TIME: April 13, 1992 from 9 a.m. to 4 p.m.

ADDRESSES: Vista Hotel, 1400 M Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Julia Anna Anderson, Special Assistant, 555 New Jersey Ave., Capitol Place Room 610B, Washington, DC 20208. Telephone: (202) 219-2249.

SUPPLEMENTARY INFORMATION: The National Education Commission on Time and Learning is established under section 102 of the Education Council Act of 1991 (20 U.S.C. 1221-1). The Commission is established to examine the quality and adequacy of the study and learning time of elementary and secondary students in the United States, including issues regarding the length of the school day and year, the extent and role of homework, how time is being used for academic subjects, year-round professional opportunities for teachers, and the use of school facilities for extended learning programs.

The meeting of the Commission is open to the public. The proposed agenda includes: Swearing in Commissioners, Briefings from the Department's Ethics Counsel Staff and from the Department's Committee Management Staff, Nomination and Election of Officers, Determination of selection process for an Executive Director, Administration issues, Presentation on current "Uses of Time" project, and Discussion of action plan.

Records are kept of all Commission proceedings, and are available for public inspection at the Office of the Commission at 555 New Jersey Ave., NW., Capitol Place Room 610B,

Washington, DC 20208 from the hours of 9 a.m. to 5:30 p.m.

Diane Ravitch,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 92–7014 Filed 3–25–92; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Floodplain and Wetland Involvement Notification for Proposed Environmental Restoration Action at the Department of Energy's Oak Ridge Reservation, Oak Ridge, TN

AGENCY: Department of Energy (DOE).

ACTION: Notice of floodplain and wetland involvement and opportunity for comment.

SUMMARY: The Department of Energy (DOE) proposes to perform environmental restoration activities in Waste Area Grouping (WAG) 6 at Oak Ridge National Laboratory (ORNL). DOE would take the proposed action under sections 104 and 120 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and 40 CFR 300.435. WAG 6, located approximately 2 miles southwest of the ORNL main plant, has been used for shallow land burial of low-level radioactive waste and other hazardous material. Approximately one-half acre of WAG 6 lies below the 754 ft. contour, which marks the 100-year floodplain. The floodplain area within WAG 6 consists of land along the unnamed tributary that drains the western portion of the WAG. The Emergency Waste Basin, which will be remediated as part of WAG 6, could be classified as a wetland. In addition, wetlands present along the southern and eastern edges of WAG 6 could be hydrologically affected by the proposed action.

The proposed action, if implemented, would be carried out with the concurrence of the U.S. Environmental Protection Agency and the Tennessee Department of Environment and Conservation. The proposed action is intended to stabilize and isolate the wastes, possibly including the following steps: grouting and dynamic compaction of the waste burial areas; diversion of surface and subsurface stormwater flows away from waste disposal sites; placement of low-permeability, multi-layer caps over disposal sites; and, if necessary, collection and treatment of groundwater downgradient from disposal sites and within the WAG boundaries.

The proposed action would be performed in such a manner as to avoid or minimize potential impacts on the floodplain and adjacent wetlands. In accordance with DOE regulations 10 CFR 1022, DOE will prepare a floodplain/wetland assessment and publish a floodplain statement of findings in accordance with § 1022.15 of said regulations. Maps and further information are available from DOE at the Information Resources Center, 105 Broadway Avenue, Oak Ridge, Tennessee.

DATES: Comments are due by April 10, 1992.

ADDRESSES: Send comments to Robert C. Sleeman, Director, Environmental Restoration Division (EW–91), U.S. Department of Energy, Post Office Box 2001, Oak Ridge, Tennessee 37831–8541. Fax Comments to FTS 626–7042.

Paul D. Grimm,

Principal Deputy Assistant Secretary for Environmental Restoration and Waste Management.

[FR Doc. 92–7051 Filed 3–25–92; 8:45 am]

BILLING CODE 6450–01–M

Energy Information Administration

Agency Information Collections Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, Energy.

ACTION: Notice of request submitted for review by the Office of Management and Budget.

SUMMARY: The Energy Information Administration (EIA) has submitted the energy information collection(s) listed at the end of this notice to the Office of Management and Budget (OMB) for review under provisions of the Paperwork Reduction Act (Pub. L. No. 96–511, 44 U.S.C. 3501 *et seq.*). The listing does not include collections of information contained in new or revised regulations which are to be submitted under section 3504(h) of the Paperwork Reductions Act, nor management and procurement assistance requirements collected by the Department of Energy (DOE).

Each entry contains the following information: (1) The sponsor of the collection (a DOE component which term includes the Federal Energy Regulatory Commission (FERC)); (2) Collection number(s); (3) Current OMB docket number (if applicable); (4) Collection title; (5) Type of request, e.g., new, revision, extension, or reinstatement; (6) Frequency of collection; (7) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (8) Affected public; (9) An estimate of the number of respondents per report period; (10) An estimate of the number of responses per respondent annually; (11) An estimate of the average hours per response; (12) The estimated total annual respondent burden; and (13) A brief abstract describing the proposed collection and the respondents.

DATES: Comments must be filed by April 27, 1992. If you anticipate that you will be submitting comments but find it difficult to do so within the time allowed by this notice, you should advise the OMB DOE Desk Officer listed below of your intention to do so as soon as possible. The Desk Officer may be telephoned at (202) 395–3084. (Also, please notify the EIA contact listed below.)

ADDRESSES: Address comments to the Department of Energy Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503. (Comments should also be addressed to the Office of Statistical Standards at the address below.)

FOR FURTHER INFORMATION AND COPIES OF RELEVANT MATERIALS CONTACT: Jay Casselberry, Office of Statistical Standards, (EI–73), Forrestal Building, U.S. Department of Energy, Washington, DC 20585. Mr. Casselberry may be telephoned at (202) 254–5348.

SUPPLEMENTARY INFORMATION: The energy information collection submitted to OMB for review was:

1. Civlian Radioactive Waste Management.
2. NWPA–830R A/G.
3. 1901–0260.
4. Standard Contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste.
5. Revision—This request is for approval of Appendix C where contract holders will designate the facility where DOE will accept their fuel, the number of assemblies to be accepted, and the mode of transportation to ship the assemblies. The information collected will be used to determine the Federal waste transportation cask mix needed to meet DOE's commitments.
6. Quarterly, Annually, and On occasion.
7. Mandatory.
8. Businesses or other for profit.
9. 100 respondents.
10. 4.25 responses.
11. 37.94 hours per response.
12. 16,125 hours.

13. NWPA–830R A/G is designated to serve as the service document for entries into the Department of Energy (DOE) accounting records to transmit data from "utilities" concerning payment of their contribution to the Nuclear Waste Fund. This form is used by electric utilities, vendors, and owners of nuclear fuel to purchase the services of the DOE for disposal of their spent nuclear fuel and high-level waste.

Statutory Authority: Sec. 5(a), 5(b), 13(b), and 52, Pub. L. No. 93–275, Federal Energy Administration Act of 1974, 15 U.S.C. § 764(a), 764(b), 772(b), and 790a.

Issued in Washington, DC, March 19, 1992.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

[FR Doc. 92–7053 Filed 3–25–92; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. GP92–8–000; FERC No. JD91–08540T]

State Oil and Gas Board of Alabama, Tight Formation Determination—Alabama-3, Pottsville Series Sandstones; Preliminary Finding

March 19, 1992.

The State Oil and Gas Board of Alabama (Alabama) determined that the sandstones of the Pottsville Series, in the Black Warrior Coal Basin, qualify as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978.

For the reasons discussed below, the Commission issues this notice preliminarily finding that the determination is not supported by substantial evidence.

Alabama's Determination

On August 12, 1991, Alabama submitted an affirmative tight formation area determination for the Pottsville Series sandstones in the Black Warrior Coal Basin.[1] The determination covers almost one million acres in portions of Hale, Tuscaloosa, Pickens, and Greene Counties, Alabama. The recommended interval ranges in thickness from 2,000 to 2,500 feet within the recommended area and consists of the Pottsville sandstones found beneath the top of the Mary Lee coal interval. Coal seams occurring within the subject Pottsville interval are excluded from Alabama's tight formation determination.

Alabama concluded that the Pottsville sandstones meet the Commission's 0.1 millidarcy (md) permeability guideline based on data from two wells in the recommended area, the Skelton #6–16 (#6–16) and Brown #8–7 (#8–7) wells. The notice also indicates that both wells do not produce from the Pottsville sandstones and are considered dry holes.

The notice does not contain any natural gas or crude oil flow rate data. Alabama asserts that the recommended interval meets the Commission's natural gas and crude oil flow rate guidelines because there has been no production of the Pottsville sandstones from any of the wells that have penetrated the formation.

The record also indicates that hundreds of shallow coalbed methane wells drilled into the Mary Lee Coal interval penetrated the upper part of the Pottsville Series in the recommended area and that all of these wells are considered to be dry holes with respect to the Pottsville sandstones since they do not produce from these sandstones.

Staff's Tolling Letter and Alabama's Response

By letter dated September 26, 1991, staff requested Alabama to explain why it believed that the existing well data from the two dry holes meets the Commission's *in situ* permeability and flow-rate guidelines and supports the designation of the entire vertical and geographical area as a tight formation.

Alabama's February 3, 1992 response does not provide any additional data for wells drilled in the recommended area. The response provides additional data that the applicant (Hawkeye Oil & Gas, Inc.) provided for 18 wells located outside and immediately adjacent to the recommended area. The data includes a core report for one Pottsville sandstones well (the Justiss-Curry #14–16) and a summary of the interpretation of 69 drill stem tests conducted on the 18 wells.[2] Of the 18 new data wells, 16 are Pottsville sandstones producers and 2 are dry holes.

Alabama believes that this additional data indicates that the Pottsville sandstones inside the recommended area would meet the 0.1 md permeability guideline because:

- Only 1 of the 34 Pottsville sandstones core samples recovered from the Justiss-Curry #14–16 well exceeds 0.1 md; and
- 41 of the 69 drill-stem tests (59.4%) resulted in permeabilities below 0.1 md and only 12 of 69 (17.4%) resulted in permeabilities in excess of 0.1 md.[3]

Alabama also submitted a map and states that the map "indicates the fields adjacent to the proposed area which produce from the proposed tight sands interval. The subject fields are Snead's Creek, Woolbank Creek, and Big Creek, all of which produce from the subject sandstones located along faults which enhance permeability through the fracture systems."

Discussion

The determination does not contain substantial evidence to support the conclusion that the estimated average *in situ* permeability meets the Commission's guideline.

Section 271.703(c)(2) of the Commission's regulations establishes guidelines that a formation must meet the qualify as a tight formation. Among other things, the estimated average *in situ* gas permeability, throughout the day section, must be expected to be 0.1 md or less.

Our review shows that the record contains extremely limited permeability data. There is permeability data for only two wells in the recommended area but each well is a dry hole in the Pottsville sandstones and was never completed for production from these sandstones. Therefore, the permeability values do not reflect *in situ* permeabilities within pay sections. In addition, the permeability data for the 18 wells outside the recommended area come from two clusters of wells in relatively small areas along fault and fracture systems. Moreover, 41 of the drill-stem test results seems to indicate that a pay section doesn't exist and the remaining 12 drill-stem test results indicate permeabilities in excess of the 0.1 md limit. Finally, although the data for these 18 wells may indicate permeability for the Pottsville sandstones, these permeabilities apply to the relatively narrow confines of the fault and fracture systems where the 18 wells are located. There is no evidence showing that this is characteristic of the rest of the formation.

Therefore, in view of the geographical size and vertical extent of the recommended formation, the Commission finds that the record does not contain substantial evidence showing that the formation meets the Commission's permeability guideline.

[1] The Black Warrior Basin is an active coalbed methane area due, in part, to the tax credit for coal seam gas. Gas in the area is produced from the Pottsville coal seams, which occur in discrete groups and are separated by the Pottsville sandstones and shales.

[2] The actual drill stem test results have not been provided.

[3] The remaining 16 tests either failed mechanically or were deemed to be inconclusive.

The determination does not contain substantial evidence showing that the expected stabilized pre-stimulation flow rate meets the Commission's guidelines.

Section 271.703(c)(2)(i)(B) of the regulations requires Alabama to determine that the formation's pre-stimulation stabilized flow rate against atmospheric pressure of wells completed for production therein is not expected to exceed a applicable maximum allowable flow rate specified in the regulations.

Since no wells have been completed for production in the Pottsville Series within the recommended area, the record contains no production data. Additionally, Alabama's response to the tolling letter did not provide any natural gas or crude oil flow rate information for the 18 wells outside the recommended area. Moreover, the record shows that the only production obtained from the recommended formation has been from the hundreds of shallow Pottsville coal seam wells, which typically will only penetrate roughly the upper 20 percent of the recommended Pottsville interval, and whose production is excluded because the determination does not include the Pottsville coal seams. The coal seam producing wells are considered to be dry with respect to the Pottsville sandstones, since they don't produce from the sandstones.

Since the record provides no indication whatsoever as to the pre-stimulation natural gas and crude oil production characteristics of the subject sandstones, we find that the record does not contain substantial evidence showing that the expected stabilized pre-stimulation flow rate meets the Commission's guidelines.

Under § 275.202(a) of the regulations, the Commission may make a preliminary finding, before any determination becomes final, that the determination is not supported by substantial evidence in the record. Based on the foregoing facts, the Commission hereby makes a preliminary finding that Alabama's determination is not supported by substantial evidence in the record upon which it was made. Alabama or the applicant may, within 30 days from the date of this preliminary finding, submit written comments and request an informal conference with the Commission pursuant to § 275.202(f) of the regulations. A final Commission order will be issued within 120 days after the issuance of this preliminary finding.

By direction of the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6973 Filed 3-25-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. JD92-04475T Colorado-33 Amendment]

State of Colorado; Determination by Jurisdictional Agency Designating Tight Formation

March 19, 1992.

Take notice that on March 11, 1992, the Oil and Gas Conservation Commission of the State of Colorado (Colorado), submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that a portion of the Shannon Formation in Boulder and Weld Counties, Colorado, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978 (NGPA). The proposed area was previously recommended for designation as a tight formation; however, withdrawal of that recommendation was granted by Commission Order dated May 12, 1987 in Docket No. RM79-76-174 (Colorado-33). The area of application is described as follows:

Township 1 North, Range 68 West, 6th P.M.
Sections 1 through 18: All
Township 1 North, Range 69 West, 6th P.M.
Sections 1 through 3 and 10 through 15: All
Township 2 North, Range 68 West, 6th P.M.
Sections 19 through 36: All
Township 2 North, Range 69 West, 6th P.M.
Sections 22 through 27 and 34 through 36: All

The notice of determination also contains Colorado's findings, as amended on March 17, 1992, that the referenced portion of the Shannon Formation meets the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6971 Filed 3-25-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. JD92-04473T Colorado-34 Amendment]

State of Colorado; NGPA Determination by Jurisdictional Agency Designating Tight Formation

March 19, 1992.

Take notice that on March 11, 1992, the Oil and Gas Conservation Commission of the State of Colorado (Colorado) submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that a portion of the Sussex Formation in Boulder and Weld Counties, Colorado, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978 (NGPA). The proposed area was previously recommended for designation as a tight formation; however, withdrawal of the recommendation was granted by Commission Order dated May 12, 1987 in Docket No. RM79-76-175 (Colorado-34). The area of application is described as folllows:

Township 1 North, Range 68 West, 6th P.M.
Sections 1 through 18: All
Twonship 1 North, Range 69 West, 6th P.M.
Sections 1 through 3 and 10 through 15: All
Township 2 North, Range 68 West, 6th P.M.
Section 19 through 36: All
Township 2 North, Range 69 West, 6th P.M.
Sections 22 through 27 and 34 through 36: All

The notice of determination also contains Colorado's findings, as amended on March 17, 1992, that the referenced protion of the Sussex Formation meets the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6972 Filed 3-25-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI85-513-014]

El Paso Natural Gas Co. Report of Refunds and Request for Termination of Refund Obligation

Take notice that on February 20, 1992, El Paso Natural Gas Company, P.O. Box 1492, El Paso, Texas 79978, filed with the

Federal Energy Regulatory Commission a refund report showing that during calendar year 1991, El Paso did not receive additional refunds from remaining small working interest owners; therefore El Paso did not flow-through any refunds to its customers. El Paso states that the Commission's October 17, 1990 order in Docket No. CI85–513–012 requires El Paso to make annual flow-through refunds and file a refund report of additional amounts received from small working interest owners.

El Paso is also requesting that it be relieved of any further refund obligation under Docket No. CI85–513–000 because no further flow-through refunds are likely and the remaining amounts involved are *de minimis*. By letter dated February 28, 1992, the Public Utilities Commission of the State of California filed comments indicating that it does not oppose El Paso's request.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211). All such protests should be filed on or before March 27, 1992. Protest 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. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92–6976 Filed 3–25–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TA92–1–46–000]

Kentucky West Virginia Gas Co. Proposed change in Tariff

March 19, 1992.

Take notice that Kentucky West Virginia Gas Company ("Kentucky West") on March 17, 1992, tendered for filing with the Federal Energy Regulatory Commission ("Commission") its Thirty-Sixth Revised Sheet No. 41 to become effective on May 1, 1992. The tariff sheet implements Kentucky West's annual PGA filing and reflects a deferred gas cost adjustment of ($0.0175) and a ($0.9384) current adjustment decrease based on an average cost of purchased gas effective May 1, 1992, of $1.0698 per dth.

Kentucky West states that, by its filing, or any request or statement made therein, it does not waive any rights to collect amounts, nor the right to collect carrying charges applicable thereto, to which it is entitled pursuant to the mandate of the United States Court of Appeals for the Fifth Circuit issued on March 6, 1986, in *Kentucky West Virginia Gas Co.*, v. *FERC*, 780 F.2d 1231 (5th Cir. 1986), or to which it becomes entitled pursuant to any other judicial and/or administrative decisions.

Kentucky West states that a copy of its filing has been served upon each of its jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, NE., Washington, DC 30426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure 18CFR 385.211 and 385.214. All such motions of protests should be filed on or before April 3, 1992. 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. 92–6969 Filed 3–25–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP78–124–019]

Northern Border Pipeline Co.; Petition to Amend

March 20, 1992.

Take notice that on March 9, 1992, Northern Border Pipeline Company (Northern Border), 1111 South 103rd Street, Omaha, Nebraska 68124–1000, filed in Docket No. CP78–124–019 pursuant to section 7(c) of the Natural Gas Act a petition to amend the certificate of public convenience and necessity issued on April 28, 1980, and June 20, 1980, in Docket No. CP78–124 to add various new receipt and delivery points to shipper contracts, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northern Border states that in 1989, it filed a petition to amend in Docket No. CP78–124–010 requesting authority to implement an amended service agreement with one of its customers. It is explained that the amended service agreement provided for an increase in service at one delivery point. Northern Border further states that the Commission issued an order on June 27, 1989, dismissing the petition to amend, reasoning that Northern Border already had the authority to implement the change in service under its Subpart G blanket certificate in Docket No. CP86–395–000. Northern Border explains that it subsequently undertook to implement amended service agreements covering the addition of secondary receipt and delivery points and an increase in service at one delivery point by making tariff filings on April 23, 1991, and January 31, 1992. It is indicated that the Commission, by order dated February 28, 1992, rejected the service agreement amendments without prejudice to Northern Border refiling the amended exhibits after receiving requisite section 7 certificate authority.

Northern Border asserts that it has filed for rehearing of the Commission's February 28, 1992, rejection order. In the alternative, it is indicated, Northern Border requests authority to amend its certificate to allow it to implement the amended service agreements. However, Northern Border stresses that it seeks to amend its certificate only to the extent that the Commission fails to grant its rehearing request and determines that a certificate amendment is necessary.

In its petition to amend, Northern Border specifies six contract amendments that have been executed with its United States shippers—Northern Natural Gas Company (Northern), Panhandle Eastern Pipe Line Company, and Natgas (U.S.) Inc. Northern Border states that all but one of the amendments involve the addition of either secondary receipt points or secondary delivery points, and as such, have no effect on the allocation of Northern Border's cost of service or the total volumes of service provided. Northern Border states that the other amendment involves an increase of 5,000 Mcf per day of primary delivery point volumes for Northern at the Welcome, Minnesota, delivery point. Northern Border explains that the purpose of this amendment is to provide operational flexibility to Northern Natural. Northern Border states that Northern's total contract volumes remain unchanged, but that Northern's allocation of Northern Border's cost of service would increase slightly due to the amendment. Northern Border asserts that the allocation of its cost of service to all other customers would be reduced by the same amount.

Northern Border requests that Commission authorization be granted

retroactivity to the dates of initial receipts and deliveries pursuant to the amended contracts and that the authorization extend for the full terms of the amended agreements.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 30, 1992, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6974 Filed 3-25-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP92-141-000]

Northwest Pipeline Corp.; Changes in FERC Gas Tariff

March 19, 1992.

Take notice that on March 17, 1992 Northwest Pipeline Corporation ("Northwest") tendered the following for filing and acceptance to be a part of its FERC Gas Tariff:

Second Revised Volume No. 1

First Revised Sheet No. 108
Original Sheet No. 108-A

First Revised Volume No. 1-A

Thirteenth Revised Sheet No. 201
First Revised Sheet No. 304-B
Original Sheet No. 304-C
Second Revised Sheet No. 305
First Revised Sheet No. 317-B
First Revised Sheet No. 317-C
Original Sheet No. 317-D
First Revised Sheet No. 403
First Revised Sheet No. 404
First Revised Sheet No. 411
Original Sheet No. 411-A
Original Sheet No. 508
Sheet No. 509
Original Sheet No. 517
Sheet Nos. 518 through 600

Northwest states that the purpose of this filing is to propose language in Northwest's tariff to revise (1) the "Facilities Reimbursement" provisions in Rate Schedules TI-1 and TF-1, (2) the "Failure to Pay Bills" sections of the Tariff, and (3) the Tariff definitions of "Receipt Points" and "Delivery Points."

Northwest has requested an effective date of April 17, 1992 for the tendered sheets. Northwest states that a copy of the filing is being served on Northwest's jurisdictional customer listed and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's rules of practice and procedure. All such motions or protests should be filed on or before March 26, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6968 Filed 3-25-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TM91-8-37-002 and TM92-2-37-004]

Northwest Pipeline Corp.; Report of Refunds

March 20, 1992.

Take notice that on March 6, 1992, Northwest Pipeline Corporation (Northwest) tendered for filing with the Federal Energy Regulatory Commission a refund report showing refunds of $2,357,654.35 ($2,300,778.07 of principal and $56,876.28 in interest) on March 6, 1992. These refunds apply to Northwest's Supplier Settlement Payment Commodity Surcharge for its customers that were subject to the Surcharge from July 1, 1991, through December 31, 1991, and were made in compliance with the Commission's order issued January 23, 1992; in Docket Nos. TM91-8-37-001 and TM92-2-37-003.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). All such protests should be filed on or before March 27, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6976 Filed 3-25-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP88-67-000, RP88-81-000, RP88-221-000, RP90-119-001, RP91-4-000, and RP91-119-000 (Phase I/Rates)]

Texas Eastern Transmission Corp.; Informal Settlement Conference

March 19, 1992.

Take notice that a conference of the Steering Committee is scheduled to be convened in this proceeding on Wednesday, April 1, 1992, at 10 a.m., at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC. Parties may designate anyone they wish for the Steering Committee, but business representatives are encouraged. Participants on the Steering Committee should include individuals who are in a position to commit their parties quickly on matters of substance.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined in 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, contact Dennis H. Melvin at (202) 208-0042 or Arnold H. Meltz at (202) 208-2161.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6970 Filed 3-25-92; 8:45 am]

BILLING CODE 6717-01-M

Office of Fossil Energy

[FE Docket No. 92-19-NG]

Oregon Natural Gas Development Corp.; Application for Blanket Authorization to Import Natural Gas From Canada

AGENCY: Department of Energy, Office of Fossil 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 February 18, 1992, as amended, of an application filed by Oregon Natural Gas Development

Corporation (ONGDC) requesting blanket authorization to import from Canada up to 10 Bcf of natural gas over a two-year period commencing with the date of first delivery ONGDC 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 27, 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:

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 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: ONGDC, an Oregon corporation with its principal place of business in Portland, Oregon, is a wholly-owned subsidiary of Northwest Natural Gas Company. ONGDC is engaged in the marketing and production of natural gas in the Western United States. ONGDC requests authority to import gas on its own behalf as well as on behalf of suppliers and purchasers for whom ONGDC may act as an agent. The gas ONGDC proposes to import would enter the U.S. at points on the international border near Sumas, Washington, and Kingsgate, British Columbia. The terms of each spot on short-term transaction will be determined by competitive factors in the natural gas marketplace.

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 fact.

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 ONGDC 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. 92–7052 Filed 3–25–92; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[530Z92005; FRL–4117–7]

Proposing to Grant a Variance from Land Disposal Restrictions to Exxon Company, U.S.A., Billings, MT

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed decision.

SUMMARY: The Environmental Protection Agency (EPA or Agency) is today proposing to grant a no-migration variance to Exxon Company U.S.A. (Exxon). This variance would allow Exxon to place untreated hazardous wastes, subject to the land disposal restrictions of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 36901 *et. seq.*), in the Exxon Billings Refinery's New South Land Treatment Unit (NSLTU) in Billings, Montana. Exxon submitted a petition to EPA under 40 CFR 268.6 requesting a no-migration variance from the RCRA land disposal treatment standards on the

grounds that treatment was unnecessary to protect human health and the environment because there would be no migration of hazardous constituents from the land disposal unit. After a review of Exxon's petition and supporting information, EPA has tentatively concluded that Exxon has demonstrated, to a reasonable degree of certainty, that hazardous constituents will not migrate out of the land treatment facility for as long as the wastes remain hazardous. The Agency is placing certain conditions on the variance to ensure compliance with the no-migration demonstration.

DATES: Comments on today's proposed rule must be received on or before May 11, 1992.

ADDRESSES: Three copies of your comments on today's proposal should be sent to EPA. Two copies should be sent to the docket clerk at the following address: U.S. Environmental Protection Agency, RCRA Docket (OS–305), 401 M Street, SW., Washington, DC 20460. A third copy should be sent to Allyson Ugarte, Office of Solid Waste (OS–343), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Identify your comments at the top with the regulatory docket number F–92–NEBP–FFFFF.

The RCRA regulatory docket for this proposed notice is located at the U.S. Environmental Protection Agency (room M2427), 401 M Street, SW., Washington, DC 20460, and is available for viewing from 9 a.m. to 4 p.m., Monday through Friday, except on Federal holidays. Call (202) 260–9327 for appointments. Up to 100 pages may be copied free of charge from any one regulatory docket. Additional copies are $0.15 per page.

A copy of the record supporting this proposal is also available to the public in Helena, Montana, at the EPA Region VIII, Montana Operations Office, Federal Building, 301 South Park. The public may make arrangements to view the documents by calling Stephanie Wallace at (406) 449–5414. This docket is available for inspection from 8 a.m. to 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA Hotline at (800) 424–9346 toll free or at (703) 920–9810 in the Washington, DC area. For technical information concerning this notice, contact Athena Rodbell, Office of Solid Waste (OS–343), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, at (202) 260–4519.

SUPPLEMENTARY INFORMATION:

I. Background

A. RCRA Land Disposal Restrictions: No-Migration Variances

The Hazardous and Solid Waste Amendments (HSWA) of 1984, which amend the Resource Conservation and Recovery Act (RCRA), impose substantial new requirements on the land disposal of hazardous waste. In particular, the amendments prohibit the continued land disposal of specified hazardous wastes, unless the wastes meet treatment standards specified by EPA before land disposal occurs, or unless a demonstration is made to EPA that "there will be no migration of hazardous constituents from the disposal unit for as long as the wastes remain hazardous" (RCRA section 3004(d), (e) and (g)). (A positive determination under this authority is referred to as a "no-migration" variance.) The term "land disposal" includes placement of hazardous waste "in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt bed formation, or underground mine or cave" (RCRA section 3004(k)).

The HSWA amendments provided for a schedule according to which specific wastes become subject to the land disposal restrictions. In the case of certain petroleum refining wastes (EPA Hazardous Waste Nos. K048–K052) the restrictions went into effect on November 8, 1990. As of that date, K048–K052 wastes that have not been treated to specified levels (Best Demonstrated Available Technology) may not be placed in a land disposal unit, unless EPA grants a no-migration variance specific to that waste and that unit. In the case of hazardous wastes listed after enactment of the 1984 HSWA amendments, EPA is required to make a Land Disposal Restrictions (LDR) determination within six months after the listing is promulgated. Best Demonstrated Available Technology (BDAT) levels are expected to be promulgated in 1993 for newly listed organic TC wastes.

The Agency first promulgated no-migration standards for land disposal units, other than underground injection wells, on November 7, 1986 (51 FR 40572).[1] These regulations (40 CFR 268.6) codify the statutory standards, specify information to be included in a variance petition, and establish procedures for granting or denying a variance. EPA amended the regulations on August 17, 1988 (53 FR 31138) to add further procedural requirements and standards. EPA is now developing further amendments, including a generic definition of "no-migration," for land disposal units other than underground injection wells. The Agency expects to propose these amendments in the near future. In conjunction with this forthcoming proposal, EPA has developed the document "No-Migration Variances to the Hazardous Waste Land Disposal Prohibitions: A Guidance Manual for Petitioners" (Draft Interim Final), March 1990 (the Guidance Manual), a copy of which is available in the RCRA regulatory docket for today's notice.

The current standards and procedures for no-migration variances require persons seeking a no-migration variance to submit a petition to the Administrator that clearly identifies the wastes and the specific unit that is the subject of the petition; provides waste characterization data; characterizes the unit, including background conditions; provides monitoring plans for environmental media and monitoring results; and demonstrates compliance with other Federal, State, and local laws. (See 40 CFR 268.6 and the Guidance Manual for a complete listing of the types of information that must be presented in a variance petition.)

As required in 40 CFR 268.6(j), the Administrator must give public notice in the **Federal Register** of the intent to approve or deny a petition and provide an opportunity for public comment. After reviewing public comments, the Agency must then grant or deny a variance petition and publish its final decision in the **Federal Register**. As specified by 40 CFR 268.6(k), variances may be valid for up to 10 years, but for no longer than the term of the RCRA facility permit. (Variances may be reissued after their term has expired.) Petitioners receiving a no-migration variance, in accordance with 40 CFR 268.6(e), must report any significant changes in operating conditions from those described in the original petition within ten days after discovering a change from what was modeled or predicted in the petition or at least 30 days in advance of initiating any change at or to the unit. The Administrator will determine the appropriate response, including termination of waste acceptance and revocation of the variance, variance modification, or other response. Furthermore, as stipulated by 40 CFR 268.6(f), petitioners must report instances of constituent migration within ten days of detection of the release and immediately suspend

[1] On July 26, 1988, the Agency promulgated standards under 40 CFR 148 for no-migration variances for underground injection wells (53 FR 28122).

receipt of restricted wastes to the petitioned unit. Again, the Administrator, within sixty days, will determine the appropriate response, including whether the petitioner can continue to place restricted wastes in the petitioned unit and whether the variance should be revoked. Lastly, in accordance with 40 CFR 268.6(m), petitioners receiving a no-migration variance are still subject to all the applicable subtitle C provisions (40 CFR part 260 through part 270) regarding the management of RCRA hazardous wastes.

B. Approach Used To Evaluate No-Migration Petitions

Section 268.6(a) requires that petitioners for a no-migration variance demonstrate, to a reasonable degree of certainty, that there will be no migration of hazardous constituents from the disposal unit for as long as the wastes remain hazardous. In evaluating the no-migration demonstration, the Agency considers all possible pathways of exposure, i.e., ingestion of ground water, surface water and soil, and inhalation of air at the unit boundary. The Agency proposes in today's notice to use the same definition of no-migration as used in its final standards for underground injection wells under 40 CFR 148 (53 FR 28122, July 26, 1988). (This definition was recently upheld in *NRDC* v. *EPA*, 907 F.2d 1146 (D.C. Cir. 1990).) That is, we propose to interpret the no-migration standard to mean that concentrations of hazardous constituents shall not exceed Agency-approved health-based levels (HBLs) in any environmental medium (ground water, surface water, soil, or air), at the boundary of the land disposal unit. This same definition of the no-migration standard was used in EPA's no-migration determination for DOE's Waste Isolation Pilot Plant (WIPP) (55 FR 13068, April 6, 1990 and 55 FR 47700, November 14, 1990).

1. Health-Based Levels

In establishing health-based levels (HBLs) of hazardous constituents (i.e., the levels of constituents at the unit boundary that would fail the no-migration standard), EPA proposes to rely on procedures that involve: (1) Determining allowable dose levels from various Agency data bases using a hierarchical search system and (2) using Agency exposure factors to develop media-specific concentrations. There are essentially two types of data from which allowable dose levels may be obtained. One has been thoroughly peer-reviewed and accepted by the Agency; these are often referred to as verified values. The Integrated Risk Information System (IRIS) contains all the Agency verified values. IRIS is a computer-housed, electronically communicated catalogue of Agency risk assessment and risk management information for chemical substances. It is designed especially for Federal, State and local environmental health personnel and is the source of the latest information about Agency health assessments and regulatory decisions for specific chemicals. In the absence of IRIS data, the Agency generally relies on data developed by individual programs or other offices within the Agency.

IRIS values are usually used before the other values. However, since we are interested in protecting at the lowest dose level which has an effect, in some cases slope factors for carcinogens, undergoing development, will be used instead of reference doses in IRIS. For drinking water, MCLs and then proposed MCLs take precedence over all other values.

The Office of Emergency and Remedial Response (OERR) and the Office of Solid Waste (OSW) have produced an information source that contains the values for constituents of concern to the two offices but for which there are no values in IRIS. This source is referred to as the Health Effect Assessment Tables (HEAST) and is available from EPA (OERR 9200.6–303 (91–1)) or the National Technical Information Service (NTIS No. PB91–921100, January 1991). While these tables are an excellent source for other values, they are still undergoing development. Therefore, other data sources, such as the Office of Research and Development's (ORD) draft Health and Environmental Effects Documents (HEEDs), may be used.

EPA typically combines the carcinogenic slope factor or reference dose with standard exposure assumptions for the ingestion of water and soils and inhalation of air by affected individuals to obtain HBLs. These standard exposure assumptions assume only direct human exposure at the point of compliance (i.e., the unit boundary). Specifically, HBLs are calculated for the soil, water, and air pathways under the following exposure assumptions.

1. In deriving HBLs for hazardous constituents in ground water, assume a water intake of 2 liters/day for 70 kg adult/70 year lifetime exposure period.

2. In deriving HBLs for hazardous constituents in air, assume air intake of 20 cubic meters/ day for 70 kg adult/70 year lifetime exposure period.

3. In deriving HBLs for hazardous constituents in soil, which are known or suspected to be carcinogens, assume soil intake of 0.1 gram/day for 70 kg adult/70 year lifetime exposure period.

4. In deriving HBLs for hazardous constituents in soil, other than those which are known or suspected to be carcinogens, assume soil intake of 0.2 gram/day for 16 kg child/5 year exposure period (age 1–6). This is not to be averaged over a 70 year lifetime.

This is consistent with the approach EPA promulgated in 40 CFR 148 for evaluating no-migration petitions for underground injection wells and in the Agency's no-migration determination for the WIPP. The Agency proposes to use the levels (derived through the above procedures) for approving or disapproving Exxon's no-migration petition. A list of currently-applicable health-based levels is provided in the RCRA regulatory docket for today's notice.

2. Unit Boundary Definition

EPA interprets the no-migration standard to mean that health-based levels of hazardous constituents cannot be exceeded at the unit boundary in any environmental medium: Ground water, surface water, soil, or air. Thus, the definition of the land disposal unit's boundary is critical to any decision on a no-migration variance. The unit boundary defines the point of compliance; that is, the point at which migration is measured. If hazardous constitutents have migrated or are likely to migrate, based on predictive models, beyond the unit boundary the unit boundary at hazardous levels, a variance will not be granted. Movement of wastes within the boundaries of the land disposal unit (as long as there is no predicted likelihood of outward migration) is acceptable for the purposes of a no-migration variance since it is consistent with the statutory requirement of no migration from the disposal unit (RCRA § 3004 (d)(1), (e)(1) and (g)(5)).

For no-migration compliance purposes, EPA generally believes that the unit boundary (or point of compliance) at units with engineered barriers should be the outermost extent of the engineered barrier. Engineered barriers include liners (synthetic and clay), berms, dikes, and ditches. Thus, the boundary at the surface of a landfill, surface impoundment or land treatment unit would be the outside edge of any berms, dikes, or ditches that surround the area of waste placement. The subsurface unit boundary would be the outermost extent of any subsurface liner (e.g., recompacted clay or synthetic material).

The majority of land treatment units, including Exxon's NSLTU, the subject of

today's proposed no-migration variance, do not have liners. In this case, the subsurface point of compliance is proposed to be set at the base of the maximum treatment zone depth and the surface boundary of the unit would be at the outer edge of the berms or dikes surrounding the unit.

In the case of releases via air, EPA further proposes that the point of compliance be set at a height of 1.5 meters above the ground surface at the downwind edge of the unit. (A height of 1.5 m corresponds with a typical inhalation height. This height also is proposed because it would facilitate monitoring of particulate emissions, which cannot be accurately monitored close to the soil surface without effectively vacuuming large and small particles into the apparatus.) For air demonstration purposes, any berms, dikes, or ditches that surround the area of waste placement define the edge of the unit.

3. Waste Transformation, Immobiliation and Degradation

The statute requires the petitioner to demonstrate no migration for as long as the waste remains hazardous. Typically, in the case of a land treatment unit, EPA proposes to judge this demonstration on the basis of an understanding of the waste transformation, immobilization, and degradation processes in the treatment zone and of the past performance of the disposal site, in combination with predictive modeling.

Land treatment facilities are specifically designed to degrade organic materials through microbial action and/or physical processes. EPA recognizes that the purpose of a land treatment unit is to allow some movement of waste down into the soil, as it is being transformed, immobilized, or degraded within the treatment zone. However, if constituents move out of the treatment zone at hazardous levels, EPA believes that migration from the unit has occurred.

A no-migration demonstration for a land treatment unit should include modeling of time periods (e.g., months or years) that are commonly acknowledged as sufficient for land treatment to degrade all of the hazardous organics in the applied waste to non-hazardous levels (i.e., below health-based levels). EPA recommends that petitioners utilizing land treatment use either the Regulatory Investigative Treatment Zone Evaluation (RITZ) model or the Vadose Zone Interactive Processes (VIP) model to show that the organic constituents are degraded in the treatment zone. Both of these models were developed to determine the fate and transport of organic constituents in a land treatment operation. We note that EPA also uses these models to evaluate RCRA permit applications for land treatment facilities. The User's Manuals for these models are available in the RCRA regulatory docket for today's notice. The models use chemical specific data on half lives, partition coefficients, etc., and facility specific data on climate, soil conditions, constituent concentrations, waste loading rates, etc., to predict whether a constituent will be degraded before it reaches the bottom of the treatment zone of a land treatment unit. As with any modeling exercise, petitioners are advised to use conservative input parameters, particularly for those values which are taken from the literature and are not determined from actual site—and waste-specific conditions. EPA believes that the use of conservative values is justifiable in order to support a determination, to a reasonable degree of certainty, that there will be no migration of hazardous constituents beyond the unit boundary, and in light of the uncertainties enumerated in the statute in evaluating the safety of land disposal (RCRA 3004 (d)(1)(a)).

For inorganic constituents, such as chromium or lead, which will not degrade, and will remain hazardous virtually indefinitely, the use of the models described above is not applicable. Therefore, the Agency believes it is appropriate for petitioners to demonstrate that their wastes will not migrate at hazardous levels and/or are immobilized on the basis of a showing of chemical transformation (e.g., precipitation and solubility) or fate and continued monitoring. For example, a petitoner might discuss the effects of changes in the oxidation states of metals on mobility, and describe operational practices employed to control the factors that may bring about those changes (e.g., organic content of waste-soil, liming, fertilizing, moisture control).

In addition, petitioners must also demonstrate through a modeling exercise that there will be no migration of constituents above applicable health-based levels through the air pathway. Petitioners, in conducting air modeling, should use a methodology that takes into account the emission and atmospheric dispersion potential of gaseous and particulate air contaminants from land disposal units. EPA has documented a recommended methodology in the "Air Pathway Assessment Methodology" (APAM), February 1991, appendix to the Guidance Manual. This methodology has been internally peer reviewed and approved by the EPA Office of Air Quality Planning and Standards (OAQPS). The Agency considers it appropriate for use in the evaluation of a no-migration petition since the combination of emission and dispersion modeling allows for the calculation of average annual concentrations of hazardous constituents at the unit boundary.

EPA recommends that petitioners model both the emission rate and the rate of dispersion for individual hazardous constituents in order to calculate the maximum average annual concentration at or beyond the unit boundary. (EPA notes that, under certain conditions, maximum concentrations can occur past the unit boundary.)

4. Summary of Review Process

In making a determination of whether there will be any migration of hazardous constituents at hazardous concentrations, for as long as the waste remains hazardous, EPA first reviews a petition to ascertain whether the petitioner has provided all of the information required under 40 CFR 268.6. EPA then reviews the actual monitoring data provided in the petition (in the case of an existing unit) and compares these data to the health-based levels used in no-migration decision-making. Finally, EPA evaluates the petitioner's predictive modeling to determine whether conservative inputs and appropriate methodologies were employed. A successful no-migration demonstration for a land treatment unit must show, to a reasonable degree of certainty, through predictive modeling and actual monitoring data, that all of the hazardous constituents of concern have been degraded, immobilized or transformed within the treatment zone to non-hazardous levels (i.e., below health-based levels).

In cases where monitoring data show that migration of hazardous constituents at hazardous concentrations has already occurred, EPA believes it would be difficult to grant a petition for a no-migration variance. In such cases, it is documénted that the migration has occurred. Therefore, a successful petition would have to show convincingly that conditions had changed, and migration would not reoccur.[2] Similarly, if modeling predicts

[2] In fact, the major problem with most land treatment no-migration petitions reviewed by EPA to date is the presence of hazardous constituents above health-based levels in ground water, soil-pore liquids, or soil outside the unit boundary. In such cases, it is difficult to rebut the presumption that the constituents represent migration from the unit and

Continued

that migration will occur, EPA would be required to deny a petition for a no-migration variance, even if available monitoring data indicated that there had not yet been migration of hazardous constituents at hazardous concentrations. In such cases, the petitioner would have failed to demonstrate, to a reasonable degree of certainty, that there would be no migration at some time in the future.

Based on this review process, the Agency either agrees or disagrees with the petitioner's claim that there has not been (nor will be in the future) any migration of hazardous constituents at hazardous concentrations beyond the unit boundary. As required by 40 CFR 268.6(j), EPA must provide for public comment on a proposed decision. A final decision will be made after considering and responding to public comments.

II. Disposition of No-Migration Petition

A. No-Migration Variance Petition

On July 31, 1989 Exxon submitted a no-migration petition for its New South Land Treatment Unit (NSLTU). Since then, in response to requests by EPA, Exxon provided supplemental information in the form of attachments and letters. Together, the original petition and the supplemental documents are referred to as "the petition" throughout this notice and are located in the RCRA regulatory docket for today's notice. Exxon petitioned the Agency for a no-migration variance to allow it to continue the land treatment of hazardous wastes generated at its Billings Refinery, EPA Hazardous Waste Nos. K049 (Slop Oil Emulsion Solids from the petroleum refining industry) and K051 (API Separator Sludge from the petroleum refining industry). In accordance with 40 CFR 268.33(b), these wastes are prohibited from land disposal unless they meet BDAT treatment standards set by EPA for these wastes, or unless no-migration variance has been granted.

In addition to these listed hazardous wastes, Exxon disposes of two wastestreams at the NSLTU that are hazardous for the Toxicity Characteristic (TC): Contaminated Soils and Intermediate Tank Bottoms. These wastes fail the Toxicity Characteristic Leachate Procedure (TCLP) for benzene and as such are considered EPA Hazardous Waste No. D018 (see 55 FR 11798, March 29, 1990). These "newly listed" wastes are not currently prohibited from land disposal. However, the Agency is developing proposed BDAT treatment standards for these TC wastes and expects to publish a final rule prohibiting their land disposal in 1993. Exxon did not specifically request a no-migration variance for these particular hazardous wastes, but the Agency proposes to consider the TC contaminated soils, in addition to K049 and K051 wastes, to be covered by today's proposed variance. This action would obviate the need to amend the variance (if granted) to include this newly listed wastestream once the land disposal restrictions (LDRs) become effective for them in 1993. EPA is not proposing to include the TC-hazardous intermediate tank bottoms because of limitations in waste characterization data. However, if sufficient date are submitted in the future, EPA may amend the variance to include them later (after providing an opportunity for public comment).

In any case, Exxon can continue to dispose of both TC wastestreams according to the conditions of its Montana Hazardous Waste Permit, with or without a non-migration variance, until land disposal restrictions are promulgated for the "newly listed" TC wastes.

Exxon's petition included the following components: (a) Facility description, (b) site characterization, (c) waste characterization, (d) discussion of waste mobility, transformation, and immobilization, (e) fate and transport modeling, (f) air pathway assessment, (g) human-health and environmental risk assessment, (h) monitoring program, and (i) an uncertainty analysis.

EPA's evaluation of this petition included an in-depth review of all aspects of the petition. The Agency's evaluation also relied heavily on actual monitoring results collected since Exxon's start-up of the NSLTU in 1980. (A list has been placed in the RCRA regulatory docket for today's notice which identifies the specific location in the petition of the information that supports critical elements of EPA's review and forms the basis of proposed findings.) Based on this review and evaluation, the Agency concludes that there has not been, nor is there a reasonable likelihood in the future of, any migration of hazardous constituents beyond the unit boundary of the NSLTU and is proposing today to grant this petition for a no-migration variance for hazardous wastes K049, K051 and TC-hazardous contaminated soils.

B. Facility Description

1. Facility Overview

Exxon's New South Land Treatment Unit (NSLTU) is located on Exxon Refinery property in Yellowstone County, 5 kilometers east of Billings, Montana. The rate of precipitation in this region is approximately 39 cm/year. The NSLTU covers an area of approximately 6.1 hectares and is expected to be in operation until the year 2013. A Montana Hazardous Waste Permit was issued in October 1988 by the Montana Department of Health and Environmental Sciences for the disposal of hazardous wastes at the NSLTU for a period of ten years.

The Exxon Billings Refinery processes primarily heavy domestic crude, heavy Canadian crude, and varying quantities of light Canadian crude to produce a full line of refined hydrocarbon products, by-products, and intermediates. The refinery has a capacity of 50,000 barrels/day. Only hazardous and solid wastes generated on-site will be disposed of at the NSLTU. Currently only non-restricted hazardous wastes and other solid wastes are disposed of at the land treatment unit.

Waste application occurs generally during April through October, depending on weather conditions. Exxon uses a computer-based decision matrix to determine the volume of waste which can be applied to any one of the 14 sectors of the land treatment unit during any part of the application season. The decision on sector destination for a specific waste application is based on monthly analysis of Zone of Incorporation (ZOI) soils (the top 23 centimeters of the treatment zone) for freon-extractable hydrocarbons, soil moisture conditions, climatic conditions, and continuous management data. No more than five percent freon-extractable oil and grease, on a dry-weight basis, is allowed to accumulate within the ZOI and no more than 70 metric tons freon-extractable oil and grease per hectare per year are allowed during any one application season.

Exxon trucks wastes directly from the points of generation to the land treatment unit in either dump trucks or vacuum trucks. The wastes are then spread, either by bar tools and bulldozers, if dump trucks were used, or by a distribution manifold, if vaccum trucks transported the wastes. Microbial and chemical transformations are enhanced by monthly tillage with a tool-bar or disk-harrow during the active season. The NSLTU does not currently have a decontamination facility for vehicles leaving the unit. (See sections

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that migration will not occur again in the future. Furthermore, the presence of contamination in ground water and other media make monitoring of future releases difficult.

III.(5) and IV. for discussion on the proposed vehicle decontamination facility.)

The unit boundaries (i.e., points of compliance for no-migration purposes) of the petitioned unit are proposed to be: 1.2 meters below the original ground surface, the maximum depth of the treatment zone; the outermost edges of the dikes surrounding the unit; and 1.5 meters above the ground surface at the downwind edge of the NSLTU dikes.

2. Waste Characterization

a. Waste types and volumes. In accordance with 40 CFR 268.6(a)(1), Exxon indicated that the following hazardous and non-hazardous wastes will be managed at the NSLTU: (1) API Separator Sludges (K051), (2) Slop Oil Emulsion Solids K049), (3) Boiler House Lime Sludge, (4) Contaminated Soils (Toxicity Characteristic for benzene—D018)), (5) Contaminated Soils (non-characteristic), (6) Cooling Tower Sludges, (7) DEA Sludges, (8) Tank Bottoms (Toxicity Characteristic for benzene—D018) and (9) Tank Bottoms (non-characteristic). Exxon provided information on the quantities of the above wastes managed at the NSLTU since 1980, and the quantities and frequencies expected to be managed at the NSLTU over the expected remaining operational lifetime. This latter information is summarized on an annual basis in Table 1. Exxon states that it will manage approximately 46,000 metric tons of hazardous wastes and approximately 41,400 metric tons of non-hazardous wastes at the NSLTU over the projected remaining life of the facility.

TABLE 1.—SUMMARY OF WASTE GENERATION RATES AND FREQUENCIES

Waste stream	Generation frequency (per year)	Estimated annual volume (metric tons/year)
API separator sludges (K051)	2	1,025
Stop oil emulsion solids (K049)	2	275
Contaminated soil—TC hazardous (D018)	2	500
Contaminated soil—non-hazardous	2	500
Cooling tower sludges	0.5	40
DEA sludge	2	60
Tank bottoms—TC hazardous (D018)	2	200
Tank bottoms—Non-hazardous	2	200
Boiler house lime sludge	0.5	1,000
Total		3,800

b. *Waste characterization information.* As required by 40 CFR 268.6(a)(2), Exxon characterized the subject wastes to be disposed of at the NSLTU. Exxon provided analytical data on several representative waste samples collected between 1985 and 1990 for its API Separator Sludges (K051) and Slop Oil Emulsion Solids (K049). Analytical data on several representative samples of TC-hazardous contaminated soils, collected between 1985 and 1991, were also provided. All of these wastes were analyzed for those constituents previously identified by EPA as potentially being present in wastes from petroleum refining operations (known as the "Modified Skinner List").[3] The results of these analyses are provided in the "Waste Analysis Summary Tables" located in the RCRA regulatory docket for today's notice. These compositional data show that Exxon's restricted wastes are typical of this type of petroleum refinery wastes. For the reasons discussed below, the Agency believes that Exxon has fully characterized the K049 and K051 wastes for which the petition is being made and the TC-hazardous contaminated soils which is also included in this proposed variance. Specifically, Exxon provided six samples of API Separator Sludge, four samples of Slop Oil Emulsion Solids, and four samples of TC-hazardous contaminated soils (created by accidental spills of material and products in the crude oil, aviation gasoline, transportation, transportation ditch, Tank 5, and E–29 process areas).

At the NSLTU, Exxon also manages other hazardous and non-hazardous wastes which are not restricted from land disposal. Although a no-migration variance petition is not necessary for Exxon to continue disposing of these wastes, the Agency requested Exxon to provide waste characterization data for these wastes as they may contain significant levels of oil and one or more of the organic and inorganic constituents of concern. Thus, they have some potential to affect the overall operation of the land treatment facility and conceivably the results of any no-migration demonstration. In addition, it would be virtually impossible to determine from which waste stream (hazardous or not) a particular constituent came. If a hazardous constituent were detected above its HBL in any medium, the Agency therefore would presume, subject to rebuttal, that it came from a restricted waste and that migration had occurred, at least in the context of the no-migration standard.

In response to EPA's request, Exxon provided waste characterization information for the non-restricted hazardous and the non-hazardous wastes that had been collected per the Montana Hazardous Waste Permit. Specifically, Exxon submitted analytical data for six samples each of the non-TC contaminated soils and tank bottoms for all the inorganic constituents expected to be found in petroleum wastes, plus two samples for all organics of concern. Analytical data for the same inorganic constituents from ten samples of TC-hazardous tank bottoms were provided and two samples were analyzed for the organics of concern. In addition, Exxon provided analytical data for one sample of each of the infrequently generated, non-hazardous wastes (low-volume cooling tower sludges and DEA sludges and the large-volume boiler house lime sludge that is used for pH control) for all inorganic constituents of concern. The results of the analyses of these non-restricted wastes are summarized in the "Waste Analysis Summary Tables" located in the RCRA regulatory docket for today's notice.

EPA believes that the methods used by Exxon to characterize the wastes managed at the NSLTU are adequate because: (1) Representative samples of pumpable material (such as the slop oil emulsion solids and tank bottoms) were collected from the vacuum truck transporting the materials to the NSLTU; (2) representative samples of solid material (such as API Separator Sludges and oil contaminated soils) were collected from the material after it was piled at the NSLTU prior to application; (3) the wastes were typically accumulated over extended periods of time in the process unit (e.g., a tank or the API Separator) prior to sampling and application (therefore, any potential variation in constituent concentrations was minimized); (4) the waste was analyzed for all constituents likely to be found in petroleum wastes typically produced by petroleum refineries and Exxon does not produce wastes which would differ from a typical petroleum refinery (i.e., the Billings Refinery is not a petrochemical facility and Exxon's wastewater treatment system does not handle wastes from other industrial facilities); and, (5) Exxon used test methods found in the third edition of Test Methods for Evaluating Solid Waste Physical/Chemical Methods, EPA, SW–846, (available from the Government Printing Office (GPO)) and adhered to all SW–846 Quality

[3] This list is found in "Petitions to Delist Hazardous Wastes—A Guidance Manual," U.S. EPA, Office of Solid Waste, (EPA/530–SW–85–003), April 1985, at page 19.

Assurance (QA) and Quality Control (QC) protocols.

These analyses of the non-restricted hazardous and non-hazardous wastes show that a number of hazardous constituents have been identified in these wastes. The identified constituents and constituent concentrations were similar to those found in the restricted hazardous wastes (K049 and K051). Concentrations were generally within an order of magnitude. The sampling and analysis information also indicate that the composition of these wastes is consistent with our knowledge of petroleum refinery wastes.[4]

The Agency concludes that Exxon has provided sufficient information in its petition on the non-hazardous wastes and non-restricted TC-hazardous tank bottoms to assess the possibility of migration. The Agency's conclusion is based on several considerations: (1) The unit has been in operation for 11 years and monitoring data, to date, indicate that no hazardous constituents have migrated below the treatment unit at hazardous levels; (2) the available analytical data confirms that these non-restricted wastes do not contain significantly higher concentrations of hazardous constituents than the restricted hazardous wastes, as expected based on the samples provided and the Agency's knowledge of petroleum wastes; (3) only very small volumes of DEA Sludge and Cooling Tower Sludge are applied to the NSLTU on an infrequent basis; (4) the Boiler House Lime Sludge (which is applied in larger volumes) has little or no oil content and is used solely for pH control; and (5) the TC tank bottoms show little difference in constituent concentration when compared to non-TC tank bottoms.

Neverthless, because Exxon's Montana Hazardous Waste Permit does not require continued analysis of non-hazardous and non-restricted hazardous wastes for the constituents of concern (for no-migration purposes), the Agency is proposing that Exxon collect four representative samples of the following non-restricted hazardous or non-hazardous wastestreams (TC-hazardous tank bottoms; Boiler House Lime Sludge; Cooling Tower Sludge; and DEA Sludge), or where these wastes are infrequently generated, a sample each time these wastes are generated for a period of two years from variance issuance. These samples must be analyzed for all of the constituents on the list of "Petroleum Constituents of Concern," an update of previous lists used and is provided in today's RCRA regulatory docket. The updated list is all of the hazardous constituents believed to be consistently present in petroleum wastes and for which analytical methods are available.

The results of the analyses must be provided in a written report to the EPA Region VIII, Montana Operations Office, Federal Office Building, 301 South Park, Helena, MT 59626 within 60 days after the last non-restricted waste has been applied to the NSLTU during each operating season (see section IV. Conditions of Variance). If an analysis of the waste characterization data for the non-hazardous wastestreams and the TC tank bottoms does not confirm EPA's conclusion of no-migration, Exxon would be required to stop disposing of these wastes at the NSLTU.

3. Site Characterization

To satisfy 40 CFR 268.6(a)(3), Exxon provided a comprehensive characterization of the land treatment unit. Exxon provided information on the site soils, geology, hydrogeology, surface water hydrology, and meteorology/climatology. Exxon also included information on background soil and ground water quality. A brief summary of the soils and hydrogeology at the NSLTU is provided in this section. For more information, see the petition in the RCRA regualtory docket for today's notice.

a. *Soils.* The soils at the NSLTU belong to the Fort Collins Series. This Series is predominantly a sandy clay underlain by irregular thicknesses of sandy loam, loam, and silty clay loam below 0.6 meters. Together, these layers exist to depths ranging from 8.5 meters to 11 meters below the ground surface. An alluvial sandy gravel zone, about six meters thick, underlies these soils. The upper 1.5 meters of the NSLTU consists mostly of sandy clay with a small area of clay loam in the southeast corner.

b. *Hydrogeology.* The uppermost aquifer at the NSLTU is located in the sand and gravel alluvium about nine meters from the ground surface, providing adequate separation from the bottom of the treatment zone. It is confined by the overlying clay and silt layers of the Fort Collins Series and the underlying Clagget Formation acts as a lower confining bed. The ground water at the NSLTU generally flows from the southeast to the northwest toward the Yellowstone River with an average gradient of about 10 meters per 1000 meters. The land treatment unit is about 1.2 kilometers from the Yellowstone River.

4. *Monitoring.* Regulations at 40 CFR 268.6(a)(4) and 268.6(c) require petitioners to provide a monitoring plan that detects migration at the earliest practicable time and to describe the monitoring program installed at the unit to verify compliance with the conditions of the variance.

Exxon routinely monitors, as required by its Montana Hazardous Waste Permit, the environmental media and the waste. The media (ground water, soils, and soil-pore liquids) are monitored for a set of constituents called the Principal Hazardous Constituents (PHCs), as specified in the permit. The PHCs were selected because they are found in significant quantities in the wastes and provide a reliable indication of the presence of hazardous constituents in the environmental media at the NSLTU. Exxon also analyzes representative samples of the listed hazardous wastes (K049 and K051) for the "Modified Skinner List" of petroleum refinery constituents. Representative samples of the non-hazardous wastes in the past have been analyzed for a subset of this list, as discussed above. All analytical methods for analyses of waste, soils, soil-pore liquids, and ground water are either derived from or are consistent with analytical methodology listed in SW–846.

The PHCs are: Benzene, ethylbenzene, toluene, zylenes, anthracene, benzo(a)anthracene, benzo(b)fluoranthene, benzo(a)pyrene, chrysene, flouranthene, 1-methylnaphthalene, naphthalene, phenanthrene, pyrene, cresols, 2,4-dimethylphenol, phenol, lead, and chromium. Also, pH, specific conductance (ground water and soil-pore liquids only) and freon-extractable oil and grease are determined.

EPA believes that Exxon's monitoring program, as described below and in the Montana Hazardous Waste Permit, is adequate for purposes of detecting migration at the earliest practicable time and to demonstrate no-migration. This program was carefully reviewed during the permit process and was subject to public comment. It is consistent with EPA regulations found in 40 CFR parts 260 through 270 and available guidance for land treatment facilities.

a. *Unsaturated zone monitoring.* Exxon annually collects five random soil core samples from below the treatment zone (BTZ) and analyzes them for the PHCs identified above. BTZ samples are collected from the bottom of the treatment zone plus 15 cm (i.e., immediately below the unit boundary).

[4] See "Evaluation of Constituents Detected in Listed Petroleum Wastes and Discussion Regarding the Petroleum List." March 1992. Draft. Prepared for the Office of Solid Waste. Available in the RCRA regulatory docket for today's notice.

Soil samples are also collected from the zone of incorporation (ZOI) of each management sector on a monthly basis during the active season. They are analyzed for oil and grease, percent solids, and percent moisture. Annual composite ZOI samples are analyzed for pH, nutrients, and the following metals: Antimony, arsenic, barium, beryllium, cadmium, chromium, cobalt, copper, lead, mercury, nickel, selenium, vanadium and zinc.

Soil-pore liquids are monitored with pan lysimeters installed at a depth of 1.2 meters from the ground surface. Two lysimeters are in the NSLTU and one is located in a background area adjacent to the unit per the Montana Hazardous Waste Permit. All lysimeters are checked monthly and following significant waste application. Exxon analyzes, per the permit, two samples per year for the PHCs listed above. In the event that there is insufficient volume for a complete analysis, volatile organics are analyzed first, followed by metals, pH and specific conductance and semi-volatile organics.

The Agency recognizes that facilities located in areas which receive substantially more rainfall than Billings, Montana, typically have a greater number of lysimeters to collect soil-pore liquids. (See Hazardous Waste Land Treatment, U.S. EPA, Cincinnati, OH, PB 89–179014, April 1983, pages 538–539, available in the RCRA regulatory docket for today's notice.) The Agency considered requiring additional lysimeters at the NSLTU, but rejected the idea after reviewing the benefit of additional monitoring data, compared to the potential risk of contamination to the BTZ (below treatment zone area) resulting from excavation and the placement of additional lysimeters in this active land treatment unit. Contaminated soils from the treatment zone could potentially fall into any excavation created to install the pan lysimeter, connecting tubing and access way for the collection bottle. EPA believes that the combination of the regularly scheduled soil-core monitoring and soil-pore liquid monitoring at the Exxon facility is sufficient to detect migration of hazardous constituents at the earliest practicable time, given the uniformity of the soils and operating conditions at the NSLTU. Each sector is essentially the same, that is, the treatment zone soils are naturally occurring and have similar textures; the same wastes are evenly applied to all sectors based on the waste application rates; and the sectors are tilled as one unit (no barriers divided the sectors). Contaminant movement is no more likely to occur in one area of the unit than another, i.e., it is as likely to be detected by a soil-pore and soil core sampling point located in one part of the unit as in another. Data from these monitoring programs show no hazardous constituents above HBLs in the soil cores, soil-pore water or ground water. Monitoring data are available in the petition, located in the RCRA regulatory docket for today's notice. (Note also that the permit was available for pubic review and comment before it was issued in 1988 and it requires only two lysimeters at this unit.) For these reasons, EPA believes it is not necessary to require additional monitoring devices at this time.

b. *Ground-water monitoring.* Exxon has a ground-water monitoring system consisting of five wells, all located at the unit boundary, to yield samples that represent the ground water passing the point of compliance. Ground water at the NSLTU generally flows in a northwest direction. Three wells are located downgradient from the unit on the northwest and north sides of the NSLTU. Two background wells are in place on the east side and at the southeast corner of the NSLTU. Each well is screened in the gravel zone of the alluvial aquifer. Well and screen location is per the Montana Hazardous Waste permit. Semiannual samples are analyzed for the PHCs listed above. Ground-water elevation determinations are made semiannually and ground water flow rates and direction are made on an annual basis.

c. No-Migration Demonstration

The bases for EPA's proposed decision that Exxon has demonstrated to a reasonable degree of certainty that no hazardous constituents will migrate from the NSLTU for as long as the wastes remain hazardous are discussed in this section. The supporting monitoring and modeling data and other discussions referred to in this section are available in the RCRA regulatory docket for today's notice.

1. Monitoring Results

Exxon has been operating the New South Land Treatment Unit (NSLTU) since 1980. Initially, the environmental media at the facility were monitored for basic indicator parameters. Once the Montana Hazardous Waste Permit was issued, a more specific monitoring program was instituted as described above. This section reviews the results of this monitoring.

a. Ground water. Exxon monitors the ground water at the NSLTU at two upgradient monitoring wells and three downgradient monitoring wells. Between 1980 and 1986, when Exxon first began applying wastes to the NSLTU, Exxon was required to monitor the ground water for four indicator parameters: pH, specific conductance, total organic carbon, and total organic halogen. In accordance with its Montana Hazardous Waste Permit, Exxon started collecting semi-annual ground-water monitoring data in 1986, including analysis for the PHCs. Exxon provided these monitoring data to support its claim that hazardous constituents have not migrated through the treatment zone and into the underlying ground water. The Agency reviewed Exxon's ground-water monitoring data on the PHCs and determined that none of the constituents have ever been detected above their respective health-based level. The Agency, therefore, concludes that the ground-water monitoring data collected by Exxon support its demonstraton that there has been no migration of hazardous constituents into the ground water.

b. *Soils.* In order to determine whether constituents have migrated beyond the unit boundary, Exxon, in accordance with its Montana Hazardous Waste Permit, collected five separate random core samples from beneath the treatment zone (BTZ) and analyzed them for the PHCs on an annual basis. Exxon collected and analyzed BTZ soil-cores starting in 1986 and then again in 1988, 1989, and 1990.

The Agency reviewed Exxon's BTZ soil-core monitoring data on the organic PHCs and determined that none of the constituents were detected above their respective health based levels. The Agency, therefore, concludes that these BTZ soil-core monitoring data demonstrate that there has been no migration of organic hazardous constituents into soil below the treatment zone.

In the case of the inorganic PHCs, that is, chromium and lead, Exxon's monitoring data from BTZ samples show that both metals have been consistently detected at concentrations similar to the established background levels. For example, during 1989 and 1990, detected chromium concentrations ranged from 12 mg/kg to 22.7 mg/kg and lead concentrations ranged from non-detect (<5.0 mg/kg) to 11 mg/kg. The background (naturally occurring) concentration for chromium is 22 mg/kg and for lead is 11.4 mg/kg. Since the monitoring data are so similar to the background levels, EPA concludes these inorganics did not result from the application of waste to the land treatment unit. In addition, the detected levels are far below the health-based

level for chromium, 1,000 mg/kg, and the interim soil cleanup level for total lead, 500 to 1,000 mg/kg. The Agency, therefore, concludes that the BTZ soil-core monitoring data collected by Exxon support its demonstration that there has been no migration of inorganic hazardous constituents below the unit boundary.

c. *Soil-pore liquids.* In order to determine whether constituents have migrated below the unit boundary, Exxon, in accordance with the Montana Hazardous Waste Permit, collects soil-pore liquids on a semi-annual basis from pan lysimeters installed just beneath the treatment zone. The soil-pore liquids are analyzed for the PHCs.

The Agency reviewed Exxon's soil-pore monitoring data on the PHCs and determined that, with the exception of one data point, no hazardous constituents have been detected above their respective health-based levels. On that one occasion, during the June 1989 monitoring event, benzene was detected at a concentration (0.02 mg/L), which is slightly above the health-based level (0.005 mg/L). Exxon, in accordance with its permit, resampled this lysimeter within 30 days of receipt of the laboratory results and did not detect benzene.

Exxon attributes the one-time detection of benzene to an incident that occurred during collection of the previous soil-pore liquid sample in November 1988. According to Exxon, waste was accidentally sprayed onto the cover of the 2.6-meter-deep access to the sample bottle. This bottle is connected by a stainless steel tube to the pan lysimeter located two meters away at the base of the treatment zone. Waste fell from the cover when opened and onto the bottle and the gravel at the base of the access when the cover was opened. The contaminated collection bottle was sealed with the cap from the new sample collection bottle to be put onto the system. Exxon's log book for the June 1989 event shows that the liquid from this lysimeter contained sediment (an unusual characteristic for soil-pore liquids). Exxon believes that sediment contaminated with benzene may have been accidently knocked into this second bottle during the switch over. Since then Exxon has reported that the contaminated material was removed from the access space and the workers who spray waste have been instructed not to apply waste so closely to the access covers and contamination has not reoccurred.

The Agency consequently believes that this single monitoring result does not provide evidence of migration. If it were actually migration, one would expect to find residual contamination in either soil cores or subsequent monitoring of the soil-pore liquid. During the nine years of operation before this anomaly, benzene had never been detected in the soil-pore liquid, nor has it been detected in any of the four monitoring events since June 1989 or in the soil cores or underlying ground water. Thus, the Agency believes that the single detection event in 1989 does not demonstrate migration.

The Agency, therefore, concludes that the soil-pore liquids monitoring data support Exxon's demonstration that there has been no migration of hazardous constituents below the treatment zone into soil pore liquids.

2. Organics Mobility

In order to address the potential migration of organic constituents through the treatment zone in the future, Exxon is relying on: (1) Computer simulations; (2) soil-core and soil-pore monitoring data collected since 1986; and (3) maintenance of proper management conditions.

a. *VIP Modeling.* Exxon used the Agency's Vadose Zone Interactive Processes (VIP) model to access the long-term migration potential of the organic consitutents of concern in simulation of four specific unsaturated treatment zone scenarios. The four scenarios studied by Exxon were: (1) One-year's operation of the NSLTU; [4a] (2) a long-term simulation (≧59 years) using literature-derived degradation kinetics and partitioning information with site-specific waste properties and operational factors as model inputs; [5] (3) a reasonable-worst case simulation using low degradation rates and partitioning coefficients over five years of operation; and (4) sensitivity analyses to determine which input parameters could strongly influence the simulation results, and therefore, be subject to further evaluation.[6] Exxon evaluated the following nine organic constituents: toluene, anthracene, benzo(a)anthracene, benzo(a)pyrene, chrysene, naphthalene, phenanthrene, phenol, and pyrene.

Exxon, whenever possible, used site-specific input values; however, if none were available, Exxon used conservative literature-derived values or derived values using standard calculations (e.g., Clapp and Hornberger [7]). The modeled waste properties were based on a composite waste sample consisting of Slop Oil Emulsion Solids, API Separator Sludges, and Toxicity Characteristic (TC) wastes (i.e., tank bottoms and oil contaminated soils). The weighted average constituent concentrations were calculated using historic waste loading data and waste specific constituent concentrations.

Actual climatic data, operational parameters, such as waste application rates and application frequencies, and first order degradation rates were also used. Exxon calculated the oil and grease degradation rate by using actual monthly ZOI sampling data and waste loading records. Lastly, Exxon calculated constituent specific distribution coefficients using site-specific soils data and constituent specific organic carbon partition coefficients and used literature-obtained values for the oil/water partition coefficients.

The result of Exxon's simulation of one-year land treatment operations showed no constituents migrating below the zone of incorporation (i.e., all of the constitutents were completely degraded within the zone of incorporation). The results of Exxon's long-term simulation of land treatment operations again showed that all of the constituents were completely degraded within the zone of incorporation. Specifically, anthracene, benzo(a)anthracene, benzo(a)pyrene, chrysene, naphthalene, phenanthrene, phenol, pyrene, and toluene were degraded to concentrations below health-based levels within the 59-year period (24 active years plus 35 closure/post closure years).

Exxon's simulation of the worst-case scenario showed that the waste concentrations in the zone of incorporation under the "worst-case" scenario exceeded the zone of incorporation concentrations found in the one-year simulation concentrations by factors ranging from 1.02 for phenol to 9.23 for benzo(a)pyrene. However, in all instances the constituents were

[4a] Exxon notes that the results of this simulation were compared to those obtained from Exxon's Land Treatment Demonstration; the comparison validated the VIP (version 2.0) model's ability to accurately predict the environmental fate of waste constituents in the unsaturated zone.

[5] Exxon selected 59 years as the base case long-term simulation since this time period would represent 24 years of future waste application plus 35 years of closure and post-closure care with monitoring and no waste application. When necessary, however, Exxon simulated a longer closure/post closure period in order to show that there would be complete degradation and no migration of the specific hazardous constituent.

[6] Exxon performed sensitivity analyses for the following parameters: soil moisture coefficient, soil porosity, bulk density, temperature factor, soil temperature, degradation rates, oil/water partition coefficient, soil/water partition coefficient, oil and grease degradation rate, and constituent concentrations.

[7] Clapp, R.B., and G. Hornberger. 1978. Empirical equations for some soil hydraulic properties. Water Resources Research 14:601–604.

completely degraded within the zone of incorporation, except for toluene. The maximum estimated soil-pore liquid concentration of tolune was 0.042 mg/L at a depth of 1.1 meters (the health-based level for toluene is 1.0 mg/L).

Exxon's sensitivity analyses were performed on phenanthrene and toluene, which are representative of the two classes of constituents of concern (volatile and semi-volatile organics). For phenanthrene, Exxon discovered that soil temperature, temperature factor, biodegradation rates, partitioning coefficients, oil degradation rates and constituent concentration were all important inputs; however, in no case did phenanthrene migrate below the treatment zone. For toluene, Exxon discovered that the only significant input was toleune concentration and in no case did toluene migrate below the treatment zone.

The Agency reviewed Exxon's modeling work and was able to duplicate the work. In additon, the Agency reviewed all of the input values and concluded that the input parameters used by Exxon are acceptable, as they were either site-specific or conservatively derived from standard reference materials. As a result, EPA believes that Exxon's modeling supports the conclusion that the organic constituents will be completely degraded to non-hazardous levels within the treatment zone. (For a complete description of Exxon's VIP unsaturated zone modeling, see Exxon's "Response to Technical Evaluation," Attachment 12, located in the RCRA Regulatory Docket for today's notice.)

The results of the soil-core and soil-pore liquids monitoring data corroborate the VIP output; therefore, EPA believes that Exxon has complied with 40 CFR 268.6(b)(3) which requires petitioners to verify computers simulation models for accuracy by comparison with actual measurements.

b. *Operational data.* As mentioned above, the soil-core and soil-pore monitoring data collected to date indicate that organic constituents have not migrated from the unit in the past. As required in § 268.6(c), Exxon will continue to sample and analyze soil-core and soil-pore liquid samples as part of the monitoring program. These requirements are imposed through the Montana Hazardous Waste Permit and as a condition to day's proposed variance.

Based on the VIP Modeling results, Exxon's adherence to proper operational control,[8] and Exxon's successful operation of the NSLTU over the last eleven years, the Agency believes that Exxon has demonstrated, to a reasonable degree of certainty, that the organic constituents will be completely degraded within the treatment zone and will not migrate. (Note that the airborne dispersion of the organic constituents is addressed below in section 4. Air Modeling and Monitoring.)

3. Metals Mobility

Inorganic constituents, such as chromium and lead, will not degrade, and therefore will remain at in situ levels virtually indefinitely—certainly far beyond the predictive capabilities of any established models. Therefore, to demonstrate that the inorganic constitutents would not migrate beyond the unit boundary at hazardous concentrations and/or are immobilized, Exxon provided an analysis of theoretical chemical transformation or fate coupled with operational practices designed to reduce metals mobility.

For the theoretical approach, Exxon's petition discussed the impact on metals of several immobilization, transformation and attenuation mechanisms: Oxidation/reduction potential, solubility, hydrolysis, adsorptivity, and the cation exchange capacity (CEC) of the NSLTU soils. Many of these physical processes are dependent on soil conditions that are controlled by Exxon, such as pH. EPA notes the NSLTU soils contain materials (beyond lime) which can prevent inorganics from becoming more mobile. For instance, both the soils and the wastes contain organic carbon and several functional groups such as carboxylic acids, alcohols, and phenols which are known to reduce the mobile Cr(VI) species to the immobile CR(III) species. EPA concluded that these discussions adequately characterized the low potential for mobility of metals at the NSLTU.

In addition, Exxon demonstrated, based on the total metals loadings to the NSLTU, that the final metals concentrations in the zone of incorporation (ZOI) soils were low enough to preclude potential migration of any specific inorganic constituent (i.e., assuming in the worst-case that a specific inorganic constituent moved from the ZOI through the treatment zone and below the unit at the concentration found in the ZOI, this concentration would be less than the Agency's proposed definition of migration). Exxon calculated that the ZOI metal concentrations of all the inorganic constituents would be well below the health-based levels assuming direct ingestion of soil.

