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WHO: The Office of the Federal Register.

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WASHINGTON, DC

WHEN: April 7, at 9:00 a.m.
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CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Rules and Regulations

Federal Register
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DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Amendment of Delegation of Authority by the Secretary of Agriculture for Adjudication of Sourcing Area Applications

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: This rule amends 7 CFR 2.35 and 7 CFR 2.41 by delegating to the Judicial Officer the Secretary's authority to make the final decisions, and by designating to the Office of Administrative Law Judges the authority to make initial decisions regarding sourcing area applications submitted pursuant to the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620 *et seq.*).

EFFECTIVE DATE: April 2, 1992.

FOR FURTHER INFORMATION CONTACT: Elizabeth Becker, Natural Resources Division, Office of the General Counsel, United States Department of Agriculture, room 4622 South Building, 14th and Independence Avenue SW., Washington, DC 20250–1400. Telephone: (202) 720–9076.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of April 5, 1991, 56 FR 14009, the Secretary delegated to the Office of Adminstrative Law Judges the authority to make final decisions regarding sourcing area applications submitted pursuant to the Forest Resources Conservation and Shortage Relief Act of 1990.

This rule amends 7 CFR 2.35 by delegating to the Judicial Officer the authority to make the final decision, as authorized by the Act of April 4, 1940 (7 U.S.C. 450c–450g), and Reorganization Plan No. 2 of 1953, on sourcing area adjudications under the Forest Resources Conservation and Shortage Relief Act of 1990. This rule also amends 7 CFR 2.41 to limit the authority of the Office of Administrative Law Judges to hold hearings and perform related duties and to make initial decisions in adjudications pursuant to the Forest Resources Conservation and Shortage Relief Act of 1990.

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, notice and opportunity for comment are not required, and this rule may be made effective less than 30 days after publication in the **Federal Register.** Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291. Finally, this action is not a rule as defined in Public Law No. 96–354, the Regulatory Flexibility Act, and thus is exempt from the provisions of that Act.

List of Subjects in 7 CFR Part 2

Delegations of authority (Government agencies).

Therefore, for the reasons set forth in the preamble, part 2 of title 7 of the Code of Federal Regulations is amended as follows:

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

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

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

Subpart D—Delegation of Authority to Other General Officers and Agency Heads

2. Amend § 2.35 by revising paragraph (a) to read as follows:

§ 2.35 Delegations of authority to the Judicial Officer.

* * * * *

(a) Pursuant to the provisions of the Act of April 4, 1940 (7 U.S.C. 450c–450g), and Reorganization Plan No. 2 of 1953, the Judicial Officer is hereby authorized to act as final deciding officer in adjudication proceedings subject to 5 U.S.C. 556 and 557; in other adjudication proceedings which are or may be made subject to the "Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes" set forth in 7 CFR part 1, subpart H; in adjudication proceedings under the "Rules of Practice Governing Cease and Desist Proceedings Under Section 2 of the Capper-Volstead Act" set forth in 7 CFR part 1, subpart I; in rate proceedings under the Packers and Stockyards Act; in sourcing area adjudications under the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620 *et seq.*); and in reparation proceedings under statutes administered by the Department. As used herein the term "Judicial Officer" shall mean any person or persons so designated by the Secretary of Agriculture. The provisions of this delegation shall not be construed to limit the authority of the Judicial Officer to perform any functions, in addition to those defined in the said Act of April 4, 1940, which from time to time may be assigned by the Secretary to him or her.

3. Amend § 2.41 by removing paragraph (c) and by revising paragraph (a) to read as follows:

§ 2.41 Designation to the Office of Administrative Law Judges.

* * * * *

(a) Administrative law judges (formerly hearing examiners) are designated pursuant to section 556(b)(3) of title 5, United States Code to hold hearings and perform related duties in proceedings subject to sections 556 and 557 of title 5, United States Code (formerly sections 7 and 8 of the Administrative Procedure Act), arising under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*); the Commodity Exchange Act as amended (7 U.S.C. 1 *et seq.*); the Perishable Agricultural Commodities Act, as amended (7 U.S.C. 499a *et seq.*); the Federal Seed Act, as amended (7 U.S.C. 1551 *et seq.*); the (Laboratory) Animal Welfare Act, as amended (7 U.S.C. 2131 *et seq.*); the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. 181 *et seq.*); the Forest Resources Conservation and Shortage Relief of 1990 (16 U.S.C. 630 *et seq.*); and any other acts providing for hearings to which the provisions of sections 556 and 557 of title 5, United States Code, are applicable. Pursuant to the applicable rules of practice, the administrative law judges shall make initial decisions in adjudication and rate proceedings subject to sections 556 and 557 of title 5,

United States Code. Such decisions shall become final without further proceedings unless there is an appeal to the Secretary by a party to the proceeding in accordance with the applicable rules of practice: *Provided, however,* That no decision shall be final for purposes of judicial review except a final decision of the Secretary upon appeal. As used herein, "Secretary" means the Secretary of Agriculture, the Judicial Officer, or other officer or employee of the Department delegated, pursuant ot the Act of April 4, 1940 (7 U.S.C. 450c–450g), and Reorganization Plan No. 2 of 1953, "regulatory functions" as that term is defined in the 1940 Act, in acting as final deciding officer in adjudication and rate proceedings subject to sections 556 and 557 of title 5, United States Code. Administrative Law Judges are delegated authority to hold hearings and perform related duties as provided in the Rules of Practice Governing Cease and Desist Proceedings under section 2 of the Capper-Volstead Act set forth in 7 CFR part 1, subpart I.

* * * * *

Signed in Washington, DC, on this day of March 27, 1992.

Edward Madigan,

Secretary of Agriculture.

[FR Doc. 92–7618 Filed 4–1–92; 8:45 am]

BILLING CODE 3410–11–M

Agricultural Marketing Service

7 CFR Part 1240

[AMS–FV–91–272–C]

RIN 0581–AA46

Honey Research, Promotion, and Consumer Information Order; Amendments to the Order, and the Rules and Regulations Issued Thereunder; Correction

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule; correction.

SUMMARY: This action makes a correction to the supplementary information in a final rule pertaining to the administration and processing of refund requests which appeared in the **Federal Register** on December 10, 1991.

EFFECTIVE DATE: April 2, 1992.

FOR FURTHER INFORMATION CONTACT: Sheila Young, Agriculture Marketing Specialist, Research and Promotion Branch, Fruit and Vegetable Division, AMS, USDA, room 2533–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–6930.

SUPPLEMENTARY INFORMATION: The Agricultural Marketing Service published a final rule concerning the refund provisions of the Honey Research, Promotion, and Consumer Information Order and regulation in the **Federal Register** on December 10, 1991 (56 FR 64475). That rule amended the Order and the regulations issued thereunder in order to remove refund provisions as they pertain to producers and importers. The amendments were made as a result of the vote in the first reconfirmation referendum conducted pursuant to the amendments of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4601–4612). A majority of honey producers and importers voting in the referendum favored termination of the refund provisions. The last paragraph in column 1 on page 64476 of the supplementary information stated that: "For purposes of administering the refund requests made prior to the effective date of this rule, all refund request applications received by the Board prior to the effective date of this rule will be considered for refunds of assessments. All refund request applications received by the Board on or after the effective date of this rule will not be considered for a refund of assessments." This paragraph is hereby revised to read: Any refund applications mailed to the Board within 90 days (on or before March 9, 1992) from the publication date of the final rule (December 10, 1991) will be eligible for payment of refunds provided that the assessment was payable within 90 days prior to the publication date of this final rule (on or after September 11, 1991, through December 9, 1991). Any assessment payable on or after the publication date of the final rule will not be eligible for a refund. For honey that goes through the loan program, the "loan disbursement date" is the date the assessment is payable.

This change is being made since the provision of § 1240.117 of the regulations pertaining to the administration and processing of refunds allowed for up to 90 days from the date the assessment became payable for the mailing of an application for refunds.

Preserving the 90 day period during which refunds may be requested should alleviate any confusion which might otherwise arise, and will allow for flexibility in the transition to the new program under the amendments to the Act.

Dated: March 27, 1992.

Daniel Haley,

Administrator.

[FR Doc. 92–7526 Filed 4–1–92; 8:45 am]

BILLING CODE 3410–02–M

FEDERAL ELECTION COMMISSION

11 CFR Parts 100 and 104

[Notice 1992–5]

Loans From Lending Institutions to Candidates and Political Committees

AGENCY: Federal Election Commission.

ACTION: Final rule: Announcement of effective date.

SUMMARY: On December 27, 1991 (56 FR 67118), the Commission published the text of revised regulations at 11 CFR parts 100 and 104, governing loans from lending institutions to candidates and political committees. These regulations implement 2 U.S.C. 431(8)(B)(vii), a provision of the Federal Election Campaign Act of 1971, as amended. 2 U.S.C. 431 *et seq.* The Commission announces that these rules are effective as of April 2, 1992. The Commission's new forms implementing the reporting provisions of these regulations will also take effect on April 2, 1992.

EFFECTIVE DATE: April 2, 1992.

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Propper, Assistant General Counsel, 999 E Street, NW., Washington, DC 20463, (202) 219–3690 or toll free (800) 424–9530).

SUPPLEMENTARY INFORMATION: Section 438(d) of title 2, United States Code, requires that any rule or regulation prescribed by the Commission to implement title 2 of the United States Code be transmitted to the Speaker of the House of Representatives and the President of the Senate thirty legislative days prior to final promulgation. The revisions to 11 CFR parts 100 and 104 were transmitted to Congress on December 20, 1991. Thirty legislative days expired in the Senate on March 11 1992, and in the House of Representatives on March 19, 1992.

Section 438(d) also requires that any form prescribed by the Commission be transmitted to the Speaker of the House of Representatives and the President of the Senate ten legislative days before final promulgation. Two new reporting forms, Schedules C–1 and C–P–1, were transmitted to Congress on December 20, 1991. These forms, which supplement the information currently reported on Schedules C and C–P, implement the reporting requirements of the revised

bank loan regulations. Ten legislative days expired in the Senate on February 3, 1992, and in the House on February 11, 1992. Thus, the Commission may prescribe these new reporting forms.

The revised rules apply to all lines of credit established on or after the effective date, and to all loans whose proceeds are disbursed on or after that date. These loans and lines of credit must be reported on the new forms and filed with the next report due from the recipient committee.

Announcement of Effective Date

The amendments to 11 CFR 100.7(b)(11), 100.8(b)(12), and 104.3(d), as published at 56 FR 67118, are effective as of April 2, 1992. New forms implementing the reporting provisions of these regulations are also effective as of April 2, 1992.

Dated: March 27, 1992.

Scott E. Thomas,

Vice Chairman, Federal Election Commission.

[FR Doc. 92-7509 Filed 4-1-92; 8:45 am]

BILLING CODE 6715-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 606

[Docket No. 92N-0141]

Biological Technical Amendment

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendment.

SUMMARY: The Food and Drug Administration (FDA) is amending the biologics regulations to make a minor, technical amendment. The pressure stated at which a sustained sterilization temperature is attained is incorrect. This document corrects that error.

EFFECTIVE DATE: April 2, 1992.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857. All documents and received comments are on display at this address and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Daniel Kearns, Center for Biologics Evaluation and Research (HFB-130), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20892, 301-295-8188.

SUPPLEMENTARY INFORMATION: FDA is amending § 606.60(c) (21 CFR 606.60(c)) to correct a statement regarding the pressure at which a sustained sterilization temperature is attained. As published in the **Federal Register** of November 18, 1975 (40 FR 53532), § 606.60(c) currently reads, in part, as follows:

> * * * The effectiveness of the sterilization procedure shall be no less than that achieved by an attained temperature of 121.5 °C (251 °F) maintained for 20 minutes by saturated steam at a pressure of 15 atmospheres or by an attained temperature of 170 °C (338 °F) maintained for 2 hours with dry heat.

The statement is incorrect in that 121.5 °C is attained at a pressure of 15 pounds per square inch, not at a pressure of 15 atmospheres. In addition, since the temperature of saturated steam is a function of the pressure, it is not necessary to state the pressure. This amendment would bring the statement into conformity with the general biologics establishment standards covered in 21 CFR 600.11(b) which reads:

> * * * The effectiveness of the sterilization procedure shall be no less than that achieved by an attained temperature of 121.5 °C maintained for 20 minutes by saturated steam or by an attained temperature of 170 °C maintained for 2 hours with dry heat. * * *

Publication of this document constitutes final action on this change under the Administrative Procedure Act (5 U.S.C. 553). Notice and public procedure and delayed effective date on this correction are unnecessary and not in the public interest (5 U.S.C. 553 (b) and (d)), because this final rule is not controversial and, when effective, it will provide notice of accepted standards.

List of Subjects in 21 CFR Part 606

Blood Labeling, Laboratories, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act, the Public Health Service Act, and under authority delegated to the Commissioner of Food and Drugs, 31 CFR part 606 is amended as follows:

PART 606—CURRENT GOOD MANUFACTURING PRACTICE FOR BLOOD AND BLOOD COMPONENTS

1. The authority citation for 21 CFR part 606 continues to read as follows:

Authority: Secs. 201, 301, 501, 502, 505, 510, 520, 701, 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 355, 360, 360j, 371, 374); secs. 215, 351, 353, 361 of the Public Health Services Act (42 U.S.C. 216, 262, 263a, 264).

§ 606.60 Amended

2. *Section 606.60 Equipment* is amended in paragraph (c) in the second sentence by removing the phrase "at a pressure of atmospheres".

Dated: March 27, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92-7583 Filed 4-1-92; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 750

[Docket No. R-92-1524; FR-2956-C-02]

RIN 2502-AF19

Supportive Housing for the Elderly; Correction

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

ACTION: Interim rule and request for comments; Correction.

SUMMARY: On June 12, 1991 (56 FR 27104), the Department published in the **Federal Register** an interim rule and request for public comments that amended 24 CFR part 885 and provided for the continued applicability of part 885 to projects for which section 202 loan reservations were made in FY 1990 and prior years. The interim rule also added a new part 889 to the list of programs covered by 24 CFR part 750 (disclosure and verification of social security numbers and employer identification numbers by applicants and participants). The purpose of this document is to remove a duplicate amendment to 24 CFR part 750 that had already been amended in another interim rule also published on June 12, 1991 (56 FR 27070).

EFFECTIVE DATE: July 12, 1991.

FOR FURTHER INFORMATION CONTACT: Robert Wilden, Director, Housing for the Elderly and Handicapped People Division, Department of Housing and Urban Development, 451 Seventh Street, SW, room 6116, Washington, DC 20410, telephone (202) 708-2730. (This is not a toll-free number). Hearing- or speech-impaired individuals may call HUD's TDD number (202) 708-4594. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: Accordingly, FR Doc. 91-13635, the

interim rule that amends 24 CFR part 750, published in the **Federal Register** on June 12, 1991 (56 FR 27104) is corrected by removing the duplicate amendment to 24 CFR part 750, consisting of §§ 750.3 and 750.5, in its entirety from the words of issuance at the bottom of page 27110, in the third column, and from page 27111, in the first and second columns.

Dated: March 27, 1992.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 92-7554 Filed 4-1-92; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 20, 25, 301 and 602

[T.D. 8395]

RIN 1545-AP44

Special Valuation Rules; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to Treasury Decision 8395, which was published in the **Federal Register** for Thursday, February 4, 1992 (56 FR 4250). The final regulations relate to chapter 14 of the Internal Revenue Code as enacted in the Omnibus Budget Reconciliation Act of 1990, concerning special valuation rules for purposes of federal estate and gift taxes and rules involving lapsing rights and other transactions that are treated as completed transfers.

EFFECTIVE DATE: January 28, 1992.

FOR FURTHER INFORMATION CONTACT: Fred E. Grundeman, (202) 535-9512 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections conform the regulations to section 2701 through 2704 of the Internal Revenue Code. These regulations provide special valuation rules for purposes of the Federal estate and gift taxes imposed under chapters 11 and 12 of the Internal Revenue Code. In addition these regulations provide rules involving lapsing rights and other transactions that are treated as completed transfers under chapter 14.

Need for Correction

As published, T.D. 8395 contains errors which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of final regulations (T.D. 8395), which was the subject of FR Doc. 92-2175, is corrected as follows:

1. On page 4250, in column 1 in the heading, the language "26 CFR Parts 20, 25 and 301" is corrected to read "26 CFR Parts 20, 25, 301, and 602".

2. On page 4250, column 1, in the preamble under the heading **SUMMARY**, line 9, the language "under chapters 1 and 12 of the Code. In" is corrected to read "under chapters 11 and 12 of the Internal Revenue Code. In".

3. On page 4250, column 1, in the preamble under the heading **SUPPLEMENTARY INFORMATION,** remove the second sentence in the first paragraph.

4. On page 4250, column 1, in the preamble under the heading **SUPPLEMENTARY INFORMATION,** next to the last line of paragraph 1, the language "annual burden per respondent is ten" is corrected to read "annual burden per respondent is 20".

5. On page 4250, column 1, in the preamble under the heading **SUPPLEMENTARY INFORMATION,** the last two sentences in paragraph 2 are corrected to read "They are based upon the information available to the Internal Revenue Service. Individual respondents may require more or less time, depending on their particular circumstances.".

6. On page 4250, column 1, in the preamble under the heading **SUPPLEMENTARY INFORMATION**, the last five lines of that column are corrected to read "the Internal Revenue Service, Attn: IRS Reports Clearance Officer, T:FP, Washington, DC 20224, and to the Office of Management and Budget, Attention: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503.".

7. On page 4250, column 3, in the preamble under the heading "*Scope of Section 2701*", line 3 of the first full paragraph of that column, the language "termination of an interest held indirectly" is corrected to read "transfer of an interest held indirectly".

8. On page 4251, column 2, in the preamble under the heading "*The Subtraction Method of Valuation*", first full paragraph from the top of that column, next to last line, the language "See § 25.2512-9(a)(1)(i). The proposed" is corrected to read "See § 25.2512-5(a)(1)(i). The proposed".

9. On page 4251, column 2, in the preamble under the heading "*The Subtraction Method of Valuation*', last paragraph of that column, line 6 from bottom of that column, the language "chapter 4 does not affect minority" is corrected to read "chapter 14 does not affect minority".

10. On page 4252, column 1, in the preamble under the heading "*Indirect Ownership*", line 5, the language "of transfer that included the termination" is corrected to read "of transfer that included the transfer".

11. On page 4254, column 2, in the preamble under the heading "Adoption of Amendments to the Regulations", lines 1 and 2, the language "Accordingly, 26 CFR parts 20, 25 and 301 are amended as follows:" is corrected to read "Accordingly, 26 CFR parts 20, 25, 301, and 602 are amended as follows:".

§ 25.2701-1 [Corrected]

12. On page 4256, column 2, § 25.2701-1(b)(2)(i)(C) introductory text, line 3, the language "§ 25.2701-6) if—" is corrected to read "§ 25.2701-6) (or a contribution to capital by an entity to the extent an individual indirectly holds an interest in the entity), if—".

13. On page 4256, column 2, § 25.2701-1(b)(2)(i)(C)(*2*), line 1, the language "If the termination is not treated as" is corrected to read "If the termination (or contribution) is not treated as".

14. On page 4256, column 2, § 25.2701-1(b)(2)(ii) introductory text, line 3, the language "if the termination of an indirect holding" is corrected to read "if the transfer of an indirect holding".

15. On page 4256, column 2, § 25.2701-1(b)(2)(ii)(E), line 1, the language "Last to any other indirect holder(s)" is corrected to read "Last, to any other indirect holder(s)".

16. On page 4256, column 3, § 25.2701-1(c)(3), line 7, the language "class is proportional to the class of the" is corrected to read "class is the same class as (or is proportional to the class of) the".

17. On page 4256, column 3, § 25.2701-1(c)(3), line 9, the language "identical or proportional to the rights of" is corrected to read "identical (or proportional) to the rights of".

18. On page 4256, column 3, § 25.2701-1(c)(3), line 18, the language "the Internal Revenue Code (e.q., section" is corrected to read "the Internal Revenue Code (e.g., section".

19. On page 4256, column 3, § 25.2701-1(c)(4), line 3, the language "individual of equity interests to the" is corrected to read "individual to a member of the individual's family of equity interests to the".

§ 25.2701-3 [Corrected]

20. On page 4259, column 3, § 25.2701-3(b)(1), is corrected to read as follows:

* * * * *

(b) * * *

(1) *Step 1—Valuation of family-held interest*—(i) *In general.* Except as provided in paragraph (b)(1)(ii) of this section determine the fair market value of all family-held equity interests in the entity immediately after the transfer. The fair market value is determined by assuming that the interests are held by one individual, using a consistent set of assumptions.

(ii) *Special rule for contributions to capital.* In the case of a contribution to capital, determine the fair market value of the contribution.

* * * * *

21. On page 4259, column 3, § 25.2701-3(b)(2), is corrected to read as follows:

* * * * *

(b) * * *

(2) *Step 2—Subtract the value of senior equity interests*—(i) *In general.* If the amount determined in *Step 1* of paragraph (b)(1) of this section is not determined under the special rule for contributions to capital, from that value subtract the following amounts:

(A) An amount equal to the sum of the fair market value of all family-held senior equity interests, (other than applicable retained interests held by the transferor or applicable family members) and the fair market value of any family-held equity interests of the same class or a subordinate class to the transferred interests held by persons other than the transferor, members of the transferor's family, and applicable family members of the transferor. The fair market value of an interest is its pro rata share of the fair market value of all family-held senior equity interests of the same class (determined, immediately after the transfer, as is all family-held senior equity interests were held by one individual); and

(B) The value of all applicable retained interests held by the transferor or applicable family members (other than an interest received as consideration for the transfer) determined under § 25.2701-2, taking into account the adjustment described in paragraph (b)(5) of this section.

(ii) *Special rule for contributions to capital.* If the value determined in *Step 1* of paragraph (b)(1) of this section is determined under the special rule for contributions to capital, subtract the value of any applicable retained interest received in exchange for the contribution to capital determined under § 25.2701-2.

* * * * *

22. On page 4260, column 1, § 25.2701-3(b)(3), lines 6 and 7, the language "transferred interests and other family-held subordinate equity interests. If" is corrected to read "transferred interests and other subordinate equity interests held by the transferor, applicable family members, and members of the transferor's family. If".

23. On page 4260, column 1, § 25.2701-3(b)(4)(ii)(A), line 3 from the bottom of that paragraph, the language "who had no other interest in the entity," is corrected to read "who had no interest in the entity other than the family-held interests of the same class,".

24. On page 4260, column 2, § 25.2701-3(b)(4)(iv), last line of that paragraph, the language "section 2701." is corrected to read "section 2701 except that, in the case of a contribution to capital, the *Step 4* value of such an interest is zero.".

25. On page 4260, column 2, § 25.2701-3(b)(5)(i), line 6, the language "family members exceeds the family" is corrected to read "family members (including any interest received as consideration for the transfer) exceeds the family".

26. On page 4260, column 3, § 25.2701-3(d), *Step 4* of *Example 1*, is corrected to read as follows:

* * * * *

(d) * * *

Example 1. * * *

Step 4: Because no consideration was furnished for the transfer, the adjustment under *Step 4* is limited to the amount of any appropriate minority or similar discount. Before the application of *Step 4* the amount of A's gift is $520,000.

* * * * *

27. On page 4260, column 3, § 25.2701-3(d), Step 2 of *Example 2*, lines 2 and 3, the language "*Step 1*, subtract $500,000 ($400,000, the fair market value of 500 shares of A's preferred" is corrected to read "*Step 1*, subtract $500,000 ($400,000, the value of 500 shares of A's preferred".

28. On page 4261, column 1, § 25.2701-3(d), Step 4 of *Example 2*, lines 1 and 2, the language "*Step 4*: No adjustment is made under *Step 4* for the same reasons set forth in *Example 1*.", is corrected to read "*Step 4*: The adjustment under *Step 4* is the same as in *Example 1*.".

29. On page 4261, column 1, § 25.2701-3(d), Step 3 of *Example 4*, line 1, the language "*Step 3*. The amount allocated to the" is corrected to read "*Step 3*. The amount allocated to the transferred.".

30. On page 4261, column 2, § 25.2701-3(d), *Step 4* of *Example 4*, the last three lines of *Step 4* are corrected to read, "is $83,333. If the section 2701 value of the applicable retained interested were $100,000, the *Step 4* adjustment would have been a $33,333 reduction for consideration received ((250/750) x $100,000).".

31. On page 4261, column 2, § 25.2701-3(d), *Step 3* of *Example 5*, line 1, the language "*Step 3*. The amount allocated to the" is corrected to read "*Step 3*. The amount allocated to the transferred".

32. On page 4261, column 2, § 25.2701-3(d), *Step 4* of *Example 5*, the last sentence of *Step 4* is corrected to read "Thus, the amount of the gift is $666,667.".

§ 25.2702-5 [Corrected]

33. On page 4271, column 3, § 25.2702-5(c)(8)(ii)(C)(*2*) (*i*) and (*ii*) are corrected and (*iii*) is removed, to read as follows:

* * * * *

(c) * * *

(8) * * *

(ii) * * *

(C) * * *

(*2*) * * *

(*i*) For the original term of the term holder's interest; and

(*ii*) At the rate used in valuing the retained interest at the time of the original transfer.

* * * * *

34. On page 4272, column 1, § 25.2702-5(c)(8)(ii)(C)(*3*), lines 9 through 12 from top of the column, the language "conversion date over the amount (including acquisition costs) reinvested in the new residence or expended for repairs of the existing residence, and the" is corrected to read "conversion date over the fair market value of the assets as to which the trust continues as a qualified personal residence trust, and the".

§ 25.2704-2 [Corrected]

35. On page 4276, column 2, § 25.2704-2(b), line 20, the language "See § 25.2704-1(e)(1)(B) for a discussion" is corrected to read "See § 25.2704-1(c)(1)(B) for a discussion".

§ 25.2704-3 [Corrected]

36. On page 4277, column 1, § 25.2704-3, line 2 the language "occurring after January 28, 1992 of rights" is corrected to read "occurring after January 28, 1992, of rights".

37. On page 4277, column 1, § 25.2704-3, line 5, the language "after January 28, 1992 of property" is corrected to read "after January 28, 1992, of property".

§ 301.6501(c)-1 [Corrected]

38. On page 4277, column 3, after § 301.6501(c)-1(e)(3) and preceding the signature "Fred T. Goldberg, Jr." The following language should have appeared:

PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

Par. 14. The authority citation for part 602 continues to read as follows:

Authority: 26 U.S.C. 7805.

Par. 15. The table of OMB Control Numbers in § 602.101(c) is amended by adding the following citations to read as follows:

§ 602.101 OMB Control numbers.

* * * * *

(c) * * *

CFR part or section where identified and described	Current OMB control No.
* * * *	*
25.2701-2	1545-1241
25.2701-4	1545-1241
25.2702-6	1545-1273
* * * *	*
301.6501(c)-1	1545-1241
* * * *	*

Dale D. Goode,

Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 92-7276 Filed 4-1-92; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Judge Advocate General of the Navy has determined that USS ANNAPOLIS (SSN 760) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special functions as a naval submarine. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: February 28, 1992.

FOR FURTHER INFORMATION CONTACT: Captain R.R. ROSSI, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400. Telephone number: (703) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR part 706. This amendment provides notice that the Judge Advocate General of the Navy, under authority delegated by the Secretary of the Navy, has certified that USS ANNAPOLIS (SSN 760) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS: Rule 21(c), pertaining to the arc of visibility of the sternlight; Annex I, section 2(a)(i), pertaining to the height of the masthead light; Annex 1, section 2(k), pertaining to the height and relative positions of the anchor lights; and Annex 1, section 3(b), pertaining to the location of the sidelights. Full compliance with the above-mentioned 72 COLREGS provisions would interfere with the special functions and purposes of the vessel. The Judge Advocate General of the Navy has also certified that the aforementioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Notice is also provided to the effect that USS ANNAPOLIS (SSN 760) is a member of the SSN-688 class of vessels for which certain exemptions, pursuant to 72 COLREGS, Rule 38, have been previously authorized by the Secretary of the Navy. The exemptions pertaining to that class, found in the existing tables of § 706.3, are equally applicable to USS ANNAPOLIS (SSN 760).

Moreover, it has been determined, in accordance with 32 CFR parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), and Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR part 706 is amended as follows:

1. The authority citation for 32 CFR part 706 continues to read:

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

2. Table One of § 706.2 is amended by adding the following vessel:

Vessel	Number	Distance in meters of forward masthead light below minimum required height. Sec. 2(a)(i), Annex I
USS ANNAPOLIS	SSN 760	3.5

3. Table Three of § 706.2 is amended by adding the following vessel:

Vessel	Number	Masthead light arc of visibility rule 21(A)	Side lights arc of visibility rule 21(B)	Stern lights arc of visibility rule 21(C)	Side lights distance inboard of ship sides in meters Annex I section 3(b)	Stern lights distance forward of stern in meters rule 21(C)	Forward anchor lights height above hull in meters Annex I section 2(k)	Anchor lights relationship of aft light, to forward light in meters Annex I sec. 2(k).
USS ANNAPOLIS	SSN 760	—	—	205	4.2	6.2	3.5	1.7 below.

Dated: February 28, 1992.
Approved:
W.L. Schachte, Jr.,
Acting Judge Advocate General.
[FR Doc. 92-7523 Filed 4-1-92; 8:45 am]
BILLING CODE 3810-AE-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 81

RIN 3067-AB88

List of Jurisdictions Eligible for the Sale of Federal Crime Insurance

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule amends the list of jurisdictions eligible under the Federal Crime Insurance Program (FCIP), deleting Delaware, Rhode Island, Tennessee, and the Virgin Islands from eligibility. These amendments are based on the Federal Insurance Administrator's determination that the jurisdictions included on the list have an unresolved critical crime insurance market unavailability problem. Citizens of these jurisdictions will not be able to purchase Federal Crime Insurance against burglary and robbery losses after July 1, 1992.

EFFECTIVE DATE: July 1, 1992.

FOR FURTHER INFORMATION CONTACT: Kimber A. Wald, Federal Insurance Administration, 500 C Street, SW., Washington, DC 20472, (202) 646-3440.

SUPPLEMENTARY INFORMATION: On December 13, 1991, the Federal Emergency Management Agency (FEMA) published a proposed rule, with request for comments, to amend the list of proposed jurisdictions in which there is an unresolved critical crime insurance market unavailability problem. No written or other comments were received during the 60-day comment period.

These amendments are based on the Federal Insurance Administrator's continuing review of the extent that crime insurance is not available in the jurisdiction, that the problem is critical, that the problem has not been resolved at the State or local jurisdiction level, and that the unavailability of crime insurance requires the operation of the Federal Crime Insurance Program in that jurisdiction. This action follows extensive efforts working with the Virgin Islands and the States of Delaware, Rhode Island, and Tennessee.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

This rule is not a major rule under Executive Order 12291, February 17, 1981. No regulatory impact analysis has been prepared.

Paperwork Reduction Act

This rule does not involve any collection of information for purposes of the Paperwork Reduction Act.

EO 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

EO 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of EO 12778.

List of Subjects in 44 CFR Part 81

Crime insurance.

Accordingly, 44 CFR part 81 is amended as follows:

PART 81—[AMENDED]

1. The authority citation for part 81 is revised to read as follows:

Authority: 12 U.S.C. 1749bbb *et seq.*, Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

2. Section 81.1(b)(1) is revised to read as follows:

§ 81.1 States eligible for the sale of crime insurance.

* * * * *

(b)(1) On the basis of the information available, the Federal Insurance Administrator has determined that the District of Columbia, the Commonwealth of Puerto Rico, and the States set forth in this paragraph have an unresolved critical crime insurance market unavailability problem that requires the operation of the Federal Crime Insurance Program therein as of July 1, 1992.