Exxon has in the past and will continue in the future to follow practices designed to minimize metals mobility, that is, to prevent the oxidation states of the inorganic constituents from changing into the more mobile species. These practices include the addition of lime (to exert control over metal solubilities), moisture control (to prevent soils from becoming anaerobic), and the use of computer-controlled application rates (to prevent overloading and formation of hot spots). EPA agrees that the success of this program is evidenced by soil-core and soil-pore monitoring data collected since 1986, which demonstrate that the inorganic constituents have not migrated and are not likely to migrate in the future. Last, Exxon will continue to conduct the soil-core and soil-pore liquids monitoring as required by its Montana Hazardous Waste Permit. The Agency believes that Exxon will be able to prevent future migration of the inorganic constituents through the treatment zone by adherence to these operational controls.

The Agency, therefore, concludes that Exxon has demonstrated, to a reasonable degree of certainty, that the inorganic constituents will not migrate at hazardous concentrations beyond the unit boundary. This is evidenced by Exxon's successul operation of the NSLTU over the last eleven years, monitoring results that show that no inorganics have been detected above health-based levels, the discussion on metals attenuation and the estimated ZOI concentrations (where one would expect high levels), which are predicted to be below health-based levels.

4. Air Pathway Assessment

a. *Air modeling.* Exxon addressed the potential migration of both the organic and inorganic constituents via the air pathway by utilizing an air emissions model and an air dispersion model, both applicable to land treatment facilities, to predict annual average to land treatment facilities, to predict annual average concentrations at the NSLTU unit boundary. The air emissions model (CHEMDAT7) and the dispersion models (Industrial Source Code Long Term (ISCLT) and Short Term (ISCST)) were developed by EPA's Office of Air Quality Planning and Standards (OAQPS) and are available from NTIS (U.S. Department of Commerce, National Technical Information Service).

[8] Exxon's petition states that it will impose specific operational practices to enhance the degradation and volatilization of the organic constituents, including periodic disking/tilling, the addition of fertilizer, moisture control, and computer controlled applications. Failure to follow these practices would constitute a violation of the variance.

Specifically, Exxon performed the following studies: (1) A season-based engineering calculation of particulate emissions from five potential source activities/processes; (2) a season-based emissions modeling of volatile and semi-volatile gaseous constituents using CHEMDAT7; and (3) a seasonal-based dispersion modeling using ISCLT. For a complete description of Exxon's air emissions and air dispersion modeling, see Exxon's "Response to Technical Evaluation," Attachments 14 and 30, located in the RCRA regulatory docket for today's notice.

First, Exxon calculated the annual fraction of total suspended particulate (TSP) emissions of ≤10 microns in diameter (PM_{10}) [9] emitted by waste transport vehicles (58 kg), waste dumping (0.02 kg), waste application (86 Kg), waste incorporation and tilling (443 kg), and wind erosion (2,062 kg). Exxon's analyses did not incorporate emissions resulting from vehicle trackout because Exxon has committed (and would be required under a final grant of this petition) to install a vehicle decontamination unit as a condition of the variance (see Section IV. Condition of Variance). The total average annual PM_{10} emissions is 2,650 kilograms.

Exxon then calculated the gaseous emissions of the volatile and semi-volatile constitutents using the land treatment and wast pile modules of the CHEMDAT7 emissions model. Exxon's emissions modeling consisted of a three-step approach for each waste type and each quarter of the year. (Waste is applied during only part of the year, generally April through October.) Specifically, Exxon used the land treatment model to:

- Simulate emissions from a unit waste pile for a 24-hour period for each waste type during the time period between waste dumping and waste application;
- Simulate emissions from a five-centimeter thick wast layer covering an area of 150.6 square meters over the two-hour time period beteen waste application and waste incorporation; and
- Calculate the emissions from the 150.6 square-meter sector occurring over all four quarters (90 days) using a standard tilling depth of 23 centimeters.

The "unit waste pile" modeling approach reflects the actual waste application and management practices and the actual concentrations of hazardous constituents present in the wastes managed at the NSLTU. A summary of total annual emissions calculated by Exxon is presented in Table 2.

TABLE 2.—SUMMARY OF TOTAL ANNUAL EMISSIONS—MASS EMITTED

Constituent	Total emissions (g/s−m²)
Benzene	5.85×10^{-13}
Benzo (a) anthracene	7.33×10^{-13}
Benzo (a) pyrene	3.70×10^{-10}
Naphthalene	8.07×10^{-11}
Phenanthrene	6.40×10^{-12}
Toluene	1.86×10^{-10}
Xylenes (total)	1.02×10^{-9}
Arsenic	4.21×10^{-12}
Chromium	3.31×10^{-11}
Lead	2.50×10^{-11}
Cadmium	1.09×10^{-12}

Exxon then conducted a sensitivity analysis on the slop oil emulsion solids (K049) waste pile, waste application, and waste tilling simulations to determine the importance of the simulation time, total porosity, air porosity, wind speed, soil temperature, and oil loading inputs. The results of Exxon's sensitivity analysis showed that the modeled predictions are relatively insensitive to reasonable variation in the input parameter values (i.e., the maximum predicted increase in emissions fractions for any given simulation was less than five percent).

Exxon then used the ISCLT model to estimate the downwind concentrations of the hazardous constituents emitted from the NSLTU. Specifically, Exxon performed three sequential sets of simulations, with each successive simulation becoming more refined, in order to locate the area source closest to the point where the maximum constituent concentrations were predicted to occur. The ISCLT simulations were performed using site-specific information, local meteorological data collected between 1988 and 1990, and the model's regulatory default values for wind profile exponents, vertical potential temperature gradients, final plume rise, stack tip downwash, and bouyancy-induced dispersion (the latter three parameters generally are more applicable to point source emissions than area source emissions).

Exxon then calculated the seasonal-based maximum average annual air concentrations at the unit boundary using the constituent-specific emissions rates. The maximum average-annual constituent concentrations were calculated by computing the arithmetic mean of the four quarterly concentrations. The maximum average-annual concentrations and the health-based levels used in no-migration petition decision-making are presented in Table 3.

TABLE 3.—PREDICTED ANNUAL AVERAGE DOWNWIND CONCENTRATIONS (μg/m³)

Constituents	Annual average downwind concentrations	Health-based limits [a]
Benzene	8.64×10^{-2}	1×10^{-1}
Toluene	1.37×10^{-1}	$2\times10^{+3}$
Xylenes	4×10^{-1}	$3\times10^{+2}$
Arsenic	6.82×10^{-5}	2×10^{-4}
Chromium	1.04×10^{-5}	8×10^{-5}
Lead	8.88×10^{-4}	1.5
Cadmium	4.61×10^{-5}	6×10^{-4}

[a] See "Health-Based Levels Used in No-Migration Petition Decision-Making," February, 1992, located in the RCRA regulatory docket for today's notice.

The Agency proposes to interpret migration via the air medium as exceeding the health-based level for a hazardous constituent on an annnual average concentration, not on a single event. This approach is protective, since air health-based levels are based upon long-term assumptions (i.e., 70-year exposures), and are far below risk levels in an acute air exposure scenario. Furthermore, the approach is appropriate because movement of constitutents in air is rapid and concentrations are transient. To have any meaning, in terms of migration or risk, air emissions can be measured only as releases over a period of time, whereas measurements of constituents in ground water and soil media reflect concentrations in a relatively stable medium (i.e., dispersive and temporal factors are less significant).

As shown above in Table 3, the maximum annual average concentration of each of the constituents at the unit boundary is less than its respective health-based limits. The Agency, therefore, believes that Exxon's modeling supports its demonstration that there will be no migration of hazardous constituents at hazardous concentrations via the air pathway.

b. *Air monitoring.* EPA's regulations do not require air monitoring at land treatment units, and Exxon has not conducted such monitoring in the past. Indeed, the value of routine ambient monitoring in determining releases at the unit boundary of a land treatment unit can be questioned. As an alternative, EPA is proposing that Exxon conduct a one-time ambient air monitoring program, under reasonable worst-case conditions, to confirm modeling estimates. (Air monitoring under reasonable worst-case conditions is proposed, because it would facilitate

[9] Emission particles of ≤10 microns in diameter represent the fraction of material presenting risk via the airborne pathway (i.e., respirable particles).

detection of hazardous constituents, which may be at low concentrations near detection limits.) This confirmatory monitoring of the air pathway would be required specifically for the no-migration demonstration and not for the Montana Hazardous Waste Permit. In addition, the Agency proposes that Exxon regularly sample the wastestreams disposed of at the NSLTU and the ZOI soils to assure that the modeled annual quantity of a hazardous constituent is not exceeded. The results of this routine monitoring should be sent to EPA on the same schedule they are provided to the State of Montana under the facility's permit (see Section IV. Conditions of Proposed Variance). The Agency believes that this approach is preferable to routine ambient air monitoring, which can involve too many uncertainties and variability for reliably detecting migration.

Exxon did not conduct air monitoring prior to the effective date of the Land Disposal Restrictions (November 8, 1990) and cannot do so until such time as a variance is granted, because those hazardous wastes restricted from land disposal (K049 and K051) must be applied to the land treatment unit in order to perform the monitoring. The Agency is proposing as a condition of this variance, that Exxon complete a specific air monitoring program within 15 months of variance issuance (see Section IV. Conditions of the Proposed Variance). This time period was chosen because (1) the monitoring must be performed under worst-case conditions, which are expected to occur in July and August, (2) a reasonable amount of time is needed to prepare for the actual field monitoring program, and (3) it is uncertain when the final variance will be issued in relation to the worst-case conditions.

In response to EPA's request, Exxon submitted a proposed monitoring program with its petition. Exxon's proposed air monitoring plan consists of sampling and analysis of the ambient air at the unit boundary for inorganics, volatile organics and semi-volatile organics. Exxon determined the location of sampling monitors by emission and dispersion modeling, using worst case conditions specific to the NSLTU as input parameters. After carful review of the plan, EPA has concluded that it will be sufficient to confirm the modeling. For more information, see Volume 2 of "Response to September 9, 1991 Technical Evaluation," located in the RCRA docket for today's notice. If the results of the air monitoring program do not confirm EPA's conclusion of no-migration, Exxon would be required to stop disposing of the restricted hazardous wastes and the variance would be revoked.

5. Evaluation of Other Possible Pathways of Migration

Review of Exxon's petition included an evaluation of other possible pathways of migration in addition to the ground water, soil, and air media. EPA reviewed the closure plan, the run-on and run-off control system in place at the unit and the proposal to install a vehicle decontamination facility. The Agency concluded that there are no other significant means for hazardous constituents to migrate at hazardous levels from the unit boundary of the NSLTU.

Exxon maintains a run-on control system capable of preventing flow onto the treatment zone and a run-off control system which is designed to contain the volume of water falling on the NSLTU during a 24-hour, 25-year storm. The same dikes that control run-on also control run-off. The two- to five-foot high dikes are constructed of compacted clay-rich soils obtained from the immediate area and are topped with gravel. This system effectively controls the surface water medium such that it is not a pathway for migration.

EPA is concerned, however, that track-out of constituents on vehicles is a possibility. Therefore, the Agency is proposing to require, as a condition to the variance, that Exxon install a vehicle decontamination facility at the NSLTU prior to application of any restricted wastes (K049 and K051). The facility, as designed in a plan proposed by Exxon, will restrict access to and from the land treatment unit and prevent trackout of hazardous constituents on vehicles. A copy of the plan can be found in "Response to Technical Evaluation" Attachment 2, and is available in the RCRA regulatory docket for today's notice. (See Section IV. Conditions of Proposed Variance.) EPA is also proposing to require Exxon to notify it upon completion of installation of the vehicle decontamination facility. This requirement will simplify enforcement of the condition.

In order to assure that the no-migration standard will continue to be met after the conclusion of the operating period, EPA reviewed Exxon's closure/post-closure plan as described in the Montana Hazardous Waste Permit and Exxon's estimates of concentrations of hazardous constituents remaining in ZOI soils at closure. The predicted concentrations of both the organic and inorganic constituents are less than their respective health-based levels for ingestion of soils at the end of post-closure care.

The closure/post-closure plan requires Exxon to continue all operations in the permit necesary to maximize degradation, transformation, or immobilization of hazardous constituents within the treatment zone. Exxon must add 15 cm of top soil and establish a vegetative cover. Monitoring of the environmental media as necessary will also continue per the permit. (See the Montana Hazardous Waste Permit for more details, located in the RCRA regulatory docket for today's notice.)

6. Conclusion

Exxon petitioned the Agency seeking to continue the land disposal of EPA Hazardous Waste Nos. K049 and K051 at its New South Land Treatment Unit located in Billings, Montana. For the reasons described earlier, EPA has also considered the petition to cover TC-hazardous contaminated soils (Hazardous Waste No. D018). The Agency believes that Exxon has successfully demonstrated, to a reasonable degree of certainty, that there will be no migration of hazardous constituents beyond the unit boundary at hazardous concentrations for as long as the waste remains hazardous at this facility. EPA has tentatively concluded that the petiton, with several supplemental documents, demonstrates that this land treatment unit is capable of transforming, degrading or immobilizing the hazardous constituents in the applied waste. The Agency, therefore, is proposing to grant to the Exxon Billings Refinery a variance from the Land Disposal Restrictions, with certain conditions, for its New South Land Treatment Unit.

III. Implementation and Enforcement of the Variance

If made final, the no-migration variance will only apply to the New South Land Treatment Unit (NSLTU) and the wastes and waste volumes covered by the demonstration. The proposed variance for land disposal of restricted wastes is applicable to only Slop Oil Emulsion Solids (K049), API Separator Sludge (K051), and TC Contaminated Soils (when the land disposal restrictions are promulgated for this waste) generated at the Exxon Refinery in Billings, Montana (40 CFR 268.6(i)).

Exxon would be required to amend this variance before applying other restricted hazaradous wastes to the land treatment unit. Of course, Exxon may continue to apply non-hazardous wastes

or unrestricted hazardous wastes, regardless of the terms of the proposed decision.

EPA's proposd decision is based on specific informtion provided by Exxon in its petition, and it assumes Exxon's compliance with its Hazardous Waste Permit, issued by the State of Montana. Therefore, Exxon's petition and its State permit define the scope of permissible activities under the variance.[10] Any substantial departures from the terms of the petition or the permit that might affect migration from the unit (e.g., acceptance of new restricted wastes not listed in the petition, or major changes in operational practices) would require amendment of the variance. If Exxon made such changes without first seeking an amendment, and if it continued to apply restricted wastes at the unit, it would be in violation of the RCRA land disposal restricitons and would potentially be subject to enforcement action.

EPA notes that the current RCRA regulations spell out procedures that govern changes at facilities subject to no-migration variances. Specifically, in accordance with 40 CFR 268.6(e), Exxon must report any changes in conditions at the NSLTU and/or the environment around the unit that significantly depart from the conditions described in the petition and affect the potential for migration of hazardous constituents from the unit. If Exxon plans to make changes to the design, construction, or operation of the NSLTU, or any other changes that may affect the potential for migration of hazardous constituents, such a change must be proposed in writing to EPA at least 30 days prior to making the change. EPA will determine whether the proposed change invalidates the terms of the variance and will determine the appropriate response. Any significant change must be approved before it is made. If Exxon discovers that a condition at the site, which was modeled or predicted in the petition, does not occur as predicted, this change must be reported, in writing, to the Administrator within 10 days of discovering the change. EPA will determine whether the reported change from the terms of the petition requires further action, which may include termination of waste acceptance, revocation of the variance or other responses.

[10] Exxon must also demonstrate that it is in compliance with certain organic air emission standards, proposed as 40 CFR 264 subpart CC, once these regulations become effective. The Subpart CC regulations would be imposed pursuant to RCRA section 3004(n) as well as sections 3004 (d), (e) and (f).

In addiiton, in accordance with 40 CFR 268.6(f), of Exxon determines that there is migration of a hazardous constituent(s) from the NSLTU, Exxon must immediately suspend receipt of restricted waste at the NSLTU, and notify the Agency in writing, within 10 days of the determination that a release has occurred. Within 60 days of receiving notification, EPA will determine whether Exxon can continue to receive restricted waste in the NSLTU or whether the variance is to be revoked. (EPA notes that decisions on on-migration determinations, other than for underground injections wells, have been delegated to the Office of Solid Waste and Emergency Response (OSWER). Notices required under § 268.6(e) and (f), therefore, should be submitted to the Chief, Assistance Branch, Office of Solid Waste (OS–343), U.S. Environmental Protection Agency, 401 M Stret SW., Washington, DC 20460.0

In addition, today's proposed decision would impose a series of specific conditions on Exxon's operations designed to ensure that migration did not occur, and that the no-migration variance could be effectively enforced. These proposed conditions are spelled out in section IV. of today's notice and are discussed in detail in earlier sections. These conditions would be directly enforceable and a violation of a condition would constitute a violation of the RCRA land disposal restrictions. EPA's Region VIII will have primary responsibility for ensuring compliance.

In accordance with 40 CFR 268.6(k), the proposed variance will be valid for up to ten years, but no longer than the term of the facility's Montana Hazardous Waste Permit; therefore, Exxon's variance for the NSLTU would expire on October 18, 1998 (the date on which Exxon's Montana Hazardous Waste Permit expires), unless the permit is renewed or reissued.

IV. Conditions of Proposed Variance

As a condition of this proposed no-migration variance, EPA proposes that Exxon comply with the following terms:

(1) Exxon must comply with Montana State permit conditions with regard to characterization of wastes disposed of at the NSLTU, and monitoring of ground water, soil and soil-pore liquids at that unit. Exxon must provide the results of this characterization and monitoring to the EPA Region VIII Montana Operations Office, Federal Building, 301 South Park, Helena, MT 59626, on the same schedule as they are provided to the State of Montana Department of Health and Environmental Sciences (DHES) under the facility's permit.

(2) Exxon must collect samples of the TC-hazardous Tank Bottoms and the non-hazardous wastestreams (Boiler House Lime Sludge; Cooling Tower Sludge; and DEA Sludge) and analyze them for all of the constituents on the list of "Petroleum Constituents of Concern." A copy of this list is provided in today's RCRA regulatory docket. Exxon must analyze four representative samples of these wastestreams, or where a waste is infrequently generated, a sample each time the waste is generated for a period of two years from variance issuance. The results of the analyses must be provided in a written report, to the EPA Region VIII Montana Operations Office, Federal Building, 301 South Park, Helena, MT 59626, within 60 days of the last application of these wastes in each operating season.

(3) Exxon must conduct confirmatory air quality monitoring at the NSLTU within 15 months of variance issuance to evaluate the accuracy of the modeling estimates. The monitoring must meet the standards described in the approved plan found in "Response to Technical Evaluation" Attachment 22, a copy of which is provided in the RCRA regulatory docket for today's notice. The results of the monitoring should be compared to short term modeling for the same source and dispersion conditions that occurred during the monitoring period. This comparison will be used to confirm the average annual modeling air release estimates. Exxon shall provide the written results of the air monitoring program, including any revisions to the modeling estimates, to the EPA Region VIII Montana Operations Office, Federal Building, 301 South Park, Helena, MT 59626, within 90 days of air monitoring sample collection.

(4) Exxon must install the vehicle decontamination facility at the NSLTU proposed in "Response to Technical Evaluation" Attachment 2, (located in the RCRA regulatory docket for today's notice), or one that provides no less adequate protection, prior to application of any restricted wastes, and must decontaminate all vehicles before they leave the unit. The decontamination facility must be constructed so as to restricted access to and from the land treatment unit and prevent trackout of hazardous constitutents on vehicles. Notification of installation of this facility shall be sent to the EPA Region VIII Montana Operations Office, Federal Building, 301 South Park, Helena, MT 59626, within 30 days of installation.

Dated: March 19, 1992.

Jeffery D. Denit,

Deputy Director, Office of Solid Waste.

[FR Doc. 92-6917 Filed 3-25-92; 8:45 am]

BILLING CODE 6560-50-M

[FRL-4117-8]

Availability of Fish Contamination Program Document

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability.

SUMMARY: Notice is hereby given that a public information document relating to the fish contamination program is available to the public. There is no new policy or guidance in this document.

Copies of the document identified in this notice may be obtained by making written request to the U.S. Environmental Protection Agency (EPA) at the address provided below.

FOR FURTHER INFORMATION CONTACT: U.S. Environmental Protection Agency Fish Contamination Section (WH-585), 401 M Street, SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following document may be obtained free of charge from the EPA:

Consumption Surveys for Fish and Shellfish, A Review and Analysis of Survey Methods. US Environmental Protection Agency. EPA 822/R-92-001 February, 1992. 55 Pages.

This document contains a critical analysis of survey methods used to determine fish consumption rates for recreational and subsistence fishermen; these groups have the greatest potential for exposure to contaminants in fish tissues. The survey methods may also be used in determining appropriate consumption rates for use in State adoption of water quality standards for the protection of human health. The document summarizes the advantages and disadvantages of five survey approaches: Recall-Telephone Survey; Recall-Mail Survey; Recall-Personal Interview; Diary; and Creel Census. It also highlights important methodological considerations such as survey design, selection of respondents, information sought, quality assurance, and statistical analyses. In addition, the document provides information on relative costs and approximate levels of effort as well as a bibliography.

When requesting this publication, identify the document by title and specify the quantities desired.

Tudor F. Davies,

Director, Office of Science and Technology, Office of Water.

[FR Doc. 92-7026 Filed 3-25-92; 8:45 am]

BILLING CODE 6560-50-M

[OPPTS-59303A; FRL-4054-5]

Certain Chemicals Approval of a Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of an application for test marketing exemption (TME) under section 5(h)(1) of the Toxic Substances Control Act (tsca) and 40 CFR 720.38. EPA has designated this application as TME-92-3. The test marketing conditions are described below.

EFFECTIVE DATES: March 17, 1992.

FOR FURTHER INFORMATION CONTACT: Rick Keigwin, New Chemicals Branch, Chemical Control Division (TS-794), Office of Pollution Prevention and Toxics, Environmental Protection Agency, rm. E-611, 401 M St. SW., Washington, DC 20460, (202) 260-2440

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use, and disposal of the substances for test marketing purposes will not present an unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present an unreasonable risk of injury.

EPA hereby approves TME-92-3. EPA has determined that test marketing of the new chemical substance described below, under the conditions set out in the TME application, and for the time period and restrictions specified below, will not present an unreasonable risk of injury to health or the environment. Production volume, use, and the number of customers must not exceed that specified in the application. All other conditions and restrictions described in the application and in this notice must be met.

The following additional restrictions apply to TME-92-3. A bill of lading accompanying each shipment must state that the use of the substance is restricted to that approved in the TME. In addition, the applicant shall maintain the following records until 5 years after the date they are created, and shall make them available for inspection or copying in accordance with section 11 of TSCA:

1. Records of the quantity of the TME substance produced and the date of manufacture.
2. Records of dates of the shipments to each customer and the quantities supplied in each shipment.
3. Copies of the bill of lading that accompanies each shipment of the TME substance.

TME-92-3

Date of Receipt: February 12, 1992.

Notice of Receipt: March 2, 1992 (57 FR 7388).

Applicant: Safety-Kleen Corporation.

Chemical: (S) Lubricating oils, used, residues.

Use: (S) Asphalt Extender.

Production Volume: 20 million kilograms.

Number of Customers: (Confidential).

Test Marketing Period: 7 months, commencing on first day of manufacture.

Risk Assessment: EPA identified no significant health or environmental concerns for the test market substance. Therefore, the test market activities will not present an unreasonable risk of injury to health or the environment.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should an new information that comes to its attention which casts significant doubt on its finding that the test marketing activities will not present an unreasonable risk of injury to health or the environment.

Dated: March 17, 1992.

John W. Melone,

Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

[FR Doc. 92-7027 Filed 3-25-92; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL DEPOSIT INSURANCE CORPORATION

Coastal Barrier Improvement Act; Property Availability: Brodie Tract, Austin, TX

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice.

SUMMARY: Notice is hereby given that the property known as the "Brodie Tract" located near Austin, Texas is affected by section 10 of the Coastal Barrier Improvement Act of 1990, as specified below.

DATES: Written Notices of Serious Interest to purchase or effect other transfer of the property may be mailed or faxed to the Federal Deposit Insurance Corporation until June 24, 1992.

ADDRESSES: Copies of detailed descriptions of the property can be obtained by contacting the following Person: Tom Goodson, AMRESCO Management, Inc., 1201 Main Street, 11th Floor, Dallas, Texas 75202, telephone (214) 508–4433, Fax (214) 508–4439.

SUPPLEMENTARY INFORMATION: The 91.61 acre tract is located in the northwest corner of Loop 360 and Highway 290, one-half mile south of Barton Creek Mall, Austin, Texas. The property is primarily undeveloped, and is surrounded by Loop 360, a shopping center and a residential development. The property abuts the City of Austin owned Barton Creek greenbelt on the western boundary of the property. The property is located within the municipality of Austin, Texas, is zoned for multifamily, general office and some retail uses, and is not platted. There is an unconfirmed suspicion that endangered or protected species, including, without limitation, the Golden Cheek Warbler and Black Capped Vireo or their habitats exist in the area.

Written notice of serious interest to purchase the property must be received on or before June 24, 1992 by Tom Goodson at the above address.

Those entities eligible to submit written notices of serious interest are: 1. Agencies or entities of the federal government,

2. Agencies or entities of state or local government, and

3. "Qualified organizations" pursuant to section 170(h) of the Internal Revenue Code of 1986 (26 U.S.C. 170(h)(s)).

Form of Notice

Notices of serious interest should be in the following form:

Notice of Serious Interest re:

Brodie Tract Land

Austin, Texas

1. Name of eligible entity.

2. Declaration of eligibility to submit notice under criteria set forth in Public Law 101–591, section 10(b)(2).

3. Brief description of proposed terms of purchase or other offer (e.g. price and method of financing).

4. Declaration by entity that it intends to use the property primarily for wildlife refuge, sanctuary, open space, recreational, historical, cultural or natural resource conservation purposes.

Dated: March 20, 1992.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 92–6980 Filed 3–25–92; 8:45 am]

BILLING CODE 6714–01–M

FEDERAL MARITIME COMMISSION

[Docket No. 92–12]

Save on Shipping, Inc. v. Puerto Rico Maritime Shipping Authority; Filing of Complaint and Assignment

Notice is given that a complaint filed by Save On Shipping, Inc. ("Complainant") against Puerto Rico Maritime Shipping Authority ("Respondent") was served March 20, 1992. Complainant alleges that Respondent has violated sections 17 and 18(a) of the Shipping Act, 1916, 46 U.S.C. app. 816 and 817(a), and section 2 of the Intercoastal Shipping Act of 1933, 46 U.S.C. app. 844, by attempting to collect unfiled rates and charges and by prosecuting claims for costs, undefined expenses and attorneys fees.

This proceeding has been assigned to Administrative Law Judge Charles E. Morgan ("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 22, 1993, and the final decision of the Commission shall be issued by July 20, 1993.

Joseph C. Polking,

Secretary.

[FR Doc. 92–7019 Filed 3–25–92; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

County Bancshares, Inc.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 20, 1992.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. County Bancshares, Inc., Troy, Alabama; to establish Pike County

Federal Savings Bank, Troy, Alabama, pursuant to § 225.25(b)(9) of the Board's Regulation Y to facilitate the acquisition of the Troy, Alabama branch office of First Federal Bank, F.S.B., Tuscaloosa, Alabama.

Board of Governors of the Federal Reserve System, March 20, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-6994 Filed 3-25-92; 8:45 am]

BILLING CODE 6210-01-F

Dauphin Deposit Corporation, et al.; Formations of, Acquisitions by, and Mergers of Bank Holding Companies; and Acquisitions of Nonbanking Companies

The companies listed in this notice have applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed companies have also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The applications are available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 20, 1992.

A. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. Dauphin Deposit Corporation, Harrisburg, Pennsylvania; to merge with FB&T Corporation, Hanover, Pennsylvania, and thereby indirectly acquire Farmers Bank and Trust Company of Hanover, Hanover Pennsylvania.

In connection with this application, Applicant also proposes to acquire Farmers Bank, FSB, Baltimore, Maryland, and thereby engage in savings association activities of deposit taking and lending, and other activities pursuant to § 225.25(b)(9); Farmers Mortgage Corporation, Hanover, Pennsylvania, and thereby engage in making and originating residential mortgage loans pursuant to § 225.25(b)(1)(iii); Reliance Consumer Discount Company, Hanover, Pennsylvania, and thereby engage in acting as a consumer finance company pursuant to § 225.25(b)(1)(i); and Center Square Life Insurance Company Hanover, Pennsylvania, and thereby engage in acting as principal for insurance that is directly related to extensions of credit by its affiliates pursuant to § 225.25(b)(8)(i) of the Board's Regulation Y.

B. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Midland Financial Co., Oklahoma City, Oklahoma, and its subsidiary, MidFirst Bank, State Savings Bank, Oklahoma City, Oklahoma; to become bank holding companies by acquiring 100 percent of the voting shares of MidLand Capital Co., Oklahoma City, Oklahoma, and thereby indirectly acquire Northwest Bank, Oklahoma City, Oklahoma; and ONB Bancorp, Inc., Oklahoma City, Oklahoma, and thereby indirectly acquire Oklahoma National Bank and Trust Co., Chickasha, Oklahoma.

In connection with this application, Applicant also proposes to indirectly acquire ONB Insurance Agency, Inc., Chickasha, Oklahoma, a nonbanking subsidiary of ONB Bancorp, and thereby indirectly acquire engage in the sale of credit related insurance pursuant to § 225.25(b)(8)(i) of the Board's Regulation Y

Comments on this application must be received by April 14, 1992.

Board of Governors of the Federal Reserve System, March 20, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-6995 Filed 3-25-92; 8:45 am]

BILLING CODE 6210-01-F

State Bank of Lake Elmo Employee Stock Ownership Plan; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than April 20, 1992.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Lake Elmo Bank Profit Sharing Plan and the Lake Elmo Bank Profit Sharing Trust, Lake Elmo, Minnesota; formerly the State Bank of Lake Elmo Employee Stock Ownership Plan, Lake Elmo, Minnesota; to acquire 6.52 percent of the voting shares of Lake Elmo Bancorp, Inc., Lake Elmo, Minnesota, and thereby indirectly acquire Lake Elmo Bank, Lake Elmo, Minnesota.

B. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. Northwest Bancorporation, Inc., Houston, Texas; to acquire 100 percent

of the voting shares of South Main Bank, Houston, Texas.

Board of Governors of the Federal Reserve System, March 20, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-6997 Filed 3-25-92; 8:45 am]

BILLING CODE 6210-01-F

Norwest Corp.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 21, 1992.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Norwest Corp., Minneapolis, Minnesota ("Norwest"), to acquire through its mortgage subsidiary, Norwest Mortgage, Inc., Des Moines, Iowa ("Norwest Mortgage"), U.S. Recognition, Inc., Ringwood, New Jersey ("Company"), and thereby provide, pursuant to § 225.25(b)(7) of the Board's Regulation Y (12 CFR 225.25(b)(7)), the services currently offered by Company. Company provides data processing and data transmission services, facilities and data bases to local boards of realty and their members. The information transmitted consists of price, tax, utility, financing and other information regarding real property currently listed or sold within the last two years.

Board of Governors of the Federal Reserve System, March 20, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-6996 Filed 3-25-92; 8:45 am]

BILLING CODE 6210-01-F

GENERAL SERVICES ADMINISTRATION

Performance Review Boards for Small Client Agencies Serviced by the General Services Administration, Name of Members

Section 4314(C)(1) through (5) of title 5, U.S., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more Performance Review Boards. The board shall review and evaluate the initial appraisal by the supervisor of a senior executive's performance, along with any recommendations to the appointing authority relative to the performance of the senior executive. The Performance Review Board also shall make recommendations as to whether the career senior executive should be recertified, conditionally recertified, or not recertified.

As provided under section 601 of the Economy Act of 1932, amended 31 U.S.C. 1525, the General Services Administration through its External Services Staff, Personnel Division, provides various personnel management services to a number of diverse Presidential commissions, committees, boards, and other agencies through reimbursable administrative support agreements. This notice is processed on behalf of the client agencies, and it supersedes all other notices in the **Federal Register** on this subject.

Because of their small size, a Performance Review Board register has been established in which SES members from the client agencies participate. The Board is composed of SES members from various agencies. From this register of names, the head of each client agency will appoint executives to a specific board to serve a particular client agency.

The members whose names appear on the Performance Review Board standing roster to serve client agencies are:

Administrative Conference of the U.S.

William J. Olmstead, Executive Director
Gary J. Edles, General Counsel
Jeffrey S. Lubbers, Research Director

Barry M. Goldwater Scholarship and Excellence in Education Foundation

Gerald J. Smith, Executive Secretary

Board of International Broadcasting

Mark G. Pomar, Executive Director
Bruce D. Porter, Deputy Executive Director
John A. Lindburg, General Counsel
Patricia H. Schlueter, Director of Financial and Congressional Affairs

Committee for Purchase from Blind and Other Severely Handicapped

Beverly L. Milkman, Executive Director

Defense Nuclear Facilities Safety Board

Kenneth M. Pusateri, General Manager
Joseph R. Neubeiser, Deputy General Manager
Robert M. Anderson, General Counsel
Richard A. Azzaro, Deputy General Counsel for Policy and Litigation
George W. Cunningham, Technical Director
Joyce P. Davis, Chief, Health Physics Branch

Harry S. Truman Scholarship Foundation

Louis H. Blair, Executive Secretary
C. Westbrook Murphy, General Counsel

Japan-United States Friendship Commission

Eric J. Gangloff, Executive Director

Office of Navajo and Hopi Indian Relocation

Christopher J. Bavasi, Executive Director
Michael J. McAlister, Deputy Executive Director

United States Arctic Research Commission

Philip L. Johnson, Executive Director

FOR FURTHER INFORMATION CONTACT: Robert A. Miller, Chief, External Services Staff (202-708-5370); General Services Administration, National Capital Region (WCPX), Washington, DC, 20407.

Dated: March 10, 1992.

Beverly St. Clair,

Regional Personnel Officer.

[FR Doc. 92-7009 Filed 3-25-92; 8:45 am]

BILLING CODE 6820-34-M

GOVERNMENT PRINTING OFFICE

Depository Library Council to the Public Printer; Meeting

The Depository Library Council to the Public Printer (DLC) will hold its Spring 1992 meeting on Tuesday, April 28, 1992, at the U.S. Government Printing Office

(GPO). The meeting will begin at 8:30 a.m. and will conclude at 3 p.m. It will be held in the Carl Hayden Room, GPO, 732 North Capitol Street NW., Washington, DC 20401. The purpose of this meeting is to discuss the Federal Depository Library Program. The meeting is open to the public.

Anyone who wishes to attend the meeting must notify Josephine Williams, U.S. Government Printing Office (SL), Washington, DC 20401. Telephone: (202) 512–1114. A limited number of hotel rooms have been reserved at the Rossyln Westpark Hotel, 1900 N. Fort Myer Drive, Arlington, VA 22209, for anyone needing hotel accommodations. Telephone: (703) 527–4814. Room cost per night is $90.00.

DLC members will spend Monday, April 27, 1992, at GPO preparing for the Spring 1992 meeting.

Robert W. Houk,

Public Printer.

[FR Doc. 92–7007 Filed 3–25–92; 8:45 am]

BILLING CODE 1505–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Health Care Policy and Research

Filing; Annual Reports of Federal Advisory Committees

Notice is hereby given that, pursuant to section 13 of the Federal Advisory Committee Act (5 U.S.C. app. 2), the Annual Reports prepared for the public by the committees set forth below have been filed with the Library of Congress:

Cesarean Section Patient Outcomes Research Advisory Committee
Data Sources for Ambulatory Care Effectiveness Studies Advisory Committee
Dissertation Grant Review Committee
Employer-Based Health Insurance Advisory Committee
Gastroenteritis Patient Outcomes Research Advisory Committee
General Research Support Advisory Committee
Health Care Policy and Research Contracts Review Committee
Health Care Technology Assessment Assistance Advisory Committee
Health Care Technology Study Section
Health Services Research and Developmental Grants Review Committee
Health Services Research Dissemination and User Liaison Advisory Committee
Health Services Research Training Advisory Committee
Hospital Cost Data Base Feasibility Study Advisory Committee
Hospital Studies Program Data Support Services Advisory Committee
Medical Treatment Effectiveness Guidelines Development Support Advisory Committee
National Advisory Council for Health Care Policy, Research, and Evaluation
Patient Outcomes Research Team Support Services Advisory Committee
Small Business Innovation Research Advisory Committee
State Medical Board Self-Assessment Protocol Advisory Committee

Copies of these reports, prepared in accordance with section 10(d) of the Federal Advisory Committee Act, are available to the public for inspection at: (1) The Library of Congress, Special Forms Reading Room, Main Building, on weekdays between 9 a.m. and 4:30 p.m.; and (2) the Department of Health and Human Services, Department Library, on weekdays between 9 a.m. and 4:30 p.m., HHS Building, room 6400, 330 Independence Avenue, SW., Washington, DC 20201, telephone (202) 245–6791.

Copies may be obtained from Mr. James E. Owens, Committee Management Officer, Agency for Health Care Policy and Research, suite 601, 2101 East Jefferson Street, Rockville, Maryland 20852.

Dated: March 18, 1992.

J. Jarrett Clinton,

Administrator.

[FR Doc. 92–6993 Filed 3–25–92; 8:45 am]

BILLING CODE 4160–90–M

Centers for Disease Control

HIV Program Evaluation Meeting

The National Center for Prevention Services (NCPS) of the Centers for Disease Control (CDC) announces the following meeting:

Name: HIV Program Evaluation Meeting.

Time and Date: 8:30 a.m.–4:30 p.m., April 14, 1992.

Place: Swissotel Atlanta, 13391 Peachtree Road, NE., Atlanta, Georgia 30326.

Status: Open to the public, limited only by space available.

Purpose: Representatives from CDC program staff, state HIV/sexually transmitted diseases (STD) project directors, state HIV/STD evaluation specialists, quality assurance specialists, and social scientists with expertise in program evaluation will discuss program issues related to the evaluation of HIV prevention programs.

Matters To Be Discussed: The meeting will focus on a number of important public health questions, such as:

- What lessons have we learned about the methods used for HIV-prevention program evaluation?
- How can HIV program evaluations be structured so as to best serve the needs and constraints of state and local health departments?
- How can quality assurance methods be used to augment process evaluation methodologies?
- What forms of evaluation technical assistance are required by state and local health departments?

From these discussions, CDC may produce additional technical guidance for evaluators and program managers and may, in addition, refine its own technical assistance and training activities related to HIV prevention evaluation.

Contact Person for More Information: David Holtgrave, Ph.D., Behavioral Scientist, NCPS (HIV), CDC, Mailstop E07, 1600 Clifton Road, NE., Atlanta, Georgia 30333, telephone 404/639–1480 or FTS 236–1480.

Dated: March 20, 1992.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 92–6987 Filed 3–25–92; 8:45 am]

BILLING CODE 4160–18–M

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Amended Notice of Meeting

Notice is hereby given of a change in the location for the meeting of the Epidemiology and Technology Transfer Subcommittee of the Acquired Immunodeficiency Syndrome Research Review Committee, National Institute of Allergy and Infectious Diseases on March 30, 1992 which was published in the **Federal Register** on March 18 (57 FR 9424).

This meeting was to have been held at the Holiday Inn Crowne Plaza, 1750 Rockville Pike, Rockville, Maryland 20852. The meeting location has been changed to the Bethesda Ramada, 8400 Wisconsin Avenue, Bethesda, Maryland 20814.

Dated: March 23, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92–7073 Filed 3–25–92; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–920–02–4120–18]

Availability of Preliminary Public Interest Determination and Notice of Public Hearings

AGENCY: Bureau of Land Management, Interior, Wyoming.

ACTION: Notice of availability of a preliminary public interest determination and notice of public hearings on the Belco/Hay Creek Coal Exchange (WYWO322794).

SUMMARY: In accordance with 43 CFR 3426.1-2(d), the Bureau of Land Management (BLM) is requesting comments on the findings and conclusion of a Preliminary Public Interest Determination regarding the Belco Petroleum Corporation's proposed exchange of its Federal Coal lease rights (bonus bid) on a lease tract east of Buffalo, Wyoming in Johnson County called the Belco tract, and a Federal lease trace north of Gillette, Wyoming in Campbell County, called the Hay Creek tract. Legal descriptions of both tracts can be found at the end of this notice. BLM's Preliminary Public Interest Determination concludes that the fair market value appraisals of the Belco and Hay Creek tracts are not similar in value. The preliminary determination also did not identify any national public resources or social values which the exchange would preserve. The coal quality and potential of the Belco tract justifies no value for exchange. On the other hand, the Hay Creek tract does not have a large bonus value per ton, but the size of the reserves results in a substantial total value.

DATES: In accordance with 43 CFR 3435.3-5, two public hearings are scheduled to acquire public comments on the Preliminary Public Interest Determination for the proposed exchange. The public hearings are set for May 6, 1992, 7 p.m. m.d.t., in the basement meeting room of the Buffalo Federal Savings and Loan, located at 104 Fort Street, Buffalo, Wyoming; and for May 7, 1992, 7 p.m., m.d.t., in the Holiday Inn, located at 2009 South Douglas Highway, Gillette, Wyoming. Written comments on the public interest determination will be accepted by BLM until May 22, 1992, and should be submitted to the Casper District Office listed elsewhere in this notice.

ADDRESSES: Copies of the Summary of the Preliminary Public Interest Determination are available upon request either by calling the Casper District Office at (307) 261–7600, or by writing to the District Manager, Casper District Office, 1701 East "E" Street, Casper, Wyoming 82601.

FOR FURTHER INFORMATION CONTACT: For more information or to obtain a copy of the document contact either Mike Karbs or Glen Nebeker at the address above or by calling (307) 261–7600.

SUPPLEMENTARY INFORMATION: The Belco/Hay Creek exchange is proposed under Public Law 95–554, which gave the Secretary of the Interior limited authority to exchange coal lease rights for leases over which Interstate Highway I–90 passes. In March 1982, Belco Petroleum Corporation, the Bureau of Land Management, and Geological Survey (USGS), signed a Memorandum of Understanding (MOU), agreeing to study Belco's proposed exchange to determine whether it was in the public interest.

The agreement provided for a study of the relative economic values of the Belco tract and an unleased Federal coal parcel known as the Hay Creek Tract. The agreement also contained Provisions that provided Belco with the opportunity to review and comment on a preliminary estimate of value for the coal estates in the offered (Belco) and selected (Hay Creek) tracts. BLM issued a decision in 1985 based on non-economic factors rejecting the exchange proposal. This decision was appealed to the Interior Board of Land Appeals (IBLA). IBLA remanded the case back to BLM in 1987 for completion of a required public interest determination, including the economic studies set forth in the 1982 MOU. BLM submitted a preliminary economic evaluation to Belco, as per the agreement, in July 1990, for review and comment. The Belco comments received in October 1990, have been considered in the preparation of the final valuation report for the Belco and Hay Creek Tracts. Should BLM's final determination conclude that the exchange is in the public interest, the next step in the process would be the scheduling of an environmental analysis.

Legal Descriptions of the Tracts Are:

Belco: (Offered Lands)

Sixth Principal Meridian

T. 50.N., R. 80 W.
Sec. 30: Lots 3, 4, SE¼SW¼.
Sec. 31: Lots 1, 2, W½NE¼, SE¼NE¼, E½NW¼.
T. 50.N., R. 81 W.
Sec. 2: Lot 4, S½NW¼.
Sec. 3: Lots 1, 2, 3, 4, S½N½, S½.
Sec. 4: Lots 1, 2, 3, S½NE¼, SE¼NW¼, E½SW½, S½SE¼, NE¼SE¼.
Sec. 10: E½, E½W½, NW¼NW¼.
Sec. 11: W½SW¼.
Sec. 14: SW¼NE¼, W½, N½SE¼, SW¼SE¼.
Sec. 15: E½, E½NW¼.
Sec. 22: E½NE¼.
Sec. 23: W½E½, NW¼, E½SW¼.
Sec. 25: S½NW¼, S½.
Sec. 26: NE¼, E½NW½, N½SE¼.
T. 51.N., R. 81 W.
Sec. 34: SE¼.
Sec. 35: W½SW¼, SE¼SW¼.

Hay Creek Tract: (Selected Lands)

T. 52.N., R. 72 W.
Sec. 7: All.
Sec. 8: NE¼NE¼, W½E¼, W½.
Sec. 17: Lots 1 through 14, and 16.
Sec. 18: All.
Sec. 19: All.
Sec. 20: All.
Sec. 21: All.
T. 52.N., R. 73 W.
Sec. 12: N½, SE¼, E½SW¼.
Sec. 13: NE¼, NE¼NW¼.
Sec. 24: SE¼.

F. William Eikenberry,
Associate State Director.

[FR Doc. 92–6985 Filed 3–25–92; 8:45 am]
BILLING CODE 4310-22-M

[UT-020-02-4333-12]

Salt Lake District; Required Special Recreation Permits

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice that groups of 75 or more are required to attain a Special Recreation Permit for all recreation events on public land.

SUMMARY: Notice is hereby given that Special Recreation Permits are required for organized groups of 75 or more people recreating on BLM public lands within the Salt Lake District in accordance with 43 CFR 8372.07(a)(1).

In the past large groups of 100 to 300 people have camped on BLM public land without obtaining permission or notifying the BLM Salt Lake District. These groups have caused significant problems including destruction of vegetation, improper disposal of human waste and conflicts with other BLM visitors. By requiring a Special Recreation Permit the BLM Salt Lake District will be able to ensure these large groups provide adequate self-contained toilet facilities, designate camping locations which can accommodate heavy use and avoid visitor conflicts with other recreationist.

For more information, contact: Howard Hedrick, Bureau of Land Management, Pony Express Resource Area Manager, 2370 South 2300 West, Salt Lake City, Utah 84119, (801) 977–4300.

Deane H. Zeller,
District Manager.

[FR Doc. 92–6984 Filed 3–25–92; 8:45 am]
BILLING CODE 4310-DQ-M

[AZ-020-00-4212-13; A-25295]

Resource Management Plan Amendment, Maricopa County, Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to prepare a Category I Amendment to the Lower Gila South Resource Management Plan.

SUPPLEMENTARY INFORMATION: In accordance with CFR 1610.2(c), and

1610.3–1(d), notice is hereby given of intent to prepare a planning amendment document. This notice also constitutes the scoping required by regulation for the National Environmental Policy Act (40 CFR 1507.7).

(1) Description of the proposed planning action: The proposed action is to amend the Lower Gila South Resource Management Plan (RMP) completed in June 1988. The Category I planning amendment will be based upon existing statutory requirements and policies and will carry out requirements of the Federal Land Policy and Management Act of 1976 (FLPMA). The RMP amendment and Environmental Assessment (EA) to be prepared will provide the basis for modifying the Land Tenure section of the Resource Management Plan in response to a land exchange proposal submitted by Maricopa County. Maricopa County's intended use of the public land would be to be construct and operate a regional landfill.

(2) Identification of the geographic area involved: Location of the proposed planning amendment of the Lower Gila South Resource Management Plan is within a portion of southwestern Maricopa County, approximately 5 miles southwest of Buckeye, Arizona.

(3) General types of issues anticipated: The proposed amendment addresses a change in the Land Tenure section of the Lower Gila South Resource Management Plan to consider a land exchange proposal submitted by Maricopa County. If the land exchange is consummated, Maricopa County will use the land for a regional landfill. Scoping, in which identification of issues and public concerns pertaining to the proposed action, is underway.

(4) Disciplines to be represented and used to prepare the RMP amendment and Environmental Assessment will be the following: Lands, wildlife, botany, soils, archaeology, geology, range and hydrology.

(5) The kind and extent of public participation opportunities to be provided: Public participation will be accepted during a 30 day comment period commencing with publication in the **Federal Register.**

(6) During the 30 day public comment period, a field trip to the proposed land exchange location will be scheduled. Notices will be published in local newspapers providing specific information concerning the field trip. All public input will be handled through written comments.

(7) The name, title, address and telephone number of the Bureau of Land Management official who may be contacted for further information: John R. Christensen, Area Manager, 2015 W. Deer Valley Rd., Phoenix, Arizona 85027, Phone: (602) 863–4464.

(8) The location and availability of documents relevant to the planning amendment and land exchange process will be available for public review at the Phoenix District Office, 2015 W. Deer Valley Road, Phoenix, Arizona.

Dated: March 19, 1992.

Henri R. Bisson,

District Manager.

[FR Doc. 92–7003 Filed 3–25–92; 8:45 am]

BILLING CODE 4310–32–M

[ID–943–4214–11; IDI–15705]

Proposed Continuation of Withdrawal; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management proposes that a 7,685.62 acre withdrawal for Powersite Classification No. 255 continue for an additional 20 years. The land is still needed for waterpower purposes. This land will remain closed to surface entry, but has been and would remain open to mineral leasing and mining.

DATES: Comments should be received on or before June 24, 1992.

FOR FURTHER INFORMATION CONTACT: Larry 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 Secretarial Order dated June 11, 1930, for Powersite Classification No. 255, 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. 4 N., R 7 E.,
- Sec. 4, lots 1 to 10 inclusive;
- Sec. 5, lots 1 and 5 to 7 inclusive, E½SW¼ and NW¼SE¼;
- Sec. 7, lots 2 to 8 inclusive, 10 and 11, N½NE¼, SE½NW¼ and SE¼SE¼;
- Sec. 8, lots 1 to 8 inclusive, SE¼NE¼ and SW¼SW¼;
- Sec. 17, W½NW¼, SE¼NW¼ and SW¼NE¼;
- Sec. 18, lots 1 to 5 inclusive NE¼NE¼.

T. 5 N., R. 7 E.,
- Sec. 1, lots 13 to 20 inclusive;
- Sec. 2, lots 9 to 19 inclusive;
- Sec. 3, lots 13 to 14;
- Sec. 10, lots 1 to 9 inclusive;
- Sec. 15, lots 1 to 6 inclusive;
- Sec. 16, lots 1 to 4 inclusive and SE¼SE¼;
- Sec. 21, lots 1 to 9 inclusive;
- Sec. 23, lots 1 to 4 inclusive;
- Sec. 24, lots 1 to 10 inclusive and NW¼NE¼;
- Sec. 25, lots 1 to 3 inclusive;
- Sec. 26, lots 1 to 8 inclusive;
- Sec. 28, lots 2 to 9 inclusive and SW¼NW¼;
- Sec. 33, lots 1 to 11 inclusive;
- Sec. 34, lots 1 to 12 inclusive and SE¼SE¼;
- Sec. 35, lots 1 to 4 inclusive and W½SW¼.

T. 5 N., R. 8 E.,
- Sec. 5, lots 3 to 5 inclusive;
- Sec. 6, lots 1, 2, 6, 7, 8, 10 and 11, S½NE¼, SE¼NW¼, E½SW¼ and W½SE¼;
- Sec. 8, lots 1 to 3 inclusive, SE¼SW¼ and NW¼SE¼;
- Sec. 9, lots 3 and 4 and SW¼SW¼;
- Sec. 16, lots 1 to 3 inclusive;
- Sec. 17, lots 1 to 9 inclusive and NW¼SW¼;
- Sec. 18, lots 3 to 10 inclusive and SE¼SE¼;
- Sec. 19, lots 1 to 4 inclusive and NW¼NE¼.

The areas descrobed aggregate 7,685.62 acres in Elmore and Boise Counties.

The withdrawal is essential for protection of waterpower potential 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 Resigter.** The existing withdrawal will continue until such final determination is made.

Dated: March 17, 1992.

William E. Ireland,

Chief, Realty Operations Section.

[FR Doc. 92–7000 Filed 3–25–92; 8:45 am]

BILLING CODE 4310–GG–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 701-TA-312 (Final)]

Softwood Lumber From Canada

AGENCY: United States International Trade Commission

ACTION: Institution and scheduling of a final countervailing duty investigation.

SUMMARY: The Commission hereby gives notice of the institution of final countervailing duty investigation No. 701-TA-312 (Final) under section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)) (the act) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Canada of softwood lumber, [1] provided for in subheadings 4407.10.00, 4409.10.10, 4409.10.20, and 4409.10.90 of the Harmonized Tariff Schedule of the United States (HTS).

For further information concerning the conduct of this investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

EFFECTIVE DATE: March 6, 1992.

FOR FURTHER INFORMATION CONTACT: Jim McClure (202-205-3191), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000.

SUPPLEMENTARY INFORMATION:

Background: This invesitgation is being instituted as a result of an affirmative preliminary determination by the Department of Commerce that certain benefits which constitute subsidies within the meaning of section 703 of the act (19 U.S.C. 1671b) are being provided to manufacturers, producers, or exporters in Canada of softwood lumber. The investigation was self-initiated on October 31, 1991, by the U.S. Department of Commerce.

Participation in the investigation and Public service list: Persons wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules, not later than twenty-one (21) days after publication of this notice in the **Federal Register.** The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list: Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in this final investigation available to authorized applicants under the APO issued in the investigation, provided that the application is made not later than twenty-one (21) days after the publication of this notice in the **Federal Register.** A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report: The prehearing staff report in this investigation will be placed in the nonpublic record on May 11, 1992, and a public version will be issued thereafter, pursuant to § 207.21 of the Commission's rules.

Hearing: The Commission will hold a hearing in connection with this investigation beginning at 9:30 a.m. on May 28, 1992, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before May 15, 1992. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on May 20, 1992, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by §§ 201.6(b)(2), 201.13(f), and 207.23(b) of the Commission's rules.

Written submissions: Each party is encouraged to submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of § 207.22 of the Commission's rules; the deadline for filing is May 21, 1992. Parties may also file written testimony in connection with their presentation at the hearing, as provided in § 207.23(b) of the Commission's rules, and posthearing briefs, which must conform with the provisions of § 207.24 of the Commission's rules. The deadline for filing posthearing briefs in June 5, 1992; witness testimony must be filed no later than three (3) days before the hearing. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before June 5, 1992. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules.

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules.

By order of the Commission.

Issued: March 20, 1992.

Stephen McLaughlin,

Acting Secretary.

[FR Doc. 92-6945 Filed 3-25-92; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 332-317]

Economy-Wide Modeling of the Economic Implications of a FTA With Mexico and a NAFTA With Canada and Mexico; Hearing

AGENCY: United States International Trade Commission.

ACTION: Cancellation of hearing.

SUMMARY: On October 28, 1991, following receipt of a request from the U.S. Trade Representative (USTR), the Commission instituted Investigation No. 332-317, under section 332(g) of the

[1] For purposes of this investigation, "softwood lumber" means coniferous wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or finger-jointed, of a thickness exceeding 6 mm, provided for in subheading 4407.10.00 of the HTS; and coniferous wood siding, flooring and other goods (except coniferous wood moldings and wood dowel rods; but including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rebated [rabbeted], chamfered, V-jointed, beaded, molded, rounded or the like) along any of its edges or faces, whether or not planed, sanded or finger-jointed, provided for in HTS subheadings 4409.10.10, 4409.10.20 and 4409.10.90.

Tariff Act of 1930. On February 4, 1992, the Commission scheduled a public hearing in connection therewith for March 26, 1992. On March 17, 1992, the Commission received notice of withdrawal from the only scheduled witness for the hearing scheduled for March 26, 1992. Therefore, the public hearing in connection with this investigation (scheduled to be held beginning at 9:30 a.m. on March 26, 1992, at the U.S. International Trade Commission Building, 500 E Street, SW., Washington DC), is cancelled.

EFFECTIVE DATE: March 20, 1992.

FOR FURTHER INFORMATION CONTACT: Edward Carroll (202–205–1819), Office of Public Affairs, U.S. International Trade Commission. Hearing impaired persons can obtain information on this study by contacting the Commission's TDD terminal on (202–205–1810).

By order of the Commission.

Dated: March 24, 1992.

Kenneth R. Mason,

Secretary.

[FR Doc. 92–7160 Filed 3–25–92; 8:45 am]

BILLING CODE 7020–02–M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32016]

Sioux & Western Railroad Co.—Construction Exemption—Charles County, Mo; Notice

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Pursuant to 49 U.S.C. 10505, the Interstate Commerce Commission conditionally exempts from the prior approval requirements of 49 U.S.C. 10901 the construction by the Sioux & Western Railroad Company of approximately 2 miles of rail line between the Sioux Plant and a Union Pacific Railroad Company line in Charles County, MO.

DATES: The exemption will not become effective until the environmental process is completed. At that time, the Commission will issue a further decision addressing the environmental matters and establishing an effective date for the exemption, if appropriate. Petitions to reopen must be filed by April 15, 1992.

ADDRESSES: Send pleadings referring to Finance Docket No. 32016 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioner's representative: John R. Molm, Esquire, Troutman, Sanders, Lockerman and Ashmore, 1400 Candler Building, 127 Peachtree Street, NE., Atlanta, GA 30303.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 927–5660, (TDD for hearing impaired: (202) 927–5712.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289–4357/4359. (Assistance for the hearing impaired is available through TDD services (202) 927–5721.)

Decided: March 11, 1992.

By the Commission, Chairman Philbin, Vice Chairman McDonald, Commissioners Simmons, Phillips, and Emmett.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92–7017 Filed 3–25–92; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 86–22]

Marijuana Scheduling Petition; Denial of Petition; Remand

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Final order.

SUMMARY: This is a final order of the Administrator of the Drug Enforcement Administration (DEA) concluding the plant material marijuana has no currently accepted medical use and denying the petition of the National Organization for Reform of Marijuana Laws (NORML) to reschedule marijuana from Schedule I to Schedule II of the Controlled Substances Act.

EFFECTIVE DATE: March 26, 1992.

FOR FURTHER INFORMATION CONTACT: Office of Congressional and Public Affairs, 202–307–7363.

SUPPLEMENTARY INFORMATION:

Background

On December 21, 1989, the former Administrator of DEA, following rulemaking on the record, which included a hearing before an administrative law judge, issued a final order concluding the plant material marijuana has no currently accepted medical use, and denying the petition of NORML to reschedule marijuana from Schedule I to Schedule II of the Controlled Substances Act. 54 FR 63767. On April 26, 1991, the United States Court of Appeals for the District of Columbia Circuit remanded the matter to the Administrator for clarification of DEA's interpretation of the term "currently accepted medical use in treatment in the United States." *Alliance for Cannabis Therapeutics* v. *DEA*, 930 F.2d 936.

Following a review of the entire record in this matter, and a comprehensive re-examination of the relevant statutory standard, I conclude that marijuana has no currently accepted medical use and must remain in Schedule I. Further hearings are unnecessary since the record is extraordinarily complete, all parties had ample opportunity and wide latitude to present evidence and to brief all relevant issues, and the narrow question on remand centers exclusively on this Agency's legal interpretation of a statutorily-created standard.

Summary of the Decision

Does the marijuana plant have any currently accepted medical use in treatment in the United States, within the meaning of the Federal Controlled Substances Act, 21 U.S.C. 801, *et seq.*? Put simply, is marijuana good medicine for illnesses we all fear, such as multiple sclerosis (MS), glaucoma and cancer?

The answer might seem obvious based simply on common sense. Smoking causes lung cancer and other deadly diseases. Americans take their medicines in pills, solutions, sprays, shots, drops, creams and sometimes in suppositories, but never by smoking. No medicine prescribed for us today is smoked.

With a little homework, one can learn that marijuana has been rejected as medicine by the American Medical Association, the National Multiple Sclerosis Society, the American Glaucoma Society, the American Academy of Ophthalmology the American Cancer Society. Not one American health association accepts marijuana as medicine.

For the last half century, drug evaluation experts at the United States Food and Drug Administration (FDA) have been responsible for protecting Americans from unsafe and ineffective new medicines. Relying on the same scientific standards used to judge all other drugs, FDA experts repeatedly have rejected marijuana for medical use.

Yet claims persist that marijuana has medical value. Are these claims true, What are the facts?

Between 1987 and 1988, DEA and NORML, under the guidance of an administrative law judge, collected all relevant information on this subject. Stacked together it stands nearly five feet high. Is there reliable scientific evidence that marijuana is medically

effective. If it has medical value, do its benefits outweight its risks? What do America's top medical and scientific experts say? Would they prescribe it for their patients, their families, their friends?

As the current Administrator of Drug Enforcement, and as a former United States District Judge, I have made a detailed review of the evidence in this record to find the answers.

There are significant short-term side effects and long-term risks linked to smoking marijuana. Marijuana is likely to be more cancer-causing than tobacco; damages brain cells; causes lung problems, such as bronchitis and emphysema; may weaken the body's antibacterial defenses in the lungs; lowers overall blood pressure, which could adversely affect the supply of blood to the head; causes sudden drops in blood pressure (orthostatic hypotension), rapid heart beat (tachycardia), and heart palpitations; suppresses luteinizing hormone secretion in women, which affects the production of progesterone, an important female hormone; causes anxiety and panic in some users because of its mind-altering effects; produces dizziness, trouble with thinking, trougle with concentrating, fatigue, and sleepiness; and impairs motor skills.

As a plant, marijuana can contain bacteria capable of causing serious infections in humans, such as salmonella enteritidis, Klebsiella pneumoniae, group D Streptoccoccus and pathogenic aspergillus.

Several of these risk stand out. The immune systems of cancer patients are weakened by radiation and chemotherapy, leaving them susceptible to infection. If they experiment with marijuana to control nausea, they risk weakening their immune systems further and exposing themselves to the infection-causing bacteria in the plant. It is estimated, for example, that at Memorial Sloan-Kettering Cancer Center 60 patients die each year from pathogenic aspergillus infections.

Glaucoma patients face possible blindness caused by very high fluid pressures within their eyes. If they experiment with marijuana to lower their eye fluid pressure, it can cause dramatic drops in their blood pressure and reduce the blood supply to their heads. Glaucoma experts testified this reduced the blood supply to the optic nerves and could speed up, rather than slow down, their loss of eyesight.

MS, glaucoma and cancer patients who have undiagnosed heart problems risk heart palpitations, very rapid heart beats and sudden dramatic drops in blood pressure if they experiment with marijuana. For MS and glaucoma patients who must take medications for the rest of their lives, experimenting with marijuana poses the additional risks of lung cancer, emphysema, bladder cancer and leukemia.

Many risks remain unknown. Marijuana contains over 400 separately identified chemicals. No one knows all the effects of burning these chemicals together and inhaling the burnt mix. Are these risks outweighed by medical benefits?

There are scientific studies showing pure THC (Delta-9-Tetrahydrocannabinol), one of the many chemicals found in marijuana, has some effect in controlling nausea and vomiting. Pure THC is pharmaceutically made in a clean capsule form, called Marinol, and is available for use by the medical community. More information on Marinol can be found in the "Physicians' Desk Reference," available in most libraries.

Since marijuana contains THC, you might think marijuana also would be effective. However, the effect of taking a drug in combination with other chemicals is seldom the same as taking just the pure drug. As already noted, marijuana contains over 400 other chemicals, not just THC. There are no reliable scientific studies that show marijuana to be significantly effective in controlling nausea and vomiting. People refer to the Sallan study as proving marijuana's effectiveness. They are mistaken. The Sallan study involved pure THC, not marijuana. People refer to the Chang study to support marijuana's effectiveness. They also are mistaken. Doctor Chang tested the combination of pure THC and marijuana to treat nausea and vomiting. The preliminary results he got were probably due to the THC, not the marijuana. Because he tested the combination, we cannot tell just what effects can be attributed to marijuana alone. People cite a third study, done by Doctor Levitt, as proof marijuana is effective. They are mistaken. Doctor Levitt compared marijuana to THC in controlling nausea and vomiting, and he concluded that THC was the more effective drug.

A librarian can help locate copies of thes studies should you want to see them for yourself. Sallan, et al., "Antiemetic Effect of Delta-9-Tetrahydrocannibinol in Patients Receiving Cancer Chemotherapy," 293 New England Journal of Medicine 795–797 (1975); Chang, et al., "Delta-9-Tetrahydrocannabinol as an Antiemetic in Cancer Patients Receiving High-Dose Methotrexate," 91 Annals of Internal Medicine 819–824 (1979); Levitt, et al., "Randomized Double Blind Comparison of Delta-9-Tetrahydrocannabinol (THC) and Marijuana As Chemotherapy Antiemetics," (Meeting Abstract) 3 Proceedings of the Annual Meeting of the American Society of Clinical Oncology 91 (1984).

During the 1970's and 1980's, a number of states set up research programs to give marijuana to cancer and glaucoma patients, on the chance it might help. Some people point to these programs as proof of marijuana's usefulness. Unfortunately, all research is not necessarily good scientific research. These state programs failed to follow responsible scientific methods. Patients took marijuana together with their regular medicines, so it is impossible to say whether marijuana helped them. Observations or results were not scientifically measured. Procedures were so poor that much critical research data were lost or never recorded. Although these programs were well-intentioned, they are not scientific proof of anything.

Some people refer to a study by Doctor Thomas Ungerleider as proof marijuana reduced nausea in bone marrow transplant patients. Unfortunately, Doctor Ungerleider neglected to follow responsible scientific methods in his study. Like the state programs, it proves nothing. Doctor Ungerleider chose not to publish his study evidently because of its serious weaknesses. He admitted as much when questioned under oath.

Those who say there are reliable scientific studies showing marijuana is an effective drug for teating nausea and vomiting are wrong. No such studies exist.

Our nation's top cancer experts reject marijuana for medical use. Doctor David S. Ettinger, a professor of oncology at the Johns Hopkins University School of Medicine, an author of over 100 scholarly articles on cancer treatment, and a nationally respected cancer expert, testified:

> There is no indication that marijuana is effective in treating nausea and vomiting resulting from radiation treatment or other causes. No legitimate studies have been conducted which make such conclusions.

Doctor Richard J. Gralla, a professor of medicine at Cornell University Medical College, an associate attending physician at the Memorial Sloan-Kettering Cancer Center, and an expert in cancer research, testified:

> Most experts would say, and our studies support, that the cannabinoids in general are not very effective against the major causes of nausea and vomiting.

Doctor Gralla added:

I have found that because of the negative side effects and problems associated with marijuana * * *. most medical oncologists and researchers have little interest in marijuana for the treatment of nausea and vomiting in their patients.

Doctor John Laszlo, Vice President of Research for the American Cancer Society, an expert who has spent 37 years researching cancer treatments, and who has written a leading textbook on the subject, "Antiemetics and Cancer Chemotherapy," testified there is not enough scientific evidence to justify using marijuana to treat nausea and vomiting. Not one nationally-recognized cancer expert could be found to testify on marijuana's behalf.

To be an effective treatment for glaucoma, a drug must: (i) Lower the pressure within the eye (intraocular pressure), (ii) for prolonged periods of time, and (iii) actually preserve sight (visual fields). Five scientific studies are cited as evidence marijuana is an effective glaucoma treatment. Those who cite these studies are mistaken. These studies tested pure THC, not marijuana. W.D. Purnell and J.M. Gregg, "Delta-9-Tetrahydorcannabinol, Euphoria and Intraocular Pressure in Man," 7 Annals of Ophthalmology 921–923 (1975); M. Perez-Reyes, D. Wagner, M.E. Wall, and K.H. Davis, "Intravenous Administration of Cannabinoids on Intraocular Pressure," The Pharmacology of Marijuana 829–832 (M.C. Braude and S. Szara eds. 1976); J.C. Merritt, S.M. McKinnon, J.R. Armstrong, G. Hatem, and L.A. Reid, "Oral Delta-9-Tetrahydrocannabinol in Hyperogeneous Glaucomas," 12 Annals of Ophthalmology 947 (1980); K. Green and M. Roth, "Ocular Effects of Topical Administration of Delta-9-Tetrahydrocannabinol in Man," 100 Archives of Ophthalmology 265–267 (1982); and W.M. Jay and K. Green, "Multiple-Drop Study of Topically Applied 1% Delta-9-Tetrahydrocannabinol in Human Eyes," 101 Archives of Ophthalmology 591–593 (1983).

Threee studies show very heavy doses of marijuana, taken for short periods of time, can reduce eye pressure. R.S. Hepler, I.M. Frank, and T.J. Ungerleider, "Pupillary Constriction After Marijuana Smoking," 74 American Journal of Ophthalmology 1185–1190 (1972); R.S. Hepler, I.M. Frank, and R. Petrus, "Ocular Effects of Marijuana Smoking," The Pharmacology of Marijuana 815–824 (1976); and J.C. Merritt, W.J. Crawford, P.C. Alexander, A.L. Anduze and S.S. Gelbart, "Effect of Marijuana on Intraocular and Blood Pressure in Glaucoma," 87 Ophthalmology 222–228 (1980)

Unusally large doses or marijuana were needed in these three studies to achieve the desired effect. Heavy marijuana use produces dizziness, trouble with thinking, impaired motor skills, fatigue and sleepiness. The 1976 study by Doctors Hepler, Frank and Petrus emphasized "Our subjects were sometimes too sleepy to permit measurement of intraocular pressures * * * 3 hours after intoxication." If a glaucoma patient were to smoke marijuana 8 to 10 times every day for the rest of his life, would he be alert and energetic enough to live a relatively normal life? Would he develop other diseases? No scientific studies exist to answer these questions. Robert Randall claims to have saved his sight by smoking 8 to 10 marijuana cigarettes every day. Under oath he admits he stays at home most days, follows no daily schedule or routine, and has not held a regular job in over 15 years. He also has avoided having a comprehensive medical examination since 1975.

No scientific studies have shown marijuana can reduce eye pressure over long periods of time.

No scientific studies have shown marijuana can save eyesight.

America's top glaucoma experts reject marijuana as medicine. Doctor Keith Green is a professor of Ophthalmology who serves, or has served, on the editorial boards of eight prestigious eye journals (Ophthalmic Research, Oftalmo Abstracto, Current Eye Research, Experimental Eye Research, Investigative Opthalmology, American Journal of Ophthalmology, Archives of Ophthalmology, and Survey of Ophthalmology). Doctor Green has conducted extensive basic and clinical research using marijuana and THC to treat glaucoma patients. He has authored over 200 books or research articles in ophthalmology and is a highly respected expert on this subject. Doctor Green testified:

There is no scientific evidence * * * that indicates that marijuana is effective in regulating the progression of symptoms associated with glaucoma. * * * It is clear that there is no evidence that marijuana use prevents the progression of visual loss in glaucoma. * * * The quantities of the drug required to reduce intraocular pressure in glaucoma sufferers are large, and would require the inhalation of at least six marijuana cigarettes each day. * * * Smoking is not a desirable form of treatment for many reasons * * * [M]arijuana . . . has little potential future as a glaucoma medication.

Doctor George Spaeth is the Director of the Glaucoma Service at Wills Eye Hospital in Philadelphia, the largest service in the United States devoted to researching and treating glaucoma and to teaching other doctors about this disease. Doctor Spaeth is President of the American Glaucoma Society. He is a professor of ophthalmology, the editor of a scholarly eye journal (Ophthalmic Surgery), and the author of over 200 research articles on glaucoma. He testified:

I have not found any documentary evidence which indicates that a single patient has had his or her natural history of the disease altered by smoking marijuana.

Amputees and victims of MS can suffer from extreme muscle spasms. It is claimed marijuana is useful in treating spasticity. Three unusually small, inconclusive studies have tried using pure THC, not marijuana, to treat spasticity. D.J. Petro and C. Ellenberger, "Treatment of Human Spasticity with Delta-9-Tetrahydro-cannabinol," 21 Journal of Clinical Pharmacology 413S–416S (1981) (included only nine patients). Two of the studies are mere abstracts, or short digests, without much detail. Hanigan, Destee & Troung Abstr. B45, Clin. Pharmacol. Ther. 198 (1986) (included only five patients), and Sandyk, Cannoe, Stern and Snider Abstr. PP 331, 36 Neurology 342 (1986) (included only three patients).

No scientific studies exist which test marijuana to relieve spasticity.

National experts on MS reject marijuana as medicine. Doctor Kenneth P. Johnson is Chariman of the Department of Neurology at the University of Maryland School of Medicine. He manages that Maryland Center for MS, one of the most active MS research and treatment centers in the United States. He sits on the editiorial boards of noted medical journals related to MS (Neurology and Journal of Neuroimmunology). He is the author of over 100 scientific and medical articles on MS. Doctor Johnson has spent most of his long career researching MS and has diagnosed and treated more than 6,000 patients with MS. Doctor Johnson testified:

At this time, I am not aware of * * * any legitimate medical research in which marijuana was used to treat the symptoms of multiple sclerosis. * * * To conclude that marijuana is therapeutically effective without conducting rigorous testing would be professionally irresponsible.

Doctor Stephen Reingold is Assistant Vice President of Research for the National Multiple Sclerosis Society, which spends over $7 million each year

on MS research. Only the Federal Government spends more. Doctor Reingold testified:

> I could find no actual published research which has used marijuana * * * In the existing research using THC, the results were inconclusive * * * In the absence of any well-designed, well-controlled research * * *, the National Multiple Sclerosis Society * * * does not endorse or advocate its use * * *.

Doctor Donald H. Silberberg is Chairman of the Department of Neurology at the University of Pennsylvania School of Medicine and Chief of the Neurology Service at the Hospital of Pennsylvania. Doctor Silberberg is on the editorial board of Annals of Neurology and is President of the National Medical Advisory Board for the National Multiple Sclerosis Society. He has been actively researching and treating MS for most of his career, has written over 130 medical articles on MS and is Co-Director of a large MS research center at the University of Pennsylvania. Doctor Silberberg testified:

> I have not found any legitimate medical or scientific works which show that marijuana * * * is medically effective in treating multiple sclerosis or spasticity. * * * The long-term treatment of the symptoms of multiple sclerosis through the use of marijuana could be devastating. * * * [T]he use of (marijuana), especially for long-term treatment * * * would be worse than the original disease itself.

The only favorable evidence that could be found by NORML and DEA consists of stories by marijuana users who claim to have been helped by the drug. Scientists call these stories anecdotes. They do not accept them as reliable proofs. The FDA's regulations, for example, provide that in deciding whether a new drug is a safe and effective medicine, "isolated case reports * * * will not be considered." 21 CFR 314.126(e). Why do scientists consider stories from patients and their doctors to be unreliable?

First, sick people are not objective scientific observers, especially when it comes to their own health. We all have heard of the placebo effect. Patients have a tendency to respond to drugs as they believe is expected of them. Imagine how magnified this placebo effect can be when a suffering person experiments on himself, praying for some relief. Many stories no doubt are due to the placebo effect, not to any real medical effects of marijuana.

Second, most of the stories come from people who took marijuana at the same time they took prescription drugs for their symptoms. For example, Robert Randall claims marijuana has saved his sight, yet he has taken standard glaucoma drugs continuously since 1972. There is no objective way to tell from these stories whether it is marijuana that is helpful, or the proven, traditional medicines. Even these users can never know for sure.

Third, any mind-altering drug that produces euphoria can make a sick person think he feels better. Stories from patients who claim marijuana helps them may be the result of the mind-altering effects of the drug, not the results of improvements in their conditions.

Fourth, long-time abusers of marijuana are not immune to illness. Many eventually get cancer, glaucoma, MS and other diseases. People who become dependent on mind-altering drugs tend to rationalize their behavior. They invent excuses, which they can come to believe, to justify their drug dependence. Stories of marijuana's benefits from sick people with a prior history of marijuana abuse may be based on rationalizations caused by drug dependence, not on any medical benefits caused by the drug. Robert Randall, for example, admits under oath to becoming a regular user in 1968, four years before he showed the first signs of, and was diagnosed as having, glaucoma. Since then he has smoked marijuana 8 to 10 times every day.

A century ago many Americans relied on stories to pick their medicines, especially from snake oil salesmen. Thanks to scientific advances and to the passage of the Federal Food, Drug and Cosmetic Act (FDCA) in 1906, 21 U.S.C. 301 *et seq.*, we now rely on rigorous scientific proof to assure the safety and effectiveness of new drugs. Mere stories are not considered an acceptable way to judge whether dangerous drugs should be used as medicines

There are doctors willing to testify that marijuana has medical uses NORML found over a dozen to testify in this case. We have a natural tendency to believe doctors. We assume their opinions are entitled to respect. But what if a doctor is giving an opinion beyond his professional competence? Evaluating the safety and effectiveness of drugs is a specialized area. Does the doctor have this specialized expertise? Is he familiar with all the published scientific studies? Or is he improperly basing his opinion on mere stories or anecdotal evidence? Does he really know what he is talking about? Does he have a personal motive to exaggerate or lie? Questions like these led the United States Supreme Court, in 1973, to warn about the opinions of doctors concerning the value of drugs as medicine, when not supported by rigorous scientific testing, *Weinberger* v. *Hynson, Etc.*, 412 U.S. 609, 639:

> [I]mpressions or beliefs of physicians, no matter how fervently held, are treacherous.

Nearly half the doctors who testified for NORML are psychiatrists. They do not specialize in treating or researching cancer, glaucoma or MS. One is a general practitioner who works as a wellness counselor at a health spa. Under oath he admits to using every illegal, mind-altering drug he has ever studied, and he prides himself on recommending drugs that would never be recommended by medical schools or reputable physicians. Another is a general practitioner who quit practicing in 1974. He admits he has not kept up on new medical and scientific information about marijuana for 18 years.

Only one of the doctors called by NORML is a nationally-recognized expert. Doctor John C. Merritt is a board-certified ophthalmologist and researcher who has authored articles on the use of marijuana and cannabinoids to reduce eye pressure. He is in private practice and sees mostly children who suffer from glaucoma. Doctor Merritt testified, "[M]arijuana is a highly effective IOP-lowering drug which may be of critical value to some glaucoma patients who, without marijuana, would progressively go blind." The last scientific study using marijuana in glaucoma patients, published by Doctor Merritt in 1979, concluded:

> It is because of the frequency and severity with which the untoward events occurred that marijuana inhalation is not an ideal therapeutic modality for glaucoma patients.

One year later, in 1980, Doctor Merritt gave the following testimony, under oath, before the United States Congress, House Select Committee on Narcotics Abuse and Control:

> For me to sit here and say that the lowering pressure effects occurred repeatedly, day in and day out, I have no data, and neither does anyone else, and that is the real crux of the matter. When we are talking about treating a disease like glaucoma, which is a chronic disease, the real issue is, does the marijuana repeatedly lower the intraocular pressure? I have shown you no * * * studies, and to my knowledge there is no data to that effect.

Doctor Merritt was unable to explain, under oath, the contradictory positions he has taken on this subject.

Each of NORML's doctors testified his opinion is based on the published scientific studies. With one exception, none of them could identify under oath the scientific studies they swore they relied on. Only one had enough knowledge to discuss the scientific technicalities involved. Eventually, each

one admitted he was basing his opinion on anecdotal evidence, on stories he heard from patients, and on his impressions about the drug.

Sadly, Doctor Ivan Silverberg, an oncologist from San Francisco, exaggerated while on the witness stand. At first he swore "there is voluminous medical research which shows marijuana is effective in easing nausea and vomiting." Pushed on cross-examination to identify this voluminous research, Doctor Silverberg replied, "Well * * *, I'm going to have to back off a little bit from that." How far would Doctor Silverberg back off? Was he aware, at least, of the approximate number of scientific studies that have been done using marijuana to treat nausea? Under oath, he replied, "I would doubt very few. But, no, I'm not."

Beyond doubt, the claims that marijuana is medicine are false, dangerous and cruel.

Sick men, women and children can be fooled by these claims and experiment with the drug. Instead of being helped, they risk serious side effects. If they neglect their regular medicines while trying marijuana, the damage could be irreversible. It is a cruel hoax to offer false hope to desperately ill people.

Those who insist marijuana has medical uses would serve society better by promoting or sponsoring more legitimate scientific research, rather than throwing their time, money and rhetoric into lobbying, public relations campaigns and perennial litigation.

Clarification of Currently Accepted Medical Use

The Controlled Substances Act of 1970 divides the universe of all durgs of abuse into five sets or schedules. Drugs in Schedule I are subject to the most severe controls, because they have a high potential for abuse and no currently accepted medical use in treatment in the United States. 21 U.S.C. 812 (b)(1). Drugs of abuse which have currently accepted medical use in treatment in the United States are placed in Schedules II, III, IV and V. Regrettably, the Controlled Substances Act does not speak directly to what is meant by "currently accepted medical use."

A century before the Controlled Substances Act was enacted, the determination of what drugs to accept as medicine was totally democratic and totally standardless. Each patient and each physician was free to decide for himself, often based on no more than anecdotal evidence. This state of affairs became unsatisfactory to a majority of the American people. In 1906, Congress intervened with the passage of the Food, Drug and Cosmetic Act (FDCA). A shift began away from anecdotal evidence to objectively conducted scientific research, away from uninformed opinions of lay persons and local doctors to expert opinions of specialists trained to evaluate the safety and effectiveness of drugs, and away from totally democratic decision-making to oversight by the Federal Government.

By 1969, Congress had developed detailed Federal statutory criteria under the FDCA to determine whether drugs are acceptable for medical use. Those deemed acceptable can be marketed nationally. Those deemed unacceptable are subject to Federal seizure if marketed interstate. The FDCA is a very complex regulatory scheme not easily summarized. However, it is fair to say that drugs falling into one of four FDCA categories were accepted by Congress for medical use.

First, Congress accepted new drugs which have been approved by FDA's experts as safe and effective for use in treatment, based on substantial scientific evidence. 21 U.S.C. 321(p) and 355 (so-called "NDA-approved drugs").

Second, Congress accepted those drugs "generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective," based on substantial scientific evidence. 21 U.S.C. 321(p) and 355; *Weinberger* v. *Bentex Pharmaceuticals, Inc.*, 412 U.S. 645 (1973). An acronym for this category is "human GRASE drugs" (Generally Recognized As Safe and Effective). These drugs achieve acceptance through rigorous scientific proof, through a past history of widespread use in treatment in the United States, and through recognition by a consensus of drug experts outside the FDA.

Third, Congress accepted for use in veterinary medicine those drugs "generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of animal drugs, as safe and effective," based on substantial scientific evidence. 21 U.S.C. 321(w) and 355. An acronym for these is "animal GRASE drugs." They achieve acceptance through rigorous scientific evidence and through recognition by a consensus of drug experts outside the FDA. Unlike human GRASE drugs, animal GRASE drugs need not have a past history of widespread use.

Finally, Congress accepted those drugs marketed prior to 1938 which had been subject to the 1906 provisions of the FDCA, provided these very old drugs retain their exact formulations and are never promoted for new uses. 21 U.S.C. 321(p) and (w). These are politically "grandfathered" drugs. They need not meet modern standards for safety and effectiveness.

A fifth group of drugs was accepted for research use only, not for use in treatment of patients. 21 U.S.C. 355(i) (so-called "IND or approved investigational new drugs").

Drugs intended for medical use and shipped interstate are subject to Federal seizure under the FDCA if they do not fit within one of the above accepted sets or groupings. It seems fair to say that seizable drugs were rejected by Congress for medical uses.

In enacting the Controlled Substances Act in 1970, could Congress have intended to create a totally new Federal standard for determining whether drugs have accepted medical uses? Or did Congress intend to rely on standards it had developed over the prior 64 years under the FDCA? There is nothing in the Controlled Substances Act, its legislative history, or its purposes that would indicate Congress intended to depart radically from existing Federal law.

Indeed, it seems likely that the core standards developed under the FDCA represent a long-term consensus of expert medical and scientific opinion concerning when a drug should be accepted by anyone as safe and effective for medical use.

Fortunately, there is a way to corroborate what Congress intended. Congress did more than just announce criteria for scheduling drugs of abuse under the Controlled Substances Act; Congress applied those criteria to an initial listing of drugs that it placed into the original five schedules of the Act.

NDA-approved drugs were placed by Congress into Schedules II, III, IV and V of the Act. For example, pethidine (also known as meperidine) received New Drug Application (NDA) approval in 1942. Congress put it into Schedule II(b)(14). Methamphetamine had an approved NDA. Congress put it into Schedule III(a)(3). I am not aware of any drug with an approved NDA that Congress originally put into Schedule I.

Drugs with medical uses, but without approved NDA's also were placed by Congress into Schedules II, III, IV and V. For example, cocaine was put into Schedule II(a)(4). Codeine combinations were put into Schedules III(d)(1) and V. Morphine combinations were put into Schedule III(d)(8). Phenobarbital was put into Schedule IV(11). Barbiturates were put into Schedule III(b)(1). Amphetamines were put into Schedule III(a)(1).

The Court of Appeals for the First Circuit was correct when it decided in

Grinspoon v. *DEA*, 828 F.2d 881 (1987) that NDA approval is not the only method by which drugs can achieve Federal recognition as having medical uses. Congress put both GRASE drugs and pre-1938-grandfathered drugs into Schedules II, III, IV and V of the CSA.

Drugs recognized under the FDCA for research use only, not for use in treatment, such as alphacetylmethadol and marijuana, were placed by Congress into Schedule I.

Unfortunately, Federal records are not complete enough to do a comprehensive mathematical mapping, tracing every drug in the initial Controlled Substances Act schedules back to its legal status under the FDCA. Nevertheless, determining legislative intent does not require mathematical certainty. Probability based on circumstantial evidence, on samplings, and on inductive reasoning can suffice, especially when there is nowhere else to turn.

The pattern of initial scheduling of drugs in the Controlled Substance Act, viewed in light of the prior legal status of these drugs under the FDCA, convinces me that Congress equated the term "currently accepted medical use in treatment in the United States" as used in the Controlled Substances Act with the core FDCA standards for acceptance of drugs for medical use.

This is not to say that every FDCA requirement for GRASE status, or for NDA approval, is pertinent to scheduling determinations under the Controlled Substances Act. There are differences. But the core FDCA criteria appear to have guided the Congress in the decisions it made concerning the initial scheduling of drugs in the Act.

These same core FDCA criteria served as the basis for an eight-point test used by my predecessor as Administrator to describe drugs with currently accepted medical uses. 54 FR 53783 (December 29, 1989):

1. Scientifically determined and accepted knowledge of its chemistry;
2. The toxicology and pharmacology of the substance in animals;
3. Establishment of its effectiveness in humans through scientifically designed clinical trials;
4. General availability of the substance and information regarding the substance and its use;
5. Recognition of its clinical use in generally accepted pharmacopeia, medical references, jounals or textbooks;
6. Specific indications for the treatment of recognized disorders;
7. Recognition of the use of the substance by organizations or associations of physicians; and
8. Recognition and use of the substance by a substantial segment of the medical practitioners in the United States.

Some uncertainty remains over the precise meaning and application of parts of this test. Therefore, the Court of Appeals for the District of Columbia Circuit remanded these proceedings for a further explanation. In addition to addressing those parts of the test that concerned the Court of Appeals, it would be useful to clarify the entire test, pinpoint its origins, and identify which elements are both necessary and sufficient to establish a prima facie case of currently accepted medical use. This is not an effort to change the substantive law. The statutory meaning of currently accepted medical use remains the same as enacted by Congress in 1970. My purpose simply is to clarify this Agency's understanding of the law.

A. The Drug's Chemistry Must Be Known and Reproducible

The ability to recreate a drug in standardized dosages is fundamental to testing that drug and to using it as a medicine. Knowing the composition, properties, methods of production, and methods of analysis of a drug is essential to reproducing it in standardized dosages. To be GRASE or to receive NDA approval, a drug's chemistry must be known and reproducible. See *e.g.*, 21 CFR 314.50(d)(1) and 314.126(b)(7)(d); *Dorovic* v. *Richardson*, 749 F.2d 242, 251 (7th Cir. 1973). The listing of a drug in a current edition of one of the official compendia normally satisfies this requirement. 21 U.S.C. 321(j); 21 CFR 314.50(d)(1).

The first element of our eight-point test, namely, "scientifically determined and acccepted knowledge of its chemistry," should be clarified to read:

> The substance's chemistry must be scientifically established to permit it to be reproduced into dosages which can be standardized. The listing of the substance in a current edition of one of the official compendia, as defined by section 201(j) of the Food, Drug and Cosmetic Act, 21 U.S.C. 321(j), is sufficient generally to meet this requirement.

Acceptance of this knowledge will be discussed elsewhere.

B. There Must Be Adequate Safety Studies

No drug can be considered safe in the abstract. Safety has meaning only when judged against the intended use of the drug, its known effectiveness, its known and potential risks, the severity of the illness to be treated, and the availability of alternative therapies. *Hess & Clark Division of Rhodia, Inc.* v. *FDA*, 495 F.2d 975, 993 (D.C. Cir. 1974). To know the risks, there must be adequate studies, by all methods reasonably applicable, to show the pharmacological and toxicological effects of the drug. 21 CFR 314.125(b)(2). This includes animal studies and clinical trials in large numbers of humans. 21 CFR 312.21. The studies need not be well-controlled, but they must be adequate. *Edison Pharmaceuticals Co.* v. *FDA*, 600 F.2d 831 (D.C. Cir. 1979). Short term (acute) studies of a drug intended to treat long-term (chronic) illnesses, such as glaucoma or MS, are clearly inadequate. *United States* v. Naremco, Inc., 553 F.2d 1138, 1143 (8th Cir. 1977). The second element of our eight-point test, namely, "the toxicology and pharmacology of the substance in animals," should be clarified as follows:

> There must be adequate pharmacological and toxicological studies, done by all methods reasonably applicable, on the basis of which it could fairly and responsibly be concluded, by experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, that the substance is safe for treating a specific, recognized disorder.

It must be emphasized that while the existence of adequate safety tests is a separate analytical question, the ultimate determination of whether a drug is safe for a specific use is not a distinct issue. Safety and effectiveness are inextricably linked in a risks-benefits calculation. A determination that a drug is ineffective is tantamount to a determination that it is unsafe. *United States* v. *Rutherford*, 442 U.S. 544 (1970).

The scheduling criteria of the Controlled Substances Act appear to treat the lack of medical use and lack of safety as separate considerations. Prior rulings of this Agency purported to treat safety as a distinct factor. 53 FR 5156 (February 22, 1988). In retrospect, this is inconsistent with scientific reality. Safety cannot be treated as a separate analytical question.

C. There Must Be Adequate and Well-Controlled Studies Proving Efficacy

Since 1962, Congress has prohibited the FDA to approve an NDA unless the applicant submits adequate, well-contolled, well-designed, well-conducted, and well-documented studies, performed by qualified investigators, which prove the efficacy of a drug for its intended use. 21 U.S.C. 355(d); 21 CFR 314.126. Similarly, a drug cannot be considered GRASE unless it is supported by this same quantity and quality of scienfitic proof. 21 CFR 314.200(e)(i); *Weinberger* v. *Hynson, Etc.*, 412 U.S. 609, 629 (1973).

Studies involving related, but not identical, drugs are irrelevant. *United States* v. *Articles of Food & Drug*, 518 F.2d 743, 747 (5th Cir. 1975). Studies involving the same drug combined with other drugs are irrelevant. *United States* v. *Articles of Drug * * * Promise Toothpaste, 826 F.2d 564, 570 (7th Cir. 1987). Incomplete studies are insufficient. United States* v. *Articles of Food & Drug, supra.* Uncontrolled studies are insufficient. 21 U.S.C. 355(d); *Cooper Labs* v. *FDA*, 501 F.2d 772, 778 (D.C. Cir. 1974). Statistically insignificant studies are insufficient. 21 CFR 312.21, 314.50(d)(6) and 314.126(b)(7). Poorly designed studies are insufficient. 21 CFR 314.126(b)(2). Poorly conducted studies are insufficient. 21 CFR part 58—Good Laboratory Practices. Poorly documented studies are insufficient. 21 CFR 312.58 and 314.200(e)(4). Studies by investigators who are not qualified, both to conduct and to evaluate them are insufficient. 21 U.S.C. 355(d). Moreover, since scientific reliability requires a double examination with similar results, one valid study is insufficient. There must be two or more valid studies which corroborate each other. See 1 J. O'Reilley "Food and Drug Administration" 13–55 n.12 (1985).

Lay testimonials, impressions of physicians, isolated case studies, random clinical experience, reports so lacking in details they cannot be scientifically evaluated, and all other forms of anecdotal proof are entirely irrelevant. 21 CFR 314.126(e); *Weingerger* v. *Hynson, Etc.*, 412 U.S. 609, 630 (1973).

Element three of our eight-point test, namely, "establishment of its effectiveness in humans through scientifically designed clinical trials," should be restated as:

> There must be adequate, well-controlled, well-designed, well-conducted and well-documented studies, including clinical investigations, by experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, on the basis of which it could fairly and responsibly be concluded by such experts that the substance will have the intended effect in treating a specific, recognized disorder.

D. Acceptance by Qualified Experts Is Required

The opinions of lay persons are totally irrelevant to whether a drug is GRASE or meets NDA requirements. The observations and opinions of medical practioners who are not experts in evaluating drugs also are irrelevant to whether a drug is GRASE or meets NDA requirements. *Weinberger* v. *Hynson, Etc.*, 412 U.S. 609, 619 (1973). By explicit requirements in the FDCA since 1938, the only body of opinion that counts is that of experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs. 21 U.S.C. 321 (p) and (w).

From this, one would conclude that expert acceptance of a drug as safe and effective for its intended use is essential to a drug having a currently accepted medical use under the CSA. How widespread must this expert acceptance be?

To be GRASE, a drug must be "generally recognized" among experts as safe and effective for its intended use. The drug must be known or familiar to the national community of relevant experts. *United States* v. *Articles of Drug* * * *Furestrol Vaginal Suppositories*, 294 F. Supp. 1307, 1309 (N.D. Ga. 1968) *aff'd*, 415 F.2d 390 (5th Cir. 1969). To determine if a drug is known to the community of experts, courts have looked to whether there is widely available scientific literature about the drug, *Premo Pharmaceutical Laboratories, Inc.* v. *United States*, 629 F.2d 795, 803 (2d Cir. 1980), whether it is widely taught in medical schools, *Lemmon Pharmaceuticals Co.* v. *Richardson*, 319 F. Sup. 375, 378 (E.D. Pa. 1970), and whether it is widely discussed by experts. *United States* v. *Bentex Ulcerine*, 469 F. 2d 875, 880 (5th Cir. 1972).

The recognition of a drug as GRASE need not be universal. General recognition is sufficient. *United States* v. *41 Cartons* * * *Ferro-Lac*, 420 F.2d 1126, 1132 (5th Cir. 1970). The Supreme Court has interpreted this to mean a consensus of experts is familiar with and accepts a drug as safe and effective. *Weinberger* v. *Hynson, Etc.*, 412 U.S. 609, 629 (1973). However, if there is a serious dispute among the experts, a drug cannot be considered GRASE. *United States* v. *An Article of Food* * * *Coco Rico*, 752 F.2d 11, 15 (1st Cir. 1985); *Merrit Corp.* v. *Folsom*, 165 F. Supp. 418, 421 (D.D.C. 1958).

During the NDA process, the FDA may reach out to the expert community for its views. 21 CFR 314.103(c)(3). The FDA need not determine that a drug is generally known and accepted by the expert community. Nor must the FDA develop a consensus of opinion among outside experts. The FDA has both the experts and the statutory mandate to resolve conflicts over the safety and efficacy of new drugs. *Weinberger* v. *Bentex Pharmaceuticals, Inc.*, 412 U.S.C 638, 653 (1973).

In drafting the Controlled Substances Act, Congress appears to have accommodated, rather than chosen from these different FDCA standards. Clearly, the Controlled Substances Act does not authorize the Attorney General, nor by delegation the DEA Administrator, to make the ultimate medical and policy decision as to whether a drug should be used as medicine. Instead, he is limited to determing whether others accept a drug for medical use. Any other construction would have the efect of reading the word "accepted" out of the statutory standard. Since Congress recognized NDA-approved drugs as having currently accepted medical uses, without any need for a national consensus of experts, FDA acceptance of a drug through the NDA process would seem to satisfy the Controlled Substances Act. And, since Congress recognized GRASE drugs as having currently accepted medical uses, without the need for NDA approval, acceptance of a drug by a national consensus of experts also would seem to satisfy the Act.

When a drug lacks NDA approval and is not accepted by a consensus of experts outside FDA, it cannot be found by the Attorney General or his delegate to have a currently accepted medical use. To do so would require the Attorney Genral to resolve complex scientific and medical disputes among experts, to decide the ultimate medical policy question, rather than merely determine whether the drug is accepted by others.

Because the recognition of a drug by non-experts is irrelevant to GRASE status, to NDA approval, and to currently accepted medical use under the Controlled Substances Act, points seven and eight of our eight-point test should be combined and restated as follows:

> The drug has a New Drug Application (NDA) approved by the Food and Drug Administration pursuant to the Food, Drug and Cosmetic Act, 21 U.S.C. 355. Or, a consensus of the national community of experts, qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, accepts the safety and effectiveness of the substance for use in treating a specific, recognized disorder. A material conflict of opinion among experts precludes a finding of consensus.

This restatement also incorporates the component of part one of our eight-point test concerning "accepted knowledge of its chemistry."

E. The Scientific Evidence Must Be Widely Available

Nothing in the FDCA, nor in FDA's regulations, requires that scientific evidence supporting an NDA be published. This stems from the fact that a consensus of experts outside FDA is

not required for NDA approval. In contrast, most courts have held that a drug cannot be considered GRASE unless the supporting scientific evidence appears in the published scientific and medical literature. Without published studies, it would be difficult for the community of experts outside FDA to develop an informed acceptance of a drug for medical use. *Cooper Labs Inc. v. FDA*, 501 F.2d 772, 786 (D.C. Cir. 1974).

Point four of the eight-point test focuses, in part, on the "general availability of information regarding the substance and its use." This should be clarified to read:

> In the absence of NDA approval, information concerning the chemistry, pharmacology, toxicology and effectiveness of the substance must be reported, published, or otherwise widely available, in sufficient detail to permit experts, qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, to fairly and responsibly conclude the substance is safe and effective for use in treating a specific, recognized disorder.

F. General Availability of a Drug Is Irrelevant

The second component of point four of the eight--point test involves the "general availability of the substance" for use in treatment. The second component of point eight focuses on "use of the substance by a substantial segment of the medical practitioners in the United States." These elements justifiably concerned the Court of Appeals, leading to the remand in this case.

Under the FDCA, a human GRASE drug must have a material history of past use in treatment in the United States. 21 U.S.C. 321(p)(2) (which has * * *, otherwise than in such investigations, been used to a material extent or a material time); *Weinberger* v. *Hynson, Etc.*, 412 U.S. 609, 631 (1973). Rigorous scientific proofs and current unanimous acceptance by the medical and scientific community are not enough for a human drug to be GRASE. *Tri-Bio Labs, Inc.* v. *United States*, 836 F.2d 135, 142 n.8 (3d Cir. 1987). The general availability of a drug for use in treatment is a factor courts have considered to determine if a human drug is GRASE.

In contrast, a drug can achieve current acceptance for human medical use through the NDA process without a past history of use in treatment. Also, animal drugs can become accepted as GRASE without any past history of medical use. Given this conflict in FDCA standards, which did Congress choose when drafting the CSA?

As the Court of Appeals points out, requiring a material history of past use in treatment before recognizing a drug as having a currently accepted medical use, would permanently freeze all Schedule I drugs into Schedule I. 930 F.2d at 940. Clearly, Congress did not intend this result. Moreover, the use of the word "currently" before the term "accepted medical use" would indicate Congress rejected the human GRASE requirement of past material use in treatment. I conclude that the general availability of a drug is irrelevant to whether it has a currently accepted medical use in treatment within the meaning of the Controlled Substances Act.

G. Recognition in Generally Accepted Texts Is Irrelevant

Point five of the eight-point test deals with "recognition of its clinical use in generally accepted pharmacopeia, medical references, journals or textbooks." The listing of a drug in an official compendium is sufficient to show its chemistry is scientifically established. This appears in my clarification to point one. The requirement that information concerning the chemistry, pharmacology, toxicology and effectiveness of the substance be reported, published or otherwise widely available, is explained adequately in revised point four. To the extent the scheduling of a drug directly influences its recognition in publications, this element is subject to the same criticism identified by the Court of Appeals concerning point four. Therefore, this should not be treated as a distinct requirement.

H. Specific, Recognized Disorders Are the Referent

It is impossible to judge the safety and effectiveness of a drug except in relation to a specific intended use. A drug cannot obtain NDA approval or GRASE status except in relation to the treatment of a specific, recognized disorder. This is an essential aspect of whether a drug has currently accepted medical use. Rather than standing alone, this requirement will be more clearly understood by incorporating it into the other critical elements.

To summarize, the five necessary elements of a drug with currently accepted medical use in treatment in the United States are:

(i) The Drug's Chemistry Must Be Known and Reproducible

> The substance's chemistry must be scientifically established to permit it to be reproduced into dosages which can be standardized. The listing of the substance in a current edition of one of the official compendia, as defined by section 201(j) of the Food, Drug and Cosmetic Act, 21 U.S.C. 321(j), is sufficient generally to meet this requirement.

(ii) There Must Be Adequate Safety Studies

> There must be adequate pharmacological and toxicological studies done by all methods reasonably applicable on the basis of which it could fairly and responsibly be concluded, by experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, that the substance is safe for treating a specific, recognized disorder.

(iii) There Must Be Adequate and Well-Controlled Studies Proving Efficacy

> There must be adequate, well-controlled, well-designed, well-conducted and well-documented studies, including clinical investigations, by experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs on the basis of which it could fairly and responsibly be concluded by such experts, that the substance will have its intended effect in treating a specific, recognized disorder.

(iv) The Drug Must Be Accepted by Qualified Experts

> The drug must have a New Drug Application (NDA) approved by the Food and Drug Administration, pursuant to the Food, Drug and Cosmetic Act. 21 U.S.C. 355. Or, a consensus of the national community of experts, qualified by scientific training and experience to evaluate the safety and effectivenss of drugs, must accept the safety and effectiveness of the substance of use in treating a specific, recognized disorder. A material conflict of opinion among experts precludes a finding of consensus.

(v) The Scientific Evidence Must Be Widely Available

> In the absence of NDA approval, information concerning the chemistry, pharmacology, toxicology and effectiveness of the substance must be reported, published, or otherwise widely available in sufficient detail to permit experts, qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, to fairly and responsibly conclude the substance is safe and effective for use in treating a specific, recognized disorder.

Together these five elements constitute prima facie evidence that a drug has currently accepted medical use in treatment in the United States. In the interest of total clarity, let me emphasize those proofs that are irrelevant to the determination of currently accepted medical use, and that will not be considered by the Administrator:

(i) Isolated case reports;

(ii) Clinical impressions of practitioners;

(iii) Opinions of persons not qualified by scientific training and experience to evaluate the safety and effectiveness of the substance at issue;

(iv) Studies or reports so lacking in detail as to preclude responsible scientific evaluation;

(v) Studies or reports involving drug substances other than the precise substance at issue;

(vi) Studies or reports involving the substance at issue combined with other drug substances;

(vii) Studies conducted by persons not qualified by scientific training and experience to evaluate the safety and effectivness of the substance at issue;

(viii) Opinions of experts based entirely on unrevealed or unspecified information;

(ix) Opinions of experts based entirely on theoretical evaluations of safety or effectiveness.

Bad Medicine By Any Standard

My predecessor as DEA Adminstrator developed and relied upon an eight-point test to determine whether marijuana has accepted medical uses. 54 FR 53783 (December 29, 1989):

1. Scientifically determined and accepted knowledge of its chemistry;
2. the toxicology and pharmacology of the substance in animals;
3. Establishment of its effectiveness in humans through scientifically designed clinical trials;
4. General availability of the substance and information regarding the substance and its use;
5. Recognition of its clincial use in generally accepted pharmacopeia, medical references, journals or textbooks;
6. Specific indications for the treatment of recognized disorders;
7. Recognition of the use of the substance by organizations or associations of physicians; and
8. Recognition and use of the substance by a substantial segment of the medical practitioners in the United States.

The Court of Appeals remanded the decision of my predecessor for clarification of what role factors (4), (5) and (8) of the initial eight-point test played in his reasoning. For ease of discussion, these factors can be divided as follows:

(4)(a) General availability of the substance * * *;

(4)(b) General availability of * * * information regarding the substance and its use;

(5) Recognition of its clinical use in generally accepted pharmacopeia, medical references, journals or textbooks;

(8)(a) Recognition * * * of the substance by a substantial segment of the medical practitioners in the United States; and

(8)(b) [U]use of the substance by a substantial segment of the medical practitioners in the United States.

I have found no evidence indicating initial factors (4)(a) or (8)(b) played any role in my predecessor's decision. In light of my understanding of the legal standard involved, these factors are irrelevant to whether marijuana has a currently accepted medical use.

My predecessor emphasized the lack of scientific evidence of marijuana's effectiveness, and the limited data available on its risks, as reflected in the published scientific studies. He also emphasized the importance of this data to the conclusions reached by experts concerning the drug. 54 FR 53783. I take this to mean that, under initial factor (4)(b), he believed the information available to experts is insufficient for them responsibly and fairly to conclude the marijuana is safe and effective for use as medicine.

Marijuana is not recognized as medicine in generally accepted pharmacopeia, medical references and textbooks, as noted by my predecessor. 54 FR 53784. I take this to mean, under initial factor (5), that he determined that marijuana's chemistry is neither known, nor reproducible, as evidenced by its absence from the official pharmacopeia. Finally, my predecessor concluded, under initial factor (8)(a), that the vast majority of physicians does not accept marijuana as having medical use. 54 FR 53784. Along the way, he found that highly respected oncologists and antiemetic researchers reject marijuana for use in controlling nausea and vomiting, 54 FR 53777, that experts experienced in researching glaucoma medications reject marijuana for use in treating glaucoma, 54 FR 53779, and that noted neurologists who specialize in treating and conducting research in spasticity reject marijuana for use by MS patients, 54 FR 53780. I take this to mean my predecessor found no national consensus of qualified experts accepts marijuana's value as medicine.

Certainly I cannot know my predecessor's unstated reasoning. However, I have reviewed the entire record *de novo*, and I am convinced that his application of the initial eight-point test to this record correctly resulted in the conclusion that marijuana has no currently accepted medical use in treatment in the United States. Therefore, I adopt in their entirety the findings of facts and conclusions of law reached by the former Administrator in his final order of December 21, 1989, 54 FR 53767.

Pursuant to the remand of the Court of Appeals, I have condensed and clarified the initial standard into a five-point test. My application of the refined, five-point test to this record is set out briefly below.

First, marijuana's chemistry is neither fully known, nor reproducible. Thus far, over 400 different chemicals have been identified in the plant. The proportions and concentrations differ from plant to plant, depending on growing conditions, age of the plant, harvesting and storage factors. THC levels can vary from less than 0.2% to over 10%. It is not known how smoking or burning the plant material affects the composition of all these chemicals. It is not possible to reproduce the drug in dosages which can be considered standardized by any currently accepted scientific criteria. Marijuana is not recognized in any current edition of the official compendia. 21 U.S.C. 321(j).

Second, adequate safety studies have not been done. All reasonably applicable pharmacological and toxicological studies have not been carried out. Most of the chronic animal studies have been conducted with oral or intravenous THC, not with marijuana. Pharmacological data on marijuana's bioavailability, metabolic pathways and pharmacokinetics in inadequate. Studies in humans are too small and too few. Sophisticated epidemiological studies of marijuana use in large populations are required, similar to those done for tobacco use. Far too many questions remain unknown for experts fairly and responsibly to conclude marijuana is safe for any use.

Third, there are no adequate, well-controlled scientific studies proving marijuana is effective for anything.

Fourth, marijuana is not accepted for medical use in treatment by even a respectable minority, much less a consenus, of experts trained to evaluate drugs. The FDA's expert drug evaluators have rejected marijuana for medical use. No NDA has been approved by FDA for marijuana. The testimony of nationally recognized experts overwhelmingly rejects marijuana as medicine, compared to the scientifically empty testimony of the psychiatrists, a wellness counselor and general practitioners presented by NORML.

Fifth, given my conclusions on points one, two and three, it follows that the published scientific evidence is not adequate to permit experts to fairly and responsibly conclude that marijuana is safe and effective for use in humans.

A failure to meet just one of the five points precludes a drug from having a currently accepted medical use. Marijuana fails all five points of the test.

NORML has argued, unsuccessfully, that the legal standard for currently accepted medical use should be whether a respectable minority of physicians accepts the drug. The key to this medical malpractice defense is that the minority opinion must be recognized as respectable, as competent, by members of the profession.

In the absence of reliable evidence adequately establishing marijuana's chemistry, pharmacology, toxicology and effectiveness, no responsible physician could conclude that marijuana

is safe and effective for medical use. To quote Doctor Kenneth P. Johnson, Chairman of the Department of Neurology at the University of Maryland, and the author of over 100 scientific and medical articles on MS: "To conclude that marijuana is therapeutically effective without conducting rigorous testing would be professionally irresponsible."

By any modern scientific standard, marijuana is no medicine.

Under the authority vested in the Attorney General by section 201(a) of the Controlled Substances Act, 21 U.S.C. 811(a), and delegated to the Administrator of the Drug Enforcement Administration by regulations of the Department of Justice, 28 CFR 0.100(b), the Administrator hereby orders that marijuana remain in Schedule I as listed in 21 CFR 1308.11(d)(14).

Dated: March 18, 1992.

Robert C. Bonner,

Administrator.

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NUCLEAR REGULATORY COMMISSION

ENVIRONMENTAL PROTECTION AGENCY

Proposed Guidance Document on the Testing of Mixed Radioactive and Hazardous Waste

AGENCIES: Nuclear Regulatory Commission, Environmental Protection Agency.

ACTION: Notice of availability and request for public comment.

SUMMARY: The Nuclear Regulatory Commission (NRC) and the Environmental Protection Agency (EPA) are jointly issuing a proposed guidance document on the testing of mixed radioactive and hazardous waste (mixed waste). This guidance document was developed to assist mixed waste generators in identifying and performing the testing required under the Federal regulations that implement the Resource Conservation and Recovery Act Subtitle C hazardous waste program and to ensure that employee radiation exposures are maintained As Low As Reasonably Achievable (ALARA). The agencies are soliciting comments from interested members of the regulated community, the States, and the public.

Interested individuals may provide the agencies with their comments on the proposed guidance document by forwarding their written comments to the NRC at the address listed in the "**ADDRESSES**" section. Interested parties may also participate in a public meeting being held to solicit oral comments on the proposed guidance document. Interested individuals will be given an opportunity to speak for fifteen minutes at this meeting. This time allowance may be extended, on request for good cause, if the schedule of speakers permits this extension.

DATES: The agencies will accept written comments until May 26, 1992. Individuals submitting comments after this date cannot be assured that the agencies will be able to afford their comments full consideration in any revisions that may be made to the proposed guidance document.

The public meeting to solicit oral comments on the proposed guidance document will be held on April 14, 1992, from 8:30 a.m. until 4:30 p.m. at the Mayflower/Stouffer Hotel, New York Room 1127 Connecticut Avenue NW., Washington, DC 20036, telephone (202) 347-3000.

ADDRESSES: Copies of the proposed guidance document may be obtained by contacting Dominick A. Orlando, NRC Mixed Waste Project Manager, Division of Low-Level Waste Management and Decommissioning, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 504-2566.

Written comments on the proposed guidance document should be directed to David L. Meyer, Chief, Regulatory Publications Branch, Division of Freedom of Information and Publications Service, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555 or hand delivered to the Commission's offices at 7920 Norfolk Avenue, Bethesda, MD between the hours of 7:45 a.m. and 4:14 p.m. on Federal workdays.

Requests to speak at the public meeting should be submitted, in writing, to EPA. The written request should be addressed to Reid Rosnick, Mixed Waste Coordinator, Permits and State Programs Branch, Office of Solid Waste (OS-342), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Interested speakers should include in the written request a statement identifying the topics to be addressed in their presentations, the names and affiliations of the individual(s) that will speak, and the amount of time the speaker(s) will require. A transcript of the oral proceedings will be included in the record for this action.

FOR FURTHER INFORMATION CONTACT: Dominick A. Orlando, Mixed Waste Project Manager, Division of Low-Level Waste Management and Decommissioning, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (303) 504-2566 or; Reid Rosnick, Mixed Waste Coordinator, Permits and State Programs Division, Office of Solid Waste, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, telephone (202) 260-4755.

Dated at Rockville, MD this 19th day of March, 1992.

For the U.S. Nuclear Regulatory Commission.

Robert M. Bernero,

Director, Office of Nuclear Material Safety and Safeguards.

For the U.S. Environmental Protection Agency.

Sylvia K. Lowrance,

Director, Office of Solid Waste.

[FR Doc. 92-7031 Filed 3-25-92; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Circular No. A-76: Performance of Commercial Activities; Amendment

AGENCY: Office of Management and Budget.

ACTION: Issuance of Transmittal Memorandum No. 11, amending OMB Circular No. A-76, "Performance of Commercial Activities."

SUMMARY: This notice contains Transmittal No. 11, dated February _____, 1992, to OMB Circular No. A-76, "Performance of Commercial Activities."

This Transmittal Memorandum updates the Federal pay raise assumptions and inflation factors used for computing the Government's in-house personnel and non-pay cost increases for Fiscal Years 1992 through 1997. The Federal pay raise assumptions and the non-pay category rates are contained in the President's Budget for Fiscal Year 1993. The factors contained in OMB Circular No. A-76, Transmittal Memorandum No. 10, dated February 28, 1991, are outdated.

The revision does not require any agency to (1) create or maintain a duplicate control/monitoring/reporting system or (2) adopt any additional controls, not presently in compliance with Federal Acquisition Regulations (FAR).

FOR FURTHER INFORMATION CONTACT: Mr. David Childs, Federal Services Branch, General Management Division,

Office of Management and Budget, (202) 395–5090.

Attached to this notice is the material for inclusion in the **Federal Register** Transmittal Memorandum No. 11. The notice is signed by the office head.

Sincerely,

Frank Hodsoll,

Deputy Director for Management.

Attachment

Executive Office of the President,
Office of Management and Budget,
Washington, DC 20503
March 19, 1992.

Deputy Director for Management

Circular No. A–76 Revised
Transmittal Memorandum No. 11

To the Heads of Executive Departments and Agencies

Subject: Performance of Commercial Activities.

This Transmittal Memorandum updates the Federal pay raise assumptions and inflation factors used for computing the Government's in-house personnel and non-pay cost increases, as provided in the President's Budget for Fiscal Year 1993.

The following factors should be applied per paragraph C pages IV–6 and IV–7 of the OMB Circular A–76 Supplemental Cost Comparison Handbook.

Federal pay raise assumptions, effective date	Inflation factors, military and civilian
January 1992	4.2
April 1993	3.7
January 1994	4.7
January 1995	4.7
January 1996	4.5
January 1997	3.5

Non-Pay Categories (Supplies and Equipment, etc.)

FY 1992 3.1
FY 1993 3.3
FY 1994 3.3
FY 1995 3.3
FY 1996 3.2
FY 1997 3.2

The above personnel pay raise factors shall be applied after consideration is given to the Interim Geographic Adjustments provided by section 302 of the Federal Employees Pay Comparability Act of 1990 (Pub. L. 101–509).

These revisions are effective as follows: All changes in the Transmittal Memorandum are effective upon the date this memorandum is signed and shall apply to all cost comparisons in process where the Government's in-house cost estimate has not been revealed before this date.

Sincerely,

Frank Hodsoll,

Deputy Director for Management.

[FR Doc. 92–6992 Filed 3–25–92; 8:45 am]

BILLING CODE 3110–01–M

OFFICE OF PERSONNEL MANAGEMENT

Federal Salary Council; Meeting

AGENCY: United States Office of Personnel Management.

ACTION: Notice of meeting.

SUMMARY: The Federal Salary Council agenda for these meetings continues to be the discussion of issues relating to the new locality-based comparability payments authorized by the Federal Employees Pay Comparability Act of 1990 (FEPCA). The meetings will be open.

DATES: April 20, 1992, May 5, 1992, and May 13, 1992, beginning at 10 a.m.

ADDRESSES: Room 7B09 for the April 20th and May 13th meetings, and room 1350 for the May 5th meeting, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415–0001.

FOR FURTHER INFORMATION CONTACT: Ms. Ruth O'Donnell, Chief of Salary Systems Division, room 6H31, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415–0001. Telephone number: (202) 606–2838.

For the President's Pay Agent:

Constance Berry Newman,

Director.

[FR Doc. 92–6946 Filed 3–25–92; 8:45 am]

BILLING CODE 6325–01–M

POSTAL SERVICE

Temporary Humanitarian Airlift Service to Estonia, Latvia, Lithuania, and the Republics of the Former Soviet Union

AGENCY: Postal Service.

ACTION: Extension of service duration.

SUMMARY: Pursuant to its authority under 39 U.S.C 407, the Postal Service is extending the duration of Humanitarian Airlift service through June 30, 1992. The temporary service was scheduled to terminate on March 31, 1992.

DATES: April 1, 1992, through June 30, 1992.

ADDRESSES: Director, Office of Classification and Rates Administration, Marketing and Customer Service Group, U.S. Postal Service, Washington, DC 20260–5903. Copies of all written comments will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in room 8430, 475 L'Enfant Plaza, West, SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Walter J. Grandjean (202) 268–5180.

SUPPLEMENTARY INFORMATION: On October 31, 1991, (56 FR 56107), the Postal Service announced that it was establishing Humanitarian Airlift service, on a temporary basis through March 31, 1992, to provide persons in the United States with a means of sending humanitarian aid to individuals and families in Estonia, Latvia, Lithuania, and the Republics of the former Soviet Union (Armenia, Azerbaijan, Byelarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russian Federation (Russia), Tajikistan, Turkmenistan, Ukraine, and Uzbekistan). The service is faster than regular surface mail, at a cost lower than airmail service. Humanitarian Airlift parcels receive surface transportation to the dispatching U.S. international exchange office, and are then transported by air to the destination country. Airmail parcels receive priority over Humanitarian Airlift parcels in dispatch. Humanitarian Airlift service is available to the above-mentioned countries for the regular surface parcel post rate plus $1 per pound.

The Postal Service established Humanitarian Airlift service without advance notice in order to expedite its availability. The October 31 **Federal Register** notice announcing the service invited public comment to help the Postal Service monitor the effectiveness of the service. Although no written comments were received, the Postal Service's internal evaluation of Humanitarian Airlift Service's internal evaluation of Humanitarian Airlift service indicates that mailers have found the service to be very useful. Consequently, the Postal Service is extending the duration of Humanitarian Airlift service through June 30, 1992. The conditions of service enumerated in the October 31 **Federal Register** notice are not changed.

Although 39 U.S.C. 407 does not require advance notice and opportunity for submission of comments, and the Postal Service is exempted by 30 U.S.C. 410(a) from the advance notice requirements of the Administrative Procedure Act regarding proposed rulemaking (5 U.S.C. 553), the Postal Service invites interested persons to submit written comments to help it monitor the effectiveness of Humanitarian Airlift service.

Authority: 39 U.S.C. 407, 410.

Stanley F. Mires,

Assistant General Counsel, Legislative Division.

[FR Doc. 92–6950 Filed 3–25–92; 8:45 am]

BILLING CODE 7710–12–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-30496; File No. SR-DTC-91-20]

Self-Regulatory Organizations; The Depository Trust Company; Order Approving a Proposed Rule Change Implementing the Inter-Broker Option in the Institutional Delivery and International Institutional Delivery Systems

March 19, 1992.

On August 5, 1991, The Depository Trust Company ("DTC") filed a proposed rule change (File No. SR-DTC-91-20) with the Securities and Exchange Commission ("Commission") under section 19(b)(1) of the Securities Exchange Act of 1934 ("Act").[1] The proposed rule change implements the inter-broker option in the Institutional Delivery ("ID") and International Institutional Delivery ("IID") systems. The Commission published notice of this proposed rule change in the **Federal Register** on September 18, 1991.[2] No public comments have been received. For the reasons discussed below, the Commission is approving the proposed rule change.

I. Description

The proposed rule change will enable ID and IID broker-dealers to exchange trade data for transactions that will settle outside the automated settlement systems ("ex-clearing transactions").[3] Under the proposed enhancement to the ID and IID Systems, each participating broker-dealer will submit trade data to DTC and will receive a confirmation from DTC with the trade data submitted by the other broker-dealer. These confirmations will replace trade comparisons currently exchanged between broker-dealers by mail, messenger, telecopier, or telex. Transactions reflected in the two confirmations will not be affirmed or settled in the ID or IID systems. Moreover, DTC will not issue advisories if there is a variance in the trade data. This option will be used primarily for trades involving certificates of deposit or securities such as mortgage-backed securities (*e.g.*, GINNIE MAEs and FREDDIE MACs) that are not eligible for settlement through the Government Securities Clearing Corporation.[4] Although the enhancement may be used to remedy failed deliveries, the primary purpose of the change is to facilitate broker-to-broker communications with regard to the exchange of trade data for ex-clearing transactions.[5]

II. Discussion

The Commission believes the proposed rule change is consistent with the Act and especially with section 17A of the Act.[6] Sections 17A(b)(3) (A) and (F) of the Act require that a clearing agency be organized and that its rules be designed to enable it to facilitate the prompt and accurate clearance and settlement of securities transactions for which it is responsible.[7] By enabling DTC participants to exchange trade data for ex-clearing transactions through the ID and IID Systems rather than through mail or facsimile as is now the case, the proposal should improve communications between brokers. The Commission believes that broker-to-broker communication through the ID and IID systems will be quicker and more efficient than it is through methods currently employed. The change, therefore, should promote the prompt and efficient clearance and settlement of securities transactions.

Furthermore, section 17A(a)(1)(C) of the Act sets forth Congress' finding that "[n]ew data processing and communications techniques create the opportunity for more efficient, effective, and safe procedures for clearance and settlement." [8] In section 17(a)(2), Congress directed the Commission to facilitate the establishment of a national system for the prompt and accurate clearance and settlement of securities transactions in accordance with the findings of section 17A(a)(1). The Commission believes the proposal furthers the development of such a national system.

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the Act, in particular with section 17A of the Act, and with the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act,[9] that the proposed rule change (File No. SR-DTC-91-20) be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-6965 Filed 3-25-92; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-30498; International Series Release No. 375; File No. SR-NSCC-92-1]

Self Regulatory Organizations; the National Securities Clearing Corporation; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Regarding a Revision to Its Fee Schedule

March 19, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 27, 1992, NSCC filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below which Items have been prepared by NSCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The purpose of the proposed rule change is to amend NSCC's fee structure to reflect the DTC-sponsored members are responsible for 100% of DTC's membership cost and to modify the fees for foreign security comparison and netting.

II. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC included statements concerning the purpose of and statutory basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSCC has prepared summaries, set forth in sections (A), (B), and (C) below of the most significant aspects of such statements.

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[1] 15 U.S.C. 78s(b)(1) (1988).

[2] Securities Exchange Act Release No. 29674 (September 11, 1991), 56 FR 47258.

[3] For a description of DTC's ID system, refer to DTC Participant Operating Procedures, Section M. For a description of DTC's IID system, refer to Securities Exchange Act Release No. 27545 (December 18, 1989), 54 FR 53017.

[4] Telephone conversation between Carl H. Urist, Deputy General Counsel and Vice President, DTC, and Richard C. Strasser, Attorney, Division of Market Regulation ("Division"), Commission (September 20, 1991).

[5] Telephone conversation between Carl H. Urist, Deputy General Counsel and Vice President, DTC, and Jonathan Kallman, Associate Director, Jerry W. Carpenter, Branch Chief, and Richard C. Strasser, Attorney, Division, Commission (December 5, 1991).

[6] 15 U.S.C. 78q-1 (1988).

[7] 15 U.S.C. 78q-1(b)(3) (A) and (F) (1988).

[8] 15 U.S.C. 78q-1(a)(1)(C) (1988).

[9] U.S.C. 78s(b)(2) (1988).

[10] 17 CFR 200.30-3(a)(12) (1991).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

One purpose of the proposed rule change is to modify the fees NSCC charges for foreign securities comparison and netting. The proposal also includes a technical change to NSCC's fee schedule to reflect that NSCC passes DTC's actual monthly membership fees through to DTC-sponsored members.

In 1989, NSCC proposed a revised fee schedule which was implemented in January of 1990. The revisions were permanently approved by the Commission on June 1, 1990.[1] In its filing, NSCC indicated that sponsored members would become responsible for the DTC membership costs on a phased-in basis. Accordingly, NSCC is modifying the wording of the fee schedule to reflect that DTC-sponsored members are responsible for 100% of the membership fee charged by DTC.[2]

The proposal also modifies the fees NSCC charges for foreign security comparison and netting.[3] NSCC believes these charges fairly allocate NSCC's costs for the services performed. These revised fees became effective March 1, 1992, for billing in April.

NSCC believes that, because the fees will provide for the equitable allocation of fees among members, the proposed rule change is consistent with the Act and in particular with section 17A(b)(3)(D) thereunder.

B. Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule will have an impact or impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments have neither been solicited nor received. NSCC will notify the Commission of any written comments it receives.

[1] *See* Securities Exchange Act Release No. 28065 (June 1, 1990), 55 FR 23495.

[2] DTC's membership fee is currently $650. Telephone conversation between Karen Saperstein, Associate General Counsel, NSCC, and Richard C. Strasser, Attorney Division of Market Regulation, Commission (March 16, 1992).

[3] The fee for each side of a compared trade in foreign securities is lowered from $2.00 to $0.75. NSCC Rule I(A)(3). The fee for foreign securities transactions netted is $.50 per item in addition to the fee for security orders generated, which is currently $.25 per item. NSCC Rules II(H) and II(L).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective, pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of rule 19b–4 thereunder because it establishes a fee imposed by the self-regulatory organization. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submission should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filings will also be available for inspection and copying at the principal office of NSCC. All submissions should refer to File No. SR–NSCC–92–1 and should be submitted by April 16, 1992. For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[4]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–6964 Filed 3–25–92; 8:45 am]

BILLING CODE 8010–01–M

[4] 17 CFR 200.30–3(a)(12).

[Release No. 34–30499; File No. SR–NYSE–92–05]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by New York Stock Exchange, Inc., Relating to Rule 452—Giving Proxies by Member Organization

March 19, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on March 4, 1992, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") a proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change amends an Exchange interpretation of rule 452 (Giving Proxies by Member Organization).[1] Rule 452 includes a provision providing that a member organization may give a proxy to vote stock, provided, among other things, that the beneficial owner of the shares has not exercised his right to vote the stock and that the action being voted upon does not include authorization for a merger, consolidation or any other matter which may affect substantially the rights or privileges of such stock.

The Exchange routinely reviews proxy materials and determines whether an action to be taken at a meeting "may affect substantially the rights or privileges of such stock." If the Exchange determines that the action may substantially affect shareholders, a member organization may not give a proxy to vote the stock after the beneficial owner fails to respond. By way of example, Supplementary Material .11 to rule 452 lists 18 actions in respect of which member organizations may not so give a proxy to vote.

In addition to the 18 specific items listed in the Supplementary Material to rule 452, the Exchange has interpreted the rule to preclude member organizations from voting without customer instructions in certain other situations, including a shareholder vote on the initial approval of an investment advisory contract. The proposed rule change modifies that interpretation so as to allow member organizations to give a proxy to vote on initial approval of an investment advisory contract, subject to the other conditions of rule 452.

Consistent with Exchange policy in similar contexts, if the member organization is affiliated with the investment advisor, the member organization would be required to cast the votes of beneficial owners who fail to respond to the proxy solicitation

[1] The proposed rule change does not amend the text of rule 452 or its Supplementary Material.

"proportionately". The Exchange interprets "proportionately" to require the member organization to vote in the same "yes" and "no" proportion as that represented by the votes received from all other record holders of stock.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule changes and discussed any comments it received on the proposed rule changes. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Heretofore, the Exchange has considered the initial approval of investment advisory contracts and any material amendments to any such contract as non-routine matters that are of a type that a member organization cannot vote on without specific client instruction. On the other hand, the Exchange has considered such issues as a one-year extension of the term of any such contract or a non-material amendment of any such contract to constitute routine matters in respect of which member organizations may give a proxy.

The Exchange proposes to amend its interpretation of Rule 452 to allow member organizations to give a proxy on the initial approval of an investment advisory contract if the beneficial holder does not exercise his right to vote.[2] The Exchange believes that such treatment is appropriate since the initial investment advisory contract is described in the prospectus the investor receives when making a decision to invest in these securities. However, since this is not the case with respect to material amendments to such contracts, the Exchange will continue to preclude member organizations from giving proxies without specific client instructions.

In addition, the Exchange believes this proposed rule change should make it easier for companies to obtain shareholder approval of an investment advisory contract as required by the Investment Company Act of 1940 (the "1940 Act").

Purusant to section 2(a)(42) of the 1940 Act, approval of an investment advisory contract requires approval by the holders of the lesser of (i) 50 percent of the outstanding shares of the company or (ii) 67 percent of the votes cast at a meeting at which at least 50 percent of the outstanding shares are present or represented by proxy. As a practical matter, it is often necessary to rely upon the latter of these alternative methods of meeting the requirement. When a member organization is able to vote shares on which no instructions have been received from the beneficial owner (on "routine" items), the results is to increase the number of shares present at the meeting. This results in a corresponding increase in the number of votes necessary to meet the 67 percent approval requirement for the contract. However, since member organizations cannot vote on the investment advisory contract in this case, the effect is to increase the difficulty of achieving the vote necessary under the 1940 Act. Therefore, the mere presence at the meeting of shares for which no instructions have been received is the equivalent of having those shares voted against the contract. A shareholder who has recently purchased shares and has not taken the trouble to return a proxy card to the member organization is probably unaware that his inaction is the equivalent of voting against the very investment advisory contracts that were described in the prospectus and were presumably a key factor in his investment decision.

The basis under the Act for this proposed rule change is section 6(b)(5), which requires that the rules of the Exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule changes will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments were neither solicited nor received on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such other period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the NYSE. All submissions should refer to File No. SR–NYSE–9–05 and should be submitted by April 16, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[3]

[FR Doc. 92–7015 Filed 3–25–92; 8:45 am]

BILLING CODE 8010–01–M

[2] The Exchange recognizes that when the investment advisor and the member organization are affiliated there is a potential conflict of interest if the member organization has full discretion on how to vote shares for which no instructions are received. Accordingly, consistent with its proxy voting policy in other situations involving potential conflicts, the Exchange proposes in such situations to require that the member organization vote in the same proportion as represented by the votes received from all other record holders.

[3] 17 CFR 200.30–3(a)(12) (1991).

[Release No. 34-30500; International Series Release No. 374; File No. SR-OCC-92-01]

Self-Regulatory Organizations; The Options Clearing Corporation; Order Approving a Proposed Rule Change Relating to Amendments to Canadian Depository Receipts

March 19, 1992.

On January 8, 1991, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission ("Commission") a proposed rule change (File No. SR-OCC-92-01) that would revise the Canadian Clearing Fund Depository Receipt and Security Agreement and the Canadian Margin Depository Receipt and Security Agreement to provide for facsimile transmission. Notice of the proposed rule change was published in the **Federal Register** on February 4, 1992.[2] No comments were received. This order approves the proposal.

I. Description

OCC clearing members may pledge securities issued or guaranteed by the government of Canada ("Canadian government securities") and held at OCC's Canadian clearing agent bank [3] to satisfy their clearing fund and margin requirements.[4] OCC has established procedures whereby it will accept pledges of Canadian government securities through the use of Canadian depository receipts. Canadian depository receipts are escrow depository receipts and the underlying agreements that are issued by OCC's Canadian clearing bank. They are issued to acknowledge that the bank holds Canadian government securities for OCC's benefit and that it will not release the securities without OCC's written consent. OCC's consent to release shall be in the form of either a written order (in the case of the suspension of the clearing member) or an Endorsement for Release (in the case of a request by the clearing member to withdraw the securities).[5] Upon receipt of a Canadian depository receipt, OCC credits the value of the pledged securities represented by the Canadian depository receipt towards either the clearing member's margin or clearing fund requirement.

The proposed rule change will amend the Canadian depository receipts to provide that the issuing clearing agent bank agrees to accept as an original any written order or Endorsement for Release transmitted by electronic means that produces a facsimile copy of the document being transmitted provided the document is executed by an authorized signatory of OCC. The filing also provides that OCC may accept such a facsimile transmission from an issuing bank.[6]

II. Discussion

The Commission believes the proposal is consistent with sections 17A(b)(3) (A) and (F) of the Act.[7] Those sections require that a clearing agency be organized and that the rules of the clearing agency be designed to facilitate the prompt and accurate clearance and settlement of securities transactions for which it is responsible and to facilitate the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which the clearing agency is responsible. Further, the Commission believes OCC's proposal is consistent with the Congressional finding as stated in section 17A(a)(1)(C) that "new data processing and communications techniques create the opportunity for more efficient, effective, and safe procedures for clearance and settlement." [8]

It is expected that OCC's proposed rule change will provide significant benefits to OCC's clearing members. The proposal should enable the Canadian clearing agent bank to provide earlier notice to OCC that a hearing member's Canadian government securities are being held on OCC's behalf and should allow OCC to credit the deposit toward satisfying the clearing member's margin or clearing fund requirement sooner than under the current method. In addition, should the clearing member request to withdraw the collateral, the electronic transmission of an Endorsement for Release will help avoid delays and allow the clearing member to take advantage of other investment opportunities. Further, the proposal will provide a more efficient method for OCC to notify its clearing agent bank when OCC must act quickly to liquidate the clearing member's account. For the reasons, the Commission believes that OCC's proposal facilitates the prompt and accurate clearance and settlement of securities transactions consistent with the Act.

OCC's proposal is designed to capitalize on the efficiencies of electronic communications systems. OCC currently allows pledges of securities through the EDP Pledge System operated by DTC.[9] This method of pledging securities has proven to be an efficient and safe alternative to the physical issuance of depository receipts. The Commission believes that the current proposal also represents a safe and efficient method of initiating and terminating pledge arrangements with OCC's Canadian clearing agent bank.

Furthermore, consistent with OCC's current procedures, OCC will continue to have a first security lien on the pledged securities and neither the clearing member nor the clearing agent bank will be permitted to release the pledged securities without OCC's prior written consent. In this regard, the Commission believes OCC's proposal facilitates the safeguarding of securities and funds in OCC's custody or under OCC's control.

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the Act and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act,[10] that the

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[1] 15 U.S.C. 78s(b)(1) (1988).

[2] Securities Exchange Act Release No. 30297 (January 27, 1992), 57 FR 4231.

[3] OCC currently has one Canadian clearing agent bank, Bank of Montreal.

[4] In 1988, the Commission approved a proposed rule change permitting OCC clearing members to pledge Canadian government securities in the form of depository receipts for margin and clearing fund purposes. Securities Exchange Act Release No. 25610 (April 22, 1988), 53 FR 15323.

In 1989, OCC filed a proposed rule change, that pursuant to section 19(b)(3)(A) of the Act was effective upon filing, to enhance OCC's lien on securities deposited in accordance with the Canadian depository receipts. Securities Exchange Act Release No. 27128 (August 11, 1989), 54 FR 34279.

[5] OCC rules contain procedures for the release or liquidation of securities pledged to OCC through the use of escrow receipts. Among others, these rules include: OCC rules 608 (withdrawals of margin), 1004 (withdrawal of clearing fund collateral), 613(j) (release or withdrawal of an escrow receipt), and 1104 (creation of Liquidating settlement account).

[6] On March 5, 1992, OCC submitted a letter to clarify that it was OCC's intent that the proposed rule change not only amend the Canadian depository receipts to provide that the issuing bank agrees to accept a facsimile transmission of any written order or endorsement for release from OCC but also provide that OCC will accept facsimile transmission of Canadian depository releases from the issuing bank. Letter from Jean M. Cawley, Staff Counsel, OCC, to Jerry W. Carpenter, Branch Chief, Division of Market Regulation, Commission (February 28, 1992).

[7] 15 U.S.C. 78q-1(b)(3) (A) and (F).

[8] 15 U.S.C. 78q-1(a)(1)(C).

[9] The EDP Pledge System is operated by DTC and allows OCC members who are participants in DTC's Participant Terminal System ("PTS") to electronically pledge to OCC securities on deposit at DTC. Pledges are made by entering into the PTS terminal essentially the same information required to complete OCC depository receipts. Securities Exchange Release No. 25610 (April 28, 1988), 53 FR 15323.

[10] 15 U.S.C. 78s(b)(2).

proposed rule change (File No. SR–OCC–92–01) be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–6966 Filed 3–25–92; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–18618; 811–820]

American Investment Trust; Application for Deregistration

March 19, 1992.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: American Investment Trust (the "Trust").

RELEVANT 1940 ACT SECTIONS: Section 8(f) and rule 8f–1 thereunder.

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATES: The application was filed on December 18, 1989 and amended on November 16, 1990, June 19, 1991, and March 11, 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 the 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 13, 1992, and should be accompanied by proof of service on the Applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street NW., Washington, DC 20549. Applicant, 400 Benedict Avenue, Tarrytown, New York 10591.

FOR FURTHER INFORMATION CONTACT: Marc Duffy, Staff Attorney, (202) 272–2511, or Max Berueffy, Branch Chief, (202) 272–3016 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

APPLICANT'S REPRESENTATIONS:

1. The Trust is a unit investment trust organized under the laws of the State of New York. On June 26, 1958 the Trust registered under the Act by filing a Notification of Registration on Form N–8A pursuant to section 8(a) and a registration statement on Form N–8B–2 pursuant to section 8(b) of the Act. On July 3, 1958 the Trust registered its securities under the Securities Exchange Act of 1933 by filing a registration statement on Form S–6, which became effective on January 14, 1959. The Trust registered periodic payment plan certificates, in the form of systematic and single payment plans (the "Plans"), for the accumulation of shares of Axe-Houghton Stock Fund, Inc. (the "Fund").

2. Each Plan was created pursuant to a plan certificate which formed the agreement between the sponsor, Axe Securities Corporation (the "Sponsor"), the custodian, Irving Trust Company, and the holder of the Plan (the "Planholder"), and was issued pursuant to a Planholders Agreement between Irving Trust Company and the Sponsor. As of the date of this application, there are no plans outstanding.

3. On October 19, 1988 the Sponsor wrote to Planholders offering them the opportunity to become direct shareholders of the Fund by converting their Plans to direct investments in the Fund. A copy of the letter is attached as an exhibit to the application. During the period December 1, 1988 to June 12, 1989, all outstanding Plans were terminated in accordance with their terms and converted to direct investments in shares of the Fund. Each Planholder received the same number of full and fractional shares of the Fund as he held in the converted Plan account.

4. As a result of the conversion, no Planholder paid a sales load in excess of that permitted under section 27 of the Act or provided for under the terms of the Plan. As of December 1, 1988, shares of the Fund were being sold to the pubic without imposition of any sales load. Accordingly, by converting their Plans to direct investments in Fund shares, Planholders were able to avoid payment of Plan custodial fees and the additional sales loads applicable to further purchases of Fund shares under a Plan.

5. As a December 1, 1988 there were 292 Plans outstanding representing 370,720.988 shares having a net asset value of $5.43 per share and an aggregate net asset value of $2,013,014.96.

6. All expenses, including legal, accounting, and other general and administrative expenses, relating to the Trust's liquidation and the winding up of its affairs are being borne by the Sponsor and its successors.

7. As of the time of filing of this application, the Trust had no shareholders, assets, or liabilities. The Trust is not a party to any litigation or administrative proceeding. The Trust is not presently engaged in, nor does it purpose to engage in, any business activities other than those necessary for the winding up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–6963 Filed 3–25–92; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

ACTION: Notice of reporting requirements submitted for review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATES: Comments should be submitted by April 27, 1992. If you intent to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

FOR FURTHER INFORMATION CONTACT: Request for clearance (S.F. 83), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Submit comments to the Agency Clearance Officer and the OMB Reviewer.

Agency clearance officer: Cleo Verbillis, Small Business Administration, 409 3RD Street, SW., 5th Floor, Washington, DC 20416, Telephone: (202) 205–6629.

OMB reviewer: Gary Waxman, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

Title: Procurement Automated Source System Application and Validation of PASS Registration.

SBA Form No.: SBA Forms 1167 and 1395.

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[11] 17 CFR 200.30–3(a)(12).

Frequency: On occasion.
Description of Respondents: Small Business interested in federal procurement opportunities.
Annual Responses: 211,000.
Annual Burden: 24,666.

Dated: March 20, 1992.

Cleo Verbillis,

Acting Chief, Administrative Information Branch.

[FR Doc. 91-7054 Filed 3-25-92; 8:45 am]

BILLING CODE 8025-01-M

Interest Rates

The interest rate on section 7(a) Small Business Administration direct loans (as amended by Public Law 97-35) and the SBA share of immediate participation loans is 8¼ percent for the fiscal quarter beginning April 1, 1992.

On a quarterly basis, the Small Business Administration also publishes an interest rate called the optional "peg" rate (13 CFR 122.8-4 (d)). This rate is a weighted average cost of money to the government for maturities similar to the average SBA loan. This rate may be used as a base rate for guaranteed fluctuating interest rate SBA loans. For the April-June quarter of FY 92, this rate will be 7½ percent.

Charles R. Hertzberg,

Assistant Administrator for Financial Assistance.

[FR Doc. 92-7062 Filed 3-25-92; 8:45 am]

BILLING CODE 8025-01-M

Shortage of Operating Funds for a Disaster in Kansas

As a result of the Secretary of Agriculture's disaster designation S-576 for counties in the State of Kansas and contiguous counties in the States of Missouri, Nebraska, and Oklahoma, the Small Business Administration (SBA) is accepting economic injury disaster loan applications from eligible nonfarm small business concerns. However, due to SBA's present severe shortage of operating funds for the disaster program for the current fiscal year (through September 30, 1992), SBA cannot provide assurance of its ability to continue to accept or process disaster loan applications or make disbursements on disaster loans until additional funds are available.

Dated: March 18, 1992.

Bernard Kulik,

Assistant Administrator for Disaster Assistance.

[FR Doc. 92-7055 Filed 3-25-92; 8:45 am]

BILLING CODE 8025-01-M

Shortage of Operating Funds for a Disaster in Kentucky

As a result of the Secretary of Agriculture's disaster designation S-574 for counties in the State of Kentucky and contiguous counties in the States of Illinois, Indiana, Missouri, Ohio, Tennessee, and West Virginia, the Small Business Administration (SBA) is accepting economic injury disaster loan applications for eligible nonfarm small business concerns. However, due to SBA's present severe shortage of operating funds for the disaster program for the current fiscal year (through September 30, 1992), SBA cannot provide assurance of its ability to continue to accept or process disaster loan applications or make disbursements on disaster loans until additional funds are available.

Dated: March 18, 1992.

Bernard Kulik,

Assistant Administrator for Disaster Assistance.

[FR Doc. 92-7056 Filed 3-25-92; 8:45 am]

BILLING CODE 8025-01-M

Shortage of Operating Funds for a Disaster in Missouri

As a result of the Secretary of Agriculture's disaster designation S-575 for counties in the State of Missouri and contiguous counties in the States of Kansas and Oklahoma, the Small Business Administration (SBA) is accepting economic injury disaster loan applications from eligible nonfarm small business concerns. However, due to SBA's present severe shortage of operating funds for the disaster program for the current fiscal year (through September 30, 1992), SBA cannot provide assurance of its ability to continue to accept or process disaster loan applications or make disbursements on disaster loans until additional funds are available.

Dated: March 18, 1992.

Bernard Kulik,

Assistant Administrator for Disaster Assistance.

[FR Doc. 92-7057 Filed 3-25-92; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2545; Amendment #5]

Declaration of Disaster Loan Area; Texas

The above-numbered Declaration is hereby amended in accordance with an amendment dated March 11, 1992, to the President's major disaster declaration of December 26, 1991, to include the counties of Aransas, Mason, Refugio, Shackelford, Throckmorton, Young, and Zavala in the State of Texas as a disaster area as a result of damages caused by severe thunderstorms and flooding beginning on December 20, 1991 and continuing through January 14, 1992.

In addition, applications for economic injury loans from small businesses located in the contiguous counties of Archer, Baylor, Bee, Dimmit, Frio, Kenney, Knox, LaSalle, Maverick, Medina, Menard, San Patricio, and Uvalde in the State of Texas may be filed until the specified date at the previously designated location.

Because the termination date for filing applications for physical damage closed on February 24, 1992, prior to the Notice of Amendment cited above, applications for physical damage for victims located in the above-named counties will be accepted until the close of business on April 10, 1992, 30 days from the date of amendment. The termination date for filing applications for economic injury remains the close of business on September 28, 1992.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: March 18, 1992.

Bernard Kulik,

Assistant Administrator for Disaster Assistance.

[FR Doc. 92-7058 Filed 3-25-92; 8:45 am]

BILLING CODE 8025-01-M

Region VI Advisory Council Meeting; Public Meeting

The U.S. Small Business Administration Region VI Advisory Council, located in the geographical area of Little Rock, will hold a public meeting at 10 a.m. on Friday, May 22, 1992, at the U.S. Small Business Administration, Little Rock District Office, 2120 Riverfront, suite 100, Little Rock, Arkansas, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. Joseph T. Foglia, District Director, U.S. Small Business Administration, 2120 Riverfront, suite 100, Little Rock, Arkansas 72202, (501) 324-5871.

Dated: March 19, 1992.

Caroline J. Beeson,

Assistant Administrator, Office of Advisory Councils.

[FR Doc. 92-7059 Filed 3-25-92; 8:45 am]

BILLING CODE 8025-01-M

Region IV Advisory Council Meeting; Public Meeting

The U.S. Small Business Administration Region IV Advisory Council, located in the geographical area of Helen, will hold a public meeting from 12 noon on Thursday, April 23, 1992, to 12:30 p.m., on Friday, April 24, 1992, at the Unicoi Lodge, Helen, Georgia, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. Wilfred A. Stone, District Director, U.S. Small Business Administration, 1720 Peachtree Road NW., 6th Floor, Atlanta, Georgia 30309, (404) 347–4749.

Dated: March 19, 1992

Caroline J. Beeson,

Assistant Administrator, Office of Advisory Councils.

[FR Doc. 92–7060 Filed 3–25–92; 8:45 am]

BILLING CODE 8025–01–M

Region VI Advisory Council Meeting; Public Meeting

The U.S. Smalll Business Administration Region VI Advisory Council, located in the geographical area of Dallas, will hold a public meeting at 9:30 a.m. on Friday, April 17, 1992, at the Bill J. Priest Institute for Economic Development, 1402 Corinth Street, Dallas, Texas, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. James S. Reed, District Director, U.S. Small Business Administration, 1100 Commerce Street, room 3C36, Dallas, Texas 75242, (214) 767–0600.

Dated: March 19, 1992.

Caroline J. Beeson,

Assistant Administrator, Office of Advisory Councils.

[FR Doc. 92–7061 Filed 3–25–92; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF STATE

[Public Notice 1588]

Bureau of Diplomatic Security; Public Information Collection Requirement Submitted to OMB for Review

AGENCY: Department of State.

ACTION: The Department of State has resubmitted the following public information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, 44 U.S.C. chapter 35.

SUMMARY: Section 134 of Public Law 101–649 of November 29, 1990, allows for the issuance of 1,000 immigrant visas to qualified displaced Tibetans in India and Nepal. The implementing regulation (22 CFR 47) requires the information collection on Optional Form 222 to establish qualification and eligiblity of the Tibetan applicants. The following summarizes the information collection proposal submitted to OMB:

Type of request—Reinstatement.
Originating office—Bureau of Consular Affairs.
Title of information collection—Preliminary Questionnaire to Determine Immigrant Status.
Frequency—On occasion.
Form No.—OF–222.
Respondents—Displaced Tibetans in India and Nepal.
Estimated number of respondents—2,000.
Average hours per response—30 minutes.
Total estimated burden hours—1,000.

Section 3504(h) of Public Law 96–511 does not apply.

ADDITIONAL INFORMATION OR COMMENTS: Copies of the proposed forms and supporting documents may be obtained from Gail J. Cook (202) 647–3538. Comments and questions should be directed to (OMB) Lin Liu (202) 395–7340.

Dated: March 16, 1992.

Sheldon J. Krys,

Assistant Secretary for Diplomatic Security.

[FR Doc. 92–7011 Filed 3–25–92; 8:45 am]

BILLING CODE 4710–43–M

[Public Notice 1589]

Bureau of Diplomatic Security; Public Information Collection Requirement Submitted to OMB for Review

AGENCY: Department of State.

ACTION: The Department of State has submitted the following public information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, 44 U.S.C. chapter 35.

SUMMARY: Section 2(b)(9) of the Export Import Bank Act of 1945, as amended (Pub. L. 99–440; 100 Stat. 1096) provides that the Export Import Bank may not support any export to private purchasers in South Africa unless the Secretary of State certifies that the purchaser has endorsed and proceeded toward the implementation of certain fair employment principles. The proposed information collection will enable the Department of State to make a meaningful judgment as to whether the South African purchaser meets the legal requirements for certification to the Export Import Bank. The following summarizes the information collection proposal submitted to OMB:

Type of request —New.
Originating office —Bureau of African Affairs.
Title of information collection —Questionnaire for purchasers in the Republic of South Africa applying for support from the Export-Import Bank or Bank-supported programs of the Foreign Credit Insurance Corporation.
Frequency —On occasion.
Form No. —DSP–118
Respondents —South African purchasers applying for support from the Export-Import Bank of the United States.
Estimated number of respondents —10.
Average hours per response —8 hours.
Total estimated burden hours —800.

Section 3504(h) of Public Law 96–511 does not apply.

ADDITIONAL INFORMATION OR COMMENTS: Copies of the proposed forms and supporting documents may be obtained from Gail J. Cook (202) 6747–3538. Comments and questions should be directed to (OMB) Lin Liu (202) 395–7340.

Dated: March 16, 1992.

Sheldon J. Krys,

Assistant Secretary for Diplomatic Security.

[FR Doc. 92–7012 Filed 3–25–92; 8:45 am]

BILLING CODE 4710–43–M

TENNESSEE VALLEY AUTHORITY

Acid Rain Program Designated Representative

AGENCY: Tennessee Valley Authority.

ACTION: Notice.

SUMMARY: TVA is announcing the selection of a "designated representatitve" and "alternate 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_2 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. 92-6153 Filed 3-25-92; 8:45 am]

BILLING CODE 8120-02-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Petition for Exemption From the Vehicle Theft Prevention Standard; General Motors Corporation

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Grant in part of petition for exemption.

SUMMARY: This notice grants in part the petition by General Motors Corporation (GM) for exemption from the parts marking requirements of the vehicle theft prevention standard for the Oldsmobile 88 Royale (88 Royale) and Buick LeSabre car lines for Model Year (MY) 1993, pursuant to 49 CFR part 543, *Exemption From Vehicle Theft Prevention Standard,* for MY 1993 and beyond. GM is required to mark only the engines and transmissions of the exempted car lines.

DATES: The exemption granted by this notice is effective beginning with the 1993 model year.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara A. Gray, Office of Market Incentives, NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Ms. Gray's telephone number is (202) 366-4808.

SUPPLEMENTARY INFORMATION: On November 22, 1991, the agency received a submission from GM requesting an exemption from the theft prevention standard for its 88 Royale and LeSabre car lines, pursuant to 49 CFR part 543, *Exemption From Vehicle Theft Prevention Standard,* for MY 1993 and beyond.

The information submitted by GM constitutes a complete petition, as required by 49 CFR part 543.7, in that it meets the general requirements contained in § 543.5 and the specific content requirements of § 543.6. Accordingly, November 22, 1991 is the date on which the statutory 120 day period for processing GM's petition began.

In its petition for the 88 Royale and LeSabre car lines, GM requests an exemption from parts marking based on the inclusion of the "PASS-Key II" theft deterrent system as standard equipment for these car lines. "PASS-Key II" is a modification of the "PASS-Key II" theft deterrent system. Since August 1989, the agency has determined that the "PASS-Key" system, installed as standard equipment, will likely be as effective reducing and deterring motor vehicle theft as compliance with the requirements of the theft prevention standard (see 54 *FR* 33655, August 15, 1989). In a February 7, 1992 letter to GM, the agency determined that the changes in "PASS-Key II" constituted a *de minimis* change in the "PASS-Key" system that was the basis for the agency's previous granting of a theft exemption for a car line that had, as standard equipment, the "PASS-Key" system.