Alabama	Maryland
California	New Jersey
Connecticut	New York
Florida	Pennsylvania
Georgia	District of Columbia
Illinois	Puerto Rico
Kansas	

* * * * *

C.M. "Bud" Schauerte,
Federal Insurance Administrator.
[FR Doc. 92-7351 Filed 4-1-92; 8:45 am]
BILLING CODE 6718-21-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 170

[CGD 92-016]

IMO Intact Stability Criteria for Large Containerships

AGENCY: Coast Guard, DOT

ACTION: Alternative intact stability criteria.

SUMMARY: The Coast Guard is issuing this notice to inform the maritime industry that stability calculations based on the intact stability criteria in the International Maritime Organization (IMO) Draft Code on Intact Stability may be submitted for evaluation and consideration as an equivalent for the intact stability requirements for containerships greater than 328 feet (100 meters) in length.

FOR FURTHER INFORMATION CONTACT: LCDR Karen T. Hays, Office of Marine Safety, Security and Environmental Protection (G-MTH-3), room 1308, U.S. Coast Guard Headquarters, Washington, DC 20593-0001, phone (202) 267-2988.

SUPPLEMENTARY INFORMATION: All cargo vessels are required to meet the intact stability standards of 46 CFR part 170, subpart E, commonly known as the GM/Weather Criterion. This criterion was developed for flush decked, mechanically powered vessels of ordinary proportions and form which carried cargo below the main deck. It was developed in the 1940's based on experience from the Liberty and Victory ships, and became a requirement for U.S. cargo vessels in 1952. Since that time, cargo ships have grown in size far beyond that common in the 1940's. In addition, new concepts of cargo handling such as the use of containers have significantly changed the design of modern cargo vessels.

Comparison of the typical modern containerships to 1940 era cargo ships points out critical differences. The way cargo is carried and its weight distribution is an important difference because it affects vessel stability. The cargo ship of the 1940's carried its cargo within the confines of the hull. Modern containerships carry much of their cargo in containers stacked high above the deck. This not only raises the center of gravity (KG) but increases the wind profile of the vessel. In addition, modern containerships have much higher freeboard, fuller flair, and finer block coefficients than the original ships used to derive the GM/Weather Criterion. Navigation and Vessel Inspection

Circular 17–82 points out "[e]xtension of this formula to vessels other than 1940 era (e.g. Liberty ships, Victory ships, etc.) conventional cargo vessels or vessels of similar size and shape has been largely judgemental and has not yet been fully proven." Subsequent evaluation has shown that the GM/Weather Criterion is sometimes overly conservative when applied to large containerships with high freeboard because they are severely penalized for their high wind profiles.

Internationally, great progress has been made in the development of intact stability criteria intended specifically for large modern containerships. This has led to the inclusion of a new intact stability criterion for containerships over 328 feet (100 meters) in length, in the IMO Sub-Committee on Stability and Load Lines and on Fishing Vessels Safety (SLF) Paper SLF 36/3 Draft Code on Intact Stability, as revised by the annex to SLF 36/WP.8. This new intact stability criterion, contained in Section 4.9 of the IMO Draft Code on Intact Stability is provided in appendix I of this notice. This criterion was developed from and includes the German "form factor" corrections to IMO Resolution A.167 (ES.IV). These corrections account for following waves, modern hull forms, and radius of gyration effects that become significant for larger ships with higher flare in a seaway. These form factor corrections are theoretically sound and were developed by experimental determination of critical KG's for capsizing through model testing.

Research has been performed to determine the effect that these form factor corrections would have on required intact stability for different classes of containerships as compared to the GM/Weather Criterion. Some classes of vessels will require slightly more stability as compared to the GM/Weather Criterion but most will have a reduced stability requirement. The research demonstrates that the form factor criterion will maintain an appropriate minimum metacentric height (GM), which will provide an equivalent level of safety for large containerships to that originally intended when the GM/Weather Criterion was developed for conventional ships. Depending upon the individual vessel and loading condition, additional cargo capacity may be possible with the application of Section 4.9 of the IMO Draft Code on Intact Stability as opposed to the GM/Weather Criterion.

The German form factor corrections have received a high level of endorsement at IMO, including that of the U.S. The Coast Guard fully anticipates that the IMO Draft Code on Intact Stability, including Section 4.9 for containerships over 328 feet (100 meters) in length, will be adopted at the next session of the IMO Assembly.

The Coast Guard anticipates proposing a rule which would adopt Section 4.9 of the IMO Draft Code of Intact Stability into U.S. regulations as an equivalent to the GM/Weather Criterion for containerships greater than 328 feet (100 meters) in length. In the meantime, vessel owners may submit stability information and loading restrictions, such as a maximum KG or minimum GM curves, that have been based on the intact stability requirements of section 4.9 of the IMO Draft Code of Intact Stability for containerships greater than 328 feet (100 meters) in length. These calculations will be reviewed by the Commandant or the Commanding Officer, Marine Safety Center pursuant to the equivalence provisions of 46 CFR 170.010. If approved, the calculations will be accepted as equivalent to the calculations required by the GM/Weather Criterion in 46 CFR part 170, subpart E. This action will allow industry and the Coast Guard to gain valuable experience in the application of this criterion.

Authority: 46 U.S.C. 3306, 3703.

Dated: March 24, 1992.

R.C. North,

Captain, U.S. Coast Guard, Deputy Chief, Office of Marine Safety, Security and Environmental Protection.

BILLING CODE 4910–14–M

APPENDIX I

Excerpt from Draft IMO Code of Intact Stability

4.9 Containerships greater than 100 m

4.9.1 Application

These requirements apply to containerships greater than 100 m as defined in 1.3.12*. They may also be applied to other cargo ships with considerable flare or large waterplane areas. The Administration may apply the following criteria instead of those in paragraphs 3.1.2.1 to 3.1.2.6.

4.9.1 Intact Stability

The area under the righting lever curve (GZ curve) should not be less than 0.009/C metre-radians up to O=30° angle of heel, and not less than 0.016/C metre-radians up to O=40° or the angle of flooding O_f (as defined in 3.1.2) if this angle is less than 40°.

Additionally, the area under the righting lever curve (GZ curve) between the angles of heel of 30° and 40° or between 30° and O_f, if this angle is less than 40°, should not be less than 0.006/C metre-radians.

The righting lever GZ should not be less than 0.033/Cm at an angle of heel equal or greater than 30°.

The maximum righting lever GZ should be at least 0.042/C m.

The total area under the righting lever curve (GZ curve) up to the angle of flooding O_f should not be less than 0.029/C metre-radians.

In the above criteria the form factor C should be calculated using the formula and figure 4.9-1:

$$C = \frac{dD^1}{B_m^2} \sqrt{\frac{d}{KG}} \times \left[\frac{C_B}{C_W}\right]^2 \sqrt{\frac{100}{L}}$$

* 1.3.12 Container ship means a ship which is used primarily for the transport of marine containers.

d = mean draught in m;

$$D^1 = D + h \cdot \frac{2b - B_D}{B_D} \cdot \frac{2\sum l_H}{L}$$, as defined in figure;

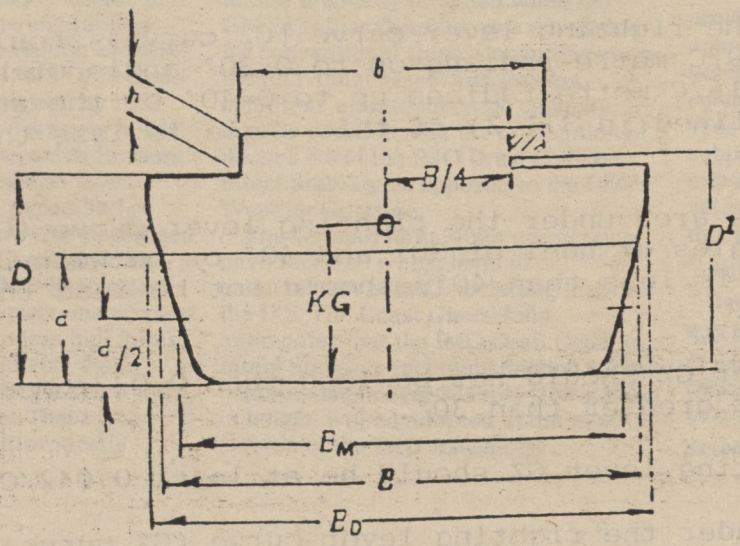
D = moulded depth of the ship in m;

B = moulded breadth of the ship in m;

KG = height of the centre of gravity in m above the keel; not to be taken as less than d;

C_B = block coefficient;

C_W = waterplane coefficient.



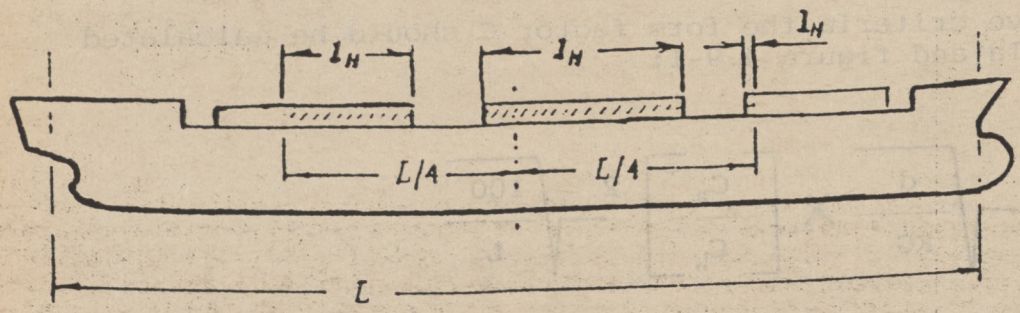


Figure 4.9-1

4.9.3 The use of electronic loading and stability computers is encouraged in determining the ship's trim and stability during different operational conditions.

[FR Doc. 92-7214 Filed 4-1-92; 8:45 am]
BILLING CODE 4910-14-C

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 663

[Docket No. 920380-2080]

Pacific Coast Groundfish Fishery

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

ACTION: Emergency interim rule; request for comments.

SUMMARY: The Secretary of Commerce (Secretary) issues this emergency interim rule to delay the opening of the "regular" nontrawl sablefish fishery of the Pacific coast groundfish fishery from April 1, 1992, to May 12, 1992. This action is intended to preserve traditional fishing opportunities for many smaller West Coast nontrawl vessels by preventing preemption and premature achievement of the nontrawl harvest guideline by intensive early-season fishing by large nontrawl vessels prior to the opening of the Gulf of Alaska sablefish fishery. This delayed season opening is necessary: (1) To minimize the safety risks that would arise otherwise for operators of small vessels who may feel compelled to fish in turbulent spring weather to assure themselves a portion of the annual harvest guideline; and (2) to distribute the fishing effort over time to allow effective monitoring of the coastwide catch.

DATES: *Effective dates:* The emergency interim rule is effective from 0001 hours local time March 27, 1992, to 2400 hours local time July 1, 1992.

Comment date: Comments may be submitted on or before April 17, 1992.

ADDRESSES: Comments on the emergency interim rule should be sent to Mr. Rolland A. Schmitten, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE., BIN C15700, Seattle, WA 98115-0070; or Mr. E. Charles Fullerton, Director, Southwest Region, National Marine Fisheries Service, 501 W. Ocean Blvd., suite 4200, Long Beach, CA 90802-4213.

Documentation supporting this emergency action, including the Environmental Assessment (EA), is available at the Northwest Regional Office, NMFS, at the address above.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at 206-526-6140, Rodney R. McInnis at 310-980-4030, or the Pacific Fishery Management Council at 503-326-6352.

SUPPLEMENTARY INFORMATION: The Pacific Fishery Management Council (Council) makes recommendations to the Secretary for the management of fisheries under the Pacific Coast Groundfish Fishery Management Plan (FMP). This action is being taken under procedures for addressing socioeconomic issues set forth at section III.B.(c) of the appendix to 50 CFR part 663, and under the emergency rulemaking provisions of section 305(c) of the Magnuson Fishery Conservation and Management Act (Magnuson Act). The Council followed those procedures in recommending the NMFS, in November 1991, a change in the opening date for the nontrawl gear fishery for sablefish. An analysis of the biological, social, and economic impacts of the proposed opening of the nontrawl sablefish fishery is contained in the EA that is available from NMFS (see **ADDRESSES**).

Background

Sablefish constitutes one of the most valuable components of the groundfish fisheries off the coast of Washington, Oregon, and California (the West Coast), and Alaska. Although taken in both trawl and nontrawl fisheries, sablefish is the principal species harvested by the nontrawl fleet off the West Coast. Nontrawl fishing effort in the West Coast sablefish fishery has increased dramatically during recent years, resulting in shorter seasons. Contributing to this effort increase, especially early in the year, has been participation by large nontrawl vessels that traditionally have fished off Alaska. Delayed openings of the Alaska nontrawl sablefish fishery have created a 3-4 month "window" where operators of nontrawl fishing vessels can fish in the West Coast sablefish fishery prior to leaving for Alaska. The result has been rapid achievement of the West Coast sablefish harvest guideline and preemption of fishing opportunities for many smaller, local vessels that fish only the West Coast fishery. These vessel operators have traditionally relied on a longer season that has given them the ability to focus fishing effort during periods of better weather. Now competition for the available harvest forces smaller vessel operators to take greater risks fishing in severe winter and early spring weather.

In January 1991, NMFS approved and implemented the Council's recommendation to change the opening date of the West Coast nontrawl "regular" sablefish season from January 1 to April 1, concurrent with the expected April 1 opening of all of the major Gulf of Alaska nontrawl sablefish regulatory areas. However, the Council's intended relief for the smaller operations was not realized because the Alaska season subsequently were changed to begin on May 15. Because the West Coast nontrawl sablefish fishery opened a month and a half before Alaska in 1991, early and intense effort in the West Coast fishery was especially severe. The entire West Coast nontrawl sablefish quota was taken by July 1, 1991. The quota was taken so fast that it could not be monitored and closed in adequate time to reserve some quota for small trip limits after the "regular" fishery. Consequently, all landings of sablefish were prohibited from the close of the "regular" season until September 27, 1991, when a 300-pound trip limit was established by an emergency rule (56 FR 50063, October 3, 1991). This caused severe financial hardship for many nontrawl vessel operators who depend on small landings of sablefish as a steady source of revenue throughout the year.

To resolve this problem for the 1992 and subsequent fishing seasons, the Council recommended a regulatory amendment under the framework provisions of the FMP that would permanently change the starting date for the "regular" season from April 1 until 3 days before the earliest opening of the Gulf of Alaska nontrawl sablefish fisheries. Currently all major regulatory areas of the Gulf of Alaska open concurrently. The Council's recommendation is intended to distribute effort more evenly between the two areas and to counteract the recent trend towards increased effort in the West Coast area early in the year.

Restrictive trip landing and frequency limits have been in effect before the 1992 "regular" season to allow fishermen to retain sablefish bycatch in non-sablefish fisheries, and to allow for very small directed sablefish nontrawl fisheries, mainly off California. During the "regular" season, trip landing or frequency limits will not generally be imposed except as necessary to restrict the harvest of undersized (juvenile) sablefish.

Many salmon trollers, faced with forecasts of very low salmon abundance and the prospect of little or no fishing opportunity in 1992, have purchased longline gear. Some have already started fishing for sablefish, but many more are expected to enter the fishery when the regular season opens. The effect has been to increase dramatically the competition under the trip landing limits permitted before the "regular" season and to heighten the anxiety among the local longline fleet about the prospects

for an extremely short regular season. NMFS anticipates that, if the "regular" season opens on April 1, as scheduled, both the local longline fleet and the displaced salmon fishermen will feel compelled to harvest early, taking unnecessary risks by harvesting in bad weather. Salmon troll vessels, which have been hastily converted to fish longline gear and are operated by fishermen with limited longline experience, are at even greater risk than the established longline fleet in an early-season derby fishery.

The Council's recommendations cannot be implemented through normal notice-and-comment rulemaking in time to prevent the "regular" fishery from opening on April 1, 1992. Because it must be delayed, NMFS is implementing the delay through issuance of this interim final rule under the emergency provisions of Section 305(c) of the Magnuson Act. NMFS intends to follow normal notice-and-comment procedures in making the delay permanent.

By delaying the "regular" season opening date from April 1 until May 12, 1992, NMFS expects that some fishermen will shift to alternative fisheries while the remaining fishermen will experience better weather and safer fishing conditions.

Description of the Action

The West Coast nontrawl "regular" season for sablefish will open on May 12, 1992, at 0001 hours PDT. Until the opening of the regular season, the daily trip limits on landings of nontrawl-caught sablefish will be specified by the NNFS Northwest Regional Director under the authority of the routine management process of the FMP.

The Council's recommendation includes a closure 72 hours before the regular season opening to ensure that vessels capable of making extended fishing trips did not start fishing in advance of the opening. The 72-hour closure will be implemented by notice-and-comment rulemaking, but is of such extraordinary urgency as would warrant emergency rulemaking.

Classification

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), has determined that this rule is necessary to respond to an emergency situation and is consistent with the Magnuson Act and other applicable law. He also has determined that opening the West Coast nontrawl sablefish fishery on April 1 would: (1) Result in unnecessary risks to fishing vessel operators; (2) reduce the ability of managers to monitor the fishery and make timely adjustments to close the "regular" season to preserve a portion of the nontrawl sablefish harvest guideline for small trip limits after the "regular" seasons; and (3) severely disrupt the social and economic lives of the traditional small vessel operators. As explained above, the urgency of this action is compounded greatly by the unexpected reductions in salmon abundance.

The Council and NMFS prepared an EA for this action. The Assistant Administrator concluded from that document that there will be no significant impacts on the human environment. A copy of that EA is available to the public (see **ADDRESSES**).

The Assistant Administrator also has determined that the reasons justifying promulgation of this rule on an emergency basis make it impracticable and contrary to the public interest to provide notice and opportunity for comment prior to the effective date, or to delay for 30 days the effective date of this emergency regulation, under the provisions of 553 (b) and (d) of the Administrative Procedure Act. This rule needs to be in place on April 1, 1992.

NMFS issued a Biological Opinion under the Endangered Species Act on August 10, 1990, pertaining to Amendment 4 of the FMP. It concluded that implementation of the FMP (including Amendment 4) would not jeopardize the continued existence of any of the species considered. This proposed rule will not have impacts that differ from those discussed in the Biological Opinion, and NMFS has concluded that further consultations are not necessary.

This emergency rule is exempt from the normal review procedures of Executive Order (EO) 12291 as provided in section 8(a)(1) of that Order. This rule is being reported to the Director of the Office of Management and Budget (OMB) with an explanation of why it is not possible to follow the regular procedures of that Order.

The Council has requested that the States of Washington, Oregon, and California concur with its finding that the proposed action is consistent with the States' approved coastal zone management programs.

This rule does not contain a collection-of-information requirement under the Paperwork Reduction Act.

This rule is exempt from the Regulatory Flexibility Act because the rule is issued without opportunity for prior public comment.

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

List of Subjects in 50 CFR Part 663

Administrative practice and procedure, Fisheries, Fishing, Reporting and recordkeeping requirements.

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

Dated: March 27, 1992.

Michael F. Tillman,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR part 663 is amended effective 0001 hours local time, March 27, 1992, to 2400 hours local time, July 1, 1992, as follows:

PART 663—PACIFIC COAST GROUNDFISH FISHERY

1. The authority citation for part 663 continues to read as follows:

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

2. In § 663.23, paragraph (b)(2) is revised to read as follows:

§ 663.23 Catch restrictions.

* * * * *

(b) * * *

(2) *Nontrawl sablefish.* (i) The regular season for the nontrawl sablefish fishery will begin at 0001 hours on May 12, 1992.

(ii) Prior to the beginning of the regular season, trip landing or frequency limits will be imposed under paragraph (c) of this section to allow for bycatch of sablefish in other fisheries, and to allow very small directed fisheries with nontrawl gear. Trip landing and frequency limits may be reimposed later in the year under paragraph (c) of this section. Trip limits to protect juvenile sablefish also may be imposed, at any time of year, under paragraph (c) of this section.

* * * * *

[FR Doc. 92-7552 Filed 3-27-92; 5:11 pm]

BILLING CODE 3510-22-M

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50 CFR Part 672

[Docket No. 920381-2081]

Groundfish of the Gulf of Alaska

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

ACTION: Emergency interim rule.

SUMMARY: The Secretary of Commerce (Secretary) has determined that an emergency exists in the pollock fishery in the Gulf of Alaska (GOA). Recent circumstances associated with the March 4, 1992, decision to approve Amendment 23 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) necessitate this

action. Although the Secretary anticipates that regulations implementing Amendment 23 will be effective in mid-April, sufficient fishing opportunities will be available to factory trawler vessels prior to that time to re-create the fishery conservation and management problems that Amendment 23 was intended to resolve. A temporary shift in fishing effort by factory trawlers from the Bering Sea and Aleutian Islands (BSAI) area to relatively small pollock quotas in the GOA is expected, which would result in difficult-to-manage pulse fishing, contentious competition, and unanticipated reallocation between industry sectors. By emergency regulation, the Secretary is delaying the second quarter directed pollock fishery in the Western/Central Regulatory Area (W/C Regulatory Area) of the GOA. Emergency action is necessary to protect GOA fishing interests economically dependent on pollock. This action is intended to further the goals and objectives contained in the FMP.

EFFECTIVE DATES: Effective March 30, 1992, through midnight, Alaska local time, May 31, 1992.

ADDRESSES: Copies of the Environmental Assessment (EA) prepared for this action may be obtained from Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802. Comments should be sent to the same address.

FOR FURTHER INFORMATION CONTACT: Raymond E. Baglin (Fisheries Management Division, NMFS), (907) 586–7728.

SUPPLEMENTARY INFORMATION: The domestic and foreign groundfish fisheries in the exclusive economic zone (EEZ) of the GOA are managed by the Secretary under the FMP. The FMP was prepared by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act (Magnuson Act) and is implemented by regulations governing the foreign fishery at 50 CFR part 611 and by regulations governing the U.S. fishery at 50 CFR part 672. Additional regulations applicable to the U.S. fishery are codified at 50 CFR part 620.

At times, amendments to the FMP and its implementing regulations are necessary to respond to fishery conservation and management problems that cannot be addressed within the time frame of the normal procedures provided for by the Magnuson Act. Section 305(c) of the Magnuson Act, 16 U.S.C. 1855(c), authorizes the Secretary to implement emergency rules necessary to address these emergencies. These emergency rules may remain in effect for not more than 90 days after publication in the **Federal Register**, with a possible 90-day extension.

Recent circumstances associated with the decision to approve Amendment 23 to the FMP render this action necessary to prevent the problems that Amendment 23 was intended to prevent. Sufficient time will be available between March 30 and the date that regulations implementing Amendment 23 will be effective for the factory trawler fleet to move from the BSAI area into the GOA to harvest pollock, thereby reintroducing the very fishery conservation and management problems that Amendment 23 was intended to resolve.

Under current regulations, the directed fishery for the second quarterly allowance of the pollock total allowable catch (TAC) provided by § 672.20(a)(2)(iv) is scheduled to open in the W/C Regulatory Area of the GOA on March 30, 1992, the first day of the second quarterly reporting period defined at § 672.2. Large numbers of factory trawler vessels from the BSAI area are, from past experience, expected to enter the GOA pollock fishery if the second quarter begins as scheduled.

When pollock fishing in the BSAI for the first TAC allowance provided by § 675.20(a)(2)(ii) is closed, the operators of factory trawlers will have few other fishing opportunities until the start of the BSAI "B" season on June 1, 1992. If they shift to the GOA as expected to take advantage of the second quarterly allowance of the pollock TAC, the quarterly allowance in each statistical area will be exceeded in a very short time. This could have an adverse effect on the GOA catcher vessels and shore plants that are dependent on these catcher vessels. In addition, harvests in excess of the quarterly allowance could reduce amounts of food available for Steller sea lions and possibly limit their feeding efficiency, thereby impairing the objectives of Amendment 25 to the FMP.

Amounts of pollock in the GOA are relatively small compared to the BSAI. The pollock TAC for the W/C Regulatory Area is 84,000 metric tons (mt) for 1992, compared to the combined initial pollock TAC in the BSAI of 1,149,710 mt. Regulations at § 672.20(a)(2)(iv) require the pollock TAC for the W/C Regulatory Area to be divided equally into four quarterly allowances, which are substantially identical to a calendar quarter. Further, regulations at § 672.20(a)(2)(iv) require the pollock quarterly allowance be divided among statistical areas 61, 62, and 63. These apportionments are proportional to the distribution of exploitable biomass as determined by the most recent NMFS biomass surveys. For the 1992 fishing year, these respective proportions are 19,320 mt, 18,480 mt, and 46,200 mt (23, 22, and 55 percent respectively). This yields quarterly allowances of 4,830 mt, 4,620 mt, and 11,550 mt in statistical areas 61, 62, and 63, respectively.

Factory trawlers from the BSAI area typically have harvesting and processing capacities that greatly exceed those of the smaller trawl catcher vessels that harvest pollock for delivery to shoreside processing facilities. For example, based on weekly production reports, the factory trawler fleet typically harvests upwards of 50,000 mt a week when fishing for pollock in the BSAI. In contrast, the GOA trawl catcher vessel fleet typically harvests about 6,000 mt a week, based on weekly production reports. As a result, the factory trawler fleet can preempt the trawl catcher vessels for the second quarterly quota of pollock.

Preemption of the GOA pollock resource occurred during the 1989 fishery when BSAI factory trawlers moved into the GOA and harvested about 55 percent of the total harvest of 72,383 mt. Also, during 1991, the actual harvests in the third quarter in the Western subarea of the GOA exceeded the maximum limit available for the third quarter by about 38 percent (7,092 mt) when fishing vessels from the BSAI unexpectedly entered the Western subarea. This unanticipated fishing effort resulted in very high pollock catch rates before NMFS could close the directed pollock fishery.

As a result of this emergency rule, factory trawlers are expected to remain in the BSAI to harvest the large amount of pollock available there on June 1, rather than shift to the GOA where the amount of the pollock harvest will be relatively small.

This emergency interim rule implements a modification of an action recommended by the Council at its January 1992 meeting. Specifically, the Council recommended that the Secretary delay the start of the second quarter pollock fishery of the W/C Regulatory Area until June 1, 1992, so it would be concurrent with the starting date of the second fishing period for pollock (commonly referred to as the "B" season) in the BSAI. This rule delays the start of the second quarter pollock fishery until June 1, 1992, or until a notice terminating the emergency is published in the **Federal Register**.

For the above reasons, the Secretary concurs in the Council's

recommendations to delay the start of the second quarter pollock fishery. By this action, the Secretary is delaying the opening of the directed pollock fishery in the W/C Regulatory Area of the GOA until June 1, 1992, or until this emergency rule is terminated and the final rule implementing Amendment 23 is effective.

Classification

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), has determined that this emergency rule is necessary to respond to an emergency situation and that it is consistent with the Magnuson Act and other applicable law. The Assistant Administrator finds that reasons summarized above justifying promulgation of this emergency rule on an emergency basis also make it impracticable and contrary to the public interest to provide notice and opportunity for prior comment or to delay for 30 days its effective date under sections 553 (b) and (d) of the Administrative Procedure Act.

The Assistant Administrator has determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal management program of the State of Alaska. This determination has been submitted for review by the responsible State agency under section 307 of the Coastal Zone Management Act.

The Alaska Region, NMFS, prepared an environmental assessment for this action. The Assistant Administrator found that no significant impact on the human environment would result from implementation of this emergency rule. A copy of the environmental assessment may be obtained from the Regional Director (see **ADDRESSES**).

On April 19, 1991, NMFS concluded formal section 7 consultation on the GOA groundfish FMP and fisheries. Subsequent consultations on the GOA fishery were completed on June 5, 1991, and September 20, 1991. The biological opinions issued for these consultations concluded that the FMP and fisheries are not likely to jeopardize the continued existence and recovery of any endangered or threatened species under the jurisdiction of NMFS. NMFS conducted an informal consultation on the effects of changing the opening date for the second quarter pollock fishery on Steller sea lions and determined that implementation of this emergency rule is not likely to affect adversely Steller sea lions.

This emergency rule is exempt from the normal review procedures of Executive Order 12291 as provided in section 8(a)(1) of that order. This rule is being reported to the Director of the Office of Management and Budget with an explanation of why following the usual procedures of that order is not possible. This rule is exempt from the procedures of the Regulatory Flexibility Act, because it is issued without opportunity for prior public comment.

This rule does not contain a collection of information requirement for purposes of the Paperwork Reduction Act.

This rule does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 12612.

List of Subjects in 50 CFR Part 672

Fisheries, Reporting and recordkeeping requirements.

Dated: March 27, 1992.

Michael F. Tillman,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 672 is 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 § 672.23, paragraph (d) is added effective from March 30, 1992, through May 31, 1992, to read as follows:

§ 672.23 Seasons.

* * * * *

(d) Directed fishing for pollock is authorized in statistical areas 64 and 65 from January 1 through December 31, and in statistical areas 61, 62, and 63 during January 1 through March 29, June 1 through June 28, June 29 through September 27, and September 28 through December 31.

* * * * *

[FR Doc. 92-7527 Filed 3-27-92; 5:10 pm]

BILLING CODE 3510-22-M

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50 CFR Part 672

[Docket No. 911176-2018]

Groundfish of the Gulf of Alaska

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

ACTION: Notice of change in recordkeeping and reporting requirements.

SUMMARY: The Director, Alaska Region, NMFS (Regional Director), has determined that, except for pollock, Daily Production Reports are no longer required from processor vessels and shoreside processing facilities that catch groundfish in, or receive groundfish from, the Western Regulatory Area of the Gulf of Alaska (GOA). This requirement is rescinded. The intent of this action is to promote fishery conservation and management goals of the North Pacific Fishery Management Council.

EFFECTIVE DATES: 00:01, Alaska local time (A.l.t.), March 30, 1992, through 24:00, A.l.t., December 31, 1992.

FOR FURTHER INFORMATION CONTACT: Patsy A. Bearden, Resource Management Specialist, NMFS, 907-586-7228.

SUPPLEMENTARY INFORMATION: The domestic and foreign groundfish fisheries in the exclusive economic zone of the GOA are managed by the Secretary of Commerce under the Fishery Management Plan for the Gulf of Alaska Groundfish Fishery (FMP) under the Magnuson Fishery Conservation and Management Act. The FMP was prepared by the North Pacific Fishery Management Council and is implemented by regulations appearing at 50 CFR 611.92 and parts 620 and 672.

Formerly, under 672.5(c)(3)(i), the Regional Director required processor vessels and shoreside processing facilities that catch groundfish in, or receive groundfish from, the Western Regulatory Area of the GOA, to submit Daily Production Reports in addition to weekly production reports (57 FR 6688, February 27, 1992). Criteria used to assess the need for the reports include the instability of effort and harvest rates in the groundfish fisheries and the remaining amounts of total allowable catch (TAC) in each fishery.

If and when the Regional Director determines that these reports are no longer necessary, he may rescind them. Therefore, the requirement for Daily Production Reports is rescinded effective 00:01, A.l.t., March 30, 1992, through 24:00 A.l.t. December 31, 1992.

Although the official effective date of this notice is March 30, 1992, Daily Production Reports have not been necessary since the close of Pacific cod directed fishing in the Western Regulatory Area at 12 noon on March 5, 1992 (57 FR 8280, March 9, 1992). Therefore, the Regional Director will not request Daily Production Reports for groundfish from the Western Regulatory Area between the dates of March 6, 1992, and March 30, 1992. The

requirement for Daily Production Reports for pollock caught in or received from the Western/Central Regulatory Area (statistical areas 61, 62, and 63) is still in effect and not rescinded by this notice. However, Daily Production Reports for pollock from the Western/Central Regulatory Area are currently not required because the pollock fishery there is closed (57 FR 2853, January 24, 1992) but, the Daily Production Reports will be required to be submitted once the second quarter directed pollock fishery opens.