The "PASS-Key II" theft deterrent system utilizes an ignition key, an ignition lock cylinder and a decoder module. The conventional mechanical code permits the key to release the steering wheel and transmission shift level locks. Before the vehicle can be started, the electrical resistance of a pellet embedded in the shank of the key must be sensed by elements in the lock cylinder and its value compared to a fixed resistance in the decoder module located in the instrument panel in the passenger compartment. If the key pellet has the proper resistance, the starter enable relay is energized and a discrete signal is transmitted to the engine control module. Recognition of the signal by the engine control module allows fuel injector pulses to begin. If a key other than the one with proper resistance for that vehicle is inserted, the decoder module will shut down for a period of three minutes plus or minus 18 seconds. GM states that this period of time is controlled by a timer within the decoder module, and is not a programmable feature. Unlike "PASS-Key," in "PASS-Key II," the timer for the decoder module does not reset back to zero if further resistance comparisons are made while the decoder module is shut down. GM has stated that despite this difference, a similar level of performance will continue since the module, while shut down, will ignore any further attempts to start the vehicle by means of a key with an improper pellet resistance. GM claims that any process of trial and error using various keys with different resistance pellets, after the initial three minute shut down period, will result in the module shutting down again.

The components are located in the passenger compartment behind the instrument panel, with the exception of the starter solenoid/starter motor combination which is located in the engine compartment. GM states that unlike many other theft deterrent systems, removing and subsequently reapplying vehicle power does not alter "PASS-Key II" performance.

GM states that "PASS-Key II" is passive in that the system becomes fully functional once the ignition is turned off and the key is removed. No further operator action is required for activation. GM states that because "PASS-Key II" is fully operational once the engine has been turned off and the key removed, it has not provided specific visual or audio warnings, beyond the key warning buzzer, that unauthorized attempts have been made to enter or move the vehicles. However, the "PASS-Key II" system includes a starter interrupt function which, when activated, makes the vehicle inoperable.

In order to draw attention to improper use of a key to start the vehicle, GM has installed a yellow "Security" light inside the passenger compartment of the 88 Royale and the LeSabre. This light is designed to activate if the proper key with a dirty or contaminated resistor pellet is used and the vehicle does not start. If this happens, it is necessary to clean the key and delay a further attempt to start the engine until the "PASS-Key II" timer has run its course. The "Security" light is designed to illuminate also if a key with the proper mechanical but improper electrical code is used to try and start the vehicle.

GM states that a premise for the design of any theft deterrent system in its products has been that a failure in such a system would not affect a running vehicle. Although it may not be possible to restart a vehicle after such a failure, that failure would not stop an engine that has been started. That criterion has been met in "PASS-Key II." Once an "Engine Running" signal has been identified by the engine control module, a "PASS-Key II" failure will not cause the engine to stop.

GM's analysis of the failure mode effects of the "PASS-Key II" system indicated that the component with the highest probability for failure was the ignition lock cylinder with its key, wiring, contacts, and rotational motion. A 52,000 cycle automated bench test of the key, ignition lock cylinder, wiring, and "PASS-Key II" electronics module was conducted over a temperature range of approximately −40 degrees Fahrenheit to +212 degrees Fahrenheit. GM stated that each cycle consisted of inserting the key, rotating the cylinder to its "Start" position and then measuring the output from the electronics module to assure that the proper signals for the Starter Enable Relay and engine control module were present. The absence of either signal would terminate the test.

GM states that the "PASS-Key II" decoder module has undergone other durability tests to ensure that the component meets or exceeds specified performance requirements over an equivalent of approximately 10 years of vehicle life. These other tests were: a power and temperature cycling test; high temperature endurance test; humidity test; moisture susceptibility test, and random vibration durability tests. As part of the validation process for the "PASS-Key" system, GM subjected the starter enable relay to testing to ensure component reliability. GM states that the same component is used in "PASS-Key II."

GM also states that during 668,000 miles of durability testing on prototype vehicles equipped with "PASS-Key II," there were no system failures. An additional durability test conducted on a sample of production vehicles, before such vehicles were released for sale, resulted in one failure of a module. GM states that an engineering change was implemented to eliminate the cause of that failure and revised modules incorporating the change were installed in all production vehicles. GM states that since "PASS-Key II" system failures have the potential to affect owner satisfaction, it will continue to carefully monitor warranty data and make any necessary changes to improve system reliability.

Since the "PASS-Key II" system has been installed in GM vehicles as standard equipment only since the 1992 model year, GM states that directly relevant theft data are not yet available. GM asserts that since the "PASS-Key II" system has been designed to provide the same kind of protection as the "PASS-Key" system, theft data for "PASS-Key" equipped vehicles can be used to form the basis for GM's belief that the "PASS-Key II" system will be effective in reducing and deterring motor vehicle theft. The agency concurs that theft data for "PASS-Key" equipped vehicles is probative of the likelihood of success of the "PASS-Key II" system in reducing and deterring vehicle theft.

To substantiate its statements on the "PASS-Key" antitheft system's effectiveness, GM provided data on Chevrolet Camaro, Pontiac Firebird, and Cadillac DeVille/Fleetwood car line theft rates for MYs 1986 through 1990. "PASS-Key" was made standard equipment on the Camaro and Firebird car lines beginning with the 1989 model and in the DeVille/Fleetwood beginning with the 1990 model. The data provided by GM is reported by the Federal Bureau of Investigation's National Crime Information Center (NCIC), which is NHTSA's official source of theft data (See 50 FR 46666, November 12, 1985). The NCIC receives reports on all thefts.

The NCIC data reported by GM showed that Firebird, Camaro, and DeVille/Fleetwood theft rates (per thousand vehicles) by Model Year were: for 1986, 27.83 for the Firebird, 29.49 for the Camaro, 7.11 for the DeVille/Fleetwood; for 1987, 30.14 for the Firebird, 26.03 for the Camaro, 6.6 for the DeVille/Fleetwood; for 1988, 29.34 for the Firebird, 25.74 for the Camaro, 7.19 for the DeVille/Fleetwood; for 1989, 8.99 for the Firebird, 8.69 for the Camaro, 5.57 for the DeVille Fleetwood; and the 1990, 8.56 for the Firebird, 9.04 for the Camero, 3.81 for the Deville/Fleetwood.

GM stated a belief, based on the decreases in thefts of the Firebird and Camaro car lines during the 1989 model year, and DeVille/Fleetwood car line during the 1990 model year, which occurred with the implementation of "PASS-Key" as standard equipment, that the PASS-Key" system is "extremely effective in deterring motor vehicle theft." GM stated that based on the performance of "PASS-Key" on other models and its similarity of design and functionality to the "PASS-Key II" system, it believes that similar reductions will be achieved with the 88 Royale and LeSabre car lines when "PASS-Key II" becomes standard on those vehicles.

NHTSA believes that there is substantial evidence indicating that the antitheft system to be installed as standard equipment will likely be as effective in reducing and deterring motor vehicle theft as compliance with the requirements of the theft prevention standard (49 CFR part 541). This determination is based on the information GM submitted with its petition and on other available information. The agency believes that the device will provide all but one of the types of performance listed in § 543.6(a)(3); promoting activation; preventing defeat or circumventing of the device by unauthorized persons; preventing operation of the vehicle by unauthorized entrants; and ensuring the reliability and durability of the device. The single exception is that the device lacks an alarm which would attract attention to unauthorized entries.

As required by section 605(b) of the statute and 49 CFR 543.6(a)(4), the agency also finds that GM has provided adequate reasons for its belief that the antitheft device will reduce and deter theft. This conclusion is based on the information GM provided on its device. This information included a description of reliability and functional tests conducted by GM for the antitheft system and its components. GM presented extensive data on the life cycle test results of the "PASS-Key" ignition lock system.

For the foregoing reasons, the agency herby exempts the MY 1993 Oldsmobile 88 Royale and Buick LeSabre car lines in part from the requirements of 49 CFR part 541. GM will be required to mark only the engines and transmissions, and replacement engines and transmissions for these car lines. Those major parts were chosen since they are among the most interchangeable of the 14 parts for which labeling is required.

The reason for the partial grant is that the GM antitheft system for the Oldsmobile 88 Royale and Buick LeSabre includes neither an audio nor visual alarm function. As such, the GM system lacks an important feature that the agency has identified in its rulemaking on part 543 as one of several desirable attributes which contribute to the effectiveness of an antitheft system: Automatic activation of the device; an audible or visual signal that is connected to the hood, doors, and trunk and draws attention to vehicle tampering; and a disabling mechanism designed to prevent a thief from moving a vehicle under its own power without a key.

The agency acknowledges that, since Model Year 1989, the theft rates for the Pontiac/Camaro car lines have been reduced substantially. Although the theft rates for these car lines are lower than in previous years, the agency believes that more than two years of data are needed in order to accurately evaluate the effectiveness of an antitheft device.

If GM decides not to use the partial exemptions for the MY 1993 Royale and LeSabre car lines, it should formally notify the agency. If such a decision is

made, these car lines must be fully marked according to the requirements under 49 CFR 541.5 and 541.6 (marking of major component parts and replacement parts).

The agency notes that the limited and apparently conflicting data on the effectiveness of the pre-standard parts making programs continue to make it difficult to compare the effectiveness of an antitheft device with the effectiveness of compliance with the theft prevention standard. The statute clearly invites such a comparison, which the agency has made on the basis of the limited data available.

NHTSA notes that if GM wishes in the future to modify the device on which this partial exemption is based, the company may have to submit a petition to modify the exemption. Part 543.7(d) states that a Part 543 exemption applies only to vehicles that belong to a line exempted under this part and equipped with the antitheft device on which the line's exemption is based. Further, § 543.9(c)(2) provides for the submission of petitions "(t)o modify an exemption to permit the use of an antitheft device similar to but differing from the one specified in the exemption."

The agency wishes to minimize the administrative burden which § 543.9(c)(2) could place on exempted vehicle manufacturers and itself. The agency did not intend in drafting part 543 to require the submission of a modification petition for every change to the components or design of a antitheft device. The significance of many such changes could be *de minimis*. Therefore, NHTSA suggests that if G.M. contemplates making any changes the effects of which might be characterized as *de minimis* then the company should consult the agency before preparing and submitting a petition to modify.

Authority: 15 U.S.C. 2025; delegation of authority at 49 CFR 1.50.

Issued on: March 20, 1992.

Jerry Ralph Curry,

Administrator.

[FR Doc. 92-6961 Filed 3-25-92; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Dated: March 18,1992.

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 submissions(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: 1545-0314.

Form Number: IRS Forms 6466 and 6467.

Type of Review: Extension.

Title: Transmittal of Magnetic Media of Form W-4, Employee's Withholding Allowance Certificate (6466), Transmittal of Magnetic Media of Form W-4, Employee's Withholding Allowance Certificate (Continuation) (6467).

Description: Under Regulation 31.3402(f)(2)-1(g), employers are required to submit certain withholding certificates (W-4) to the IRS. Transmittal Form 6466, and the continuation sheet Form 6467, are submitted by an authorized agent of the employer who will be reporting submissions of Form W-4 on magnetic media. These forms ensure accuracy and completeness of the submission.

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: 100.

Estimated Burden Hours Per Respondent:

Form	Response time
Form 6466	20 minutes.
Form 6467	20 minutes.

Frequency of Response: Quarterly.

Estimated Total Reporting Burden: 133 hours.

OMB Number: 1545-0763.

Regulation ID Number: LR-200-76 Final.

Type of Review: Extension.

Title: Qualified Conversation Contributions.

Description: The information is necessary to comply with various substantive requirements of section 170(h) which describes situations in which a taxpayer is entitled to an income tax deduction for a charitable contribution for conversation purposes of a partial interest in real property.

Respondents: Individuals or households, State and local governments, Farms, Businesses or other for-profit, Federal agencies or employees, Non-profit institutions, Small businesses or organizations.

Estimated Number of Recordkeepers: 1,000.

Estimated Burden Hours Per Recordkeeper: 1 hour, 15 minutes.

Frequency of Recordkeeping: Quarterly.

Estimated Total Recordkeeping Burden: 1,250 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. 92-6957 Filed 3-25-92; 8:45 am]

BILLING CODE 4830-01-01-M

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 737]

Dollar Limitation for Display and Retail Advertising Specialties

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: General notice.

SUMMARY: This notice sets forth the annually updated dollar limitations prescribed for alcohol beverage industry members under the "Tied House" provisions of the Federal Alcohol Administration Act.

DATES: This notice shall be effective retroactive to January 1, 1992.

ADDRESSES: Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Ave., NW., Washington, DC 20226.

FOR FURTHER INFORMATION CONTACT: Karen Freelove, Market Compliance Branch, (202) 927-8130.

SUPPLEMENTARY INFORMATION: Based on data of the Bureau of Labor Statistics, the consumer price index was 3.1 percent higher in December 1991 than in December 1990. Therefore, effective January 1, 1992, the dollar limitation for "Product Displays" (27 CFR 6.83(c)) is increased from $155.00 to 160.00 per brand. Similarly, the "Retailer Advertising Specialties" (27 CFR 6.85(b)) is increased form $76.00 to $78.00 per brand. Also, the "Participation in Retailer Association Activities" (27 CFR

6.100(e)) is increased from $155.00 to $160.00 per year.

Industry members who wish to furnish, give, rent, loan or sell product displays or retailer advertising specialties to retailers are subject to dollar limitations (27 CFR 6.83 and 6.85). Industry members making payments for advertisements in programs or brochures issued by retailer associations at a convention or trade show are also subject to dollar limitations (27 CFR 6.100). The dollar limitations are updated annually by use of a "cost adjustment factor" in accordance with 27 CFR 6.82. The cost adjustment factor is defined as a percentage equal to the change in the Bureau of Labor Statistics' consumer price index. Adjusted dollar limitations are established each January using the consumer price index for the preceding December.

Dated: March 3, 1992.

Stephen E. Higgins,

Director.

[FR Doc. 92-6707 Filed 3-25-92; 8:45 am]

BILLING CODE 4810-31-M

Fiscal Service

[Dept. Circ. 570, 1991—Rev., Supp. No. 22]

Surety Companies Acceptable on Federal Bonds Suspension of Authority; Regency Insurance Co.

Notice is hereby given that the Certificate of Authority issued by the Treasury to Regency Insurance Company, of Hallandale, Florida, under the United States Code, title 31, sections 9304–9308, to qualify as an acceptable surety on Federal bonds is hereby suspended, effective this date. The suspension will remain in effect until further notice.

The Company was last listed as an acceptable surety on Federal bonds at 56 FR 30159, July 1, 1991. Federal bond-approving officers should annotate their reference copies of Treasury Circular 570 to reflect the suspension.

With respect to any bonds currently in force with Regency Insurance Company, bond-approving officers for the Government may let such bonds run to expiration and need not secure new bonds. However, no new bonds should be accepted from the Company. In addition, bonds that are continuous in nature should not be renewed.

Questions concerning this notice may be directed to the Department of the Treasury, Financial Management Service, Finance Division, Surety Bond Branch, Washington, DC 20227, telephone (202) 874–6507.

Dated: March 11, 1992.

Charles F. Schwan, III,

Director, Funds Management Division, Financial Management Service.

[FR Doc. 92-6949 Filed 3-25-92; 8:45 am]

BILLING CODE 4810-35-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. 301-88]

Request for Public Comment: People's Republic of China: Market Access Barriers

AGENCY: Office of the United States Trade Representative.

ACTION: Request for information concerning Chinese market access barriers.

SUMMARY: The United States Trade Representative (USTR) is seeking additional informaiton concerning market access barriers that U.S. companies have encountered in the People's Republic of China (China). Specific data regarding instances when individual or overlapping market access barriers have (1) prevented or delayed the entry of U.S. products into Chinese markets, (2) effectively priced U.S. products out of the Chinese market, or (3) have discriminated against U.S. exports in favor of domestic products or those of another country would assist USTR in pursuing its investigation of these barriers. USTR invites written comments from the public on these matters.

DATES: Written comments from the public are due on or before 12 noon, on Monday, April 20, 1992.

ADDRESSES: Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Lee Sands, Director, China and Mongolian Affairs (202) 395–5050, or Dorothy Balaban, Special Assistant to the section 301 Committee (202) 395–3432, for information concerning filing procedures.

SUPPLEMENTARY INFORMATION: On October 10, 1991, at the direction of the President, the USTR initiated an investigation under section 302(b) to determine whether specific market access barriers in China are unreasonable or discriminatory and burden or restrict U.S. commerce. The investigation includes the following practices:

(1) Lack of transparency: Failure to publish laws, regulations, judicial decisions, and administrative rulings of general application pertaining to customs requirements or to requirements, restrictions or prohibitions upon imports or affecting their sale or distribution in China;

(2) Import bans: Selected product-specific and sector-specific import prohibitions and quantitative restrictions;

(3) Import licensing requirement: Selected restrictions upon imports made effective through restrictive import licensing requirements;

(4) Technical barriers to trade, including standards, testing and certification requirements, and policies toward veterinary and phytosanitary standards that create unnecessary obstacles to trade.

In addition, we are consulting with China concerning that country's prohibitively high tariffs, import substitution requirements, and other issues.

Public Comment: Requirements for Submissions

Comments must be filed in accordance with the requirements set forth in 15 CFR 2006.8(b) (55 FR 20593) and are due by 12 noon, Monday, April 20, 1992. Comments must be in English and provided in twenty copies to: Dorothy Balaban, Special Assistant to the Section 301 Committee, Office of the General Counsel, room 223, USTR, 600 17th Street, NW., Washington, DC 20506.

Comments will be placed in a file (Docket 301–88) open to public inspection pursuant to 15 CFR 2006.13, except confidential business information exempt from public inspection in accordance with 15 CFR 2006.15. Confidential business information submitted in accordance with 15 CFR 2006.15 must be clearly marked "BUSINESS CONFIDENTIAL" in a contrasting color ink at the top of each page on each of 20 copies, and must be accompanied by a nonconfidential summary of the confidential information. The nonconfidential summary shall be placed in the file that is open to public inspection.

Jeanne E. Davidson,

Chairman, Section 301 Committee.

[FR Doc. 92-6998 Filed 3-25-92; 8:45 am]

BILLING CODE 3190-01-M

Sunshine Act Meetings

Federal Register
Vol. 57, No. 59
Thursday, March 26, 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).

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. § 552b), notice is hereby given of the following meeting of the Board:

TIME AND DATE: 9:00 a.m. April 10, 1992.

PLACE: Public Hearing Room, Suite 700, 625 Indiana Avenue, NW, Washington, DC 20004.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Board will discuss and deliberate upon safety issues related to the proposed restart of K–Reactor, Savannah River Site, South Carolina, including, but not limited to, consideration of tritiated water release from heat exchangers, safety rod latching mechanisms, and other operational readiness topics.

CONTACT PERSON FOR MORE INFORMATION: Kenneth M. Pusateri, General Manager, Defense Nuclear Facilities Safety Board, or Carole J. Council, 625 Indiana Avenue, NW, Suite 700, Washington, DC 20004, (202) 208–6400 (FTS 268–6400).

SUPPLEMENTARY INFORMATION: The Board specifically reserves its right to further schedule and otherwise regulate the course of the meeting, to recess, reconvene, postpone, or adjourn the meeting, and otherwise exercise its powers under the Atomic Energy Act of 1954, as amended.

Dated: March 24, 1992.

Kenneth M. Pusateri,

General Manager.

[FR Doc. 92–7098 Filed 3–24–92; 10:29 am]

BILLING CODE 6820–KD–M

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, March 31, 1992, 10:00 a.m.

PLACE: 999 E Street, N.W., 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, April 2, 1992, 10:00 a.m.

PLACE: 999 E Street, N.W., Washington, D.C. (Ninth Floor).

STATUS: This Meeting Will Be Open to the Public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes

Title 26 Certification Matters

Advisory Opinion 1992–8: The Honorable William H. Orton

Notice of Proposed Rulemaking on Special Fundraising Projects by Political Committees

Administrative Matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Press Officer, Telephone: (202) 219–4155.

Delores Harris,

Administrative Assistant.

[FR Doc. 92–7158 Filed 3–24–92; 2:51 pm]

BILLING CODE 6715–01–M

Corrections

Federal Register
Vol. 57, No. 59
Thursday, March 26, 1992

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

FEDERAL MARITIME COMMISSION

Port of New Orleans; et al; Agreement(s) Filed

Correction

In notice document 92-6098 appearing on page 9256 in the issue of Tuesday, March 17, 1992, make the following correction:

In the second column, the first agreement number should read, "224-200330-001."

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket No. 91N-0122]

RIN 0905-AB68

Food Labeling: Nutrition Labeling of Raw Fruit, Vegetables, and Fish; Guidelines for Voluntary Nutrition Labeling of Raw Fruit, Vegetables, amd Fish; Identification of the 20 Most Frequently Consumed Raw Fruit, Vegtables, and Fish; Definition of Substantial Compliance; Correction

Correction

In rule document 92-4747 beginning on page 8174 in the issue of Friday, March 6, 1992, make the following correction:

On page 8174, in the table, in the seventh column (Sodium), in the last entry, "1" should read "2".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket No. 91N-0094]

RIN 0905-AB67

Food Labeling: Health Claims; Calcium and Osteoporosis; Correction

Correction

In proposed rule document 92-4718 beginning on page 8179 in the issue of Friday, March 6, 1992, make the following correction:

On page 8180, in the 2d column, in the paragraph numbered 9., in the 15th line, before "bone" insert "a".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket No. 91N-0103]

RIN 0905-AB67

Food Labeling: Health Claims and Label Statements; Omega-3 Fatty Acids and Coronary Heart Disease; Correction

Correction

In proposed rule document 92- 4725 beginning on page 8183 in the issue of Friday, March 6, 1992 , make the following correction:

On page 8184, in the third column, in the paragraph numbered 17, in the ninth line, "unit" should read "amt.".

BILLING CODE 1505-01-D

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research Act of 1984--Laboratory Study of the Electrical Resistivity of Brine Solutions at Elevated Temperature and Pressure

Correction

In notice document 92-2465 beginning on page 4063 in the issue of Monday, February 3, 1992, make the following correction:

On page 4063, in the 3d column, in the 3d paragraph, in the 15th line, "fell" should read "fall".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Saint Lawrence Seaway Development Corporation

33 CFR Part 402

Tariff of Tolls

Correction

In rule document 92-1330 beginning on page 2471 in the issue of Wednesday, January 22, 1992, make the following correction:

§ 402.11 [Corrected]

On page 2471, in the third column, in § 402.11(b), in the next to last line, "country" should read "port".

BILLING CODE 1505-01-D

federal register

Thursday
March 26, 1992

Part II

Department of Justice

Office of Juvenile Justice and Delinquency Prevention

Fiscal Year 1992 Competitive Discretionary Grant Programs and the Availability of the "Office of Juvenile Justice and Delinquency Prevention Fiscal Year 1992 Discretionary Program Announcement Application Kit"; Notice

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

Fiscal Year 1992 Competitive Discretionary Grant Programs and the Availability of the "Office of Juvenile Justice and Delinquency Prevention Fiscal Year 1992 Discretionary Program Announcement Application Kit"

AGENCY: Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, Justice.

ACTION: Public announcement of the Fiscal Year 1992 Competitive Discretionary Grant Programs and the availability of the "Office of Juvenile Justice and Delinquency Prevention Fiscal Year 1992 Discretionary Program Announcement Application Kit" (hereinafter OJJDP Application Kit).

SUMMARY: The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is publishing this Notice of Competitive Discretionary Grant Programs and announcing the availability of the OJJDP Application Kit (a separate publication available from the OJJDP Juvenile Justice Clearinghouse). Each program announcement that follows contains specific instructions on competitive program requirements, including eligibility requirements and selection criteria for each competitive program.

The OJJDP Application Kit contains the discretionary program announcements, general application and administrative requirements, an application form (Standard Form 424), the OJJDP Peer Review Guideline, OJJDP Competition and Peer Review Procedures, and other supplemental information relevant to the application process. To order an OJJDP Application Kit, please call the Juvenile Justice Clearinghouse, toll-free, 24 hours a day, at 1–800–638–8736.

DATES: Each program announcement specifies a due date for the receipt of applications. Applications postmarked after the due dates will not be considered.

ADDRESSES: Applications should be sent to the Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue, NW., Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT: Program inquiries are to be addressed to the attention of the OJJDP staff contact person identified in each specific program announcement. For general information contact Marilyn Silver, Information Dissemination Unit, (202) 307–0751. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Pursuant to the provisions of section 204(b)(5)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended (hereinafter JJDP Act), 42 U.S.C. 5614(b)(5)(A), the Administrator of OJJDP issued a Final Comprehensive Plan describing the funding activities which OJJDP intends to carry out during Fiscal Year 1992. Published at 56 FR 66536, December 23, 1991, the final plan includes activities specified in parts C and D of title II of the JJDP Act (42 U.S.C. 5651–5665a and 42 U.S.C. 5667–5667a).

The OJJDP program planning process for Fiscal Year 1992 is closely coordinated with the Assistant Attorney General and the Bureau components of the Office of Justice Programs (OJP).

OJP, through its program bureaus' discretionary grant program resources, will implement in Fiscal Year 1992 an initiative titled The Weed and Seed Program. The overall strategy is based on coordination and concentration of Federal, State and local resources, both public and private.

OJJDP supports the overall Weed and Seed strategy of coordinating Federal, State and local resources. To this end, OJJDP encourages applicants providing services in any of the proposed Weed and Seed sites to review this program announcement to determine competitive funding eligibility and to apply under those competitive programs that can be integrated into and contribute to local Weed and Seed Program goals.

The OJJDP discretionary competitive programs that follow in this announcement are listed below in accordance with overall OJP program priorities, where applicable. Applicants for Summer and Graduate Research Fellowships can address any of the OJP/OJJDP program priority areas even though these programs are listed under the Evaluations program area.

Gangs and Violent Offenders

Juvenile Justice System Handling of Sex Offenses and Offenders

Intermediate Sanctions and User Accountability

Juvenile Restitution

Drug Prevention

Professional Development for Youth Workers
Native American Alternative Community-Based Program
Field-Initiated Program

Evaluations

Summer Research Fellowship Program
Graduate Research Fellowship Program
Effectiveness of Juvenile Offender Prevention and Treatment Programs: What Works Best and for Whom?

Intensive Prosecution and Adjudication

A Study to Examine the Delays in Juvenile Justice Sanctions
Juvenile Justice Personnel Improvement
Improvement in Correctional Education for Incarcerated Juvenile Offenders

Information Systems Support and Statistics

Telecommunications Technology for Training and Information Dissemination

OJJDP has made the following change to the "Final Comprehensive Program Plan for Fiscal Year 1992" as published at 56 FR 66536, December 23, 1991: Gang Prevention and Intervention—$800,000 (pg 66537).

This program will not be funded in Fiscal Year 1992. The amount for this program has been reduced by $400,000 to fund a congressionally earmarked program for "Teens Crime and the Community," that was identified in both the House and Senate Appropriations Committee Reports but inadvertently omitted from the Fiscal Year 1992 Appropriations Committee Conference Report. The remaining $400,000 will be reallocated to support the coordination and implementation of gang suppression and intervention programs currently funded by OJJDP. Awards will be made to current grantees and contractors.

Application Requirements: All applications must be submitted in accordance with the requirements set forth in the OJJDP application kit.

Due Date: Applicants are requested to submit the original, signed application (Standard Form 424) and four copies to OJJDP. Application forms and supplementary information will be provided upon request for the OJJDP Application Kit. Potential applicants should review the OJJDP Peer Review Guideline and the OJJDP Competition and Peer Review Procedures. These documents are provided in the OJJDP Application Kit. Delivered applications must be taken to the address indicated between the hours of 8 a.m. and 5 p.m., except Saturdays, Sundays or Federal holidays.

Gangs and Violent Offenders

Juvenile Justice System Handling of Sex Offenses and Offenders

Purpose

To develop a national profile of current juvenile justice system practices in the handling of juvenile sex offenders.

Background

Studies of adult sex offenders reveal that much of their offending behavior began when they were adolescents. According to a 1982 study by Groth, Logo, and McFaden, as many as 60–80 percent of adult offenders reported sexual offending as adolescents. Studies by Abel, Rouleau, and Cunningham-Rathner in 1986 reported an average of over 380 victims, whereas juveniles currently being evaluated report an average of less than seven victims (Preliminary Report from the National Task Force on Juvenile Sex Offending). Studies by Showers, Farber, Joseph, Oshins, and Johnson attribute 50 percent of the molestation of boys and 15–20 percent of the molestation of girls to adolescent offenders. From this it is evident that early intervention has great potential for reducing the victimization of sex offenses.

Goal

To assess how the juvenile justice system protects the community, individuals, and juveniles from the effects of juvenile sex offenses.

Objectives

- To identify effective practices in the juvenile justice system response to juvenile sex offending;
- To identify weaknesses in the juvenile justice system response to juvenile sex offending, which lead to further victimization; and
- To determine whether similar offending sexual behavior, described in a formal topology, is generally responded to in a consistent manner by the juvenile justice system, and, if not, to determine the factors, including offender characteristics, related to the inconsistent response.

Program Strategy

The design of this research builds upon the "Preliminary Report from the National Task Force on Juvenile Sex Offending, 1988," published by the National Council of Juvenile and Family Court Judges (NCJFCJ). The report presents basic assumptions supporting effective juvenile justice system practices in responding to juvenile sex offending. The strategy of this study is to assess how the juvenile justice system currently operates in the handling of sex offenders.

The research will identify strengths and weaknesses in these practices: Strengths that curtail sexual offending; weaknesses that permit offenses to go unreported or offenders to continue their illegal sexual behavior into adulthood. The study will address the question, "How well does the juvenile justice system protect society by apprehending offenders and making them legally accountable for their sexual offenses and by preventing further offenses?"

The award recipient will first conduct a comprehensive literature review of laws, policies and practices pertaining to juvenile sex offenses and offenders. This literature review will update the review in the above NCJFCJ publication. The results of this review will guide the second phase of the research.

In the second phase more specific information will be gathered in at least 5 sites representative of the national juvenile justice system, taking into account geographic regions of the country, urban or rural settings, and large-state as opposed to small-state systems. At each selected site the juvenile justice system response to juvenile sex offenders will be assessed. At each site this assessment will address the following issues and consider, minimally, the following questions:

1. Reporting

Are specific efforts made to improve the extent of reporting juvenile sex offenses? Are there practices which discourage reporting?

2. Investigation

Are investigations conducted by individuals trained to interview child witnesses? Are efforts made to reduce the number of interviews? Is cooperation adequate among prosecutors, police, child protective services, and evaluation providers?

3. Prosecution

Is there consistency among the sites, or within each site, regarding the severity of the offense charged in relation to the offending behavior observed? Are sex offenses often negotiated down to non-sex offenses? What dispositions are made at this point and why?

4. Defense Counsel

Are defense attorneys available who are trained and experienced in dealing with juvenile sex offenses?

5. Court Process

Does the court provide the necessary mandate to impose involuntary treatment? Are adequate treatment options available? Are they used? Are adult and juvenile sanctions and treatments imposed in a consistent manner? Are probation officers and court workers who supervise offenders in the community specially trained? What dispositions are made by the court?

6. Assessment

Does the court order assessments of offender dangerousness, treatment needs, prognosis, etc.? Are there qualified providers available to make the assessments?

7. Aftercare and Follow-up

Are resources available to permit a gradual reduction of control and support for offenders being released from treatment or supervision? What is the relationship between familial variables and outcome?

Product

A published report that covers both phases of the research. It will document how the juvenile justice system is addressing sex offenders including effective approaches.

Application Requirements

All applications must be submitted in accordance with the requirements set forth in the OJJDP Application Kit.

Eligibility Requirements

Applications are invited from individuals, public and nonprofit organizations, educational institutions, or combinations thereof. Applicants must demonstrate that they have experience in the design and implementation of this type of program.

Selection Criteria

Applications will be rated on the extent to which they meet the following selection criteria:

1. The problem to be addressed by the project is clearly stated. (10 points).
2. The objectives of the project are clearly defined. (15 points).
3. The project design is sound and contains program elements directly linked to the achievement of the project objectives. (35 points).
   - The design contains research elements directly related to the program objectives. (20 points).
   - Applicant provides a detailed workplan describing the methodology of the program. (15 points).
4. The project management structure is adequate to conduct the program successfully. (15 points).
   - Applicant provides specific guidelines and timelines with regard to the program activities. (10 points).
   - Applicant explains how the management structure is consistent with the needs of the program. (5 points).
5. Organizational capability is demonstrated at a level sufficient to

conduct the project successfully. (15 points).

• Applicant demonstrates knowledge and experience with juvenile justice issues, particularly in the area of study to be addressed. (8 points).

• Applicant identifies staff qualified to support the project successfully. (7 points).

6. Budgeted costs are reasonable, allowable and cost effective for the activities proposed and are directly related to the achievement of the program objectives. (10 points).

Award Period

The award period will be 18 months.

Award Amount

A grant of up to $200,000 will be awarded to the successful applicant.

Due Date

Applications must be received by mail or delivered to OJJDP by May 11, 1992. Applications postmarked after this due date will not be considered. Those applications sent by mail should be addressed to the Research and Program Development Division, OJJDP, room 784, 633 Indiana Avenue, NW., Washington, DC 20531.

Contact

For further information contact Joseph Moone, Research and Program Development Division, (202) 307–5929.

Intermediate Sanctions and User Accountability

Juvenile Restitution

Purpose

To provide training and technical assistance for the development and improvement of restitution (including community service) programs in juvenile justice agencies.

Background

OJJDP initiated support for juvenile restitution over a decade ago. This support included program development and evaluation of the first OJJDP funded restitution programs. Subsequent support covered training and technical assistance to expand and upgrade restitution programs, and the development of training and guideline materials.

There have been significant advances in juvenile restitution programming and management over the years. The formal programs provide written policy and procedural guidelines, management information systems, program staff, and a variety of components, which extend beyond simple repayment of damages to victims. Such components may include innovative community service projects, victim-offender mediation, private or public sector job development, supervised work situations for offenders, the utilization of volunteers in program operations, and other resource development.

Progressive juvenile restitution programs foster offender accountability to the victim and/or the community. In addition, good restitution programs appear to have implications for reducing recidivism of juvenile offenders. Data from the national evaluation of OJJDP-supported restitution programs for four jurisdictions indicated that in three of the four programs, by comparison with alternative interventions, restitution had a clear suppression effect on delinquency. A positive effect of restitution on recidivism is also suggested by Butts and Snyder in a 1991 draft article showing a positive effect on restitution and recidivism.

In spite of the valuable results of these programs, OJJDP estimates that less than one-third of all juvenile court jurisdictions have restitution programs sufficiently developed to achieve the multiple benefits of this alternative disposition. Inability to pay, lack of paid employment, insufficient community service opportunities, and liability concerns, among other issues, have been cited as barriers to wider use of restitution by A.L. Schneider and J.S. Warner in a 1989 study. However, accumulated program information does not support the arguments against wider use of restitution (see Bazemore, "The Restitution Experience in Youth Employment," 1989; Feinman, "Liability and Legal Issues in Juvenile Restitution," 1990).

OJJDP has determined that the use of restitution should be expanded as a viable alternative juvenile justice disposition, as an intermediate sanction, and as a means of reducing institutionalization of juvenile offenders. Restitution and its various components should be viewed and used as potential catalysts for overall juvenile justice system improvement, leading to changes both in system philosophy and procedure. An example of such change is the progression from the traditional or "treatment-oriented" (medical model) handling of juvenile offenders to the "balanced approach" in juvenile probation and other segments of the system (Maloney, Romig and Armstrong, 1988; Barton, Streit and Schwartz, 1991).

Goals

• To reduce juvenile delinquency through the expanded implementation of effective restitution, including community service, programs; and

• To strengthen the juvenile justice system by providing effective dispositional alternatives to juvenile courts.

Objectives

• To develop a training and technical assistance strategy (including a training and technical assistance marketing plan) in order to increase structured restitution programs and to assist agencies in upgrading existing programs;

• To compile or develop training and other informational materials, as necessary, including materials describing innovative restitution program models or prototypes;

• To implement training and technical assistance in accordance with the developed strategy;

• To assess the results of training and technical assistance, in order to improve restitution program services; and

• To utilize restitution programs as catalysts for overall juvenile justice system improvement.

Program Strategy

OJJDP expects to fund a three-year project under this program announcement. Grant awards will be made annually, for each of three 12-month budget periods.

The program will include three phases:

1. Phase one will consist of the development and testing of a strategy for increasing structured restitution programs, and for upgrading existing programs through delivery of technical assistance and training, and through information dissemination. This strategy should help guide OJJDP's short- and long-range support of restitution programs in the juvenile justice system.

The strategy should also include recommendations for any ancillary restitution-related activities for which OJJDP support might be indicated, such as demonstration projects, research, evaluation, and promotion of restitution under the OJJDP Formula Grants Program. In addition, the strategy document should provide cost estimates of OJJDP expenditures required to carry out the training, technical assistance and other strategy recommendations. The recommendations will need to be prioritized to assure funding for the most crucial activities.

The strategy to be developed will require both recommendations for the programmatic content of the training and technical assistance to be conveyed to the field, and a marketing plan which can help assure optimum exposure of the juvenile justice policymakers,

managers, and practitioners to the programmatic content.

The training and technical assistance program recommendations must be developed in concert with the marketing plan. These recommendations should cover the process and the content of training and technical assistance. They should address training and technical assistance materials development, training design, settings, extent, and target audiences.

The basic questions are: What training and technical assistance can best assure that juvenile restitution and community service programs compensate the victims, help salvage the offenders, and provide crime control in their host communities? What ancillary activities (research, demonstration, evaluation, etc.) are needed to start, maintain, expand, and improve restitution and community service programs? What funding is required for all of the above purposes, and how can it be secured for the short- and long-range?

The restitution and juvenile justice focus in the strategy document should be on recommendations for significant advancements over previous practices that have not worked well. The strategy should also include the rationale for these advancements. While the "balanced approach," already referred to, may not be the only possible innovation in juvenile justice and restitution procedures and programming, it does provide both a theoretical base and practical guide for action. Thus, it can be used as the framework for improvements both in individual restitution programs and in the juvenile justice system overall. The combined concepts of community protection, offender accountability, and competency development are viable goals, which, when properly presented (marketed), can generate the kinds of community acceptance and support that have declined for the traditional programs of probation or institutional custody.

The strategy proposed for future OJJDP support under this program announcement should represent the cutting edge in current restitution and juvenile justice knowledge and practice.

OJJDP expects that the award recipient will make full use of the results of the national survey of restitution programs currently being completed under the Restitution Education, Specialized Training & Technical Assistance cooperative agreement, and that, prior to making strategy recommendations, the grantee will inspect successful restitution programs in the field.

Phase one of the project should conclude with the completion of a strategy document, which will provide recommendations for further activities to be undertaken by the award recipient, and for the future OJJDP role in restitution and related juvenile justice programming. The project's first phase should also include the testing of the proposed strategy, in whole, or in part, in two to three jurisdictions.

The strategy development and testing is expected to be completed approximately during the first 12-month budget period.

2. Phase two, the second 12-month budget period, will be devoted to expanded implementation of the restitution program strategy, in accordance with the marketing plan developed during the previous project phase.

Phase two should also include any training, technical assistance and program marketing materials development indicated by the strategy. Documents produced by the project must build on (not duplicate) publications issued under the RESTTA cooperative agreement (e.g., Rubin and Thornton, "Restitution Improvement Curriculum: A Guidebook for Juvenile Restitution Workshop Planners," 1988), or on other relevant information in the area of juvenile restitution. The specific design and workplan for the second phase of the project is expected to be contained in the continuation application covering the second 12-month budget period.

3. The project's third 12-month phase will continue implementation of the restitution program expansion and refinement strategy, and will provide an assessment of the results of the 36-month effort. The assessment report should indicate both the accomplishments at the conclusion of the project period, and any significant training, technical assistance, or other needs in the juvenile restitution area which remain unmet. The project must maintain a management information system from the outset that can capture data pertaining to the questions noted above. This phase must also cover the completion of any publications started, but not finished, during the previous phase. The design for this phase of the project will be presented in the third year continuation application.

The information and requirements provided in this announcement pertaining to phases two and three of the project are sparse because the specific work to be performed during each of these subsequent 12-month budget periods will depend on the program strategy developed during phase one. Thus, while applicants must convey competence to handle the entire thirty-six month project period, the initial applications submitted under this announcement must place the main emphasis on the first phase.

Products

- A strategy document providing recommendations for training, technical assistance, marketing, and related activities to be implemented by the award recipient, and recommendations for future OJJDP support of juvenile restitution program expansion and improvement, including cost estimates, and mini-reports of the test site results;
- Training, technical assistance, and marketing materials determined necessary during the strategy development phase of this project;
- A project assessment report indicating accomplishments during the three-year grant period, and identifying remaining training, technical assistance or other program support needs in the area of restitution; and
- Quarterly progress reports regarding project activities.

Eligibility Requirements

Applications are invited from public and private organizations. Private for-profit organizations must waive their fee to be eligible. Joint proposals by two applicants are welcome, as long as one organization is designated as the applicant and the other as co-applicant.

Selection Criteria

Applications will be rated on the extent to which they meet the following selection criteria:

1. Conceptualization of the problem. (25 points). The applicant must convey a clear understanding of the issues covered in this program announcement and of the work to be performed. In particular, such understanding must pertain to the interface of restitution and community-service programs with other juvenile justice system endeavors, and with the broader efforts of juvenile and criminal justice system improvement and of community crime control. The applicant must also exhibit knowledge of marketing techniques and of other procedures to be employed for expanding the utilization of restitution and community-service approaches as viable, alternative juvenile justice dispositions.

2. Statement of goals and objectives. (15 points). The goals and objectives to be achieved by the project must be clearly defined, and expressed in operational terms consistent with the issues and performance requirements

set forth in the conceptualization of the problem section of the application.

3. Project design. (20 points). The application must propose a project design, indicating a work plan, specific procedures to be carried out, performance schedules, expected accomplishments, and products. The design must be consistent with the project's goals and objectives, and with the conceptualization of the problem statement(s).

4. Project management. (15 points). The project's management structure and staffing must be appropriate for the successful implementation of the project. Key staff should have significant experience in program management and in the subject area(s) addressed in this announcement. Staff résumés should be attached to the application.

5. Organizational capability. (15 points). The applicant organization's ability to conduct the project successfully must be clearly documented in the proposal. The documentation should include organizational experience in the subject areas, and experience in conducting projects of the scope and complexity reflected in this program announcement.

6. Budget. (10 points). The proposed budget must be reasonable, allowable, and cost effective *vis-a-vis* the activities to be performed.

Award Period

The project period is 36 months. The initial budget period is 12 months.

Award Amount

The award for the initial 12-month budget period will be up to $200,000. The awards for the subsequent budget years will be consistent with the program strategy proposed by the project funded under this program announcement, approved by OJJDP, and with the availability of funds.

Due Date

Applications must be received by mail or delivered to OJJDP by June 1, 1992.

Contact

For further information contact Peter Freivalds, Training, Dissemination, and Technical Assistance Division, (202) 307–5940.

Drug Prevention

Professional Development for Youth Workers

Purpose

To develop and provide youth workers with training opportunities to promote their professional development and ensure that state-of-the-art instruction in matters affecting high-risk youth is available to those entrusted with their care.

Background

Since 1975, OJJDP has funded a number of training projects to address individual needs and occasional crisis situations. To have a more permanent impact on the professionalism of the cadre of youth workers employed in a myriad of agencies and to foster their professional development, a formal and continued training program should be developed.

Recently it was estimated by the Center for Youth Development and Policy Research of the Academy for Educational Development that over 17,000 organizations exist in the country that focus primarily on youth programming. The organizations range in size and mission. At the present time, there are diversified approaches to the professional development of staff personnel in community-based programs in such areas as school security, shelter-care, after-care, probation, court intake and youth services. However, to the extent to which information is available, there is no core curriculum for individuals addressing the needs of high-risk youth in our society.

Consequently, it appears that the staff personnel employed in youth-serving organizations assisting high-risk youth are not receiving the support required to deliver quality care. Without a formal system of professional development opportunities, this dedicated group of individuals may not have the quality of support needed to make a difference in the lives of these youth.

Goal

To establish a professional development training curriculum for youth workers in community-based agencies, serving high-risk youth.

Objectives

- To conduct an inventory of existing training programs;
- To conduct an assessment of present and future training needs for the target population;
- To develop several curricula areas deemed to be of greatest need;
- To develop a set of core modules tailored to the unique needs of youth service workers in three to five youth-service settings; and
- To establish an implementation mechanism for the training package(s) developed and conduct an evaluation using measurable criteria.

Program Strategy

During the first year of a three-year project period, the grantee will first conduct an inventory of existing training programs. While the inventory is being catalogued, the grantee will also conduct a survey of a representative sample of youth-serving organizations to determine present and future training needs. Additionally, the grantee will review the findings of recently conducted needs assessments of training by OJJDP in collaboration with the National Institute of Corrections and the Office of National Drug Control Policy as well as information available from the Family and Youth Services Bureau of the Department of Health and Human Services, to determine whether the findings may lend themselves to achieving the goals and objectives of this initiative. From the results of the survey, several areas will be identified for development and refinement into curricula for training modules. The grantee will also undertake an analysis to determine the most economical means and the soundest approaches of providing the training to the greatest number of persons in the target audience. The analysis will consider traditional classroom approaches, distance learning, computer assisted training, etc. Finally, the grantee will provide OJJDP with recommendations of various options for providing the training to the field. During the second and third year of the program, the developed curricula in several topical areas will be provided to the field through a number of approaches, including distance learning and traditional classroom means. For each training program offered, the grantee will develop an evaluation protocol to determine the worth and effectiveness of the developed curricula.

Specific products to be completed during this project are:

- A report on existing training opportunities focusing on youth-serving agencies and professional youth workers which describes at a minimum, the target populations, subject matter, modality or format (how the training was offered to the target audience), funding (cost per trainee), and effectiveness measures and results;
- A survey instrument, for OJJDP's prior approval, to be employed in conducting the survey of present or future training needs;
- A report of the survey of a representative sample of high-risk youth-serving organizations of various sizes to determine present and future training needs which describes, at a

minimum, the targeted population, issues being addressed, training objectives, and relative priority among survey results;

• A report of recommendations to OJJDP for development of several topical areas for which curricula should be developed, including the mechanism or means of providing the recommended curricula;

• A number of topical areas, as determined by OJJDP, developed into curricula modules for this training program; and

• Several developed curricula modules offered to the field during the initiative's second year.

Eligibility Requirements

Applications are invited from public agencies and private organizations that can demonstrate the experience and capability to conduct a training needs assessment, develop curricula, and provide training for youth-serving organizations working with high-risk youth. Applicants must also identify a listing of up to 50 persons dealing with high-risk youth from a cross-section of youth-service agencies who could be invited to a national conference to support the training needs assessment.

Selection Criteria

Applications will be rated on the extent to which they meet the following selection criteria:

1. Conceptualization of the problem. (15 points). The applicant must demonstrate a clear understanding of, and competence to deal with, issues addressed by youth-serving organizations, needs assessments, curricula development, and providing training to the target population.

2. Statement of objectives. (15 points). The project's objectives must be clearly defined and consistent with the issues and requirements set forth in the conceptualization of the problem.

3. Project design. (30 points). The project's procedures, workplan and products must be directly linked with the stated objectives addressed by this announcement.

4. Project management. (10 points). The project's management structure and staffing must be adequate for the successful implementation and completion of the project. The management plan describes a system whereby logistical activities are handled in the most efficient and economical way and supported by a sound financial structure.

5. Organizational capability. (15 points). The applicant organization's ability to conduct the project successfully must be documented in the application. Organizational experience in serving high-risk youth, curricula development, and training experience with this population is required. Key project staff personnel should have significant experience in serving youth supported by experience in training youth services workers.

6. Budget. (15 points). The proposed budget must be reasonable, allowable and cost effective vis-a-vis the activities to be undertaken.

Award Period

The project period is 36 months. Additional funding beyond this period will be considered upon review of periodic reports of the project's accomplishments, reaction of the field to the endeavor, and available funds within the OJJDP appropriation.

Award Amount

Up to $200,000 will be available for this project for the first 12-month budget period of the project.

Due Date

Applications must be received by mail or delivered to OJJDP by June 9, 1992.

Contact

For further information contact Frank M. Porpotage II, Training, Dissemination, and Technical Assistance Division, (202) 307–0598.

Native American Alternative Community-Based Program

Purpose

To support the development of community-based alternatives for Native American juvenile offenders adjudicated by the tribal Courts who are being retained in the community, and for Native American youth who are returning from institutional placement.

Background

Examination of data with regard to racial and ethnic involvement in the juvenile justice system makes it clear that Native American youth are disproportionately involved. This disproportionately high involvement extends across all aspects of the system—from arrest to disposition and incarceration. There is a significant crime problem on Native American reservations, but are the right steps being taken to resolve it? (See the Concept Paper of the Native American Community-Based Alternatives for Adjudicated Youth Working Group, the topical bibliography developed for this initiative and the background paper, entitled "Native American Delinquency: An Overview of Prevalence, Causes and Correlates, and Promising Interventions" has been developed. These documents are available from OJJDP on request.)

OJJDP proposes to assist Native American tribal governments in developing community-based interventions for adjudicated youth or youth who are reentering the community after incarceration. The approach that will be taken is process oriented and designed to empower the tribes to develop their own programs based on their cultural norms. Technical assistance and training will be provided to assist the selected tribes in planning, and to provide insight into promising approaches to community-based alternatives and reentry programs that have been identified by OJJDP grantees and other Federal, State, and locally supported programs.

Goal

To assist selected tribal governments in developing effective community-based alternatives for adjudicated youth and effective reentry programs for incarcerated youth.

Objectives

• To fund a training provider that is experienced with Native American tribal governments, tribal courts and tribal juvenile justice systems;

• To fund approximately 10 tribal governments which have juvenile court jurisdiction to assist them in planning and implementing community-based alternatives for adjudicated youth and reentry programs for incarcerated youth;

• To provide training and technical assistance to these tribal governments to assist them in planning and implementing community-based alternatives and reentry programs that reflect the cultural and traditional norms and values of their tribes;

• To enlist the financial and/or technical support of other Federal agencies or private foundations which have related programs; and

• To implement and evaluate the respective community-based alternative and reentry programs.

Program Strategy

Phase I of this program will involve the selected tribal governments in a planning process that is designed to enumerate the juvenile justice-related needs and problems on the reservations and to identify the existing resources that may be utilized to develop and sustain community-based alternatives and reentry programs for adjudicated Native American juvenile offenders. Phase II will involve the selected tribes in implementing community-based

alternative or reentry programs they have chosen.

To assist the tribes in this effort, a training and technical assistance provider with substantial experience in working with tribal governments, tribal courts, and the tribal juvenile justice systems will be competitively selected through this solicitation. The selected training provider will assist the tribes in all aspects of this planning process during Phase I and provide training and technical assistance during the implementation phase (Phase II).

While the framework for the envisioned model is generic, it should incorporate certain core elements. The basic concept is that an increased level of social control and service provision is required as the severity of offending behavior increases and the personal problems and needs of the youth become more pronounced. The program should:

- Be grounded in the accepted values and customs of the tribe;
- Respond to the identified problems, needs, and deficits of targeted youth and their families;
- Utilize appropriate traditional customary sanctions;
- Focus on building the capacity of the tribal governments and related agencies to serve the targeted youth in the community. There should be a commitment on the part of the tribal governments to promote entrepreneurial activities that provide youth opportunities;
- Build on existing relevant research to advance program planning such as:

—Restitution and community service;

—Intensive supervision programing; and

—Aftercare and reentry programs;

- Develop broad-based community support and a sense of community ownership and responsibility; and
- Involve youth.

The selection of necessary program components should be based on a careful assessment of risks and needs of the youth. Mechanisms should assure that the necessary program components are available to the tribal courts and to provide reasonable assurance of community safety and program accountability.

This program envisions the community as a circle, with the youth in the center and the cluster of services in individual but overlapping circles around the circumference of the circle. When the youth are removed (institutionalized), the circle is broken, social harmony is disrupted, and the entire community is negatively affected. This proposed multi-disciplinary approach is designed to keep the youth in the community, if at all possible, and to keep the circle intact. This philosophical perspective is consistent with the metaphysical beliefs of many Native Americans throughout the United States and is often felt to be a fundamental aspect of social integration and cohesion in the community.

The respective parties will be responsible for the following activities:

—Phase I

- **Training Provider.** The training provider will:

(1) Assist OJJDP with the selection of the tribes that will participate in this initiative;

(2) Produce a training curriculum on assessment and planning techniques which will be delivered to the selected tribal representatives;

(3) Develop a plan to deliver training to the tribes either on a cluster, regional, or individual site basis, as best suits the resources made available for this effort;

(4) Plan a method to provide technical assistance to help the tribes construct alternative community-based programs for adjudicated juvenile offenders; and

(5) Identify promising community-based alternatives and aftercare approaches with the assistance of OJJDP and its grantees.

- **Tribal Governments.** After notification of selection, each tribe will:

(1) Identify a coordinator or key person to assume responsibility for the assessment and planning process;

(2) Participate through key tribal leaders and the selected coordinator in the training provided by the training and technical assistance provider;

(3) Provide support to the coordinator who will be responsible for conducting the assessment and facilitating the planning on the reservation; and

(4) Consult with the coordinator who will be expected to draft a plan for approval and implementation by the tribal government.

—Phase II

- **Training Provider.** The training provider will:

(1) Continue to identify promising approaches in community-based alternatives to incarceration and effective aftercare; and

(2) Provide training and technical assistance to the tribes to assist them in implementing the program components that have been chosen by the tribe and in developing the necessary management information system for the program.

- **Tribal Governments.** The tribal governments will:

(1) Complete the selection of all components for the program;

(2) Identify all resources that will be made available; and

(3) Implement the chosen program components.

The following products will be developed by the respective parties:

—Phase I

- **Training Provider.**

(1) A plan for providing the training and technical assistance;

(2) A curriculum on assessment and planning for the alternative community-based programs; and

(3) Technical assistance materials necessary to carry out this responsibility.

- **Tribal Governments.**

(1) An assessment report; and

(2) A plan for implementing the community-based alternatives for adjudicated juvenile offenders and the reentry program for youth returning from institutions.

—Phase II

- **Training Provider.**

(1) A plan for identifying additional promising programs and for providing training and technical assistance to the selected tribal governments; and

(2) A training curriculum and technical assistance materials on alternative community-based programs for adjudicated youth and youth returning from institutional placement.

- **Tribal Governments.**

(1) The program design for their alternative community-based program for adjudicated youth and youth returning from institutional placement;

(2) Training materials developed by the tribe to train staff in implementing the project; and

(3) A policies and procedures manual for the project.

Eligibility Requirements

Because this effort will include funding for a training provider to assist the tribes and direct grants to the tribal governments, OJJDP invites applications from public or private nonprofit agencies, or institutions for the training and technical assistance aspect of the program. Concept papers are invited from interested tribal governments which have juvenile court jurisdiction. "Juvenile court jurisdiction" means tribal courts that have legal authority to adjudicate cases involving juveniles for criminal offenses.

- **Training Provider.**

OJJDP invites applications from public agencies or private nonprofit organizations. Pursuant to section 261 (a) of the JJDP Act, 42 U.S.C. 5665(a),

applications cannot be accepted from profit making firms.

Applicants must demonstrate that they have substantial experience with, and knowledge of, tribal life and culture, tribal governments, tribal courts, and the tribal juvenile justice systems. They must demonstrate experience with the government grant process, providing training and technical assistance, and the ability to evaluate and assess tribal court operations and organize data and information collection. Applicants must demonstrate that they have credibility with tribal court jurisdictions by the inclusion of letters of support.

• **Tribal Governments.**

OJJDP invites pre-applications from tribal governments which:

• Have an established tribal court system with juvenile jurisdiction;

• Demonstrate a commitment of the tribal council and the juvenile court to develop alternative community-based programs for adjudicated youth and effective aftercare programs for youth returning to the reservation;

• Demonstrate a long-term commitment (36 months) of tribal council support for implementation of the program;

• Establish a need for alternative programs, as evidenced by high levels of incarceration and lack of community-based programs on the reservation. For example, at any given time, at least 50 youths are on probation or aftercare status in the community;

• Establish a need for reentry programs and aftercare as evidenced by high rates of recidivism (a rate higher than non-Native American youth committed to State institutions);

• Demonstrate a commitment to bring other resources to support the program; and

• Have a reliable database to provide information for documenting problems with juvenile offending, incarceration, and recidivism on the reservation.

Application Requirements

All applications must be submitted in accordance with the general requirements set forth in the OJJDP Application Kit. Specific requirements for the tribal governments follow.

• **Tribal Governments.**

Because OJJDP will be awarding small planning grants of no more than $20,000 to tribal governments for a 9-month period, OJJDP has decided to utilize a pre-application process to select up to 10 tribes. The pre-applications must be limited to 20 double spaced pages or less, excluding appendices that may include resumes, charts, etc. The concept papers must contain the following:

(1) A concise description of the problems with delinquency on the reservation, including the amount, severity, and rate of detention, incarceration, and recidivism of adjudicated juvenile offenders in the tribal courts.

(2) A brief history of the traditional sanctions providing for juvenile misbehavior in the tribe and the extent to which these traditional sanctions are still utilized.

(3) A brief description of the juvenile court and juvenile justice system operation on the reservation.

(4) A brief discussion of how the tribe will participate in the planning process (e.g., what personnel will be assigned to assist with the planning).

(5) A concise discussion of other resources (e.g., monetary, human, etc.) that will be made available to support the planning and implementation of the community-based alternative project.

(6) A time-task plan that identifies key milestones and dates for accomplishment.

(7) Letters of commitment from the Tribal Chairman, Tribal Council, and the Tribal Judge. These letters must reflect an understanding of the proposed projects and a commitment to at least a three-year effort.

Selection Criteria

• Training Provider.

Applications will be rated on the extent to which they meet the following selection criteria:

1. *The problem to be addressed. (20 points).* The problem to be addressed by the project is clearly stated and represents a clear understanding of the nature and scope of problems and issues in the Native American juvenile justice system.

2. *Goals and objectives. (10 points).* The goal(s) and objectives are clearly defined and the objectives are measurable.

3. *Project design. (35 points).* The project design is sound and contains program elements directly linked to the achievement of project objectives.

The overall design for the training and technical assistance aspect of this project will be assessed on the basis of its appropriateness, conceptual clarity, and technical adequacy. The design must conform to the program strategy described above. The applicant must provide a preliminary plan for carrying out the activities and developing the products outlined in the Program Strategy section of this solicitation. The proposed plans must clearly relate to the goal and objectives of this program to develop effective community-based alternatives for adjudicated juvenile offenders.

4. *Management structure. (15 points).* The project management structure is adequate to conduct the project successfully.

The management structure for the project must be consistent with the project goals and tasks described in the application. The program implementation plan will be evaluated to determine whether:

—The applicant demonstrates in the time-task plan and program design that it will complete the major milestones of the project on time.

—There is appropriate staffing to meet the requirements of the project.

5. *Organizational capability. (15 points).* The applicant demonstrates organizational capability sufficient to support the project successfully.

Both the personnel of the organization as well as its technical capabilities must be sufficient to accomplish the tasks of the project.

The applicant must demonstrate that staff members have sufficient substantive expertise and technical expertise (see Eligibility Requirements). The applications will be judged on the appropriateness of the position descriptions, required qualifications, and staff selection criteria.

6. *Budget. (5 points).* Budgeted costs are reasonable, allowable, and cost effective for the activities proposed to be undertaken. All costs must be fully justified in a budget narrative that explains how a particular cost item was determined.

• **Tribal Governments.**

The concept paper or preapplication will be rated on how well they meet the following criteria:

1. *The problem to be addressed. (25 points).* The applicant has comprehensively identified the nature and scope of the problems of juvenile delinquency on the reservation, the current resources that are available to address them, and a description of the juvenile court and juvenile justice system operation on the reservation.

2. *Goals and objectives. (15 points).* The applicant has thoroughly identified clear goals and objectives for the planning stage of the project.

3. *Project design. (25 points).* The applicant has clearly and concisely described how it will participate in the planning process.

4. *Management structure. (15 points).* The applicant has discussed the staff and other resources which will be available to implement the planning stage of the project and has demonstrated that the staff is qualified

to carry out this function. Also the applicant has provided a time-task plan with timely milestones for the planning period.

5. *Organizational capability. (15 points).* The applicant has juvenile court jurisdiction and has provided letters of commitment from the tribal chairman, presiding judge, chief of police, and any other key leader on the reservation.

6. *Budget. (5 points).* A budget is provided which is fully justified.

Award Period

The program period will be 36 months. The initial budget period will be 12 months for the training provider and 9 months for the selected tribal applicants.

Award Amount

Up to $300,000 has been allocated for this program: Up to $100,000 for the initial award to the training provider; and up to $20,000 will be awarded to each of the approximately 10 tribes as a 9-month planning grant.

Due Date

• **Training Provider.**

Applications must be received by mail or delivered to OJJDP by May 26, 1992.

• **Tribal Governments.**

Concept papers from the tribal governments must be received by mail or delivered to the above address by 5 p.m. on July 3, 1992. Concept papers postmarked after this due date will not be considered. An original and two copies of the concept paper should be sent to OJJDP.

Contact

For further information contact Eugene Rhoden, Special Emphasis Division, (202) 307–5914.

Field-Initiated Program

Purpose

To develop promising, innovative ideas relevant to the mission of OJJDP, particularly approaches that address OJJDP and OJP priority areas, but that utilize approaches other than those by current and planned OJJDP projects.

Background

Customarily, the research, development, and training programs which OJJDP has supported deal with areas that are specified by Congress or address agency priorities. Applicants have been limited to proposals which respond to specific requests by OJJDP. Thus, other imaginative and innovative approaches of researchers and practitioners are not always known to OJJDP. Through the Field-Initiated Program, OJJDP welcomes proposals which address the priority areas of OJP for Fiscal Year 1992. These priorities are listed and described below. Examples of specific topics of importance are included:

• *Gangs and violent offenders.* Prevention, intervention and suppression of illegal gang activity and gang recruitment of juveniles is an important and challenging subject of research. Gang-related homicides and violent crime are tragically high. Gang violence and chronic, violent delinquency are of particular interest to OJJDP, as well as intensive supervision and aftercare.

• *Victims.* Children are abused, neglected, abandoned, and exploited. Young victims need special assistance. The criminal justice and juvenile justice systems must strive to implement policies and programs to improve services to crime victims.

• *Community-based policing and police effectiveness.* The juvenile justice system should assume a primary role in mobilizing communities to develop comprehensive strategies for combating gang violence and preventing drug trafficking. Alliances between community residents and the police are essential for making neighborhoods safe and drug-free.

• *Intermediate sanctions and user accountability.* These sanctions fill the gap between traditional probation and secure incarceration and are usually less severe than detention or prison. They provide graduated levels of correctional programs which foster accountability and appropriate treatment. Drug testing should be considered an essential component of intermediate sanctions.

• *Drug prevention.* Drug prevention activities are focused on community-based efforts to reduce drug abuse, gang activity, illiteracy, juvenile delinquency, and school dropouts, especially in minority communities. Programs which focus on mobilizing law-abiding citizens to get involved with preventing drug trafficking, serious crime, gang violence, and child sexual exploitation in their neighborhoods are particularly needed.

• *Intensive prosecution and adjudication.* Prosecution and adjudication should be a primary focus of the juvenile justice system to attack the problems of drug trafficking, gang violence, and community exploitation. Activities should focus on policies, procedures, and practices that expedite the identification, processing, adjudication, and case disposition of serious, violent juvenile offenders.

• *Evaluations.* Evaluations are a primary component of OJJDP discretionary grant programs. OJJDP promotes program evaluation so that effective programs can be identified, publicized, and replicated in other jurisdictions, while programs that have not proven effective can be discontinued.

• *Information systems support and statistics.* Juvenile justice agencies need accurate, comprehensive, and timely information in developing policies and allocating resources to control and prevent juvenile delinquency. Activities focus on the collection and analysis of juvenile justice information related to serious crime, gang activity, illegal drug use, pre- and post-adjudicatory incarceration, criminal careers, and system-wide service response effectiveness.

Goal

To promote applications that will advance the prevention and suppression of juvenile delinquency and the effectiveness of juvenile justice practices.

Objectives

• To promote and support innovative research, development, demonstration, or training programs in the juvenile justice field with emphasis on the Fiscal Year 1992 OJP priorities;

• To encourage new methods for dealing with the current priority problems; and

• To develop knowledge that will lead to new techniques, approaches, and methods to prevent delinquency.

Program Strategy

Through the Field-Initiated Program, OJJDP is soliciting innovative program proposals. Proposed programs must address pertinent issues and problems in the areas of current priorities. Proposals should define the needs and/or problems, and describe the objectives, strategy, and methodology to be employed. A brief review of the history of the issue and current knowledge and approaches to addressing this issue should be included. Through a competitive process, applications will be subjected to peer review. As many grants will be awarded to projects as funding allows. Projects may last up to 18 months.

Eligibility Requirements

Applications are invited from individuals, public and private agencies, organizations, educational institutions, or combinations thereof. To expand the pool of eligible candidates, applications will be accepted from for-profit organizations, provided they agree to

waive any profit or fee and accept only allowable costs.

Applicants must demonstrate that they have experience in the design and implementation of the types of programs for which they are applying.

Selection Criteria

Applications will be rated on the extent to which they meet the following selection criteria:

1. The problem(s) to be addressed by the project is clearly stated. (15 points).

• The problem(s) to be addressed is based upon issues that have particular relevance to current OJJDP and OJP priorities. (7 points).

• The applicant demonstrates broad knowledge of the current situation and practices and is aware of training, research, or demonstration project needs. (8 points).

2. The objectives of the proposed project are clearly defined. (20 points).

• The applicant fully explains the project's objectives. (10 points).

• The objectives are clear and measurable. (10 points).

3. The project design is sound and contains program elements directly linked to the achievement of the project objectives. (25 points).

• The design contains research, training or demonstration elements directly related to the program objectives. (10 points).

• The applicant provides a detailed workplan describing the methodology of the program. (15 points).

4. The project management structure is adequate to conduct the program successfully. (15 points).

• The applicant provides specific guidelines and timelines with regard to the training, research, or demonstration program activities. (10 points).

• The applicant explains how management structure is consistent with the needs of the program. (5 points).

5. The applicant's organizational capability is demonstrated at a level sufficient to conduct the project successfully. (15 points).

• The applicant demonstrates knowledge and experience with juvenile justice issues, particularly with regard to the area of study addressed. (5 points).

• The applicant identifies staff qualified to successfully support the project. (10 points).

6. Budgeted costs are reasonable, allowable, and cost effective for the activities to be undertaken and are directly related to the achievement of the program objectives. (10 points).

Award Period

The grant period may be up to 18 months.

Award Amount

The total amount available is $500,000. Award amounts will be subject to negotiation. OJJDP anticipates funding 8 to 11 projects with available funds.

Due Date

Applications must be received by mail or delivered to OJJDP by May 11, 1992.

Contact

For further information contact D. Elen Grigg, Research and Program Development Division, (202) 307–5929.

Evaluations

Summer Research Fellowship Program

Purpose

To provide an opportunity for individuals to analyze existing research data and to produce innovative information on juvenile justice and delinquency prevention, focussing on programmatic priority areas.

Background

The Summer Research Fellowship Program has been established within the National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP) at OJJDP.

The NIJJDP encourages and coordinates research in many aspects of juvenile justice. The priority areas of OJJDP and OJP are stated above under the "Field-Initiated Program" descriptor, and are incorporated herein by reference.

OJJDP and other Federal agencies have funded numerous projects that have contributed significantly to our understanding of juvenile delinquency and its prevention, and of the operations of the juvenile justice system. Many of these projects have been costly and time-consuming and resulted in extensive data. OJJDP's interest in these data does not end with the achievement of the project's original objectives. Reexamination of such data can yield innovative insights. Moreover, secondary analysis can corroborate other findings. A meta-analysis of various research products can reveal new perspectives and produce new, useful information for policy guidance.

Goal

To provide innovative information to guide and enhance juvenile justice and delinquency prevention through short-term studies in the areas of the OJP priorities mentioned above.

Objectives

• To conduct additional analysis of statistical and research data in the field of juvenile justice and delinquency prevention;

• To conduct a meta-analysis of existing research data, particularly of research data and data sets resulting from OJJDP-sponsored research;

• To promote the use of research data and data sets which can provide critically needed information on important juvenile justice issues; and

• To prepare special analyses and disseminate the results of such work.

Program Strategy

Proposals are solicited from researchers who are interested in performing a further analysis or a meta-analysis of existing research data and findings in the OJP priority areas. While this program is intended primarily for senior researchers and relatively new Ph.D.s, it is not limited to them. Although project problem identification and data selection are the choice of the applicants, proposals to examine juvenile justice and delinquency prevention research data and data sets generated under the auspices of OJJDP or other Federal agencies are of particular interest to OJJDP. These are available through the National Juvenile Court Data Archive, the Interuniversity Consortium for Political and Social Research at the University of Michigan, or the National Institute of Justice Data Resource Program.

Studies based on other research data will also be considered for funding. Applicants should make a special effort to describe in detail the research data for the proposed analyses and their relevance to the goals of OJJDP.

Eligibility Requirements

Applications will be accepted from researchers who have achieved doctorates, but it is not limited to them. Applicants should submit an application along with the following information:

A. A proposal not to exceed 10 double-spaced pages which should include:

(1) The policy or research question to be addressed;

(2) The research design to be employed;

(3) Any data set(s) to be employed;

(4) The procedure and analytical methodology, including a description of how planned analyses replicate or build on results obtained by others using such information;

(5) The potential policy implications; and

(6) The expected products of the research.

B. A detailed one-page budget for salaries, supplies, computing costs, and

other expenses. Applicants should include the cost of one trip to present the results of this research at an appropriate professional society meeting, such as the annual meeting of the American Society of Criminology or at a colloquium at the OJJDP offices. This program is designed as summer support for individuals; the inclusion of general institutional and indirect costs is not acceptable.

C. The Summer Research Fellow applicants must submit two letters of recommendation from individuals who are familiar with work and qualifications for this fellowship (with one recommendation from the supervisor or dean indicating an evaluation of the proposed topic and the potential of the applicant).

D. Résumés, also required for key fellowship program personnel, should include background, academic work, professional experience and publications.

Selection Criteria

Applications will be rated on the extent to which they meet the following selection criteria:

1. The problem to be addressed by the project is clearly stated. (30 points),

• The problem to be addressed is based upon issues which are significantly related to juvenile justice and delinquency prevention in the OJP priority areas. (15 points).

• The applicant demonstrates broad knowledge of the problem and surrounding issues and is aware of present practices or programs addressing the problem. (15 points).

2. The objectives are clearly defined and relate directly to the problem to be studied. (20 points).

3. The project design is sound and contains program elements directly linked to the achievement of the project objectives. The applicant must provide a workplan with a timeline which indicates significant milestones in the project, due dates for products, and the nature of the products to be submitted. (25 points).

4. The project management structure is adequate to conduct the project successfully. (5 points).

5. The applicant's capability is demonstrated at a level sufficient to conduct the project successfully. The applicant's academic and/or employment credentials provide adequate knowledge and experience of juvenile justice issues to complete the project successfully. (15 points).

6. Budgeted costs are reasonable, allowable and cost-effective for the proposed activities. (5 points).

Award Period

The project period will be up to five months. Extensions for the Summer Research Fellowships are as follows:

• Time extensions may be granted for completion and the delivery of the final report, but no further funds will be awarded.

• These time extensions must be requested before the expiration of the original grant and require a report of reasonable progress toward the objectives identified in the original application.

Award Amount

Funding for this program has been set at $30,000. Funds for each fellowship will be subject to negotiation. Two to three grant awards will be made. The maximum amount for any one Fellowship is $15,000.

Due Date

Applications must be received by mail or delivered to OJJDP by May 11, 1992.

Contact

For further information contact D. Elen Grigg, Research and Program Development Division, (202) 307–5929. Applicants who anticipate accessing the National Juvenile Court Data Archives at the National Center for Juvenile Justice (NCJJ) in Pittsburgh, Pennsylvania, should contact Howard Snyder at NCJJ (412) 227–6950 regarding the availability of appropriate data.

Graduate Research Fellowship Program

Purpose

To encourage scholars to undertake research in juvenile justice, and delinquency prevention, focusing on the current program priority areas.

Background

The Graduate Research Fellowship Program has been established within the National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP) at OJJDP to solicit proposals from doctoral students entering the dissertation stage of their graduate program. The NIJJDP encourages and coordinates research in many aspects of juvenile justice. The priority areas of OJJDP and the OJP are the set forth above under the "Field-Initiated Program" descriptor and are incorporated herein by reference.

This program supports doctoral students at the dissertation stage of their academic careers. Through their sponsoring universities, doctoral students are awarded grants of up to $25,000 to support the completion of their dissertations. Dissertations resulting from this program should contribute to juvenile justice policy, delinquency prevention, promotion of literacy among juveniles and high-risk youth, prevention and treatment programs for juvenile sex offenders, analyses of pertinent data, or the advancement of knowledge concerning important juvenile justice issues.

Goal

To add to the knowledge of juvenile justice and delinquency prevention pertinent to the OJP priority areas described above, and to provide the opportunity for selected individuals in doctoral programs to choose a research topic in the field of juvenile justice, delinquency prevention or a related area for their dissertation study, thereby encouraging the expansion of researchers in this field.

Objectives

• To conduct basic or policy research on a specific issue, problem, or activity within juvenile justice and delinquency prevention pertinent to priorities; and

• To investigate policy procedures and practices important to resolving operational issues in the juvenile justice system.

Program Strategy

Research subjects should address juvenile justice and delinquency prevention within the current OJP priorities listed above. Extensive data exists for analysis. Proposed research which appears to develop new knowledge, evaluate existing or proposed policies and practices, or revise old information has the potential for improving current practice and, therefore, has merit.

Eligibility Requirements

Applicants must have completed all university requirements for the doctoral degree, except for the internship (where required) and the research, writing, and defense of the dissertation.

The proposal must be accompanied by a vita that includes information on the candidate's education, experience and publications, if any. The applicant should also enclose a letter of support from his or her adviser indicating an evaluation of the proposed topic and the potential of the applicant. Graduate Research Fellowship applicants should submit a paper, no longer than 10 double-spaced pages, which addresses research objectives, hypotheses and methodology; the appropriateness of the design to the issues raised; time schedules for major events of the study; and documentation that any necessary

cooperation from organizations will be forthcoming.

To be eligible to administer a Graduate Research Fellowship grant on behalf of a doctoral candidate, an institution must be fully accredited by one of the regional institutional accrediting commissions recognized by the U.S. Secretary of Education and the Council on Postsecondary Accreditation. Overhead costs are not allowed for this program.

Selection Criteria

Applications will be rated on the extent to which they meet the following criteria:

1. The problem to be addressed by the research project is clearly stated. (30 points).

• The problem to be addressed is based upon issues which are significantly related to juvenile justice and/or juvenile delinquency prevention in the OJP priority areas. (15 points).

• The applicant demonstrates broad knowledge of the problem and any surrounding issues and is aware of present practices or programs addressing the problem. (15 points).

2. The objectives of the proposed project are clearly defined and relate directly to the stated problem. (20 points).

3. The project design is sound and contains program elements directly linked to the achievement of the project objectives. The applicant provides a workplan with a timeline which indicates significant milestones in the project, due dates for products, and the nature of the products to be submitted. (20 points).

4. The project management structure is adequate to conduct the project successfully. (5 points).

5. Applicant's academic credentials reflect adequate knowledge of juvenile justice issues to complete the project successfully. (20 points).

6. Budgeted costs are reasonable, allowable and cost effective for the activities proposed. (5 points).

Award Period

The project period will not exceed one year.

• Time extensions may be granted for completion and the delivery of the dissertation, but no further funds will be awarded.

• These time extensions must be requested before the expiration of the original grant and require the receipt of all progress reports showing reasonable progress toward the objectives identified in the original application.

Award Amount

Funding for this program has been set at $70,000, which will support two to five fellowships. The maximum amount for any one fellowship is $25,000. The specific amount is subject to negotiation.

The grant may include the fellow's stipend and other university expenses, including continuing registration, library and certain university fees. Major project costs that may be compensated include: Clerical assistance, special supplies, document reproduction, necessary local and out-of-town travel (reimbursed at the university's rate), foreign travel (with prior OJJDP approval) and computer time. Costs incurred prior to the formal grant award are not reimbursable.

Due Date

Applications must be received by mail or delivered to OJJDP by May 11, 1992.

Contact

For further information contact D. Elen Grigg, Research and Program Development Division, (202) 307–5929.

Effectiveness of Juvenile Offender Prevention and Treatment Programs: What Works Best and for Whom?

Purpose

To provide the most reliable and significant information available on effective prevention and treatment programs for juvenile offenders to facilitate the decision-making process for juvenile and family courts.

Background

According to the OJJDP draft publication, "Juvenile Court Statistics 1989," the delinquency case rate increased steadily between 1985 and 1989, so that by 1989 the rate was 11 percent greater than the case rate in 1985. Case rate increases occurred within each of the general offense categories. Between 1985 and 1989 the case rate for offenses against the person increased by 23 percent, property offenses cases by 8 percent, drug law violation cases by 6 percent, and public order cases by 14 percent.

These juveniles exhibited a wide range of educational, social, physical, and psychological problems which juvenile courts addressed. In order to provide additional support to the juvenile justice system, OJJDP is sponsoring a grant initiative to develop for juvenile and family courts a compendium of the most current information available on effective prevention and treatment programs for the juvenile offender. A number of prevention and treatment programs are being used by juvenile courts, e.g., early-family intervention, crisis intervention, mediation, restitution, diversion, intensive probation, employment programs, and others.

The juvenile offender needs to be provided the prevention or treatment services most appropriate for his or her problem(s) to deter future delinquency.

This grant initiative is expected to produce a "what works" manual that identifies specific prevention and treatment programs for different types of juvenile offenders. Such a manual will assist the juvenile justice system in the decision-making process in matching the juvenile offender with effective prevention or treatment programs. Through this OJJDP initiative, it is hoped that the number of juvenile offenders will decrease, lessening the burden on the already overloaded juvenile justice system.

Goal

To identify effective prevention and treatment programs for juvenile offenders being used by the juvenile and family courts, and to specify the target groups these programs serve.

Objectives

• To identify and describe the various juvenile offender prevention and treatment programs which are currently being used, including the following information elements: program target group, program components, goals and objectives, cost, evaluation, and contact person;

• To describe how offender classifications are being used in assigning delinquents to particular prevention and treatment programs; and

• To synthesize the information in a "what works" manual on effective prevention and treatment programs for juvenile offenders from court intake through probation to the juvenile and family courts.

Program Strategy

The applicant shall conduct a survey of juvenile and family courts nationwide in order to obtain the necessary information for the successful completion of this project. In addition, the following areas need to be specifically addressed within the application:

1. Establishment and tasks of a project advisory board;

2. Development of criteria for identifying effective juvenile offender prevention and treatment programs;

3. Development of a data-collection strategy and classification system on

effective juvenile offender prevention and treatment programs;

4. Establishment of an outline format to describe in detail the programs and the contact person for each one;

5. Identification of the strengths and weaknesses of each prevention and treatment program; and

6. Description of the juvenile court intake process on a continuum and the relationship of prevention and treatment programs to that process.

Eligibility Requirements

Applications are invited from individuals, public and private organizations, agencies, educational institutions, or combination thereof. Applicants must demonstrate that they have experience in the design and implementation of the type of program for which they are applying.

Selection Criteria

Applications will be rated on the extent to which they meet the following selection criteria:

1. The problem to be addressed by the project is clearly stated. (10 points).

2. The objectives of the proposed project are clearly defined with specific outcomes identified. (15 points).

3. The project design is sound and contains elements directly linked to the achievement of the project objectives. (35 points).

- The design contains elements directly related to the project objectives. (20 points).
- The applicant provides a detailed workplan describing the methodology of the project. (15 points).

4. The project management structure is adequate to conduct the project successfully. (15 points).

- The applicant provides specific guidelines and timelines in regard to the completion of project outcomes. (10 points).
- The applicant explains how management structure is consistent with the needs of the project. (5 points).

5. The applicant demonstrates its organizational capability is at a level sufficient to conduct the project successfully. (15 points).

- The applicant demonstrates knowledge and experience with juvenile justice issues, particularly in the area of study to be addressed. (8 points).
- The applicant identifies personnel staff qualified to support the project successfully. (7 points).

6. Budgeted costs are reasonable, allowable and cost effective for the activities proposed and are directly related to the achievement of the project objectives. (10 points).

Award Period

The award period will be 12 months.

Award Amount

OJJDP has allocated up to $50,000 for this grant.

Due Date

Applications must be received by mail or delivered to OJJDP by May 11, 1992.

Contact

For further information contact Marilyn Landon, Research and Program Development Division, (202) 307–0586.

Intensive Prosecution and Adjudication

A Study to Examine the Delays in Juvenile Justice Sanctions

Purpose

To assess the juvenile justice system to determine the extent of unnecessary delays in the processing of juvenile cases; the causes of delays; and their effects on juveniles and the administration of juvenile justice.

Background

The extent and effects of unavoidable delays in the juvenile justice process on the system and offenders are not well known because of the lack of research in this area. Since the Supreme Court decision of *In Re Gault,* 387 U.S. 1, 87 S.Ct. 1428, 18 L. Ed.2d 527 (1967) juvenile adjudicatory proceedings have become increasingly litigious and thereby have become more closely paralleled to adult criminal trials. The decision by a U.S. Court of Appeals in *U.S.* v. *Furey,* 500 F.2d 338 (2d Cir. 1974) granted juveniles the right to a speedy trial.

The role of the juvenile justice system traditionally has been to rehabilitate the offender rather than to punish. Regardless of how the role is defined, delay in the process impedes the effectiveness and efficiency of the juvenile justice system. Long processing time often overtakes the memories of victims, witnesses, and others. Moreover, witnesses move away and juveniles grow out of the system. When these situations occur, justice is not served.

The National Advisory Committee Standards on the Administration of Juvenile Justice state that a detained youth should have a detention hearing within 24 hours after the juvenile has been detained. An adjudicatory hearing should be held within 15 days of the detention hearing if the youth is detained or 30 days if not detained. A disposition hearing should be held within 15 days after the adjudicatory hearing.

The National District Attorneys Association's Standards on Juvenile Delinquency call for detained youth to have an initial hearing within 24 hours, a waiver hearing within 72 hours, an adjudicatory hearing within 30 days, and a disposition hearing within 30 days after the adjudicatory hearing. The time frames for non-detained youth are 3 days, 7 days, 60 days and 30 days, respectively. These are just two examples of standards developed by different organizations.

For any disposition sanction to be effective it must be imposed swiftly; it must be definitive; and it must be appropriate. The juvenile justice system should, at a minimum, assure the first two. Every day that a juvenile waits for treatment is a lost day for attaining the system's goals.

Goals

- To study the sequence of processing and decision-making to determine the duration of delays in comparison to existing standards;
- To estimate the extent of the delays at each step of the process; and
- To determine the effect that delays have on the effectiveness of juvenile justice system operations.

Objectives

- To provide reliable and accurate information to the juvenile justice field and OJJDP regarding delays in the administration of juvenile justice;
- To determine if the delays are system-wide or not and determine if the juvenile court processing time can be improved;
- To describe the influence of avoidable delays on the effectiveness and efficiency of the juvenile justice system;
- To determine if the affected juveniles experience any benefits or adverse results from known delays in the system; and
- To make recommendations for reducing avoidable delays.

Program Strategy

The program will involve the completion of three distinct tasks. These tasks will entail: Researching the extent and nature of the problem (Task I); further researching the severity and effects of delays and the causes for them, including systems that operate without delays (Task II); and developing recommendations on how the juvenile justice system can improve processing time and shorten delays (Task III).

Task I. This task entails preliminary work to be done in this project. The completion of this task, which addresses

the first project objective, will necessitate a thorough literature review and assessment of previous work involving delays in the administration of juvenile justice. Previous research that documents delays in juvenile justice system operations in general should also be reviewed in an effort to discover clues to the causes. With information from the literature review, a survey of a sample of juvenile justice jurisdictions should be conducted to gather knowledge that will be the basis for assessing the nature of the delay problem. A report should detail the findings of the survey. The National Advisory Committee for Juvenile Justice and Delinquency Prevention's "Standards for the Administration of Juvenile Justice," the Institute for Judicial Administration-American Bar Association's "Standards for Juvenile Justice," the National District Attorneys Association's "Prosecution Standard 19.2," and the Conference of State Court Administrators' "National Time Standards for Case Processing," or a similar set of criteria should be used to determine if there are in fact any delays and if they are reasonable for the juvenile justice system to operate with both efficiency and effectiveness.

Task I should assist OJJDP in determining the scope of subsequent research.

Task II. Evaluation of the effect these delays have on effectiveness and efficiency. From the jurisdictions surveyed in Task I, a specified number of sites will be selected for further study, based on criteria developed from data collected during Task I and other socioeconomic and geographic factors. The sites will include both jurisdictions which are experiencing delay problems in juvenile processing and those which are not.

This more intensive site research initiative should include information collected from interviews with court administrators, prosecutors, juvenile court judges, detention center staff, parents of accused juveniles, the juveniles themselves, and any other people who may be instrumental in the processing of the cases.

The research should examine such variables as the number of petitions filed against a particular juvenile, the severity of the allegations, the effect that legal representation has on the processing time, the use of court appointed attorneys and private counsel, the use of plea bargains or mediation, and whether the juvenile is being held in a detention center or has been released to a legal guardian. All of these factors should be considered at the very least and studied, if necessary.

Task III. The final task to be completed will be the development of a new set of guidelines for processing juvenile justice system cases. These guidelines should be based on the findings of what is reasonable for the system and what is in the best interests of the juvenile.

Eligibility Requirements

Applications are invited from public and private agencies, organizations, educational institutions, or combinations thereof. Applicants must demonstrate that they have knowledge or experience, or both, in research involving juvenile justice, as well as experience in research of this nature. The applicant should indicate some knowledge and previous work in the juvenile justice area.

Selection Criteria

Applications will be rated on the extent to which they meet the following criteria:

1. The problem to be addressed by the project is clearly stated. (15 points).

- The applicant includes a clear, concise statement of the problem to be addressed in this program. (5 points).
- Problems of juvenile processing time as well as court administration and delays are discussed. (5 points).
- The applicant demonstrates broad knowledge of the current situation and practices involving juvenile justice and is aware of research and program development needs as related to the proposed program. (5 points).

2. The objectives of the proposed project are clearly defined. (15 points).

- The applicant fully explains the goals and objectives of the project. (10 points).
- The stated goals and objectives are clear, measurable, and attainable. (5 points).

3. The project design is sound and contains program elements directly linked to the achievement of the project objectives. (30 points).

- The applicant provides a detailed program strategy and research design that includes the methodology to be used in the completion of the listed tasks. (10 points).
- The applicant provides a detailed workplan describing the methodology of the program. (10 points).
- The applicant explains how the attainment of the stated objectives will give a comprehensive view of the problems related to delays in the processing of juvenile cases. (10 points).

4. The project management structure is adequate to the successful conduct of the product. (15 points).

- The applicant provides specific guidelines and timelines with regard to the research program activities. (10 points).
- The applicant explains how management structure is consistent with the needs of the program. (5 points).

5. The applicant's organizational capability is demonstrated at a level sufficient to conduct the project successfully. (20 points).

- The applicant demonstrates knowledge and experience in the juvenile justice field, particularly with regard to the area of study this project is addressing. (10 points).
- The applicant identifies staff personnel qualified to support the project successfully. (10 points).

6. Budgeted costs are reasonable, allowable and cost effective for the activities proposed to be undertaken and are directly related to the achievement of the program objectives. (5 points).

Award Period

The budget period will be 12 months.

Award Amount

Up to $75,000 has been allocated for the initial award (12 months). One award will be made competitively with an initial budget period of 12 months and a project period of 36 months. This research program will consist of the three tasks discussed above. The initial 12-month award will provide support for the completion of Task I. One or more noncompeting continuation awards will be considered to complete Tasks II and III during the remaining 24 months of the project period.

Due Date

Applications must be received by mail or delivered to OJJDP by 5 p.m. May 11, 1992.

Contact

For further information contact Donni LeBoeuf, Research and Program Development Division, (202) 307–0586.

Juvenile Justice Personnel Improvement

Purpose

To improve the quality of key personnel in juvenile detention centers.

Background

OJJDP's Fiscal Year 1992 program plan included a multi-year applied research program to raise the quality of key juvenile justice personnel.

OJJDP has decided to include in its Fiscal Year 1992 efforts a focus on juvenile detention personnel. The Office has determined that this juvenile justice

system component is experiencing the most pressing personnel problems.

America's juvenile justice system has always experienced problems recruiting and retaining qualified personnel, especially in the juvenile corrections field. Salaries are low and the work is very often difficult and challenging. Diminished State and local government revenues have often been disproportionately allocated to building and operating adult prisons at the expense of juvenile corrections. Funding for juvenile corrections too often has not kept pace with the growing demand for such programs. Personnel problems are particularly acute in the juvenile corrections detention function.

Juvenile detention often succeeds or fails as a result of highly interpersonal relationships which are established by key personnel with the youth entrusted to their care. The obvious effects of the high turnover among detention personnel are disruption of administration and increasing costs of recruitment and training. Despite high turnover rates, there are capable and experienced staff professionals who stay on the job, are satisfied, and do excellent work. The challenge the field faces is increasing this cadre of skilled juvenile detention professionals. Effective training of existing staff is the key.

Goal

To improve the quality and skills of juvenile detention center line staff.

Objectives

- To conduct an assessment of the functions, program knowledge, and skills of detention center line staff;
- To conduct an assessment of effective programs for juvenile detention center clients;
- To conduct an assessment of accepted policies and procedures for the administration of juvenile detention programs; and
- To produce a resource manual, a Detention Desktop Guide, which will be appropriate for training entry-level detention center staff and for in-service training of other line staff as well (similar to the "Desktop Guide to Good Juvenile Probation Practice").

Program Strategy

This applied research effort will require two related activities. First, assessment research must be conducted in order to identify training needs of detention center line staff, accepted policies and procedures, and effective programs. In each of these areas, the applicant should build upon previous national, State and local products. Identification of training needs and accepted policies and procedures should not require original research. On the other hand, identification of effective programs will require a systematic review and assessment of previous applied research and program evaluations, resulting in a synthesis of state-of-the-art program approaches known to be effective in treatment and control of detention center clients.

Second, the results of the assessment research must be incorporated into a tool that can be used in the training of detention center staff: A resource manual, or Detention Desktop Guide. Professional judgment must be applied in determining the most appropriate contents of such a guide, based in part on the results of the assessments. At a minimum, it should include job related skill requirements, references to existing standards (e.g., Guidelines for the Development of Policies and Procedures—Juvenile Detention Facilities and Standards for Juvenile Detention Facilities, developed by the American Correctional Association), and accepted policies and practices.

Eligibility Requirements

Applications are invited from eligible agencies, institutions or individuals, public or private. Private-for-profit organizations must waive their fee in order to be eligible.

Selection Criteria

Applications will be rated on the extent to which they meet the following criteria:

1. The applicant clearly states the problem to be addressed by the project. (20 points).

The applicant demonstrates an understanding of the extent and nature of the problem, including associated factors such as personnel skill levels and training needs.

2. The applicant clearly defines the objectives of the proposed project. (20 points).

a. The objectives relate directly to the problem and strategies to be employed. (10 points).

b. The objectives are specific and yield an appropriate product. (10 points).

3. The project design is sound and constitutes an effective approach for successful completion of the project. (30 points).

a. The design includes a sound, workable strategy for obtaining detention profession input. (20 points).

b. The applicant provides a work plan with a timeline which indicates significant event milestones in the project and due dates for products. (10 points).

4. The project management structure and organizational capability are adequate to the successful conduct of the project. (15 points).

The applicant provides an organizational capability statement which demonstrates the necessary technical, substantive, and financial capabilities to administer the project effectively.

5. Budgeted costs are reasonable, allowable, and cost effective for the proposed activities to be undertaken. The applicant includes a complete budget and budget narrative for all proposed costs. (15 points).

Award Period

The award period will cover 12 months.

Award Amount

The award amount will not exceed $100,000.

Due Date

Applications must be received by mail or delivered to OJJDP by May 11, 1992.

Contact

For further information contact D. Elen Grigg, Research and Program Development Division, (202) 307–5929.

Improvement in Correctional Education for Incarcerated Juvenile Offenders

Purpose

To assist the field by identifying effective juvenile correctional education services which incorporate reading programs that contribute substantially to furthering specific vocational and academic objectives in detention centers and secure correctional institutions.

Background

It is widely accepted that, with a few exceptions, incarcerated juvenile offenders exhibit serious academic deficits. One cause of their inability to show significant progress in vocational and academic studies is the inability to decipher (translate print to speech) textbook material accurately and fluently, not necessarily the inability to comprehend text material due solely to cognitive deficits. One correlate of delinquency and recidivism is poor academic achievement, and this itself is in part related to the inability to decipher text material accurately and fluently. Contrary to popular opinion, reading comprehension in most cases is related to poor deciphering.

Research has shown that a significant number of juveniles released from secure confinement do not return to school but seek employment. As a

result, there is a greater need for youth to acquire vocational competencies as well as functional academic skills. We know that the majority of these youth do not have a high school diploma or general education diploma. Research, also shows that the unemployment rate of youth with less than a high school diploma is over 20 percent and growing.

A significant number of juveniles who are committed to our correctional institutions were not attending school or employed at the time of their detention. Academic achievement test scores indicate that the majority of these youths functions well below the average pupil in their respective communities.

Corrections administrators have many problems, not the least of which is developing effective educational programs to meet the very diverse needs of juveniles in their care. We recognize and understand that there are impediments to the provision and delivery of educational services in corrections. Proceedings of the National Forum on Building Relationships for Educational Excellence in Corrections, October 1984, reported on such issues as inadequate facilities, frequent movement of inmates, out-of-date equipment and materials, a lack of qualified staff, and a lack of mission and coordination within the system.

In mid-December 1991, OJJDP and the Department of Education, Office of Correctional Education, cosponsored a workshop entitled, "Improvement in Correctional Education for Juvenile Offenders: A Look at System Reform." Many participants expressed the need for a total reform in juvenile correctional education.

Participants pointed out that correctional education is basically very traditional and that research has shown that the traditional approach to educating detained and confined juvenile offenders has not worked well. Though research findings reveal that only a very small percent of incarcerated juvenile offenders return to school and graduate; nevertheless, most State departments of education continue to mandate the "traditional" secondary curriculum in spite of the fact that it fails to meet the vocational and personal needs of this population.

Many participants in the Forum believed that correctional educators must be creative, take risks, determine what works through ongoing evaluation, and disseminate information about instructional programs, particularly developmental reading programs that have proven more effective than traditional approaches.

Participants also emphasized that in the current movement for correctional reform, very little is said about correctional education because researchers have not systematically studied such programs, and until this is done the effects of specific philosophies and methods used with incarcerated students will remain unclear.

While OJJDP is unable to address all of the issues mentioned above, we believe that juvenile offenders can reach their vocational, and in some cases academic, goals more quickly and with greater ease if they are able to improve their deciphering and reading comprehension skills. This initiative is designed to identify, assess, and promote effective educational programs, which are characterized as having reading instruction components. These components are supported by empirical evidence of replicated experimental research, and are designed to support directly the vocational and academic needs of the students.

Goal

To assist juvenile corrections administrators in improving the overall effectiveness of correctional and education services, and, as an integral part of that process, to improve reading instruction.

Objectives

- To identify and assess the existing literature and research on juvenile correctional education, including research-based literacy skills programs;
- To develop criteria for identifying proven and research-based literacy skills programs and other strategies for improving academic and vocational educational programs;
- To assess and document the correctional education programs that are being implemented in eight correctional ventures sites;
- To develop training and technical assistance materials to assist the sites and eventually the field in implementing effective research-based correctional education programs;
- To provide technical assistance and training to correctional education and other institutional professionals in developing and implementing proven research-based, and effective juvenile correctional education literacy skills programs; and
- To develop monographs and informational materials on effective correctional education programs for dissemination.

Program Strategy

Proposals are being solicited from applicants to enter into a cooperative agreement with OJJDP to assist in the implementation of the Improvement in Correctional Education Initiative. Applicants are asked to be creative in their implementation approach. This project will have a three-year project period. The first budget period will be for 12 months and up to $100,000 will be awarded.

Applicants are to develop their own strategy and budget for achieving the objectives and tasks of this initiative. The strategy and implementation plans must not exceed three years and must include, at a minimum, the implementation of the following tasks:

1. The successful applicant will be required to perform a detailed and comprehensive review of the literature and research on juvenile correctional vocational and academic programs. This assessment must include an analysis of the diagnostic procedures and instruments used to assess the reading levels of youth and whether the diagnostic screening assesses the youth's ability to decipher and decode words. The assessment must also include a discussion as to how these diagnostic screening programs are implemented.

2. The successful applicant will be required to develop criteria for identifying proven research-based effective correctional vocational and academic programs to include deciphering and decoding literacy programs.

3. The successful applicant will be required to perform an assessment of the correctional vocational and academic programs at eight juvenile corrections institutions which have been previously selected by OJJDP to implement the corrections ventures program. This assessment must include a review of the diagnostic procedures and instruments used, if any, to determine a youth's ability to decipher and decode words. Following the assessments, the successful applicant will be required to develop technical assistance and training material and to use this material to deliver technical assistance and training to assist the institutions in implementing or adapting successful correctional vocational and academic programs. The technical assistance and training provided to these institutions must be site specific. The institutions are located in the following states: Ohio, Washington, Texas, Kansas, South Carolina, Virginia, Connecticut, and New Mexico.

These eight institutions are currently participating in an OJJDP-sponsored Juvenile Corrections Industries and Venture Initiative and are receiving technical assistance and training in implementing various industry program

models. Another OJJDP-sponsored program will offer training for the academic teachers at these institutions in the techniques of teaching phonics to youth.

The successful applicant will be required to work in concert with these other OJJDP-sponsored programs in an effort to provide these institutions with the opportunity to implement successful correctional education programs.

Under separate funding, OJJDP will consider supporting an evaluation to determine the effectiveness of this program and may consider an expansion of this effort into other sites if the program is successful and funds are available.

The successful applicant will also be required to prepare informational material and position papers on various juvenile corrections vocational and academic topics for publications in OJJDP bulletins.

Applicants are reminded that only the first year of their program plan will be funded at a cost not to exceed $100,000. Applicants must be specific about the tasks they can accomplish in this time frame with this amount of money. The applicant must list and explain activities and the products that will be produced in the first year and provide an overview of the tasks to be accomplished and the products to be developed for years two and three.

Applicants are encouraged to establish an advisory committee which will provide comments and recommendations regarding the strategies, activities, and products for this program.

Eligibility Requirements

Applications are invited from public agencies or private nonprofit organizations. Applicant organizations may choose to submit joint proposals with other eligible organizations, as long as one organization is designated in the application as the applicant, and co-applicants are designated as such. The applicant and co-applicants must demonstrate, in addition to program knowledge and support experience, programmatic and fiscal management capabilities to implement a project of this size and scope effectively. Applicants who fail to demonstrate that they have the experience and capability to manage a program of this size and complexity will be ineligible for funding consideration.

Selection Criteria

Applications will be rated on the extent to which they meet the following criteria:

1. *The problem to be addressed.* (15 Points). The applicant clearly identifies the nature and scope of the problem of educating detained and incarcerated juvenile offenders.

2. *Goals and Objectives.* (10 Points). The applicant provides a succinct statement demonstrating an understanding of the objectives and tasks associated with the program.

3. *Project design.* (20 Points). The applicant clearly demonstrates an understanding of the nature of the program area and the soundness of the approach to implementing each stage of the program for meeting the goals and objectives.

4. *Implementation plan.* (25 Points). Project activities and management structure are adequate and appropriate. The feasibility and clarity of the time task plan is apparent as it addresses what, when, who and where project activities will be performed and products developed.

5. *Organizational capability.* (20 Points). Project management structure is adequate to conduct the project successfully. The applicant demonstrates adequate program management and experience in coordination of research, program development, and training and technical assistance delivery.

6. *Budget.* (10 Points). Proposed costs are complete, reasonable, appropriate, and cost effective in relationship to the proposed strategy and task to be accomplished.

Award Period

The program period for the cooperative agreement supporting the Improvement in Correctional Education Program is three years. One cooperative agreement will be awarded with an initial 12-month budget period.

Award Amount

Up to $100,000 has been allocated for the initial award budget period. Commensurate financial support for the remaining two project budget periods will be determined by the performance of the grantee, the program development needs as determined by OJJDP, and the availability of funds.

Due Date

Applications must be received by mail or delivered to OJJDP by May 11, 1992.

Contact

For further information contact Frank O. Smith, Special Emphasis Division, (202) 307–5914.

Information Systems Support and Statistics

Telecommunications Technology for Training and Information Dissemination

Purpose

To examine the feasibility of using advanced telecommunications technologies in the training and information activities of OJJDP.

Background

Rapidly developing telecommunications technologies are becoming more economical in use, and they are changing the way businesses and schools are providing education, training, and information throughout the United States. Enlisted over the past seven years to meet the needs of geographically isolated communities, these technologies, united with trained and enthusiastic teachers and trainers, are beginning to enrich all training environments in what has been called distance learning. No longer must the instructor sit in a classroom with the students. The instructor can engage students, interactively, from thousands of miles away to talk to students at a dozen or more training sites.

Distance learning networks that provide courses or information can also bring people and experiences to the classroom to expand traditional instructional practices and provide entirely new alternatives. Many organizations in the private and public sectors and, more recently, many Federal agencies, have opted to use advanced telecommunications technologies in their training and information dissemination activities. According to proponents of the technology in the industry, these methods have proven to provide the following major advantages to the more traditional training and information dissemination means:

1. *Cost savings in travel and time.* Organizations may generate savings in travel costs and per diem expenses by not needing to bring participants to a central learning site. Additionally, organizations save staff travel time in that employees need not be away from their business location.

2. *More timely transfer of information.* Electronic delivery of information can produce benefits in that more people can receive information quickly. An audio or point-to-point teleconference can be convened in minutes, eliminating "float time" or delay for time-critical information. Large groups can receive the information and "hear" the same message at the same time.

3. *Greater access.* These technologies provide greater access to larger numbers of students or interested parties. The technology does not improve learning but it does improve access to information. It provides a means of maximizing efficiency because it provides a way to meet with several groups in different locations, at the same time

OJJDP, like many other Federal agencies, has numerous information dissemination and training responsibilities. Through the Juvenile Justice and Delinquency Prevention Act of 1974, 88 Stat. 1109, 42 U.S.C. 5601–5778, OJJDP is charged with developing and implementing effective methods of preventing and reducing delinquency; improving the quality of juvenile justice in the country; increasing the capacity of State and local governments and public and private agencies to conduct effective programming for juveniles; and providing research, evaluation, and training services in the field of juvenile delinquency prevention.

It seems entirely plausible that, through the use of telecommunications, OJJDP will be better able to fulfill its congressionally mandated tasks with a wider audience at a lesser cost. Through this program, we hope to test this hypothesis.

Definitions

Ad Hoc: Teleconferencing technology and sites assembled for an event. Equipment may be rented and not necessarily permanently installed by the convener and sites are not usually part of a network.

Business Television: The production and distribution, via satellite, of video programs for closed user group audiences.

Downlink: The transmission of radio frequency signals from a satellite to an earth station. It may also be defined as a satellite receiving station.

Fiber Optics: A communications medium based on a laser transmission that uses a glass or plastic fiber which carries light to transmit video, audio, or data signals.

Telecommunications: The use of wire, radio, optical, or other electromagnetic channels to transmit or receive signals for voice, video, and data communications.

Teleconference: Electronic communications between two or more groups, or three or more individuals, who are in separate locations via audio, audiographics, video or computer. An audio teleconference denotes two-way communications between two or more groups, or three or more individuals, in separate locations. A video teleconference will require one (or more) uplink and downlink sites and may be fully interactive voice and video, two-way voice or one-way video.

Uplink: An earth station which transmits a radio frequency signal to a communications satellite. An uplink consists of a large antenna and high power amplifiers to concentrate signals in one direction.

Goal

To ascertain possible advantages or benefits of using the application of telecommunications technology for the training and information dissemination activities of OJJDP.

Objectives

- To conduct an assessment of what current programs being implemented by OJJDP may lend themselves to telecommunications;
- To conduct an assessment of what modes of the technology (e.g., audio or video teleconferencing, distance education, business television, fiber optics, etc.) would best suit the needs of the target audiences and be in the best interests of the government;
- To conduct an assessment of what cost benefits OJJDP would reap through application of the technology; and
- To test the use of the technology through a demonstration effort using the technology to conduct an evaluation.

Program Strategy

OJJDP will select an organization to conduct a feasibility study on the use of telecommunications for OJJDP training and information dissemination activities. The organization, upon receipt of a cooperative agreement award, will conduct an in-depth review of OJJDP's training and information dissemination activities for the past 24 months. This information will then be analyzed from a telecommunications perspective to determine which training and information activities should be using the new technologies and which modes of the technology best suit the current activities or types of activities. This analysis must examine the following criteria: (1) Benefits including cost savings, the quality and effectiveness of instruction, the training of instructors to use the technology, time savings, student acceptability, access throughout the country of ad-hoc teleconferencing hardware, production requirements and responsibilities, an evaluation of teleconferences, and (2) other implementation issues. OJJDP may request that additional criteria be added to the analysis during the course of the study. The grantee will also be required to complete a series of recommendations to OJJDP for proceeding into the field through a logical step-by-step economical approach. For example, the grantee will be asked to recommend an ongoing OJJDP training or information dissemination activity for a demonstration project to be conducted toward the end of the grant period. An evaluation of the pilot's success compared to the traditional means for the activity will also be undertaken by the grantee.

The grantee will have access to appropriate OJJDP records and staff for interviews in conducting the feasibility study.

Specific products to be completed during this project are:

- A feasibility study report with specific chapters addressing the objectives noted above and focusing on the criteria outlined above (each chapter will be submitted to OJJDP in draft form prior to final submission);
- A pilot demonstration effort using the technology for an existing OJJDP activity and evaluating the effort with past traditional approaches for the same activity; and
- A summary report which includes recommendations for future implementation of telecommunications for OJJDP.

Eligibility Requirements

Applications are invited from public agencies and private organizations which can demonstrate the capability to conduct a practical and effective feasibility study of the implementation of telecommunications for distance learning and training activities of OJJDP Private for-profit organizations must waive their fee to be eligible.

Selection Criteria

Applications will be rated on the extent to which they meet the following criteria:

1. Conceptualization of the problem. (15 points). The applicant must demonstrate a clear understanding of, and competence to deal with, telecommunications, distance learning, and an understanding and competence to conduct a feasibility study.

2. Statement of objectives. (15 points) The objectives to be achieved by the project must be clearly defined and consistent with the issues and requirements set forth in the conceptualization of the problem.

3. Project design. (30 points). The procedures, workplan and proposed products of the project must be directly linked with the stated objectives, and

with the problem addressed by this announcement.

4. Project management. (10 points). The project's management structure and staffing must be adequate for the successful implementation and completion of the project. The management plan describes a system whereby logistical activities are handled in the most efficient and economical way.

5. Organizational capability. (15 points). The applicant organization's ability to conduct the project successfully must be documented in the proposal. Organizational experience with telecommunications feasibility studies is highly recommended. Key project staff should have significant experience in the subject area addressed in this announcement.

6. Budget. (15 points). The proposed budget must be reasonable, allowable and cost-effective vis-a-vis the activities to be undertaken.

Award Period

The project will be funded for 12 months.

Award Amount

Up to $100,000 will be available for this project.

Due Date

Applications must be received by mail or delivered to OJJDP by May 26, 1992.

Contact

For further information contact Frank M. Porpotage II, Training, Dissemination, and Technical Assistance Division, (202) 307–0598

Robert W. Sweet, Jr.,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

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federal register

Thursday
March 26, 1992

Part III

Department of Transportation

Coast Guard

46 CFR Part 67

Documentation of Vessels; Recording of Instruments; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 67

[CGD 89-007]

RIN 2115-AD29

Documentation of Vessels; Recording of Instruments

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish new recording practices to fully implement the provisions of the codification of the Ship Mortgage Act. In addition, it proposes to simplify the procedures for documentation of vessels. The proposed revision, if adopted, would make the regulations easier to use by the affected public and would more fully implement statutory requirements.

DATES: Comments must be received on or before June 24, 1992.

ADDRESSES: Comments must be in writing and may be mailed to the Executive Secretary, Marine Safety Council (G-LRA/3406) (CGD 89-007), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001), or may be delivered to room 3406 at the above address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. For information concerning comments, the telephone number is (202) 267-1477.

The Executive Secretary maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters.

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

Normal office hours are between 7 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD 89-007) and the specific section of this proposal to which each comment applies, and give a reason for each comment. Persons wanting acknowledgment of receipt of their comment should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period and may change this proposal in view of the comments. Direct responses to individual questions concerning the rulemaking will not be made. All significant comments will be addressed in supplemental rulemakings, if necessary, or in the final rule.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Marine Safety Council at the address under "**ADDRESSES.**" If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register.**

Drafting Information

The principal persons involved in drafting this document are Mr. Thomas L. Willis, Project Manager, and Lieutenant Commander Don M. Wrye, Project Counsel, Office of Chief Counsel.

Background and Purpose

On November 23, 1988, Congress enacted Public Law 100-710 (the "Codification Act") which amended and codified the Ship Mortgage Act of 1920 into 46 U.S.C. chapter 313; amended section 9 of the Shipping Act of 1916 (46 U.S.C. app. 808); and eliminated the prohibition against collecting fees for commercial vessel documentation services by amending 46 U.S.C. 2110. The Codification Act was the subject of technical corrections ("Corrections") when Congress enacted Public Law 101-225. Both the Codification Act and the Corrections introduced significant changes which are at variance with the former law and with existing Coast Guard regulations.

Most of the provisions of the Codification Act which require changes to the Coast Guard's regulations became effective on January 1, 1989. Certain of the changes were unequivocal and were implemented by an interim final rule published October 12, 1989 (54 FR 41835). The interim final rule was adopted as final in a rulemaking published January 10, 1991 (56 FR 960).

Other statutory revisions, some of which became effective on January 1, 1989, and others which became effective on January 1, 1990, require a more considered approach, including the opportunity for public comment. These latter changes are the subject of this rulemaking. Because the intent of the Codification Act and the Corrections was to simplify and streamline the documentation process, the Coast Guard proposes to revise all of its existing vessel documentation regulations. The result will be to clarify and simplify the rules and present them in a more orderly fashion.

The user fees for services related to vessel documentation which the Coast Guard is required to establish pursuant to the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508) will be the subject of a separate rulemaking document.

Sections of the proposed rules not addressed below do not contain any substantive changes from the existing regulations. Among those proposed non-substantive changes are a number of editorial or housekeeping changes. These latter changes include the correction of several addresses and substitution of the word endorsement for license and recreational endorsement for pleasure license to conform the language of the rules to statutory terminology.

One universal change to the rules is substitution of the concept of port of record for the term home port. This change was made to reflect elimination of home ports in law, to better describe the function the port provides, and to eliminate confusion among members of the general public. In many instances vessels never actually visit their "home ports", which are in fact repositories of records concerning the vessel.

Because the format of part 67 would be changed, a derivation table, presented as Table 1 below, is provided to assist in comparison of the existing rules with the proposed rules.

Discussion of the Proposed Rules

Proposed § 67.3 in proposed subpart A contains several new definitions. These include citizen, coastwise trade, endorsement, Exclusive Economic Zone, fisheries, hull, Manufacturer's Certificate of Origin, person, port of record, and registration. In addition, the definition of acknowledgment has been expanded to specifically include an acknowledgment or notarization which is in substantial compliance with the laws of the State in which it is taken; and acceptable format for acknowledgment has also been provided.

Proposed § 67.5 contains an editorial change clarifying the fact that the requirement for documented vessels to be wholly owned by a citizen or citizens of the United States applies only to vessels documented under this part. Certain limited forms of documentation may be permitted for vessels not wholly

owned by a citizen or citizens in accordance with rules in 46 CFR part 68.

Proposed § 67.9 would amend the present regulations by providing that vessels of five net tons or more operating in the fisheries in the Exclusive Economic Zone but outside of the navigable waters of the United States are not excluded from the requirement to be documented. In addition, to be consistent with 46 U.S.C. 12110(b), proposed paragraph (c)(2) of § 67.9 provides that barges are no longer exempt from the requirement to be documented if they engage in Great Lakes trade or coastwise trade on the Great Lakes, even if used in part on rivers, harbors, lakes, canals or internal waters of a state.

Proposed § 67.11 sets forth the requirement for Maritime Administration consent for transfer of an interest in certain documented vessels to a person who is not a citizen within the meaning of section 2 of the Shipping Act, 1916 (46 U.S.C. app. 802). It also describes the types of vessels which may be transferred without restriction.

Proposed § 67.12 gives notice of the right to appeal an action or decision under this part by or on behalf of the Coast Guard.

Proposed § 67.13 incorporates by reference the Federal Information Processing Standards Publication 55DC, Guideline: Codes For Named Populated Places, Primary County Divisions, and Other Location Entities of the United States And Outlying Areas (1987). This publication lists those geographical places which may be used as hailing ports for documented vessels.

Proposed § 67.14 displays the current OMB control number for information collection requirements.

Proposed subpart B and the rest of part 67 have been amended by substitution of the word endorsement for the word license. This change was made to conform the regulations to the new terminology introduced by the Corrections. In addition, the term pleasure license has been changed to recreational endorsement in accordance with changes in chapter 121 of title 46 U.S.C. as enacted by Public Law 99–36.

In § 67.37, the Coast Guard proposes to insert the word "enforceable," to clearly reflect its existing interpretation that a vessel owned in a trust arrangement is not barred from documentation solely because a non-citizen with a non-enforceable interest as a beneficiary participates in the trust. An example of such a trust would be a charitable trust, which may directly or indirectly operate to the benefit of persons who are not citizens of the United States.

Proposed § 67.45 contains the citizenship savings provision for fishing vessels. The Coast Guard, in its final rule published on December 12, 1990 at 55 FR 51244, implemented the American control provisions of the Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987. In that rulemaking at section 67.03–15, the Coast Guard published the "grandfather" or savings provision regarding citizenship requirements for fishing vessels. That section of the Coast Guard's regulations is the subject of litigation: *Southeast Shipyard Assn.* v. *United States*, No. 90–1142 (D.D.C.). On April 30, 1991 the District Court decided that the Coast Guard's interpretation of the savings provision of the Anti-Reflagging Act was incorrect. The decision of the District Court is being appealed. Parties who may be affected should maintain appropriate cognizance over this and future judicial decisions which may significantly affect their rights and responsibilities. Once the appellate court has reached a decision on the matter, proposed § 67.45 may be the subject of further revision.

Proposed § 67.47 would permit documentation of certain vessels which may have been transferred to persons who are not citizens within the meaning of section 2 of the Shipping Act, 1916, (46 U.S.C. app. 802), but who are qualified to document vessels pursuant to 46 U.S.C. 12102, without obtaining consent of the Maritime Administration. Included are vessels which were documented exclusively for the fisheries or recreation, as well as other vessels to which the Maritime Administration has granted general approval in 46 CFR part 221 for sale or transfer to noncitizens. This change as well as the changes in proposed §§ 67.59 and 67.61 are permitted by the amendment to section 9 of the Shipping Act of 1916 enacted by section 104(c)(1) of the Codification Act.

With the establishment of two new methods, proposed Section 67.53 sets forth four means of establishing title to vessels: (1) Simplified method without evidence of build, (2) simplified method with evidence of build, (3) complete chain of title without evidence of citizenship for each entity in the chain, and (4) complete chain of title with evidence of citizenship for each entity in the chain.

Proposed § 67.59 provides that where ownership of a documented vessel has changed, and a registry, fishery, or recreational endorsement is sought, citizenship evidence would not be required for each owner subsequent to the last person for which the vessel was documented. This relaxation would be permitted only if the vessel (a) was documented exclusively as a fishing, fish processing, fish tender, or recreational vessel or both, either since its initial documentation or for a period of not less than one year prior to change in ownership, or (b) is a vessel for which the Maritime Administration has granted general approval in 46 CFR part 221 for sale or transfer or to non-citizens. This change has the potential to alleviate the need for the owners of approximately 97 percent of the documented fleet to collect citizenship information concerning former owners, significantly reducing the current paperwork burden on the public.

Proposed § 67.61 would permit vessels to be returned to documentation with a registry, fishery, or recreational endorsement without the requirement for a complete chain of title and evidence of citizenship for all owners subsequent to the last person for whom the vessel was documented. This relaxation would be permitted only if the vessel (a) was documented exclusively as a fishing, fish processing, fish tender or recreational vessel or both since its initial documentation, or for a period of not less than one year prior to change in ownership, or (b) is a vessel for which the Maritime Administration has granted general approval in 46 CFR part 221 for sale or transfer to non-citizens. The Coast Guard estimates that this change would allow 97 percent of the owners of vessels which had been deleted from documentation to return them to documentation without the requirement to establish a complete chain of title or to collect citizenship information concerning intervening owners, resulting in further substantial paperwork burden savings.

Proposed § 67.63 would eliminate the requirement to provide evidence of citizenship for owners in the chain of title prior to documentation of captured, forfeited, or wrecked vessels except where a coastwise or Great Lakes endorsement is sought.

Proposed § 67.73 provides that transfer of title prior to documentation may be evidenced by completion of a transfer section on the reverse of the revised builder's certification (CG–1261) or the Manufacturer's Statement of Origin, in lieu of a bill of sale in recordable form.

Proposed § 67.81, dealing with passage of title to a vessel in conjunction with a merger, would specifically provide that where all of the assets of a corporation are transferred to another corporation, the vessel need not be specifically identified as being

among those assets. This proposal merely formalizes the Coast Guard's long-standing interpretation and practice regarding passage of title by a corporate merger.

Proposed § 67.99 provides that an officer or employee of a company which built a vessel could certify the facts of build based upon the records of the company. The present regulation requires the certification of the supervisor of construction or the actual builder of the vessel. In many cases, supervisors of construction have no knowledge of the source of components of the vessel, or of the party(ies) for whom the vessel is built. In the case of large corporate builders, corporation records provide a much more reliable source of information. The proposal further clarifies the fact that a Manufacturer's Certificate of Origin, which usually recites neither the place of assembly of the vessel nor the source of major components of the hull and superstructure, does not provide evidence of the facts of build.

Proposed § 67.107 sets forth the requirement for a Certificate of Measurement for vessels measured in accordance with regulations set forth in subpart B, C, or D, of 46 CFR part 69.

Proposed § 67.113 is a new section setting forth the requirement to designate a managing owner for every vessel and the requirement to report a change in the address of the managing owner. The purpose of this proposed requirement is to ensure that the Coast Guard corresponds with the person responsible for documentation matters.

Proposed § 67.115 differs from present home port designation, henceforth called "port of record," requirements in that the Coast Guard will assign the port of record based on the address of the managing owner. In addition, the proposal specifically provides that the same port of record will be used for all vessels owned by the same owner. The port of record for a vessel owned by an individual will be based upon any address of the managing owner. The present rule requires the home port to be fixed in accordance with domicile of the owner. The use of domicile has proven problematic in that it is possible to be absent from one's domicile for many years, and to have a domicile at which one cannot receive mail or which is not valid for service of process. In addition, appropriate port of record boundaries are established for the First, Fifth, and Eleventh Coast Guard Districts.

Proposed § 67.117 requiring a vessel name designation differs from the present regulation by clarifying the requirement for vessel names to be approved by the Secretary, a function which has been delegated to the Commandant. In addition, it makes clear that names which are obscene, indecent, profane, or which contain racial or ethnic slurs will not be approved. This is consistent with the purpose of vessel names, which serve as a means of identification, and is not inconsistent with the requirements for so-called "vanity license plates" in many States. In addition, clarification is made that vessel names must be composed only of letters of the Latin alphabet, or Arabic or Roman numerals, or combinations thereof.

Proposed § 67.119 would require the vessel owner to designate a hailing port on form CG–1258. The present rule is extremely restrictive and limits vessel owners to either the home port or the address used to determine the home port, and further requires that the address be recognized by the Post Office. The proposed rule would allow vessel owners to choose among more than 190,000 place names listed in the Federal Information Processing Standards Publication 55DC, Guideline: Codes for Named Populated Places, Primary County Divisions, and Other Locational Entities Of The United States and Outlying Areas (1987). This reduces unnecessary bureaucratic restriction while at the same time enhancing the identification of vessels by helping to eliminate duplication of vessel name and hailing port combinations. In addition, it gives the owners of multiple vessels the opportunity to mark their vessels with hailing ports which are appropriate for the area in which those vessels are employed. A further change gives the Officer in Charge, Marine Inspection (OCMI) at the port where application is made, instead of the OCMI at the vessel's port of record, final authority to settle disputes as to the propriety of the hailing port selected.

Proposed § 67.120 provides that a Certificate of Documentation does not become valid until the vessel for which it is issued is marked in accordance with the rules in the balance of subpart I.

Proposed § 67.121 requires that the marking of the official number on a vessel must be done in a manner which renders alteration or removal of the number obvious. This is consistent with requirements in 33 CFR part 181 regarding affixing hull identification numbers. The requirement to submit a written certificate asserting that the marking has been made, presently found at 46 CFR 67.15–7, would be eliminated. The purpose of vessel markings is similar to the requirement for automobiles to bear license plates. The present bureaucratic burden of requiring marking certificates is no more justified than a motor vehicle bureau's routinely requiring motorists to certify that the license plates have been attached to their vehicles. In addition to reducing the paperwork burden on the public, this proposed change will expedite the issuance of Certificates of Documentation.

Proposed § 67.125 gives authority for settling disputes regarding the permanence, durability, legibility, or placement of a vessel's markings to the OCMI for the zone in which the vessel is located. This change is proposed partly because many vessels never enter the zone covered by their port of record. In addition, it is consistent with changing the emphasis on ensuring compliance with marking requirements through enforcement instead of self-certification by vessel owners.

Proposed § 67.141 contains the basic application process to be followed for all transactions involving initial application, application for exchange, replacement, or redocumentation. The requirements for presentation of evidence of vessel marking prior to issuance of a new Certificate of Documentation for name change has been eliminated. For that reason, name change approvals do not expire, and a vessel may not revert to its previous name without a new application.

Proposed § 67.145, which summarizes the requirement and procedure for mortgagee consent to exchange of Certificates of Documentation under certain circumstances, would also require mortgagee consent for an exchange for the purpose of changing or adding a trade endorsement.

Proposed § 67.151 would eliminate the requirement that Certificates of Documentation be replaced when spaces for notation of changes are filled. Since deployment of a computer system for issuing Certificates, the only notations of change made to existing Certificates of Documentation are changes of address. All other changes are noted by issuing a new Certificate of Documentation.

Proposed § 67.163 differs from present § 67.23–1 by making clear the requirement to apply for renewal of the endorsement(s), if any, prior to the end of the twelfth month following issuance or renewal. Also included is a provision that an endorsement may be renewed at any port instead of only at the vessel's port of record. Another change in order to conform to existing policy, provides that the owner may submit either the completed Notice of Expiration (CG–1280) or Warning Notice (CG–1280–B) in order to effect the renewal.

Proposed § 67.165 would provide that Certificates of Documentation issued to vessels which are exempt from the requirement to be documented may be placed on deposit with the documentation officer at the vessel's port of record. It is the intent of this section to eliminate the requirement to renew the endorsements on Certificates of Documentation issued to those vessels. Title 46 U.S.C. 12110(b) provides that barges which meet the requirements for eligibility to engage in coastwise trade are exempt from the requirement to be documented when employed in coastwise trade on rivers, harbors, lakes (except the Great Lakes), canals and inland waters. Such vessels are often documented, however, in order to make them the subject of preferred mortgages. Certificates placed on deposit would be valid for purposes of 46 U.S.C. chapters 125 and 313, as well as those sections of the Shipping Act, 1916, regarding foreign transfers, and section 902 of the Merchant Marine Act, 1936, permitting the Secretary of Transportation to purchase or requisition the vessel in time of national emergency.

Proposed § 67.167 sets forth the requirement for exchange of Certificates of Documentation under certain circumstances, instead of surrender. This change in wording is for the sole purpose of eliminating the confusion which currently exists over the meaning of the term "surrender." A distinction is also drawn between those circumstances which immediately invalidate the Certificate of Documentation and the trade endorsement and those for which a "grace" period may be granted. These latter reasons are often outside of the owner's control and may occur when a vessel is at sea or under reconstruction. For example, the change would allow a vessel to continue to operate until it came into port if the corporate stock of the owner is sold while it is at sea. It would also allow the Certificate of Documentation to remain valid for the purpose of filing and recording a new mortgage or related instrument despite a change in tonnage caused by a change in vessel configuration during the course of repair or rebuilding without requiring immediate remeasurement of the vessel. In addition, the proposed regulation identifies several circumstances requiring exchange, which although not addressed in the present regulations, reflect current Coast Guard policy and understanding. These include a change in a trustee or a beneficiary with an enforceable interest in a trust arrangement which owns a vessel, and a change in the state of incorporation of a corporation owning a vessel. Another change would make exchange of the Certificate optional instead of mandatory when a vessel attains special privileges or when certain trade restrictions change by deletion.

Proposed § 67.171 provides for the first time that a vessel is subject to deletion from documentation when the owner fails to maintain the markings required by subpart I of this part. In addition, it would permit deletion of a vessel from documentation at any port of documentation, instead of only at the vessel's port of record. A certificate evidencing deletion would be issued upon complying with the requirements for deletion and payment of the fee prescribed in subpart Y.

Proposed § 67.173 would permit a vessel owner to submit a Certificate of Documentation which is subject to cancellation to any port of documentation, instead of only at the vessel's port of record.

Proposed § 67.200 would allow filing and recording of interlender agreements as well as assignments of and amendments to notices of claim of lien. These are in addition to those instruments currently eligible for filing and recording.

Proposed § 67.209 would require submission of only an original and one copy of a preferred mortgage, instead of two originals and two copies of certification as in the present regulation. Although 46 U.S.C. 31324 requires the mortgagor of a preferred mortgage covering a self-propelled vessel to keep a certificate copy of the mortgage aboard the vessel, the mortgagor and mortgagee can jointly certify a copy without Coast Guard involvement.

Proposed § 67.211 eliminates the requirement for filing a Declaration of Citizenship on form MA–899 in all but a very few cases. The declaration would normally be needed only where a vessel owner seeks to document a vessel with a coastwise or Great Lakes endorsement and one or more intermediary owners has not made application for documentation, or in the case of mortgages or related instruments covering very large vessels not documented exclusively for recreation or the fisheries.

Proposed § 67.215 eliminates a definition for the time and date of recording. That definition is no longer needed since filing gives an instrument efficacy against third parties. Provision is also made for retention of the original filing date and time when supplemental materials are filed for an instrument whose filing was subject to termination.

Proposed § 67.223 would permit filing and recording of a bill of sale when application is made for deletion of a vessel from documentation. Presently, bills of sale may be recorded only in conjunction with an application for documentation. Permitting such recordings would make existing records more accurate, thus providing better information to law enforcement authorities, and would facilitate the return of the vessel to documentation at a later date.

Proposed § 67.231 makes provision for an optional application for filing and recording of mortgages and related instruments. The application would summarize all of the information the Coast Guard requires for indexing information about the instrument. When an instrument is accompanied by such an application, the Coast Guard will not review the instrument to ensure that it complies with the requirements of 46 U.S.C. chapter 313. This change is proposed in accordance with the recommendations of the Committee on Merchant Marine and Fisheries in committee report H.R. 100–918.

Proposed § 67.233 provides that a mortgage or assumption may not be recorded if the mortgagor or assuming party did not actually hold legal title to the vessel being mortgaged or covered by the assumption at the time of filing of the mortgage or assumption, and that the vessel(s) covered by a mortgage must have been documented or the subject of an application for documentation at the time of filing.

Proposed §§ 67.235, 67.237, and 67.239, respectively, eliminate the requirement to specify the interest in the vessel granted to each mortgagee, the interest in the mortgage granted to each assignee, and the interest in the mortgage assumed by each party.

Proposed § 67.245 is a new section setting forth the requirements interlender agreements must meet in order to qualify for filing and recording.

Proposed §§ 67.257 and 67.259 detail the requirements for assignments and amendments, reprectively, of notices of claim of lien.

Proposed subpart T, which describes the General Index and Abstract of Title, no longer provides for issuance of Certificates of Ownership. Present law makes no provision for such Certificates, which do not contain as much information as Abstracts of Title. Certified Abstracts of Title, which contain more information than the Certificates of Ownership presently issued will be available to any person upon request.

Sections 67.89, 67.101, 67.117, 67.133, 67.141, 67.163, 67.171, 67.175, 67.177, 67.203, and 67.303 include reference to user fees prescribed by subpart Y. Those fees will be proposed in a separate rulemaking document.

Subpart Y has been reserved for user fees.

Disposition of Existing Regulations

This supplementary information shows the disposition of existing regulations in 46 CFR part 67. All of those regulations have been revised in substance and form.

TABLE 1.—DISPOSITION OF PRESENT REGULATIONS—PART 67

Present §	Concept now discussed at §	Other action
67.01-1	67.3	
67.01-3	67.1	
67.01-5	67.7	
67.01-7	67.9	
67.01-9	67.5	
67.03-1	67.30	
67.03-3	67.33	
67.03-5	67.35	
67.03-7	67.37	
67.03-9	67.39	
67.03-11	67.41	
67.03-13	67.43	
67.05-1	67.50	
67.05-3	67.55	
67.05-5	67.57, 67.59, 67.61, 67.63	
67.05-7	67.57	
67.05-9	67.59	
67.05-11	67.85	
67.05-13	67.61	
67.05-15	67.63	
67.05-17		Deleted.
67.07-1	67.70	
67.07-3	67.75	
67.07-5	67.77	
67.07-7	67.79	
67.07-9	67.81	
67.07-11	67.83	
67.07-13	67.85	
67.07-15	67.87	
67.07-17	67.89	
67.09-1	67.95	
67.09-3	67.97	
67.09-5		Deleted.
67.09-7	67.99	
67.09-9	67.101	
67.11-1	67.105	
67.11-3	67.107	
67.13-1	67.111	
67.13-3	67.115	
67.13-5	67.117	
67.13-7	67.119	
67.15-1	67.121	
67.15-3	67.123	
67.15-5		Deleted
67.15-7		Deleted.
67.15-9	67.125	
67.17-1	67.15	
67.17-3	67.17	
67.17-5	67.19	
67.17-7	67.19	
67.17-9	67.21	
67.17-11	67.23	
67.19-1	67.130	
67.19-3	67.134	
67.19-5	67.131	
67.19-7	67.132	
67.19-9	67.133	

TABLE 1.—DISPOSITION OF PRESENT REGULATIONS—PART 67—Continued

Present §	Concept now discussed at §	Other action
67.21-1	67.141	
67.21-3	67.111	
67.21-5	67.141	
67.23-1	67.163	
67.23-3	67.167	
67.23-5	67.145	
67.23-7	67.169	
67.23-9	67.171	
67.23-11	67.173	
67.25-1	67.163, 67.165	
67.25-3	67.141	
67.25-5	67.147	
67.25-7	67.141	
67.25-9	67.145	
67.25-11	67.151	
67.25-13	67.171	
67.25-15	67.173	
67.27-1	67.175	
67.27-3	67.177	
67.27-7	67.149	
67.29-1	67.200	
67.29-3	67.203	
67.29-5	67.205	
67.29-7	67.207	
67.29-9	67.209	
67.29-11	67.211	
67.29-13	67.213	
67.29-15	67.215	
67.29-17	67.217	
67.31-1	67.220	
67.31-3	67.220	
67.31-5	67.220	
67.31-7	67.223	
67.33-1	67.231	
67.33-3	67.235	
67.33-5	67.235	
67.33-7	67.237	
67.33-9	67.237	
67.33-11	67.237	
67.33-13	67.239	
67.33-15	67.239	
67.33-17	67.239	
67.33-19	67.241	
67.33-21	67.241	
67.33-23	67.241	
67.33-25	67.243	
67.33-27	67.243	
67.33-29	67.243	
67.35-1	67.231	
67.35-3	67.233	
67.35-5	67.209	
67.35-7	67.237, 67.239, 67.241, 67.243	
67.35-9	67.233	
67.37-1	67.250	
67.37-3	67.253	
67.37-5	67.253	
67.37-7	67.255	
67.39-1	67.260	
67.39-3	67.263	
67.39-5	67.265	
67.39-7	67.265	
67.39-9	67.265	
67.41-1	67.301	
67.41-3	67.303	
67.41-5		Deleted.
67.45-1	67.311	
67.45-3	67.313	
67.45-5	67.315	
67.45-7	67.317	
67.45-9	67.319	
67.45-11	67.321	
67.45-13	67.323	
67.45-15	67.325	
67.45-17	67.335	
67.45-19	67.329	

TABLE 1.—DISPOSITION OF PRESENT REGULATIONS—PART 67—Continued

Present §	Concept now discussed at §	Other action
67.45-21	67.327	
67.45-23	67.331	
67.45-25	67.333	

The disposition of existing §§ 67.43-1, 43-3, 43-5, 43-7, 43-9, 49-11, and 43-13 will be discussed in a future rulemaking document dealing with user fees.

Discussing of Proposed Forms

Most of the existing vessel documentation forms will be revised in conjunction with the proposed regulations. The forms will be consolidated and simplified to elicit only the information necessary to ensure compliance with substantive statutory provisions. Certain forms would be eliminated outright, while others would be revised to make their completion simpler. One new form, an optional application for filing and recording of mortgages and related instruments is proposed.

For the reader's convenience, prototypes of the proposed forms are reproduced in appendix A. These forms should be considered in conjunction with the proposed regulations. Comments or suggestions pertaining to their format or content will be welcomed. These proposed forms will be submitted to the Office of Management and Budget for approval prior to publication of the final rule. Until these rules are published, the existing forms should be used.

Table 2, which is provided as supplementary information shows the intended use of proposed forms.

TABLE 2.—FUNCTION OF PROPOSED FORMS

Form No.	Name/use
CG-1261	1. Title evidence for initial documentation of new vessel. 2. Evidence of U.S. build for coastwise, Great Lakes and fisheries vessels.
CG-1258	1. Application for initial documentation. 2. Application for all changes. 3. Application for replacement of certificate for documentation.
CG-1270	Certificate of Documentation—All endorsements.
1280	Renewal of endorsement of Certificate of Documentation.
CG-1280-A and 1280-B.	
CG-1332	1. Transfer of records for change of port of record. 2. Full record of vessel ownership and encumbrance history.

TABLE 2.—FUNCTION OF PROPOSED FORMS—Continued

Form No.	Name/use
CG-1340	Evidence of title for used vessels.
CG-1356	Evidence of sale by governmental entity.
CG-4593	Evidence of Mortgagee consent to exchange of Certificate of Documentation or withdrawal of application for documentation.
CG-5542	Optional application for filing and recording of mortgage or related instrument.

Table 3, which is provided as supplementary information, shows the frequency with which forms must be filed, and the person responsible for completion of the form.

TABLE 3.—SUBMISSIONS OF PROPOSED FORMS

Form	Completed by	Frequency
CG-1261	Builder	Once.
CG-1258	Vessel owner	1. Initial documentation. 2. Any change in data on certificate of documentation. 3. Any replacement of certificate of documentation..
CG-1270	Documentation officer.	
CG-1280	Vessel owner	Annually.
CG-1332	Documentation officer.	
CG-1340	Seller of vessel	Any sale of vessel.
CG-1356	Government agency.	Any vessel sale arising from court or other governmental action.
CG-4593	Vessel mortgagee.	Change in any vessel data on certificate of documentation issued to vessel covered by preferred mortgage.
CG-5542	Vessel mortgagee.	Optional on filing of mortgage or related instrument.

Incorporation by Reference

The following material would be incorporated by reference in § 67.119: Federal Information Processing Standards Publication 55DC, Guideline: Codes for Named Populated Places, Primary County Divisions, and Other Locational Entities of the United States and Outlying Areas (1987). Copies of the material are available for inspection where indicated under "ADDRESSES." Copies of the material are available at the addresses in § 67.13.

Regulatory Evaluation

This proposal is not major under Executive Order 12291, but because it concerns matters on which there is substantial public interest, it is significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11040; February 26, 1979). The following constitutes the draft regulatory evaluation for the rulemaking.

This rulemaking proposes simplifying the paperwork and reporting requirements necessary to effect the documentation of a vessel and to streamlining internal administrative procedures and requirements.

The benefits of documenting a vessel are practical, legal, and financial. The salient practical benefit (and not coincidentally the reason the concept of federal documentation exists at all) is to ensure unencumbered interstate and international commerce. This practical benefit is intimately related to the legal benefits attendant upon federal documentation. The existence of a federal system of documentation serves to preempt state numbering and regulatory schemes such that a vessel operated under a federal endorsement (e.g., a coastwise endorsement) is ensured access to state waters for various activities. In fact, the federal documentation statues, which date to the earliest days of our Republic, are a direct result of dissatisfaction with impediments to the free flow of commerce once imposed by the several states. That federal documentation continues to provide this benefit is evidence by the recurring preemption cases in which a vessel owner or operator invokes the protections of documentation against a state seeking to close its waters to nonresidents for certain activities. In the field of international commerce, documentation establishes the nationality of a vessel and confers the privileges, protections, and immunities contemplated by long-standing international law and custom. Another practical benefit of federal documentation stems from the preferential customs and tax treatment accorded to "vessels of the United States." Established national policy seeks to promote the existence of an American merchant marine as a resource to be drawn upon in time of emergency or war. To the extent that documentation is a condition precedent to the receipt of preferential customs and tax treatment, it serves as a tool to promote national policy interests. The major financial benefit conferred by documentation is preferred mortgage financing. The availability of capital for maritime financing hinges upon the existence of the preferred mortgage as security for loans against vessels. Since the proposed regulations will make it easier to document a vessel under U.S. law, and will make filing a mortgage easier, they will enhance the benefits outlined above.

In considering this proposal, the reader should note that not all vessels of the requisite size are required by law to be documented. Documentation is not statutorily required for vessels engaging in foreign trade or for those used exclusively for recreational purposes. A registry endorsement is obtained on a voluntary basis for purposes of establishing the nationality of a vessel for the protections of international law and/or to obtain preferred mortgage financing. Recreational vessels are documented mainly for the purpose of obtaining preferred mortgage financing.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632).

The proposed regulations will apply to the following small entities: Small businesses, individuals, nonprofit organizations, and municipal governments currently owning documented vessels or seeking to document vessels in the future; brokers, attorneys, and law offices providing vessel documentation services; small shipbuilders building vessels which are subsequently documented; boat dealers selling vessels of at least five (5) net tons in size; and lending institutions engaging in preferred mortgage financing.

The changes being proposed in this rulemaking are procedural and administrative in nature. The changes are largely technical amendments which the affected small entities should have little difficulty understanding or adopting into their business practices. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business qualifies as a small entity and that this proposal will

have a significant economic impact on your business, please submit a comment (see "**ADDRESSES**") explaining why you think your business qualifies and in what way and to what degree this proposal will economically affect your business.

Collection of Information

Under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget (OMB) reviews each proposed rule which contains a collection of information requirement to determine whether the practical value of the information is worth the burden imposed by its collection. Collection of information requirements include reporting, recordkeeping, notification, and other similar requirements.

This proposal contains collection of information requirements in the following sections: 67.43, 67.47, 67.55, 67.53, 67.57, 67.59, 67.51, 67.63, 67.70, 67.73, 67.75, 67.77, 67.79, 67.81, 67.83, 67.85, 67.87, 67.89, 67.99, 67.101, 67.105, 67.111, 67.113, 67.117, 67.119, 67.130, 67.131, 67.132, 67.133, 67.134, 67.141, 67.143, 67.145, 67.147, 67.149, 67.151, 67.163, 67.165, 67.167, 67.169, 67.171, 67.175, 67.177, 67.205, 67.207, 67.209, 67.211, 67.231, 67.235, 67.237, 67.239, 67.241, 67.243, 67.245, 67.250, 67.253, 67.255, 67.257, 67.259, 67.267, 67.263, and 67.265.

The reporting and recordkeeping requirements associated with this rule are being submitted to the OMB for approval in accordance with 44 U.S.C. chapter 35. The following particulars apply:

DOT No: 2115; *OMB Control No:* 0110.
Administration: U.S. Coast Guard.
Title: Vessel Documentation.
Need for Information: This information collection requirement is needed to establish a vessel's eligibility to (1) be documented as a U.S. vessel; (2) engage in particular trade; and (3) become the object for a preferred ship's mortgage. All of the foregoing convey privileges to the vessel owner and mortgagee.
Proposed Use: The Coast Guard uses this information to determine if a vessel is eligible for benefits as a U.S. vessel. The Internal Revenue Service (IRS) also uses this information to determine eligibility for investment tax credits.
Frequency: On occasion.
Burden Estimate: 54,000 hours.
Respondents: 180,000.
Form(s): CG–1258, 1261, 1270, 1280, 1280–A, 1280–B, 1340, 1356, 4593, 5542, MA–899.
Average Burden Hours per Respondents: Burden is expressed as follows: CG–1258, 30 minutes; CG–1261, 30 minutes; CG–1280 or 1280–B, 5 minutes; CG–1280–A, negligible; CG–1340, 20 minutes; CG–1356, 20 minutes; CG–4593, 10 minutes; CG–1270, negligible; CG–5542, 10 minutes; MA–899, 15 minutes.

This rulemaking significantly reduces the paperwork burden on the public. For example, in 1990 approximately 60,000 submissions of form MA–899 were required; under this proposal, the Coast Guard estimates that only 1,000 submissions will be required. This is a reduction of 19,600 hours. In addition, form CG–1322 would be eliminated, reducing the burden by another 13,000 hours.

For further information contact: The Information Requirements Division, M–34, Office of the Secretary of Transportation, 400 Seventh Street, SW, Washington, DC 20503, (202) 395–7340.

Federalism

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

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that under § 2.B.2 of Commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation. This proposal deals with procedural regulations including reporting and recordkeeping requirements in order to obtain privileges as vessels of the United States and to record title and encumbrance instruments. These regulations are administrative in nature and clearly have no environmental impact. A Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under "**ADDRESSES**."

List of Subjects in 46 CFR Part 67

Incorporation by reference, Vessels.

For the reasons set out in the preamble, the Coast Guard proposes to revise 46 CFR part 67 to read as follows:

PART 67—DOCUMENTATION OF VESSELS

Subpart A—General

67.1 Purpose.
67.3 Definitions.
67.5 Vessels eligible for documentation.
67.7 Vessels requiring documentation.
67.9 Vessels excluded from or exempt from documentation.
67.11 Restriction on transfer of an interest in documented vessels to foreign persons; foreign registry or operation.
67.12 Right of appeal.
67.13 Incorporation by reference.
67.14 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

Subpart B—Forms of Documentation; Endorsements; Eligibility of Vessel

67.15 Form of document—all endorsements.
67.17 Registry endorsement.
67.19 Coastwise or Great Lakes endorsement.
67.21 Fishery endorsement.
67.23 Recreational endorsement.

Subpart C—Citizenship Requirements for Vessel Documentation

67.30 Requirement for citizen owner.
67.31 Stock or equity interest requirements.
67.33 Individual.
67.35 Partnership, association, or joint venture.
67.37 Trust.
67.39 Corporation.
67.41 Governmental entity.
67.43 Evidence of citizenship.
67.45 Citizenship savings provision for fishing vessels.
67.47 Evidence of Maritime Administration approval.

Subpart D—Title Requirements for Vessel Documentation

67.50 Requirement for title evidence.
67.53 Methods of establishing title.
67.55 Requirement for removal from foreign registry.
67.57 Extent of title evidence required for initial documentation.
67.59 Extent of title evidence required for change in ownership of a documented vessel.
67.61 Extent of title evidence required for vessels returning to documentation.
67.63 Extent of title evidence required for captured, forfeited, special legislation, and wrecked vessels.

Subpart E—Acceptable Title Evidence; Waiver

67.70 Original owner.
67.73 Transfers prior to documentation.
67.75 Transfers by sale or donation subsequent to documentation.
67.77 Passage of title by court action.
67.79 Passage of title without court action following death of owner.
67.81 Passage of title in conjunction with a corporate merger or similar transaction.
67.83 Passage of title by extra-judicial repossession and sale.
67.85 Change in general partners of partnership.
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Appendix A to Part 67—Ports of Documentation

Authority: 14 U.S.C. 664; 31 U.S.C. 9701; 42 U.S.C. 9118; 46 U.S.C. 2103, 2107, 2110; 46 U.S.C. App. 802, 809, 876, 841a, 883; 49 U.S.C. 322, 49 CFR 1.46.

Subpart A—General

§ 67.1 Purpose.

A Certificate of Documentation is required for the operation of a vessel in certain trades, serves as evidence of vessel nationality, and permits a vessel to be subject to preferred mortgages.

§ 67.3 Definitions.

The following definitions are for terms used in this part.

Acknowledgment means:

(1) An acknowledgment or notarization which is in substantial compliance with the Uniform Acknowledgments Act, the Uniform Recognition of Acknowledgments Act, the Uniform Law on Notarial Acts, or the statutes of the State within which it is taken, made before a notary public or other official authorized by a law of a State or the United States to take acknowledgment of deeds;

(2) A certificate issued under the Hague convention Abolishing the Requirement for Legalisation of Public Documents, 1961; or

(3) Any attestation which is substantially in the following form:

State:
County:
Subscribed and sworn to before me on [date]
Notary Public
My commission expires: [date]

Certificate of Documentation means form CG–1270.

Citizen, unless expressly provided otherwise, means a person as defined in this section, meeting the applicable

citizenship requirements of subpart C as a United States citizen.

Coastwise trade includes the transportation of passengers or merchandise between points embraced within the coastwise laws of the United States

Commandant means the Commandant of the United States Coast Guard.

Note: Submissions and correspondence made to the Commandant pursuant to this part should be addressed to Commandant (G–MVI–5), U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593–0001.

Documentation officer means the Coast Guard official who is authorized to approve and process applications made under this part, and record instruments authorized to be filed and recorded under this part.

Documented vessel means a vessel which is the subject of a valid Certificate of Documentation.

Endorsment means an entry which may be made on a Certificate of Documentation, and which, except for a recreational endorsement, is conclusive evidence that a vessel is entitled to engage in a specified trade.

Exclusive Economic Zone (EEZ) means the zone established by Presidential Proclamation No. 5030, dated March 10, 1983, (48 FR 10605, 3 CFR, 1983 Comp., p. 22).

Fisheries includes processing, storing, transporting (except in foreign commerce), planting, cultivating, catching, taking, or harvesting fish, marine animals, pearls, shells, or marine vegetation in the navigable waters of the United States or in the Exclusive Economic Zone.

Hull means the shell, or outer casting, and internal structure below the main deck which provide both the flotation envelope and structural integrity of the vessel in its normal operations. In the case of submersible vessel, the term includes all structural members of the pressure envelope.

Manufacturer's Certificate of Origin means a certificate issued under the law or regulation of a State, evidencing transfer of a vessel from the manufacturer as defined in 33 CFR part 181 to another person.

Non-citizen means a person who is not a citizen of the United States as defined in this section.

Officer in Charge, Marine Inspection (OCMI) means the Coast Guard official designated as such by the Commandant, under the superintendence and direction of a Coast Guard District Commander, who is in charge of an inspection zone in accordance with regulations set forth in 46 CFR part 1.

Person means an individual, corporation, partnership, association, joint venture, trust arrangement, the government of the United States, a State or political subdivision thereof, and includes a trustee, beneficiary, receiver, or similar representative of any of them.

Port of Documentation means a port which has been designated by the Commandant as a place which may serve as a port of record for vessel documentation purposes. A documentation office is located in each port of documentation. A list of designated ports of documentation may be found in appendix A to this part.

Port of record means the port of documentation at which the records for a vessel are kept.

Registration means a certificate of number issued pursuant to rules in 33 CFR part 173, a record under the maritime laws of a foreign country, or a certificate issued by a political subdivision of a foreign country.

Secretary means the Secretary of Transportation.

State means a State of the United States or a political subdivision thereof, Guam, Puerto Rico, the Virgin Islands, American Samoa, the District of Columbia, the Northern Mariana Islands, and any other territory or possession of the United States.

Superstructure means any structural part of a vessel above or including its main deck.

United States, when used in a geographic sense means the States of the United States, Guam, Puerto Rico, American Samoa, the District of Columbia, the Northern Mariana Islands, and any other territory or possession of the United States, except that in § 67.19 trust territories are not considered to be part of the United States.

Vessel includes every description of watercraft or other contrivance used or capable of being used as a means of transportation on water, but does not include aircraft. Vessel also includes ocean thermal energy conversion facilities and ocean thermal energy conservation plantships.

(1) *Ocean thermal energy conversion facility* means any facility which is standing in or moored in or beyond the territorial sea of the United States and which is designed to use temperature differences in ocean water to produce electricity or another form of energy capable of being used directly to perform work.

(2) *Ocean thermal energy conversion plantship* means any vessel which is standing in or moored in or beyond the territorial sea of the United States and which is designed to use temperature differences in ocean water to produce electricity or another form of energy capable of being used directly to perform work.

Note: Rulings and interpretations concerning coastwise trade and the fisheries can be obtained from the U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229 (Attn: Carrier Rulings Branch).

§ 67.5 Vessels eligible for documentation.

Any vessel of at least five (5) net tons wholly owned by a citizen or citizens of the United States is eligible for documentation under this part. This includes, but is not limited to, vessels used exclusively for recreational purposes and vessels used in foreign trade.

§ 67.7 Vessels requiring documentation.

Any vessel of at least five (5) net tons which engages in the fisheries on the navigable waters of the United States or in the Exclusive Economic Zone, Great Lakes trade, or coastwise trade, unless exempt under § 67.9, must have a Certificate of Documentation bearing the appropriate endorsement.

§ 67.9 Vessels excluded from or exempt from documentation.

(a) A vessel of less than five (5) net tons is excluded from documentation.

(b) A vessel which does not operate on the navigable waters of the United States or in the fisheries in the Exclusive Economic Zone is exempt from the requirement to have a Certificate of Documentation.

(c) A non-self-propelled vessel, qualified to engage in the coastwise trade is exempt from the requirement to be documented with a coastwise endorsement when engaged in coastwise trade:

(1) Within a harbor;

(2) On the rivers or lakes (except the Great Lakes) of the United States; or

(3) On the internal waters or canals of any State

(d) A vessel exempt from the requirement to be documented by paragraph (b) or (c) of this section may, at the option of the owner, be documented provided it meets the other requirements.

§ 67.11 Restriction on transfer of an interest in documented vessels to foreign persons; foreign registry or operation.