Classification

The Assistant Administrator for Fisheries, NOAA, finds that reasons justifying promulgation of this action also make it impracticable and contrary to the public interest to provide notice and opportunity for prior comment or to delay for 30 days its effective date under sections 553 (b) and (d) of the Administrative Procedure Act.

This action is taken under § 672.5 and complies with Executive Order 12291.

List of Subjects in 50 CFR 672

Fisheries, Recordkeeping and reporting requirements.

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

Dated: March 27, 1992.

David S. Crestin,

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

[FR Doc. 92-7594 Filed 3-30-92; 12:50 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 57, No. 64
Thursday, April 2, 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 AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 1001 and 1002

[DA-92-005]

Milk in the New England and New York-New Jersey Marketing Areas; Proposed Suspension of Certain Provisions of the Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This notice invites written comments on a proposal to suspend certain provisions of the New England and New York-New Jersey milk orders. The suspension actions were requested by cooperative associations that represent producers who provide most of the milk supply for both markets.

The proposed suspension actions would suspend the seasonal production incentive payment provisions of the two orders for 1992. The cooperatives' request states that the suspensions are necessary to ameliorate the impending collapse of farm-level milk prices in the two marketing areas by eliminating the deductions from producer prices in the months of March through June that would be made under the orders' seasonal incentive payment plans. The suspensions would also eliminate the fall incentive payments for the fall months of 1992.

DATES: Comments are due no later than April 16, 1992.

ADDRESSES: Comments (four copies) should be filed with the USDA/AMS/Dairy Division, Order Formulation Branch, room 2968, South Building, P.O. Box 96456, Washington, DC 20090-6456.

FOR FURTHER INFORMATION CONTACT: Constance M. Brenner, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, room 2968, South Building, P.O. Box 96456, Washington, DC 20090-6456, (202) 720-7183.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (5 U.S.C. 601-612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on dairy farmers and would have no impact on regulated handlers.

This proposed rule has been reviewed by the Department in accordance with Departmental Regulation 1512-1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

This proposed suspension of rules has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. If adopted, this proposed action will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not established in accordance with law and requesting a modification of an order or an exemption from the order. A handler is afforded the opportunity for a hearing on the petition. After a hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after date of the entry of the ruling.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674, the suspension of the following provisions of the orders regulating the handling of milk in the New England and New York-New Jersey marketing areas is being considered for the months of March through November 1992:

1. In § 1001.62, suspension of paragraphs (c) and (d).
2. In § 1002.61, suspension of paragraphs (c) and (d).

All persons who want to send written data, views or arguments about the proposed suspension should send four copies of them to the USDA/AMS/Dairy Division, Order Formulation Branch, room 2968, South Building, P.O. Box 96456, Washington, DC 20090-6456, by the 14th day after publication of this notice in the **Federal Register**. The period for filing comments is limited to 14 days because a longer period would not provide the time needed to complete the required procedures before seasonal incentive plan deductions would be required on payments for milk produced in March 1992.

The comments that are sent will be made available for public inspection in the Dairy Division during normal business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposed suspension would suspend for 1992 the provisions of the New England and New York-New Jersey Federal milk orders that require deductions from and additions to producer bland/uniform prices to be made for the purpose of encouraging dairy farmers to level out their production through the course of the year. The provisions provide for the deduction of 20 cents per hundredweight from the blend/uniform price paid to producers to be made for the month of March, 30 cents for April, and 40 cents for May and June. The funds retained from these deductions are then added to the pooled milk values under the two orders in the amounts of 25, 30 and 30 percent of the total deducted for the months of August, September and October, respectively. The remaining 15 percent plus interest earned on the aggregate funds is added for the month of November. By artificailly depressing producer income in the spring and enhancing it above otherwise prevailing levels in the fall, the provisions provide an inventive to producers to level out the seasonablity of milk production to more closely reflect fluid milk demand patterns.

The suspension actions were requested by cooperative associations representing dairy farmers shipping to

handlers regulated by the Federal milk marketing orders for the New England and New York-New Jersey marketing areas.

The basis for the suspension request is the collapse of blend prices paid to producers as projected by the cooperatives for the spring months of 1992. The cooperatives state that the expected blend prices will be several dollars below farmers' costs of production at a time when farmers will need money for planting and other expenses.

The cooperatives state that the further reduction of pay prices to producers this spring due to operation of the seasonal incentive plan, beyond that resulting from anticipated supply-demand conditions and occurring at a time when farm cash requirements are at their seasonal peak, would accentuate the drastic financial crunch expected from the collapse in milk prices in the coming spring. The cooperatives state that there will be some price recovery in the coming fall to a level at least as high as the last fall, thereby providing for the seasonal price swings intended under the "Louisville" plan.

List of Subjects in 7 CFR Parts 1001 and 1002

Milk marketing orders.

The authority citation for 7 CFR parts 1001 and 1002 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

Signed at Washington, DC, on: March 27, 1992.

Kenneth C. Clayton,

Deputy Administrator, Marketing Programs.

[FR Doc. 92–7525 Filed 4–1–92; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 5, 20, 100, 101, 105, and 130

[Docket No. 91N–0162]

Industry and Small Business Participation; Meeting on the Format of the Nutrition Label

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of meeting.

SUMMARY: The Food and Drug Administration (FDA) is announcing a forthcoming meeting for industry and small business on the format of the nutrition label. FDA is holding this meeting as part of its efforts to implement the Nutrition Labeling and Education Act of 1990.

DATES: The meeting will be held on Wednesday, April 15, 1992, 8 a.m. to 12 m.

ADDRESSES: The meeting will be held at Lister Hill Auditorium, National Library of Medicine, National Institutes of Health, 8600 Rockville Pike, Bethesda, MD 20894

FOR FURTHER INFORMATION CONTACT: Regarding Registration: Nathaniel L. Geary, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–6776, 301–443–5153 (FAX).

SUPPLEMENTARY INFORMATION: The Center of Food Safety and Applied Nutrition and the Office of Small Business, Scientific, and Trade Affairs of FDA announce a forthcoming meeting for industry and small business. The purpose of this meeting is to present results of research studies conducted by FDA relating to the format and design of the nutrition label. FDA hopes that this meeting will foster understanding of its goals with respect to this aspect of the food label. FDA intends to publish a proposal that specifically addresses the format issue in the near future. All views expressed during the April 15, 1992, meeting will be used to supplement the comments that the agency expects to receive on the proposal.

Dated: March 30, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92–7638 Filed 4–1–92; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Chapter I

Request for Comments on Regulatory Burden Reduction Initiative

AGENCY: Internal Revenue Service, Treasury.

ACTION: Solicitation of public comments.

SUMMARY: The Treasury Department and the Internal Revenue Service are requesting public comment on their characterization of regulations, proposed regulations, and regulations projects.

DATES: Written comments must be received before June 30, 1992.

ADDRESSES: Send comments to: Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Attn: CC:CORP:T:R (Regulatory Burden Reduction Initiative), room 5228, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: Stuart L. Brown, (202) 566–4433 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The President has recently requested the Treasury Department (and other Executive Agencies and Departments) to evaluate existing regulations and programs and to identify and accelerate initiatives that will eliminate unnecessary regulatory burden or otherwise promote economic growth.

The Treasury Department and the Internal Revenue Service are committed to reducing the burden that our tax system imposes on taxpayers and the public. Reflecting this commitment, the Service has established "reducing taxpayer burden" as one of three overall objectives that form the foundation of its mission.

From an administrative standpoint, the Service has made great strides in areas such as electronic filing, one-stop service, correspondence and taxpayer service accuracy rates, and forms simplification. Most importantly, continuing progress in the area of Tax Systems Modernization will free up more than a billion hours of our citizens' time and save more than $6 billion of our citizens' money in dealing with the tax system.

In pursuit of this same objective, the Treasury Department and the Service are continuing their effort to simplify regulations and their support of tax simplification legislation. In this connection, the Treasury Department and the Service have decided to:

(1) Close certain regulations projects that are no longer needed or will not be pursued for the foreseeable future;

(2) Withdraw certain proposed regulations for which there are no current plans to finalize; and

(3) Redesignate certain regulations as relating to prior law in light of subsequent changes to the law.

These steps are intended to assure that the Treasury Department and the Service focus their energies on priority matters, provide the public with more information regarding those priorities, and help reduce the time and resources that taxpayers devote to reviewing materials that are obsolete and may be misleading.

Effective as of June 30, 1992, the projects listed below will be closed or redesignated. Public comments are requested prior to that time on whether the identified projects should be

maintained in active status or finalized. In addition, the public is invited to comment on the following matters:

(1) Additional projects or proposed regulations that should be closed or withdrawn;

(2) Regulations projects and proposed regulations that should be completed or finalized on a priority basis, along with a brief statement regarding the reasons for such priority and the issues that should be addressed; and

(3) Existing regulations that should be modified to reduce taxpayer burden in a manner consistent with the underlying statute, along with a brief statement regarding the simplifying measures that should be adopted, the impact of those measures on both taxpayers and the tax system, and the priority that should be placed on any such effort.

In commenting on these matters, the public is urged to bear in mind that the Treasury Department and the Service must allocate resources by establishing priorities that meet the competing needs of taxpayers for regulatory guidance.

Comments

Consideration will be given to any written comments that are submitted to the Internal Revenue Service. All comments in their entirety will be available for public inspection and copying.

I. Regulation Projects to be Closed

Case No.	Code section	Description
PS-040-91	42	State grants and below market loans.
PS-118-90	42	Low income housing credit definitions.
PS-011-90	42(i)	Suitability determination for low income housing.
PS-183-82	48(g)	Basis adjustment to reflect investment tax credit.
IA-235-82	55	Alternative minimum tax—general rules.
IA-209-78	57	Items of tax preference for intangible drilling costs incurred in drilling oil, gas or geothermal wells.
EE-033-90	61	Nonqualified salary reduction agreements of tax-exempt employers.
EE-080-89	72(t)	10 percent additional tax on early distribution from qualified plans.
FI-029-86	103	Whether changes in outstanding obligations result in those obligations being treated as "reissued".
FI-031-89	103	Clarification regarding the conclusiveness of certification under section 1.103-13(a)(2).
FI-089-86	103(b)(1)	Exempt facility bonds for qualified residential rental property.
FI-156-84	103(h)	Federally guaranteed bonds.
FI-307-84	103(k)(3)	Definition of "area of chronic economic distress" for purposes of mortgage subsidy.
CO-037-91	108(e)(6), (10) and (11)	Treatment of overlap between sections.
EE-112-90	119(d)	Tax treatment of faculty housing.
IA-082-83	130	Personal injury liability assignments.
IA-013-89	135	Exclusion from gross income of income from U.S. savings bonds used to pay tuition and fees.
FI-220-82	147(b)	Limitation on maturity of industrial development bonds.
FI-050-88	149(d), 103	Advance refundings.
IA-089-88	162	Deductions with respect to noncash fringe benefits.
IA-190-77	162(e)	Political advertising and grass-roots lobbying.
IA-083-87	170	Deductions in excess of $5,000 claimed for charitable contributions of certain property.
'A-073-84	183(e)	Election to postpone determination whether the presumption that an activity is engaged in for profit applies.
PS-047-90	216(e)	Distribution by COOP housing corporations.
EE-007-78	219	Spousal IRAs, SEPs, and IRA technical changes.
EE-148-81	219	Retirement Savings (ERTA '81).
IA-261-84	246A, 7701(f)	Debt financed portfolio stock.
PS-030-89	251	Disclaimer of interest pre-1977.
EE-084-89	274	Employee achievement awards.
IA-140-86	274(d), 132	Substantiation requirements with respect to listed property and the taxation of fringe benefits.
IA-114-81	274(h)	Foreign conventions.
IA-144-76	278, 464(a), 464(b)	Farming syndicate expenditures.
CO-189-82	302, 306, 318, 368(a)(1), 356(a)(2).	Certain attribution rules and certain corporate reorganizations.
CO-079-87	336, 337	Recognition of gain or loss in liquidating and nonliquidating distributions.
CO-117-86	336, 337, 311	Recognition of gain or loss on liquidating sale and distributions of property and recognition of gain on nonliquidating distributions of appreciated property.
CO-051-87	336(e)	Certain stock sales and distributions treated as asset transfers [temp file to close—companion XREF file to be converted to NPRM].
CO-078-88	337(d), 335	Application of section 337(d) to section 355 distributions.
CO-013-91	338, 1060	Information reporting requirements under sections 1060 and 338 [file will be combined with CO-012-91].
CO-088-88	338(h)(10)	Installment reporting—asset sale liquidations.
CO-049-87	338(h)(10)	Section 338(h)(10)—application to affiliated groups [temp file to close—companion XREF file to be converted to NPRM].
CO-061-89	356(a)(2), 306, 381	Section 306 stock, earnings and profits in light of Clark.
CO-074-87	368(a)(1)	Corporate reorganizations and BTA 1980.
CO-035-89	382	Corporate contractions.
CO-007-91	382(l)(5), 108(e)(10)	Rules under section 382(l)(5) concerning corporate groups and definition of an old loss corporation's shareholders and creditors.
CO-100-90	382(h)(6)	Built-in gains and loss.
CO-034-89	382(k)(7)	Foreign corporate first tier entities.
CO-099-88	384	Limitation on use of preacquisition losses to offset built-in gains.
EE-065-83	408	Amendment of section 1.408-5 to provide IRA reporting requirements.
EE-164-86	409	Employee Stock Ownership Plan rules affected by the Tax Reform Act of 1986.
EE-083-91	415	Clarification of Commissioner's authority to determine annual additions.
IA-045-87	441, 702, 1366	Taxable years of certain entities.

I. Regulation Projects to be Closed

Case No.	Code section	Description
EE-006-86	442	Changes of annual accounting period by certain exempt organizations.
IA-053-88	444, 7519, 280H	Election of taxable year other than required taxable year.
IA-002-81	453	Installment sales—related party resales.
IA-054-84	453	Installment sales—readily tradeable or demand obligations.
IA-147-82	453	Installment method—wraparound mortgages.
IA-103-81	453(b), 691, 1001	Calculation of gain or loss on the disposition of installment obligations.
PS-192-78	465	Extension—at risk rules.
PS-155-85	465(c)	Aggregation of certain activities.
PS-010-87	469	Allocation of interest expense.
PS-083-88	469	Limits—PALs and Credits disposition triggering loss.
PS-037-89	469(f)	Limits PALs and Credits.
PS-040-89	469(i)	Limits PALs—$25,000 offset.
PS-038-89	469(k)	Publicly traded partnership—PAL limits.
INTL-586-86	482, 964	Revision of subpart F blocked income regulations.
FI-083-82	595(b)	The amount realized by a credit union or mutual savings bank after a foreclosure includes rents.
PS-148-71	612, 613(a)	Restoration-depletion deductions-bonus advanced royalties.
PS-014-90	613(a)	Oil/Gas bonus exclusion rule.
PS-184-76	667	Accumulation trusts.
IA-049-89	671	Reporting by grantor trusts.
PS-265-76	706	Items allocated to portion of year partner held interest.
PS-024-90	708(b)(1)	Partnership termination distribution.
PS-232-84	724	Unrealized receivables.
PS-099-90	731, 732	Distribution of corporate stock.
FI-092-88	851(g)	Treatment of designated hedges by RICs.
INTL-950-86	861(a)(1)	Interest and dividends of 80–20 companies.
INTL-949-86	863(d)	Source of space, ocean and telecommunications income.
INTL-968-86	876	Exclusion of possession source income from gross income of certain individuals.
INTL-969-86	932	Coordination of U.S. and Virgin Islands income taxes (definition of bona fide resident).
PS-032-91	1014	Basis of property acquired from a decedent.
CO-260-84	1059	Basis reduction for nontaxed portion-extraordinary dividends.
FI-187-81	1092	Tax straddles [duplicate project].
IA-183-81	1253	Transfers of franchises, trademarks and tradenames.
FI-011-86	1256(a), 1092(e)	Hedging exception to mark-to-market rules for section contracts [duplicate project].
FI-103-91	1286	Tax treatment of stripped bonds and stripped coupons [duplicate project].
CO-006-87	1374	Section 1374 [temp file to close—companion XREF file to be converted to NPRM].
CO-004-88	1502	Revision of consolidated return regulations to reflect general utilities repeal and bankruptcy tax act.
CO-092-91	1502	Procedural aspects of bankrupt corporations filing consolidated returns.
CO-080-88	1502	Early disposition section 38 property.
CO-028-89	1502	Nontaxable exchanges between members.
CO-011-91	1502	Creation and restoration of deferred gain and loss [duplicate project].
CO-081-91	1502, 165	Worthless stock deduction [duplicate project].
CO-087-88	1502, 6655(g)	Determining large corporation status for consolidated return groups paying estimated tax.
PS-002-91	2518	Disclaimer of joint property.
PS-032-90	2662	Generation skipping transfer equivalents.
PS-022-91	4052	Modification of T.D. 8200.
PS-053-91	4121	Coal tax.
PS-066-90	4218	Personal use exemption.
EE-076-84	4962	Various private foundation provisions TRA 1984.
IA-061-90	6041, 6042	Substitute information reporting requirements.
EE-109-88	6047(d)	Reporting of taxable amount of distributions from qualified plans.
IA-029-88	6081(a)	Grant of automatic extension of time file partnership and trust returns.
IA-210-76	6166, 6166(A)	Deferral and installment payment of estate tax.
PS-048-89	6231	Application of TEFRA partnership audit procedures.
PS-072-89	6244	Designation of tax matters person.
IA-085-85	6402(c)	Child support enforcement.
IA-037-90	6673(b)	Award and collection of sanctions, penalties, and costs awarded to the U.S. by a court, other than the Tax Court.
PS-050-89	7518	Lease payments—Capital Construction Fund.
INTL-971-86	7654	Cover over of income taxes.
FI-011-89	7702A, 7702, 72(e) and (v)	Definition of modified endowment contract and the proper treatment of loans and other distributions from such contracts.
PS-002-90	7704(c)(4)	Commodities exclusion—when a principal activity of a partnership is the buying and selling of commodities.
CO-072-90		Penalty mail and missing children.
CO-051-90		Untitled.

II. Proposed Regulations to be Withdrawn

Case no.	Code section	Subject
IA-083-80	116	Notice published 2-9-82. Partial exclusion of dividends and interest received by individuals.
EE-111-82	414(m), (n), and (o)	Affiliated service groups and employee leasing (TEFRA 1982). To be partially withdrawn.
IA-121-85	451	Notice published 1-6-86. Accounting for long-term contracts.
IA-184-80	453	Notice published 1-13-84. Installment reporting—asset sales and liquidations.
EE-017-81	501(c)(12)	Rules clarifying the regulations with respect to computation of gross income of an electric cooperative.
IA-153-84	1041, 71	Transfers of property between spouses.
	1502	Consolidated work incentive program.
IA-181-84	6050J	Notice published 8-31-84. Returns relating to transfers of security.
IA-180-84	6621(d)	Increased rate of interest on substantial underpayments.
	6654(b), 6154	Remit established tax based on reasonable estimation.
IA-228-82	6655(b), 6152	Notice published 3-26-84. Accelerated payment of income tax by corporations.

III. Regulations Identified as Relating Primarily to Provisions of Prior Law

Section	Subject
1.46-3(e)(3)(iii)	Mass assets.
1.47-1(e)(4)	ITC—recapture—mass assets.
1.48-1(e)	Definition of livestock.
1.48-1(o)	Definition of property of foreign origin.
1.48-7	Election of lessor.
1.48-8	Motion picture television films and tapes.
1.167(j)	Residential rental property.
1.167(k)	Rehab expenditures.
1.185	Railroad grading.
1.191	Amortization of rehabilitation costs for certified historic structures.
1.213-2	Maximum limitation on deduction if taxpayer or spouse is age 65 or older and disabled.
1.250-1	National Railroad Passenger Corp.
1.301-1(n)	Distributions of certain property by foreign corporations to corporate shareholders.
1.305-1	Special rules of application for dividend reinvestment in stock of public utilities (Temporary).
1.311-1 and -2	Nonrecognition of gain or loss with respect to property distributed in a nonliquidating distribution.
1.333-1 through -6	One month liquidations.
1.334-1(c)	Rules relating to the determination of basis under section 334(b)(2).
1.334-2	Property received in liquidation under section 333.
1.336-1	Nonrecognition of gain or loss by corporation with respect to property distributed in complete liquidation.
1.337-1 through -6	Nonrecognition of gain or loss by corporation with respect to sales of property in connection with complete liquidation.
1.358-5	Basic rules relating to certain exchanges involving Conrail.
1.382-1A	Purchase of a corporation and change in its trade or business (Pre-Tax Reform Act of 1986).
1.382-2A	Change of ownership as the result of a reorganization (Pre-Tax Reform Act of 1986).
1.382-3A	Definition of stock (Pre-Tax Reform Act of 1986).
1.382-4A	Election of application of sections 382 and 383, as amended by the Tax Reform Act of 1976.
1.424-1 and -2	Restrict stock options.
1.453C-0T through -10T	Certain indebtedness treated as payment on installment obligations.
1.534-4	Taxable years subject to IRC of 1939.
1.593-6	Pre-1970 addition to reserve for losses on qualifying real property loans.
1.593-9	Taxable income for taxable years beginning in 1962 and ending in 1963.
1.613-3(b) through (i)	Gross income from the property-minerals other than oil and gas.
1.673(a)-1	Clifford trust.
1.801 through 1.820	Provisions relating to taxation of life insurance companies under the 1959 Act.
5.852-1	Treatment of certain capital gains of RICs—rules relating to reduction in capital gains rate in 1978.
1.856-9	Election with respect to property held for sale in a taxable year beginning before 10-5-76.
5.857-1	Treatment of certain capital gains of REITs—rules relating to reduction in capital gains rate in 1978.
1.897-4	Special election under section 897(k) for certain corporations.
1.955-0 through -6	Withdrawal of previously excluded Subpart F income from qualified investment.
12.5 (follows 1.971-1)	Transfer to a DISC of assets of export trade corporation.
1.1101-1 through -4	Distributions by bank holding companies.
1.1102-1 through -3	Distributions by bank holding companies.
1.1106-1 through -6	Distributions by bank holding companies.
5c.1256-1-3 and 1.1256(h)-1T through 3T	1981 and 1984 transitional elections.
1.1502-7	Tax surcharge.
1.1502-25	Consolidated section 992 deduction.
1.1561-1A through 3A	Surtax exemption in case of certain controlled corporations.
1.6045-5T	Information reporting on real estate transactions with dates of closing 1986-1991.
54.6071-1T	Time for filing return of section 4980 excise tax.

Shirley D. Peterson,

Commissioner of Internal Revenue.

[FR Doc. 92-7410 Filed 4-1-92; 8:45 am]

BILLING CODE 4830-01-M

Notices

Federal Register
Vol. 57, No. 64
Thursday, April 2, 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.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Meeting

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given in accordance with regulations of the Advisory Council on Historic Preservation, "Protection of Historic Properties" (36 CFR part 800), that a panel of three members of the Council will meet on Thursday, April 16, 1992, to consider plans by the Poarch Band of the Creek Indians to construct a community center/bingo hall and associated facilities in Wetumpka, Alabama. This undertaking will affect the Hickory Ground archaeological site, which is listed in the National Register of Historic Places.

The panel will meet in Montgomery, Alabama, on the plaza level of the Gordon Persons Building, 50 North Ripley, Street, at 1 p.m. The panel welcomes written and oral statements form concerned parties. Written statements should be submitted to the Council by April 9, 1992. Persons wishing to make oral statements at the public hearing should contact the Council by April 13, 1992. While priority will be given to those persons who have indicated prior to the meeting their desire to speak, testimony of all interested parties will be heard.

The Council was established by the National Historic Preservation Act to advise the President and Congress on matters relating to historic preservation and to comment upon Federal, federally assisted, and federally licensed undertakings having an effect upon properties that are listed in or eligible for listing in the National Register of Historic Places.

Note: The meetings of the Council are open to the public. If you need special accommodations due to a disability, please contact the Council.

FOR FURTHER INFORMATION CONTACT: Additional information is available from the Executive Director, Advisory Council on Historic Preservation, 1100 Pennsylvania Avenue NW., suite 809, Washington, DC 20004, Attention: David H. Dutton (202–786–0505).

Dated: March 23, 1992.

Robert D. Bush,

Executive Director.

[FR Doc. 92–7534 Filed 4–1–92; 8:45 am]

BILLING CODE 4310–10–M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 92–023]

Secretary's Advisory Committee on Foreign Animal and Poultry Diseases; Meeting

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10 of the Federal Advisory Committee Act, we are giving notice of a meeting of the Secretary's Advisory Committee on Foreign Animal and Poultry Diseases.

Place, dates, and time of meeting: The meeting will be held in the Conference Center of the Holiday Inn Beachside, 3841 N. Roosevelt Boulevard, Key West, Florida 33040, (305) 294–2571, June 2–4, 1992. Sessions will be held from 1 p.m. to 5 p.m. on June 2; from 8 a.m. to 5 p.m. on June 3; and from 8 a.m. to noon on June 4, 1992.

FOR FURTHER INFORMATION CONTACT: Dr. M.A. Mixson, Chief Staff Veterinarian, Emergency Programs Staff, VS, APHIS, USDA, room 747, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–8073.

SUPPLEMENTARY INFORMATION: The Secretary's Advisory Committee on Foreign Animal and Poultry Diseases (Committee) advises the Secretary of Agriculture of means to suppress, control, or eradicate an outbreak of foot-and-mouth disease, or other destructive foreign animal or poultry disease in the event such disease should enter the United States. The Committee also advises the Secretary of Agriculture of means to prevent these diseases.

Tentative topics for discussion at the upcoming meeting will include, among other things, user fees, action plans for emergency preparedness and mock exercise, regionalization and risk assessment in international trade, and trade restrictions imposed because of swine infertility and respiratory syndrome (SIRS), otherwise known as "mystery swine disease." A representative from the New York Animal Import Center and the National Veterinary Services Laboratories will report on their staff activities. The Committee will also develop recommendations and prepare comments on control and eradication guides for foot-and-mouth disease and other foreign animal diseases.

This meeting will be open to the public. Written statements concerning meeting topics may be filed with the Committee before or after the meeting by sending them to Dr. M.A. Mixson at the above address, or may be filed at the meeting.

Done in Washington, DC, this 27th day of March 1992.

Robert Melland,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 92–7617 Filed 4–1–92; 8:45 am]

BILLING CODE 3410–34–M

Forest Service

Hays Station Timber Sale, Payete National Forest, Idaho County, ID

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Forest Service will prepare an environmental impact statement (EIS) for the proposed Hays Station Timber Sale, McCall Ranger District, Payette National Forest, Idaho. The proposed timber sale is located in sections 3 and 4, T.21 N., R.7 E., and sections 20, 21, 22, 26, 27, 28, 29, 32, 33, and 34, T.22 N., R.7 E., Boise Meridian. It would harvest mature and overmature timber stands using mostly even-aged silvicultural systems. The objectives for the activity are:

(1) Manage approximately 400 acres of suited timberland to reach near site-specific, timber-growing productivity potential as

defined in the Payette National Forest Land and Resource Mangement Plan (Forest Plan, 1988). The timber stands are not currently growing to their potential for several reasons. First, the majority of timber stands are overmature, which results in slow growth. Secondly, decades of fire suppression has allowed an ingrowth of younger, codominant trees that are now competing for light, water, and nutrients with older trees. This competition weakens trees and causes susceptibility to insect and disease attack. Bark beetles are causing ponderosa pine and Douglas-fir-mortality. In addition, dwarf mistletoe is severely reducing the growth in the Douglas-fir. These factors are causing poor forest health, which is affecting timber management objectives within the area.

(2) Produce no net increase of sediment delivered into the South Fork Salmon River. This area provides important habitat for the chinook salmon, a species the National Marine Fisheries Service is expected to list as threatened. Because soils in the Hays Station project area are granitic and prone to erosion, increased sediment production resulting from logging activities is of major concern. A sediment increase into the South Fork could decrease anadromous fish habitat and populations by smothering spawning areas.

The Hays Station area was selected to study possible re-introduction of timber harvesting in the South Fork Salmon River drainage in the Forest Plan. The project is located in Management Area 14. The Forest Plan (IV–278) allocates 6,284 acres of suited timberlands for general forest management within the South Fork Salmon River portion. Criteria for lands selected for timber management include: (1) Suitable timber lands that have no potential to deliver sediment to the South Fork River; (2) areas that require no road construction; and (3) areas in the lower South Fork Salmon River (the most downstream areas). All sediment produced by new timber sales will be fully compensated for in the same area of fish habitat that would be affected by the project (Forest Plan, IV–233).

The agency invites coments and suggestions on the scope of the analysis to be included in the draft Environmental Impact Statement (DEIS). In addition, the agency gives notice of the full environmental analysis and decision-making process that is beginning on the proposal so that interested and affected people know how they may participate and contribute to the final decision.

DATES: Comments on the scope of the analysis, to be most useful, should be received by May 24, 1992.

ADDRESSES: Submit written comments and suggestions concerning the scope of the analysis to Linda Fitch, McCall District Ranger, or Dan Anderson, EIS Team Leader, Payette National Forest, McCall Ranger District, P.O. Box 1026, McCall, Idaho 83638.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action should be directed to Dan Anderson, phone (208) 634–0400

SUPPLEMENTARY INFORMATION: The Payette Forest Plan provides Forest-wide direction for management of the resources of the Payette National Forest. The environmental impact statement for the Forest Plan analyzed a range of development alternatives for the South Fork Salmon River drainage management areas. The Forest Plan allocates portions of this drainage to timber management and assigns them to Management Areas #10, 12, 13, 14, 16, 17, 18, 19, 22, 23, 24, 25, and 26.

As well as Forest-wide direction, the Plan gives specific direction for these management areas. It requires integrated management of the multiple resources, including recreation, range, soil and water, fish, wildlife, timber, and fire/fuels, to meet the desired future condition of the Forest.

Forest Plan direction for the South Fork Salmon River Drainage requires that the Payette National Forest assist other agencies, tribes, and entities to restore harvestable, robust, self-sustaining populations of naturally reproducing salmon and trout in the South Fork Salmon River.

The following information is provided to meet more fully the guidelines for proposed projects in the Columbia River Basin as described in the "Columbia River Basin Anadromous Fish Habitat Management Policy and Implementation Guide." The guide was completed on January 25, 1991, for the purpose of providing guidance for implementation of the Intermountan, Northern, and Pacific Northwest Forest Service Regions'. anadromous fish habitat management policies.

The proposed Hays Station Timber Sale could effect anadromous fish habitat in the lower portion of the South Fork Salmon River and Pony Creek, a tributory to the South Fork Salmon River. Log-haul routes potentially affect the Warren and Secesh River watersheds. Potential environmental effects would be cumulative within these watersheds.

Pony Creek contains about 20 acres of stream on National Forest System Lands, or about a 3/4-mile length from the mouth going upstream, that is suitable for occupancy by steelhead. Pony Creek has been ranked by the Bonneville Power Administration's rivers study as an outstanding creek for resident salmonids. Road locations or other constructions encroach on existing stream channels and could not be remedied without obliteration of major system roads or other constructed features. Stream turbidity increases when storms flush more sediment from roads or other human-caused land disturbances. Future coordination to mitigate or reduce these impacts is considered desirable. Fire suppression over the past 80 years has resulted in the accumulation of ladder fuels and now poses an increased risk of high intensity fire. The likely use of tractors during fire suppression activities increases the risk of sediment-causing erosion on the area's steep, fragile soils.

Additional drainages within the project area include China Creek, K Creek, and Big and Little Flat Creeks. These appear to be non-anadromous drainages.

The South Fork Salmon River contains 400 acres of stream on the Payette National Forest that is suitable for occupancy by steelhead trout and chinook salmon. About 56,000 steelhead smolts and 280,000 chinook salmon smolts could be produced from the existing habitat.

Potential effects of timber harvest on these watersheds include alteration of vegetation as it affects instream temperature, large organic debris, nutrient cycles, and carbon cycles. Effects of vegetative alteration also include changes in stream flow. Land disturbance potentially produces increased human-caused sediment. Fuel spills or other changes could potentially occur along haul routes and within the project area.

An inventory for Pony Creek, K Creek, China Creek, and Big and Little Flat Creeks was completed September 18, 1991. No fish were found in these creeks except for Pony Creek. Redband trout and fry (possibly steelhead) were observed in the lower reach of Pony Creek. It appears from inventory observations that little or no habitat exists for anadromous fish in K Creek, China Creek, and Big and Little Flat Creeks. These creeks do contribute flows, sediment, debris, and nutrients to the main stem of the South Fork Salmon River. Little inventory information is available for habitat conditions in the lower South Fork Salmon River. A 1992 Remote Sensing inventory for the identification and mapping of sandbars, water depths, and macrohabitat classification is planned for the lower main stem of the South Fork.

Mitigation measures for the area as required by the Forest Plan are described in the Forest Plan (appendix A–2). Public participation will be especially important at several points

during the analysis, particularly during scoping of issues and review of the DEIS.

The scoping process includes:

1. Identifying potential issues.
2. Identifying issues to be analyzed in depth
3. Eliminating insignificant issues or those covered by a relevant previous environmental analysis.
4. Determining potential cooperating agencies and task assignment.

The U.S. Fish and Wildlife Service, Department of the Interior, has been invited to participate as a cooperating agency to evaluate potential impacts on threatened and endangered species habitat.

The Forest Service has conducted internal and external scoping on the proposed timber sales and has identified preliminary issues and concerns that fall into these categories:

—Fisheries/Water quality and quantity
—Recreation
—Wildlife
—Threatened, Endangered, and Sensitive Species
—Soil productivity
—Fire Management
—Cultural Resources

The second major opportunity for public input is the DEIS. The DEIS will analyze a range of alternatives to the proposed action, including No Action and alternative amounts of timber harvesting. The DEIS is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review in November 1992. EPA will then publish a notice of availability of the DEIS in the **Federal Register**. Public comments are invited.

The comment period on the DEIS will be 45 days from the date the notice of availability appears in the **Federal Register**. It is important that those interested in the mangement of the affected areas participate at that time. To be most helpful, comments on the DEIS should be as specific as possible and address the adequacy of the statement or the merits of the alternatives discussed. Federal court decisions have established that reviewers of draft EIS's must structure their participation of the environmental review of the proposal so that it is meaningful and alerts the agency to the reviewer's position and contentions (*Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553 [1978]), and that environmental objections that could have been raised at the draft stage may be waived if not raised until after completion of the final environmental impact statement (*Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 [E.D. Wis. 1980]). The reason for this is to ensure that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond in the final EIS (FEIS).

Comments on the DEIS will be analyzed and considered by the Forest Service in preparing the FEIS, which is scheduled to be completed in May 1993. In the FEIS the Forest Service is required to respond to the comments received (40 CFR 1503.4). The responsible official will consider the comments, responses, environmental consequences discussed in the FEIS, and applicable laws, regulations, and policies in making the decision and stating the reasons for it in the Record of Decision. That decision will be subject to appeal under 36 CFR part 217.

Veto J. LaSalle, Forest Supervior of the Payette National Forest, McCall Idaho, is the Responsible Official for this EIS.

Dated: March 24, 1992.

Jacqueline B. Call,

Administrative Officer.

[FR Doc. 92–7599 Filed 4–1–92; 8:45 am]

BILLING CODE 3410–11–M

[Forest Plan Amendment 16]

Management Indicator Species; Flathead National Forest, Flathead, Lake, Lewis and Clark, Lincoln, Missoula, and Powell Counties, State of Montana

AGENCY: Forest Service, USDA.

ACTION: Revised notice; intent to prepare a supplement to a final environmental impact statement.

SUMMARY: Revised notice of intent to prepare a Supplement to the December 1985, Environmental Impact Statement (EIS) for the Flathead National Forest Land and Resource Management Plan (LRMP). The supplement proposes to amend the LRMP by adopting standards for management of habitat for pileated woodpecker, marten, marten, and barred owl. The original notice of intent was published June 28, 1990, (55 FR 26475).

This notice revises the intended action published June 28, 1990 from preparing an environmental impact statement to a Notice of Intent to Supplement the 1985 LRMP EIS. This notice also revises the probable date of availability of the draft supplement to the EIS from June, 1991, to June, 1992, and the final supplement originally scheduled for January 1992 is now scheduled for November, 1992.

The LRMP EIS of December, 1985 established the three species in Management Indicator Species (MIS). The purpose of this proposal is to respond to the 8/31/88 decision of the Chief of the Forest Service to amend the LRMP to add " * * * standards that will ensure that these species will remain well distributed throughout the forest."

DATES: The draft supplement to the EIS for the Management indicator Species LRMP Amendment is expected to be available by June 30, 1992.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and EIS should be directed to Nancy Warren, Biologist and Management Indicator Species Interdisciplinary team member, or Joel Holtrop, Forest Supervisor. Flathead National Forest, 1935 Third Avenue East, Kalispell, MT 59901. Phone: (406) 755–5401.

Dated: March 26, 1992.

Joel D. Holtrop,

Forest Supervisor.

[FR Doc. 92–7602 Filed 4–1–92; 8:45 am]

BILLING CODE 3410–11–M

Packers and Stockyards Administration

Proposed Posting of Stockyards

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

AL–187 Clay County Livestock, Inc.
Ashland, Alabama
FL–133 Jamerson's Auction Service
Springhill, Florida
NC–163 Mount Olive Livestock Market, Inc.
Snow Hill, North Carolina

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

Any person who wishes to submit written data, views or arguments concerning the proposed designation may do so by filing them with the Director, Livestock Marketing Division, Packers and Stockyards Administration, room 3408-South Building, U.S. Department of Agriculture, Washington, DC 20250 by April 11, 1992.

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

Done at Washington, DC this 27th day of March.

Harold W. Davis,

Director Livestock Marketing Division.

[FR Doc. 92-7544 Filed 4-1-92; 8:45 am]

BILLING CODE 3410-KD-M

Soil Conservation Service

Moniteau Creek Watershed, MO

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR part 1500); and the Soil Conservation Service Guidelines (7 CFR part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Moniteau Creek Watershed, Boone, Howard, and Randolph counties, Missouri.

FOR FURTHER INFORMATION CONTACT: Russell C. Mills, State Conservationist, Soil Conservation Service, Parkade Center, suite 250, 601 Business Loop 70 West, Columbia, Missouri 65203, telephone (314) 876-0901.

SUPPLEMENTAL INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Russell C. Mills, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for flood control, watershed protection, fish and wildlife habitat improvement, and recreation. The planned works of improvement include 91 small single-purpose floodwater retarding dams; a multiple-purpose dam for flood prevention, fish and wildlife and recreation; an accelerated land treatment program for erosion control; and a forest management plan.

The notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Russell C. Mills, State Conservationist, Missouri.

No Administrative action on implementation of the proposal will be taken until 45 days after the date of this publication in the **Federal Register**.

"(This activity is listed in the Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention, and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials)"

Dated: March 5, 1992.

Russell C. Mills,

State Conservationist.

[FR Doc. 92-7595 Filed 4-1-92; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

Agency Forms Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposals for collections of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Bureau of Export Administration.

Title: Technical Data Letter of Explanation.

Form Number: EAR Section 779.5.

OMB Approval Number: 0694-0047.

Type of Request: Extension of the expiration date of a currently approved collection.

Burden: 4,185 hours.

Number of Respondents: 2,235.

Avg Hours Per Respondent: 1.87 hours.

Needs and Uses: This collection of information is the Letter of Explanation and special documentation which accompanies an application for a license to export technical data. This letter describes the exact nature and use of the data to be exported. The information is used by the licensing officer in making a determination on whether or not a license should be issued.

Affected Public: Businesses or other for-profit institutions, small businesses or organizations.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Gary Waxman (202) 395-7340, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Agency: National Institute of Standards and Technology.

Title: Survey of U.S. Manufacturing Issues.

Form Number: N/A.

OMB Approval Number: N/A.

Type of Request: New collection.

Burden: 250 reporting hours.

Number of Respondents: 1,000.

Avg Hours Per Respondent: .25 hours.

Needs and Uses: The Manufacturing Engineering Laboratory (MEL) of the NIST conducts research into new manufacturing technologies and techniques. The results of this research program are made available to U.S. industry in research publications, consultations, workshops, and standards activities. For this program to have maximum economic impact, it must concentrate on the issues and needs that are the most important to U.S. industry, and the results must be disseminated in the most effective manner. The purpose of this survey is to obtain information that can be used in planning future research programs within NIST's MEL. The survey is designed to identify information on manufacturing issues, needs and priorities that can lead to research efforts that will increase the competitiveness of U.S. industry.

Affected Public: Businesses or other for-profit institutions, small businesses or organizations.

Frequency: One-time.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Maya A. Bernstein (202) 395-3785, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Agency: National Oceanic and Atmospheric Administration.

Title: Certificate of Exemption Renewal.

Form Number: N/A.

OMB Approval Number: 0648-0078.

Type of Request: Extension of the expiration date of a currently approved collection.

Burden: 50 hours.

Number of Respondents: 12.

Avg Hours Per Respondent: 4.16 hours.

Needs and Uses: This information is collected to (1) grant certain members of the public an exemption under the Endangered Species Act of 1973 to which they would not otherwise be entitled, and (2) to manage the program and provide for effective law enforcement.

Affected Public: Businesses or other for-profit institutions, small businesses or organizations.

Frequency: Every three years, quarterly.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Ron Minsk (202) 395–3084, Room 3019, New Executive Office Building, Washington, D.C. 20503.

Agency: National Oceanic and Atmospheric Administration.

Title: Subsequent Purchaser Reports.

Form Number: N/A.

OMB Approval Number: 0648–0079.

Type of Request: Extension of the expiration date of a currently approved collection.

Burden: 150 reporting hours.

Number of Respondents: 150.

Avg. Hours Per Respondent: 1 hour.

Needs and Uses: Under the Endangered Species Act, it is illegal to engage in interstate or foreign commerce of products comprised of endangered fish or wildlife. Certificates of Exemption were issued to persons holding inventories of such items before the effective date of the law. Only those persons holding such exemptions are allowed to engage in interstate or foreign commerce. To enforce the Act, NOAA's enforcement officers need a way to identify legal items from illegal ones. Subsequent purchasers of items, planning to resale the items in intrastate commerce, must submit a report so that enforcement staff can determine whether or not an item is legal.

Affected Public: Businesses or other for–profit institutions, small businesses or organizations.

Frequency: On occasion.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Ron Minsk (202) 395–3084, Room 3019, New Executive Office Building, Washington, D.C. 20230.

Agency: National Oceanic and Atmospheric Administration.

Title: Northeast Region Logbook Family of Forms.

Form Numbers: NOAA88–30, 88–59, 88–140.

OMB Approval Number: 0648–0212.

Type of Request: Revision of a currently approved collection.

Burden: 2,082 hours.

Number of Respondents: 544.

Avg Hours Per Respondent: 3.83 hours.

Needs and Uses: Logbooks are needed to obtain fishery–dependent data on the fishing industry, catch, effort, biological, and economic information from commercial and recreational fishermen. Data are used for stock assessment, quota compliance, regulatory analysis, monitoring, and resource management.

Affected Public: Businesses or other for–profit institutions, small businesses or organizations.

Frequency: Weekly, monthly.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Ron Minsk, (202) 395–3084, Room 3019, New Executive Office Building, Washington, D.C. 20230.

Agency: National Oceanic and Atmospheric Administration.

Title: Salmon Reporting Requirements in Washington, Oregon, and California.

Form Number: N/A.

OMB Approval Number: 0648–0222.

Type of Request: Extension of the expiration date of a currently approved collection.

Burden: 50 reporting hours.

Number of Respondents: 200.

Avg Hours Per Respondent: .25 hours.

Needs and Uses: Timely and accurate accounting of salmon catch data for a regulatory area subject to quota management is necessary for quota assessment. Commercial salmon fishermen who wish to leave a regulatory area to land their catches in another area will transmit catch reports as specified annually in the preseason regulations.

Affected Public: Individuals or households, businesses or other for–profit institutions, small businesses or organizations.

Frequency: On occasion.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Ron Minsk (202) 395–3084, Room 3019, New Executive Office Building, Washington, D.C. 20503.

Agency: National Oceanic and Atmospheric Administration.

Title: Application for a Commercial Fisheries Exemption under Section 114 of the Marine Mammal Protection Act.

Form Number: No form number assigned.

OMB Approval Number: 0648–0224

Type of Request: Request for extension of the expiration date of a currently approved collection.

Burden: 3,350 hours.

Number of Respondents: 13,000.

Avg Hours Per Respondent: .25 hours.

Needs and Uses: The Marine Mammal Protection Act (MMPA) mandates the protection of marine mammals and makes killing, except under permit or exemption, a violation. The information provided is necessary to obtain an exemption from the Act. Without this exemption system, commercial fishermen incidentally killing or injuring marine mammals during their normal fishing activities are in violation of the MMPA and subject to prosecution and stiff penalties.

Affected Public: Individuals or households, businesses or other for–profit institutions, small businesses or organizations.

Frequency: Annual.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Ron Minsk (202) 395–3084, Room 3019, New Executive Office Building, Washington, D.C. 20230.

Agency: National Oceanic and Atmospheric Administration

Title: Reporting Requirements for a Commercial Fisheries Exemption under Section 114 of the Marine Mammal Protection Act.

Form Number: No form number assigned.

OMB Approval Number: 0648–0225.

Type of Request: Request for extension of a currently approved collection.

Burden: 143,988 hours.

Number of Respondents: 28,963.

Avg Hours Per Respondent: 4.97.

Needs and Uses: The Marine Mammal Protection Act mandates the protection of marine mammals and makes killing, except under permit or exemption, a violation. Section 114, as amended, authorizes an exemption for commercial fishermen provided they register with the National Marine Fisheries Service (NMFS) and report takings. The information is required by statute and needed by NFMS to determine the impacts of commercial fishing on marine mammal populations.

Affected Public: Individuals or households, businesses or other for–profit institutions, small businesses or organizations.

Frequency: Annual, on occasion.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Ron Minsk (202) 395–3084, room 3019, New Executive Office Building, Washington, DC 20230.

Copies of the above information collection proposals can be obtained by calling or writing Edward Michals, DOC Forms Clearance Officer, (202) 377–3271, Department of Commerce, room 5327, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collections should be sent to the respective OMB Desk Officer at the address indicated.

Dated: March 26, 1992.

Edward Michals,

Departmental Forms Clearance Officer, Office of Management and Organizations.

[FR Doc. 92–7569 Filed 4–1–92; 8:45 am]

BILLING CODE 3510–CW

Agency Forms Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposals for collection of information under the

provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Bureau of the Census.

Title: Nativity and Immigration Questions for the Current Population Survey CATI/CAPI Overlap Test.

Form Number(s): MLS–263.

Agency Approval Number: None.

Type of Request: New collection.

Burden: 150 hours.

Number of Respondents: 18,000.

Avg Hours Per Response: 30 seconds.

Needs and Uses: The Census Bureau will collect these data monthly between July 1992 and December 1993 as part of the CATI/CAPI overlap interviewing for the Current Population Survey (CPS). Census will collect data on the size and characteristics of the U.S. foreign–born population to analyze socioeconomic characteristics by nativity, evaluate current immigration patterns and study the effects of immigration on population growth. Census will use these data to assess immigration impacts and undocumented migration for reports required by the Immigration Act of 1990, assess the effect of the Immigration Reform and Control Act of 1986, and to improve accuracy in the postcensal population estimates and the 1990 decennial census coverage evaluation.

Affected Public: Individuals or households.

Frequency: Monthly.

Respondent's Obligation: Voluntary.

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

Agency: Bureau of the Census.

Title: 1992 Census of Finance, Insurance, and Real Estate.

Form Number(s): CB–6000 through CB–6702 (18 report forms).

Agency Approval Number: None.

Type of Request: New collection.

Burden: 615,000 hours.

Number of Respondents: 478,600.

Avg Hours Per Response: 1 hour and 17 minutes.

Needs and Uses: The Census Bureau will conduct the census of finance, insurance, and real estate as part of the 1992 Economic Censuses. The economic censuses are the primary source of facts about the structure and functioning of the Nation's economy. The 1992 Census of Finance, Insurance, and Real Estate will measure the economic activity of nearly 1.7 million establishments classified in Division H of the Standard Industrial Classification. This sector is comprised of three broad industry groups: (i) finance consists of depository institutions, nondepository credit institutions, holding companies, other investment companies, brokers and dealers in securities and commodity contracts, and security and commodity exchanges; (ii) insurance covers insurance carriers and insurance agents and brokers; and (iii) real estate includes owner–lessors, agents, and developers of real estate. This information collection will produce basic statistics for number of establishments, revenue, payroll, employment, and a variety of subject statistics, including major sources of revenue, value of assets leased under capital leasing arrangements, and number of buildings managed.

Affected Public: Businesses or other for–profit organizations, small businesses or organizations.

Frequency: Every 5 years.

Respondent's Obligation: Mandatory.

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

Copies of the above information collection proposals can be obtained by calling or writing Edward Michals, DOC Forms Clearance Officer, (202) 377–3271, Department of Commerce, room 5312, 14th and Constitution Avenue, NW., Washington, DC 20230.

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

Dated: March 27, 1992.

Edward Michals,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 92–7589 Filed 4–1–92; 8:45 am]

BILLING CODE 3510–07–F

Bureau of the Census

Census Advisory Committee on Agriculture Statistics; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463 as amended by Pub. L. 94–409), we are giving notice of a meeting of the Census Advisory Committee on Agriculture Statistics. The meeting will convene on May 14, 1992 at the Bureau of the Census, room 2412, Federal Building 3, Washington, DC 20233.

The Committee advises the Director, Bureau of the Census, on the kind of information that should be obtained from respondents associated with agricultural production; prepares recommendations regarding the contents of agricultural reports; and presents the views and needs for data of major agricultural organizations and their members, and other suppliers of agricultural statistics.

The Committee is composed of 20 members appointed by the presidents of the nonprofit organizations having representatives on the Committee and a representative from the Department of Agriculture.

The agenda for the May 14 meeting that will begin at 9 a.m. and adjourn at 4:30 p.m. is: (1) Call to order and introduction: (2) introductory remarks by the Director, Bureau of the Census; (3) review of Census Bureau agriculture statistics program; (4) 1992 agriculture census—publicity program; (5) linking related data sets and producing cross-area reports; (6) Census Quality Management; (7) customer feedback; (8) public questions and comments; (9) Committee recommendations; and (10) election of 1993 chairperson.

The meeting is open to the public and a brief period is set aside for public comment and questions. Those persons with extensive questions or statements must submit them in writing to the Census Bureau official named below at least 3 days before the meeting.

Persons wishing additional information regarding this meeting or who wish to submit written statements may contact Mr. George Pierce, Agriculture Division, Bureau of the Census, room 437, Iverson Mall, Suitland, Maryland. (Mailing address: Washington, DC 20233) Telephone (301) 763–8556.

Dated: March 26, 1992.

Barbara Everitt Bryant,

Director, Bureau of the Census.

[FR Doc. 92–7519 Filed 4–1–92; 8:45am]

BILLING CODE 3510–07–M

Bureau of Export Administration

Materials Processing Technical Advisory Committee; Closed Meeting

A meeting of the Materials Processing Technical Advisory Committee will be held April 22, 1992, 9 a.m., in the Herbert C. Hoover Building, room 1617M, 14th Street & Pennsylvania Avenue, NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis with respect to technical questions that affect the level of export controls applicable to materials processing and related technology.

The Committee will meet only in Executive Session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on February 5, 1992, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended,

that the series of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C., 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10 (a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, room 6628, U.S. Department of Commerce, Washington, DC 20230. For further information, contact Lee Ann Carpenter on (202) 377-2583.

Dated: March 30, 1992.

Betty A. Ferrell,

Director, Technical Advisory Committee Staff.

[FR Doc. 92-7632 Filed 4-1-92; 8:45 am]

BILLING CODE 3510-DT-M

Transportation and Related Equipment Technical Advisory Committee; Partially Closed Meeting

A meeting of the Transportation and Related Equipment Technical Advisory Committee will be held April 23, 1992, 9:30 a.m., Herbert C. Hoover Building, room 1617-M, 14th Street and Constitution Avenue, NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis with respect to technical questions which affect the level of export controls applicable to transportation and related equipment or technology.

Agenda: General Session

1. Opening Remarks by the Chairman or Commerce Representative.
2. Introduction of Members and Visitors.
3. Presentation of Papers or Comments by the Public.
4. Review the Outcome of COCOM Negotiations and Missile Technology.
5. Review the Imminent Technologies resulting from the Transportation Ad Hoc Meeting.

Executive Session

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

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, in order to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that you forward your public presentation materials two weeks prior to the meeting to the below listed address: Ms. Ruth D. Fitts, U.S. Department of Commerce/BXA, Office of Deputy Assistant Secretary for Export Administration, 14th & Constitution Avenue, NW., room 1621, Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on December 28, 1990, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittee thereof, dealing with the classified materials listed in 5 U.S.C. 552(c)(1) shall be exempt from the provisions relating to public meetings found in section 10 (a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, room 6628, U.S. Department of Commerce, Washington, DC. For further information or copies of the minutes call Ruth D. Fitts, 202-377-4959.

Dated: March 30, 1992.

Betty A. Ferrell,

Director, Technical Advisory Committee Unit, Office of the Deputy Assistant Secretary for Export Administration.

[FR Doc. 92-7633 Filed 4-1-92; 8:45 am]

BILLING CODE 3510-DT-M

International Trade Administration

[A-557-805]

Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination; Extruded Rubber Thread From Malaysia

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

EFFECTIVE DATE: April 2, 1992.

FOR FURTHER INFORMATION CONTACT: Vincent Kane, Gary Bettger, or Margo Lanouette, Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 377-2815, 377-2239, or 377-0160.

PRELIMINARY DETERMINATION: We preliminarily determine that extruded rubber thread from Malaysia is being, or is likely to be, sold in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673b). The estimated margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

Since the publication of the notice of initiation in the **Federal Register** (56 FR 48158, September 24, 1991) the following events have occurred.

On October 15, 1991, the U.S. International Trade Commission (ITC) preliminarily determined that there is a reasonable indication that the extruded rubber thread industry in the United States is materially injured, or threatened with material injury, by reason of imports of extruded rubber thread from Malaysia. On October 18, 1991, the Department presented section A of its antidumping questionnaire to Heveafil/Filmax Sdn. Bhd. and Rubberflex Sdn. Bhd., the sales of which accounted for substantially more than 60 percent of imports of extruded rubber thread during the period of investigation (POI). On October 31, 1991, the Department presented Sections B and C of its questionnaire to the same companies.

Supplemental/deficiency letters were presented to the companies for section A and sections B and C on November 22, 1991, and January 7, 1992, respectively. Responses to all of the aforementioned questionnaire sections and supplements were received from the respondents in time for consideration for purposes of this preliminary determination.

On January 21, 1992, at the request of the petitioner, we postponed the preliminary determination in this investigation from February 5, 1992, until February 14, 1992 (Notice of Postponement of Preliminary Antidumping Duty Determination on Extruded Rubber Thread from Malaysia and Alignment of Final Countervailing Duty Determination of Extruded Rubber Thread from Malaysia, 57 FR 3163, January 28, 1992). On February 14, 1992, petitioner alleged sales at less than the cost of production. On February 25, 1992, at the request of the petitioner, we postponed the preliminary determination until March 26, 1992 (Postponement of Preliminary Antidumping Duty Determination: Extruded Rubber Thread from Malaysia,

57 FR 6492). On February 27, 1992, we initiated an investigation to determine whether sales have been made over an extended period at less than the cost of production. In the time remaining prior to the preliminary determination, we were unable to reach a preliminary determination on whether sales have been made at less than cost. This determination will be included in our final determination in this investigation. Finally, on March 24, 1992, respondent requested that, in the event of an affirmative preliminary determination in this investigation, the Department postpone the final determination to 135 days after the date of the publication of the affirmative preliminary determination (See Postponement section of this notice).

Scope of the Investigation

The product covered by this investigation is extruded rubber thread from Malaysia. Extruded rubber thread is defined as vulcanized rubber thread obtained by extrusion of stable or concentrated natural rubber latex of any cross sectional shape, measuring form 0.18 mm, which is 0.007 inches or 140 gauge, to 1.42 mm, which is 0.056 inches or 18 gauge, in diameter. Extruded rubber thread is currently classified under subheading 4007.00.00 of the Harmonized Tariff Schedule (HTS). Although the HTS subheading is provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Standing

By letter of February 7, 1992, respondents claim that food grade rubber thread constitutes a separate like product. They further claim that because petitioner does not produce food grade rubber thread, petitioner is not an interested party with respect to this product. Therefore, petitioner lacks standing to file a petition requesting antidumping duty relief with respect to this product.

The ITC has preliminarily determined in this proceeding that there is one like product, which includes all of the merchandise defined by the scope of this investigation, including food grade rubber thread. We have analyzed the information on the record concerning this issue and have determined that we have no basis to disagree with the ITC's "like product" determination. Accordingly, we determine that petitioner produces a product like the imported product and, hence, has standing to file this investigation. See, for example Final Determination of Sales at Less Than Fair Value: Nepheline Syenite from Canada (57 FR 9237, March 17, 1992).

Period of Investigation

The POI is March 1, 1991, through August 31, 1991.

Such or Similar Comparisons

For purposes of the preliminary determination, we have determined that extruded rubber thread comprises a single category of such or similar merchandise. Comparisons were made on the basis of the following criteria: Guage, type of finish, color and other special qualities.

We made adjustments for differences in the physical characteristics of the merchandise, where appropriate, in accordance with section 773(a)(4)(C) of the Act.

Fair Value Comparisions

To determine whether sales of extruded rubber thread from Malaysia to the United States were made at less than fair value, this product. Therefore, petitioner lacks standing to file a petition requesting antidumping duty relief with respect to this product.

The ITC has preliminarily determined in this proceeding that there is one like product, which includes all of the merchandise defined by the scope of this investigation, including food grade rubber thread. We have analyzed the information on the record concerning this issue and have determined that we have no basis to disagree with the ITC's "like product" determination. Accordingly, we determine that petitioner produces a product like the imported product and, hence, has standing to file this investigation. See, for example, Final Determination of Sales at Less Than Fair Value: Nepheline Syenite from Canada (57 FR 9237, March 17, 1992).

Period of Invesgitation

The POI is March 1, 1991, through August 31, 1991.

Such or Similar Comparisons

For purposes of the preliminary determination, we have determined that extruded rubber thread comprises a single category of such or similar merchandise. Comparisons were made on the basis of the following criteria: Guage, type of finish, color and other special qualities.

We made adjustments for differences in the physical characteristics of the merchandise, where appropriate, in accordance with section 773(a)(4)(C) of the Act.

Fair Value Comparisons

To determine whether sales of extruded rubber thread from Malaysia to the United States were made at less than fair value, we compared the United States price (USP) to the foreign market value (FMV), as specified in the "United States Price" and "Foreign Market Value" sections of this notice. In order to compare sales of comparable quantities, we compared direct container sales for export to the United States with direct container sales for export to Hong Kong and sales from the related U.S. distributor's warehouse to sales from the related Hong Kong distrubutor's warehouse in accordance with 19 CFR 353.55. We did not make fair value comparisons on second quality merchandise or samples, since the volume of seconds and samples sold in the U.S. market during the period of investigation was minimal.

Finally, on sales made from inventory by related overseas branch offices in both the United States and Hong Kong, we used invoice date as the date of sale because the invoice date was either the same as the order confirmation date or followed it by one to three days. Moreover, respondents did not retain any record of the order confirmation date on sales from inventory.

On direct container sales, we also used the invoice date for Rubberflex and the bill of lading date for Heveafil/Filmax as the date of sale because neither of these companies maintained order confirmation dates for direct sales in their computerized data bases. To retrieve order confirmation dates manually would have required extensive searching of numerous records and accounts followed by the burdensome task of converting the data to computer format. Therefore, we are using the invoice date or the bill of lading date as the date of sale on direct container shipments also.

To insure that this approach does not result in our losing sales confirmed during the later part of the POI but not invoiced or issued a bill of lading until sometime after the POI, we directed respondents to include in their sales tabulations for August 1991, the last month of the POI, not only sales invoiced or issued a bill of lading date during August, but also sales confirmed in August but not invoiced or issued a bill of lading until sometime after August. Unlike sales from inventory, direct sales were at times invoiced or issued a bill of lading as much as a month after the order confirmation. In this way, we avoided losing those direct

sales confirmed during the POI but invoiced after the POI.

We note that using the invoice date or the bill of lading date, rather than the order confirmation date, as the date of sale would appear to have little, if any, effect on the less than fair value calculations because the exchange rates for converting Hong Kong dollars and Malaysian ringit to U.S. dollars varied only minimally during the POI.

United States Price

A. Heveafil/Filmax

For container sales made directly to unrelated U.S. customers by Heveafil and Filmax, we based USP on purchase price in accordance with section 772(b) of the Act, because all container sales were made directly to unrelated parties prior to importation into the United States and because exporter's sales price (ESP) methodology was not indicated by other circumstances. ESP methodology did not appear to be appropriate for direct container sales, because the subject merchandise was not introduced into the inventory of Heveafil's U.S. branch and the branch office acted essentially as a processor of sales-related documentation and as a communications link with unrelated U.S. customers.

We calculated purchase price based on packed, c.i.f. delivered prices to unrelated customers in the United States. We made deductions, where appropriate, for foreign inland freight, foreign brokerage, ocean freight, marine insurance, U.S. brokerage, and inland freight, in accordance with section 772(d)(2) of the Act. In addition, where appropriate we made deductions for rebates.

For sales made from warehouse by Heveafil's related U.S. distributor, we based USP on ESP, in accordance with section 772(c) of the Act, because the first sales to unrelated parties occurred after importation into the United States.

We calculated ESP based on packed, delivered prices to unrelated customers in the United States. We made deductions, where appropriate, for foreign inland freight and brokerage, ocean freight, marine insurance, U.S. inland freight, U.S. brokerage, entry fees and rebates. In accordance with section 772(e)(2) of the Act, we made additional deductions, where appropriate, for advertising, credit, and indirect selling expenses. Indirect selling expenses consist of warehouse costs, inventory carrying costs and general indirect selling expenses incurred in Malaysia and the United States with respect to U.S. sales.

B. Rubberflex

For container sales made directly to unrelated U.S. customers by Rubberflex, we based USP on purchase price in accordance with section 772(b) of the Act, because all container sales were made directly to unrelated parties prior to importation into the United States and because ESP methodology was not indicated by other circumstances. Exporter's sales price (ESP) methodology was not appropriate for direct container sales because the subject merchandise was not introduced into the inventory of Rubberflex's U.S. distributor and the distributor acted only as a processor of sales-related documentation and as a communications link with unrelated U.S. customers.

We calculated purchase price based on packed, c.i.f. delivered prices to unrelated customers in the United States. We made deductions, where appropriate, for foreign inland freight, foreign brokerage, ocean freight, marine insurance, U.S. brokerage, entry fees, and inland freight, in accordance with section 772(d)(2) of the Act. In addition, where appropriate we made deductions for rebates.

For sales made from warehouse by Rubberflex's related U.S. distributor, we based USP on ESP, in accordance with section 772(c) of the Act, because the first sales to unrelated parties occurred after importation into the United States.

We calculated ESP based on packed, delivered prices to unrelated customers in the United States. We made deductions, where appropriate, for foreign inland freight, handling and brokerage, ocean freight, marine insurance, U.S. inland freight, U.S. brokerage, U.S. entry fees and, where appropriate, rebates. In accordance with section 772(e)(2) of the Act, we made additional deductions, where appropriate, for advertising, credit, and indirect selling expenses. Indirect selling expense consist of warehouse costs, inventory carrying costs and general indirect selling expenses incurred in Malaysia and the United States with respect to U.S. sales.