(a) Without the approval of the Maritime Administration, a documented vessel which is owned by a citizen of the United States as defined in section 2 of the Shipping Act, 1916 (46 U.S.C. app. 802), may not be:

(1) Placed under foreign registry or operated under the authority of a foreign country; or

(2) Sold, mortgaged, leased, chartered, or delivered to any person who is not a citizen of the United States as defined in section 2 of the Shipping Act, 1916 (46 U.S.C. app. 802)

(b) The restriction in paragraph (a) of this section does not apply to a vessel that has been operated only as:

(1) A fishing vessel, fish processing vessel, or fish tender vessel (as defined in 46 U.S.C. 2101);

(2) A recreational vessel; or

(3) Both

Note: For purposes of this part only, the Coast Guard will deem a vessel which has been documented exclusively with a fishery or recreational endorsement or both from the time it was first documented, or for a period of not less than one year prior to foreign transfer or registry, to qualify for the exemption granted in paragraph (b) of this section.

§ 67.12 Right of appeal.

Any person directly affected by a decision or action taken under this part by or on behalf of the Coast Guard may appeal therefrom in accordance with subpart 1.03 of part 1 of this chapter.

§ 67.13 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a). To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the **Federal Register** and make the material available to the public. All approved material is on file at the Office of the Federal Register, 1100 L Street NW., Washington, DC and at the U.S. Coast Guard, Merchant Vessel Inspection and Documentation Division, 2100 Second Street SW., Washington, DC 20593–0001 and is available from the source indicated in paragraph (b) of this section.

(b) The material approved for incorporation by reference in this part and the section affected is:

U.S. Department of Commerce, National Technical Information Service, Springfield, VA 22181, Federal Information Processing Standards Publication 55DC, Guideline: Codes for Named Populated Places, Primary County Divisions, and Other Locational Entities of the United States and Outlying Areas (1987) * * * § 67.119.

§ 67.14 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

(a) *Purpose.* This section collects and displays the control numbers assigned to information collection and recordkeeping requirements in this subchapter by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). The Coast Guard intends that this section comply with the requirements of 44 U.S.C. 3507(f) which requires that agencies display a current control number assigned by the Director of the OMB for each approved agency information collection requirement.

(b) *Display.*

46 CFR part or section where identified or described	Current OMB control No.
Part 67	2115–0110
Part 68	2115–0110

Subpart B—Forms of Documentation; Endorsements; Eligibility of Vessel

§ 67.15 Form of document—all endorsements.

(a) The form of document is a Certificate of Documentation, form CG–1270.

(b) Upon application in accordance with subpart K of this part and determination of qualification by the documentation officer with whom the application is filed, a Certificate of Documentation may be issued with a registry, coastwise, Great Lakes, fishery, or recreational endorsement.

(c) A Certificate of Documentation may bear simultaneous endorsements for recreation and more than one trade, including operation under 46 CFR part 68.

Note: Where a vessel possesses a Certificate of Documentation bearing more than one endorsement, the actual use of the vessel determines the endorsement under which it is operating.

§ 67.17 Registry endorsement.

(a) A registry endorsement entitles a vessel to employment in the foreign trade; trade with Guam, American Samoa, Midway or Kingman reef; and any other employment for which a coastwise, Great Lakes, or fishery endorsement is not required.

(b) Any vessel eligible for documentation under § 67.5 is eligible for a registry endorsement.

(c) A vessel otherwise eligible for a registry endorsement for which the Maritime Administration has not granted general approval in 46 CFR part 221 for sale or transfer to non-citizens loses that eligibility during any period in which it is mortgaged to a person which does not meet the requirements of § 67.233(b).

§ 67.19 Coastwise or Great Lakes endorsement.

(a) A coastwise endorsement entitles a vessel to employment in unrestricted coastwise trade and any other employment for which a registry, fishery, or Great Lakes endorsement is not required.

(b) A Great Lakes endorsement entitles a vessel to employment in the Great Lakes trade and any other employment for which a registry, fishery, or coastwise endorsement is not required.

(c) If eligible for documentation and not restricted from coastwise or Great Lakes trade by paragraph (d) or (e) of this section, the following vessels are eligible for a coastwise or Great Lakes endorsement or both:

(1) Vessels built in the United States (§ 67.97);

(2) Forfeited vessels (§ 67.131);

(3) Vessels granted coastwise trading privileges by special legislation (§ 67.132);

(4) Wrecked vessels (§ 67.133);

(5) Captured vessels (§ 67.134); and

(6) Vessels purchased, chartered, or leased from the Secretary of Transportation by persons who are citizens of the United States (46 U.S.C. app. 808).

(d) A vessel otherwise eligible for a coastwise or Great Lakes endorsement under paragraph (c) of this section permanently loses that eligibility if:

(1) It is thereafter sold in whole or in part to any owner that is not a citizen as defined in subpart C of this part, or a person permitted to document vessels pursuant to 46 CFR part 68;

(2) It is thereafter registered under the laws of a foreign country;

(3) It undergoes rebuilding as defined in § 67.177(a) outside of the United States; or

(4) It is a crude oil tanker of 20,000 deadweight tons or above, and after 17 October 1978 has segregated ballast tanks, a crude oil washing system, or an inert gas system installed outside of the United States as defined in § 67.3.

(e) A vessel otherwise eligible for a coastwise or Great Lakes endorsement under paragraph (c) of this section loses that eligibility, except as provided in paragraph (f) of this section, during any period in which it is:

(1) Owned by a corporation which does not meet the citizenship requirements of § 67.39(b), or;

(2) Mortgaged to a person not listed in § 67.233(b).

(f) The restriction imposed by paragraph (e)(2) of this section does not apply to any vessel for which the Maritime Administration has granted general approval of 46 CFR part 221 for mortgage to non-citizens.

§ 67.21 Fishery endorsement.

(a) A fishery endorsement entitles a vessel to employment in the fisheries as defined in § 67.3 subject to federal and state laws regulating the fisheries, and in any other employment for which a registry, coastwise, or Great Lakes endorsement is not required. A fishery endorsement entitles a vessel to land its catch, wherever caught, in the United States.

(b) If eligible for documentation and not restricted from the fisheries by paragraph (c) of this section, the following vessels are eligible for a fishery endorsement:

(1) Vessels built in the United States (§ 67.97);

(2) Forfeited vessels (§ 67.131);

(3) Vessels granted fisheries privileges by special legislation (§ 67.132);

(4) Wrecked vessels (§ 67.133); and

(5) Captured vessels (§ 67.134).

(c) A vessel otherwise eligible for a fishery endorsement under paragraph (b) of this section permanently loses that eligibility if it undergoes rebuilding as defined in § 67.177(a) outside of the United States.

(d) A vessel otherwise eligible for a fishery endorsement under paragraph (b) of this section and not protected by the savings provision in § 67.45 loses that eligibility during any period in which it is owned by a partnership which does not meet the citizenship requirements of § 67.35(a) and § 67.35(a)(3), or by a corporation which does not meet the citizenship requirements of § 67.39(d).

§ 67.23 Recreational endorsement.

(a) A recreational endorsement entitles a vessel to pleasure use only.

(b) Any vessel eligible for documentation under § 67.5 is eligible for a recreational endorsement.

Note: A vessel having a Certificate of Documentation endorsed only for recreation may not be bareboat chartered except for recreational use. Guidance on the elements of a valid bareboat charter should be obtained through private legal counsel.

Subpart C—Citizenship Requirements for Vessel Documentation

§ 67.30 Requirement for citizen owner.

Certificates of Documentation may be issued under this part only to vessels which are wholly owned by United States citizens. Certificates of Documentation with limited endorsements may be issued to vessels owned by certain persons who are not citizens as defined in this part in accordance with part 68 of this chapter, under the Bowater Amendment and for oil spill response vessels under the Oil Pollution Act of 1990.

§ 67.31 Stock or equity interest requirements.

(a)(1) The stock or equity interest requirements for citizenship under this subpart encompass: title to all classes of stock; title to voting stock; and ownership of equity. An otherwise qualifying corporation or partnership may fail to meet stock or equity interest requirements because: stock is subject to trust or fiduciary obligations in favor of non-citizens; non-citizens, exercise, directly or indirectly, voting power; or non-citizens, by any means, exercise control over the entity. The applicable stock or equity interest requirement is not met if the amount of stock subject to obligations in favor of non-citizens, non-citizen voting power, or non-citizen control exceeds the percentage of the non-citizen interest permitted.

(2) For the purpose of this section, control includes an absolute right to direct corporate or partnership business, to limit the actions of or replace the chief executive officer, a majority of the board of directors or any general partner, to direct the transfer or operations of any vessel owned by the corporation or partnership, or otherwise to exercise authority over the business of the corporation or partnership, but not the right to simply participate in these activities or the right to receive a financial return, e.g., interest or the equivalent of interest on a loan or other financing obligations.

(b) For purposes of meeting the stock or equity interest requirements for citizenship under this subpart where title to a vessel is held by an entity comprised, in whole or in part, of other entities which are not individuals, each entity contributing to the stock or equity interest qualifications of the entity holding title must be a citizen eligible to document vessels in its own right with the trade endorsement sought.

§ 67.33 Individual.

An individual is a citizen if native-born, naturalized, or a derivative citizen of the United States, or otherwise qualifies as a United States citizen.

§ 67.35 Partnership, association, or joint venture.

(a) A partnership is a citizen if all its general partners are citizens, and:

(1) For the purpose of obtaining a registry or recreational endorsement, at least 50 percent of the equity interest in the partnership is owned by citizens;

(2) For the purpose of obtaining a coastwise or Great Lakes endorsement or both, at least 75 percent of the equity interest in the partnership is owned by citizens; or

(3) For the purpose of obtaining a fishery endorsement, more than 50 percent of the equity interest in the partnership is owned by citizens.

(b) An association is a citizen if each of its members is a citizen.

(c) A joint venture is a citizen if each of its members is a citizen.

§ 67.37 Trust.

A trust arrangement is a citizen if each of its trustees and each of its beneficiaries with an enforceable interest in the trust is a citizen.

§ 67.39 Corporation.

(a) For the purpose of obtaining a registry or a recreational endorsement, a corporation is a citizen if:

(1) It is incorporated under the laws of the United States or of a State;

(2) Its chief executive officer, by whatever title, is a citizen;

(3) Its chairman of the board of directors is a citizen; and

(4) No more of its directors are non-citizens than a minority of the number necessary to constitute a quorum.

(b) For the purpose of obtaining a coastwise or Great Lakes endorsement of both, a corporation is a citizen if:

(1) It meets all the requirements of paragraph (a) of this section; and

(2) At least 75 percent of the stock interest in the corporation is owned by citizens.

(c) A corporation which does not meet the requirements of paragraph (b) of this section may qualify for limited coastwise trading privileges by meeting the requirements of Part 68 of this chapter.

(d) A corporation is a citizen for the purpose of obtaining a fishery endorsement if:

(1) It meets all the requirements of paragraph (a) of this section; and

(2) More than 50 percent of the stock interest in the corporation including a majority of voting shares in the corporation is owned by citizens.

§ 67.41 Governmental entity.

A governmental entity is a citizen for the purposes if it is the federal government of the United States or the government of a State as defined in § 67.3.

§ 67.43 Evidence of citizenship.

A completed original Application for Initial Issue, Exchange, or Replacement

Certificate of Documentation; or Redocumentation (form CG–1258) establishes a rebuttable presumption that the applicant is a United States citizen.

§ 67.45 Citizenship savings provision for fishing vessels.

A corporation that meets the requirements of paragraph (d)(1) of § 67.39 but does not meet the requirements of paragraph (d)(2) of that section, or a partnership that meets the requirements of paragraphs (a) and (a)(1) of § 67.35 but does not meet the requirements of paragraph (a)(3) of that section, may nonetheless be eligible to obtain a fishery endorsement for a vessel if the Secretary of Transportation, or the Secretary's delegate determines that prior to July 28, 1987, the vessel:

(a) Was documented under 46 U.S.C. chapter 121 and operating as a fishing, fish processing, or fish tender vessel in the navigable waters of the United States or the Exclusive Economic Zone as defined in 46 U.S.C. 2101(10a); or

(b) Was contracted for purchase for use as a fishing, fish processing, or fish tender vessel in the navigable waters of the United States or the Exclusive Economic Zone as defined in 46 U.S.C. 2101(10a), if the purchase is shown by the contract or similarly reliable evidence acceptable to the Secretary or the Secretary's delegate to have been made for the purpose of using the vessel in the fisheries.

§ 67.47 Evidence of Maritime Administration approval.

(a) The following transactions, among others, require approval of the Maritime Administration in accordance with 46 CFR part 221:

(1) Placement of the vessel under foreign registry;

(2) Operation of the vessel under the authority of a foreign country; and

(3) Sale or transfer of an interest in or control of the vessel from a citizen, as defined in section 2 of the Shipping Act, 1916 (46 U.S.C. app. 802), to a person not a citizen within the meaning of section 2 of that act.

(b) A Certificate of Documentation may not be issued for a vessel which subsequent to the last issuance of a Certificate of Documentation has undergone any transaction listed in paragraph (a) of this section, even if the owner meets the citizenship requirements of this subpart, unless evidence is provided that the Maritime Administration approved the transaction.

(c) The restriction imposed by paragraph (b) of this section does not apply to a vessel identified in § 67.11(b).

Subpart D—Title Requirements for Vessel Documentation

§ 67.50 Requirement for title evidence.

The owner of a vessel must present title evidence in accordance with one of the methods specified in this subpart:

(a) When application is made for a coastwise or Great Lakes endorsement for a vessel which has not previously been qualified for such endorsement;

(b) For initial documentation of a vessel;

(c) When the ownership of a documented vessel changes in whole or in part;

(d) When the general partners of a partnership owning a documented vessel change by addition, deletion, or substitution, without dissolution of the partnership; or

(e) When a vessel which has been deleted from documentation is returned to documentation and there has been an intervening change in ownership.

§ 67.53 Methods of establishing title.

Title to a vessel may be established through one of the following methods:

(a) *Simplified method without evidence of build.* The owner must produce a copy of the last registration of the vessel (State, federal, or foreign) and evidence which establishes chain of title from that registration to the present owner.

(b) *Simplified method with evidence of build.* The owner must produce a copy of the last registration of the vessel (State, federal, or foreign) and evidence which establishes chain of title from that registration to the present owner along with evidence of the facts of build in accordance with subpart F of this part.

(c) *Complete chain of title, without evidence of citizenship for each entity in that chain of title.* The owner must provide evidence which establishes:

(1) The facts of build in accordance with subpart F of this part; and

(2) A complete chain of title for the vessel from the person for which the vessel was built to the present owner.

(d) *Complete chain of title, with evidence of citizenship for each entity in that chain of title.* The owner must provide evidence which establishes:

(1) The facts of build in accordance with subpart F of this part; and

(2) A complete chain of title for the vessel from the person for which the vessel was built to the present owner, accompanied by competent and persuasive evidence establishing the citizenship of each entity in the chain of title.

§ 67.55 Requirement for removal from foreign registry.

The owner of a vessel must present evidence of removal of the vessel from foreign registry whenever:

(a) The owner applies for initial documentation of a vessel that has at any time been registered under the laws of a foreign country; or

(b) The owner applies for reentry into documentation of a vessel that had been registered under the laws of a foreign country since it was last documented under the laws of the United States.

§ 67.57 Extent of title evidence required for initial documentation.

(a) Vessels never registered under any system:

(1) Where a coastwise or Great Lakes endorsement is sought, the only title evidence required for a vessel being documented by the owner for whom it was built is the certification of the builder (form CG–1261) described in § 67.99. Any other applicant must present title evidence in accordance with § 67.53(d).

(2) Where a fishery endorsement is sought, the only title evidence required for a vessel being documented by the owner for whom it was built is the certification of the builder (form CG–1261) described in § 67.99. Any other applicant must present title evidence in accordance with either paragraph (c) or (d) of § 67.53.

(3) Where a registry or recreational endorsement is sought by an applicant who is the first owner of the vessel, that applicant must produce the certification described in § 67.99, or a Manufacturer's Certification of Origin. Any other applicant must also present title evidence in accordance with either paragraph (c)(2) or (d)(2) of § 67.53.

Note: Manufacturer's Certificates of Origin are sometimes used as shipping documents for vessels, and may recite as the first owner a person other than the person for which the vessel was built. Therefore, a chain of title which begins with a Certificate of Origin will be deemed incomplete.

(b) Vessels previously registered under the laws of a State or a foreign government:

(1) Where a coastwise or Great Lakes endorsement is sought, title evidence must be presented in accordance with § 67.53(d).

(2) Where a fishery endorsement is sought, title evidence must be presented in accordance with either paragraph (b), (c), or (d) of § 67.53.

(3) Where a registry or recreational endorsement is sought, title evidence must be presented in accordance with

either paragraph (a), (b), (c), or (d) of § 67.53.

§ 67.59 Extent of title evidence required for change in ownership of a documented vessel.

When the ownership of a documented vessel changes, in whole or in part, the applicant for documentation must present:

(a) The title evidence required by subpart E of this part to reflect all ownership changes subsequent to the last issuance of a certificate of Documentation; and

(b) Where a registry, fishery, or recreational endorsement is sought, evidence of the citizenship of all owners subsequent to the last owner for whom the vessel was documented except for a vessel:

(1) Identified in § 67.11(b); or

(2) For which the Maritime Administration has granted approval for transfer of sale under 46 CFR part 221.

(c) Where a coastwise or Great lakes endorsement is sought, evidence establishing the citizenship of all owners subsequent to the last owner for whom the vessel was documented with a coastwise or Great Lakes endorsement, if such evidence is not already on file with the Coast Guard. If the vessel has never been documented with a coastwise or Great Lakes endorsement, evidence must be presented to establish the citizenship of each owner for whom such evidence is not already on file with the Coast Guard.

§ 67.61 Extent of title evidence required for vessels returning to documentation.

(a) When the owner of a vessel which has been deleted from documentation applies to have the vessel returned to documentation, except as provided in paragraphs (b) and (c) of this section, the owner must provide evidence establishing the complete chain of title from the last owner under documentation, and citizenship evidence for all owners in that chain of title.

(b) When a vessel is returned to documentation after having been under foreign registry, the owner must provide a copy of the last foreign registry, the evidence required by § 67.55, and evidence establishing the complete chain of title from the last owner under foreign registry. No citizenship evidence need be provided for owners in that chain.

(c) The owner of a vessel identified in § 67.11(b) or for which the Maritime Administration has granted approval for transfer or sale, either by written order or by general approval in 46 CFR Part 221, and which was under a State or federal registration or titling system, must provide a copy of the last registration or title, the evidence required by § 67.55 if applicable, and evidence establishing the complete chain of title from the last owner under such registry or title. No citizenship evidence need be provided for owners in that chain. Although vessels returned to documentation without a complete chain of title are not eligible for coastwise or Great Lakes endorsements, this does not preclude such an endorsement if the chain of title is completed at a later date.

§ 67.63 Extent of title evidence required for captured, forfeited, special legislation, and wrecked vessels.

(a) In the case of a captured or forfeited vessel, the owner must provide evidence establishing the chain of title from the judicial decree of capture or decree of forfeiture, or the evidence of administrative forfeiture described in § 67.13(b). Citizenship evidence for all owners in the chain is required only if a coastwise or Great Lakes endorsement is sought.

(b) In the case of a wrecked vessel or a vessel which is the subject of special legislation, the owner must provide:

(1) For initial documentation of a vessel, or return to documentation of a vessel which was deleted from documentation, a copy of the last federal, state, or foreign registration, the evidence required by § 67.55 if applicable, and evidence establishing the chain of title from the point of that registration, subsequent to the Commandant determination that the vessel is eligible for documentation under 45 U.S.C. app. 14. Citizenship evidence for all owners in the chain of title is required only if a coastwise or Great Lakes endorsement is sought.

(2) For a documented vessel, the title evidence reflecting all ownership changes subsequent to the last documented owner of record. In addition, unless the vessel qualifies for exemption under § 67.11(b) or the vessel is the subject of Maritime Administration general approval in 46 CFR part 221 for sale or transfer to non-citizens, citizenship evidence must be presented for all owners in that chain of title.

Subpart E—Acceptable Title Evidence; Waiver

§ 67.70 Original owner.

The builder's certification described in § 67.99 serves as evidence of the original owner's title to a vessel.

§ 67.73 Transfers prior to documentation.

A transfer of vessel title prior to documentation may be evidenced by:

(a) Completion of the transfer information on the reverse of the builder's certification on form CG–1261;

(b) Completion of the transfer information on the reverse of the Manufacturer's Statement of Origin; or

(c) A bill of sale which meets the criteria for filing and recording set forth in subpart P. of this part.

§ 67.75 Transfers by sale or donation subsequent to documentation

(a) Except as otherwise provided in this subpart, transfers of vessel title must be evidenced by a bill of sale which meets the criteria for filing and recording set forth in subpart P of this part. Except as otherwise provided in supart O of this part, each bill of sale must be accompanied by a declaration of citizenship from the new owner, executed on the appropriate Maritime Administration form described in § 67.211.

(b) The bill of sale form used may be form CG–1340 or form CG–1356, if appropriate.

(c) An applicant for documentation who cannot produce required title evidence in the form of an instrument eligible for filing and recording in accordance with subpart P of this part may apply for a waiver of that requirement in accordance with the provisions of § 67.89.

§ 67.77 Passage of title by court action.

(a) When title to a vessel has passed by court action, that passage must be established by copies of the relevant court order(s) certified by an official of the court.

(b) When authority to transfer a vessel has been conferred by court action, that authority must be established by copies of the relevant court order(s) certified by an official of the court.

§ 67.79 Passage of title without court action following death of owner.

When title to a vessel formerly owned in whole or in part by an individual now deceased passes without court action, an applicant for documentation must present:

(a) A copy of the death certificate, certified by an official of a State or political subdivision thereof, when title passes to a surviving joint tenant or tenants or to a tenant by the entirety; or

(b) Evidence of compliance with applicable State law where the laws of the cognizant jurisdiction permit passage of title without court action.

§ 67.81 Passage of title in conjunction with a corporate merger or similar transaction.

When the title to a vessel has passed as the result of a corporate merger or similar transaction wherein the assets of one corporation has been transferred to another, the passage of title must be established by:

(a) Materials, such as a resolution of the board of directors or shareholders of the corporation which held title to the vessel before the transaction, which either unequivocally transfers all of the assets of the corporation or which specifically identify the vessel as being among the assets transferred; and

(b) In jurisdictions where there is an official recognition of corporate mergers and similar transactions, a copy of such official recognition certified by the cognizant official of that jurisdiction.

§ 67.83 Passage of title by extra-judicial repossession and sale.

When title to a documented vessel has passed by reason of an extra-judicial repossession and sale, such passage must be established by:

(a) A copy of the instrument under which foreclosure was made;

(b) An affidavit from the foreclosing party setting forth the reasons for foreclosure, the chronology of foreclosure, the statute(s) under which foreclosure was made, and the steps taken to comply with the relevant instrument and statute(s);

(c) Evidence of substantial compliance with the relevant instrument and statute(s); and

(d) A bill of sale which meets the criteria for filing and recording set forth in subpart P of this part from the foreclosing party as agent for the defaulting owner(s).

§ 67.85 Change in general partners of partnership.

When the general partners of a partnership owning a documented vessel change by addition, deletion, or substitution without dissolution of the partnership, the change must be established by a written statement from a surviving general partner detailing the nature of the change.

§ 67.87 Change of legal name of owner.

(a) When the name of a corporation which owns a documented vessel changes, the owner must present certification from the appropriate governmental agency evidencing registration of the change.

(b) When the name of an individual who owns a documented vessel changes for any reason, competent and persuasive evidence establishing the change must be provided.

§ 67.89 Waiver of production of a bill of sale eligible for filing and recording.

(a) When the evidence of title passage required by this subpart is a bill of sale which meets the criteria for filing and recording set forth in subpart P of this part, and the applicant is unable to produce a bill of sale meeting those criteria, the applicant may request that the documentation officer at the port where application for documentation, exchange, or redocumentation is made waive that requirement.

(b) The request for waiver must include:

(1) A written statement from the applicant detailing the reasons why an instrument meeting the filing and recording criteria of this part cannot be obtained;

(2) Competent and persuasive evidence of the passage of title; and

(3) The fee prescribed in subpart Y of this part.

(c) No waiver of the requirement to produce a bill of sale eligible for filing and recording may be granted in the absence of competent and persuasive evidence of passage of title.

Subpart F—Build Requirements for Vessel Documentation

§ 67.95 Requirement for determination.

Evidence that a vessel was built in the United States must be on file for any vessel for which a coastwise, Great Lakes, or fishery endorsement is sought, unless the vessel is otherwise qualified for those endorsements under subpart J of this part.

§ 67.97 United States built.

To be considered built in the United States a vessel must meet both of the following criteria:

(a) All major components of its hull and superstructure are fabricated in the United States; and

(b) The vessel is assembled entirely in the United States.

§ 67.99 Evidence of build.

(a) Evidence of the facts of build may be either a completed original form CG–1261, or other original document containing the same information, executed by a person having personal knowledge of the facts of build because that person:

(1) Constructed the vessel;

(2) Supervised the actual construction of the vessel; or

(3) Is an officer or employee of the company which built the vessel and has examined the records of the company concerning the facts of build of the vessel.

(b) A vessel owner applying for documentation must file a separate certificate from each builder involved in the construction of the vessel.

(c) A Manufacturer's Certificate of Origin is not evidence of the facts of build.

§ 67.101 Waiver of evidence of build.

(a) A vessel owner applying for documentation unable to obtain the evidence required by § 67.99 may apply for a waiver of that requirement to the documentation officer at the port where application for documentation is made.

(b) The application for waiver must include:

(1) A written request for the waiver, explaining why the evidence required by § 67.99 cannot be furnished;

(2) Competent and persuasive evidence of the facts of build; and

(3) The fee specified in subpart Y of this part.

(c) No waiver of the requirements imposed by § 67.99 may be granted in the absence of competent and persuasive evidence of the facts of build.

Subpart G—Tonnage and Dimension Requirements for Vessel Documentation

§ 67.105 Requirement for determination.

The gross and net tonnage and dimensions of a vessel must be determined:

(a) For initial documentation;

(b) Whenever there is a change in the gross or net tonnage or dimensions of a documented vessel; or

(c) When the gross or net tonnage of a vessel returning to documentation has changed since the vessel was last documented.

§ 67.107 System of measurement; evidence.

(a) The gross and net tonnage and dimensions of a vessel for purposes of this part are determined in accordance with 46 CFR part 69.

(b) A Certificate of Measurement issued by an authorized official is the only acceptable evidence of the gross and net tonnage of a vessel measured in accordance with subpart B, C, or D of 46 CFR part 69. Because the gross and net tonnage of vessels measured under subpart E of 46 CFR part 69 are determined as part of the documentation process, no Certificate of Measurement is required.

Subpart H—Designations and Assignments Required for Vessel Documentation

§ 67.111 Assignment of official number.

(a) The owner of a vessel must submit an Application for Initial Issue, Exchange, or Replacement Certificate of Documentation; or Redocumentation (form CG–1258) to the documentation officer at the port of record of the vessel assigned in accordance with § 67.115, or the documentation office nearest where the vessel is located, to apply for an official number for the vessel when:

(1) Application is made for initial documentation of the vessel; and

(2) An existing vessel has been severed, with two (2) or more vessels resulting. In this case, the official number of the original vessel is retired and the owner of each resulting vessel must apply for designation of a new official number.

(b) Upon receipt of form CG–1258, the documentation officer at the port where application for documentation is made will have an official number assigned to the vessel and furnish it to the vessel owner.

§ 67.113 Managing owner designation; address; requirement to report change of address.

Every vessel must have a managing owner who shall be designated on the Application for Documentation, Exchange or Replacement of Document, or Redocumentation (CG–1258).

(a) The managing owner of a vessel owned by one person is the owner of the vessel.

(b) The managing owner of a vessel owned by more than one person must be one of the owners. The person designated as managing owner must have an address in the United States except where no owner of the vessel has an address in the United States.

(c) The managing owner of a vessel owned in a trust arrangement must be one of the trustees.

(d) The address of the managing owner is defined as follows:

(1) For an individual, any residence of the managing owner.

(2) For a partnership, its address:

(i) In the State under whose laws it is organized; or

(ii) Of its principal place of business.

(3) For a corporation, its address:

(i) Within the State of incorporation; or

(ii) Of its principal place of business.

(e) The managing owner must notify the documentation officer at the port of record of the vessel within ten days of a change of address.

§ 67.115 Assignment of port of record.

(a) A port of record is assigned to a vessel:

(1) Upon initial documentation;

(2) When there is a change in the ownership of the vessel, in whole or in part; or

(3) When the owner requests to change the port of record of the vessel in accordance with the rules in paragraph (c) of this section. The owner shall not be required to change the port of record of the vessel solely because of a change of address of the managing owner.

(b) The same port of record will be assigned to all vessels owned by the same owner(s).

(c) The port of record of the vessel is:

(1) Boston, MA if the address of the managing owner is located within the Boston Marine Inspection Zone, the Portland, Maine Marine Inspection Zone, or the Providence Marine Inspection Zone in the First Coast Guard District;

(2) New York, NY if the address of the managing owner is located within the New York Marine Inspection Zone in the First Coast Guard District;

(3) St. Louis, MO, if the address of the managing owner as is located in the Second Coast Guard District;

(4) Philadelphia, PA, if the address of the managing owner is located within the Philadelphia Marine Inspection Zone in the Fifth Coast Guard District;

(5) Norfork, VA if the address of the managing owner is within the Hampton Roads Marine Inspection Zone, the Baltimore Marine Inspection Zone, or the Wilmington Marine Inspection Zone in the Fifth Coast Guard District;

(6) Miami, FL if the address of the managing owner is located in the Seventh Coast Guard District;

(7) New Orelans, LA if the address of the managing owner is located in a State other than Texas or New Mexico, within the Eighth Coast Guard District;

(8) Houston, TX if the address of the managing owner is located in Texas or New Mexico within the Eighth Coast Guard District;

(9) Cleveland, OH if the address of the managing owner is located in the Ninth Coast Guard District;

(10) Los Angeles, CA if the address of the managing owner is located in the Los Angeles-Long Beach Marine Inspection Zone or the San Diego Marine Inspection Zone within the Eleventh Coast Guard District;

(11) San Francisco, CA if the address of the managing owner is located within the San Francisco Marine Inspection Zone within the Eleventh Coast Guard District;

(12) Portland, OR if the address of the managing owner is located in Oregon or Idaho within the Thirteenth Coast Guard District;

(13) Seattle, WA if the address of the managing owner is located within the Fourteenth Coast Guard District, or in Washington or Montana within the Thirteenth Coast Guard District; or

(14) Juneau, AK if the address of the managing owner is located in the Seventeenth Coast Guard District.

Note: Geographical boundaries for the Coast Guard Marine Inspection Zones and Coast Guard Districts identified in this section can be found in 33 CFR part 3.

(d) For a vessel owned by a State, territory, possession, any political subdivision of the same, or any agency of a State, territory, possession or political subdivision, the port of record is the port of documentation serving the address in which the capital of the State, territory, or possession is located.

(e) For a vessel owned by the United States Government the port of record is Norfolk, VA.

(f) If the managing owner does not have an address within the United States the port of record may be any port of documentation.

§ 67.117 Vessel name designation.

(a) The owner of a vessel must submit an Application for Initial Issue, Exchange, or Replacement Certificate of Documentation; or Redocumentation (form CG–1258) to the documentation officer at the port of record of the vessel assigned in accordance with § 67.115, or the documentation office nearest where the vessel is located, to designate a name for the vessel:

(1) Upon application for initial documentation of the vessel; or

(2) When the owner elects to change the name of the vessel.

(b) The name designated must be approved by the Secretary or Secretary's delegate, and may not be identical, actually or phonetically to any word or words used to solicit assistance at sea. The name, which must be composed of letters of the Latin alphabet or Arabic or Roman numerals, may not actually contain nor be phonetically identical to obscene, indecent, or profane language, or to racial or ethnic epithets.

(c) The name of a documented vessel may not be changed without the prior approval of the documentation officer at the port where application for name change is made, and payment of the fee specified in subpart Y of this part.

(d) Until such time as the owner of a vessel elects to change the name of a vessel, the provisions of paragraph (b) of this section do not apply to vessels

validly documented before [*insert the effective date of the final rule*].

§ 67.119 Hailing port designation.

(a) Upon application for any Certificate of Documentation in accordance with subpart K of this part, the owner of a vessel must designate a hailing port to be marked upon the vessel.

(b) The hailing port must be a place in the United States included in the U.S. Department of Commerce's Federal Information Processing Standards Publication 55DC.

(c) The hailing port must include the State, territory, or possession in which it is located.

(d) The OCMI for the port at which application for documentation is made has final authority to settle disputes as to the propriety of the hailing port designated.

(e) Until such time as a port of record assignment is required in accordance with § 67.115, or the owner elects to designate a new hailing port, the provisions of this section do not apply to vessels which are the subject of a Certificate of Documentation issued before July 1, 1982.

Subpart I—Marking Requirements for Vessel Documentation

§ 67.120 General requirement.

No Certificate of Documentation issued under this part will be deemed valid until the vessel is marked in accordance with the rules in this subpart.

§ 67.121 Official number marking requirement.

The official number of the vessel, preceded by the abbreviation "NO." must be marked in block type Arabic numerals not less than three (3) inches in height on some clearly visible interior structural part of the hull. The number must be permanently affixed to the vessel so that alteration, removal, or replacement would be obvious. If the official number is on a separate plate, the plate must be fastened in such a manner that its removal would normally cause some scarring of or damage to the surrounding hull area.

§ 67.123 Name and hailing port marking requirements.

(a) For vessels other than those covered in paragraphs (b) and (c) of this section, the name of the vessel must be marked on some clearly visible exterior part of the port and starboard bow and the stern of the vessel. The hailing port of the vessel must be marked on some clearly visible exterior part of the stern of the vessel.

(b) Vessels with square bow. For vessels having a square bow, the name of the vessel may be marked on some clearly visible exterior part of the bow in order to avoid obliteration. The name and hailing port must be marked on some clearly visible exterior part of the stern.

(c) Recreational vessels. For vessels documented exclusively for recreation, the name and hailing port must be marked together on some clearly visible exterior part of the hull.

(d) The markings required by paragraphs (a), (b), and (c) of this section, which may be made by the use of any means and materials which result in durable markings, must be made in clearly legible letters of the Latin alphabet or Arabic or Roman numerals not less than four (4) inches in height.

§ 67.125 Disputes.

The OCMI for the zone in which the vessel is located has final authority in any disputes concerning the permanence, durability, legibility, or placement of a vessel's markings.

Subpart J—Application for Special Qualifications for Vessel Documentation

67.130 Submission of applications.

(a) All applications made under this subpart and all subsequent filings to effect documentation, except as provided in § 67.133(b), must be submitted to the documentation officer at the port of record of the vessel assigned in accordance with § 67.115 or at the documentation office nearest where the vessel is located.

(b) Once a transmission under this subpart has been initiated at a documentation office, all subsequent filings for that transaction must be made at that same documentation office.

§ 67.131 Forfeited vessels.

(a) A forfeited vessel is:

(1) One which has been adjudged forfeited by a federal district court to the federal government of the United States for a breach of its laws; or

(2) One which has been forfeited under an administrative forfeiture action to the federal government of the United States for a breach of its laws; or

(3) One which has been seized by the federal government of the United States for a breach of its laws and which has been sold at an interlocutory sale, the proceeds of which have been adjudged forfeited by a federal district court to the federal government of the United States. A vessel is considered forfeited within the meaning of this section even if the proceeds, though adjudged forfeited to the United States, do not actually accrue to the United States.

(b) In addition to any other submissions required by this part, the owner of a forfeited vessel applying for a Certificate of Documentation for that vessel must submit the following:

(1) Where the vessel has been adjudged forfeit, or the proceeds of the sale of the vessel have been adjudged forfeit to the federal government of the United States by a federal district court, a copy of the court order certified by an official of the court;

(2) Where the vessel was forfeited to the federal government of the United States under an administrative forfeiture action, an affidavit from an officer of the agency which performed the forfeiture who has personal knowledge of the particulars of the vessel's forfeiture or a Declaration of Forfeiture issued by the agency which performed the forfeiture.

§ 67.132 Special legislation.

(a) Vessels not otherwise entitled to be operated in the coastwise trade, Great Lakes trade, or in the fisheries may obtain these privileges as a result of special legislation by the Congress of the United States.

(b) In addition to any other submissions required by this part, the owner of a vessel which is entitled to engage in a specified trade because it is the subject of special legislation must include a copy of the legislation to establish the entitlement.

§ 67.133 Wrecked vessels.

(a) Under the provisions of 46 U.S.C. app. 14, a wrecked vessel is one which:

(1) Has incurred substantial damage to its hull or superstructure as a result of natural or accidental causes which occurred in the United States or its adjacent waters; and

(2) Has undergone, in a shipyard in the United States or its possessions, repairs equaling three (3) times the appraised salved value of the vessel.

(b) The determinations of the appraised salved value (which will include consideration of the fact that the vessel, if found in compliance with the Act, will attain coastwise and fishery privileges) and that the repairs made upon the vessel are equal to three times that value must be made by a board of three (3) appraisers. The Commandant will appoint the members of the board, and the cost of the board must be borne by the applicant. The owner of a vessel requesting a determination that the vessel is wrecked within the meaning of 46 U.S.C. app. 14 must submit the following to the Commandant:

(1) Competent and persuasive evidence of the casualty and its location. Coast Guard situation or investigation reports are acceptable as casualty evidence. Other competent and persuasive evidence may be accepted at the discretion of the Commandant.

(2) A writing setting forth the physical location of the vessel, containing a guarantee that the requesting party assumes full responsibility for all costs, liabilities, and other expenses that arise in conjunction with the services performed by the board of appraisers, and stating that at the time of documentation the vessel will be owned by a citizen of the United States; and

(3) The fee specified in subpart Y of this part.

(c) In addition to other submissions required by this part, a vessel owner applying for a Certificate of Documentation for a vessel accorded privileges by the Wrecked Vessel Statute (R.S. 4136) must include a copy of the Commandant's determination that the vessel qualifies for documentation under 46 U.S.C. app. 14.

§ 67.134 Captured vessels.

(a) A captured vessel is one which has been taken by citizens of the United States during a period of war and is thereafter condemned as a prize by a court of competent jurisdiction.

(b) In addition to other submissions required by this part, a vessel owner applying for a Certificate of Documentation of a vessel which qualifies as a captured vessel must include a copy of the court order stating that the vessel was lawfully captured and condemned as a prize.

Subpart K—Application for Documentation, Exchange or Replacement of Certificate of Documentation, or Return to Documentation; Mortgagee Consent; Validation

§ 67.141 Application procedure; all cases.

The owner of a vessel applying for an initial Certificate of Documentation, exchange or replacement of a Certificate of Documentation, or return of a vessel to documentation after deletion from documentation must:

(a) Submit the following to the documentation officer at the port of record of the vessel assigned in accordance with § 67.115 or at the documentation office nearest where the vessel is located:

(1) Application for Initial Issue, Exchange, or Replacement Certificate of Documentation; or Redocumentation (form CG–1258);

(2) The fee specified in subpart Y of this part;

(3) Title evidence, if applicable; and

(4) If the application is for replacement of a mutilated document or exchange of documentation, the outstanding Certificate of Documentation.

(b) Upon receipt of the Certificate of Documentation and prior to operation of the vessel, ensure that the vessel is marked in accordance with the requirements set forth in subpart I of this part.

§ 67.143 Restriction of withdrawal of application.

The owner of a vessel making application pursuant to § 67.141 may not withdraw that application if a mortgage has been filed against a vessel covered by the application unless the mortgagee consents to withdrawal of the application. Consent of the mortgagee is evidenced by filing a properly completed original Consent of Mortgagee to Exchange of Certificate of Documentation or Withdrawal of Application for Documentation (form CG–4593).

§ 67.145 Restrictions on exchange; requirement and procedure for mortgagee consent.

(a) A Certificate of Documentation issued to a vessel which is the subject of an outstanding mortgage recorded pursuant to Subpart Q or predecessor regulations may not be exchanged for a cause arising under § 67.167(a) or § 67.167(b) (1) through (6) without the consent of the mortgagee, except as provided in paragraph (b) of this section.

(b) The provisions of paragraph (a) of this section do not apply to a vessel which is subject only to a mortgage filed or recorded before January 1, 1989, which had not attained preferred status as of that date.

(c) When the owner of a vessel applies for a Certificate of Documentation and the consent of the mortgagee is required under paragraph (a) of this section, the applicant must submit a properly completed original Consent of Mortgagee to Exchange of Certificate of Documentation or Withdrawal of Application for Documentation (form CG–4593) signed by or on behalf of the mortgagee to the documentation officer at the port where application for exchange is made.

(d) If an application for exchange is made to a documentation officer at a port of documentation other than the port of record, form CG–4593 must be accompanied by a certified copy of the vessel's Abstract of Title (form CG–1332) issued at the vessel's port of record not more than fifteen (15) days prior to the date on which the application is made.

§ 67.147 Exchange of certificate of documentation; special procedure for change of port of record.

When the owner of a documented vessel elects or is required to change the port of record of a vessel the owner must:

(a) Comply with the requirements of § 67.141;

(b) Comply with the requirements of § 67.145, if applicable; and

(c) In accordance with § 67.301, request that the documentation officer at the vessel's present port of record forward the vessel's General Index (form (CG–1332) to the new port of record assigned for the vessel in accordance with § 67.115.

Note: In the case of a simultaneous change of owner and port of record, these procedures must be followed by the new owner of the vessel.

§ 67.149 Exchange of certificate of documentation; vessel at sea.

When exchange of a Certificate of Documentation issued to a vessel which is at sea is required pursuant to Subpart L, the procedures in this section may be followed while the vessel is still at sea.

(a) The vessel owner must:

(1) Comply with the requirements § 67.141(a) (1)–(3); and

(2) Mark the vessel with its new name or hailing port in accordance with subpart I, if applicable, when the vessel reaches its first port of call, wherever that may be.

(b) The documentation officer prepares a new Certificate of Documentation and forwards it for delivery to the vessel's next port of call. If the port of call is in the United States, the Certificate is forwarded to the nearest U.S. Coast Guard Marine Safety Office. If the port of call is in a foreign country, the Certificate is forwarded to the nearest American Consulate. The new Certificate is delivered only upon surrender of the old Certificate, which is then forwarded to the port of record of the vessel.

§ 67.151 Replacement of certificate of documentation; special procedure for wrongfully withheld document.

When the owner of a documented vessel alleges that the Certificate of Documentation for that vessel is being wrongfully withheld by any person the owner must:

(a) Submit to the Commandant, via the documentation officer at the port of record of the vessel assigned in accordance with § 67.115, or at the

documentation office nearest where the vessel is located, a statement setting forth the reasons for the allegation; and

(b) Upon the Commandant's finding that the Certificate is being wrongfully withheld, apply for replacement of the Certificate in accordance with the requirements of § 67.141.

Subpart L—Validity of Certificates of Documentation; for Renewal of Endorsement, Requirement for Exchange, Replacement, Deletion, Cancellation

§ 67.161 Validity of certificate of documentation.

(a) Notwithstanding any other provision of this subpart, except as provided in paragraph (b) of this section, a Certificate of Documentation but no trade endorsement thereon, issued to a vessel which is the subject of an outstanding mortgage filed or recorded in accordance with subpart Q or any predecessor regulations, remains valid for purposes of:

(1) 46 U.S.C. chapter 125;

(2) 46 U.S.C. chapter 313 for an instrument filed or recorded before the date of invalidation, and an assignment or a notice of claim of lien filed after that date;

(3) Sections 9 and 37(b) of the Shipping Act, 1916 (46 U.S.C. app. 808, 835(b)); and

(4) Section 902 of the Merchant Marine Act, 1936 (46 U.S.C. app. 1242).

(b) The provisions of paragraph (a) of this section do not apply to a vessel which is subject only to a mortgage filed or recorded before January 1, 1989, which had not attained preferred status as of that date.

§ 67.163 Renewal of endorsement.

(a) *Requirement for renewal of endorsement.* Endorsements on Certificates of Documentation are valid for one year. Prior to the expiration of that year, the owner of a vessel which is not exempt from the requirement for documentation under paragraph (c) of § 67.9 must apply for renewal of the endorsement(s) by complying with paragraph (b) of this section. The owner of a vessel exempt from the requirement for documentation under paragraph (c) of § 67.9 must either:

(1) Apply for renewal of the endorsement by complying with paragraph (b) of this section; or

(2) Place the Certificate of Documentation on deposit in accordance with § 67.165.

(b) *Renewal application.* The owner of a vessel must apply for renewal of each endorsement by executing an original Notice of Expiration (CG–1280) or Final Notice After Expiration (CG–1280–B) certifying that the information contained in the Certificate of Documentation and any endorsement(s) thereon remains accurate, and that the Certificate has not been lost, mutilated, or wrongfully withheld. The completed CG–1280 or CG–1280–B must be forwarded to the documentation officer at any port of documentation. The fee specified in subpart Y must be paid if:

(1) Application for renewal is made at a port other than the vessel's port of record;

(2) The owner requests that the renewal decal described in paragraph (c) of this section be forwarded to an address other than the vessel owner's address of record; or

(3) The application for renewal is not received within sixty (60) days after the date on which the endorsement(s) expired.

(c) *Documentation officer procedure.* Upon receipt of a properly executed form CG–1280 or form CG–1280–B and any applicable fees, the documentation officer forwards a renewal decal, CG–1280–A, to the vessel owner at the owner's address of record or other address as requested by the owner.

(d) *Requirement to affix decal.* The owner must affix the renewal decal to the Certificate of Documentation. The presence of a current renewal decal is evidence that the endorsement has been renewed.

§ 67.165 Deposit of certificate of documentation.

(a) *Option for deposit in lieu of renewal of endorsement.* In lieu of renewing the endorsement(s) in accordance with § 67.163, the owner of a vessel which is exempt from the requirement for documentation under paragraph § 67.9(c) may deposit the vessel's outstanding Certificate of Documentation with the documentation officer at he vessel's port of record assigned in accordance with § 67.115.

(b) *Reporting requirement.* The owner of a vessel whose Certificate is on deposit in accordance with paragraph (a) of this section must make a written report to the documentation officer at the vessel's port of record:

(1) When exchange of the Certificate is required upon the occurrence of one or more of the events described in § 67.167(b), (c), or (d);

(2) The vessel is subject to deletion from the roll of actively documented vessels upon the occurrence of one or more of the events described in § 67.167 (a)(1) through (8).

(c) *Validity of document on deposit.* A Certificate of Documentation placed on deposit in accordance with the paragraph (a) of this section is valid for the purposes of:

(1) 46 U.S.C. chapter 125;

(2) 46 U.S.C. chapter 313;

(3) Sections 9 and 37(b) of the Shipping Act, 1916 (46 U.S.C. app. 808, 835(b)); and

(4) Section 902 of the Merchant Marine Act, 1936 (46 U.S.C. app. 1242).

§ 67.167 Requirement for exchange of certificate of documentation.

(a) When application for exchange of the Certificate of Documentation is required upon the occurrence of one or more of the events described in paragraphs (b), (c), or (d) of this section, or the owner of the vessel chooses to apply for exchange of the Certificate pursuant to paragraph (e) of this section, the owner must send or deliver the Certificate to the documentation officer at the port of record of the vessel assigned in accordance with § 67.115 or at the documentation office nearest where the vessel is located, and apply for an exchange of the Certificate in accordance with subpart K.

(b) A Certificate of Documentation together with any trade or recreational endorsement thereon becomes invalid immediately, except as provided in § 67.161, when:

(1) The ownership of the vessel changes in whole or in part;

(2) The general partners of a partnership change by addition, deletion, or substitution;

(3) The port of record of the vessel changes;

(4) The State of incorporation of any corporate owner of the vessel changes;

(5) The vessel is placed under the command of a person who is not a citizen of the United States;

(6) The hailing port of the vessel changes; or

(7) The name of the vessel changes.

(c) A Certificate of Documentation together with any trade or recreational endorsement thereon becomes invalid, except as provided in § 67.161 and in paragraph (f) of this section, immediately if the vessel is not at sea, or upon the vessel's next arrival in port anywhere in the world if the vessel is at sea, when:

(1) The gross or net tonnages or dimensions of the vessel change;

(2) Any beneficiary with an enforceable interest in a trust arrangement owning a vessel changes by addition or substitutions;

(3) The trustee of a trust arrangement owning a vessel changes by addition, substitution, or deletion;

(4) A tenant by the entirety owning any part of the vessel dies;

(5) The restrictions imposed on the vessel changes by addition or substitution;

(6) The legal name of any owner of the vessel changes;

(7) A self-propelled vessel becomes non-self-propelled or a non-self-propelled vessel becomes self-propelled;

(8) The endorsements for the vessel change by addition, deletion, or substitution; or

(9) A substantive or clerical error made by the issuing documentation officer is discovered.

(d) Although a Certificate of Documentation and all trade endorsements thereon remain valid, the owner of a documented vessel must apply for exchange of the Certificate upon an election to designate a new managing owner of the vessel in accordance with § 67.113.

(e) Although the trade or recreational endorsement(s) on a Certificate of Documentation remain valid, the owner may apply for exchange of the Certificate if:

(1) The restrictions imposed on the vessel change by deletion; or

(2) The vessel attains a special entitlement under Subpart J.

(f) A Certificate of Documentation which becomes invalid pursuant to paragraph (b) of this section remains valid for thirty (30) days for the purposes of 46 USC chapter 313.

§ 67.169 Requirement for replacement of certificate of documentation.

(a) The owner of a documented vessel must make application in accordance with subpart K for replacement of a Certificate of Documentation which is:

(1) Lost;

(2) Mutilated; or

(3) Wrongfully withheld from the vessel owner.

(b) When application for replacement of a Certificate of Documentation is required because the Certificate has been mutilated, the existing Certificate must be physically given up to the documentation officer to whom application is made.

§ 67.171 Deletion; requirement and procedure.

(a) A Certificate of Documentation issued to a vessel, together with any endorsements thereon, is invalid, except as provided in § 67.161, and that vessel is subject to deletion from the roll of actively documented vessels when:

(1) The vessel is placed under foreign flag;

(2) The vessel is sold or transferred in whole or in part to a person who is not a citizen of the United States within the meaning of Subpart C of this part;

(3) Any owner of the vessel ceases to be a citizen of the United States within the meaning of subpart C of this part;

(4) The owner no longer elects to document the vessel;

(5) The vessel no longer measures at least five (5) net tons;

(6) The vessel ceases to be capable of transportation by water;

(7) The owner fails to exchange the Certificate as required by § 67.167;

(8) The owner fails to maintain the markings required by subpart I of this part; or

(9) The owner fails to:

(i) Renew the endorsement(s) as required by § 67.163; or

(ii) Comply with the provisions of § 67.165.

(b) Where a cause for deletion arises for any reason under paragraphs (a)(1) through (6) of this section, the owner must send or deliver the original Certificate of Documentation to any documentation officer together with a statement setting forth the reason(s) deletion is required.

(c) When a Certificate of Documentation is required to be deleted because the vessel has been placed under foreign flag or has been sold or transferred in whole or in part to a non-citizen of the United States, the owner of that vessel must comply with the requirements of paragraph (b) of this section, and file:

(1) Evidence of the sale or transfer, if any; and

(2) Evidence that the Maritime Administration has consented to the sale or transfer, except for vessels identified in § 67.11(b) of this part and vessels for which the Maritime Administration has granted general approval in 46 CFR part 221 for sale or transfer to non-citizens.

(d) A certificate evidencing deletion from U.S. documentation will be issued upon request of the vessel owner upon compliance with the applicable requirements of this subpart and payment of the fee specified in subpart Y of this part.

§ 67.173 Cancellation; requirement and procedure.

A Certificate of Documentation issued to a vessel, together with any endorsements thereon, is invalid, except as provided in § 67.161, and subject to cancellation upon a determination by the Commandant or a documentation officer that the issuance of the Certificate was improper for any reason. When a Certificate is subject to cancellation, the owner of the vessel upon being notified of such requirement must send or deliver the Certificate to a documentation officer at any port of documentation. The vessel owner may submit an application for exchange in accordance with subpart K of this part to correct the error giving rise to cancellation. If the vessel for which the Certificate was cancelled was previously documented, it remains documented under the previous Certificate of Documentation, unless deleted under the provisions of § 67.171.

Note: Certificates of Documentation which have been canceled are retained at the last port of record of the vessel.

Subpart M—Miscellaneous Applications

§ 67.175 Application for new vessel determination.

(a) A vessel is new if:

(1) Its hull and superstructure are constructed entirely of new materials; or

(2) It is constructed using structural parts of an existing vessel, which parts have been torn down so that they are no longer advanced to a degree which would commit them to use in the building of a vessel.

(b) When the vessel has been constructed entirely of new materials, no application for a new vessel determination need be made under this section. Application for initial documentation must be made in accordance with subpart K of this part.

(c) When parts of an existing vessel have been used in the construction of a vessel and the owner wants a determination that the resulting vessel is new in accordance with paragraph (a)(2) of this section, the owner must file with the Commandant:

(1) A builder's certification, as described in § 67.99;

(2) A written statement describing the extent to which materials from the existing vessel were used in the construction and the extent to which those materials were torn down;

(3) Accurate sketches or blueprints of the hull and superstructure which must identify, where practicable, components of the old vessel; and

(4) The fee specified in subpart Y of this part.

§ 67.177 Required application for rebuilt determination.

(a) A vessel is rebuilt when any considerable part of its hull or superstructure is built upon or substantially altered.

(b) The owner of a vessel which has not previously permanently lost coastwise, Great Lakes, or fisheries privileges must file with the Commandant the items listed in paragraph (c) of this section if:

(1) The vessel is altered outside the United States in a manner which gives rise to a reasonable belief that the vessel is rebuilt; or

(2) A major component of the hull or superstructure not built in the United States is added to the vessel.

(c) The required submissions must consist of:

(1) A written statement outlining the work performed and naming the place where the work was performed;

(2) Accurate sketches or blueprints describing the work performed; and

(3) The fee specified in subpart Y of this part.

Subpart N—[Reserved]

Subpart O—Filing and Recording of Instruments—General Provisions

§ 67.200 Instruments eligible for filing and recording.

Only the following listed instruments are eligible for filing and recording:

(a) Bills of sale and instruments in the nature of bills of sale;

(b) Deeds of gift;

(c) Chattel mortgages, and assignments, assumptions, supplements, amendments, subordinations, satisfactions, and releases thereof;

(d) Preferred mortgages, and assignments, assumptions, supplements, amendments, subordinations, satisfactions, and releases thereof;

(e) Interlender agreements affecting chattel and preferred mortgages and related instruments; and

(f) Notices of claim of lien, assignments, amendments, and satisfactions and releases thereof.

§ 67.203 Restrictions on filing and recording.

(a) No instrument will be accepted for filing unless the vessel to which it pertains is the subject of:

(1) A valid Certificate of Documentation; or

(2) An application for initial documentation, exchange of Certificate of Documentation, return to documentation, or for deletion from documentation, which is in substantial compliance with the applicable regulations has been made at the port where the filing is made.

(b) An instrument identified as eligible for filing and recording under § 67.200 may not be filed and recorded if it bears a material alteration.

(c) An instrument identified as eligible for filing and recording under § 67.200 (a) or (b) may not be filed and recorded if any vendee or transferee under the instrument is not a citizen of the United States as defined in section 2 of the Shipping Act, 1916, (46 U.S.C. app. 802) unless the Maritime Administration has consented to the grant to a non-citizen made under the instrument.

(d) The restriction imposed by paragraph (c) of this section does not apply to a bill of sale or deed of gift conveying an interest in a vessel which was neither documented nor last documented pursuant to these regulations or any predecessor regulations thereto at the time the instrument was executed, nor to an instrument conveying an interest in a vessel identified in § 67.11(b).

(e) An instrument identified as eligible for filing and recording under § 67.200(c) may not be filed and recorded if the mortgagee or assignee is not a citizen of the United States as defined in 46 U.S.C. app. 802 or a trustee as defined in 46 U.S.C. 31328, unless the Maritime Administration has consented to the grant to a non-citizen made under the instrument. This restriction does not apply to an instrument conveying an interest in a vessel identified in § 67.11(b).

(f) An instrument identified as eligible for filing and recording under § 67.200(d) may not be filed and recorded if the mortgagee or assignee is not a person described in 46 U.S.C. 31322(a)(1)(D). This restriction does not apply to an instrument conveying an interest in a vessel identified in § 67.11(b).

(g) No instrument will be accepted for filing if it is not accompanied by the fee specified in subpart Y of this part.

§ 67.205 Requirement for vessel identification.

(a) Every instrument presented for filing and recording must contain sufficient information to clearly identify the vessel(s) to which the instrument relates.

(b) Instruments pertaining to vessels which have been documented must contain the vessel's name and official number, or other unique identifier.

(c) Vessels which have never been documented must be identified by one of the following:

(1) The vessel's Hull Identification Number assigned in accordance with 33 CFR 181.25; or

(2) Other descriptive information, which clearly describes the vessel. Such information may include length, breadth, depth, year of build, name of manufacturer, and any numbers which may have been assigned in accordance with 33 CFR part 173.

§ 67.207 Requirement for date and acknowledgement.

(a) Every instrument presented for filing and recording must:

(1) Bear the date of its execution; and

(2) Contain an acknowledgment.

(b) No officer or employee of the Coast Guard is authorized to take such acknowledgments unless the instrument is executed on behalf of the Federal Government of the United States.

§ 67.209 Required number of copies.

All instruments presented for filing and recording must be presented in duplicate; at least one copy must bear original signatures.

§ 67.211 Requirement for citizenship declaration.

(a) Instruments in the nature of a bill of sale or deed of gift, mortgages, and assignments of mortgages, are not eligible for filing and recording, except as provided in paragraph (c) of this section, unless accompanied by a properly executed declaration stating information about the citizenship of the grantee.

(b) Citizenship declarations must be executed on the form prescribed by the Maritime Administration at 46 CFR 221.5. These forms are available from all Coast Guard documentation offices and from the Vessel Transfer and Disposal Officer (MAR–745.1), Maritime Administration, United States Department of Transportation, Washington, DC 20590.

(c) The requirement in paragraph (a) of this section for presentation of a citizenship declaration does not apply to instruments conveying an interest in a vessel:

(1) To a government of the United States or a political subdivision thereof or a corporate entity which is an agency of any such government or political subdivision;

(2) To a person making application for documentation; or

(3) Identified in § 67.11(b).

Note: If the grantee(s) of an ownership interest in a vessel described in paragraph (c)(2) of this section do(es) not make application for documentation, a declaration of citizenship may be required in order to ensure that the vessel so conveyed retains any coastwise or Great Lakes privileges to which it may be entitled.

§ 67.213 Place of filing and recording.

(a) Instruments submitted for filing and recording at the same time that the vessel owner applies for issuance or a change to a Certificate of Documentation must be submitted to the documentation officer where the application is made; mortgages filed in conjunction with such applications may be filed at the same port at any time before the Certificate is issued or changed. All other instruments must be

submitted for filing and recording at the port of record of the vessel.

(b) All instruments are recorded at the port(s) of record of the vessel(s) affected by the instrument.

(c) Where the port of record of a vessel is being changed, recording is effected at the new port of record.

§ 67.215 Date and time of filing and recording.

(a) An instrument is deemed filed at the actual date and time at which the instrument is delivered to the documentation office where it is submitted for filing, except as provided in paragraph (b) of this section.

(b) If filing of an instrument is subject to termination in accordance with § 67.217(a) and a substitute for the original instrument is filed, the filing of the original instrument will be terminated in accordance with § 67.217(c) and the substitute instrument will be deemed a new instrument which will be deemed filed at the actual time and date it is delivered to the documentation office where the original instrument was filed.

§ 67.217 Termination of filing and disposition of instruments.

(a) The filing of an instrument is subject to termination if:

(1) It is determined that the instrument cannot be recorded because the instrument itself is not in substantial compliance with the applicable regulations in this part;

(2) The filing was not made in compliance with the requirements of § 67.213;

(3) The application for issuance or exchange of a Certificate of Documentation was not made in substantial compliance with the applicable regulations of this part;

(4) The owner of the vessel submits a written request for withdrawal of the Application for Initial Issue, Exchange, or Replacement Certificate of Documentation, accompanied by consent of the mortgage, if any; or

(5) An instrument is filed evidencing satisfaction or release of any instrument described in subpart Q of this part.

(b) Ninety (90) days prior to terminating the filing pursuant to paragraphs (a)(1), (2), or (3) of this section, the documentation officer at the port where the filing was made will send written notice detailing the reasons the filing is subject to termination to the following persons(s) and any agent known to be acting on behalf of:

(1) The applicant for documentation, if a bill of sale, instrument in the nature of a bill of sale, or a deed of gift;

(2) The mortgagee or assignee, if a mortgage or assignment or amendment thereof;

(3) The claimant, if a notice of claim of lien; or

(4) The lender first named in an interlender agreement affecting a chattel or preferred mortgage or related instrument.

(c) If the reason(s) which subject the filing to termination remain uncorrected for a period of ninety (90) days after the notice described in paragraph (b) of this section is sent, or upon receipt of the request described in paragraph (a)(4) of this section, or satisfaction, or release described in paragraph (a)(5) of this section, the instrument will be returned to either:

(1) The applicant for documentation, if a bill of sale, instrument in the nature of a bill of sale, or a deed of gift;

(2) The mortgagee or assignee, if a mortgage or assignment or amendment thereof;

(3) The claimant, if a notice of claim of lien;

(4) The lender first named in an interlender agreement affecting a chattel or preferred mortgage or related instrument; or

(5) An agent for the appropriate party, provided that the agent has filed with the Coast Guard an original writing signed by the appropriate party clearly identifying the instrument being returned stating that the instrument may be returned to the agent.

Subpart P—Filing and Recording of Instruments—Bills of Sale and Related Instruments

§ 67.220 Requirements.

An instrument in the nature of a bill of sale or a deed of gift must:

(a) Meet all of the requirements of subpart O of this part;

(b) Be signed by or on behalf of all the seller(s) or donor(s); and

(c) Recite the following:

(1) The name(s) and address(es) of the seller(s) or donor(s) and the interest in the vessel held by the seller(s) or donor(s); and

(2) The names(s) and address(es) of the buyer(s) or donee(s) and the interest in the vessel held by each buyer or donee.

§ 67.223 Filing limitation.

An instrument presented for filing and recording under this subpart may be filed only in conjunction with an application for initial documentation or redocumentation of the vessel or with an application for a change to or deletion of the vessel's outstanding Certificate of Documentation.

Subpart Q—Filing and Recording of Instruments—Chattel Mortgages, Preferred Mortgages, and Related Instruments

§ 67.231 General requirements; optional application for filing and recording.

(a) A mortgage or related instrument presented for filing and recording must meet all of the requirements of subpart O of this part in addition to the pertinent section(s) of this subpart.

(b) All instruments supplemental to mortgages must recite information which clearly identifies the mortgage to which the supplemental instrument is applicable. Such information will normally consist of the book and page where that mortgage is recorded and the date and time of filing. If the submission of the supplemental instrument is contemporaneous with submission of the mortgage, the information should include the names of all parties to the mortgage, the date of the mortgage, and the amount of the mortgage, so as to adequately identify the mortgage to which the supplemental instrument applies.

(c) An Optional Application for Filing (CG–5542) may be attached to a mortgage or related instrument. If form CG–5542 is properly completed with all information required for indexing the instrument and the signature(s) specified thereon, the instrument to which it is attached will be filed and recorded with no further review.

§ 67.233 Restrictions on recording—mortgages, preferred mortgages, and related instruments.

(a) A mortgage or assumption of mortgage which otherwise meets the requirements of this subpart is nonethleless not eligible for filing and recording if a mortgagor or assuming party(ies) did not actually hold legal title to the interest in the vessel being mortgaged or covered by the assumption at the time of filing of the mortgage or assumption, or if the vessel(s) which the mortgage cover(s) is (are) not documented or the subject of an application for documentation.

(b) No mortgage submitted for filing and recording as a preferred mortgage or supplemental instrument thereto which otherwise meets the requirements of this subpart is eligible for filing and recording, except as provided in paragraph (c) of this section, if it results in a mortgage interest being held by a person other than:

(1) A State;

(2) The United States Government;

(3) A federally insured depository institution, unless disapproved by the

Secretary pursuant to regulations in 46 CFR part 221;

(4) An individual who is a citizen of the United States;

(5) A person qualifying as a citizen of the United States as defined in 46 U.S.C. app. 802; or

(6) A person approved by the Secretary pursuant to regulations in 46 CFR part 221.

(c) The requirements of paragraph (b) of this section do not apply to the mortgagee of a vessel identified in § 67.11(b) or to any other vessel to which the Maritime Administration has given general approval in 46 CFR part 221 for mortgage to a noncitizen.

§ 67.235 Requirements for mortgages.

(a) A chattel mortgage presented for filing and recording must:

(1) Be signed by or on behalf of the mortgagor(s); and

(2) Recite the following:

(i) The name(s) and address(es) of the mortgagor(s) and the interest in the vessel held by the mortgagor(s);

(ii) The name(s) and address(es) of the mortgagee(s) and the interest in the vessel granted by the mortgage; and

(iii) The amount of the direct or contingent obligations that is or may become secured by the mortgage, excluding interest, expenses, and fees. The amount may be recited in one or more units of account as agreed to by the parties.

(b) A mortgage submitted for filing and recording as a preferred mortgage must cover the whole of a vessel.

(c) A mortgage which secures more than one (1) vessel may, at the option of the parties, provide for separate discharge of such vessels.

§ 67.237 Requirements for assignments of mortgages.

An assignment of mortgage presented for filing and recording must:

(a) Be signed by or on behalf of the assignor(s); and

(b) Recite the following:

(1) The name(s) and address(es) of the assignor(s) and the interest in the mortgage held by the assignor(s); and

(2) The name(s) and address(es) of the assignee(s) and the interest in the mortgage granted to the assignee(s).

§ 67.239 Requirements for assumptions of mortgages.

An assumption of mortgage presented for filing and recording must:

(a) Be signed by or on behalf of the original mortgagor(s), the mortgagee(s), and the assuming party(ies); and

(b) Recite the following:

(1) The name(s) and address(es) of the original mortgagor(s) and the interest in the vessel mortgaged by the original mortgagor(s); and

(2) The name(s) and address(es) of the assuming party(ies) and the interest in the mortgage assumed by the assuming party(ies).

§ 67.241 Requirements for amendments of or supplements to mortgages.

An amendment of or supplement to a mortgage presented for filing and recording must:

(a) Be signed by or on behalf of the mortgagor(s) and the mortgagee(s); and

(b) Recite the following:

(1) The name(s) and address(es) of the mortgagor(s) and mortgagee(s); and

(2) The nature of the change effected by the instrument.

§ 67.243 Requirements for instruments subordinating mortgages.

An instrument subordinating a mortgage presented for filing and recording must:

(a) Be signed by or on behalf of the mortgagee whose mortgage is being subordinated; and

(b) Recite the following:

(1) The name(s) and address(es) of the mortgagee(s) whose mortgage is being subordinated; and

(2) The name(s) and address(es) of the parties holding the mortgage to which it is made subordinate.

§ 67.245 Requirements for interlender agreements.

An interlender agreement between multiple mortgagees must:

(a) Be signed by or on behalf of all mortgagees who are party to the interlender agreement; and

(b) Recite the names and addresses of all parties to the interlender agreement.

Subpart R—Filing and Recording of Instruments—Notices of Claim of Lien and Supplemental Instruments

§ 67.250 General requirements.

(a) A notice of claim of lien or supplemental instrument thereto submitted for filing and recording must meet all of the requirements of subpart O of this part.

(b) An instrument assigning or amending a notice of claim of lien must recite information which clearly identifies the notice of claim of lien being assigned or amended. Such information will normally consist of the book and page where the notice of claim is recorded and the date and time of filing. If the submission of the assignment or amendment is contemporaneous with submission of the notice of claim of lien, the information should include the name(s) of the original claimant(s), the date of the notice of claim, and the amount of the claim and other information, so as to adequately identify the notice of claim of lien being assigned or amended.

§ 67.253 Requirements for notices of claim of lien.

A notice of claim of lien must:

(a) Be signed by or on behalf of the claimant(s); and

(b) Recite the following:

(1) The name(s) and address(es) of the claimant(s);

(2) The nature of the lien claimed;

(3) The date on which the lien was established; and

(4) The amount of the lien claimed.

§ 67.255 Restrictions of filing and recording.

A notice of claim of lien is not entitled to filing and recording unless the vessel against which the lien is claimed is covered by a preferred mortgage filed or recorded in accordance with subpart Q of this part or predecessor regulations thereto.

§ 67.257 Requirements for assignments of notices of claim of lien.

An assignment of a notice of claim of lien must:

(a) Be signed by or on behalf of the original claimant(s) or last assignee(s) of record; and

(b) Recite the following:

(1) The name(s) and address(es) of the claimant(s); and

(2) The name(s) and address(es) of the assignee(s) and the interest in the claim being assigned.

§ 67.259 Requirements for amendments to notice of claim of lien.

An amendment to notice of claim of lien presented for filing and recording must:

(a) Be signed by or on behalf of the original claimant(s) or last assignee(s) of record; and

(b) Recite the nature of the change being effected by the instrument.

Subpart S—Removal of Encumbrances

§ 67.261 General requirements.

The filing of an instrument filed against a vessel in accordance with subparts Q or R of this part may be terminated, and if recorded removed from the record of that vessel by the filing of:

(a) A court order, affidavit, or Declaration of Forfeiture described in § 67.263; or

(b) A satisfaction or release instrument described in § 67.265 which meets the requirements of this part for filing and recording.

§ 67.263 Requirement for removal of encumbrances by court order, affidavit, or Declaration of Forfeiture.

The encumbrances described in subparts Q and R of this part are removed from the record upon filing of:

(a) A copy of the order from a court of competent jurisdiction certified by an official of the court declaring title to the vessel to be free and clear, or declaring the encumbrance to be of no effect, or ordering the removal of the encumbrance from the record;

(b) A copy of the order from a federal district court in an *in rem* action certified by an official of the court requiring the free and clear sale of the vessel at a marshal's sale accompanied by a copy of the order confirming such sale certified by an official of the court, where issued under local judicial procedures;

(c) A copy of an order from a federal district court certified by an official of the court declaring the vessel itself to be forfeited, or the proceeds of its sale to be forfeited to the federal government of the United States for a breach of its laws; or

(d) Where the vessel was forfeited under an administrative forfeiture action to the federal government of the United States, an affidavit from an officer of the agency which performed the forfeiture, who has personal knowledge of the particulars of the vessel's forfeiture, or a Declaration of Forfeiture issued by the agency which performed the forfeiture.

§ 67.265 Requirements for instruments evidencing satisfaction or release.

An instrument satisfying or releasing a mortgage, a notice of claim of lien, or a preferred mortgage presented for filing and recording must:

(a) Meet all the requirements of subpart O of this part;

(b) Be signed by or on behalf of:

(1) The mortgagee(s) if a mortgage; or

(2) The claimant(s) if a notice of claim of lien; and

(c) Recite the following:

(1) The name(s) of the mortgagor(s), if any, and the name(s) of the mortgagee(s) or claimant(s);

(2) The amount of the mortgage or claim of lien; and

(3) Information which clearly identifies the mortgage or claim of lien being satisfied or released. Such information will normally consist of the book and page where that mortgage or claim of lien is recorded. If the recording information cannot be provided because the satisfaction or release is being submitted prior to recording of the mortgage or claim of lien, the instrument must recite other information sufficient to clearly identify the encumbrance being satisfied or released.

Subpart T—General Index and Abstracts of Title

§ 67.301 Requirement for general index.

Whenever the port of record of a documented vessel changes, the owner of the vessel must apply to the documentation officer at the existing port of record of the vessel for forwarding to the new port of record the General Index of the vessel on form CG–1332.

§ 67.303 Issuance of abstract of title.

An Abstract of Title for a vessel will be issued by the documentation officer at the vessel's port of record upon the request of any person and payment of the fee specified in subpart Y of this part.

Subpart U—Prohibitions

§ 67.311 Alteration of certificate of documentation.

Except for affixing a new address label in accordance with the direction of a documentation officer or a renewal decal issued in accordance with § 67.163, no person other than a documentation officer shall intentionally alter a Certificate of Documentation.

§ 67.313 Command by non-citizen.

No documented vessel shall be commanded by other than a United States citizen.

§ 67.315 Failure to have certificate of documentation on board.

(a) The person in command of a documented vessel must have on board that vessel the original Certificate of Documentation currently in effect for that vessel.

(b) The requirement of paragraph (a) of this section does not apply:

(1) To non-self-propelled vessels not engaged in foreign trade;

(2) When the Certificate of Documentation is being submitted to a documentation officer exclusively for purposes of exchange for change of:

(i) port of record,

(ii) name of vessel, or

(iii) both; or

(3) When the vessel is in storage or out of the water.

§ 67.317 Failure to produce certificate of documentation.

(a) The person in command of a documented vessel must produce the original Certificate of Documentation currently in effect for that vessel upon the demand of any person acting in an official public capacity.

(b) The requirement of paragraph (a) of this section does not apply:

(1) To non-self-propelled vessels not engaged in foreign trade;

(2) When the Certificate of Documentation is being submitted to a documentation officer exclusively for purposes of exchange for change of:

(i) port of record,

(ii) name of vessel, or

(iii) both; or

(3) When the vessel is in storage or out of the water.

§ 67.319 Failure to renew endorsements on the certificate of documentation.

(a) Except as provided in paragraph (b) of this section, the owner of a documented vessel must annually renew the endorsement upon the current Certificate of Documentation for that vessel in accordance with § 67.163.

(b) The requirement of paragraph (a) of this section does not apply to Certificates of Documentation placed on deposit in accordance with § 67.165.

§ 67.321 Failure to report change in vessel status and surrender certificate of documentation.

The owner of a documented vessel must immediately report any change in vessel status which causes any Certificate of Documentation to become invalid under subpart L of this part and which must be exchanged, replaced, deleted, or canceled, to a documentation officer at any port of documentation. The outstanding Certificate must be surrendered in accordance with the requirements of subpart K and subpart L of this part.

§ 67.323 Fraudulent application for certificate of documentation.

(a) No owner of a vessel, nor person purporting to act on behalf of an owner, shall knowingly falsify or conceal a material fact in connection with the documentation of that vessel.

(b) No owner of a vessel, nor person purporting to act on behalf of an owner, shall knowingly make a false statement or representation in connection with the documentation of that vessel.

§ 67.325 Fraudulent use of certificate of documentation.

No person shall knowingly use a Certificate of Documentation in a fraudulent manner.

§ 67.327 Operation without documentation.

No vessel which is required by § 67.7 to be documented may engage in unlimited coastwise trade, the Great Lakes trade, or the fisheries without

being documented in accordance with the requirements of this part.

§ 67.329 Violation of endorsement.

A vessel may not be employed in any trade other than a trade endorsed upon the Certificate of Documentation issued for that vessel. A vessel documented exclusively for recreation may not be used for purposes other than pleasure.

§ 67.331 Operation under certificate of documentation with invalid endorsement.

Except for vessels identified in § 67.9, no vessel may be operated under a Certificate of Documentation with endorsements.

Appendix A to Part 67—Ports of Documentation

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

§ 67.333 Unauthorized name change.

The owner of a documented vessel may not change or allow the change of the name of that vessel without applying for exchange of the Certificate of Documentation issued to the vessel in accordance with subpart K of this part. The new name of the vessel may be marked upon receipt of the new Certificate issued on the basis of that application.

§ 67.335 Improper markings.

The owner of a documented vessel must not permit the operation of that vessel unless it is marked in accordance with subpart I of this part.

§ 67.337 Failure to report change of address of managing owner.

The owner of a documented vessel must immediately report any change in the address of the managing owner.

Subparts V—Y [Reserved]

Dated: March 18, 1992.

J.W. Kime,

Admiral, U.S. Coast Guard Commandant.

Note: This appendix will not appear in the Code of Federal Regulations.