Foreign Market Value

In order to determine whether there were sufficient sales of extruded rubber thread in the home market to serve as a viable basis for calculating FMV, we compared the volume of home market sales in the one such or similar category to the volume of third country sales in the same such or similar category, in accordance with section 773(a)(1)(B) of the Act. Neither Heveafil, Filmax, nor Rubberflex had viable home markets with respect to sales of extruded rubber thread made during the POI. In selecting which third country market to use for comparison purposes, we first determined which third-country markets had "adequate" volumes of sales, within the meaning of 19 CFR 353.49(b)(1). We determined that the volume of sales to a third country market was adequate if the sales of such or similar merchandise exceeded or was equal to five percent of the volume sold to the United States. In selecting which of the third country markets with adequate sales volumes was the most appropriate for comparison purposes, we selected Hong Kong, the third country market with the largest volume of sales, in accordance with 19 CFR 353.49(b)(2).

A. Heveafil

For direct container sales for export to the United States, we calculated FMV on the basis of c.i.f. delivered prices on direct container shipments to unrelated customers in Hong Kong, in accordance with section 773(a)(1)(B) of the Act. For sales from warehouse by the related U.S. distributor, we calculated FMV on the basis of the delivered prices on sales from warehouse to unrelated customers by the related Hong Kong distributor in accordance with section 773(a)(1)(B) of the Act.

We made deductions, where appropriate, for Malaysian inland freight, brokerage, handling charges, ocean freight and marine insurance. We made circumstances of sale adjustments, where appropriate, for differences in credit costs pursuant to 19 CFR 353.56(a). Where appropriate, we deducted home market packing costs and added U.S. packing costs. When FMV was to be compared with ESP, we also deducted indirect selling expenses including inventory carrying expenses, warehousing expenses, and other indirect selling expenses. This deduction for home market indirect selling expenses was capped by the amount of indirect selling expenses in the U.S. market, in accordance with 19 CFR 353.56(b).

B. Rubberflex

For direct container sales for export to the United States, we calculated FMV on the basis of c.i.f. port prices on direct container shipments to unrelated customers in Hong Kong, in accordance

with section 773(a)(1)(A) of the Act. For sales from warehouse by the related U.S. distributor, we calculated FMV on the basis of the delivered prices on sales from warehouse to unrelated customers by the related Hong Kong distributor in accordance with section 773(a)(1)(A) of the Act.

We made deductions, where appropriate, for Malaysian inland freight, brokerage, handling charges, ocean freight and marine insurance. We made circumstances of sale adjustments, where appropriate, for differences in credit costs pursuant to 19 CFR 353.56(a). Where appropriate, we deducted home market packing costs and added U.S. packing costs. When FMV was to be compared with ESP, we also deducted indirect selling expenses including inventory carrying expenses, warehousing expenses, and other indirect selling expenses. This deduction for home market indirect selling expenses was capped by the amount of indirect selling expenses in the U.S. market, in accordance with 19 CFR 353.56(b).

Currency Conversion

In accordance with 19 CFR 353.60, we converted foreign currency into the equivalent amount of United States currency using the official exchange rates in effect on the appropriate dates. All currency conversions were made at rates certified by the Federal Reserve Bank.

Critical Circumstances

Petitioner alleges that "critical circumstances" exist with respect to imports of extruded rubber thread from Malaysia. Section 733(e)(1) of the Act provides that critical circumstances exist when we determine that there is a reasonable basis to believe or suspect the following:

(1) That there is a history of dumping of the same class or kind of merchandise, or that the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise at less than fair market value, and

(2) that there have been massive imports of the subject merchandise over a relatively short period.

To determine whether imports have been massive over a relatively short period, we based our analysis on respondents' shipment data for equal periods immediately preceding and following the filing of the petition.

Pursuant to 19 CFR 353.16 (f) and (g), we examined a period beginning in the month in which the petition was filed and ending three months later. Thus, we selected the period from August 29, 1991 (the day the "proceeding began") to November 29, 1991 as the comparison period. We then compared the quantity of imports during the comparison period for each respondent to the imports during the immediately preceding period (the "base period") of comparable duration.

Under 19 CFR 353.16(f)(2), unless the imports in the comparison period have increased by at least 15 percent over the imports during the base period, we will not consider the imports "massive". Our analysis indicates that shipments from Filmax and Rubberflex have increased by considerably more than 15 percent.

Since these companies show evidence of massive imports over a relatively short period of time, we need to consider whether there is a history of dumping or whether there is reason to believe or suspect that importers of this product knew or should have known that it was being sold at less than fair value. We examined recent antidumping cases and found that there are currently no findings of dumping in the United States or elsewhere on the subject merchandise by Malaysian producers.

We then examined the magnitude of the dumping margins in this investigation, since it is our standard practice to impute knowledge of dumping under section 733(e)(1)(A)(ii) of the Act, when the estimated margins are of such a magnitude that the importer should have realized that dumping existed with regard to the subject merchandise. Normally, in purchase price sales, we consider estimated margins of 25 percent or greater to be sufficient, and in exporter's sales price sales, margins of 15 percent or greater to be sufficient to impute knowledge of dumping. See, e.g. Preliminary Determination of Sales at Less than Fair Value: Oscillating and Ceiling Fans from the People's Republic of China (56 FR 66834, December 26, 1991). Using these criteria, we have found that the preliminary margins in this investigation are so low as to preclude the imputation of knowledge of dumping. Therefore, we preliminarily determine that critical circumstances do not exist with respect to imports of extruded rubber thread from Malaysia.

Verification

As provided in section 776(b) of the Act, we will verify the information used in making our final determination.

Suspension of Liquidation

The weighted-average dumping margins are as follows:

Manufacturer/producer/exporter	Margin percentage
Heveafil/Filmax Sdn. Bhd	2.62
Rubberflex Sdn. Bhd	2.22
All others	2.47

The above less than fair value margin percentages do not reflect an adjustment for countervailing duties imposed to offset an export subsidy. In a countervailing duty investigation being conducted simultaneously with this antidumping investigation, we preliminarily found that export subsidies in the amount of 9.51 percent are being bestowed on the subject merchandise and we ordered a deposit of estimated countervailing duties in this amount or a bond in lieu thereof (Preliminary Affirmative Countervailing Duty Determination: Extruded Rubber Thread from Malaysia, 56 FR 67276, December 30, 1991). In accordance with 19 U.S.C. 772(d)(1)(D), an addition to the United States price must be made for countervailing duties imposed to offset an export subsidy. Therefore, the above margin percentage must be adjusted to take into account the deposit of estimated countervailing duties. Once this adjustment is made, the less than fair value margins in this case are entirely eliminated. Therefore, at this time we will not require a deposit of estimated antidumping duties. Effective April 28, 1992, however, the Department will terminate the suspension of liquidation and the deposit of estimated countervailing duties in the countervailing duty investigation, because, in accordance with section 705 of the Act, and article 5, paragraph 3 of the Subsidies Code, provisional measures may remain in effect no longer than 120 days. Consequently, the adjustment to the United States price for countervailing duties imposed will not be made for entries made on or after this date. Therefore, by virtue of this antidumping determination, on April 28, 1992, we will also direct the U.S. Customs Service to suspend liquidation of all entries of extruded rubber thread from Malaysia, as defined in the "Scope of the Investigation" section of this notice, that are entered, or withdrawn from warehouse, for consumption on or after April 28, 1992. in addition, the U.S. Customs Service shall require a cash deposit or posting of a bond on these entries equal to the estimated preliminary dumping margins shown above. This suspension of liquidation, when imposed, will remain in effect until further notice.

ITC Notification

In accordance with section 733(f) of

the Act, we have notified the ITC of our determination. If our final determination is affirmative, the ITC will determine whether these imports are materially injuring, or threaten material injury to, the U.S. industry before the later of 120 days after the date of this preliminary determination or 45 days after our final determination.

Postponement of Final Determination

As stated above, in accordance with 19 CFR 353.20(b) respondents have requested that in the event of an affirmative preliminary determination the Department postpone the final determination. Accordingly, we are postponing the date of the final determination until not later than 135 days after the date of the publication of this notice.

Public Comment

In accordance with 19 CFR 353.38, case briefs or other written comments in at least ten copies must be submitted to the Assistant Secretary for Import Administration no later than July 24, 1992, and rebuttal briefs no later than July 31, 1992. In accordance with 19 CFR 353.38(b), we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. Tentatively, the hearing will be held on August 3, 1992, at 10 a.m. at the U.S. Department of Commerce, room 3708, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, room B-099, within ten days of the publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reasons for attending; and (4) a list of the issues to be discussed. In accordance with 19 CFR 353.38(b), oral presentations will be limited to issues raised in the briefs.

This determination is published pursuant to section 733(f) of the Act and 19 CFR 353.15.

Dated: March 26, 1992.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 92-7634 Filed 4-1-92; 8:45 am]

BILLING CODE 3510-DS-M

[A-421-802]

Termination of Antidumping Duty Investigation: High-Tenacity Rayon Filament Yarn From The Netherlands

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

EFFECTIVE DATE: April 2, 1992.

FOR FURTHER INFORMATION CONTACT: Cynthia Thirumalai or Edward Easton, Office of Antidumping Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 377-8498 or (202) 377-1777, respectively.

Scope of Investigation

The product covered by this investigation is high-tenacity rayon filament yarn. High-tenacity rayon filament yarn is a multifilament single yarn of viscose rayon with a twist of five turns or more per meter, having a denier of 1100 or greater, and a tenacity greater than 35 centinewtons per tex. This yarn is classified currently under item 5403.10.30.40 of the Harmonized Tariff Schedule ("HTS"). Although the HTS subheading is provided for convenience and customs purposes, the Department's written description of the scope of this proceeding is dispositive.

Termination of Investigation

On February 20, 1992, the Department of Commerce (the Department) published its preliminary antidumping duty determination in the **Federal Register** (57 FR 6091). In a letter dated March 6, 1992, petitioner notified the Department of the withdrawal of its September 6, 1991, petition and requested termination of the antidumping investigation.

In accordance with 19 CFR 353.17(a), upon the petitioner's withdrawal of the petition, the Department may terminate an investigation after notice to all parties to the proceeding and after consultation with the International Trade Commission (ITC). Furthermore, the Department may not terminate an investigation unless it concludes that termination is in the public interest. We have notified all parties to the proceeding and consulted with the ITC. In addition, we have concluded that termination of the investigation is in the public interest. Accordingly, we are terminating the antidumping duty investigation of high-tenacity rayon filament yarn from the Netherlands. This action is taken pursuant to section 734(a)(1) of the Tariff Act of 1930, as amended.

Dated: March 26, 1992.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 92-7635 Filed 4-1-92; 8:45 am]

BILLING CODE 3510-DS-M

National Institute of Standards and Technology

[Docket No. 910235-1290]

RIN 0693-AA89

Approval of Nine Federal Information Processing Standards on Modems for Data Communications Use on Telephone-Type Circuits

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Notice.

SUMMARY: The purpose of this notice is to announce that the Secretary of Commerce has approved nine (9) new standards, which will be published as FIPS Publications 162 through 170.

On April 17, 1991 (56 FR 15583) and June 18, 1991 (56 FR 27999), notices were published in the **Federal Register** that a new family of Federal Information Processing Standards were being proposed to replace Federal Information Processing Standards 133, 134-1, 135, and 136 (formerly designated Federal Standards 1005A, 1006A, 1007, and 1008).

These newly approved standards adopt selected portions of CCITT (International Telegraph and Telephone Consultative Committee) modem recommendations: V.22, V.22 bis, V.26, V.26 bis, V.27 bis, V.27 ter, V.29, V.32, V.33, V.42, and V.42 bis.

The written comments submitted by interested parties and other material available to the Department relevant to these standards were reviewed by NIST and the National Communications System (NCS). On the basis of this review, NIST recommended that the Secretary approve the standards as Federal Information Processing Standards (FIPS), and prepared a detailed justification document for the Secretary's review in support of that recommendation.

The detailed justification document which was presented to the Secretary, and which includes an analysis of the written comments received, is part of the public record and is available for inspection and copying in the Department's Central Reference and Records Inspection Facility, room 6020, Herbert C. Hoover Building, 14th Street

between Pennsylvania and Constitution Avenues, NW., Washington, DC 20230.

Each approved standard contains two sections: (1) An announcement section, which provides information concerning the applicability, implementation, and maintenance of the standard; and (2) a specifications section which deals with the technical requirements of the standard. Only the announcement section of each standard is provided in this notice.

EFFECTIVE DATE: These standards are effective September 15, 1992.

ADDRESSES: Interested parties may purchase copies of these new standards, including the technical specifications portions, from the National Technical Information Service (NTIS). Sepcific ordering information from NTIS for these standards is set out in the Where to Obtain Copies Section of the announcement portion of each standard.

FOR FURTHER INFORMATION CONTACT: Mr. Robert M. Fenichel, National Communications System, 701 South Court House Road, Arlington, VA 22204–2198, Telephone (703) 692–2124.

Authority: Federal Information Processing Standards Publications (FIPS PUBS) are issued by the National Institute of Standards and Technology after approval by the Secretary of Commerce pursuant to Section 111(d) of the Federal Property and Administrative Services Act of 1949 as amended by the Computer Security Act of 1987, Public Law 100–235.

Dated: March 26, 1992.

John W. Lyons,

Director.

Federal Information Processing Standards Publication 162

(Date)

Announcing the Standard for 1,200 Bits Per Second Two-Wire Duplex Modems for Data Communications Use on Telephone-Type Circuits

Federal Information Processing Standards Publications (FIPS PUBS) are issued by the National Institute of Standards and Technology after approval by the Secretary of Commerce pursuant to section 111(d) of the Federal Property and Administrative Services Act of 1949 as amended by the Computer Security Act of 1987, Public Law 100–235.

1. *Name of Standard.* 1,200 Bits per Second Two-Wire Duplex Modems for Data Communications Use on Telephone-Type Circuits (FIPS PUB 162).

2. *Category of Standard.* Telecommunications Standard.

3. *Explanation.* Modems are used to modulate digital data into a form that can be transmitted within the voice-band frequencies passed by telephone-type circuits, and to demodulate the information back to digital data at a destination.

The modem described by this standard is based upon International Telegraph and Telephone Consultative Committee (CCITT) Recommendation V.22, which in turn was based upon the Western Electric Company model 212 modem. In addition to operation at 1,200 bit/s, an optional 600 bit/s capability is described. This standard supersedes FIPS PUB 136 (former Federal Standard 1008) in its entirety.

4. *Approving Authority.* Secretary of Commerce.

5. *Maintenance Agency.* National Communications System, Office of Technology and Standards.

6. *Related Document.* Federal Information Resources Management Regulations subpart 201–20.303, Standards, and subpart 201–39.1002, Federal Standards.

7. *Objectives.* This standard is intended to facilitate interoperability between telecommunication facilities and systems of the Federal Government.

8. *Applicability.* This standard shall be used by all Federal departments and agencies when procuring new equipment and services that utilize 600 and/or 1,200 bit/s two-wire duplex modems for data communications use on telephone-type circuits. However, it is not mandatory for use when expanding or replacing equipment in already existing networks of modems.

9. *Specifications.* The specifications are CCITT Recommendation V.22, 1,200 Bits Per Second Duplex Modem Standardized for Use in the General Switched Telephone Network and on Point-to-Point 2-Wire Leased Telephone-Type Circuits.

Requirements are as follows:

a. Section 2 of CCITT Recommendation V.22 is adopted with the following exceptions:

(1) Use of guard tones is not encouraged.

(2) Implementations may include Alternative A, Alternative B, or Modes iii and iv (the difference between Alternatives A and B).

Note: This does not preclude the use of other techniques at additional data rates.

b. Use of Section 3 of CCITT Recommendation V.22 is optional.

c. Section 4 of CCITT Recommendation V.22 is adopted with the following exceptions:

(1) Character Lengths of 8, 9, and 11 bits need not be supported.

(2) Section 4.3, Alternative C (i.e., Mode v), is not adopted.

d. Section 5 of CCITT Recommendation V.22 is adopted.

e. Section 6 of CCITT Recommendation V.22 is adopted with the following exceptions:

(1) A tone of 2,225 Hz may be substituted for the unscrambled binary 1 in the handshake sequence.

(2) Use of the described digital interchange circuits is optional.

(3) Section 6.4, Operating Sequence for Alternative C, is not adopted.

f. Use of Section 7 of CCITT Recommendation V.22 is optional.

10. *Qualifications.* This standard is based upon CCITT Recommendation V.22, that has undergone extensive international review and has been widely implemented by manufacturers. However, this standard will be reviewed at five year intervals to ensure that the needs of Government users are adequately addressed.

11. *Patents.* Modems implementing this standard may be covered by U.S. and foreign patents.

12. *Implementation.* The use of this standard by Federal departments and agencies is compulsory and binding for the acquisition of new equipment and services, effective September 15, 1992, except as noted in Section 8.

13. *Waivers.* Under certain exceptional circumstances, the heads of Federal departments and agencies may approve waivers to Federal Information Processing Standards (FIPS). The head of such an agency may redelegate such authority only to a senior official designated pursuant to section 3506(b) of title 44, U.S. Code. Waivers shall be granted only when:

a. Compliance with a standard would adversely affect the accomplishment of the mission of an operator of a Federal computer system or related telecommunications system, or

b. Cause a major adverse financial impact on the operator which is not offset by Governmentwide savings.

Agency heads may act upon a written waiver request containing the information detailed above. Agency heads may also act without a written waiver request when they determine that conditions for meeting the standard cannot be met. Agency heads may approve waivers only by a written decision which explains the basis on which the agency head made the required finding(s). A copy of each such decision, with procurement sensitive or classified portions clearly identified, shall be sent to: National Institute of Standards and Technology; Attn: FIPS Waiver Decisions, Technology Building, room B–154; Gaithersburg, MD 20899.

In addition, notice of each waiver granted and each delegation of authority to approve waivers shall be sent promptly to the Committee on Government Operations of the House of Representatives and Committee on Government Affairs of the Senate and shall be published promptly in the **Federal Register.**

When the determination on a waiver applies to the procurement of equipment and/or services, a notice of the waiver determination must be published in the Commerce Business Daily as a part of the notice of solicitation for offers of an acquisition or, if the waiver determination is made after the notice is published, by amendment to such notice.

A copy of the waiver, any supporting documents, the document approving the waiver and any supporting and accompanying documents, with such deletions as the agency is authorized and decides to make under 5 U.S.C. 552(b), shall be part of the procurement documentation and retained by the agency.

14. *Where to Obtain Copies.* Copies of this publication are for sale by the National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161. (Sale of the included specifications document is by arrangement with the International Telecommunication Union.) When ordering, refer to Federal Information Processing Standards Publication 162 (FIPSPUB162), and the title. When microfiche is desired, this should be specified. Payment may be made by check, money order, purchase order, credit card, or deposit account.

Federal Information Processing Standards Publication 163

(Date)

Announcing the Standard for 2,400 Bits per Second Two-Wire Duplex Modems for Data Communications Use on Telephone-Type Circuits

Federal Information Processing Standards Publications (FIPS PUBS) are issued by the National Institute of Standards and Technology after approval by the Secretary of Commerce pursuant to section 111(d) of the Federal Property and Administrative Services Act of 1949 as amended by the Computer Security Act of 1987, Public Law 100–235.

1. *Name of Standard.* 2,400 Bits per Second Two-Wire Duplex Modems for Data Communications use on Telephone-Type Circuits (FIPS PUB 163).

2. *Category of Standard.* Telecommunications Standard.

3. *Explanation.* Modems are used to modulate digital data into a form that can be transmitted within the voice-band frequencies passed by telephone-type circuits, and to demodulate the information back to digital data at a destination.

The modem described by this standard is based upon International Telegraph and Telephone Consultative Committee (CCITT) Recommendation V.22 bis. Interworking is provided with modems operating at 1,200 bits/s. This standard and FIPS PUB 164 supersede FIPS PUB 133 (former Federal Standard 1005A) in its entirety.

4. *Approving Authority.* Secretary of Commerce.

5. *Maintenance Agency.* National Communications System, Office of Technology and Standards.

6. *Related Document.* Federal Information Resources Management Regulations subpart 201–20.303, Standards, and subpart 201–39.1002, Federal Standards.

7. *Objectives.* This standard is intended to facilitate interoperability between telecommunication facilities and systems of the Federal Government.

8. *Applicability.* This standard shall be used by all Federal departments and agencies when procuring new equipment and services that utilize 2,400 bit/s two-wire duplex modems for data communications use on telephone-type circuits. However, it is not mandatory for use when expanding or replacing equipment in already existing networks of modems.

9. *Specifications.* The specifications are CCITT Recommendation V.22 bis, 2400 Bits Per Second Duplex Modem Using the Frequency Division Technique Standardized for Use on the General Switched Telephone Network and on Point-to-Point 2-Wire Leased Telephone-Type Circuits.

Requirements are as follows:

a. Section 2 of CCITT Recommendation V.22 bis is adopted with the following exceptions:

(1) Use of guard tones is not encouraged.

Note: This does not preclude the use of other techniques at additional data rates.

b. Use of Section 3 of CCITT Recommendation V.22 bis is optional.

c. Section 4 of CCITT Recommendation V.22 bis is adopted with the following exceptions:

(1) Character lengths of 8, 9, and 11 bits need not be supported.

(2) Modes 1 and 3 (synchronous operation) are optional.

d. Section 5 of CCITT Recommendation V.22 is adopted.

e. Section 6 of CCITT Recommendation V.22 is adopted with the following exceptions:

(1) A tone of 2,225 Hz may be substituted for the unscrambled binary 1 in the handshake sequence.

(2) Use of the described digital interchange circuits is optional.

f. Use of Section 7 of CCITT Recommendation V.22 bis is optional.

10. *Qualifications.* This standard is based upon CCITT Recommendation V.22 bis, that has undergone extensive international review and has been widely implemented by manufacturers. However, this standard will be reviewed at five year intervals to ensure that the needs of Government users are adequately addressed.

11. *Patents.* Modems implementing this standard may be covered by U.S. and foreign patents.

12. *Implementation.* The use of this standard by Federal departments and agencies is compulsory and binding for the acquisition of new equipment and services, effective September 15, 1992, except as noted in Section 8.

13. *Waivers.* Under certain exceptional circumstances, the heads of Federal departments and agencies may approve waivers to Federal Information Processing Standards (FIPS). The head of such an agency may redelegate such authority only to a senior official designated pursuant to section 3506(b) of title 44, U.S. Code. Waivers shall be granted only when:

a. Compliance with a standard would adversely affect the accomplishment of the mission of an operator of a Federal computer system or related telecommunications system, or

b. Cause a major adverse financial impact on the operator which is not offset by Governmentwide savings.

Agency heads may act upon a written waiver request containing the information detailed above. Agency heads may also act without a written waiver request when they determine that conditions for meeting the standard cannot be met. Agency heads may approve waivers only by a written decision which explains the basis on which the agency head made the required finding(s). A copy of each such decision, with procurement sensitive or classified portions clearly identified, shall be sent to: National Institute of Standards and Technology; Attn: FIPS Waiver Decisions, Technology Building, room B–154; Gaithersburg, MD 20899.

In addition, notice of each waiver granted and each delegation of authority to approve waivers shall be sent promptly to the Committee on Government Operations of the House of Representatives and the Committee on Government Affairs of the Senate and

shall be published promptly in the **Federal Register.**

When the determination on a waiver applies to the procurement of equipment and/or services, a notice of the waiver determination must be published in the Commerce Business Daily as a part of the notice of solicitation for offers of an acquisition or, if the waiver determination is made after the notice is published, by amendment to such notice.

A copy of the waiver, any supporting documents, the document approving the waiver and any supporting and accompanying documents, with such deletions as the agency is authorized and decides to make under 5 U.S.C. 552(b), shall be part of the procurement documentation and retained by the agency.

14. *Where to Obtain Copies.* Copies of this publication are for sale by the National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161. (Sale of the included specifications document is by arrangement with the International Telecommunication Union.) When ordering, refer to Federal Information Processing Standards Publication 163 (FIPSPUB163), and the title. When microfiche is desired, this should be specified. Payment may be made by check, money order, purchase order, credit card, or deposit account.

Federal Information Processing Standards Publication 164

(Date)

Announcing the Standard for 2,400 Bits per Second Four-Wire Duplex and Two-Wire Half-Duplex Modems for Data Communications Use on Telephone-Type Circuits

Federal Information Processing Standards Publications (FIPS PUBS) are issued by the National Institute of Standards and Technology after approval by the Secretary of Commerce pursuant to section 111(d) of the Federal Property and Administrative Services Act of 1949 as amended by the Computer Security Act of 1987, Public Law 100–235.

1. *Name of Standard.* 2,400 Bits per Second Four-Wire Duplex and Two-Wire Half-duplex Modems for Data Communications Use on Telephone-Type Circuits (FIPS PUB 164).

2. Category of Standard. Telecommunication Standard

3. *Explanation.* Modems are used to modulate digital data into a form that can be transmitted within the voice-band frequencies passed by telephone-type circuits, and to demodulate the information back to digital data at a destination.

The modem described by this standard is based upon International Telegraph and Telephone Consultative Committee (CCITT) Recommendations V.26 (four-wire duplex) and V.26 bis (two-wire half-duplex). This standard and FIPS PUB 163 supersede FIPS Pub 133 (former Federal Standard 1005A) in its entirety.

4. *Approving Authority.* Secretary of Commerce.

5. *Maintenance Agency.* National Communications System, Office of Technology and Standards.

6. *Related Document.* Federal Information Resources Management Regulations subpart 201–20.303, Standards, and subpart 201–39.1002, Federal Standards.

7. *Objective.* This standard is intended to facilitate interoperability between telecommunication facilities and systems of the Federal Government.

8. *Applicability.* This standard shall be used by all Federal departments and agencies when procuring new equipment and services that utilize 2,400 bit/s four-wire duplex and/or two-wire half-duplex modems for data communications use on telephone-type circuits. However, it is not mandatory for use when expanding or replacing equipment in already existing networks of modems.

9. *Specifications.* The specifications are CCITT Recommendations V.26, 2400 Bits Per Second Modem Standardized for Use on 4–Wire Leased Telephone-Type Circuits, and V.26 bis, 2400/1200 Bits Per Second Modem Standardized for Use in the General Switched Telephone Network.

Requirements are as follows:

a. Section 2 of CCITT Recommendation V.26 is adopted with the following exception:

(1) Modulation Alternative B shall be utilized.

b. Section 3 of CCITT Recommendation V.26 is adopted.

c. Section 4 of CCITT Recommendation V.26 is adopted.

d. Use of Sections 5 through 9 of CCITT Recommendation V.26 is optional.

e. Section 2 of CCITT Recommendation V.26 bis is adopted.

f. Section 3 of CCITT Recommendation V.26 bis is adopted.

g. Section 4 of CCITT Recommendation V.26 bis is adopted with the following exception:

(1) The modulation rate is not limited to 75 baud.

h. Use of Sections 5 through 10 of CCITT Recommendation V.26 bis is optional.

10. *Qualifications.* This standard is based upon CCITT Recommendations V.26 and V.26 bis, that have undergone extensive international review and have been widely implemented by manufacturers. However, this standard will be reviewed at five year intervals to ensure that the needs of Government users are adequately addressed.

11. *Patents.* Modems implementing this standard may be covered by U.S. and foreign patents.

12. *Implementation.* The use of this standard by Federal departments and agencies is compulsory and binding for the acquisition of new equipment and services, effective September 15, 1992, except as noted in Section 8.

13. *Waivers.* Under certain exceptional circumstances, the heads of Federal departments and agencies may approve waivers to Federal Information Processing Standards (FIPS). The head of such an agency may redelegate such authority only to a senior official designated pursuant to section 3506(b) of title 44, U.S. Code. Waivers shall be granted only when:

a. Compliance with a standard would adversely affect the accomplishment of the mission of an operator of a Federal computer system or related telecommunications system, or

b. Cause a major adverse financial impact on the operator which is not offset by Government wide savings.

Agency heads may act upon a written waiver request containing the information detailed above. Agency heads may also act without a written waiver request when they determine that conditions for meeting the standard cannot be met. Agency heads may approve waivers only by a written decision which explains the basis on which the agency head made the required finding(s). A copy of each such decision, with procurement sensitive or classified portions clearly identified, shall be sent to: National Institute of Standards and Technology; Attn: FIPS Waiver Decisions, Technology Building, room B–154; Gaithersburg, MD 20899.

In addition, notice of each waiver granted and each delegation of authority to approve waivers shall be sent promptly to the Committee on Government Operations of the House of Representatives and the Committee on Government Affairs of the Senate and shall be published promptly in the **Federal Register.**

When the determination on a waiver applies to the procurement of equipment and/or services, a notice of the waiver determination must be published in the Commerce Business Daily as a part of the notice of solicitation for offers of an acquisition or, if the waiver

determination is made after the notice is published, by amendment to such notice.

A copy of the waiver, any supporting documents, the document approving the waiver and any supporting and accompanying documents, with such deletions as the agency is authorized and decides to make under 5 U.S.C. 552(b), shall be part of the procurement documentation and retained by the agency.

14. *Where to Obtain Copies.* Copies of this publication are for sale by the National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161. (Sale of the included specifications document is by arrangement with the International Telecommunication Union.) When ordering, refer to Federal Information Processing Standards Publication 164 (FIPSPUB164), and the title. When microfiche is desired, this should be specified. Payment may be made by check, money order, purchase order, credit card, or deposit account.

Federal Information Processing Standards Publication 165

(Date)

Announcing the Standard for 4,800 Bits per Second Four-Wire Duplex and Two-Wire Half-Duplex Modems for Data Communications Use on Telephone-Type Circuits

Federal Information Processing Standards Publications (FIPS PUBS) are issued by the National Institute of Standards and Technology after approval by the Secretary of Commerce pursuant to section 111(d) of the Federal Property and Administrative Services Act of 1949 as amended by the Computer Security Act of 1987, Public Law 100–235.

1. *Name of Standard.* 4,800 Bits per Second Four-Wire Duplex and Two-Wire Half-Duplex Modems for Data Communications Use on Telephone-Type Circuits (FIBS PUB 165).

2. *Category of Standard.* Telecommunications Standard.

3. *Explanation.* Modems are used to modulate digital data into a form that can be transmitted within the voice-band frequencies passed by telephone-type circuits, and to demodulate the information back to digital data as a destination.

The modem described by this standard is based upon International Telegraph and Telephone Consultative Committee (CCITT) Recommendations V.27 bis and V.27 ter. This standard and FIPS PUB 166 supersede FIPS PUB 134–1 (former Federal Standard 1006A) in its entirety.

4. *Approving Authority.* Secretary of Commerce.

5. *Maintenance Agency.* National Communications System, Office of Technology and Standards.

6. *Related Document.* Federal Information Resources Management Regulations subpart 201–20.303, Standards, and subpart 201–39.1002, Federal Standards.

7. *Objectives.* This standard is intended to facilitate interoperability between telecommunication facilities and systems of the Federal Government.

8. *Applicability.* This standard shall be used by all Federal department and agencies when procuring new equipment and services that utilize 4,800 bit/s four-wire duplex and/or two-wire half-duplex modems for data communications use on telephone-type circuits. However, it is not mandatory for use when expanding or replacing equipment in already existing networks of modems.

9. *Specifications.* The specifications are CCITT Recommendations V.27 bis, 4800/2400 Bits Per Second Modem with Automatic Equalizer Standardized for Use on Leased Telephone-Type Circuits, and V.27 ter, 4800/2400 Bits Per Second Modem Standardized for Use in the General Switched Telephone Network.