APPENDIX A—Forms

BILLING CODE 4910-14-M

OMB APPROVED
2115-0110

DEPARTMENT OF TRANSPORTATION
U.S. COAST GUARD
CG-1258 (REV. 1-92)

APPLICATION FOR INITIAL ISSUE, EXCHANGE, OR REPLACEMENT OF CERTIFICATE OF DOCUMENTATION; REDOCUMENTATION

THIS SECTION FOR COAST GUARD USE ONLY

CASE NUMBER:

CHECK #:

FEE: $

IPN:

PORT OF RECORD

APPROVED:

DATE:

PORT:

NOTE: THIS IS AN APPLICATION ONLY AND DOES NOT OF ITSELF ENTITLE A VESSEL TO DOCUMENTATION NOR TO ANY CHANGES SOUGHT ON A CERTIFICATE OF DOCUMENTATION. OFFICIAL NUMBERS DESIGNATED ON THE BASIS OF THIS APPLICATION ARE NOT TRANSFERRABLE. A COPY OF THIS APPLICATION IS NOT VALID FOR VESSEL OPERATION.

I. COMPLETE FOR ALL APPLICATIONS

A. VESSEL NAME

B. OFFICIAL NUMBER (IF AWARDED) OR HULL IDENTIFICATION NUMBER

C. NAME OF MANAGING OWNER

TELEPHONE NUMBER (OPTIONAL):

SOCIAL SECURITY OR TAX ID NUMBER

D. ADDRESS OF MANAGING OWNER

E. NAMES AND SOCIAL SECURITY OR TAX ID NUMBERS OF ALL OTHER OWNERS

ATTACH SHEET LISTING ADDITIONAL OWNERS IF NECESSARY

F. HAILING PORT
(TO BE MARKED ON VESSEL)

G. CITIZENSHIP (SEE INSTRUCTIONS REGARDING STATUS OF ALIENS LAWFULLY ADMITTED FOR PERMANENT RESIDENCE)

☐ VESSEL OWNED BY ONE OR MORE INDIVIDUALS
I (WE) CERTIFY THAT ALL OWNERS OF THIS VESSEL ARE CITIZENS OF THE UNITED STATES.

☐ VESSEL OWNED BY JOINT VENTURE OR ASSOCIATION
I (WE) CERTIFY THAT ALL MEMBERS OF THIS (JOINT VENTURE) (ASSOCIATION) ARE CITIZENS OF THE UNITED STATES, ELIGIBLE TO DOCUMENT THE VESSELS COVERED BY THIS APPLICATION WITH THE ENDORSEMENT(S) SOUGHT IN THEIR OWN RIGHT.

☐ VESSEL OWNED IN A TRUST ARRANGEMENT
I (WE) CERTIFY THAT ALL TRUSTEES AND ALL BENEFICIARIES WITH AN ENFORCEABLE INTEREST IN THIS TRUST ARRANGEMENT ARE CITIZENS OF THE UNITED STATES, ELIGIBLE TO DOCUMENT VESSELS WITH THE ENDORSEMENT(S) SOUGHT IN THEIR OWN RIGHT.

☐ VESSEL OWNED BY A PARTNERSHIP
A. GENERAL PARTNERSHIP
I (WE) CERTIFY THAT ALL PARTNERS IN THIS PARTNERSHIP ARE CITIZENS OF THE UNITED STATES, ELIGIBLE TO DOCUMENT VESSELS IN THEIR OWN RIGHT, AND THAT THE PARTNERSHIP MEETS THE FOLLOWING EQUITY REQUIREMENT: EQUITY OWNED BY CITIZENS OF THE U.S.
☐ AT LEAST 50% ☐ MORE THAN 50%, LESS THAN 75% ☐ 75% OR MORE

B. LIMITED PARTNERSHIP
I (WE) CERTIFY THAT ALL GENERAL PARTNERS IN THIS PARTNERSHIP ARE CITIZENS OF THE UNITED STATES, ELIGIBLE TO DOCUMENT VESSELS IN THEIR OWN RIGHT AND THAT THE PARTNERSHIP MEETS THE FOLLOWING EQUITY REQUIREMENTS. EQUITY INTEREST OWNED BY CITIZENS OF THE U.S. ELIGIBLE TO DOCUMENT VESSELS IN THEIR OWN RIGHT WITH THE ENDORSEMENT SOUGHT.
☐ AT LEAST 50% ☐ MORE THAN 50%, LESS THAN 75% ☐ 75% OR MORE

☐ VESSEL OWNED BY A CORPORATION
A. STATE OF INCORPORATION _____
B. CITIZENSHIP OF PRESIDENT (AND OTHER CHIEF EXECUTIVE OFFICER, IF ANY) _____
C. CITIZENSHIP OF CHAIRMAN OF THE BOARD _____
D. NUMBER OF DIRECTORS NECESSARY TO CONSTITUTE A QUORUM _____
E. NUMBER OF ALIEN DIRECTORS _____
F. PERCENTAGE OF STOCK OWNED BY U.S. CITIZENS ELIGIBLE TO DOCUMENT VESSELS IN THEIR OWN RIGHT, WITH THE ENDORSEMENT(S) SOUGHT ON THIS APPLICATION (APPLIES TO ALL TIERS OF OWNERSHIP.)
☐ LESS THAN 50% ☐ AT LEAST 50% ☐ MORE THAN 50%, LESS THAN 75% ☐ 75% OR MORE

☐ VESSEL OWNED BY A CORPORATION QUALIFIED AND APPLYING UNDER 46 CFR 68.01 (BOWATER)
CURRENT CERTIFICATE OF COMPLIANCE ATTACHED. I (WE) CERTIFY THAT THE CORPORATE STRUCTURE HAS NOT CHANGED SINCE ISSUANCE OF THAT CERTIFICATE, AND THAT THE VESSEL, IF SELF-PROPELLED, IS LESS THAN 500 GROSS TONS.

☐ VESSEL OWNED OR OPERATED BY NOT-FOR-PROFIT OIL RECOVERY COOPERATIVE
COPY OF CURRENT LETTER OF QUALIFICATION ATTACHED. I (WE) CERTIFY THAT THE INFORMATION ON FILE WITH REGARD TO COOPERATIVE AND ISSUANCE OF THAT LETTER REMAINS UNCHANGED.

H. ENDORSEMENTS FOR WHICH APPLICATION IS MADE. (IF MORE THAN ONE, INDICATE ESTIMATED PERCENTAGE FOR EACH.)

☐ RECREATIONAL ☐ COASTWISE ☐ FISHERY ☐ COASTWISE (BOWATER ONLY)
☐ REGISTRY ☐ GREAT LAKES TRADE ☐ OIL SPILL RESPONSE

REVERSE OF CG-1258 (REV. 1-92)

OMB APPROVED
2115-0110

I. PURPOSE OF APPLICATION:

☐ 1. EXCHANGE OF CERTIFICATE OF DOCUMENTATION.

☐ 2. REPLACEMENT OF LOST, WRONGFULLY WITHHELD OR MUTILATED CERTIFICATE OF DOCUMENTATION

☐ 3. RETURN TO DOCUMENTATION FOLLOWING DELETION. NAME OF VESSEL WHEN LAST DOCUMENTED:

☐ 4. APPLICATION FOR OFFICIAL NUMBER AND FIRST CERTIFICATE OF DOCUMENTATION. VESSEL

☐ WAS BUILT AT _____ IN _____

OR

☐ IS UNDER CONSTRUCTION AT _____ AND IS SCHEDULED FOR COMPLETION IN _____

HULL MATERIAL: ☐ WOOD ☐ STEEL ☐ FIBROUS REINFORCED PLASTIC ☐ ALUMINUM ☐ CONCRETE

☐ OTHER (DESCRIBE) _____

APPROXIMATE LENGTH OF VESSEL _____

PREVIOUS NAMES, NUMBERS, OR FOREIGN REGISTRATIONS OF VESSEL _____

_____

J. CERTIFICATION:

I (WE) CERTIFY THAT:

(A) I AM (WE ARE) A CITIZEN(S) OF THE UNITED STATES AND LEGALLY AUTHORIZED TO EXECUTE THIS APPLICATION IN THE CAPACITY SHOWN;

(B) THAT THE VESSEL(S) TO WHICH THIS APPLICATION APPLIES:

(i) ☐ HAS (HAVE) BEEN MARKED

OR

☐ WILL BE MARKED

IN ACCORDANCE WITH THE DIRECTIONS IN THE INSTRUCTION SHEET (CG-1258-A) FOR THIS APPLICATION;

(ii) WILL AT ALL TIMES REMAIN UNDER THE COMMAND OF A U.S. CITIZEN;

(iii) WILL NOT BE OPERATED IN A TRADE NOT AUTHORIZED BY THE ENDORSEMENT(S) ON THE CERTIFICATE(S) OF DOCUMENTATION;

(iv) HAS NOT BEEN REBUILT SINCE LAST DOCUMENTATION

(v) THE VESSEL IS NOT TITLED UNDER A STATE

(C) THE NAME(S) OF THE VESSEL(S) WILL NOT BE CHANGED WITHOUT APPROVAL OF A COAST GUARD DOCUMENTATION OFFICER; AND

(D) I (WE) WILL PROMPTLY NOTIFY THE DOCUMENTATION OFFICER AT THE VESSEL'S PORT OF RECORD OR THE PORT NEAREST THE VESSEL UPON A CHANGE IN ANY OF THE INFORMATION OR REPRESENTATIONS IN THIS APPLICATION.

PRINTED OR TYPED NAME	SIGNATURE	CAPACITY (E.G., OWNER, AGENT, TRUSTEE, GENERAL PARTNER, CORPORATE OFFICER)

DATE: _____

PRIVACY ACT STATEMENT

IN ACCORDANCE WITH 5 U.S.C. 552a, THE FOLLOWING INFORMATION IS PROVIDED TO YOU WHEN SUPPLYING PERSONAL INFORMATION TO THE U.S. COAST GUARD.

1. AUTHORITY. SOLICITATION OF THIS INFORMATION IS AUTHORIZED BY 46 U.S.C., CHAPTERS 121 AND 125; 46 U.S.C. APP. 802 AND 883.

2. THE PRINCIPAL PURPOSES FOR WHICH THIS INFORMATION IS TO BE USED ARE:

(1) TO DETERMINE CITIZENSHIP OF THE OWNER OF THE VESSEL FOR WHICH APPLICATION FOR DOCUMENTATION IS MADE; AND
(2) TO DETERMINE ELIGIBILITY OF THE VESSEL TO BE DOCUMENTED WITH THE TRADE ENDORSEMENT SOUGHT.

3. THE ROUTINE USES WHICH MAY BE MADE OF THIS INFORMATION INCLUDE RELEASE TO LAW ENFORCEMENT OFFICIALS, TO THE GENERAL PUBLIC UNDER FREEDOM OF INFORMATION ACT, AND TO PUBLISH INFORMATION ABOUT U.S. DOCUMENTED VESSELS.

4. DISCLOSURE OF THE INFORMATION REQUESTED ON THIS FORM IS VOLUNTARY. HOWEVER FAILURE TO PROVIDE THE INFORMATION REQUESTED WILL RESULT IN DENIAL OF THE APPLICATION FOR DOCUMENTATION,. WHICH MAY PREVENT THE OWNER FROM OPERATING THE VESSEL(S) IN A SPECIFIED TRADE.

THE COAST GUARD ESTIMATES THAT THE AVERAGE BURDEN FOR THIS FORM IS 30 MINUTES. YOU MAY SUBMIT ANY COMMENTS CONCERNING THE ACCURACY OF THIS BURDEN ESTIMATE OR MAKE SUGGESTIONS FOR REDUCING THE BURDEN TO: COMMANDANT (G-MVI), U.S. COAST GUARD, WASHINGTON, DC 20593-0001 OR OFFICE OF MANAGEMENT AND BUDGET, OFFICE OF INFORMATION AND REGULATORY AFFAIRS, ATTENTION: DESK OFFICER FOR DOT/USCG, OLD EXECUTIVE OFFICE BUILDING, WASHINGTON, DC 20503.

DEPARTMENT OF TRANSPORTATION
U.S. COAST GUARD
CG-1261 (REV. 1-92)

BUILDER'S CERTIFICATION AND FIRST TRANSFER OF TITLE

OMB APPROVED
2115-0110

I. PHASE OF CONSTRUCTION COVERED BY THIS CERTIFICATE

☐ ENTIRE CONSTRUCTION
☐ HULL ONLY
☐ COMPLETION ONLY (HULL BUILT BY ANOTHER)

YEAR PHASE OF CONSTRUCTION _____
YEAR COMPLETED _____

II. VESSEL DATA

A. HULL IDENTIFICATION NUMBER OR HULL NUMBER _____

B. VESSEL NAME (IF KNOWN) _____

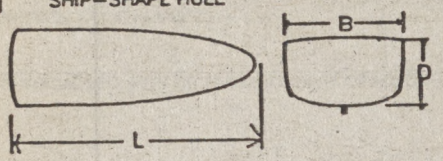
C. EQUIPPED WITH ENGINE?
☐ YES ☐ NO OUTBOARD ☐ YES ☐ NO

D. PLACE OF BUILD (CITY, STATE, COUNTRY) _____

E. HULL MATERIAL:
☐ WOOD ☐ STEEL ☐ FIBROUS REINFORCED PLASTIC
☐ ALUMINUM ☐ CONCRETE ☐ OTHER

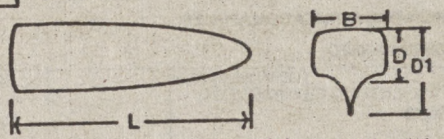
III. DIMENSIONS (COMPLETE APPROPRIATE DIAGRAM)

☐ SHIP-SHAPE HULL



L= _____ B= _____ D= _____

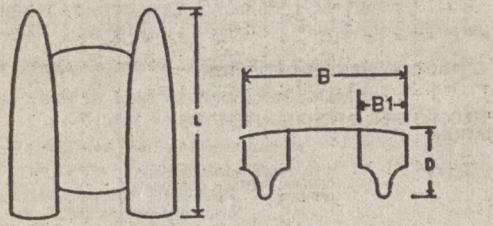
☐ SAILBOAT



D1 only if actual hull depth (D) cannot be determined

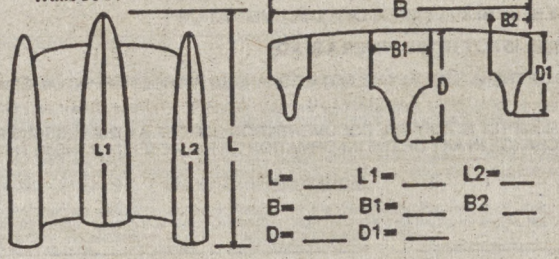
L= ___ B= ___ D= ___ D1= ___

☐ CATAMARAN



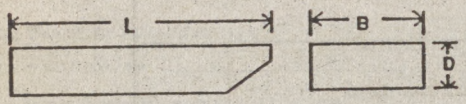
L= ___ B= ___ B1= ___ D= ___

☐ TRIMARAN



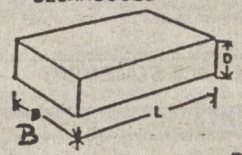
L= ___ L1= ___ L2= ___
B= ___ B1= ___ B2 ___
D= ___ D1= ___

☐ BARGE-SHAPED HULLS



L= _____ B= _____ D= _____

☐ DECKHOUSES Houseboats only.



(AVERAGE DECKHOUSE DIMENSIONS MUST BE FURNISHED IN ADDITION TO HULL DIMENSIONS)

L= _____ B= _____ D= _____

IV. UNITED STATES BUILD STATEMENT

☐ ALL MAJOR COMPONENTS USED IN THE PHASE OF CONSTRUCTION COVERED BY THIS CERTIFICATE WERE FABRICATED IN THE UNITED STATES.

☐ ALL CONSTRUCTION AND ALL ASSEMBLY FOR THIS PHASE OF CONSTRUCTION WERE DONE IN THE UNITED STATES.

REVERSE OF CG-1261 (REV. 1-92)

V. NAME(S) AND ADDRESS(ES) OF PARTY(IES) FOR WHOM BUILT

IF BUILT FOR MORE THAN ONE PERSON, THE PERSONS NAMES ABOVE ARE TENANTS IN COMMON, EACH OWNING AN EQUAL UNDIVIDED INTEREST, UNLESS OTHERWISE INDICATED HEREIN: CHECK ONLY ONE OF THE FOLLOWING BLOCKS TO SHOW ANOTHER FORM OF OWNERSHIP.

☐ JOINT TENANCY WITH RIGHT OF SURVIVORSHIP ☐ TENANCY BY THE ENTIRETIES ☐ COMMUNITY PROPERTY

☐ OTHER (DESCRIBE)

VI. CERTIFICATION

I, _____ DO HEREBY CERTIFY THAT THE FACTS RECITED HEREIN ARE TRUE AND THAT I HAVE PERSONAL KNOWLEDGE OF THESE FACTS BECAUSE I:

OR

☐ PERSONALLY PERFORMED THE CONSTRUCTION

☐ SUPERVISED THE CONSTRUCTION AT AND ON BEHALF OF: _____ (NAME OF COMPANY)

☐ ACTING IN MY CAPACITY AS _____ (TITLE) OF _____ (NAME OF COMPANY)

_____ SIGNATURE _____ DATE

VII. FIRST SALE OR TRANSFER OF VESSEL

100% OF THE VESSEL IDENTIFIED HEREIN IS SOLD (TRANSFERRED) BY THE PARTY(IES) NAMED IN SECTION V TO THE FOLLOWING PERSON(S) (NAMES AND ADDRESSES)

IF SOLD (TRANSFERRED) TO MORE THAN ONE PERSON, THE PURCHASER(S) (TRANSFERREE(S)) ARE TENANTS IN COMMON, EACH OWNING AN EQUAL UNDIVIDED INTEREST, UNLESS OTHERWISE INDICATED HEREIN: CHECK ONLY ONE OF THE FOLLOWING BLOCKS TO SHOW ANOTHER FORM OF OWNERSHIP.

☐ JOINT TENANCY WITH RIGHT OF SURVIVORSHIP ☐ TENANCY BY THE ENTIRETIES ☐ COMMUNITY PROPERTY

☐ OTHER (DESCRIBE)

VIII. SIGNATURE OF SELLER(S) (TRANSFEROR(S)) OR PERSONS SIGNING ON BEHALF OF SELLER(S) (TRANSFEROR(S)):

DATE SIGNED:

IX. NAME(S) OF PERSON(S) SIGNING ABOVE, AND LEGAL CAPACITY IN WHICH SIGNED (E.G., OWNER, AGENT, TRUSTEE, EXECUTOR)

X. ACKNOWLEDGMENT

SUBSCRIBED AND SWORN TO BEFORE ME ON: _____ DATE

STATE:

COUNTY:

BY THE PERSON NAMED ABOVE ACTING IN THEIR STATED CAPACITY(IES).

_____ NOTARY PUBLIC
MY COMMISSION EXPIRES:

PRIVACY ACT STATEMENT

IN ACCORDANCE WITH 5 USC 552(A), THE FOLLOWING INFORMATION IS PROVIDED TO YOU WHEN SUPPLYING PERSONAL INFORMATION TO THE U.S. COAST GUARD.

1. AUTHORITY. SOLICITATION OF THIS INFORMATION IS AUTHORIZED BY 46 USC, CHAPTER 313 AND 46 CFR, PART 67.

2. THE PRINCIPAL PURPOSES FOR WHICH THIS INSTRUMENT IS TO BE USED ARE:

(A) TO PROVIDE A RECORD, AVAILABLE FOR PUBLIC INSPECTION AND COPYING, OF THE SALE OR OTHER CHANGE IN OWNERSHIP OF A VESSEL WHICH IS DOCUMENTED, WILL BE DOCUMENTED, OR HAS BEEN DOCUMENTED PURSUANT TO 46 USC, CHAPTER 121.
(B) PLACEMENT OF THIS INSTRUMENT IN A BOOK FOR EXAMINATION BY GOVERNMENTAL AUTHORITIES AND MEMBERS OF THE GENERAL PUBLIC.

3. THE ROUTINE USE WHICH MAY BE MADE OF THIS INFORMATION INCLUDES DEVELOPMENT OF STATISTICAL DATA CONCERNING DOCUMENTED VESSELS.

4. DISCLOSURE OF THE INFORMATION REQUESTED ON THIS FORM IS VOLUNTARY. HOWEVER, FAILURE TO PROVIDE THE INFORMATION COULD PRECLUDE FILING OF A BILL OF SALE AND DOCUMENTATION OF THE VESSEL NAMED HEREIN PURSUANT TO 46 USC, CHAPTER 121. MOREOVER, BILLS OF SALE WHICH ARE NOT FILED ARE NOT DEEMED TO BE VALID AGAINST ANY PERSON EXCEPT THE GRANTOR OR A PERSON HAVING ACTUAL KNOWLEDGE OF THE SALE. (46 USC 31321(A)).

THE COAST GUARD ESTIMATES THAT THE AVERAGE BURDEN FOR THIS FORM IS 30 MINUTES. YOU MAY SUBMIT ANY COMMENTS CONCERNING THE ACCURACY OF THIS BURDEN ESTIMATE OR MAKE SUGGESTIONS FOR REDUCING THE BURDEN TO: COMMANDANT (G-MVI), U.S. COAST GUARD, WASHINGTON, DC 20593-0001 OR OFFICE OF MANAGEMENT AND BUDGET, OFFICE OF INFORMATION AND REGULATORY AFFAIRS, ATTENTION DESK OFFICER FOR DOT/USCG, OLD EXECUTIVE OFFICE BUILDING, WASHINGTON, DC 20503.

DEPARTMENT OF TRANSPORTATION, USCG, CG-1270 (REV. 1-92)
PREVIOUS EDITIONS ARE OBSOLETE

OMB APPROVED
2115-0110

UNITED STATES OF AMERICA

DEPARTMENT OF TRANSPORTATION

UNITED STATES COAST GUARD

Certificate of Documentation

VESSEL NAME			OFFICIAL NUMBER		PORT OF RECORD HAILING PORT	
GROSS	NET	LENGTH	BREADTH	DEPTH	HULL MATERIAL	SELF PROPELLED

PLACE BUILT	YEAR BUILT

OWNER COMPLETE RECORDS ON FILE AT PORT OF RECORD	THIS VESSEL IS PRESENTLY DOCUMENTED FOR

MANAGING OWNER

RESTRICTIONS

ENTITLEMENTS

REMARKS

ISSUED AT	SIGNATURE AND SEAL
ISSUE DATE **THIS CERTIFICATE EXPIRES ON THE LAST DAY OF** **UNLESS RENEWED BY DECAL ON REVERSE.**	DOCUMENTATION OFFICER

REVERSE OF CG-1270 (REV. 1-92)

OMB APPROVED
2115-0110

CHANGES OF OWNER ADDRESS AFFIX LABEL ISSUED BY DOCUMENTATION OFFICER	
1.	2.
3.	4.

CERTIFICATE OF DOCUMENTATION RENEWAL RECORD AFFIX ANNUAL RENEWAL DECALS SEQUENTIALLY IN THE SPACES PROVIDED BELOW			
1.	2.	3.	4.
5.	6.	7.	8.

WHEN ALL RENEWAL SPACES ARE FILLED, GO BACK TO THE FIRST POSITION AND AFFIX CURRENT DECALS OVER OLD DECALS.

THIS VESSEL MUST BE MARKED WITH THE OFFICIAL NUMBER, NAME, AND HAILING PORT SHOWN ON THE FACE OF THIS CERTIFICATE. THIS ORIGINAL CERTIFICATE, WHICH MUST BE KEPT ABOARD THE VESSEL AT ALL TIMES WHEN THE VESSEL IS IN OPERATION, MUST BE SHOWN UPON THE DEMAND OF ANY PERSON ACTING IN AN OFFICIAL PUBLIC CAPACITY.

THE PERSON TO WHOM THIS CERTIFICATE IS ISSUED MUST SURRENDER IT TO A COAST GUARD DOCUMENTATION OFFICER UPON ONE OR MORE OF THE FOLLOWING CHANGES: OWNERSHIP OF THE VESSEL CHANGES IN WHOLE OR IN PART; GENERAL PARTNERS OF A PARTNERSHIP OWNING THE VESSEL CHANGE BY ADDITION, DELETION, OR SUBSTITUTION; PORT OF RECORD OF THE VESSEL CHANGES; THE GROSS OR NET TONNAGES OR DIMENSIONS OF THE VESSEL CHANGE; THE NAME OF THE VESSEL CHANGES; THE RESTRICTIONS IMPOSED ON THE VESSEL CHANGE BY ADDITION OR SUBSTITUTION; LEGAL NAME OF ANY OWNER OF THE VESSEL CHANGES; A TENANT BY THE ENTIRETY OWNING ANY PART OF THE VESSEL DIES; A SELF-PROPELLED VESSEL BECOMES NON-SELF-PROPELLED; THE TRADE ENDORSEMENTS FOR THE VESSEL MUST BE CHANGED BY A DOCUMENTATION OFFICER; THE DISCOVERY OF A SUBSTANTIVE OR CLERICAL ERROR MADE BY THE ISSUING DOCUMENTATION OFFICER; THE VESSEL IS PLACED UNDER THE COMMAND OF A PERSON WHO IS NOT A CITIZEN OF THE UNITED STATES; HAILING PORT OF THE VESSEL CHANGES; ANY CHANGE IN ADDRESS OF MANAGING OWNER MUST BE PROMPTLY REPORTED TO A COAST GUARD DOCUMENTATION OFFICE.

CG-1280

OMB Approved
2115-0110

NOTICE:

THE CERTIFICATE OF DOCUMENTATION FOR THE VESSEL IDENTIFIED BELOW EXPIRES AT THE END OF THE MONTH INDICATED. TO OBTAIN YOUR RENEWAL DECAL, COMPLETE THE CERTIFICATION ON THE REVERSE OF THIS NOTICE AND RETURN IT PRIOR TO THE DATE OF EXPIRATION. FAILURE TO DO SO MAY RESULT IN PENALTIES AND THE REMOVAL OF THE VESSEL FROM DOCUMENTATION.

IF YOU ARE UNABLE TO COMPLETE THE CERTIFICATION BECAUSE ONE OR MORE OF THE ITEMS LISTED HAS CHANGED, YOU MUST CONTACT THE DOCUMENTATION OFFICE BEFORE THE CERTIFICATE OF DOCUMENTATION EXPIRES. FAILURE TO DO SO MAY RESULT IN PENALTIES AND REMOVAL OF THE VESSEL FROM DOCUMENTATION. OPERATION OF THE VESSEL WHILE THE CERTIFICATE REMAINS INACCURATE MAY ALSO RESULT IN PENALTIES.

IF YOUR ADDRESS HAS CHANGED, PLEASE INDICATE YOUR NEW ADDRESS ON THE REVERSE AND PRESENT THE CERTIFICATE OF DOCUMENTATION TO THIS OFFICE AS SOON AS POSSIBLE.

Reverse of CG-1280

OMB Approved
2115-0110

I CERTIFY THAT THE RECITATIONS CONCERNING THE VESSEL NAME, TONNAGE, DIMENSIONS, PROPULSION, OWNERSHIP, HOME PORT, RESTRICTIONS, ENTITLEMENTS AND EMPLOYMENT CONTAINED IN THE CERTIFICATE OF DOCUMENTATION REMAIN ABSOLUTELY THE SAME. THE CERTIFICATE OF DOCUMENTATION HAS NOT BEEN LOST, MUTILATED, OR WRONGFULLY WITHHELD.

OWNER'S ADDRESS (if changed from that indicated on the Certificate of Documentation)

AUTHORIZED SIGNATURE _____ CAPACITY OF PERSON SIGNING _____ DATE _____

RETURN THIS NOTICE AND CERTIFICATION TO THE OFFICE INDICATED ON THE OTHER SIDE

OMB Approved
2115-0110

U.S. COAST GUARD VESSEL DOCUMENTATION RENEWAL DECAL FORM

Attached is a decal which indicates that the Certificate of Documentation for the vessel named above has been renewed for the next year. The Certificate of Documentation expires on the last day of the month and year indicated on the decal. The official number of your vessel is shown on the decal. Please verify that the number is the same as is shown on the document and report any discrepancies to this office.

Please remove the decal below from it's backing and affix the new decal on the back of the Certificate of Documentation. If all the blocks on the back are filled with decals, place the new decal over the oldest decal. The placement of the decal is the last step in the renewal process. THE DECAL MUST BE AFFIXED TO THE DOCUMENT TO INDICATE THE CURRENT STATUS OF THE VESSEL. If any changes occur prior to next year's renewal (i.e.; address, ownership, dimensions, etc.), please contact this office immediately in writing.



DEPT OF TRANSP USCG CG-1280A (REV. 3-92)
PREVIOUS EDITIONS ARE OBSOLETE

SN 7530-01-GF3-3060

CG-1280B

OMB Approved
2115-0110

NOTICE:

OUR RECORDS INDICATE THAT THE CERTIFICATE OF DOCUMENTATION ISSUED TO THE VESSEL NAMED BELOW HAS EXPIRED

FAILURE TO RENEW THE VESSEL'S CERTIFICATE OF DOCUMENTATION AND/OR OPERATION OF THE VESSEL WITH AN EXPIRED CERTIFICATE IS A VIOLATION OF FEDERAL LAW AND REGULATION, AND MAY RESULT IN A PENALTY OF UP TO $500.00 PER DAY.

IF THE VESSEL HAS BEEN LOST, SOLD, ABANDONED, DESTROYED, OR PLACED UNDER STATE REGISTRATION, THE CERTIFICATE OF DOCUMENTATION MUST BE TURNED IN TO THIS OFFICE. IF THERE HAVE BEEN ANY CHANGES IN THE DATA RECITED IN THE CERTIFICATE OF DOCUMENTATION, YOU MUST CONTACT THIS OFFICE REGARDING STEPS TO UPDATE THE CERTIFICATE. IF THE CERTIFICATE OF DOCUMENTATION HAS BEEN LOST, YOU MUST ADVISE US OF THAT FACT, AND IF YOU DESIRE TO CONTINUE DOCUMENTATION OF THE VESSEL, TAKE THE NECESSARY STEPS TO REPLACE THE CERTIFICATE.

THE CERTIFICATION ON REVERSE MUST BE COMPLETED AND RETURNED TO THIS OFFICE AS SOON AS POSSIBLE. FAILURE TO RETURN THE FORM WITHIN THE NEXT TEN DAYS, OR TO ADVISE THIS OFFICE OF THE CURRENT STATUS OF THE VESSEL AND THE CERTIFICATE OF DOCUMENTATION, WILL RESULT IN THE VESSEL BEING REMOVED FROM DOCUMENTATION.

Reverse of CG-1280B

OMB Approved
2115-0110

I CERTIFY THAT THE RECITATIONS CONCERNING THE VESSEL NAME, TONNAGE, DIMENSIONS, PROPULSION, OWNERSHIP, HOME PORT, RESTRICTIONS, ENTITLEMENTS AND EMPLOYMENT CONTAINED IN THE CERTIFICATE OF DOCUMENTATION REMAIN ABSOLUTELY THE SAME. THE CERTIFICATE OF DOCUMENTATION HAS NOT BEEN LOST, MUTILATED, OR WRONGFULLY WITHHELD.

OWNER'S ADDRESS (if changed from that indicated on the Certificate of Documentation)

AUTHORIZED SIGNATURE	CAPACITY OF PERSON SIGNING	DATE

RETURN THIS NOTICE AND CERTIFICATION TO THE OFFICE INDICATED ON THE OTHER SIDE

DEPARTMENT OF TRANSPORTATION
U.S. COAST GUARD
CG-1332 (REV. 1-92)

GENERAL INDEX OR ABSTRACT OF TITLE

OMB APPROVED
2115-0110

VESSEL BUILT AT _____

(AND) _____ IN _____

BY _____

FOR _____

_____

BUILDER'S CERTIFICATE DATED _____

TITLE ASSIGNED TO _____

_____ (OFFICIAL NUMBER)

_____ (HULL ID NUMBER)

(5) _____

(4) _____

(3) _____

(2) _____

(1) _____ NAME OF VESSEL

INSTRUMENT	% CONVEYED	DATE	AMOUNT	BOOK	PAGE

FILED PORT	DATE	TIME	DATE TERMINATED

GRANTOR

GRANTEE

INSTRUMENT	% CONVEYED	DATE	AMOUNT	BOOK	PAGE

FILED PORT	DATE	TIME	DATE TERMINATED

GRANTOR

GRANTEE

INSTRUMENT	% CONVEYED	DATE	AMOUNT	BOOK	PAGE

FILED PORT	DATE	TIME	DATE TERMINATED

GRANTOR

GRANTEE

☐ ISSUED AS AN ABSTRACT OF TITLE ☐ ISSUED FOR CHANGE OF PORT OF RECORD

DATE: TIME:

PORT: PAGE OF _____

DOCUMENTATION OFFICER

DEPARTMENT OF TRANSPORTATION U.S. COAST GUARD CG-1332A (REV. 1-92)	**GENERAL INDEX OR ABSTRACT OF TITLE** **CONTINUATION SHEET NO._____**	OFFICIAL NO.

INSTRUMENT	% CONVEYED	DATE	AMOUNT	BOOK	PAGE

FILED PORT	DATE	TIME	DATE TERMINATED

GRANTOR

GRANTEE

INSTRUMENT	% CONVEYED	DATE	AMOUNT	BOOK	PAGE

FILED PORT	DATE	TIME	DATE TERMINATED

GRANTOR

GRANTEE

INSTRUMENT	% CONVEYED	DATE	AMOUNT	BOOK	PAGE

FILED PORT	DATE	TIME	DATE TERMINATED

GRANTOR

GRANTEE

INSTRUMENT	% CONVEYED	DATE	AMOUNT	BOOK	PAGE

FILED PORT	DATE	TIME	DATE TERMINATED

GRANTOR

GRANTEE

☐ ISSUED AS AN ABSTRACT OF TITLE ☐ ISSUED FOR CHANGE OF PORT OF RECORD

DATE: TIME:

PORT: PAGE OF _____

DOCUMENTATION OFFICER

OMB APPROVED
2115-0110

DEPARTMENT OF TRANSPORTATION
U.S. COAST GUARD
CG-1340 (REV. 1-92)

BILL OF SALE

THIS SECTION FOR COAST GUARD USE ONLY

1. VESSEL NAME

2. OFFICIAL NUMBER OR HULL ID NUMBER

3. NAME(S) AND ADDRESS(ES) OF SELLERS:

RECORDED:

BOOK: PAGE:

PORT (IF NOT FILING PORT)

DOCUMENTATION OFFICER

3A. TOTAL INTEREST OWNED (IF LESS THAN 100%) _____%.

4. NAME(S) AND ADDRESS(ES) OF BUYER(S) AND INTEREST TRANSFERRED TO EACH:

4A. TOTAL INTEREST TRANSFERRED (100% UNLESS OTHERWISE SPECIFIED)_____%.

4B. MANNER OF OWNERSHIP. UNLESS OTHERWISE STATED HEREIN, THIS BILL OF SALE CREATES A TENANCY IN COMMON, WITH EACH TENANT OWNING AN EQUAL UNDIVIDED INTEREST. CHECK ONLY ONE OF THE FOLLOWING BLOCKS TO SHOW ANOTHER FORM OF OWNERSHIP.

☐ JOINT TENANCY WITH RIGHT OF SURVIVORSHIP ☐ TENANCY BY THE ENTIRETIES ☐ COMMUNITY PROPERTY

☐ OTHER (DESCRIBE)

5. CONSIDERATION RECEIVED:

(ONE DOLLAR AND OTHER VALUABLE CONSIDERATION UNLESS OTHERWISE STATED)

6. I (WE) DO HEREBY SELL TO THE BUYER(S) NAMED ABOVE, THE RIGHT, TITLE AND INTEREST IDENTIFIED IN BLOCK 4 OF THIS BILL OF SALE, IN THE PROPORTION SPECIFIED HEREIN.

VESSEL IS SOLD FREE AND CLEAR OF ALL LIENS, MORTGAGES, AND OTHER ENCUMBRANCES OF ANY KIND AND NATURE, EXCEPT AS STATED ON THE REVERSE HEREOF. VESSEL IS SOLD TOGETHER WITH AN EQUAL INTEREST IN THE MASTS, BOWSPRIT, SAILS, BOATS, ANCHORS, CABLES, TACKLE, FURNITURE, AND ALL OTHER NECESSARIES THERETO APPERTAINING AND BELONGING, EXCEPT AS STATED ON THE REVERSE HEREOF.

7. SIGNATURES OF SELLER(S) OR PERSON(S) SIGNING ON BEHALF OF SELLER(S).

8. DATE SIGNED

9. NAME(S) OF PERSON(S) SIGNING ABOVE, AND LEGAL CAPACITY IN WHICH SIGNED (E.G., OWNER, AGENT, TRUSTEE, EXECUTOR)

10. ACKNOWLEDGMENT

SUBSCRIBED AND SWORN TO BEFORE ME ON:_____ (DATE)

BY THE PERSONS NAMED ABOVE ACTING IN THEIR STATED CAPACITY(IES).

STATE:_____

COUNTY:_____

NOTARY PUBLIC _____

MY COMMISSION EXPIRES: _____ (DATE)

REVERSE OF CG-1340 (REV. 1-92)

OMB APPROVED
2115-0110

(COMPLETE THIS SECTION ONLY IF VESSEL DOES NOT HAVE AN OFFICIAL NUMBER OR HULL IDENTIFICATION NUMBER.)

VESSEL DATA

A. BUILDER _____ B. BUILDER'S HULL NUMBER _____

C. FORMER NAME _____ D. FORMER MOTORBOAT NUMBERS _____

E. FORMER ALIEN REGISTRATIONS _____ F. DIMENSIONS _____

G. PERSON FROM WHOM SELLER OBTAINED VESSEL _____

_____
SIGNATURE OF SELLER

REMARKS

INSTRUCTIONS

1. INDICATE CURRENT DOCUMENTED NAME. (IF VESSEL HAS NEVER BEEN DOCUMENTED SELLER MUST COMPLETE AND SIGN DATA SECTION ABOVE.)
2. INDICATE OFFICIAL NUMBER AWARDED TO VESSEL OR HULL IDENTIFICATION NUMBER ASSIGNED BY MANUFACTURER. (IF THE VESSEL HAS NO HULL IDENTIFICATION NUMBER AND HAS NEVER BEEN DOCUMENTED, SELLER MUST COMPLETE AND SIGN THE VESSEL DATA SECTION ABOVE.)
3. INSERT NAMES AND ADDRESSES OF ALL PERSONS SELLING VESSEL, ALONG WITH TOTAL INTEREST OWNED BY THOSE PERSONS. IF MORE ROOM IS NEEDED, AN ATTACHMENT MAY BE MADE SHOWING THE ADDRESSES OF THE SELLERS.
3A. SELF-EXPLANATORY.
4. INSERT NAMES AND ADDRESSES OF ALL BUYERS, ALONG WITH THE INTEREST TRANSFERRED TO EACH. IF THERE IS MORE THAN ONE BUYER AND NO DIVISION OF INTEREST IS SHOWN, THIS BILL OF SALE WILL RESULT IN EACH BUYER HOLDING AN EQUAL INTEREST. (IF MORE ROOM IS NEEDED, AN ATTACHMENT MAY BE MADE SHOWING THE ADDRESSES OF THE BUYERS.)
4A. SELF-EXPLANATORY.
4B. CHECK ONE OF THE BLOCKS TO CREATE A FORM OF OWNERSHIP OTHER THAN A TENANCY IN COMMON. IF "OTHER" IS CHECKED, THE FORM OF OWNERSHIP MUST BE DESCRIBED.
5. OPTIONAL. IF THE AMOUNT PAID FOR THE VESSEL IS INSERTED, IT WILL BE NOTED ON THE VESSEL'S GENERAL INDEX.
6. SELF-EXPLANATORY. USE "REMARKS" SECTION ABOVE IF VESSEL IS NOT SOLD FREE AND CLEAR, OR TO LIST VESSEL APPURTENANCES WHICH ARE NOT SOLD WITH THE VESSEL.
7. SELF-EXPLANATORY.
8. SHOW THE DATE ON WHICH THE INSTRUMENT IS SIGNED.
9. IN ADDITION TO THE PRINTED OR TYPED NAME OF THE SIGNER, SHOW WHETHER THAT PERSON WAS ACTING AS AN OWNER, AS AN AGENT FOR AN OWNER, AS TRUSTEE, AS THE PERSONAL REPRESENTATIVE OR EXECUTOR OF AN ESTATE, OR OTHER CAPACITY WHICH ENTITLED THAT PERSON TO SIGN THE BILL OF SALE.

PRIVACY ACT STATEMENT

IN ACCORDANCE WITH 5 USC 552(A), THE FOLLOWING INFORMATION IS PROVIDED TO YOU WHEN SUPPLYING PERSONAL INFORMATION TO THE U.S. COAST GUARD.

1. AUTHORITY. SOLICITATION OF THIS INFORMATION IS AUTHORIZED BY 46 USC, CHAPTER 313 AND 46 CFR, PART 67.

2. THE PRINCIPAL PURPOSES FOR WHICH THIS INSTRUMENT IS TO BE USED ARE:

(A) TO PROVIDE A RECORD, AVAILABLE FOR PUBLIC INSPECTION AND COPYING, OF THE SALE OR OTHER CHANGE IN OWNERSHIP OF A VESSEL WHICH IS DOCUMENTED, WILL BE DOCUMENTED, OR HAS BEEN DOCUMENTED PURSUANT TO 46 USC, CHAPTER 121.
(B) PLACEMENT OF THIS INSTRUMENT IN A BOOK FOR EXAMINATION BY GOVERNMENTAL AUTHORITIES AND MEMBERS OF THE GENERAL PUBLIC.

3. THE ROUTINE USE WHICH MAY BE MADE OF THIS INFORMATION INCLUDES DEVELOPMENT OF STATISTICAL DATA CONCERNING DOCUMENTED VESSELS.

4. DISCLOSURE OF THE INFORMATION REQUESTED ON THIS FORM IS VOLUNTARY. HOWEVER, FAILURE TO PROVIDE THE INFORMATION COULD PRECLUDE FILING OF A BILL OF SALE AND DOCUMENTATION OF THE VESSEL NAMED HEREIN PURSUANT TO 46 USC, CHAPTER 121. MOREOVER, BILLS OF SALE WHICH ARE NOT FILED ARE NOT DEEMED TO BE VALID AGAINST ANY PERSON EXCEPT THE GRANTOR OR A PERSON HAVING ACTUAL KNOWLEDGE OF THE SALE. (46 USC 31321(A)).

THE COAST GUARD ESTIMATES THAT THE AVERAGE BURDEN FOR THIS FORM IS 20 MINUTES. YOU MAY SUBMIT ANY COMMENTS CONCERNING THE ACCURACY OF THIS BURDEN ESTIMATE OR MAKE SUGGESTIONS FOR REDUCING THE BURDEN TO: COMMANDANT (G-MVI), U.S. COAST GUARD, WASHINGTON, DC 20593-0001 OR OFFICE OF MANAGEMENT AND BUDGET, OFFICE OF INFORMATION AND REGULATORY AFFAIRS, ATTENTION: DESK OFFICER FOR DOT/USCG, OLD EXECUTIVE OFFICE BUILDING, WASHINGTON, DC 20503.

OMB APPROVED
2115-0110

DEPARTMENT OF TRANSPORTATION
U.S. COAST GUARD
CG-1356 (REV. 1-92)

BILL OF SALE BY GOVERNMENT ENTITY PURSUANT TO COURT ORDER OR ADMINISTRATIVE DECREE OF FORFEITURE

THIS SECTION FOR COAST GUARD USE ONLY

1. VESSEL NAME

2. OFFICIAL NUMBER OR OTHER UNIQUE IDENTIFIER

3. PERSON EXECUTING INSTRUMENT

NAME: TITLE:

NAME AND ADDRESS OF AGENCY REPRESENTED (AND DISTRICT, IF APPLICABLE)

4. COURT OR FORFEITURE INFORMATION:

☐ VESSEL SOLD PURSUANT TO ADMINISTRATIVE FORFEITURE (COPY OF DECREE ATTACHED)

☐ VESSEL SOLD PURSUANT TO COURT ORDER
NAME OF COURT TITLE OF ORDER

RECORDING DATA:

BOOK: PAGE:

PORT (IF DIFFERENT FROM FILING PORT)

5. NAME(S) AND ADDRESS(ES) OF BUYER(S) AND INTEREST TRANSFERRED TO EACH:

5A. TOTAL INTEREST TRANSFERRED (100% UNLESS OTHERWISE SPECIFIED)_____%.

5B. MANNER OF OWNERSHIP. (CHECK ONLY ONE, IF APPLICABLE). UNLESS OTHERWISE STATED HEREIN, THIS BILL OF SALE CREATES A TENANCY IN COMMON, WITH EACH TENANT OWNING AN EQUAL UNDIVIDED INTEREST.

☐ JOINT TENANCY WITH RIGHT OF SURVIVORSHIP ☐ TENANCY BY THE ENTIRETIES ☐ COMMUNITY PROPERTY

☐ OTHER (DESCRIBE)

6. CONSIDERATION RECEIVED:

(ONE DOLLAR AND OTHER VALUABLE CONSIDERATION UNLESS OTHERWISE STATED)

7. BY VIRTUE OF THE AFORESAID COURT ORDER, A COPY OF WHICH IS ATTACHED HERETO, OR DECREE OF ADMINISTRATIVE FORFEITURE ATTACHED HERETO, I DO HEREBY GRANT, BARGAIN, AND SELL THE VESSEL DESCRIBED HEREIN, TOGETHER WITH ITS TACKLE, APPAREL, AND FURNITURE, TO THE BUYER(S) NAMED ABOVE.

8. SIGNATURE AND ACKNOWLEDGMENT:

SIGNATURE:_____ DATE:_____

ACKNOWLEDGEMENT

STATE

COUNTY

SUBSCRIBED AND SWORN BEFORE ME ON: _____
(DATE)

_____
NOTARY PUBLIC

MY COMMISSION EXPIRES_____
(DATE)

REVERSE OF CG-1356 (REV. 1-92)

OMB APPROVED
2115-0110

(COMPLETE THIS SECTION ONLY IF VESSEL DOES NOT HAVE AN OFFICIAL NUMBER OR HULL IDENTIFICATION NUMBER.)

VESSEL DATA

A. BUILDER _____ B. BUILDER'S HULL NUMBER _____

C. FORMER NAME _____ D. FORMER MOTORBOAT NUMBERS _____

E. FORMER ALIEN REGISTRATIONS _____ F. DIMENSIONS _____

G. PERSON FROM WHOM SELLER OBTAINED VESSEL _____

_____
SIGNATURE OF SELLER

INSTRUCTIONS

1. INDICATE CURRENT DOCUMENTED NAME. (IF VESSEL HAS NEVER BEEN DOCUMENTED SELLER MUST COMPLETE AND SIGN DATA SECTION ABOVE.)

2. INDICATE OFFICIAL NUMBER AWARDED TO VESSEL OR HULL IDENTIFICATION NUMBER ASSIGNED BY MANUFACTURER. (IF THE VESSEL HAS NO HULL IDENTIFICATION NUMBER AND HAS NEVER BEEN DOCUMENTED, SELLER MUST COMPLETE AND SIGN THE VESSEL DATA SECTION ABOVE.)

3. INSERT NAMES AND ADDRESSES OF ALL PERSONS EXECUTING INSTRUMENT AND THEIR CAPACITY. LIST THE NAME AND ADDRESS OF THE AGENCY IF APPLICABLE.

4. SELF-EXPLANATORY.

5. LIST THE NAME(S) AND ADDRESS(ES) OF THE BUYERS.

5A. LIST THE INTEREST TRANSFERRED TO THE BUYER(S) NAMED ABOVE.

5B. CHECK THE MANNER OF OWNERSHIP. UNLESS OTHERWISE STATED, THIS BILL OF SALE CREATES A TENANCY IN COMMON WITH EACH TENANT OWNING AN UNDIVIDED INTEREST.

6. SELF-EXPLANATORY. USE "REMARKS" SECTION ABOVE IF VESSEL IS NOT SOLD FREE AND CLEAR, OR TO LIST VESSEL APPURTENANCES WHICH ARE NOT SOLD WITH THE VESSEL.

7. SELF-EXPLANATORY.

8. THIS SECTION MUST BE COMPLETED BY A NOTARY PUBLIC OR OTHER PERSON AUTHORIZED TO TAKE ACKNOWLEDGMENTS OF DEEDS UNDER THE LAWS OF A STATE OR THE UNITED STATES. IF THERE ARE MULTIPLE SIGNATORIES TO THIS BILL OF SALE, EACH MUST MAKE AN ACKNOWLEDGMENT BEFORE A NOTARY. ATTACHMENTS SHOWING THOSE APPEARANCES ARE PERMITTED.

NOTE: THIS INSTRUMENT WILL BE INELIGIBLE FOR FILING AND RECORDING IF ALTERED AFTER EXECUTION AND ACKNOWLEDGMENT. ANY ALTERATIONS MADE PRIOR TO EXECUTION MUST BE ATTESTED BY THE PERSON TAKING THE ACKNOWLEDGMENT.

PRIVACY ACT STATEMENT

IN ACCORDANCE WITH 5 USC 552(A), THE FOLLOWING INFORMATION IS PROVIDED TO YOU WHEN SUPPLYING PERSONAL INFORMATION TO THE U.S. COAST GUARD.

1. AUTHORITY. SOLICITATION OF THIS INFORMATION IS AUTHORIZED BY 46 USC, CHAPTER 313 AND 46 CFR, PART 67.

2. THE PRINCIPAL PURPOSES FOR WHICH THIS INSTRUMENT IS TO BE USED ARE:

(A) TO PROVIDE A RECORD, AVAILABLE FOR PUBLIC INSPECTION AND COPYING, OF THE SALE OR OTHER CHANGE IN OWNERSHIP OF A VESSEL WHICH IS DOCUMENTED, WILL BE DOCUMENTED, OR HAS BEEN DOCUMENTED PURSUANT TO 46 USC, CHAPTER 121.
(B) PLACEMENT OF THIS INSTRUMENT IN A BOOK FOR EXAMINATION BY GOVERNMENTAL AUTHORITIES AND MEMBERS OF THE GENERAL PUBLIC.

3. THE ROUTINE USE WHICH MAY BE MADE OF THIS INFORMATION INCLUDES DEVELOPMENT OF STATISTICAL DATA CONCERNING DOCUMENTED VESSELS.

4. DISCLOSURE OF THE INFORMATION REQUESTED ON THIS FORM IS VOLUNTARY. HOWEVER, FAILURE TO PROVIDE THE INFORMATION COULD PRECLUDE FILING OF A BILL OF SALE AND DOCUMENTATION OF THE VESSEL NAMED HEREIN PURSUANT TO 46 USC, CHAPTER 121. MOREOVER, BILLS OF SALE WHICH ARE NOT FILED ARE NOT DEEMED TO BE VALID EXCEPT AGAINST ANY PERSON EXCEPT THE GRANTOR OR A PERSON HAVING ACTUAL KNOWLEDGE OF THE SALE. (46 USC 31321(A)).

THE COAST GUARD ESTIMATES THAT THE AVERAGE BURDEN FOR THIS FORM IS 20 MINUTES. YOU MAY SUBMIT ANY COMMENTS CONCERNING THE ACCURACY OF THIS BURDEN ESTIMATE OR MAKE SUGGESTIONS FOR REDUCING THE BURDEN TO: COMMANDANT (G-MVI), U.S. COAST GUARD, WASHINGTON, DC 20593-0001 OR OFFICE OF MANAGEMENT AND BUDGET, OFFICE OF INFORMATION AND REGULATORY AFFAIRS, ATTENTION: DESK OFFICER FOR DOT/USCG, OLD EXECUTIVE OFFICE BUILDING, WASHINGTON, DC 20503.

OMB APPROVED
2115-0110

DEPARTMENT OF TRANSPORTATION
U.S. COAST GUARD
CG-4593 (REV. 1-92)

APPLICATION, CONSENT, AND APPROVAL FOR WITHDRAWAL OF APPLICATION FOR DOCUMENTATION OR EXCHANGE OF CERTIFICATE OF DOCUMENTATION

THIS SECTION FOR COAST GUARD USE ONLY

PORT:

DATE:

FEE:

SIGNATURE

APPROVAL GRANTED FOR EXCHANGE OF OUTSTANDING CERTIFICATE OF DOCUMENTATION OR WITHDRAWAL OF APPLICATION.

I. APPLICATION

1. NAME OF VESSEL

2. OFFICIAL NUMBER OR OTHER UNIQUE IDENTIFIER

3. NAME(S) AND ADDRESS(ES) OF MORTGAGOR(S)

4. NAME(S) AND ADDRESS(ES) OF MORTGAGEE(S)

5. DATE OF MORTGAGE

6. AMOUNT OF MORTGAGE

7. DATE FILED

8. PURPOSE OF APPLICATION

☐ APPLICATION IS HEREBY MADE FOR APPROVAL OF WITHDRAWAL OF THE APPLICATION FOR (EXCHANGE OF) DOCUMENTATION DATED: _____

☐ APPLICATION IS HEREBY MADE FOR APPROVAL OF EXCHANGE OF THE OUTSTANDING CERTIFICATE OF DOCUMENTATION FOR THE ABOVE NAMED VESSEL.

9. SIGNATURE OF OWNER OR PERSON ACTING FOR OWNER:

_____ DATE: _____

II. CONSENT

AS (ON BEHALF) OF THE MORTGAGEE(S), I(WE) CONSENT TO WITHDRAWAL OF THE APPLICATION FOR DOCUMENTATION OR EXCHANGE OF THE OUTSTANDING CERTIFICATE OF DOCUMENTATION.

MORTGAGEE: _____

TITLE: _____

DATE: _____

REVERSE OF CG-4593 (REV. 1-92)

OMB APPROVED
2115-0110

INSTRUCTIONS

I. APPLICATION

1. INDICATE CURRENT DOCUMENTED NAME.
2. INDICATE OFFICIAL NUMBER AWARDED TO VESSEL OR OTHER UNIQUE IDENTIFIER (E.G., HULL IDENTIFICATION NUMBER).
3. SELF-EXPLANATORY.
4. SELF-EXPLANATORY.
5. SELF-EXPLANATORY.
6. SELF-EXPLANATORY.
7. INSERT DATE MORTGAGE WAS FILED WITH USCG.
8. SELF-EXPLANATORY.
9. SELF-EXPLANATORY.

II. CONSENT

1. SELF-EXPLANATORY.

PRIVACY ACT STATEMENT

IN ACCORDANCE WITH 5 USC 552(A), THE FOLLOWING INFORMATION IS PROVIDED TO YOU WHEN SUPPLYING PERSONAL INFORMATION TOP THE U.S. COAST GUARD.

1. AUTHORITY. SOLICITATION OF THIS INFORMATION IS AUTHORIZED BY 46 USC, CHAPTER 313 AND 46 CFR, PART 67.

2. THE PRINCIPAL PURPOSES FOR WHICH THIS INSTRUMENT IS TO BE USED ARE:

(A) TO PROVIDE A RECORD, AVAILABLE FOR PUBLIC INSPECTION AND COPYING, OF THE SALE OR OTHER CHANGE IN OWNERSHIP OF A VESSEL WHICH IS DOCUMENTED, WILL BE DOCUMENTED, OR HAS BEEN DOCUMENTED PURSUANT TO 46 USC, CHAPTER 121.
(B) PLACEMENT OF THIS INSTRUMENT IN A BOOK FOR EXAMINATION BY GOVERNMENTAL AUTHORITIES AND MEMBERS OF THE GENERAL PUBLIC.

3. THE ROUTINE USE WHICH MAY BE MADE OF THIS INFORMATION INCLUDES DEVELOPMENT OF STATISTICAL DATA CONCERNING DOCUMENTED VESSELS.

4. DISCLOSURE OF THE INFORMATION REQUESTED ON THIS FORM IS VOLUNTARY. HOWEVER, FAILURE TO PROVIDE THE INFORMATION COULD PRECLUDE FILING OF A BILL OF SALE AND DOCUMENTATION OF THE VESSEL NAMED HEREIN PURSUANT TO 46 USC, CHAPTER 121. MOVEOVER, BILLS OF SALE WHICH ARE NOT FILED ARE NOT DEEMED TO BE VALID AGAINST ANY PERSON EXCEPT THE GRANTOR OR A PERSON HAVING ACTUAL KNOWLEDGE OF THE SALE. (46 USC 31321(A)).

THE COAST GUARD ESTIMATES THAT THE AVERAGE BURDEN FOR THIS FORM IS 10 MINUTES. YOU MAY SUBMIT ANY COMMENTS CONCERNING THE ACCURACY OF THIS BURDEN ESTIMATE OR MAKE SUGGESTIONS FOR REDUCING THE BURDEN TO: COMMANDANT (G-MVI), U.S. COAST GUARD, WASHINGTON, DC 20593-0001 OR OFFICE OF MANAGEMENT AND BUDGET, OFFICE OF INFORMATION AND REGULATORY AFFAIRS, ATTENTION: DESK OFFICER FOR DOT/USCG, OLD EXECUTIVE OFFICE BUILDING, WASHINGTON, DC 20503.

OMB APPROVED
2115-0110

DEPARTMENT OF TRANSPORTATION
U.S. COAST GUARD
CG-5542 (REV. 1-92)

OPTIONAL APPLICATION FOR FILING (SEE INSTRUCTIONS AND PRIVACY ACT ON REVERSE)

THIS SECTION FOR COAST GUARD USE ONLY

RECORDED
PORT
BOOK
PAGE
BY

1. VESSEL NAME (ATTACH SCHEDULE IF MORE THAN ONE VESSEL)

2. OFFICIAL NUMBER OR OTHER UNIQUE IDENTIFIER

3. INSTRUMENT TYPE: (CHECK ALL THAT APPLY)

- ☐ PREFERRED MORTGAGE
- ☐ CHATTEL MORTGAGE
- ☐ OTHER (DESCRIBE)
- ☐ ASSUMPTION
- ☐ SUPPLEMENT
- ☐ AMENDMENT
- ☐ SUBORDINATION
- ☐ ASSIGNMENT

4. NAME(S) AND ADDRESS(ES) OF GRANTOR(S) (MORTGAGOR(S), ASSIGNOR(S), ASSUMING PARTY(IES), OR OTHER(S) --SEE INSTRUCTIONS)

INTEREST OWNED IN VESSEL OR HELD IN MORTGAGE AFFECTED BY ATTACHED INSTRUMENT _____%. (100% UNLESS OTHERWISE STATED)

5. NAME(S) AND ADDRESS(ES) OF GRANTEE(S) (MORTGAGEE(S), ASSIGNEE(S), OR OTHER(S) -- SEE INSTRUCTIONS)

PERCENTAGE OF VESSEL MORTGAGED OR MORTGAGE ASSIGNED _____%. (100% UNLESS OTHERWISE STATED)

6. AMOUNT

7. IDENTIFICATION OF INSTRUMENT ASSUMED, ASSIGNED, AMENDED, SUPPLEMENTED, SUBORDINATED, OR OTHERWISE MODIFIED:

RECORDED BOOK: PAGE: FILED/RECORDED DATE: TIME:

OTHER IDENTIFYING DATA:

8. CERTIFICATION AND ATTESTATION:

I (WE) HEREBY CERTIFY THAT THE FACTS RECITED HEREIN ARE TRUE AND CORRECT. I (WE) UNDERSTAND THAT THE U.S. COAST GUARD WILL RELY ON THOSE RECITATIONS IN INDEXING THE ATTACHED INSTRUMENT.

SIGNATURE(S): (SEE INSTRUCTIONS)

FOR THE GRANTOR(S)

_____

_____

FOR THE GRANTEE(S)

_____

_____

STATE:

COUNTY:

SUBSCRIBED AND SWORN BEFORE ME ON: _____

_____
NOTARY PUBLIC
MY COMMISSION EXPIRES: _____
(DATE)

WARNING: FALSE STATEMENT MAY RESULT IN FINE OR IMPRISONMENT PURSUANT TO TITLE 18 USC.

REVERSE OF CG-5542 (REV. 1-92)

OMB APPROVED
2115-0110

INSTRUCTIONS

1. SELF-EXPLANATORY. A SCHEDULE MAY BE ATTACHED IF MORE THAN ONE VESSEL IS AFFECTED BY THE INSTRUMENT ATTACHED.

2. LIST COAST GUARD ASSIGNED OFFICIAL NUMBER, MANUFACTURER'S HULL IDENTIFICATION NUMBER (HIN) ASSIGNED IN ACCORDANCE WITH RULES IN 33 CFR, OR OTHER UNIQUE IDENTIFIER. (STATE MOTORBOAT NUMBERS ARE NOT CONSIDERED UNIQUE IDENTIFIERS.)

3. SELF-EXPLANATORY.

4. GRANTOR. FOR PURPOSES OF THIS FORM, GRANTORS INCLUDE MORTGAGORS, ASSIGNORS, PERSONS ASSUMING MORTGAGES, PERSONS GRANTING SUBORDINATION OF MORTGAGES. LIST ALL GRANTORS AND ADDRESSES. A SEPARATE SCHEDULE MAY BE ATTACHED IF MORE ROOM IS NEEDED.

5. GRANTEE. FOR PURPOSES OF THIS FORM, GRANTEES INCLUDE MORTGAGEES, ASSIGNEES, PERSON FROM WHOM MORTGAGES ARE ASSUMED, AND PERSON TO WHOM SUBORDINATION OF MORTGAGES ARE GRANTED. LIST ALL GRANTEES AND ADDRESSES. A SEPARATE SCHEDULE MAY BE ATTACHED IF MORE ROOM IS NEEDED.

6. SELF-EXPLANATORY.

7. NOT USED FOR NEW CHATTEL OR PREFERRED MORTGAGES. MUST BE COMPLETED FOR ASSUMPTIONS, ASSIGNMENTS, AMENDMENTS, OR OTHER INSTRUMENTS MODIFYING CHATTEL OR PREFERRED MORTGAGE FILED PREVIOUSLY OR CONCURRENTLY.

8. REQUIRED SIGNATURES AND NOTARIZATION:

- CHATTEL OR PREFERRED MORTGAGES, AMENDMENTS, OR SUPPLEMENTS: GRANTOR AND GRANTEE OR PERSONS ACTING ON BEHALF OF THOSE ENTITIES.

- ASSUMPTION OF MORTGAGE: ASSUMING PARTY AS GRANTOR, ORIGINAL MORTGAGOR AND MORTGAGEE AS GRANTEES, OR PERSONS ACTING ON BEHALF OF THOSE ENTITIES.

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Thursday
March 26, 1992

Part IV

Department of Labor

Employment and Training Administration

Interim Report of the Advisory Panel for the Dictionary of Occupational Titles; Notice

DEPARTMENT OF LABOR

Employment and Training Administration

Interim Report of the Advisory Panel for the Dictionary of Occupational Titles (APDOT)

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of interim report; request for comments.

SUMMARY: The Dictionary of Occupational Titles Review (DOT) is a Secretarial initiative designed to ensure that the DOT becomes an effective tool for meeting the workforce challenges of the 1990's and beyond. As the nation's single most comprehensive source of occupational information, the DOT is uniquely positioned to help the Department of Labor (DOL) shape its response to the issues of workplace changes and skills development. In August 1990, the Secretary of Labor appointed the Advisory Panel for the Dictionary of Occupational Titles (APDOT) and charged the panel with recommending strategies for developing, producing, and disseminating a new DOT. By the end of the Review, in February 1993, the APDOT Chair and members are required to complete the following specific duties: (1) Recommend the type and scope of coverage as well as the level of detail that should be collected on occupations to produce a DOT; (2) Advise on appropriateness of methodologies of occupational analysis used to identify, classify, define, and describe jobs in the DOT; (3) Advise on new or alternative approaches to the production, publication, and dissemination of the DOT; and (4) Recommend options for implementation of improvements to the DOT. The Interim Report that follows was developed by APDOT to clarify the approach and status of activities in the DOT Review and to solicit comments from interested persons and organizations on critical issues currently under discussion. The report describes activities undertaken to date, tentative findings, and potential options for recommendations. Specific sections in the report correspond to ten (10) major issue areas currently under study. To encourage response, specific questions for comment are listed at the conclusion of the report. The Interim Report was prepared by APDOT and does not necessarily reflect the views of the U.S. Department of Labor.

DATES: Comments are invited from the public. Written comments must be received by June 9, 1992.

ADDRESSES: Send comments to Dr. Marilyn B. Silver, Executive Director, Advisory Panel for the Dictionary of Occupational Titles, room N4470, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Dr. Marilyn B. Silver, Executive Director, Advisory Panel for the Dictionary of Occupational Titles, room N4470, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone 202–535–0161 (this is not a toll-free number).

Signed at Washington, DC this 17th day of March, 1992.

Roberts T. Jones,

Assistant Secretary for Employment and Training.

Appendix

Interim Report

From The Advisory Panel for the Dictionary of Occupational Titles (APDOT)

Members of the Advisory Panel for the Dictionary of Occupational Titles (APDOT)

Ms. Dixie Sommers, Chair, Ohio Bureau of Employment Services, Columbus, Ohio
Mr. Ken Baker, Freeman White Architects, Charlotte, North Carolina
Dr. Sue Berryman, Institute on Education and Economy, New York, New York
Mr. Manfred Emmrich, North Carolina Employment Security Commission, Raleigh, North Carolina
Dr. Marilyn K. Gowing, Office of Personnel Management, Washington, DC
Mr. Reese Hammond, International Union of Operating Engineers, Washington, DC
Dr. Anita Lancaster, Defense Manpower Data Center, Arlington, Virginia
Dr. Malcolm Morrison, National Association of Rehabilitation Facilities, Reston, Virginia
Dr. Kenneth Pearlman, American Telephone & Telegraph, Morristown, New Jersey
Dr. Richard Santos, University of New Mexico, Albuquerque, New Mexico
Dr. C. Gary Standridge, Fort Worth Independent School District, Forth Worth, Texas
Mr. Charles Tetro, Training and Development Corporation, Bucksport, Maine
Executive Director, Dr. Marilyn B. Silver, Aguirre International
Project Officer, Ms. Donna Dye, U.S. Employment Service

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I. Executive Summary

Background

The DOT Review is a Secretarial Initiative designed to ensure that the Dictionary of Occupational Titles (DOT) becomes an effective tool for meeting the workforce challenges of the 1990's and beyond. As the nation's single most comprehensive source of occupational information, the DOT is uniquely positioned to help the Department of Labor shape its response to the issues of workplace changes and skills development. A revised DOT has the potential to serve as a centerpiece of the Department of Labor's strategy to improve the competitiveness of the American workforce. The Secretary of Labor has appointed the Advisory Panel for the Dictionary of Occupational Titles (APDOT) and charged the panel with recommending strategies for developing, producing, and disseminating a new DOT. Final recommendations are expected in February 1993.

The Interim Report was developed by APDOT to clarify the approach and status of activities in the DOT Review and to solicit comments from interested persons and organizations on critical issues currently under discussion. The report describes activities undertaken to date, tentative findings, and potential options for recommendations. To encourage response, specific questions for comment are listed at the conclusion of the report.

Contents Overview

A review of the Interim Report reveals that APDOT is confronting difficult and complex issues. Specific sections in the report correspond to ten (10) major issue areas currently under study. The remainder of the Executive Summary outlines these ten areas.

Purpose Statement

Believing that decisions on form and function should follow purpose, APDOT advocates that the Department of labor clearly define the intended purpose of the DOT. In its recommendation, APDOT expands the current DOT purpose statement to move beyond serving the traditional employment service job matching function to promote the development of the workforce. APDOT's view of the DOT's purpose underscores increased linkages

between the workplace and the education and training community. As defined in the report:

> The purpose of the Dictionary of Occupational Titles (DOT) is to promote the effective development and use of the American workforce. The DOT accomplishes its purpose by providing a database that identifies, defines, and classifies occupations in the economy in an accessible and flexible manner.

Ten Guiding Principles

To focus staff research efforts and to provide guidance for making recommendations, APDOT has formulated a framework of Ten Guiding Principles. These principles are as follows:

1. The DOT must have a high degree of reliability and validity in accomplishing the core mission for the Department of Labor.
2. The DOT must provide information about occupations that includes a variety of relevant occupational characteristics, such as skill types and levels, educational requirements, work environment characteristics, and associated work behaviors or worker requirements.
3. The DOT must provide occupational information to foster the development and training of American workers. The occupational characteristics used in the DOT must encourage the efficient use of human resources and reflect actual job requirements.
4. The DOT should become the national benchmark for identifying, defining, and classifying occupational information. In promoting a common language among consumers of occupational information, the DOT can foster uniformity in data systems and link easily with related databases.
5. The DOT should be a user-friendly, high accessible database.
6. The level of aggregation in the DOT must be useful to major users.
7. Data collection for the DOT must be based on systematic sampling techniques.
8. The Department of Labor should investigate the potential for dramatically decreasing the number of occupations to be detailed in the DOT.
9. The Department of Labor should explore the potential for contracting with other agencies/users that require data beyond that needed by DOL's core users.
10. APDOT will make recommendations that are fiscally responsible, but that also consider return on investment and cost/benefit analysis.

Priority Ranking of Uses

APDOT was asked to priority rank DOT user needs. APDOT believes that setting priorities for meeting user needs is the only way to develop a fiscally responsible plan for revising the DOT. Identifying Department of labor officials and State and local grantees as core users of the DOT, APDOT recommended these users as the DOT's top-priority constituency. Although APDOT believes that meeting the needs of Department of Labor users will also meet most needs of other groups including private sector employers, it has recommended that the Department explore the potential for contracting with other agencies/users that require data beyond that needed by its core users.

DOT Users and Uses

The Interim Report acknowledges that before final recommendations can be offered, a thorough analysis of empirically-based data, gained through a comprehensive user survey, must be completed. This survey will be completed later this year. To date, APDOT has heard from a wide range of users who testify to literally millions of decisions being made annually based on the DOT in areas such as career counseling and placement, social security disability determinations, alien labor certifications, and employment and training program planning and evaluation. The Interim Report summarizes 12 generalizations that have emerged regarding user needs. These include requests for currency, accuracy, flexibility, validity, and reliability of data in the new DOT as well as improved linkages with other classification systems and the capability to identify skills transferability across occupations.

Skills and Other Occupational Characteristics

Many users of the DOT need to know the skills and skill levels that are necessary for successful job performance. APDOT has proposed a structure of four domains for organizing and presenting skill-related information. The skill-related information categorized in these four domains varies in its degree of generality or specificity and spans both worker-oriented and job-oriented content. The four domains, which are defined and described in the report, have been labeled: Basic Aptitudes and Abilities, Cross-Functional Skills, Generalized Work Behaviors, and Occupation-Specific Skills.

Basic aptitudes and abilities, the most general category of skill-related information, is composed of the classic aptitude/ability domains: cognitive, psychomotor, spatial/perceptual, and physical. (This domain is analogous to the Secretary's Commission on Achieving Necessary Skills (SCANS) "basic" and "thinking" skills.)

Cross-functional skills, a more specific category of skill-related information, represent applications of aptitudes and abilities to the performance of broad activities that occur across wide ranges of occupations. Examples of cross-functional skills are: fact finding, evaluating information, organizing and planning, interpersonal skills, and negotiation skills. (This domain is analogous to many of the SCANS "competencies.")

Generalized work behaviors are more specific than cross-functional skills. Examples of generalized work behaviors include: writing reports, reading blueprints, preparing budgets, and repairing electrical appliances. APDOT's rationale for including generalized work behaviors stems from the view that this intermediate level of skill description may be a particularly useful level for evaluating skills transferability across occupations.

Occupation-specific skills, the most specific category of skill-related information, is composed of skills, knowledge, and machine, tool, and equipment proficiencies that tend to be unique to specific occupations or homogeneous job families. Such information may be stated as occupation-specific tasks such as "inspect and recharge mobile communications equipment," or "type and proofread statistical charts." Because some DOT users need occupational information that is not readily described within the structure of the four domains, APDOT will also examine procedures for including occupational characteristics such as education, experience, physical demands, work environment characteristics, interests, and temperaments.

International Review

The report indicates that several countries are apparently ahead of the United States in developing skill-based systems for classifying and describing occupations.

DOT Use in Federal Statutes, Regulations, and Legislation

Although DOT use for many Federal agencies is mandated or suggested in Federal regulations, this does not appear to restrict modifications to the DOT.

Regulations evolved from DOT use; if the DOT is changed, APDOT believes that regulations can and should be changed.

Classification Issues

APDOT is currently investigating options for classifying occupational information (1) by skills; (2) by type of work performed; and/or (3) by some other method. There is considerable interest, particularly on the part of the Bureau of Labor Statistics and the Office of Management and Budget, in coordinating proposed revisions of the Standard Occupational Classification with the DOT to produce a system that better serves the needs of Federal agencies. APDOT recommends that the Secretary establish a single work group or other entity within the Department of Labor with responsibility for occupational classification systems. APDOT believes that assigning responsibility in this way will help ensure that the resulting classification systems are both conceptually and technically compatible.

Job Analysis Methodologies

APDOT is reviewing alternative job analysis methodologies and techniques that could replace and/or supplement the current plan. The current DOT job analysis methodology was developed at a time when the nature of work was routinized, repetitive, and organized along hierarchical lines. In today's economy, work is becoming more flexible, problem-oriented, and organized in teams. Many occupations are increasingly knowledge-based, demanding more cognitively-oriented work skills. Such changes add new dimensions of interaction and complexity to work activities, and potentially change the traditional concept of a job or occupation. Concerns regarding the current job analysis methodology focuses on its adequacy in capturing occupational characteristics within increasingly dynamic work settings.

Format and Dissemination Issues

Current users of the DOT appear unanimous consent in their desire for an electronic, automated DOT database with some hard-copy availability. Users appear to desire the capability of conducting database searches of information with different variables. Automation offers increased flexibility in the way data are presented and accessed. In giving both DOT developers and users a range of options not previously available, an automated, electronic database has the potential to drastically alter the way the DOT is developed and used.

II. Background

The DOT Review is a Secretarial Initiative designed to ensure that the Dictionary of Occupational Titles (DOT) becomes an effective tool for meeting the workforce challenges of the 1990's and beyond. As the nation's single most comprehensive source of occupational information, the DOT is uniquely positioned to help the Department of Labor (DOL) shape its response to the issues of workplace changes and skills development. A revised DOT has the potential to serve as a centerpiece of the Department of Labor's strategy to improve the competitiveness of the American workforce. The Secretary of Labor has appointed the Advisory Panel for the Dictionary of Occupational Titles (APDOT), and charged the panel with recommending strategies for developing, producing, and disseminating a new DOT. By the end of the Review, in February 1993, the APDOT Chair and members are required to complete the following specific duties:

(1) Recommend the type and scope of coverage as well as the level of detail that should be collected on occupations to produce a DOT;

(2) Advise on appropriateness of methodologies of occupational analysis used to identify, classify, define, and describe jobs in the DOT;

(3) Advise on new or alternative approaches to the production, publication, and dissemination of the DOT; and

(4) Recommend options for implementation of improvements to the DOT.

The Interim Report was developed by the APDOT at the request of the Employment and Training Administration (ETA). While APDOT is not prepared to make final recommendations at this time, the Interim Report will clarify the approach and status of activities currently underway in the DOT Review. The report will inform Secretary Martin and through publication in the **Federal Register**, the interested public, about activities undertaken to date, tentative findings and potential options for recommendations. The intention of APDOT and the Department of Labor in developing the Interim Report is to solicit comments from interested persons and organizations in critical issues currently under discussion. Specific questions for comment are listed at the conclusion of the report.

The DOT Review Project has been divided into major issue categories currently under study and represented by the following sections in the Interim Report:

- DOT Purpose Statement
- Ten Guiding Principles for DOT Review
- Priority Ranking of Uses
- DOT Users and Uses
- Skills and Other Occupational Characteristics
- International Review
- DOT Use in Federal Statutes, Regulations, and Legislation
- Classification Issues
- Job Analysis Methodologies
- Format and Dissemination Issues
- Toward Recommendations/ Questions for Reader Response

III. DOT Purpose Statement

Purpose Statement

The purpose of the Dictionary of Occupational Titles (DOT) is to promote the effective development and use of the American workforce. The DOT accomplishes its purpose by providing a database that identifies, defines, and classifies occupations in the economy in an accessible and flexible manner.