Requirements are as follows:

Note: The recommendations of CCITT Recommendation V.27 bis apply to modems used primarily on permanent connections and the recommendations of CCITT Recommendation V.27 ter apply primarily to modems used on dial-up connections.

a. Sections 2, 3, and 4 of CCITT Recommendations V.27 bis and V.27 are adopted.

b. Use of Sections 5, 6, and 7 of CCITT Recommendations V.27 bis and V.27 ter are optional.

c. Sections 8 and 9 of CCITT Recommendations V.27 bis and V.27 ter are adopted.

d. Use of Sections 10 and 11 of CCITT Recommendations V.27 bis and Sections 10 and 11 of CCITT Recommendations V.27 ter are optional.

10. *Qualifications.* This standard is based upon CCITT Recommendations V.27 bis and V.27 ter, that have undergone extensive international review and have been widely implemented by manufacturers. However, this standard will be reviewed at five year intervals to ensure that the needs of Government users are adequately addressed.

11. *Patents.* Modems implementing this standard may be covered by U.S. and foreign patents.

12. *Implementation.* The use of this standard by Federal departments and agencies is compulsory and binding for the acquisition of new equipment and services, effective September 15, 1992, except as noted in Section 8.

13. *Waivers.* Under certain exceptional circumstances, the heads of Federal departments and agencies may approve waivers to Federal Information Processing Standards (FIPS). The head of such an agency may redelegate such authority only to a senior official designated pursuant to section 3506(b) of title 44, U.S. Code. Waivers shall be granted only when:

a. Compliance with a standard would adversely affect the accomplishment of the mission of an operator of a Federal computer system or related telecommunications system, or

b. Cause a major adverse financial impact on the operator which is not offset by Governmentwide savings.

Agency heads may act upon a written waiver request containing the information detailed above. Agency heads may also act without a written waiver request when they determine that conditions for meeting the standard cannot be met. Agency heads may approve waivers only by a written decision which explains the basis on which the agency head made the required finding(s). A copy of each such decision, with procurement sensitive or classified portions clearly identified, shall be sent to: National Institute of Standards and Technology; Attn: FIPS Waiver Decisions, Technology Building, room B–154; Gaithersburg, MD 20899.

In addition, notice of each waiver granted and each delegation of authority to approve waivers shall be sent promptly to the Committee on Government Operations of the House of Representatives and the Committee on Government Affairs of the Senate and shall be published promptly in the **Federal Register.**

When the determination on a waiver applies to the procuremet of equipment and/or services, a notice of the waiver determination must be published in the Commerce Business Daily as a part of the notice of solicitation for offers of an acquisition or, if the waiver determination is made after the notice is published, by amendment to such notice.

A copy of the waiver, any supporting documents, the document approving the waiver and any supporting and accompanying documents, with such deletions as the agency is authorized and decides to make under 5 U.S.C. 552(b), shall be part of the procurement documentation and retained by the agency.

14. *Where to Obtain Copies.* Copies of this publication are for sale by the

National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161. (Sale of the included specifications document is by arrangement with the International Telecommunication Union.) When ordering, refer to Federal Information Processing Standards Publication 165 (FIPSPUB165), and the title. When microfiche is desired, this should be specified. Payment may be made by check, money order, purchase order, credit card, or deposit account.

Federal Information Processing Standards Publication 166

(Date)

Announcing the Standard for 4,800 and 9,600 Bits per Second Two-Wire Duplex Modems for Data Communications Use on Telephone-Type Circuits

Federal Information Processing Standards Publications (FIPS PUBS) are issued by the National Institute of Standards and Technology after approval by the Secretary of Commerce pursuant to section 111(d) of the Federal Property and Administrative Services Act of 1949 as amended by the Computer Security Act of 1987, Public Law 100–235.

1. *Name of Standard.* 4,800 and 9,600 Bits per Second Two-Wire Duplex Modems for Data Communications Use on Telephone-Type Circuits (FIPS PUB 166).

2. *Category of Standard.* Telecommunications Standard.

3. *Explanation.* Modems are used to modulate digital data into a form that can be transmitted within the voice-band frequencies passed by telephone-type circuits, and to demodulate the information back to digital data at a destination.

The modem described by this standard is based upon International Telegraph and Telephone Consultative Committee (CCITT) Recommendation V.32. This standard and FIPS PUB 165 supersede FIPS PUB 134–1 (former Federal Standard 1006A) in its entirety.

4. *Approving Authority.* Secretary of Commerce.

5. *Maintenance Agency.* National Communications System, Office of Technology and Standards.

6. *Related Document.* Federal Information Resources Management Regulations subpart 201–20.303, Standards, and subpart 201–39.1002, Federal Standards.

7. *Objectives.* This standard is intended to facilitate interoperability between telecommunication facilities and systems of the Federal Government.

8. *Applicability.* This standard shall be used by all Federal departments and agencies when procuring new equipment and services that utilize 4,800 and/or 9,600 bit/s two-wire duplex modems for data communications use on telephone-type circuits. However, it is not mandatory for use when expanding or replacing equipment in already existing networks of modems.

9. *Specifications.* The specifications are CCITT Recommendation V.32, A Family of 2-Wire, Duplex Modems Operating at Data Signalling Rates of Up to 9600 bit/s for Use on the General Switched Telephone Network and on Leased Telephone-Type Circuits.

Requirements are as follows:

a. Section 2 of CCITT Recommendation V.32 is adopted with the following exceptions:

(1) Use of trellis coding at 9,600 is encouraged.

b. Use of Section 3 of CCITT Recommendation V.32 is optional.

c. Section 4 of CCITT Recommendation V.32 is adopted.

d. Section 5 of CCITT Recommendation V.32 is adopted with the following exception:

(1) Use of the described digital interchange circuits is optional.

e. Section 6 of CCITT Recommendation V.32 is optional.

f. Use of Section 7 of CCITT Recommendation V.32 is adopted with the following exceptions:

(1) Modes 1 and 3 (synchronous) are optional.

(2) Character lengths of 8, 9, and 11 bits need not be supported.

g. Use of Appendix I, Interworking procedure for echo cancelling modems (e.g., V.26 ter), is not required.

10. *Qualifications.* This standard is based upon CCITT Recommendation V.32, that has undergone extensive international review and has been widely implemented by manufacturers. However, this standard will be reviewd at five year intervals to ensure that the needs of Government users are adequately addressed.

11. *Patents.* Modems implementing this standard may be covered by U.S. and foreign patents.

12. *Implementation.* The use of this standard by Federal departments and agencies is compulsory and binding for the acquisition of new equipment and services, effective September 15, 1992, except as noted in Section 8.

13. *Waivers.* Under certain exceptional circumstances, the heads of Federal departments and agencies may approve waivers to Federal Information Processing Standards (FIPS). The head of such an agency may redelegate such authority only to a senior official designated pursuant to section 3506(b) of title 44, U.S. Code. Waivers shall be granted only when:

a. Compliance with a standard would adversely affect the accomplishment of the mission of an operator of a Federal computer system of related telecommunications system, or

b. Cause a major adverse financial impact on the operator which is not offset by Governmentwide savings.

Agency heads may act upon a written waiver request containing the information detailed above. Agency heads may also act without a written waiver request when they determine that conditions for meeting the standard cannot be met. Agency heads may approve waivers only by a written decision which explains the basis on which the agency head made the required finding(s). A copy of each such decision, with procurement sensitive or classified portions clearly identified, shall be sent to: National Institute of Standards and Technology; Attn: FIPS Waiver Decisions, Technology Building, room B–154; Gaithersburg, MD 20899.

In addition, notice of each waiver granted and each delegation of authority to approve waivers shall be sent promptly to the Committee on Government Operations of the House of Representatives and the Committee on Government Affairs of the Senate and shall be published promptly in the **Federal Register.**

When the determination on a waiver applies to the procurement of equipment and/or services, a notice of the waiver determination must be published in the Commerce Business Daily as a part of the notice of solicitation for offers of an acquisition or, if the waiver determination is made after the notice is published, by amendment to such notice.

A copy of the waiver, any supporting documents, the document approving the waiver and any supporting and accompanying documents, with such deletions as the agency is authorized and decides to make under 5 U.S.C. 552(b), shall be part of the procurement documentation and retained by the agency.

14. *Where to Obtain Copies.* Copies of this publication are for sale by the National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161. (Sale of the included specifications document is by arrangement with the International Telecommunication Union.) When ordering, refer to Federal Information Processing Standards Publication 166 (FIPS PUB 166), and the title. When microfiche is desired, this should be specified. Payment may be made by

check, money order, purchase order, credit card, or deposit account.

Federal Information Processing Standards Publication 167

(Date)

Announcing the Standard for 9,600 Bits per Second Four-Wire Duplex Modems for Data Communications Use on Telephone-Type Circuits

Federal Information Processing Standards Publications (FIPS PUBS) are issued by the National Institute of Standards and Technology after approval by the Secretary of Commerce pursuant to Section 111(d) of the Federal Property and Administrative Services Act of 1949 as amended by the Computer Security Act of 1987, Public Law 100–235.

1. *Name of Standard.* 9,600 Bits per Second Four-Wire Duplex Modems for Data Communications Use on Telephone-Type Circuits (FIPS PUB 167).

2. *Category of Standard.* Telecommunications Standard.

3. *Explanation.* Modems are used to modulate digital data into a form that can be transmitted within the voice-band frequencies passed by telephone-type circuits, and to demodulate the information back to digital data at a destination.

The modem described by this standard is based upon International Telegraph and Telephone Consultative Committee (CCITT) Recommendation V.29. This standard supersedes FIPS PUB 135 (former Federal Standard 1007) in its entirety.

4. *Approving Authority.* Secretary of Commerce.

5. *Maintenance Agency.* National Communications System, Office of Technology and Standards.

6. *Related Document.* Federal Information Resources Management Regulations subpart 201–20.303, Standards, and subpart 201–39.1002, Federal Standards.

7. *Objectives.* This standard is intended to facilitate interoperability between telecommunication facilities and systems of the Federal Government.

8. *Applicability.* This standard shall be used by all Federal departments and agencies when procuring new equipment and services that utilize 9,600 bit/s four-wire duplex modems for data communications use on telephone-type circuits. However, it is not mandatory for use when expanding or replacing equipment in already existing networks of modems.

9. *Specifications.* The specifications are CCITT Recommendation V.29, 9,600 Bits Per Second Modem Standardized for Use on Point-to-Point 4-Wire Leased Telephone-Type Circuits.

Requirements are as follows:

a. Sections 2, 3, and 4 of CCITT Recommendation V.29 are adopted.

b. Use of Sections 5, 6, and 7 of CCITT Recommendation V.29 is optional.

c. Sections 8, 9, and 10 of CCITT Recommendation V.29 are adopted.

d. Section 12 of CCITT Recommendation V.29 is adopted with the following exception:

(1) Use of the specified Interchange Circuits is optional.

10. *Qualifications.* This standard is based upon CCITT Recommendation V.29, that has undergone extensive international review and has been widely implemented by manufacturers. However, this standard will be reviewed at five year intervals to ensure that the needs of Government users are adequately addressed.

11. *Patents.* Modems implementing this standard may be covered by U.S. and foreign patents.

12. *Implementation.* The use of this standard by Federal departments and agencies is compulsory and binding for the acquisition of new equipment and services, effective September 15, 1992, except as noted in Section 8.

13. *Waivers.* Under certain exceptional circumstances, the heads of Federal departments and agencies may approve waivers to Federal Information Processing Standards (FIPS). The head of such an agency may redelegate such authority only to a senior official designated pursuant to section 3506(b) of title 44, U.S. Code. Waivers shall be granted only when:

a. Compliance with a standard would adversely affect the accomplishment of the mission of an operator of a Federal computer system or related telecommunications system, or

b. Cause a major adverse financial impact on the operator which is not offset by Governmentwide savings.

Agency heads may act upon a written waiver request containing the information detailed above. Agency heads may also act without a written waiver request when they determine that conditions for meeting the standard cannot be met. Agency heads may approve waivers only by a written decision which explains the basis on which the agency head made the required finding(s). A copy of each such decision, with procurement sensitive or classified portions clearly identified, shall be sent to: National Institute of Standards and Technology; Attn: FIPS Waiver Decisions, Technology Building, room B–154; Gaithersburg, MD 20899.

In addition, notice of each waiver granted and each delegation of authority to approve waivers shall be sent promptly to the Committee on Government Operations of the House of Representatives and the Committee on Government Affairs of the Senate and shall be published promptly in the **Federal Register.**

When the determination on a waiver applies to the procurement of equipment and/or services, a notice of the waiver determination must be published in the Commerce Business Daily as a part of the notice of solicitation for offers of an acquisition or, if the waiver determination is made after the notice is published, by amendment to such notice.

A copy of the waiver, any supporting documents, the document approving the waiver and any supporting and accompanying documents, with such deletions as the agency is authorized and decides to make under 5 U.S.C. 552(b), shall be part of the procurement documentation and retained by the agency.

14. *Where to Obtain Copies.* Copies of this publication are for sale by the National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161. (Sale of the included specifications document is by arrangement with the International Telecommunication Union.) When ordering, refer to Federal Information Processing Standards Publication 167 (FIPSPUB167), and the title. When microfiche is desired, this should be specified. Payment may be made by check, money order, purchase order, credit card, or deposit account.

Federal Information Processing Standards Publication 168

(Date)

Announcing the Standard for 12,000 and 14,400 Bits per Second Four-Wire Duplex Modems for Data Communications Use on Telephone-Type Circuits

Federal Information Processing Standards Publications (FIPS PUBS) are issued by the National Institute of Standards and Technology after approval by the Secretary of Commerce pursuant to section 111(d) of the Federal Property and Administrative Services Act of 1949 as amended by the Computer Security Act of 1987, Public Law 100–235.

1. *Name of Standard.* 12,000 and 14,400 Bits per Second Four-Wire Duplex Modems for Data Communications Use on Telephone-Type Circuts (FIPS PUB 168).

2. *Category of Standard.* Telecommunications Standard.

3. *Explanation.* Modems are used to modulate digital data into a form that can be transmitted within the voice-band frequencies passed by telephone-type circuits, and to demodulate the information back to digital data at a destination.

The modem described by this standard is based upon International Telegraph and Telephone Consultative Committee (CCITT) Recommendation V. 33.

4. *Approving Authority.* Secretary of Commerce.

5. *Maintenance Agency.* National Communications System, Office of Technology and Standards.

6. *Related Document.* Federal Information Resources Management Regulations subpart 201–20.303, Standards, and subpart 201–39.1002, Federal Standards.

7. *Objectives.* This standard is intended to facilitate interoperability between telecommunication facilities and systems of the Federal Government.

8. *Applicability.* This standard will be used by all Federal departments and agencies when procuring new equipment and services that utilize 12,000 and/or 14,400 bit/s four-wire duplex modems for data communications use on telephone-type circuits. However, it is not mandatory for use when expanding or replacing equipment in already existing network of modems.

9. *Specifications.* The specifications on CCITT Recommendation V. 33, 14,400 Bits Per Second Standardized for Use on Point-to-Point 4–Wire Leased Telephone-Type Circuits.

Requirements are as follows:

a. Section 2 of CCITT Recommendation V.33 is adopted with the following exception:

(1) Modems may implement one or both of the data rates (i.e., 12,000 and/or 14,400 bits/s).

b. Sections 3 and 4 of CCITT Recommendation V.33 are adopted.

c. Use of Sections 5 and 6 of CCITT Recommendation V.33 is optional.

d. Sections 7, 8, and 9 of CCITT Recommendation V.33 are adopted.

e. Use of Section 20 of CCITT Recommendation V.33 is adopted as an optional capability.

10. *Qualifications.* This standard is based upon CCITT Recommendation V.33, that has undergone extensive international review and has been widely implemented by manufacturers. However, this standard will be reviewed at five year intervals to ensure that the needs of Government users are adequately addressed.

11. *Patents.* Modems implementing this standard may be covered by U.S. and foreign patents

12. *Implementation.* The use of this standard by Federal departments and agencies is compulsory and binding for the acquisition of new equipment and services, effective September 15, 1992, except as noted in Section 8.

13. *Waivers.* Under certain exceptional circumstances, the heads of Federal departments and agencies may approve waivers to Federal Information Processing Standards (FIPS). The head of such an agency may redelegate such authority only to a senior official designated pursuant to section 3506(b) of title 44, U.S. Code. Waivers shall be granted only when:

a. Compliance with a standard would adversely affect the accomplishment of the mission of an operator of a Federal computer system or related telecommunications system, or

b. Cause a major adverse financial impact on the operator which is not offset by Governmentwide savings.

Agency heads may act upon a written waiver request containing the information detailed above. Agency heads may also act without a written waiver request when they determine the conditions for meeting the standard cannot be met. Agency heads may approve waivers only by a written decision which explains the basis on which the agency had made the required finding(s). A copy of each such decision, with procurement sensitive or classified portions clearly identified, shall be sent to: National Institute of Standards and Technology; Attn: FIPS Waiver Discisions, Technology Building, room B–154; Gaithersburg, MD 20899.

In addition, notice of each waiver granted and each delegation of authority to approve waivers shall be sent promptly to the Committee on Government Operations of the House of Representatives and the Committee on Government Affairs of the Senate and shall be published promptly in the **Federal Register.**

When the determination on a waiver applies to the procurement of equipment and/or services, a notice of the waiver determination must be published in the Commerce Business Daily as part of the notice of solicitation for offers of an acquisition or, of the waiver determination is made after the notice is published, by amendment to such notice.

A copy of the waiver, any supporting documents, the document approving the waiver and supporting and accompanying documents, with such deletions as the agency is authorized and decides to make under 5 U.S.C. 552(b), shall be part of the procurement documentation and retained by the agency.

14. *Where to Obtain Copies.* Copies of this publication are for sale by the National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161. (Sale of the included specifications document is by arrangement with the International Telecommunications Union.) When ordering, refer to Federal Information Processing Standards Publication 168 (FIPSPUB168), and the title. When microfiche is desired, this should be specified. Payment may be made by check, money order, purchase order, credit card, or deposit account.

Federal Information Processing Standards Publication 169

(Date)

Announcing the Standard for Error Correction in Modems Employing Asynchronous-to-Synchronous Conversion

Federal Information Processing Standards Publications (FIPS PUBS) are issued by the National Institute of Standards and Technology after approval by the Secretary of Commerce pursuant to Section 111(d) of the Federal Property and Administrative Services Act of 1949 as amended by the Computer Security Act of 1987, Public Law 100–235.

1. *Name of Standard.* Error Correction in Modems Employing Asynchronous-to-Synchronous Conversion (FIPS PUB 169).

2. *Category of Standard.* Telecommunications Standard.

3. *Explanation.* Modems are used to modulate digital data into a form that can be transmitted within the voice-band frequencies passed by telephone-type circuits, and to demodulate the information back to digital data at a destination. The method of error correction described in this standard is error correction by retransmission.

The modem error correction techniques described by this standard are based upon International Telegraph and Telephone Consultative Committee (CCITT) Recommendation V.42.

4. *Approving Authority.* Secretary of Commerce.

5. *Maintenance Agency.* National Communications System, Office of Technology and Standards.

6. *Related Document.* Federal Information Resources Management Regulations subpart 201–20.303, Standards, and subpart 201–39.1002, Federal Standards.

7. *Objectives.* This standard is intended to facilitate interoperability between telecommunication facilities and systems of the Federal Government.

8. *Applicability.* This standard shall be used by all Federal departments and agencies when procuring new equipment and services that utilize error correction in modems employing asynchronous-to-synchronous conversion. However, it is not mandatory for use when expanding or replacing equipment in already existing networks of modems.

9. *Specifications.* The specifications are CCITT Recommendation V.42, Error-Correcting Procedures for DCEs Using Asynchronous-to-Synchronous Conversion.

Requirements are as follows:

Note: Modems complying with this standard shall be capable of either LAPM and the "Alternative Procedure" described or just the "Alternative Procedure" (i.e., MNP).

a. Section 4 of CCITT Recommendation V.42 is adopted.

b. Section 5 of CCITT Recommendation V.42 is adopted with the following exception:

(1) The indicated Interchange Circuits are optional.

c. Section 6, 7, 8, 9, 10, 11, 12, Annex A, and Annex B of CCITT Recommendation V.42 are adopted.

10. *Qualifications.* This standard is based upon CCITT Recommendation V.42, that has undergone extensive international review and has been widely implemented by manufacturers. However, this standard will be reviewed at five year intervals to ensure that the needs of Government users are adequately addressed.

11. *Patents.* Modems implementing this standard may be covered by U.S. and foreign patents.

12. *Implementation.* The use of this standard by Federal departments and agencies is compulsory and binding for the acquisition of new equipment and services, effective September 15, 1992, except as noted in Section 8.

13. *Waivers.* Under certain exceptional circumstances, the heads of Federal departments and agencies may approve waivers to Federal Information Processing Standards (FIPS). The head of such an agency may redelegate such authority only to a senior official designated pursuant to section 3506(b) of title 44, U.S. Code. Waivers shall be granted only when:

a. Compliance with a standard would adversely affect the accomplishment of the mission of an operator of a Federal computer system or related telecommunications system, or

b. Cause a major adverse financial impact on the operator which is not offset by Governmentwide savings.

Agency heads may act upon a written waiver request containing the information detailed above. Agency heads may also act without a written waiver request when they determine that conditions for meeting the standard cannot be met. Agency heads may approve waivers only by a written decision which explains the basis on which the agency head made the required finding(s). A copy of each such decision, with procurement sensitive or classified portions clearly identified, shall be sent to: National Institute of Standards and Technology; Attn: FIPS Waiver Decisions, Technology Building, room B–154; Gaithersburg, MD 20899.

In addition, notice of each waiver granted and each delegation of authority to approve waivers shall be sent promptly to the Committee on Government Operations of the House of Representatives and the Committee on Government Affairs of the Senate and shall be published promptly in the **Federal Register.**

When the determination on a waiver applies to the procurement of equipment and/or services, a notice of the waiver determination must be published in the Commerce Business Daily as a part of the notice of solicitation for offers of an acquisition or, if the waiver determination is made after the notice is published, by amendment to such notice.

A copy of the waiver, any supporting documents, the document approving the waiver and any supporting and accompanying documents, with such deletions as the agency is authorized and decides to make under 5 U.S.C. 552(b), shall be part of the procurement documentation and retained by the agency.

14. *Where to Obtain Copies.* Copies of this publication are for sale by the National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161. (Sale of the included specifications document is by arrangement with the International Telecommunication Union.) When ordering, refer to Federal Information Processing Standards Publication 169 (FIPSPUB169), and the title. When microfiche is desired, this should be specified. Payment may be made by check, money order, purchase order, credit card, or deposit account.

Federal Information Processing Standards Publication 170

(Date)

Announcing the Standard for Data Compression in Modems Employing CCITT Recommendation V.42 Error Correction

Federal Information Processing Standards Publications (FIPS PUBS) are issued by the National Institute of Standards and Technology after approval by the Secretary of Commerce pursuant to section 111(d) of the Federal Property and Administrative Services Act of 1949 as amended by the Computer Security Act of 1987, Public Law 100–235.

1. *Name of Standard.* Data Compression in Modems Employing CCITT Recommendation V.42 Error Correction (FIPS PUB 170).

2. *Category of Standard.* Telecommunications Standard.

3. *Explanation.* Modems are used to modulate digital data into a form that can be transmitted within the voice-band frequencies passed by telephone-type circuits, and to demodulate the information back to digital data at a destination. Data compression is obtained by substituting strings of characters by reduced length codes at a transmitting modem and replacing the transmitted codes by the original strings of characters at a receiving modem.

The modem data compression techniques described by this standard are based upon International Telegraph and Telephone Consultative Committee (CCITT) Recommendation V.42 bis.

4. *Approving Authority.* Secretary of Commerce.

5. *Maintenance Agency.* National Communications System, Office of Technology and Standards.

6. *Related Document.* Federal Information Resources Management Regulations subpart 201.20–303, Standards, and subpart 201–39.1002, Federal Standards.

7. *Objectives.* This standard is intended to facilitate interoperability between telecommunication facilities and systems of the Federal Government.

8. *Applicability.* This standard shall be used by all Federal departments and agencies when procuring new equipment and services that utilize data compression in modems employing CCITT V.42 error correction. However, it is not mandatory for use when expanding or replacing equipment in already existing networks of modems.

9. *Specifications.* The specifications are CCITT Recommendation V.42 bis, Data Compression Procedures for DCEs Using Error Correcting Procedures.

Requirements are as follows:

Note: Modems complying with this FIPS standard shall be capable of either LAPM and the "Alternative Procedure" described or just the "Alternative Procedure" (i.e., MNP).

a. Sections 1 through 10 of CCITT Recommendation V.42 bis are adopted.

b. Annex A of CCITT Recommendation V.42 bis is adopted.

10. *Qualifications.* This standard is based upon CCITT Recommendation

V.42 bis, that has undergone extensive international review and has been widely implemented by manufacturers. However, this standard will be reviewed at five year intervals to ensure that the needs of Government users are adequately addressed.

11. *Patents.* Modems implementing this standard may be covered by U.S. and foreign patents.

12. *Implementation.* The use of this standard by Federal departments and agencies is compulsory and binding for the acquisition of new equipment and services, effective September 15, 1992, except as noted in Section 8.

13. *Waivers.* Under certain exceptional circumstances, the heads of Federal departments and agencies may approve waivers to Federal Information Processing Standards (FIPS). The head of such an agency may redelegate such authority only to a senior official designated pursuant to section 3506(b) of title 44, U.S. Code.

Waivers shall be granted only when:

a. Compliance with a standard would adversely affect the accomplishment of the mission of an operator of a Federal computer system or related telecommunications system, or

b. Cause a major adverse financial impact on the operator which is not offset by Governmentwide savings.

Agency heads may act upon a written waiver request containing the information detailed above. Agency heads may also act without a written waiver request when they determine that conditions for meeting the standard cannot be met. Agency heads may approve waivers only by a written decision which explains the basis on which the agency head made the required finding(s). A copy of each such decision, with procurement sensitive or classified portions clearly identified, shall be sent to: National Institute of Standards and Technology; Attn: FIPS Waiver Decisions, Technology Building, room B-154; Gaithersburg, MD 20899.

In addition, notice of each waiver granted and each delegation of authority to approve waivers shall be sent promptly to the Committee on Government Operations of the House of Representatives and the Committee on Government Affairs of the Senate and shall be published promptly in the **Federal Register.**

When the determination on a waiver applies to the procurement of equipment and/or services, a notice of the waiver determination must be published in the Commerce Business Daily as a part of the notice of solicitation for offers of an acquisition or, if the waiver determination is made after the notice is published, by amendment to such notice.

A copy of the waiver, any supporting documents, the document approving the waiver and any supporting and accompanying documents, with such deletions as the agency is authorized and decides to make under 5 U.S.C. 552(b), shall be part of the procurement documentation and retained by the agency.

14. *Where to Obtain Copies.* Copies of this publication are for sale by the National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161. (Sale of the included specifications document is by arrangement with the International Telecommunication Union.) When ordering, refer to Federal Information Processing Standards Publication 170 (FIPSPUB170), and the title. When microfiche is desired, this should be specified. Payment may be made by check, money order, purchase order, credit card, or deposit account.

[FR Doc. 92-7490 Filed 4-1-92; 8:45 am]

BILLING CODE 3510-CN-M

National Oceanic and Atmospheric Administration

Marine Fisheries Advisory Committee; Public Meeting

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

Time and Date: Meeting will convene at 9 a.m., April 16, and adjourn at 12 noon, April 17, 1992.

Place: The Sheraton Premier at Tysons Corner, 8661 Leesburg Pike, Vienna, Virginia.

Status: As required by section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. (1982), notice is hereby given of a meeting of the Marine Fisheries Advisory Committee (MAFAC). MAFAC was established by the Secretary of Commerce on February 17, 1971, to advise the Secretary on all living marine resource matters which are the responsibility of the Department of Commerce. This Committee ensures that the living marine resource polices and programs of this Nation are adequate to meet the needs of commercial and recreational fishermen, environmental, state, consumer, academic, and other national interests.

Matters to be Considered: April 16, 1992, 9 a.m.-5:30 p.m., (1) definition of recreational fisherman, (2) status of stocks, and (3) seafood safety. April 17, 1992, 9-12 noon, (1) trade and the environment, and (2) committee management issues.

For Further Information Contact: Ann Smith, Executive Secretary, Marine Fisheries Advisory Committee, Policy and Coordination Office, National Marine Fisheries Service, 1335 East-West Highway, Silver Spring, MD 20910. Telephone: (301) 713-2259.

Dated: March 27, 1992.

Michael F. Tillman,

Program Management Officer, National Marine Fisheries Service, NOAA.

[FR Doc. 92-7547 Filed 4-1-92; 8:45 am]

BILLING CODE 3510-22-M

North Pacific Fishery Management Council, Public Meetings/Public Hearing

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The North Pacific Fishery Management Council (Council) will meet on April 22-26, 1992. The meeting will be held at the Hilton Hotel in Anchorage, Alaska. The meeting will begin at 8 a.m., on April 22 and may continue through April 26.

The agenda will include the following items: (1) Hear reports by the Alaska Department of Fish and Game, the National Marine Fisheries Service, the U.S. Coast Guard, and the International Pacific Halibut Commission; (2) hear reports on the status of recent regulatory and plan amendments to the Gulf of Alaska and Bering Sea/Aleutian Islands Groundfish Fishery Management Plans; (3) review of final analysis for proposed sablefish and halibut individual fishing quota management in the Gulf of Alaska and Bering Sea/Aleutian Islands. (A notice to take action to rescind an earlier Council action has been filed by Council members); (4) review analysis for the North Pacific Fisheries Research Plan and approve this plan for public review, and review proposed changes to the observer program for 1993; (5) hear report on proposed regulations to monitor influx of fish products originating in the Russian economic zone and on establishing permit conditions disallowing U.S. vessels from fishing in the central Bering Sea (Donut Hole). Also, General Counsel will report on a proposal to restrict U.S. operations that are affiliated with foreign operations in the Donut Hole; (6) review draft analysis of a moratorium on all fisheries under Council jurisdiction and approve the analysis for public review; (7) receive a report on action by the Secretary of Commerce on the inshore-offshore Amendment #2/18/23. The Council also will set alternatives and a schedule for analysis of a revised amendment for the Bering Sea/Aleutian Islands for 1993-95, initiate analysis of an inshore-offshore bycatch amendment, and review Community Development Quota criteria and any available proposals for utilization; (8) review the scope of issues and establish a schedule and methodology for

development of a comprehensive rationalization plan for all fisheries under Council jurisdiction; and (9) review stock assessment for crab in the Bering Sea/Aleutian Islands and consider need for adjustments to the crab fishery management plan. The Council will receive a report on actions taken by the Alaska Board of Fisheries.

Groundfish agenda items will include: (1) Review of an Advanced Notice of Proposed Rulemaking on total estimation of catch and communication; (2) report on development of an amendment to allow trawl testing; (3) initiation of exclusive registration and pollock "B" season delay amendment; (4) review of groundfish amendment package with bycatch measures and trawl closures for the eastern Gulf of Alaska; (5) the Bycatch Team report on individual bycatch quotas; and (6) progress reports on analysis of preferential allocations of Pacific cod to fixed gear fisheries with low halibut bycatch. Lastly, the Council will discuss staff tasking.

The Council's Advisory Panel and its Scientific and Statistical Committee will also meet during the week beginning on April 20 at 1 p.m., with agendas similar to the Council's. Other committees and workgroups may meet on short notice throughout the week. All meetings will be held at the Hilton Hotel in Anchorage, unless otherwise noted, and are open to the public, with the exception of a closed Executive session (not open to public) scheduled for 12 noon on April 23.

On April 20 beginning at 11:30 a.m., and continuing on April 21, the Council will hold a public hearing to allow interested persons the opportunity to comment on the recently adopted individual fishery quota management system for the longline sablefish and halibut fisheries off Alaska. The hearing will be held in the Aleutian room of the Hilton Hotel in Anchorage. No further public comment will be taken on this issue during the Council's discussion of the subject later in the meeting week.