Background

Historically, the purpose of the DOT was to provide the public employment service with a comprehensive body of standardized occupational information to be used for placement and job matching. Today, the uses of the DOT reach far beyond this initial purpose and include a large and diverse user population. The purpose of the DOT now extends to promoting the effective use and development of the American workforce by providing information for numerous functions in career development, education and training, human resources management, and vocational counseling.

The DOT provides occupational information for employees, workers, government agencies, teachers, students, human resource professionals, unions, and other to support uses such as counseling, rehabilitation services, placement, alien labor certification, disability determination, curriculum development, employment and training program planning and evaluation, social science research, and the development of labor market information. Many of these uses share the common goal of placing workers in jobs. By identifying and defining characteristics of occupations, and by facilitating the match of individual workers with jobs, the DOT supports the effective use of the current workforce.

Supporting the development of the capabilities/skills of current and future

workers is an expanded role for the DOT. This expanded role maintains the Department of Labor perspective of improving the workforce and moves beyond the public employment service's traditional use of the DOT into more extensive use by the education and training community. To support the development of the workforce, a revised DOT needs to described various types and levels of skill-related information. Such information may be used to create educational curricula and for other human resource management purposes. Thus, a revised DOT can be used to more effectively link the world of work with education and training.

The DOT's potential for accomplishing an expanded purpose of promoting the development and use of the American workforce is greatly enhanced through the addition of computer technology. While a revised DOT will continue to identify, define, and classify occupational information in the economy, an automated, electronic database will allow users to access, select, the organized information about occupations. This will greatly improve the accessibility and flexibility of the DOT to respond to user needs and fulfill its purpose.

IV. Ten Guiding Principles for DOT Review

APDOT developed the following guiding principles to assist with its review of the DOT. The principles will guide DOT Review staff in its ongoing research efforts. Most importantly, these principles will help APDOT as it makes decisions regarding specific recommendations for revising the DOT.

1. The DOT must have a high degree of reliability and validity in accomplishing the core mission for the Department of Labor.

This guiding principle refers to the inclusion of information that accurately represents occupations as they exist in the current American labor market. It also underscores APDOT's view that the DOL core users of the DOT represent its top-priority constituency. (See section below on Priority Ranking of DOT Uses.) To meet this challenge, alternative data collection methodologies may be needed or the existing methodology may need to be adapted to reflect a changing occupational structure. Because much occupational research uses the DOT as a standard of comparison, the methodologies selected to conduct data collection must ensure the reliability and validity of occupational information. These methodologies must identify major dimensions of occupations and reflect scales that measure these dimensions following acceptable psychometric practices.

2. The DOT must provide information about occupations that includes a variety of relevant occupational characteristics, such as skill types and levels, educational requirements, work environment characteristics, and associated work behaviors or worker requirements.

Occupational characteristics define work and work behaviors, including associated workers requirements. These characteristics describe the work itself independent of personal attributes associated with workers. To identify the occupational characteristics needed in a new DOT, APDOT will begin by reviewing occupational characteristics described in the current DOT. These characteristics are: Occupational Definition, Worker Functions, General Education Development (GED), Specific Vocational Preparation (SVP), Physical Demands, Environmental Conditions, Aptitudes, and Temperaments. The Guide for Occupational Exploration (GOE) will be studied as part of a new approach to including interest as an occupational characteristic. Finally, APDOT will coordinate efforts with other DOL initiatives such as the Secretary's Commission on Achieving Necessary Skills (SCANS) and the National Advisory Commission on Work-Based Learning that are looking at skills assessment and skills standards issues.

3. The DOT must provide occupational information to foster the development and training of American workers. The occupational characteristics used in the DOT must encourage the efficient use of human resources and reflect actual job requirements.

This guiding principle addresses the issue of fully using human resources. The DOT provides information for employers, workers, government agencies, teachers, students, human resource professionals, and other interested in the development and use of the workforce. Among the uses of the DOT are: Curriculum development, employment and training program planning and evaluation, counseling, certification, human resource development, and other occupational information needs. The collection of valid and reliable occupational information in a revised DOT will result from the use of measures that reflect actual job requirements. The use of such measures eliminates barriers to diversity in the workforce and facilitates the ability of workers to engage in career mobility activities. This principle is particularly important for addressing Equal Employment Opportunity (EEO) concerns. In addition, focusing on actual job requirements facilitates the development of appropriate curricula for training and the selection of appropriate candidates for job placement.

4. The DOT should become the national benchmark for identifying, defining, and classifying occupational information. In promoting a common language among consumers of occupational information, the DOT can foster uniformity in data systems and link easily with related databases.

This guiding principle addresses the need for the uniformity of data systems and highlights the opportunity to maximize intra- and interagency coordination. Inherent in this guiding principle is the need to standardize occupational terminology for consistent use across sectors. As the nation's single most comprehensive source of occupational information, the DOT is uniquely positioned to foster a common language and to serve as a national benchmark. The future DOT may be able to meet the needs of key DOL initiatives such as the Secretary's Commission on Achieving Necessary Skills and the National Advisory Commission on Work-Based Learning while linking with related databases from the Office of Personnel Management, the Bureau of Labor Statistics, and the Census Bureau as well as from industry, education, and defense. APDOT understands that if the future DOT differs significantly from the current version, appropriate crosswalks will be needed to facilitate users' longitudinal studies. Crosswalks will also be needed for existing classification systems and databases that use the DOT.

5. The DOT should be a user-friendly, highly accessible database.

This guiding principle addresses the issue of DOT format and dissemination. There is universal agreement among DOT users on the need to automate the next DOT. The revised DOT will be a database that is easily available to all users of occupational information. The database will facilitate the manipulation of DOT data to accommodate the diverse needs of users. The terminology the DOT will use to describe job tasks and technology will be understandable to all users. Because of anticipated changes, DOL may need to develop specialized, user-friendly software including various "help menus" and/or instructional programs and user manuals to train people in using the new DOT database.

6. The level of aggregation in the DOT must be useful to major users.

This guiding principle addresses the level of aggregation in the DOT. It includes considering the range of occupations, degree of specificity, and the need to reorganize existing data or collect new data. Some occupations may require different levels of specificity, and APDOT will consider varying the level of detail in different occupational areas. With automation, the DOT may be able to incorporate flexible levels of aggregation within one database.

7. Data collection for the DOT must be based on systematic sampling techniques.

This guiding principle addresses the issues of currency and accuracy which are major concerns to most DOT users inside and outside DOL. The call for systematic sampling techniques highlights the need for data collection methodologies that will maintain integrity and consistency throughout their applications. The sampling frame of occupations and industries used must reflect the reality of the contemporary labor market. Moreover, adequate coverage must be obtained of newly emerging industries and occupations. Data collection methodologies should help identify new occupations as they emerge. In addition, the DOT system must be flexible enough to include new occupations in the database as they meet criteria for constituting an occupation.

8. The Department of Labor should investigate the potential for dramatically decreasing the number of occupations to be detailed in the DOT.

Dramatically decreasing the number of occupations differentiated in the DOT appears to be consistent with the future direction of the American economy. Research suggests that occupational categories are collapsing and merging in today's labor market. Many companies are broadening their job classification categories, and drastically reducing the number of differentiated occupations. Current research also suggests that low-skill jobs require less differentiation than high-skill jobs. Therefore, generic descriptions for many jobs now differentiated in great detail in the DOT may be sufficient for users in the future, as long as specific or individual titles are included for sorting purposes. In addition, the broadening of occupational classification appears to be a world-wide trend, with examples emerging in Canada, the United Kingdom, and Australia. Finally, APDOT believes that the resources needed to keep some 12,000 occupations current, valid, and reliable are likely to remain beyond the funding capability of any government agency. No other country even attempts this level of detail.

9. The Department of Labor should explore the potential for contracting with other agencies/users that require data beyond that needed by DOL's core users.

Exploring the potential for contracting with other agencies/users may suggest that DOL develop a series of cost-sharing strategies or propose a fee for development of data that extend beyond core DOL needs. APDOT believes that setting priorities for meeting user needs is the only way to develop a fiscally responsible plan for revising the DOT. Cost-sharing strategies or charging fees for data development will help meet market demand, although APDOT does not believe that such approaches can ever be completely self-supporting.

10. APDOT will make recommendations that are fiscally responsible, but that also consider return on investment and cost/benefit analysis.

APDOT will give consideration to financial constraints as the panel addresses each of the guiding principles. APDOT recognizes that, in a time of limited resources, its recommendations must be fiscally responsible. In order to maximize resources, APDOT believes DOL should investigate the feasibility of incorporating job analysis data collected by others, such as the Office of Personnel Management and the Department of Defense, into the DOT database. All data accepted for inclusion in the DOT from outside sources would have to meet the standards of validity and reliability established by the Department of Labor. Moreover, because of financial constraints facing the U.S. Government and DOL, APDOT may need to recommend that the DOT be modified over a long-term, in several stages. Some changes may require the need for further research before they can be implemented. However, in making its final recommendations, APDOT will consider the larger picture of economic change in the workplace, as well as the benefits to DOL and to the nation of substantively revising the DOT to make it an occupational information tool truly useful for the 21st century. Clearly, whatever changes are made to the next edition, the DOT will need to become a dynamic database-flexible enough to accurately capture ongoing changes in the nation's economy and occupational structure.

V. Priority Ranking of Uses

One comment frequently heard about the DOT is that it tries to "be all things to all people." The Employment and Training Administration (ETA) management requested APDOT's help in defining the intended purpose and scope of a revise DOT, and in setting priorities for meeting specific user needs. The setting of priorities for meeting user needs appears to be the only way to develop a fiscally responsible plan for revising the DOT. APDOT decided to focus on uses rather than specific users, and to begin this analysis by reviewing the Department of Labor core uses of the DOT. DOL core uses include those of national officials as well as State and local grantees.

Because DOL has developed, maintained, and provided the funding for the DOT since it was first published in 1939, and because DOL continues to maintain responsibility for matching and placing workers, the Department clearly represents the top-priority constituency for DOT use. The Department also has sole or shared responsibility for many other functions in which the DOT is an important tool. These include employment and training program planning and evaluation, counseling, testing, alien labor certification, and developing labor market information.

APDOT hypothesized that identifying DOL core uses of the DOT would also accommodate many other DOT users, because the uses of other agencies and individuals will be similar. If additional uses are identified that lie outside of the DOL core uses, supplemental resources may be needed from other agencies/users to provide the funding needed for DOL to meet these lower priority needs. As stated in its guiding principles, APDOT believes that DOL should explore the potential for contracting with other agencies/users that require data beyond that needed by DOL's core users.

APDOT acknowledges that the discussion of DOT users and uses included in this Interim Report is based on preliminary data. Findings and/or suggestions offered in this report may be modified once the panel reviews the additional, empirically-based data resulting from a user survey to be conducted. At this time, staff interviewers found that the majority of DOT users at DOL are in the Employment and Training Administration (ETA), the Bureau of Labor Statistics (BLS) and the National Occupational Information Coordinating Committee (NOICC) system. Within ETA, the DOT is most extensively used by the Bureau of Apprenticeship and Training, Employment and Training Programs, Job Corps, Job Training Programs, Office of Regional Management, Office of Strategic Planning and Policy Development, and the United States Employment Service.

These results are not surprising considering that the major work of ETA, training and placement, is helping people find jobs, and that the major functions of BLS and NOICC include preparing basic data about the labor market and improving the dissemination of occupational information.

VI. DOT Users and Uses

In determining how the DOT can better respond to diverse user needs, APDOT is examining the uses of the DOT from the DOL perspective of improving the current and future workforce. Before a final report on DOT uses can be written, a thorough analysis of empirically-based data, gained through a comprehensive user survey, must be completed. As indicated earlier, in discussing the priority ranking of uses, this activity is currently under development, and will be completed later this year.

Preliminary Data Resources

This section of the Interim Report on DOT users and uses was compiled from: (1) The pretest results of a planned user survey; (2) informal discussions; (3) the National Academy of Sciences (NAS) report on the DOT (1980); (4) responses to the DOT concept paper published in the **Federal Register** in 1990; (5) public testimony at APDOT meetings by representative groups such as the Social Security Administration, the Employers' National Job Service Council, the Vocational Resource, the Vocational Evaluation and Work Adjustment Association, and National Career Development Association; (6) reports prepared by user groups, including "Use of the DOT by Career Information Delivery Systems (CIDS)" by the Association of Computer-Based Systems for Career Information and "Some Observations on the DOT as it Relates to Employment and to Required Training Time" by NOICC; and (7) preliminary draft reports on Purpose and Uses of the DOT as well as DOL Core Uses prepared by DOT Review staff. While caution is needed in analyzing information from these sources (for example, data in the pre-test user profiles was based on a very small sample and incompatibility of data elements among the various sources makes generalizing difficult), some patterns revealed will prove useful to APDOT. For example, tentative results suggest similar use patterns among varied constituencies.

Categories of DOT Use

To facilitate the study of diverse user needs, APDOT has found it beneficial to classify DOT users into 11 categories of DOT use. This grouping has helped APDOT identify similar patterns among diverse constituencies, and surface important issues for major categories of users. This listing is not exhaustive; it remains tentative and preliminary. Both the categories and the preliminary findings will be reassessed in light of the empirically-based user survey.

The 11 categories of DOT use listed in alphabetical order are as follows:

- Alien Labor Certification (includes attorneys for employers and clients, Federal certifying officers, State alien certification specialists, alien advocacy groups)
- Career and Vocational Counseling (includes high school and college counselors, public and private counselors, employment counselors)
- Curriculum Development (includes Job Corps, public and private vocational education providers, elementary, secondary, college and university decision makers/curriculum developers)
- DOL Officials (includes program functions at DOL, especially workforce development initiatives)
- Disability Determination (includes worker's compensation carriers, social security disability examiners, public and private disability attorneys)
- Employment Placement (includes JTPA, Job Service, private employment services)
- Human Resource Development/Human Resources Management (HRD/HRM) (includes local, State, Federal, public and private HRD and HRM practitioners)
- Labor Market Information (includes public and private labor market analysts and economists, State LMI experts)
- Occupational Information Development and Dissemination (includes public and private developers, publishers, and vendors, Federal and State government departments of education and labor, librarians)
- Research/Other (includes social science researchers, associations, unions)
- Vocational Rehabilitation (includes public and private rehabilitation agencies, insurance companies, private practice)

From the preliminary data, the 11 use categories appear to be consistent across agencies and organizations (with the exception of DOL Officials).

General Findings About DOT Use

From the preliminary information gathered, it appears that DOT users are both large in number and diverse. Even within a single use category, specific DOT use appears diverse. However, the DOT can be seen to perform three broad functions for users. It identifies, defines, and classifies occupations. In providing this information, the DOT helps users to develop and use the capabilities and skills of current and future workers. There are some 25 different components of the DOT. Although it is probably fair to say that most of the information published in the DOT is used by some group, the parts of the DOT used most extensively appear to be the DOT titles, codes, definitions, and some selected characteristics.

DOL Use of the DOT Components

In an effort to set priorities for meeting user needs, APDOT has identified DOL core users of the DOT, including national program staff as well as the Department's State and local grantees, as its top-priority constituency. In looking at the preliminary data on DOL use, APDOT organized DOL users into the 11 use categories described above. As hypothesized by APDOT in its priority ranking of DOT uses, DOL core uses appear to be similar to those of other agencies and individuals. DOL core users, like other identified user groups, use the DOT to identify, define, and classify occupations. Similar to the findings of other data sources, the parts of the DOT used most extensively by DOL users are the DOT titles, codes, and definitions. For example, some DOL users use the DOT definitions to understand job definitions in general terms, or to gain a basic understanding of the work activity. Others use the DOT definitions to understand the specific tasks performed, the machines and equipment used, or to aid them in determining skill transferability or training requirements.

Similarly, some DOL users use the "DOT Code" extensively and record the full nine-digit codes of the current DOT for specific occupations. Others group occupations at a higher level of detail, and may use only the first-digit of the code to describe, for example, all clerical work. Moreover, they may use the code at the two-digit level to describe, for example, all printing occupations, or at the three-digit level to describe, for example, all photoengraving occupations. As the above examples illustrate, the use of the DOT definition and codes are extensive, but diverse even within similar use categories.

In general, DOL users have more interest in tasks performed (described in the current DOT definition) than in occupational characteristics (described in the current Selected Characteristics of Occupations Defined in the Dictionary of Occupational Titles). However, there is a high level of interest in the Specific

Vocational Preparation (SVP) rating. DOL users requested changes in the presentation of SVP; specifically, they asked that education and training requirements be presented separately from experience requirements.

It is important to recognize that disability determination and vocational rehabilitation uses are not generally represented in DOL core use categories. These groups appear more interested in worker characteristics than the general DOL core constituency. Moreover, disability determination and vocational rehabilitation users are particularly interested in detailed physical demands.

APDOT believes that by improving the DOT's ability to meet the needs of DOL core users, the revised DOT database will also better meet the needs of other key constituencies. However, as DOL moves forward with plans to revise the DOT, strategies for funding data collection for agencies/users that require information beyond that needed by DOL's core users will need to be identified.

Preliminary DOT User Responses

The following generalizations about DOT users needs have emerged from APDOT's preliminary investigation of the data sources listed at the beginning of this section:

- Users want the DOT to be kept current and accurate.
- Users want an automated DOT with some hard-copy availability.
- Users want flexibility in accessing DOT data as needed for different purposes.
- Users want the DOT to reflect all the jobs in the economy, but do not want all jobs reflected in the same way. (Some users want broad, inclusive definitions for descriptions of low-skill jobs and specific, detailed definitions for descriptions of high-skill jobs.)
- Users are concerned particularly about the reliability and validity of the worker characteristic ratings. These are currently listed in Selected Characteristics of Occupations Defined in the Dictionary of Occupational Titles.
- Users want more information about basic and job-specific skills.
- Users want the capability to group "similar" occupations in order to examine or show transferability or mobility among occupations.
- Users differ in the level of detail they require for DOT codes and definitions.
- Users want better linkage with other classification systems and labor market information.
- Users disagree on priorities for data collection. Suggestions for data collection priorities include study of emerging industries, most prevalent occupations, and high-demand occupations.
- Users want improved information on basic and high-level skill requirements for occupations.
- Users want to retain (or improve) data on physical job requirements and work environment factors characterizing occupations.

VII. Skills and Other Occupational Characteristics

Users of the DOT such as employment placement specialists, vocational guidance counselors, and educational planners need to know what skills and skill levels are necessary for successful job performance. To identify relevant skill-related issues, APDOT reviewed staff papers on "The Changing World of Work," "Interim Skills Technical Report," and "Relationships Among DOT Terms and the 37 SCANS Skills" as well as "What Work Requires of Schools" developed by the Secretary's Commission on Achieving Necessary Skills (SCANS). APDOT also reviewed responses to the **Federal Register** communications from concerned individuals and groups, and prior reviews of the DOT including the National Academy of Science Report (1980). This section of the Interim Report presents preliminary recommendations on how skills information might be presented in a new DOT. The section initially describes a preliminary skills model, and then describes a number of related skills issues. Finally, this section identifies some additional occupational characteristics that should be considered for inclusion in a revised DOT.

Proposed Skills Domains

Review of the extensive literature on "skills" reveals that definitions for this term vary widely depending on the discipline, context, or application in which the term is used. Moreover, skill-related information may be described by worker-oriented descriptors (e.g., human attributes, worker functions) and/or job-oriented descriptors (e.g., tasks performed, tools or equipment used, and work products) depending on how the skill-related information is used.

In recognition of this "definitional diversity" and to avoid prematurely excluding important types of skills information from further consideration, APDOT has elected not to adopt a single definition of "skills." Rather, APDOT has proposed a structure of four domains for organizing and presenting skill-related information. The skill-related information categorized in these four domains varies in its degree of generality or specificity, and spans both worker-oriented and job-oriented content. The four domains, which are defined and described below, have been labeled: Basic Aptitudes and Abilities, Cross-Functional Skills, Generalized Work Behaviors, and Occupation-Specific Skills.

APDOT intends these four domains to provide a tentative framework for capturing most of the important types of skill-related information needed in a revised DOT. Although this framework will require further elaboration and specification of content, APDOT believes these four domains will provide a rich array of options for users. This framework should also lend itself to a range of specific applications that require skills information of different types and at different levels of aggregation or generality.

1. Basic Aptitudes and Abilities

This is the most general category of skill-related information. It is composed of classic aptitude/ability constructs within the following domains: cognitive (e.g., verbal, quantitative, and reasoning abilities), psychomotor (e.g., manual dexterity, finger dexterity, and eye-hand coordination), spatial/perceptual (e.g., spatial perception, perceptual speed), and physical (e.g., static strength, dynamic strength, and stamina). This category is analogous to the SCANS "basic" and "thinking" skills.

2. Cross-Functional Skills

This is a more specific category of skill-related information than basic aptitudes and abilities. Cross-functional skills represent applications of various aptitudes and abilities to the performance of broad types of activities that tend to occur across relatively wide ranges of occupations. Examples of cross-functional skills are: fact finding, evaluating information, organizing and planning, interpersonal skills, and negotiation skills. This domain is analogous to many of the SCANS "competencies."

3. Generalized Work Behaviors

This category of skill-related information is more specific than cross-functional skills. The components of this domain represent aggregations of similar occupation-specific skills into broad activity statements. (Occupation-specific skills are defined below). Generalized work behaviors do not include highly occupation-specific content, and they tend to occur across substantial numbers of different occupations. Examples of generalized work behaviors include: writing reports,

reading blueprints, preparing budgets, and repairing electrical appliances. APDOT's rationale for including generalized work behaviors as one of the skill-related information domains for further investigation stems from the view that an intermediate level of skill description may be a particularly useful level for a number of purposes, including the evaluation of skills transferability across occupations in a revised DOT. For example, basic aptitudes and abilities and cross-functional skills may be too generic, and occupation-specific skills may be too specific, for optimally evaluating skills transferability.

4. Occupation-Specific Skills

This is the most specific category of skill-related information. This domain is composed of skills, knowledge, and machine, tool, and equipment proficiencies that tend to be relatively unique to specific occupations or homogeneous job families. Such information may be stated as occupation-specific tasks (e.g., "inspect and recharge mobile communications equipment," or "type and proofread statistical charts"), as terms denoting areas of specialized subject matter knowledge (e.g., organic chemistry, library indexing systems), or as lists of machines, tools, and equipment (e.g., printing press, micrometer, and facsimile machine).

Skills Issues

Although the treatment of skills in a new DOT may ultimately be contingent upon the resolution of related issues including the classification system selected, the job analysis methodology utilized, and the level of aggregation attempted, several other skills issues are also currently under investigation by APDOT. These skills issues include: type and level of skills, classifying/grouping by skills, skills transferability, and the treatment of skill-related information in the current DOT. These issues are discussed below.

Type and Level of Skills

In some cases, the number and type of skills desired by users and the capability that currently exists for measuring corresponding proficiency levels required are in conflict. For example, some users have requested detailed data about physical skills, with relevant scales about lifting, bending, and carrying. However, research suggests that a single, more general scale will more accurately measure and capture the same information about the job's physical skill requirements. APDOT wishes to retain data on physical requirements in a revised DOT, and will continue to investigate acceptable, cost-effective measures.

The 1980 review of the DOT by the National Academy of Sciences, Work, Jobs, and Occupations: A Critical Review of the Dictionary of Occupational Titles, suggested that at least some current ratings of occupational characteristics are redundant and unreliable. These occupational characteristics are worker-oriented and job-oriented descriptors. The report also found the validity of some of these characteristics in the fourth edition of the DOT to be dubious. The APDOT-proposed skills domains may incorporate the same type of worker-oriented and job-oriented descriptors used in the current occupational characteristics. However, the type of information about skills included in a new DOT will depend on DOL's ability to develop valid and reliable tools to measure them. Because other DOL initiatives such as SCANS and the National Advisory Commission on Work-Based Learning are both addressing skills issues, APDOT believes that changes to the DOT should be coordinated with these efforts.

Classifying/Grouping by Skills

Because of intense interest in skills on the part of policy makers and current DOT users, the idea of using skills as the conceptual framework for a new DOT classification system has been raised for APDOT consideration. The possibility of a new DOT being disseminated as an electronic and automated database may substantially reduce the importance of this issue. (See "Format and Dissemination Issues" section of this report.) With an electronic and automated DOT, users would be able to manipulate skill-related data and, in effect, create classification systems and/or job groupings (skill-based or otherwise) customized to their own needs and purposes.

Skills Transferability

Transferable skills are those skills that are common to more than one occupation. They enable individuals to move successfully from one occupation to another. Information about transferable skills plays a critical role in helping us to define and understand occupational mobility patterns both within (e.g., career ladders) and across (e.g., career lattices) occupational areas. Consequently, the identification of these skills and their determinants has been a focal point for educators and human resources professionals concerned with individual employability and training. Providing information relevant to the analysis and determination of transferable skills will be essential in a revised DOT.

Skills in the Current DOT

The current DOT contains information about a variety of skill-related descriptors (e.g., aptitudes, worker functions, tasks performed, and machines, tools, and equipment used). However, the skill-related information in the current DOT does not allow users to clearly extract or manipulate data. For example, some skills contained in the current DOT must be inferred from the definitions or interpreted from the worker function scales. Some users perceive that potentially important kinds of skills are not adequately represented in the DOT. DOT Review staff has also identified, in the preliminary data regarding skills (from the **Federal Register** response and informal discussion), a disparity between what respondents said about what they want in a revised DOT, and what users state that they actually use. While skills descriptions were high on the list of data desired in the DOT by many users, the skill-related components of the current DOT were not used extensively. This disparity may be explained in several ways: (1) Users may be unfamiliar with the DOT skill components, and unaware of how to use them; (2) users may be familiar with the DOT skill components, but find them inadequate for their needs, or too difficult or confusing to use; (3) users may be familiar with the DOT skill components, but unwilling to trust their reliability or validity; or (4) the user sample was limited/distorted.

Other Occupational Characteristics

Some users of the DOT need occupational information that is not readily described within the structure of the four domains presented above. In recognition of this fact, APDOT will examine current and alternative procedures for including DOT occupational characteristics other than skill-related information. These include, but are not limited to, education, experience, physical demands, work environment characteristics, interests, and temperaments.

Next Steps

APDOT will review responses to this Interim Report relevant to the proposed skills domains and skill-related issues. This information, in conjunction with the results of a comprehensive user survey and consultation with nationally recognized experts, will be used to modify and refine the proposed skills

domains as warranted, and to develop options for operationalizing them.

VIII. International Review

This section of the Interim Report highlights key issues and findings for the DOT Review resulting from a study of occupational analysis and/or classification systems in: Australia, France, Japan, Sweden, and the United Kingdom. The study was directed by Eivind Hoffmann of the International Labour Organization (ILO). Information on Germany and the Netherlands will be forthcoming at a later date. At this time, APDOT intends to pursue further study of the work underway in Australia, the United Kingdom, and the Netherlands, three countries that appear to be in the process of developing skill-based systems for classifying and describing occupations. Following the ILO-based summary, this section of the Interim Report also includes key information identified by Dr. David Stevens, University of Baltimore, regarding recent work in Canada that has direct application to the DOT Review.

Findings from the International Review

General findings from the ILO international studies relevant to the DOT Review may be summarized as follows:

- Several countries are in the process of developing skill-based systems for classifying and describing occupations. These include the United Kingdom, Australia, Canada, and the Netherlands. In general, skill as used in these systems refers to education or experience or a combination of such information. The Netherlands may be an exception.
- No other country studied appears to attempt comprehensive coverage in one document or database like the DOT. In other countries, the occupational information which appears in the classification system is used for statistical purposes. Other tools are used for job placement, vocational rehabilitation, and similar purposes.
- None of the countries reviewed has yet found a cost-effective, successful method for keeping its main occupational classification and dictionary accurate and current. Separate systems used for vocational guidance, however, are regularly updated; typically every year or two. However, the Netherlands has a regular program to keep *some* of the main system accurate and current.
- Because the systems reviewed are in development, and documentation has not yet been completed, information about the amount and quality of research supporting the development of occupational information was not readily available. As a result, APDOT remains unclear about the reliability or validity of measures used abroad.
- Information provided about costs of developing complete occupational descriptions suggests that cost is a major issue for other countries. (For example, France and Australia both greatly under-estimated the time and resource requirements for revising their systems.)
- Some work has been completed to illustrate transferability of skills between occupations in France and to a lesser extent, the Netherlands.

Canadian Occupational Information

In addition to commissioning the ILO Report, the Department of Labor asked Dr. David Stevens, Director, Regional Employment Dynamics Center, University of Baltimore, to look at recent changes to the Canadian occupational information system and report back to APDOT on lessons learned. Since Canada's economy is similar to that of the U.S., and since the Canadians are currently engaged in extensive revisions of their entire system, this review appeared to be particularly appropriate. Dr. Stevens' report, Canada's National Occupational Classification Taxonomy, identified a number of key points relevant to the DOT Review. They are as follows:

- Canada's occupational information system includes the National Occupational Classification System (NOC); JOBSCAN; and a yet-to-be developed career information system for worker attributes. The NOC, developed by Employment and Immigration Canada (EIC) in cooperation with Statistics Canada, will replace the Canadian Classification and Dictionary of Occupations (CCDO). The NOC is a systematic taxonomy of occupations that is intended for use in compiling, analyzing, and communicating information about occupations. The new career information system and an electronic version of the NOC will also be released through private vendors. Canada's intention is to provide a core product which will be available for vendor/user adaptation to particular market niches. This approach has also been advocated for the DOT.
- The NOC was designed to remedy problems identified in the CCDO. (The CCDO was based on the 3rd edition of the DOT.) The NOC illustrates transferable skills, occupational mobility, and typical patterns of upward progression. The criteria for classification and presentation in the NOC are skill levels and skill type except when occupational mobility is limited to a specific industry. In such cases, the basis for classification becomes the specific industry.
- In principle, all occupations in the economy are covered in the NOC. A key issue is the degree of resolution in coverage. In the NOC, the level of information provided varies depending on job complexity or the type of skills required. Canadian decision makers believe that all occupations do not need to be approached in the same way. Furthermore, Canadian officials believe that skills information and related occupational characteristics such as education and experience are the key factors needed by placement specialists and employers to make referral and hiring decisions. They felt that job descriptions covering groups of jobs were sufficient to replace the very specific definitions of the CCDO.
- In developing the revised NOC, Employment and Immigration Canada as well as Statistics Canada have focused on their own operational needs. The intended uses are counting, labor exchange, immigration, equity, employment, training, and projections. This approach corresponds to the APDOT recommendation of a priority ranking for DOL core uses.
- Although structured questionnaires were used extensively to collect data for the NOC, numerous, detailed, on-site interviews were also conducted to obtain relevant skills and other information.
- In addition to the fixed classification structure of the NOC, Canada has created JOBSCAN to replace the use of the CCDO for the matching and placement of workers. JOBSCAN is a job-worker matching system containing an inventory of worker skills and employer hiring criteria, with variables expressed in similar terms to permit job matching. According to Margaret Roberts, Chief, Occupational Information Development, EIC, integral to the concept of JOBSCAN is the system's ability to reflect dynamic changes inherent in the world of work.
- The use of checklists in JOBSCAN allows precise definition of a particular job or the sum total of a worker's skills without reference to occupational codes. In addition to matching worker's skills with employer requirements, checklists assist in defining areas of mobility and transferability of skills. Like other foreign countries studied, Canada has chosen to separate the sorting and statistical functions from matching and placement. It is probably fair to say that if the items in JOBSCAN were compiled into a database, they would be similar to the APDOT-proposed skill-related information domains of occupation-

specific skills and generalized work behaviors.

IX. DOT Use in Federal Statutes, Regulations, and Legislation

In making its final recommendations, APDOT will consider the impact of changes in the DOT on Federal agencies whose use of the DOT is mandated by statute or regulation. A search of the LEXIS legal database revealed three references to the DOT in Federal statutes and seventy references in the Code of Federal Regulations. Staff also consulted the Legislative Guide for Labor Market Information produced by the Interstate Conference of Employment Security Agencies, Inc. (ICESA), to learn how Federal legislation requires the use of labor market information.

Although DOT use for many Federal agencies is either mandated or suggested in Federal regulations, this fact alone does not appear to restrict modifications to the DOT. Regulations evolved from DOT use; if the DOT is changed, APDOT believes that regulations can and should be changed. The DOT is used as an arbiter in some Federal activities such as social security disability determination and alien labor certification. Legal decisions regarding disability are sometimes based on DOT data. APDOT recognizes that as the DOT is modified or improved, laws, regulations, and operational practices may need to be changed. If major changes are recommended, APDOT may also recommend that an appropriate time-phased plan be used for implementation to lessen the potential for disruption.

X. Classification Issues

APDOT recommendations regarding possible changes to the classification system of the DOT represent a fundamental issue for the Department of Labor. The DOT Review is currently investigating an array of methods for classifying occupational information in a revised DOT. Options include classifying: (1) By skills; (2) by type of work performed; and/or (3) by some other method. It should be noted that these classification systems are not mutually exclusive. There is considerable interest, particularly on the part of the Bureau of Labor Statistics and the Office of Management and Budget, in coordinating proposed revisions of the Standard Occupation Classification (SOC) with the DOT to produce a system that better serves the needs of Federal agencies. The goal is to make the two classification systems more compatible. The feasibility of a coordinated approach to classification or the possible creation of a single system demands serious study.

APDOT tentatively recommends that the Secretary establish a single work group or other entity within the Department of Labor with responsibility for occupational classification systems. This group or entity should be responsible for both the development of the classification structure of the DOT and the Department's work on the revision of the Standard Occupational Classification. APDOT believes that assigning responsibility in this way will help ensure that the resulting classifications are both conceptually and technically compatible.

It must be noted that APDOT is not, at this time, also recommending that a revised SOC be used as the classification structure of the DOT. While this is an option, APDOT has not examined this option in detail and compared it with other options. In addition to the above recommendation, APDOT will make a recommendation concerning the classification structure of the DOT.

Readers should also be aware that, if a revised SOC is recomended as the classification structure for the DOT, this does not mean that the level of detail would necessarily be limited to that provided by the SOC. A revised SOC might be used as a framework for presenting the DOT. Such a framework can accommodate information at a level more detailed than represented by the current 4-digit SOC category.

Related to the issue of classification is the recommendation APDOT will need to make regarding the level of aggregation in a new DOT. Are general categories sufficient for most users or are very specific categories required? Can the revised DOT be developed in such a way that a specific categories can be rolled up into general categories as needed? Would the Canadian NOC model of general descriptions with specific titles be workable for the revised DOT? Finally, some DOT users have suggested that automation of the DOT lessens the importance of classification as an issue in the revised DOT. APDOT will review these concerns and other before making final recommendations on changes to the classification system of the DOT.

XI. Job Analysis Methodologies

APDOT's charter requires the panel to offer DOL recommendations, not just on the DOT, but also regarding the system that produces it. As a result, APDOT is undertaking a systematic examination of job analysis methodologies. "How, what kind, and how much information on occupations should be collected?" This was one of the five "Key DOT Issues" set forth in the DOT Review concept paper published in the **Federal Register**, August 10, 1990. Some respondents to the DOT concept paper raised concerns regarding the adequacy of the current job analysis methodology to collect occupational information that accurately reflects the current world of work.

In several segments of today's economy, work is becoming more flexible, problem-oriented, and organized in teams. Many occupations are increasingly knowledge-based, demanding more cognitively-oriented work skills. Such changes add new dimensions of interaction and complexity to work activities, and potentially change the traditional concept of a job or occupation. By contrast, the current DOT job analysis methodology was developed at a time when the nature of the work in many occupations was routinized, repetitive, and organized along hierarchical lines. Concern regarding the current job analysis methodology focuses on its adequacy in capturing occupational characteristics within increasingly dynamic work settings.

Even if the current DOT job analysis and data collection methodology remains viable, some methods or scales used in the system may need to be revised to improve the validity of some occupational characteristics. APDOT is undertaking research efforts directed at identifying and reviewing alternative job analysis methodologies and techniques that could replace and/or supplement the current system.

The current job methodology is inefficient in situations where fast, comprehensive, data collection is important. In order to keep abreast of rapidly changing technologies and their impact in the workplace, methodologies that lend themselves to fast, accurate, and comprehensive collection of occupational data are needed. Respondents to the DOT concept paper suggested several alternative, data collection possibilities. Some of the approaches include the use of: Technical committees, employer groups, associations, direct mailing surveys, graduate students, government workers, and private vendors to assist in the collection of occupational information. The goal is to identify, if possible, more cost-effective methods that will facilitate the collection and analysis of accurate, current, valid, and reliable occupational information.

In addition, a related area that will be reviewed by APDOT is the sampling design used for selecting occupations for study and inclusion in the DOT. The

focus will be to research and identify methods that will assure adequate coverage of the contemporary occupational spectrum.

XII. Format and Dissemination Issues

Current users of the DOT appear to be unanimous in their desire for an electronic, automated DOT database with some hard-copy availability. Users appear to desire the capability of conducting database searches of information with different variables. APDOT believes that automation will dramatically impact the format and dissemination of the DOT. Automation offers users increased flexibility in the way data are presented and accessed. For example, information presently included in the definition might be available as separate descriptors such as tasks, work behaviors, etc. These descriptors could be selected alone or grouped together to form new definitions. In giving both DOT developers and users a range of options not previously available, an automated, electronic database has the potential to drastically alter the way the DOT is developed and used.

Format

The use of an automated, electronic database will impact the design of major parts of the DOT including, for example, the code, the definition, and the selected characteristics. APDOT will address each of these issues:

DOT Code

Currently, the DOT has a nine-digit code. Although many users are unaware of it, information about worker functions is included in the code. The middle three-digits of the DOT code organize various work activities and requirements into what is termed "data, people, things." Today users frequently use the DOT code to perform a sorting function only. They view the DOT code merely as numbers rather than as information. In a future DOT, the coding system could be changed/simplified to serve the sorting function alone with information about "data, people, things" presented in a format that is more user-friendly.

DOT Definition

Currently, information about occupationally-specific skills and knowledge requirements are contained in the definition. Users draw their own inferences about skills requirements based on the descriptions of tasks performed. In addition, the current definitions have the same level of detail for all occupations. In a revised DOT, definitional information could be divided into components such as the four domains of skill-related information suggested earlier. Moreover, the level of detail provided for occupations could be varied depending upon the needs of the users. For example, one general definition could serve the purpose of similar occupations, with individual title and/or codes available when sorting is needed. The Canadian NOC/JOBSCAN might provide a viable model.

DOT Selected Characteristics

In the current DOT, information about what an occupation requires of workers is presented, in code form, in two different places. It is present in the DOT code and in the selected characteristics. In a future DOT, this information could be included as part of the narrative definition or profile. Most users would probably benefit from a simplification of the presentation.

Dissemination

One major resource issue confronting DOL is the development of a dissemination strategy for the DOT. Currently, numerous vendors have developed targeted programs for specific users. These entrepreneurs have taken the core DOT, added value to it, and charged their customers accordingly. Should this customizing continue to be a vendor function, with DOL producing a generic database? Should DOL make more specific and more costly versions of the DOT data? If DOL is to stick with the generic version, how can the Department assure adequate resources to maintain the occupational analysis program? Is some kind of fee-for-service or profit-sharing option viable? Before APDOT can make final recommendations regarding dissemination of a revised DOT, these questions will need to be addressed.

In considering dissemination issues, DOL will need to pay careful attention to marketing and training options. APDOT believes that DOL will need to assure that the interested public is adequately informed about the DOT and its components, and appropriately trained in how to use them. For example, in addition to developing the DOT database itself, if automation strategies are adopted, DOL will need to develop various "help menus," user manuals, and solid instructional programs to train people in using the database. In conducting its preliminary analysis of DOT users, APDOT discovered that many users, including those at the national office of the Department of Labor, were unaware of DOT-related information, including the existence of such core components as Selected Characteristics of Occupations Defined in the Dictionary of Occupational Titles, the Guide for Occupational Exploration, or a DOT data tape. To properly inform users, DOL will also need to consider developing reference documents and educational programs for the user community.

XIII. Toward Recommendations/ Questions for Reader Response

This Interim Report on the DOT Review is intended to clarify the approach and status of activities currently under development. In publishing this report in the **Federal Register**, the Department of Labor and the APDOT are soliciting comments on all critical issues under discussion. The specific questions that follow reflect the major issue sections of the Interim Report; respondents are invited to comment on all or some of the questions as appropriate. All responses will be carefully considered in the review process.

1. DOT Purpose Statement

APDOT believes that DOL must clearly define the purpose of the DOT, because all other issues of form and function follow purpose. The appropriate content, scope, classification system, and dissemination strategy of the new DOT will all be determined by the purpose. Does the new DOT Purpose Statement accurately express the mission of the DOT as an occupational information tool? Please explain the answer.

2. Ten Guiding Principles for DOT Review

Do the Ten Guiding Principles provide sufficient direction for APDOT's review of the DOT? Please discuss individual principles as appropriate.

3. Priority Ranking of Uses

Does APDOT's priority ranking of DOL cores uses appear to be workable? Is there a feasible, alternative criterion for differentiating among conflicting user interests and for allocating resources?

4. DOT Users and Uses

While acknowledging that a complete discussion of DOT "uses" must include the results of an empirically-based user survey, and the final APDOT Report on the DOT will do so, do the 11 use categories identified in the Interim Report appear comprehensive? Do the 12 generalizations about user needs/

requests adequately summarize key user issues regarding the DOT?

5. Skills and Other Occupational Characteristics

Do the four skill-related information domains described in the Interim Report capture the skills needed by today's workforce? Do methodologies exist that will allow DOL to measure these skills in a valid and reliable way? Are there other important skills issues that should be addressed in a revised DOT? Are the other occupational characteristics listed sufficiently inclusive for most DOT users?

6. International Review

Is the Canadian NOC/JOBSCAN an appropriate model for a revised DOT? Please explain why or why not. Are there other lessons to be learned from abroad that reflect directly on the DOT Review?

7. DOT Use in Federal Statutes, Regulations, and Legislation

Does the Interim Report section on DOT use in Federal statues, regulations, and legislation accurately reflect the position of user organizations and agencies?

8. Classification Issues

While the best classification structure for a new DOT depends on its uses, there is considerable interest in the U.S. in developing a classification structure which can serve the needs of "dictionary" users as well as statistical users. Is the recommendation to establish a single work group within the Department of Labor with responsibility for occupational classification systems a workable option?

9. Job Analysis Methodologies

Are the concerns raised about current DOT job analysis methodologies appropriate? Please describe alternative job analysis, data collection, or occupational sampling methodologies that could accomplish the objectives discussed in this section of the report.

10. Format and Dissemination Issues

While electronic and automated dissemination is essential for the next edition of the DOT, the extent to which DOL should go in creating a viable database for users remains open. Do users want programs that will organize the data for them in packages? Do they want instructional learning packages on the computer to assist them in searching the DOT? As with the previous questions, APDOT would like to hear from interested parties regarding the issues raised in this section.

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Thursday
March 26, 1992

Part V

Department of Housing and Urban Development

Office of the Assistant Secretary for Community Planning and Development

Moderate Rehabilitation Program for Single Room Occupancy Dwellings for Homeless Individuals; Funding Availability; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N-92-3376; FR-3154-N-01]

Funding Availability for Moderate Rehabilitation Program for Single Room Occupancy Dwellings for Homeless Individuals

AGENCY: Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice of funding availability for Fiscal Year 1992.

SUMMARY: This Notice of Funding Availability (NOFA) announces HUD's funding for the Section 8 Moderate Rehabilitation Program for Single Room Occupancy (SRO) Dwellings for Homeless Individuals.

The Notice states the application, ranking, and selection procedures that will govern the use of the funds made available in Fiscal Year 1992 for use under this program.

DATES: The deadline for receipt of applications is 5:15 p.m. Eastern time on May 26, 1992 at HUD Headquarters. Two copies must also be sent at the same time to the local HUD office covering the jurisdiction in which the project is located. A list of field offices appears at the end of this NOFA. Applications transmitted by FAX will not be accepted. (While copies must be submitted to both the Headquarters and the appropriate HUD Field Office, the date and time of receipt in Headquarters will be used to determine whether the application has been submitted on time.)

FOR FURTHER INFORMATION CONTACT: James N. Forsberg, Director, Office of Special Needs Assistance Programs, room 7262, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410, telephone (202) 708–4300. Hearing-or-speech-impaired individuals may call HUD's TDD number (202) 708–9300. (These are not toll-free telephone numbers).

SUPPLEMENTARY INFORMATION: The information collection requirements contained in this rule have been submitted to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act of 1980 and have been assigned OMB control number 2506–0131.

I. Purpose and Substantive Description

The purpose of the Section 8 Moderate Rehabilitation Program for Single Room Occupancy (SRO) Dwellings for homeless individuals is to provide rental assistance to homeless individuals in rehabilitated SRO housing. The assistance is in the form of rental assistance under the Section 8 Housing Assistance Payments Program. These payments equal the rent for the unit, including utilities, minus the portion of the rent payable by the tenant under the U.S. Housing Act of 1937. HUD will make the assistance available for 10 years.

HUD enters into annual contributions contracts (ACCs) with public housing agencies (PHAs). The ACC authorizes the PHA to enter into Housing Assistance Payments (HAP) Contracts with owners in connection with the moderate rehabilitation of residential properties in which some or all of the dwelling units may not contain either food preparation or sanitary facilities. Each of these single room occupancy (SRO) units is intended for occupancy by one eligible homeless individual.

The Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11401) requires that first priority for occupancy of SRO Moderate Rehabilitation units shall be given to homeless individuals. This requirement, however, is not meant to eliminate the rights of current tenants to remain in the building after it is rehabilitated. Due to limited resources and considerations of relative need, HUD will only accept, for this funding round, applications that propose assistance for people (described below) who are not currently residing in the building, and for individuals eligible for Section 8 assistance who are currently residing in the building. Nonresident applicants must be individuals who: (1) Lack the resources to obtain housing and who (a) have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; (b) have a primary nighttime residence that is a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing but excluding prisons and other detention facilities); or (c) are at imminent risk of homelessness because they face immediate eviction and have been unable to identify a subsequent residence, which would result in emergency shelter placement; or (2) handicapped persons who are about to be released from an institution and are at risk of imminent homelessness because no subsequent residences have been identified and because they lack the resources and support networks needed to obtain access to decent housing. Applications will not be accepted under this funding round that propose assistance for individuals not residing in the building who are currently housed in overcrowded or substandard conditions but are not at imminent risk of becoming homeless for the reasons described in the previous sentence.

(a) Authority and Other Information

This program is authorized by section 441 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11401), amended by the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Pub. L. 100–628, approved November 7, 1988). On November 7, 1989, the Department published a final rule at 54 FR 46828, which sets forth at 24 CFR part 882, subpart H, the regulations for this program. The funds made available under this Notice are subject to these regulations.

Prior Notices of Fund Availability were published in Fiscal Years 1988, 1989, 1990, and 1991. The requirements of this Notice only apply to funds made available in Fiscal Year 1992 under section 441 of the Stewart B. McKinney Homeless Assistance Act. (The Fiscal Years 1988, 1989, 1990, and 1991 Notices continue in effect for the funds made available under section 441 for those Fiscal Years.)

Availability of Tax Credit

The Omnibus Revenue Reconciliation Act of 1990 (Pub. L. 101–508, Approved November 5, 1990) amended the Low Income Housing Tax Credit (LIHTC) (26 U.S.C. 42) to permit the use of Moderate Rehabilitation assistance in conjunction with the LIHTC if the assistance is being provided under the Stewart B. McKinney Homeless Assistance Act. After selection of proposals, the Department will review all selected SRO projects using the Administrative Guidelines published in the **Federal Register** on April 9, 1991 (56 FR 14436) to determine whether the level of housing assistance proposed for the project is appropriate when combined with the LIHTC.

Cost Limits—Maximum and Minimum

Under the Stewart B. McKinney Homeless Assistance Amendments of 1988 (Pub. L. 100–628, approved November 7, 1988), HUD is required to increase the SRO per unit rehabilitation cost limit each year to take into account increases in construction costs, starting with assistance provided on or after October 1, 1988. For purposes of Fiscal Year 1992 funding, the cost limitation is

raised from $15,000 to $15,500 per unit to take into account increases in construction costs during the past 12-month period. This amendment is made in accordance with 24 CFR 882.805(g), Initial contract rents.

The Department of Housing and Urban Development Reform Act of 1989 (Pub. L. 101–235, approved December 15, 1989) revised the minimum amount of rehabilitation required. A unit to be assisted must need a minimum expenditure of $3,000 of eligible rehabilitation, including the unit's prorated share of work to be accomplished on common areas or systems.

Indian Housing Authority (IHA) Participation

Under Section 835 of the Cranston-Gonzalez National Affordable Housing Act (Pub. L. 101–625, Approved November 28, 1990), an Indian Housing Authority may apply for the Moderate Rehabilitation SRO Program.

PHA-Owned Units

Section 548 of the Cranston-Gonzalez National Affordable Housing Act (Pub. L. 101–625, approved November 28, 1990) provides that a PHA may contract to make assistance payments to itself as the owner of dwelling units under the Section 8 programs. The PHA must be subject to the same program requirements as are applied to other owners. This provision removes the statutory prohibition against Section 8 assistance for units owned by the PHA which administers assistance under the ACC. However, the Department has determined that PHAs will not be authorized to enter Housing Assistance Payments (HAP) Contracts for PHA-owned units before the issuance of final regulations specifying the administrative requirements for PHA owned Section 8 units. 24 CFR 882.803(a)(2)(ii), which provides that units owned by the PHA administering the SRO program are not eligible for assistance under the SRO program, remains in effect. The Department does not anticipate issuance of final regulations under section 548 in time for the Fiscal year 1992 funding round for the SRO program. Thus, units owned by the administering PHA may not be selected or funded this round.

(b) Allocation Amounts

Approximately $105 million was appropriated for the program by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriation Act, 1992 (Pub. L. 102–139, Approved October 28, 1991). HUD estimates that this $105 million will assist approximately 2,000 units over the 10-year period. The statutory national competition procedures established for the program by section 441 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11401) apply, rather than the "fair share" allocation procedures required for most assisted housing funds by section 213(d) of the Housing and Community Development Act of 1974 (42 U.S.C. 1439(d)).

(c) Eligibility

Interested PHAs, including IHAs, are invited to submit applications for this program. Under this program, HUD will provide assistance for a 10-year period to selected PHAs.

(d) Selection Criteria/Ranking Factors

1. Initial Screening

Applications will be reviewed by both HUD Headquarters and by HUD field offices. Field offices will be responsible for making review comments, but all selections will be made by Headquarters. To be considered for ranking and possible selection, applications must meet certain threshold requirements. The threshold review, which will apply to all applications, will determine whether the application is adequate in form, timeliness, and completeness, and whether the project is eligible to participate in the program.

2. Environmental Review Requirements

When ranking applications, HUD will complete environmental reviews required under 24 CFR part 50 on all applications. HUD may elect to eliminate a proposal from consideration where the application would require an Environmental Impact Statement, or the time necessary for the completion of the review process under an environmental law for structures identified in a particular application would make it difficult for the property to be rehabilitated and occupied within a reasonable period. In order to assist HUD in the timely completion of the Historic Preservation Review process, the applicant may contact the State Historic Preservation Office (SHPO) to determine if the proposed structure(s) requires Historic Preservation clearance. If Historic Preservation clearance is required, there should be early coordination (if possible, before the application deadline) with the HUD field office to provide all the necessary information required by the SHPO.

3. Ranking

Except for proposals eliminated for the above-mentioned environmental reasons or because the proposed site is ineligible, HUD will rank all applications from PHAs that contain all items required by 24 CFR 882.805(c) of the program regulations and the application package described in Part II of this NOFA that are received by the deadline date. Each application will be ranked based upon HUD's assessment of the ranking factors listed below. Each factor indicates the maximum number of points that may be assigned for that factor. Points may be awarded up to the maximum number allotted for each factor. Successful applicants must receive points under each factor.

(a) The need for assistance, as demonstrated by the PHA's analysis of the number and characteristics of the single homeless individuals to be served and the thoroughness of the analysis of the need presented. (100 points)

(b) The PHA's ability to undertake and carry out the program within the schedule proposed by the PHA, as demonstrated by:

(i) Whether the preliminary feasibility analysis clearly demonstrates that it appears likely that the proposed structure will be feasible within the Fair Market Rent (50 points);

(ii) Whether there is evidence of site control or other evidence that the site will be available for rehabilitation in accordance with the PHA's schedule (100 points);

(iii) The percentage of units proposed for assistance which are vacant (rehabilitation of vacant units generally will result in more units becoming available for the homeless; therefore, applications where all units to be assisted are vacant will be given the full 100 points for this criterion) (100 points);

(No person shall be displaced (as defined in 24 CFR 882.803(d)(2)(i)) from a dwelling for an assisted project. In addition to applicable sanctions under the agreement, a violation of this policy may trigger a requirement to provide relocation assistance at the levels described in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, implementing regulation at 49 CFR part 24, and HUD Handbook 1378, Tenant Assistance, Relocation and Real Property Acquisition. Persons whose occupancy is terminated through a notice to vacate or the refusal to renew a lease in order to provide a vacant unit for the project qualify as "displaced persons" who are eligible for assistance.)

(iv) Whether it appears feasible, based on assessments of the capabilities of the PHA and the Owner, that the PHA and Owner will complete all steps necessary so that the HAP Contract may

be executed within 12 months of execution of the ACC (50 points);

(v) Whether the PHA has specified the resources available to provide necessary supportive services, targeted to the needs of the single homeless population identified, including the strength and length of the commitments to provide those resources and the methods by which the population to be served will be sought out and informed of the availability of assistance (300 points);

(vi) The availability of financing, both assisted and unassisted, as demonstrated by statements of intent or commitments from lenders, with the awarding of more points where the lender is legally committed to provide the financing and where the availability of assisted financing is documented (e.g., below market interest subsidies, grants) (100 points); and

(vii) The PHA's experience with, or demonstrated ability to operate rehabilitation programs, including past performance in placing Moderate Rehabilitation units under Agreement and Contract; the PHA's experience in working with homeless people; and the PHA's overall adminstrative capability, as evaluated by the HUD Field Office (e.g., results of reviews or audits of PHA performance or Field Office's most recent monitoring letter concerning the PHA's ability to carry out its Equal Opportunity Housing Plan) (200 points).

4. Selection of Applications

(a) HUD will select the highest ranking applications. However, no city or urban county may have projects receiving a total of more than 10 percent of the assistance to be provided under this program this fiscal year. In FY '92, this limit equals approximately $10,500,000 in budget authority for a city or urban county, which is the equivalent of up to $1,050,000 in adminstratively controlled contract authority per year. HUD anticipates that this will fund a maximum of approximately 200 units for any one city or urban county. In addition, no single proposal shall receive assistance for more than 100 units.

(b) HUD will notify each PHA whether or not its application has been selected.

II. Application Process

1. Where To Obtain Application Package

An application package containing all required forms and exhibits, detailed application instructions, and pertinent program guidance may be obtained from the HUD field offices listed in appendix A. Each prospective applicant should obtain and carefully review an application package before preparing an application for submission to HUD.

2. Deadline for Applications

The deadline for receipt of application is 5:15 p.m. Eastern time on May 26, 1992 at HUD Headquarters. Two copies must also be sent at the sime time to the local HUD office covering the jurisdiction in which the project is located. A list of field offices appears at the end of this NOFA. Applications transmitted by FAX will not be accepted. (While copies must be submitted to both the Headquarters and the appropriate HUD Field Office, the date and time of receipt in Headquarters will be used to determine whether the application has been submitted on time.)

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 any risk of loss of eligibility brought about by unanticipated delays or other delivery-related problems.

3. Where to Submit Applications

An original application must be submitted to HUD Headquarters. Two copies must also be sent to the appropriate HUD field office for the jurisdiction of the submitting PHA.

Applications submitted to Headquarters shall be addressed to Department of Housing and Urban Development, Office of Special Needs Assistance, room 7262, 451 Seventh Street, SW., Washington, DC 20410, Attention: James N. Forsberg.

The addresses, locations and telephone numbers of each local HUD office are included in appendix A.

III. Checklist of Application Submission Requirements

The application must contain all items specified in the application package, including the application form, HUD–52515B, and must be in accordance with instructions in the application package. An application package may be obtained from HUD Headquarters or the appropriate field office in appendix A and must include all of the following:

(1) Description of the number and characteristics of single homeless individuals and, if the jurisdiction is experiencing the loss of SRO units, an explanation of why and what steps, if any, are being taken to address the problem.

(2) Description of supportive service plan and evidence of commitment or interest from service providers.

(3) Description of PHA's administrative capability, rehabilitation expertise, and experience with the homeless.

(4) A schedule for completion of all necessary steps of project development.

(5) Description of the site(s) proposed for assistance, including information on:

(a) Site control and owner interest in participation;

(b) Proposed financing of rehabilitation work;

(c) Proposed rehabilitation;

(d) Number of vacant units;

(e) Preliminary financial feasibility, as demonstrated by Appendix 31 rent calculation from Handbook 7420.3;

(f) Disclosure of Other Governmental Assistance. (Form 2880 Applicant Disclosure.)

(6) The following certifications (fully described in the application package and incorporated in the application, Form HUD–52515B):

(a) Comprehensive Housing Affordability Strategy (CHAS) Certification;

(b) Drug-Free Workplace Certification;

(c) Anti-Lobbying Certification;

(7) Section 213 Letter. The Section 213 letter is not required as part of the application; however, it may be submitted with the application. Upon receipt of an application that does not include a section 213 letter from the chief executive officer of the unit of general local government, HUD shall send the application to the appropriate chief executive officer in accordance with 24 CFR part 791. Where the review and comment process required under 24 CFR part 791 has not been completed by the time HUD is ready to make its own selections, it may tentatively select one or more applications subject to completion of the comment process required under part 791.

IV. Correction to Technically Deficient Applications

Before the application deadline, both Headquarters and field office staff will be available to provide advice and guidance to potential applicants on application requirements and program policies. In order to provide applicants the opportunity to submit a ratable application, while at the same time ensuring the fairness and integrity of the selection process, HUD Headquarters will initially screen applications for completeness and technical deficiencies. An application will be determined technically deficient if it contains all the items necessary for HUD review under

the Selection Criteria/Ranking Factors but does not contain one or more of the following certifications listed in Section III of this NOFA or where the certification(s) has not been dated and signed by the appropriate person.

1. Comprehensive Housing Affordability Strategy (CHAS) Certification.
2. Drug-Free Workplace Certification.
3. Anti-lobbying Certification.

In cases where a certification(s) required by this rule is missing or incorrectly completed, the applicant will first be notified by telephone of the deficiency and then given 14 days from the date of written notification of the deficiency to submt the missing certification(s) necessary for completeness. The purpose of this process is to assist applicants in submitting ratable proposals and not to provide opportunity for an application to be substantively improved once the application deadline has passed. For this reason, HUD will contact applicants only where it is clear that the deficiencies are technical in nature.

Section 102 of HUD Reform Act of 1989

On March 14, 1991, the Department published in the **Federal Register** a final rule to implement section 102 of the Department of Housing and Urban Development Reform Act of 1989 (24 CFR part 12, 56 FR 11032). Section 102 contains a number of provisions that are designed to ensure greater accountability and integrity in the provision of certain types of assistance administered by the Department.

The following should be noted regarding the relationship of the Section 8 Moderate Rehabilitation Program for SRO Dwellings to part 12:

Documentation and Public Access Requirements

HUD will ensure that documentation and other information regarding each application submitted pursuant to this NOFA are sufficient to indicate the basis upon which assistance was provided or denied. This material, including any letters of support, will be made available for public inspection for a five-year period beginning not less than 30 days after the award of the assistance. Material will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. In addition, HUD will include the recipients of assistance pursuant to this NOFA in its quarterly **Federal Register** notice of all recipients of HUD assistance awarded on a competitive basis. (See 24 CFR 12.14(a) and 12.16(b), and the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942), for further information on these documentation and public access requirements.)

Disclosures

HUD will make available to the public for five years all applicant disclosure reports (HUD Form 2880) submitted in connection with this NOFA. Update reports (also Form 2880) will be made available along with the applicant disclosure reports, but in no case for a period generally less than three years. All reports—both applicant disclosures and updates—will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. (See 24 CFR subpart C, and the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942), for further information on these disclosure requirements.)

Subsidy-Layering Determinations

24 CFR 12.52 requires HUD to certify that the amount of HUD assistance is not more than is necessary to make the assisted activity feasible after taking account of other government assistance. HUD will make the decision with respect to each certification available to the public free of charge, for a three-year period. (See the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942) for further information on requesting these decisions.) Additional information about applications, HUD certifications, and assistance adjustments, both before assistance is provided or subsequently, are to be made under the Freedom of Information Act (24 CFR part 15).

Section 103 HUD Reform Act of 1989

HUD's regulation implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989 was published May 13, 1991 (56 FR 22088) and became effective on June 12, 1991. That regulation, codified as 24 CFR part 4, applies to the funding competition announced today. 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 limited 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. (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 HUD Reform Act of 1989

Section 13 of the Department of Housing and Urban Development Act contains two programs 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 a management action by the Department and those who are paid to provide the influence. The section 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 regarding 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. Telephone: (202) 708–3815; TDD: (202) 708–1112. (These are not toll-free numbers.) Forms necessary for compliance with the rule may be obtained from the local HUD office.

Other Matters

Environmental Review

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public

inspection weekdays from 7:30 a.m. to 5:30 p.m. in the Office of the Rules Docket Clerk, Office of the General Counsel, Department of Housing and Urban Development, room 10276, 451 Seventh Street SW., Washington, DC 20410.

Executive Order 12612, Federalism

The General Counsel, as the Designated Official under Section 6(a) of the Executive Order 12612, Federalism, has determined that the policies contained in this NOFA do not have federalism implications and, thus, are not subject to review under the Order. The NOFA makes available, pursuant to an authorizing statute and an appropriation Act, housing assistance for homeless individuals through a mechanism that is already established between HUD, the PHA and the Owner under the Section 8 Housing Assistance Payments Program.

Executive Order 12606, the Family

The General Counsel, as the Designated Official under Executive Order 12606, the Family, has determined that this rule does not have a potential significant impact on family formation, maintenance, and general well-being, and, thus, is not subject to review under the Order. The purpose of the NOFA is to make available assistance for single room housing for homeless individuals.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance Program number is 14.156, Lower Income Housing Assistance Program.

Authority: Secs. 401 and 441, Stewart B. McKinney Homeless Assistance Act, Pub. L. 100–77, approved July 22, 1987; secs. 481 and 485, Stewart B. McKinney Homeless Assistance Amendments Act of 1988, Pub. L. 100–628, approved November 7, 1988; sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: March 19, 1992.

Anna Kondratas,

Assistant Secretary for Community Planning and Development.

HUD Field Offices

Alabama—Jasper H. Boatright, Beacon Ridge Tower, 600 Beacon Pkwy. West, suite 300, Birmingham, AL 35209–3144; (205) 731–1672.

Alaska—Colleen Craig, Federal Bldg., 222 W. 8th Ave., #64, Anchorage, AK 99513–7537; (907) 271–3669.

Arizona—Diane Domzalski, 400 N. Fifth St., suite 1600, Arizona Center, Phoenix AZ 85004; (602) 379–4754.

Arkansas—Billy M. Parsley, Lafayette Bldg., 523 Louisiana, Ste. 200, Little Rock, AR 72201–3707; (501) 324–6375.

California

(Southern)—Herbert L. Roberts, 1615 W. Olympic Blvd., Los Angeles, CA 90015–3801; (213) 251–7235.

(Northern)—Gordon H. McKay, 450 Golden Gate Ave., P.O. Box 36003, San Francisco, CA 94102–3448; (415) 556–5576.

Colorado—Barbara Richards, Exec. Tower Bldg., 1405 Curtis St., Denver, CO 80202–2349; (303) 844–3811.

Connecticut—Daniel Kolesar, 330 Main St., Hartford, CT 06106–1860; (203) 240–4508.

Delaware—John Kane, Liberty Sq. Bldg., 105 S. 7th St., Philadelphia, PA 19106–3392; (215) 597–2665.

District of Columbia—James H. McDaniel, 820 First St., NE, Washington, DC 20002; (202) 275–0094.

Florida—James N. Nichol, 325 W. Adams St., Jacksonville, FL 32202–4303; (904) 791–3587.

Georgia—Charles N. Straub, Russell Fed. Bldg., room 688, 75 Spring St., SW, Atlanta, GA 30303–3388; (404) 331–5139.

Hawaii—Patty A. Nicholas, 7 Waterfront Plaza, suite 500, 500 Ala Moana Blvd., Honolulu, HI 96815–4918; (808) 541–1327.

Idaho—John G. Bonham, 520 SW 6th Ave., Portland, OR 97204–1596; (503) 326–7018.

Illinois—Richard Wilson, 77 W. Jackson Blvd., Chicago, IL 60604; (312) 353–1696.

Indiana—Robert F. Poffenberger, 151 N. Deleware St., Indianapolis, IN 46204–2526; (317) 226–5169.

Iowa—Gregory A. Bevirt, Braiker/Brandeis Bldg., 210 S. 16th St., Omaha, NE 68102–1622; (402) 221–3703.

Kansas—Miguel Madrigal, Gateway Towers 2, 400 State Ave., Kansas City, KS 66101–2406; (913) 236–2184.

Kentucky—Ben Cook, P.O. Box 1044, 601 W. Broadway, Louisville, KY 40201–1044; (502) 582–5394.

Louisiana—Greg Hamilton, P.O. Box 70288, 1661 Canal St., New Orleans, LA 70112–2887; (504) 589–7212.

Maine—David Lafond, Norris Cotton Fed. Bldg., 275 Chestnut St., Manchester, NH 03101–2487; (603) 666–7640.

Maryland—Harold Young, Equitable Bldg., 3rd Floor, 10 N. Calvert St., Baltimore, MD 21202–1865; (410) 962–2417.

Massachusetts—Frank Del Vecchio, Thomas P. O'Neill, Jr., Fed. Bldg., 10 Causeway St., Boston, MA 02222–1092; (617) 565–5343.

Michigan—Richard Paul, Patrick McNamara Bldg., 477 Michigan Ave., Detroit, MI 48226–2592; (313) 226–4363.

Minnesota—Shawn Huckleby, 220 2nd St. South, Minneapolis, MN 55401–2195; (612) 370–3019.

Mississippi—Jeanie E. Smith, Dr. A.H. McCoy Fed. Bldg., 100 W. Capitol St., room 910, Jackson, MS 39269–1096; (601) 965–4765.

Missouri

(Eastern)—David H. Long, 1222 Spruce St., St. Louis, MO 63103–2836; (314) 539–6524.

(Western)—Miguel Madrigal, Gateway Towers 2, 400 State Ave., Kansas City, KS 66101–2406; (913) 236–2184.

Montana—Barbara Richards, Exec. Tower Bldg., 1405 Curtis St., Denver, CO 80202–2349; (303) 844–3811.

Nebraska—Gregory A. Bevirt, Braiker/Brandeis Bldg., 210 S. 16th St., Omaha, NE 68102–1622; (402) 221–3703.

Nevada—(Las Vegas, Clark Cnty) Diane Domzalski, 400 N. 5th St., suite 1600, 2 Arizona Center, Phoenix, AZ 85004; (602) 379–4754. (Remainder of state) Gordon H. McKay, 450 Golden Gate Ave., P.O. Box 36003, San Francisco, CA 94102–3448; (415) 556–5576.

New Hampshire—David Lafond, Norris Cotton Fed. Bldg., 275 Chestnut St., Manchester, NH 03101–2487; (603) 666–7640.

New Jersey—Frank Sagarese, Military Park Bldg., 60 Park Pl., Newark, NJ 07102–5504; (201) 877–1776.

New Mexico—R.D. Smith, 1600 Throckmorton, P.O. Box 2905, Fort Worth, TX 76113–2905; (817) 885–5483.

New York

(Upstate)—Michael F. Merrill, Lafayette Ct., 465 Main St., Buffalo, NY 14203–1780; (716) 846–5768.

(Downstate)—Joan Dabelko, 26 Federal Plaza, New York, NY 10278–0068; (212) 264–2885.

North Carolina—Charles T. Ferebee, 415 N. Edgeworth St., Greensboro, NC 27401–2107; (919) 333–5711.

North Dakota—Barbara Richards, Exec. Tower Bldg., 1405 Curtis St., Denver, CO 70202–2349; (303) 844–3811.

Ohio—Jack E. Riordan, 200 North High St., Columbus, OH 43215–2499; (614) 469–6743.

Oklahoma—Katie Worsham, Murrah Fed. Bldg., 200 NW 5th St., Oklahoma City, OK 73102–3202; (405) 231–4973.

Oregon—John G. Bonham, 520, SW 6th Ave., Portland, OR 97204–1596; (503) 326–7018.

Pennsylvania

(Western)—Bruce Crawford, Old Post Office and Courthouse Bldg., 700 Grant St., Pittsburgh, PA 15219–1906; (412) 644–5493.

(Eastern)—John Kane, Liberty Sq. Bldg., 105 S. 7th St., Philadelphia, PA 19106–3392; (215) 597–2665.

Puerto Rico—Carmen R. Cabrera, 159 Carlos Chardon Ave., San Juan, PR 00918–1804; (809) 766–5576.

Rhode Island—Frank Del Vecchio, Thomas P. O'Neill, Jr., Fed. Bldg., 10 Causeway St., Boston, MA 02222–1092; (617) 565–5343.

South Carolina—Louis E. Bradley, Acting, Fed. Bldg., 1835–45 Assembly St., Columbia, SC 29201–2480; (803) 765–5564.

South Dakota—Barbara Richards, Exec. Tower Bldg., 1405 Curtis St., Denver, CO 80202–2349; (303) 844–3811.

Tennessee—Virginia Peck, 710 Locust St., Knoxville, TN 37902–2526; (615) 549–9422.

Texas

(Northern)—R.D. Smith, 1600 Throckmorton, P.O. Box 2905, Fort Worth, TX 76113–2905; (817) 885–5483.

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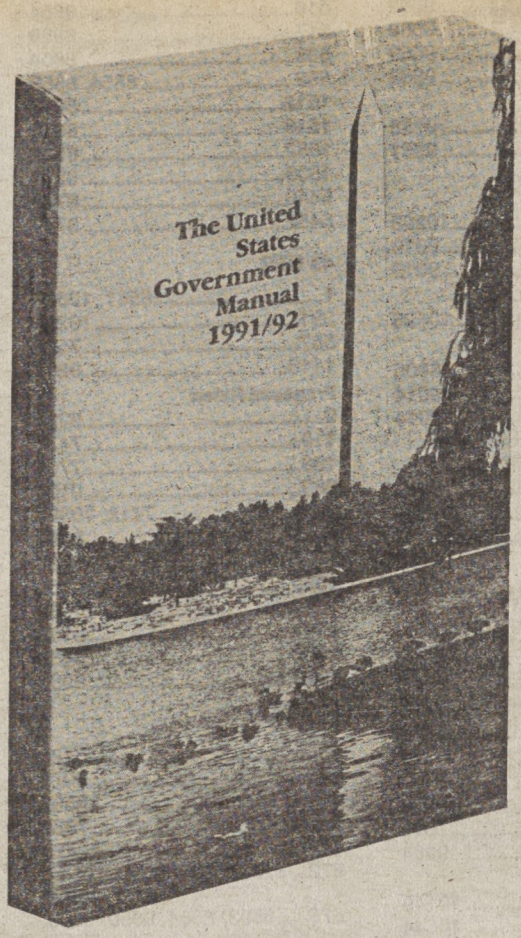

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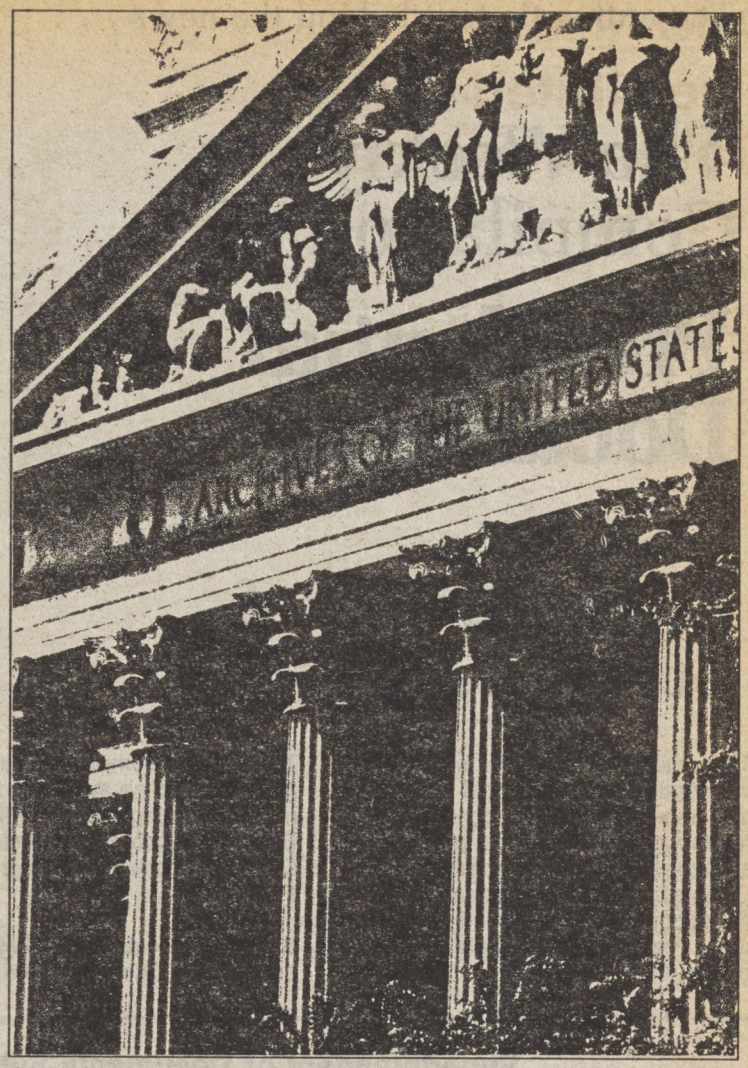

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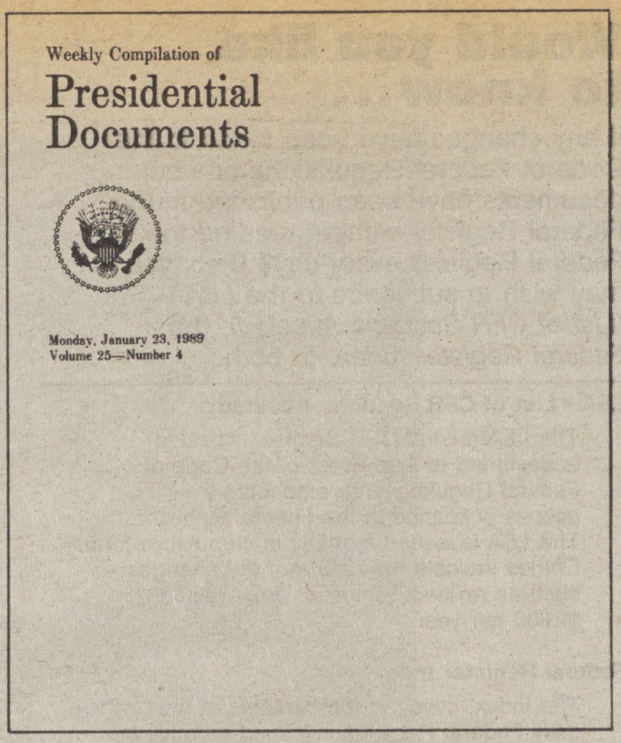

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