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

Dated: March 27, 1992.

David S. Crestin,

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

[FR Doc. 92-7545 Filed 4-1-92; 8:45 am]

BILLING CODE 3510-22-M

Pacific Fishery Management Council; Public Hearing

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

ACTION: Public meetings and hearings.

SUMMARY: The Pacific Fishery Management Council (Council) and its advisory entities will meet April 6-10, 1992, at the Clarion Hotel, 401 East Millbrae Avenue, Millbrae, California. Except as noted below, the meetings are open to the public.

On Monday night, April 6 at 7 p.m., the Council will hold the fifth and last hearing in a series of public hearings on the alternatives for managing the 1992 ocean salmon fisheries. The Council will begin its meeting on Tuesday, April 7 at 8 a.m. in a closed session (not open to the public) to address personnel matters, litigation and sensitive international issues. The open public session begins at 8:30 a.m. on Tuesday to address 1992 salmon fishery management measures. On Wednesday, April 8, the Council convenes at 8 a.m. to adress management of costal pelagic species, administrative matters, and salmon plan amendment issues. Also on Wednesday, the Council will accept public comments on issues not on the agenda at 4 p.m. On Thursday, the Council will begin at 8 a.m. in open session to address groundfish management issues. Groundfish items will continue on Friday, April 10, at 8 a.m. Following groundfish, the Council will set priorities for work load activities and may eliminate some activities in order to accomplish the most important activities. Also on Friday, the Council will conclude business by adopting 1992 salmon management measures. Salmon management issues on the agenda include: (1) Results of consultations with Federal agencies under the Endangered Species Act, (2) review of causes of decline of Puget Sound salmon stocks, (3) adoption of 1992 ocean salmon management measures, (4) and selection of salmon plan amendment issues and options to be analyzed.

Groundfish agenda items include: (1) Inseason management measure adjustments, (2) experimental fishing permit applications to allow shoreside sorting of salmon in the whiting fishery, (3) experimental fishing permit application to allow the use of small mesh to harvest shortbelly rockfish, (4) identification of objectives, selection of issues and options to be addressed and adoption of a process for development of individual quotas in the groundfish and Pacific halibut fisheries, (5) identification of objectives and selection of options to be analyzed for long-term allocation of Pacific whiting, (6) consider development of a flexible framework for setting and changing opening dates for the Pacific whiting fisheries, (7) consider changes to the definition of legal trawl gear, and (8) hot to monitor landings of groundfish from the Cobb Seamont (outside the EEZ).

Regarding costal pelagic species management, the Council will receive a status report from the plan development team and advisory subpanel on the development of a coastal pelagic species fishery management plan. The Council will discuss plan objectives and options from limiting access to this fishery.

Scientific and Statistical Committee—will meet at 8:30 a.m. on April 6 to address scientific issues on the Council agenda and will reconvene on April 7 at 8 a.m.

Salmon Advisory Subpanel—will convene at 8 a.m. on April 6 to address salmon issues on the Council agenda and will reconvene April 7-10 at 8 a.m. or as necessary to complete its agenda.

Salmon Technical Team—will meet as necessary April 6-10 to assist the Salmon Advisory Subpanel and to prepare impact analyses for management options.

Groundfish Management Team—will meet 8 a.m. on April 6 to address groundfish items on the Council agenda.

Habitat Committee—will convene at 1 p.m. on April 6 to address activities affecting the habitat of fish stocks managed by the Council.

Budget Committee—will meet at 3 p.m. on April 6 to review the fiscal year 1992 Council budget and make recommendations for adjustments if necessary.

Groundfish Advisory Subpanel—will convene at 8 a.m. on April 7 to address groundfish management issues on the Council agenda, and will reconvene at 8 a.m. on April 8.

Enforcement Consultants—will meet at 7 p.m. on April 7 to address enforcement issues on the Council agenda.

Detailed agendas for the above meetings will be made available to the public after March 26, 1992. For further information, contact Lawrence D. Six, Executive Director, Pacific Fishery Management Council, 200 SW. First Avenue, suite 420, Portland Oregon 97201; telephone: (503) 326-6352.

Dated: March 27, 1992.

David S. Crestin,

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

[FR Doc. 92-7502 Filed 3-27-92; 3:45 pm]

BILLING CODE 3510-22-M

South Atlantic Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The South Atlantic Fishery Management Council (Council) will hold a Scientific and Statistical Committee

(SSC) meeting on April 22, 1992, from 8:30 a.m. until 5 p.m., at the Sheraton Brickell Point Hotel, 495 Brickell Avenue, Miami FL; telephone: (305) 373–6000.

The SSC will review a request by the Florida Marine Fisheries Commission that the Council examine its proposed spiny lobster trap reduction program. The program, which is scheduled to go into effect in July 1992, would establish a transferable trap certificate program (for Florida's waters as well as Federal waters off Florida) that will gradually reduce the number of working traps while allowing fishermen who want to stay in the fishery to do so.

The program must be reviewed by the Council before it becomes effective. For information on the program, please contact the Florida Marine Fisheries Commission (904/487–0554).

The SSC also will review a stock assessment and bag limit analysis for king and Spanish mackerel. In addition, the SSC will: (1) Begin studying future allocation of king and Spanish mackerel among user groups; (2) review South Carolina's request to designate eight areas off its coast as special management zones (SMZs) where certain types of fishing would be prohibited; and (3) discuss the wreckfish assessment report and a two-million-pound total allowable catch (TAC) for the 1992 wreckfish season. The Commission will present recommendations to the Council on all of the above issues at the Charleston meeting.

For more information contact Carrie Knight, Public Information Officer: South Atlantic Fishery Management Council: One Southpark Circle, suite 306; Charleston, SC 29407–4699; telephone: (803) 571–4366.

Dated: March 27, 1992.

David S. Crestin,

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

[FR Doc. 92–7548 Filed 4–1–92; 8:45 am]

BILLING CODE 3510–22–M

South Atlantic Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The South Atlantic Fishery Management Council (Council) will hold a Spiny Lobster Advisory Panel meeting on April 21, 1992, from 1:30 p.m. until 5 p.m., at the Sheraton Brickell Point Hotel, 495 Brickell Avenue, Miami, FL; telephone: (305) 373–6000.

The Advisory Panel will review a request by the Florida Marine Fisheries Commission that the Council examine its proposed spiny lobster trap reduction program. The program, which is scheduled to go into effect in July 1992, would establish a transferable trap certificate program (for Florida's waters as well as Federal waters off Florida) that will gradually reduce the number of working traps while allowing fishermen who want to stay in the fishery to do so.

The program must be reviewed by the Council before it becomes effective. For information on the program, please contact the Florida Marine Fisheries Commission (904/487–0554).

The Spiny Lobster Committee will review Florida's proposal and comments from the Advisory Panel and the Scientific and Statistical Committee before making a recommendation on the program to the full Council at the April 27–May 1 meeting in Charleston, SC. The Council will develop its final position on the proposal at the meeting.

The Spiny Lobster Advisory Panel also will review possible regulations for Amendment #4 to the Spiny Lobster Plan, which could include changes to permit requirements and recreational limits north of Florida, and could also require escape gaps in traps and a prohibition on the use of "shorts" as attractants.

For more information contact Carrie Knight, Public Information Officer: South Atlantic Fishery Management Council: One Southpark Circle, Suite 306; Charleston, SC 29407–4699; telephone: (803) 571–4366.

Dated: March 27, 1992.

David S. Crestin,

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

[FR Doc. 92–7549 Filed 4–1–92; 8:45 am]

BILLING CODE 3510–22–M

South Atlantic Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The South Atlantic Fishery Management Council (Council) will hold a Mackerel Advisory Panel (Panel) meeting on April 23, 1992, from 8 a.m. until 3 p.m, at the Sheraton Brickell Point Hotel, 495 Brickell Avenue, Miami, FL; telephone: (305) 373–6000.

The Panel will review an annual stock assessment and bag limit analysis for king and Spanish mackerel. The Panel will advise the mackerel committee on quotas and bag limits for the 1992–93 king and Spanish mackerel season, and the mackerel committee will present recommendations to the Council at the April 27–May 1 meeting in Charleston, SC.

For more information contact Carrie Knight, Public Information Officer: South Atlanic Fishery Managment Council: One Southpark Circle, Suite 306; Charleston, SC 29407–4699; telephone: (803) 571–4366.

Dated: March 27, 1992.

David S. Crestin,

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

[FR Doc. 92–7546 Filed 4–1–92; 8:45 am]

BILLING CODE 3510–22–M

Marine Mammals

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

ACTION: Issuance of Public Display Permit No. 773.

On January 14, 1992, notice was published in the **Federal Register** (57 FR 1458) that an application had been filed by Sea World, Inc. for a permit to import one (1) killer whale (*Orcinus orca*) for public display at Sea World of California.

Notice is hereby given that on March 27, 1992, as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) the National Marine Fisheries Service issued a Permit for the above importation subject to certain conditions set forth therin.

Issuance of this permit is based on a finding that the proposed taking is consistent with the purposes and policy of the Marine Mammal Protection Act. The Service has determined that Sea World, Inc. offers an acceptable program for education or conservation purposes. The Sea World facilities are open to the public on a regularly scheduled basis and access to the facilities is not limited or restricted other than by the charging of an admission fee.

The Permit is available for review by interested persons by appointment in the following offices:

Office of Protected Resources, National Marine Fisheries Services, NOAA, 1335 East-West Highway, room 7324, Silver Spring, MD 20910 (301/713–2289); and

Director, Southwest Region, National Marine Fisheries Services, NOAA, 501 West Ocean Blvd., suite 4200, Long Beach, CA 90802–4213 (310/980–4016).

Dated: March 27, 1992.

Nancy Foster,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 92–7508 Filed 4–1–92; 8:45 am]

BILLING CODE 3510–22–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on Joint Precision Interdiction

ACTION: Notice of advisory committee meetings.

SUMMARY: The Defense Science Board Task Force on Joint Precision Interdiction (JPI) will meet in closed session on April 23–24, 1992 at TRADOC, Langley AFB, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense through the Director, Defense Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will review acquisition strategies needed for an optimum family of surveillance, reconnaissance, and target acquisition systems, C3I systems and weapon systems required to perform the JPI mission.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. 92–463, as amended (5 U.S.C. app. II, (1988)), it has been determined that this DSB Task Force meeting, concerns matters listed in 5 U.S.C. 552b(c)(1) (1988), and that accordingly this meeting will be closed to the public.

Dated: March 30, 1992.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92–7604 Filed 4–1–92; 8:45 am]

BILLING CODE 3810–01–M

Department of Defense Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92–463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, May 5, 1992; Tuesday, May 12, 1992; Tuesday, May 19, 1992; and Tuesday, May 26, 1992, at 2 p.m. in room 800, Hoffman Building #1, Alexandria, Virginia.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Force Management and Personnel) concerning all matters involved in the development and authorization of wage schedules for federal prevailing rate employees pursuant to Public Law 92–392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92–463, meetings may be closed to the public when they are "concerned with matters listed in 5 U.S.C. 552(b)." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 U.S.C. 552b.(c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b.(c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy/Equal Opportunity) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b.(c)(2)), and the detailed wage data considered were obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b.(c)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the chairman concerning matters believed to be deserving of the Committee's attention.

Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, room 3D264, The Pentagon, Washington, DC 20310.

Dated: March 30, 1992.

L. M. Bynum,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92–7605 Filed 4–1–92; 8:45 am]

BILLING CODE 3810–01–M

Department of the Navy

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 Delivery of Artificial Blood will meet on April 21, 22, and 23, 1992; and May 5, and 6, 1992. The meetings will be held at the Office of the Chief of Naval Research, 800 North Quincy Street, room 915, Arlington, Virginia. The meeting will commence at 8 a.m. and terminate at 5 p.m. on April 21; commence at 8 a.m. and terminate at 4:30 p.m. on April 22; commence at 8 a.m. and terminate at 5 p.m. on April 23 and May 5; and commence at 8 a.m. and terminate at 4 p.m. on May 6, 1992. All sessions of the meetings will be closed to the public.

The purpose of the meeting is to provide the Navy with an evaluation of the opportunities to accelerate availability of artificial blood (erythrocyte) substitute products for implementation into military use, through testing, development of manufacturing methods or other developmental support where warranted; and to develop a strategy and plan that identify a development framework, timetable and investment recommendation for the Committees on Armed Services of the Senate (SASC) and House of Representatives (HASC) by 31 July 1992. The agenda will include briefings, discussions, and technical examination of information involving confidential commercial proprietary data and agency protected information from the Food and Drug Administration (FDA). Public disclosure of this information will be likely to reveal commercial trade secrets and significantly frustrate implementation of any proposed FDA agency actions related to artificial blood substitute products. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meetings be closed to the public because they will be concerned with matters listed in section 552b(c)(4), and (9)(B) of title 5, United States Code.

For further information concerning this meeting contact: Commander John Hrenko, USN, Office of the Chief of Naval Research, 800 North Quincy Street, Arlington, VA 22217-5000, Telephone (703) 696-4870.

Dated: March 27 1992.

Wayne T. Baucino

Lieutenant, JAGC, U.S. Naval Reserve, Alternate Federal Register Liaison Officer.

[FR Doc. 92–7505 Filed 4–1–92; 8:45 am]

BILLING CODE 3810–AE–F

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0097; FAR Case 91–52]

OMB Clearance Request for Information Reporting to the Internal Revenue Service (IRS) (Taxpayer Identification Number)—An Amendment

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for a revision to an existing OMB clearance (9000–0097).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request for a revision of a currently approved information collection requirement concerning Information Reporting to the IRS, (Taxpayer Identification Number)—An Amendment.

DATES: Comments may be submitted on or before June 1, 1992.

ADDRESSES: Send comments to Mr. Peter Weiss, FAR Desk Officer, OMB, room 3235, NEOB, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Beverly Fayson, Office of Federal Acquisition Policy, GSA (202) 501–4755.

SUPPLEMENTARY INFORMATION:

A. Purpose

Subpart 4.9, Information Reporting to the Internal Revenue Service (IRS), and the provision at 52.204–3, Taxpayer Identification, implement statutory and regulatory requirements pertaining to taxpayer identification and reporting. This amendment further revises 4.9 and the provision at 52.204–3 to require the collection and reporting of the Taxpayer Identification Number (TIN) of certain contract modifications. A determination was made that additional FAR coverage was necessary in order to ensure that these contract actions are reported to the Internal Revenue Service.

When the Internal Revenue Service issued its final regulations implementing section 6050M of the Tax Reform Act of 1988 (Pub. L. 99–514), the reporting requirements included the requirement to report certain modifications to contracts that were awarded before January 1, 1989. It was determined that additional FAR coverage was required.

B. Annual Reporting Burden

The annual reporting burden is estimated as follows: Respondents, *250,000*; responses per respondent, *12*; total annual responses, *3,000,000*; preparation hours per response, *.10*; and total response burden hours, *300,000*.

OBTAINING COPIES OF PROPOSALS: Requester may obtain copies of OMB applications or justifications from the General Services Administration, FAR Secretariat (VRS), room 4041, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0097, FAR case 91–52, Information Reporting to the Internal Revenue Service (IRS) (Taxpayer Identification Number)—An Amendment, in all correspondence.

Dated: March 26, 1992.

Beverly Fayson,

FAR Secretariat.

[FR Doc. 92–7608 Filed 4–1–92; 8:45 am]

BILLING CODE 6820–JC–M

DEPARTMENT OF ENERGY

Floodplain/Wetland Involvement Notification for Well Plugging and Abandonment at the Department of Energy's Rocky Flats Plant in Golden, CO

AGENCY: U.S. Department of Energy (DOE).

ACTION: Notice of floodplain/wetland involvement.

SUMMARY: Regulations at 10 CFR part 1022 require DOE to evaluate actions it may take in a floodplain/wetland in order to ensure consideration of protection of the floodplain/wetland in decision making. As soon as practicable after a determination that a floodplain/wetland may be involved, the regulations require that public notice be published in the **Federal Register**, including a description of the proposed action and its location. DOE proposes to decommission wells originally installed to characterize the site and identify the nature and extent of groundwater contamination but that are no longer of use for that purpose. Some of these wells are located in floodplains or wetlands.

DATES: Comments on the proposed action must be received by April 17, 1992.

ADDRESSES: All comments concerning this notice should be addressed to Beth Brainard, Public Affairs Office, U.S. Department of Energy, Rocky Flats Office, P.O. Box 928, Golden, CO 80402–0928.

FOR FURTHER INFORMATION CONTACT: Information on floodplain/wetland environmental review requirements is available from Carol M. Borgstrom, Director, Office of NEPA Oversight, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585; Telephone: (202) 586–4600 or (800) 472–2756.

SUPPLEMENTARY INFORMATION: DOE proposes to decommission wells originally installed to characterize the site and identify the nature and extent of groundwater contamination but that are no longer of use for that purpose. Sixty-one wells constructed before 1986 are being proposed for closure. Fifteen of the wells are located within floodplains and, of those 15, four are within wetland areas. The wells are located at various points along Woman Creek and North and South Walnut Creek, within Operable Units 5 and 6 respectively.

Decommissioning the wells would usually involve removal of all material that had been installed in the well, including the well casing, the existing bentonite grout, the bentonite seal, and a silica sand filter. The well casing can be removed by one of four methods: Pulling it out of the well, destruction and subsequent removal, over-drilling, or over-coring. After casing removal, the resulting hole would be reamed to its original construction depth and diameter to remove any remaining annular material and debris. The empty borehole would be plugged with bentonite slurry.

Some well casings may not be removable due to well depth, casing condition, or other factors. In these situations, the well casing would be left in place, and the protective surface casing (a larger-diameter pipe surrounding the upper portion of the well casing) may either be left in place or cut off below the ground surface. Wells whose casing is not removed would be plugged by filling the casing with bentonite slurry.

A concrete pad would be poured at each well abandonment location to provide a surface seal. A metal cap showing the well identification number and the date of abandonment would be anchored to the concrete pad. Abandonment of each well would take 1 to 2 days, depending on the method used and the depth of the well. A truck-mounted drill rig would be driven to each well site during casing removal and placement of bentonite grout.

A map showing the locations of the wells to be abandoned is available upon request to the Rocky Flats Office (see **ADDRESSES** above).

Paul D. Grimm,

Principal Deputy Assistant Secretary for Environmental Restoration and Waste Management.

[FR Doc. 92–7636 Filed 4–1–92; 8:45 am]

BILLING CODE 6450–01–M

Director's Forum Meeting for the Office of Civilian Radioactive Waste Management to Discuss the "Report of Early Site Suitability Evaluation of the Potential Repository Site at Yucca Mountain, NV"

AGENCY: Department of Energy.

Time and Date: 8–5 p.m. on May 7, 1992.

Place: The Ramada Hotel O'Hare located at 6600 North Mannheim Road near Chicago's O'Hare International Airport in Rosemont, Illinois, 60018.

Statue: The Director's Forum is a public meeting and persons wishing to attend the meeting should notify the contact person listed below by April 30, 1992.

Matters to be Considered: The purpose of the Director's Forum is to enable affected governments, interested parties, and the public to discuss with the U.S. Department of Energy (DOE) representatives the recently completed baseline site evaluation, "Report of Early Site Suitability Evaluation of the Potential Repository Site at Yucca Mountain, Nevada" and the site evaluation process more generally. The Report was made available for public review and comment on Friday, March 20, 1992, through a notice in the **Federal Register.** Although the primary focus of the meeting is on the policy issues relating to the report, additional issues pertaining to OCRWM may be raised during an Open Issue Discussion Period of the meeting.

SUPPLEMENTARY INFORMATION: This Report evaluates the technical suitability of Yucca Mountain, Nevada, for characterization as a potential site for a mined geologic respository for the permanent disposal of radioactive waste. In the judgment of the team conducting this evaluation, the presently available evidence continues to support the findings of the Environmental Assessment (DOE, 1986) that the site is suitable for site characterization. This evaluation, however, found that additional information is needed in a number of specific areas before a final recommendation can be made by the Secretary of Energy to the President regarding the suitability of the site for repository development.

The judgments presented in the Report are those of the team that conducted this study, referred to as the "Core Team," and are not findings or conclusions made or endorsed by the DOE. To ensure that the evaluation was technically sound and logically consistent, the Report underwent two formal reviews. The first review was performed by technical personnel within the Yucca Mountain Site Characterization Project who were not involved in preparing the Report and its site suitability evaluations. The second review was conducted by a panel of experts (university faculty members and private consultants) who have had minimal previous involvment, and in most cases, no specific involvement with the geologic repository program.

Contact Person for More Information: Contact Amy Moran, Office of Civilian Radioactive Waste Management, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC., 20585 (telephone 202–586–8892 or FTS 896–8892).

John W. Bartlett,

Director, Office of Civilian Radioactive Waste Management.

[FR Doc. 92–7637 Filed 4–1–92; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. ER90-283-004, et al.]

Cambridge Electric Light Co., et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

Take notice that the following filings have been made with the Commission:

1. Cambridge Electric Light Company

March 24, 1992.

[Docket No. ER90–283–004]

Take notice that on March 3, 1992, Cambridge Electric Light Company (Cambridge) tendered for filing a revised service agreement for supply of partial requirements service to the Town of Belmont.

Comment date: April 7, 1992, in accordance with Standard Paragraph E at the end of this notice.

2. Canal Electric Company

March 24, 1992.

[Docket No. ER90–245–006 and EL91–39–001]

Take notice that on March 12, 1992, in accordance with the Commission's letter order dated January 29, 1992, Canal Electric Company (Canal) tendered for filing: (i) Its compliance report and supporting documentation for refunds distributed to Commonwealth Electric Company, Cambridge Electric Light Company and Central Vermont Public Service Corporation, (ii) the Fifth Amendment to the Seabrook Power Contact, and (iii) the First Amendment to the Canal Unit No. 2 Power Contract. Both amendments reflect a rate of return on equity of 11.72% in accordance with an Offer of Settlement, dated November 12, 1991 and approved by the Commission on January 29, 1992.

Canal further states that copies of the tendered filing have been served upon the Massachusetts Department of Public Utilities, the Municipal Light Department of the Town of Belmont, the Massachusetts Attorney General and Central Vermont Public Service Corporation.

Comment date: April 7, 1992, in accordance with Standard Paragraph E at the end of this notice.

3. Central Hudson Gas & Electric Corporation

March 26, 1992.

[Docket No. ER92–346–000]

Take notice that Central Hudson Gas and Electric Corporation (Central Hudson) on March 3, 1992, tendered for filing its development of actual costs for 1990 related to substation service provided to Consolidated Edison Company of New York, Inc. (Con Edison) in accordance with the provisions of its Rate Schedule FERC No. 43.

Central Hudson indicates that the actual cost for 1990 amounted to $261,196 and will be the basis on whcih estimated charges for 1991 will be billed.

Central Hudson requests waiver on the notice requirements set forth in 18 CFR 35.11 of the Regulations to permit charges to become effective January 1, 1991 as agreed by the parties.

Central Hudson states that a copy of its filing was served on Con Edison and the State of New York Public Service Commission.

Comment date: April 9, 1992, in accordance with Standard Paragraph E at the end of this notice.

4. Tucson Electric Power Company

March 26, 1992.

[Docket No. ER92–389–000]

Take notice that on March 18, 1992, Tucson Electic Power Company (Tucson) tendered for filing pursuant to 18 CFR 35.12, an agreement entitled "1992 Short Term Power Sale Agreement Between Tucson Electric Power Company and Citizens Utilities Company."

The parties request an effective date of May 15, 1992, and therefore request waiver of the Commission's regulations regarding filing.

Copies of this filing have been served upon all parties affected by this proceeding.

Comment date: April 9, 1992, in accordance with Standard Paragraph E at the end of this notice.

5. Central Power and Light Company

[Docket No. ER92–353–000]

March 26, 1992.

Take notice that on March 4, 1992, Central Power and Light Company (CPL) filed a Supplement to Agreements for As Available and Planned Capacity Transmission Wheeling Service between CPL, Texas Electric Utilities Company (TU Electric), and Cogenron

Inc., relating to TU Electric's purchases of power and energy from Cogenron, Inc. Under the Agreement, CPL provides wheeling service in connection with TU Electric's purchases of power and energy from Cogenron, Inc. The Supplement clarifies the parties' intentions as to certain matters covered in the Agreements.

CPL has requested that the Supplement be made effective as of January 1, 1992, and, therefore, has asked the Commission to waive the notice requirements otherwise applicable under the Federal Power Act. CPL has posted copies of the filing in accordance with the Commission's regulations.

Comment date: April 9, 1992, in accordance with Standard Paragraph E at the end of this notice.

6. Northeast Utilities Service Company

[Docket No. ER92-64-000]

Western Massachusetts Electric Company

[Docket No. ER92-66-000]

March 26, 1992.

Take notice that on March 20, 1992, Northeast Utilities Service Company (NUSCO), on behalf of Connecticut Light and Power Company and Western Massachusetts Electric Company, tendered for filing an amendment to its filings in these dockets.

The amendment supplements NUSCO's filing of agreements and amendments thereto for transmission, transformation and distribution services by NUSCO to Chester Municipal Electric Light Department and Russell Municipal Light Department dated June 1, 1986.

Comment date: April 9, 1992, in accordance with Standard Paragraph E at the end of this notice.

7. Union Electric Company

[Docket No. EC92-11-000]

March 26, 1992.

Take notice that on March 16, 1992, Union Electric Company (UE) filed an Application pursuant to section 203 of the Federal Power Act seeking an order authorizing it to sell to Iowa Electric Light & Power Company (IEL&P) certain transmission facilities with a value in excess of $50,000.

The proposed sale of the transmission facilities is one part of an agreement whereby UE would sell to IEL&P virtually all of the facilities currently used by UE to provide retail and wholesale electric service within the state of Iowa, and IEL&P would thereafter provide the retail and wholesale electric service to those customers.

UE is a Missouri corporation with its principal business office in St. Louis, Missouri and is engaged primarily in the electric utility business in Missouri, Illinois and Iowa.

IEL&P is an Iowa corporation with its principal business office in Cedar Rapids, Iowa and is engaged primarily in the electric utility business in Iowa.

It is proposed that the closing of the sale take place as soon as possible, but no later than December 31, 1993.

Comment date: April 13, 1992, in accordance with Standard Paragraph E at the end of this notice.

8. Central Power and Light Company

[Docket No. ER92-352-000]

March 26, 1992.

Take notice that on March 4, 1992, Central Power and Light Company (CPL) filed a Supplement to the Agreements for As Available Transmission Wheeling Service between CPL and Texas Electric Utilities Company (TU Electric) relating to TU Electric's purchases of power and energy from Dow Chemical, Inc. and Cogen Lyondell, Inc. Under the Agreements, CPL provides wheeling service in connection with TU Electric's purchases of power and energy from Dow Chemical and Cogen Lyondell. The Supplement clarifies the parties' intentions as to certain matters covered by the Agreements.

CPL has requested that the Supplement be made effective as of January 1, 1992, and, therefore, has asked the Commission to waive the notice requirements otherwise applicable under the Federal Power Act. CPL has posted copies of the filing in accordance with the Commission's regulations.

Comment date: April 9, 1992, in accordance with Standard Paragraph E end of this notice.

9. West Texas Utilities Company

[Docket No. ER92-351-000]

March 26, 1992.

Take notice that on March 4, 1992, West Texas Utilities Company (WTU) filed a Supplement to the Agreements for As Available Transmission Wheeling Service between WTU and Texas Electric Utilities Company (TU Electric) relating to TU Electric's purchases of power and energy from Dow Chemical, Inc. and Cogen Lyondell, Inc. Under the Agreements, WTU provides wheeling service in connection with TU Electric's purchases of power and energy from Dow Chemical and Cogen Lyondell. The Supplement clarifies the parties' intentions as to certain matters covered by the Agreements.

WTU has requested that the Supplement be made effective as of January 1, 1992, and, therefore, has asked the Commission to waive the notice requirements otherwise applicable under the Federal Power Act. WTU has posted copies of the filing in accordance with the Commission's regulations.

Comment date: April 9, 1992, in accordance with Standard Paragraph E at the end of this notice.

10. West Texas Utilities Company

[Docket No. ER92-350-000]

March 26, 1992.

Take notice that on March 4, 1992, West Texas Utilities Company (WTU) filed a Supplement to Agreements for As Available and Planned Capacity Transmission Wheeling Service between WTU, Texas Electric Utilities Company (TU Electric) and Congenron, Inc. relating to TU Electric's purchases of power and energy from Cogenron, Inc. Under the Agreement, WTU provides wheeling service in connection with TU Electric's purchases of power and energy from Cogenron, Inc. The Supplement makes clear the parties' intention as to certain matters covered by the Agreements.

WTU has requested that the Supplement be made effective as of January 1, 1992, and, therefore, has asked the Commission to waive the notice requirements otherwise applicable under the Federal Power Act. WTU has posted copies of the filing in accordance with the Commission's regulations.

Comment date: April 9, 1992, in accordance with Standard Paragraph E at the end of this notice.

11. Southern California Edison Company

[Docket No. ER92-392-000]

March 26, 1992.

Take notice that on March 19, 1992, Southern California Edison Company (Edison) tendered for filing the following supplemental agreement to the 1990 Interated Operations Agreement (1990 IOA) approved by the Commission on July 30, 1990 in Docket No. ER81-177-011 (Phase II) and its related transmission service agreement with the City of Banning:

Supplemental Agreement Between Southern California Edison Company and The City of Banning for the Integration of the Los Angeles Department of Water and Power (LADWP) Power Sales Agreement

Edison-Banning LADWP Firm Transmission Service Agreement Between Southern

California Edison Company and The City of Banning

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Comment date: April 9, 1992, in accordance with Standard Paragraph E at the end of this notice.

12. Southwestern Electric Power Company

[Docket No. ER92-391-000]

March 26, 1992.

Take notice that on March 18, 1992, Southwestern Electric Power Company (SWEPCO) tendered for filing Amendment No. 6 to the Power Sale Agreement between SWEPCO and Northeast Texas Electric Cooperative, Inc. (NTEC). The Amendment modifies the assignment clause of the Power Sale Agreement.

Copies of the filing were served upon NTEC and the Public Utility Commission of Texas.

Comment date: April 9, 1992, in accordance with Standard Paragraph E at the end of this notice.

13. The Kansas Power and Light Company

March 26, 1992.

[Docket No. ER92-377-000]

Take notice that on March 13, 1992, The Kansas Power and Light Company (KPL) tendered for filing a proposed change to its Federal Energy Regulatory Commission Electric Service Tariff No. 236. KPL states that it proposes to add a new point of delivery to its existing wholesale electric service contract with the City of Eudora, Kansas. The change is proposed to become effective May 1, 1992.

Copies of the filing were served upon the City of Eudora and the Kansas Corporation Commission.

Comment date: April 9, 1992, in accordance with Standard Paragraph E end of this notice.

14. Portland General Electric Company

March 26, 1992.

[Docket No. ER92-378-000]

Take notice that on March 13, 1992, Portland General Electric Company tendered for filing proposed changes to Rate Schedule FERC No. 78, as set forth in an Amendment to the Long-Term Power Sale and Exchange Agreement with the City of Glendale. The proposed Amendment would extend and expand the terms of a capacity and energy exchange.

The parties wish to continue the exchange, which was set to expire on February 29, 1992, as well as to increase maximum capacity and improve scheduling flexibility associated with the exchange.

Copies of the filing have been served on the distribution list, as included in the filing.

Comment date: April 9, 1992, in accordance with Standard Paragraph E at the end of this notice.

15. The Kansas Power and Light Company

March 26, 1992

[Docket No. ER92-379-000]

Take notice that on March 13, 1992, The Kansas Power and Light Company (KPL) tendered for filing a proposed change to its Federal Power Commission Electric Service Tariff No. 127. KPL states that it proposes to add a new point of delivery to its existing interconnection agreement with the City of McPherson, Kansas, Board of Public Utilities. The change is proposed to become effective June 1, 1992.

Copies of the filing were served upon the City of McPherson and the Kansas Corporation Commission.

Comment date: April 9, 1992, in accordance with Standard Paragraph E at the end of this notice.

16. The Kansas Power and Light Company

March 26, 1992.

[Docket No. ER92-373-000]

Take notice that on March 12, 1992, The Kansas Power and Light Company (KPL) tendered for filing a proposed change in its Federal Energy Regulatory Commission Electric Service Tariff No. 247. KPL states that the change is in accordance with its Electric Sales, Transmission and Service Contract with Kansas Electric Power Cooperative (KEPCo). Revised Exhibit A sets forth Nominated Capacities for transmission, distribution and dispatch service for the contract year beginning June 1, 1992 and for the four subsequent contract years, pursuant to Article IV, sections 4.2 and 4.3 of Rate Schedule FERC No. 247. Revised Exhibit B sets forth KEPCo's most recent load forecast submitted to KPL pursuant to Article III. section 3.1 of Rate Schedule FERC No. 247.

Copies of the filing were served upon Kansas Electric Power Cooperative, Inc. and the Kansas Corporation Commission.

Comment date: April 9, 1992, in accordance with Standard Paragraph E at the end of this notice.

17. Montaup Electric Company, Newport Electric Corporation

March 26, 1992.

[Docket No. ER91-301-000]

Take notice that on March 20, 1992, Montaup Electric Company (Montaup) and Newport Electric Corporation (Newport) filed an answer to a deficiency letter dated February 28, 1992 in which the companies were required to revise their filing to provide for the recovery, by each, of incremental costs incurred to generate the other's load.

As explained in the filing, because of the way in which the total fuel bill has been allocated since Montaup and Newport were recognized as a single Participant in the New England Power Pool (NEPOOL) on May 1, 1990, all costs incurred by Montaup to generate to meet Newport's load have been allocated to Newport, and vice-versa.

Comment date: April 9, 1992, in accordance with Standard Paragraph E at the end of this notice.

18. Tucson Electric Power Company

March 26, 1992.

[Docket No. ER92-390-000]

Take notice that on March 18, 1992, Tucson Electric Power Company (Tucson) tendered for filing an Interchange Agreement (the Agreement) between Tucson and the City of Riverside, California. The purpose of the Agreement is to establish the terms and conditions for the interconnection of the electrical systems of Tucson and the City of Riverside and the exchange of economy energy. Tucson states that services may be provided under Service Schedule A to the Agreement entitled "Economy Energy Interchange."

Copies of this filing have been served on all parties affected by this proceeding.

Comment date: April 9, 1992, in accordance with Standard Paragraph E at the end of this notice.

19. Alabama Power Company

March 26, 1992.

[Docket No. ER92-394-000]

Take notice that on March 23, 1992, Alabama Power Company filed Twenty-fifth Revised Sheet No. 34 to its FERC Electric Tariff, Original Volume No. 1. The purpose of this filing is to give notice that effective June 1, 1992 electric Tariff, Original Volume No. 1. The purpose of this filing is to give notice that effective June 1, 1992 electric service to the city of Hartford's new Hartford #2, 4.16 kV delivery point will be established. The new delivery point

will be located within the city limits of Hartford.

Copies of the filing were served upon the City of Hartford.

Comment date: April 9, 1992, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-7529 Filed 4-1-92; 8:45 am]

BILLING CODE 6717-01-M

Federal Energy Regulatory Commission

[Big Creek Project FERC No. 10721-001]

Big Creek Lodge & Outfitters, Inc.; Availability of Environmental Assessment

March 26, 1992.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for minor license for the proposed Big Creek Hydroelectric Project, located on McCorkle Creek, a small tributary to Big Creek, in Valley County, near Yellow Pine, Idaho, and has prepared an environmental assessment (EA) for the proposed project. In the EA, the Commission analyzes the potential environmental impacts of the proposed project and concludes that approval of the proposed project, with appropriate mitigative measures, would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Public Reference Branch, room 3104, of the Commission's offices at 941 North Capitol Street, NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 92-7537 Filed 4-1-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP92-420-000, et al.]

United Gas Pipe Line Co., et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. United Gas Pipe Line Co.

[Docket No. CP92-420-000]

March 24, 1992.

Take notice that on March 19, 1992, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, a request pursuant to § 157.205 and 157.211 of the Regulations under the Natural Gas Act (18 CFR 157.205 and 157.211) for authorization to construct and operate a four-inch tap and flow computer for Laser Marketing Company in Iberia Parish, Louisiana, under United's blanket certificate issued September 1, 1982, in Docket No. CP82-430-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Specifically, United proposes to reverse existing four-inch meter tubes and related facilities on the Weeks Island 16" line to serve Flash Gas & Oil Inc., Iberia Parish, Louisiana. It is stated that the facilities are required to comply with the terms of an agreement between Laser Gas Marketing and United to deliver an estimated 600 MMBtu daily volume of natural gas to Flash Gas & Oil, Inc. It is further stated that the cost of the proposed facilities would be $8,294. Flash Gas & Oil Inc. would reimburse United for all costs resulting from the proposed installation, it is stated.

United states it has sufficient capacity to render the proposed service without detriment or disadvantage to United's other customers.

Comment date: May 8, 1992, in accordance with Standard Paragraph G at the end of this notice.

2. CNG Transmission Corp.

[Docket No. CP88-319-001]

March 24, 1992.

Take notice that on March 2, 1992, CNG Transmission Corporation (CNG), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP88-319-001 pursuant to Section 7 of the Natural Gas Act a petition to amend the certificate of public convenience and necessity issued by the Commission's order dated March 22, 1990, in Docket No. CP88-319-000 (50 FERC ¶61,401), to reflect the continued operation of a portion of CNG's Line 35 as a lateral line rather than the abandonment of said Line, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

CNG states that by Commission order issued March 22, 1990, in Docket No. CP88-319-000, CNG was granted permission as requested to abandon and remove 24.97 miles of two parallel 20-inch pipelines designated as Lines 25 and 35 and certificate authorization to construct and operate a 30-inch replacement pipeline designated as Line TL-469 in Butler and Allegheny Counties, Pennsylvania. However, CNG states that Line 35 was not abandoned but instead was severed from CNG's mainline, at Coxcomb Junction and Stull Gate, and operated as a lateral line, at reduced pressures, to continue existing services to Peoples Natural Gas Company, thus avoiding the need to construct new facilities in the future to meet growing demand in the vicinity. Accordingly, CNG requests the issuance of an order amending its certificate in the subject proceeding.

Comment date: April 14, 1992, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

3. Northern Natural Gas Co.

[Docket No. CP92-418-000]

March 24, 1992.

Take notice that on March 17, 1992, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124-1000, filed in Docket No. CP92-418-000 a request pursuant to § 157.205 of the Commission's Regulations to upgrade an existing delivery point in LeSueur County, Minnesota to accommodate increased natural gas deliveries to Minnegasco, A Division of Arkla, Inc. (Minnegasco) for redelivery to the Unimin Sand Company (Unimin) in LeSueur County, Minnesota under Northern's blanket certificate issued in Docket No. CP82-401-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Northern proposed to upgrade an existing delivery point in LeSueur County, Minnesota to increase Northern's annual deliveries by 107,953 Mcf of natural gas to Minnegasco for

redelivery to Unimin under Northern's IT-1 Rate Schedule. Northern states that peak day deliveries to Minnegasco would not be affected. Minnegasco has requested the increased volumes due to the expansion of Unimin's operations, it is stated. Northern states that the estimated cost to upgrade this delivery point is $10,000 which would be financed in accordance with section 9(g) of Northern's IT-1 Rate Schedule.

Comment date: May 8, 1992, in accordance with Standard Paragraph G at the end of this notice.

4. Sabine Pipe Line Co.

[Docket No. CP92-360-001]

March 24, 1992.

Take notice that on March 18, 1992, Sabine Pipe Line Company (Sabine), 1111 Bagby Street, Houston, Texas 77002, filed in Docket No. CP92-260-001 pursuant to section 7 of the Natural Gas Act an amendment to Sabine's application in Docket No. CP92-360-000 filed on Februajry 24, 1992, for permission and approval to abandon transportation service for Bridgeline Gas Distribution Company (Bridgeline), all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Sabine states that in Docket No. CP92-360-000 Sabine proposes to abandon 4.9 miles of 12-inch pipeline located in West Cameron Block 547, offshore Louisiana. In Sabine's petition to amend Sabine requests abandonment authority of the transportation service for Bridgeline provided through the West Cameron Block 547 pipeline.

Comment date: April 14, 1992, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

5. Florida Gas Transmission Co.

[Docket No. CP92-423-000]

March 24, 1992.

Take notice that on March 20, 1992, Florida Gas Transmission Company (FGT), 1400 Smith Street, Houston, Texas 77002, filed in Docket No. CP92-423-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205), for authorization to add an existing delivery point as jurisdictional sales facilities to provide natural gas service to City Gas Company of Florida d.b.a. Consolidated Gas Company of Florida (City Gas) under its blanket certificate issued in Docket No. CP82-553-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Consolidated Gas Company of Florida (Consolidated) and FGT were parties to a November 1, 1989, service agreement for small general service under FGT's Rate Schedule SGS, but because of a legal dispute, FGT never provided service to Consolidated under the SGS agreement. It is further stated that only recently Consolidated and City Gas settled their legal dispute, resulting in City Gas acquiring Consolidated.

It is stated that as a result of the acquisition, Consolidated assigned the SGS agreement to City Gas. It is further stated that since FGT's tariff prohibits a customer receiving service under Rate Schedule G (such as City Gas) from receiving service under Rate Schedule SGS, the assigned SGS agreement was changed to a service agreement for general service (G agreement).

FGT states that the original SGS agreement listed a proposed delivery point through which Consolidated intended FGT to deliver its gas; however, this point was subject to change upon final resolution of the legal dispute. FGT further states that it has now been determined that the gas under the G agreement is to be delivered to the existing Cutler Ridge delivery point.

FGT proposes to add the Cutler Ridge delivery point in Dade County, Florida, to the existing firm sales service agreement between FGT and City Gas. FGT states that it will charge rates and abide by the terms and conditions of Rate Schedule G of its FERC Gas Tariff. It is further stated that the total gas volumes to be delivered to the Cutler Ridge delivery point will not exceed City Gas' currently authorized entitlements under the existing firm sales service agreement.

Comment date: May 8, 1992, in accordance with Standard Paragraph G at the end of this notice.

6. Colorado Interstate Gas Co.

[Docket No. CP92-411-000]

March 24, 1992.

Take notice that on March 16, 1992, Colorado Interstate Gas Company (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP92-411-000 an application pursuant to section 7(b) of the Natural Gas Act for an order granting permission and approval to abandon the sale of natural gas to Northwest Pipeline Corporation (Northwest), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

CIG states that it proposes to abandon the sale of natural gas to Northwest to pursuant to CIG's Rate Schedules X-23, X-28, X-29, and X-37. CIG also states that Northwest has indicated that it no longer need to purchase the gas under these rate schedules. It is further stated that CIG's rates schedules are gas gathering and transportation agreements which provide that Northwest would gather and transport volumes of natural gas for the account of CIG and further provides that CIG would sell up to 25 percent of the volumes of natural gas transported by Northwest to CIG. By letter agreements dated June 30, 1991, CIG and Northwest agreed to terminate all four agreements contingent upon retention of the existing priority of service dates under a replacement open access transportation agreement, as requested in Northwest's Docket No. CP92-235-000.

CIG further states that it does not propose to abandon any facilities as a result of the authorization requested.

Comment date: April 14, 1992, in accordance with Standard Paragraph F at the end of the notice.

7. Transcontinental Gas Pipe Line

Florida Gas Transmission Co.

[Docket No. CP92-415-000]

March 24, 1992.

Take notice that on March 16, 1992, Transcontinental Gas Pipe Line Corporation (Transco), Post Office Box 1396, Houston, Texas 77251, and Florida Gas Transmission Company (FGT), P.O. Box 1188, Houston, Texas 77251-1188, filed in Docket No. CP92-415-000 an application pursuant to sections 7 (b) and (c) of the Natural Gas Act for (1) a certificate of public convenience and necessity authorizing FGT to acquire from Transco certain undivided ownership interests in Transco's existing Mobile Bay Facilities, for FGT to become a joint operator with Transco of such facilities and for Transco to abandon interests in the facilities to the extent required to effectuate the conveyance to FGT, and (2) a certificate authorizing Transco and FGT to jointly construct, own and operate certain compression, regulating and tap facilities on Transco's existing Mobile Bay Facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Transco and FGT propose to construct and own certain facilities consisting of two 10,766 horsepower compressor units at the existing compressor station site at milepost 122.57 on the existing pipeline in Mobile County, Alabama, a regulator facility at milepost 71.56 near Citronelle, Alabama, to provide interconnection

with the existing facilities of FGT. Transco and FGT state that the facilities would result in total base design capacity in the Mobile Bay Pipeline of 829 MMcf per day (MMcfd). Transco would have capacity rights to 520 MMcfd and FGT will have (1) forward-haul rights to 309 MMcfd to the FGT interconnect and (2) backhaul rights up to 100 MMcfd. Total cost of facilities is estimated to be $23.8 million. FGT will finance its portion of the construction, and its acquisition costs by issuing long-term debt. Transco will not require any additional financing for the facilities proposed.

FGT states that it has requested certificate authority in Docket No. CP92-182-000, to construct and operate facilities to expand its existing mainline facilities by approximately 825 MMcfd (Phase III). FGT indicates that its participation in the Mobile Bay expansion is contingent upon approval of the proposal in Phase III. Therefore, FGT and Transco state that in order to avoid the possibility of FGT being faced with the decision to accept a certificate issued in this application before receiving approval of Phase III, Transco and FGT request that the Mobile Bay expansion application be consolidated with FGT's Phase III proceeding.

Comment date: April 14, 1992, in accordance with Standard Paragraph F at the end of this notice.

8. Northwest Pipeline Corp.

[Docket No. CP92-427-000]

March 25, 1992.

Take notice that on March 20, 1992, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84158-0900, filed in Docket No. CP92-427-000 a request pursuant to §§ 157.205, 157.211 and 157.216 of the Commission's Regulations under the Natural Gas Act for permission and approval to partially abandon existing facilities and for authorization to construct and operate upgraded replacement facilities at the Round Prairie Meter Station in Douglas County, Oregon to facilitate additional interruptible transportation deliveries for authorized shippers to Roseburg Forest Products Company (Roseburg) pursuant to its blanket certificate issued in Docket No. CP82-433 pursuant to section 7 of the National Gas Act, all as more fully set forth in the request which is on file with the Commission and open for public inspection.

Northwest states that the Round Prairie Meter Station is used to deliver gas to Roseburg under open-access transportation agreements with Roseburg and other shippers for use at Roseburg's plywood and particle board manufacturing plant. Northwest states that Roseburg has requested Northwest to increase the capacity of the Round Prairie Meter Station to approximately 18,100 MMBtu per day to aid fueling Roseburg's 45 megawatt power house at its plant. Northwest states that to provide additional delivery capacity at the Round Prairie Meter Station, it proposes to remove the existing three-inch turbine meter, the three-inch orifice meter, the two two-inch regulators, and the two-inch tap, and to replace those facilities with two six-inch turbine meters, two three-inch regulators, and a six-inch tap. Northwest indicates that the total estimated cost of upgrading the meter station is approximately $285,262.

Comment date: May 11, 1992, in accordance with Standard Paragraph G at the end of this notice.

9. Trunkline Gas Co.

[Docket Nos. CP92-413-000, CP92-414-000]

March 25, 1992.

Take notice that on March 16, 1992, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77251, filed in Docket Nos. CP92-413-000 and CP92-414-000 applications pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon transportation services for Consolidated Gas Transmission Company (Consolidated Transmission) and Consolidated Gas Supply Corporation (Consolidated Supply), respectively, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

In Docket No. CP92-413-000 Trunkline proposes to abandon a transportation service for Consolidated Transmission which was authorized by the Commission in Docket No. CP85-914-000 and was carried out pursuant to the provisions of a transportation agreement dated November 28, 1984, on file with the Commission as Trunkline's Rate Schedule T-100. It is stated that the agreement provided for the transportation of up to 8,000 Mcf of natural gas per day on a firm basis, and up to 4,000 Mcf of natural gas per day on an interruptible basis. It is explained that Trunkline was receiving the gas from Consolidated Transmission in South Timbalier Block 72, Offshore Louisiana, and redelivering the gas for Consolidated Transmission's account to Transcontinental Gas Pipeline Corporation (Transco) in Beauregard Parish, Louisiana, or at the onshore terminus of the U-T Offshore System in Cameron Parish, Louisiana, for ultimate redelivery by Transco to Consolidated Transmission.

In Docket No. CP92-414-000 Trunkline proposes to abandon a transportation service for Consolidated Supply which was authorized by the Commission in Docket No. CP76-78-000 and was carried out pursuant to the provisions of a transportation agreement dated August 11, 1975, on file with the Commission as Trunkline's Rate Schedule T-5. It is stated that the agreement provided for the transportation of up to 2,405 Mcf of natural gas per day on a firm basis. It is explained that Trunkline was receiving the gas from Consolidated Supply in South Timbalier Block 179, Offshore, Louisiana, and redelivering the gas for Consolidated Supply's account to Transco at the tailgate of the Mobil Oil Corporation Cow Island Processing Plant in Vermilion Parish, Louisiana, for ultimate redelivery by Transco to Consolidated Supply.

Trunkline states that in letter agreements dated January 6, 1992, Trunkline and Consolidated Transmission have agreed to terminate their transportation service, effective July 10, 1992, while Trunkline and Consolidated Supply have agreed to terminate their service effective July 10, 1993. It is asserted that the proposal involves no abandonment of facilities. It is stated that no other customers of Trunkline would be affected by the proposed abandonment.

Comment date: April 15, 1992, in accordance with Standard Paragraph F at the end of this notice.

10. United Gas Pipe Line Co.

[Docket No. CP92-421-000]

March 25, 1992.

Take notice that on March 19, 1992, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP92-421-000, a request pursuant to §§ 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act, to install a sales tap and related facilities to enable United to provide firm sales service to supply an estimated average of 5,000 MMBtu of natural gas to Mobile Gas Service Corporation (MGSC), for resale use to its industrial customers in Mobile County, Alabama.

Specifically, United intends to reverse the existing meter station located off the Pensacola 16" line and to install a flow computer, flow control, chromatograph, communication equipment and a tap into United's Pensacola 20" line, to provide ability for sales off either the 16" or 20" lateral lines in Mobile County, Alabama.

United further estimates the cost of the proposed facilities to be $91,900, of which, MGSC will reimburse United 50% or a maximum of $50,000 of such cost.

Comment date: May 11, 1992, in accordance with Standard Paragraph G at the end of this notice.

11. Transcontinental Gas Pipe Line Corp.

[Docket No. CP88-760-013]

March 25, 1992.

Take notice that on March 11, 1992, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP88-760-013, a petition to amend the order issued May 14, 1990 in Docket No. CP88-760-000 authorizing Transco to provide a firm winter seasonal transportation service for 25 customers located in Zones 4 and 5 of Transco's pipeline system (Southern Expansion Project), so as to add a specific receipt point to the Southern Expansion Project service agreements of certain customers, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Transco states that it is seeking herein to add Transco's Station 85 pooling receipt point in order to provide customers access to additional gas supplies that help fulfill each customer's gas supply needs. Transco further states that it has not modified any customer's transportation contract demand quantity, nor does the addition of such receipt point have an effect on Transco's peak day or annual volumes provided to Transco's customers.

Comment date: April 15, 1992, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

12. Questar Pipeline Co.

[Docket No. CP92-428-000]

March 25, 1992.

Take notice that on March 23, 1992, Questar Pipeline Company (Questar), 79 South State Street, Salt Lake City, Utah 84111, filed in Docket No. CP92-428-000 an application pursuant to section 7(b) of the Natural Gas Act requesting authority to abandon, effective February 1, 1992, a certified interruptible natural-gas transportation service that was available, but never provided to Natural Gas Pipeline Company of America (NGPL) under Questar's Rate Schedule X-22 to Original Volume No. 3 of its FERC Gas Tariff, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Questar represents that on January 14, 1991, Questar, with NGPL's concurrence and consistent with the terms and conditions of Rate Schedule X-22, canceled the Gas Transportation Agreement dated February 21, 1980, between Questar and NGPL, which was certificated as Rate Schedule X-22. Questar represents that Questar and NGPL mutually agreed to terminate Rate Schedule X-22 effective February 1, 1992.

Comment date: April 15, 1992, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs:

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary

[FR Doc. 92-7532 Filed 4-1-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-140-012]

Questar Pipeline Co.; Compliance Filing

March 26, 1992.

Take notice that Questar Pipeline Company (Questar) on March 16, 1992, tendered for filing Statements A-K relating to Questar's Clay Basin Storage Division cost of service in response to the February 19, 1992 Letter Order of the Director, Office of Pipeline and Producer Regulation.

Questar is not seeking any change in the current rates for Clay Basin service, therefore, no tariff sheets have been submitted with the filing. Questar is not proposing new rates, but rather is providing information to show that its current rates are not unjust or unreasonable.

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 §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before 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 in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 92-7533 Filed 4-1-92; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-4120-5]

Gulf of Mexico Program Policy Review Board Meeting

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of meeting of the Policy Review Board of the Gulf of Mexico program.

SUMMARY: The Gulf of Mexico Program Policy Review Board will hold a meeting on April 16, 1992 at the LaPavillon Hotel in New Orleans, LA.

FOR FURTHER INFORMATION CONTACT: Mr. William Whitson, Gulf of Mexico Program Office, Stennis Space Center, MS 39529 at (601) 688-3726, FTS 494-3726.

SUPPLEMENTARY INFORMATION: A meeting of the Policy Review Board of the Gulf of Mexico Program will be held on April 16, 1992 at the LePavillon Hotel in New Orleans, LA. Agenda items will include status reports to the committee on the current action plans status and the development of a five year strategic plan. The meeting is open to the public.

Martha G. Prothro,

Deputy Assistant Administrator, Office of Water.

[FR Doc. 92-7726 Filed 4-1-92; 8:45 am]

BILLING CODE 6560-50-M

[FRL 4118-5]

Administrator's 90-day Point/Nonpoint Source Initiative; Open Meeting on Point/Nonpoint Source Trading

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of open meeting.

SUMMARY: There will be a 2-day meeting on pollutant trading sponsored by the U.S. Environmental Protection Agency and hosted by the North Carolina Department of Environment, Health and Natural Resources. The meeting will be open to the public. The purpose of the meeting is to establish a national agenda to promote trading as part of Federal, State and local water quality programs. The specific objectives of the meeting are to: (1) Broaden the general understanding of point/nonpoint source pollutant trading and to promote its acceptance as an integral component of water quality programs; (2) identify programmatic, technical and legislative factors which facilitate or discourage trading; (3) develop cooperative action plans to address technical, legislative and programmatic barriers; (4) develop recommendations for supportive activities by EPA including guidance, revised policies or regulations or legislative recommendations; and (5) identify specific waterbodies which could act as pilot opportunities for trading.

DATES: The meeting will be held on Monday April 27, from 8 a.m.-5:30 p.m. and Tuesday, April 28, from 8 a.m.-12:30 p.m.

ADDRESSES: The meeting will be held at the Sheraton-University Center, 2800 Middleton Avenue, Durham, North Carolina, 27705, (919) 383-8575.

FOR FURTHER INFORMATION CONTACT: Donald J. Brady, Chief, Watershed Management Section, U.S. Environmental Protection Agency (WH-553), 401 M St. SW., Washington, DC 20460, (202) 260-5368.Q02

SUPPLEMENTARY INFORMATION: On January 28, 1992, President Bush requested the Administrator of the Environmental Protection Agency, along with the heads of other Federal regulatory departments and agencies to "set aside a 90-day period * * * to evaluate existing regulations and programs and to identify and accelerate action on initiatives that will eliminate any unnecessary regulatory burden or otherwise promote economic growth."

In response to this directive, EPA has initiated a review of its regulations and related activities. In a memorandum to key Agency staff, EPA Administrator William K. Reilly stated that the President's request "presents EPA with an opportunity to accelerate the use of innovative, cost-minimizing regulatory approaches and to speed pro-growth activities. It also provides an opportunity to reconsider regulations that unnecessarily impede economic growth.

In order to make this 90-day review as meaningful as possible, EPA has selected a limited number of specific regulations and related activities which may present special opportunities to promote the President's goals and to focus analysis on them.

One such activity is point/nonpoint source pollutant trading, a market-based approach to water quality improvement. In most PS/NPS trading scenarios, regulated point sources avoid costly treatment upgrades by paying for reductions in nonpoint source discharges in the same watershed or waterbody. Certain analyses suggest that this innovative approach could be applied more widely across the United States. The major factors that appear to inhibit trading are a variety of legal, technical and administrative barriers.

The purpose of the meeting will be to provide stakeholders a forum for discussion of the feasibility of using pollutant trading in Federal, State and local water programs as an innovative and cost-effective tool to protect water quality. Case studies of trading experiences to date suggest that, for the near term, the best opportunities are for trading nutrient allocations. The primary focus of the meeting, therefore, will be on nutrient trading. However, other trading scenarios such as point/point source trading will be examined. This meeting will help us clarify and resolve a wide range of trading issues through the cooperation and exchange of ideas of meeting particpants.

Prior to the meeting, a report prepared by EPA's Office of Water, Incentive Analysis for Clean Water Act Reauthorization: Point Source/Nonpoint Source Trading for Nutrient Discharge Reductions, which discusses the principles of trading and its applications to date, will be available. For copies, Contact Peggy Michell at (202) 260-5378, or Amy Sosin at (202) 260-7058.

The Agency has invited approximately 60 persons, however space limits total attendance to 125 persons. Interested parties must submit, in writing, by April 15, 1992, a request to attend the meeting to: Peggy Michell, Watershed Management Section, U.S. Environmental Protection Agency (WH-553) 401 M St. SW., Washington, DC 20460. Participant selection will be random. Notification of selection will be by telephone by April 20, 1992.

Dated: March 24, 1992.

Robert H. Wayland III,

Director, Office of Wetlands, Oceans and Watersheds.

[FR Doc. 92-7382 Filed 4-1-92; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL MARITIME COMMISSION

Ocean Freight Forwarded License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, DC 20573.

Eagle Warehousing, Inc. dba The Eagle Companies, 1650 NW., 70th Ave., Miami, FL 33126–1214.
Officers: Raul Pedraza, Chairman/Director, S.M. Mandell, President, Jorge Pedraza, Senior Vice President, Betty Pedraza, Secretary.
Inter-Jet Systems, Inc., 103–08 180th St., Jamaica, NY 11433.
Officers: Jerome C. Trimboli, CEO, Joseph Lembo, President/Treasurer, Angelo Pusateri, Stockholder, Nicholas Mattis, Vice President, Stephen Lembo, Vice President.
Cedar Development and Investment Corp. dba, Atlanta Motor Export, 2120 Skyland Cove Lane, Snellville, CA 30278.
Officers: Najati Omar Masseoud, President, Nahla Masseoud, Secretary/Vice President.
Groskopf International Consolidations, 20580—8th St., East, Sonoma, CA 95476.
Officer: Ronald S. Groskopf, President.
Professional Shipping Company, Inc., 539 East 27th Street, Hialeah, FL 33157.
Officers: Mary Rosa Ayala, President, Rodolfo Ayala, Secretary.
International Transportation Network, Inc., 7379 NW., 31st Street, Miami, FL 33122.
Officers: Asma Aftimos, President/Director, Ralph Mojica, Secretary.
Seaway International, Inc., 555 Redondo Beach Blvd., #160, Gardena, CA 90248.
Officers: Sang H. Lee, President, Jae Y. Park, Vice President, Jang S. Kim, Secretary/Treasurer.
All-Ways Cargo Services, Inc., 1614 East Cliff Road, Burnsville, MN 55337.
Officers: Elizabeth Ann Thompson, President, Kerry Charles Pickering, Secretary/Treasurer.
Phillips Freight Forwarding, 9979 NW., 6th Ct., Plantation, FL 33324.
Cheryl C. Phillips, Sole Proprietor.
Delta International Freight Forwarders, Inc., 1840 W. 49th St., suite 601, Hialeah, FL 33012.
Officers: Carlos Gallina Leon, President, Patricia Rotella Elortequi, Secretary/Treasurer.
Estervina Rodriguez, 133–40 Lefferts Blvd., So. Ozone Park, NY 11420.
Sole Proprietor.
Fari International Inc., 8550 NW., 66th St., Miami, FL 33166.
Officers: Faride Perez, President, Isabel De La Cruz, Vice President.
Kana D. Castleberry, 1010 So. 312th, #333, Federal Way, WA 98003.
Sole Proprietor.
Personal Export Service, 607 Lee's Mill Road, Fayetteville, GA 30214.
Kristi A. Lovett, Sole Proprietor.
Susana Robalino, 5840 West 18th Avenue, Hialeah, FL 33012.
Sole Proprietor.
Bringer Corporation, 8351 NW., 21st Street, Miami, FL 33122.
Officers: Eduardo De Castro Filho, President, Zuny Tarrio, Vice President.
Gran Miami International Inc., 782 NW., LeJeune Rd., Suite 630, Miami, FL 33126.
Officers: Lucinda I. Cuervo, President, Emilio Barron, Treasurer.
In Joong Yoon, 333 S. Kingsley Drive, #220, Los Angeles, CA 90020.
Sole Proprietor.
Shannon International, Inc., 88738 Fontainbleau Blvd. #208, Miami, FL 33172.
Officers: Cynthia Linnert, President/Treasurer, Terri S. Laws, Secretary.
Corporate World Relocations International Inc., 22313 70th Ave., West, Mountlake Terrace, WA 98043.
Officer: Bill Sherwood, President.
Kenneth Arvin Laningham, dba Transworld Logistics, 6015 Glen Cove, Houston, TX 77077.
Sole Proprietor.
Betty C. Fell, dba World Destinations, 4717 NW., 7th St., #101, Miami, FL 33126.
Sole Proprietor.

Dated: March 27, 1992.

By the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 92–7517 Filed 4–1–92; 8:45 am]

BILLING CODE 6730–01–M

Ocean Freight Forwarder License Revocations; Herman Ludwig, Inc., et. al.

Notice is hereby given that the following ocean freight forwarder licenses have been revoked by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of ocean freight forwarders, 46 CFR part 510.

License Number: 1094.
Name: Herman Ludwig, Inc.
Address: 53 Park Place, Suite 1101, New York, NY 10007.
Date Revoked: February 24, 1992.
Reason: Surrendered license voluntarily.

License Number: 3355.
Name: Shipping Systems Corporation.
Address: 12201 SW. 132 Ct., Miami, FL 33186.
Date Revoked: February 29, 1992.
Reason: Failed to furnish a valid surety bond.

License Number: 263.
Name: Republic Shipping Co., Inc.
Address: 5 Beekman Street, New York, NY 10038.
Date Revoked: March 5, 1992.
Reason: Surrendered license voluntarily.

License Number: 2280.
Name: Timely Air Freight, Inc. dba Timely Air Freight (Ocean Div.).
Address: P.O. Box 364, Taylor, MI 48180.
Date Revoked: March 11, 1992.
Reason: Surrendered license voluntarily.

License Number: 93.
Name: Bemo Shipping Company, Inc.
Address: 150–16 132nd Ave., Jamaica, NY 11434.
Date Revoked: March 13, 1992.
Reason: Surrendered license voluntarily.

License Number: 2817.
Name: Aegis Logistics Systems, Inc.
Address: 1851 Alexander Bell Drive, Reston, VA 22091.
Date Revoked: March 19, 1992.
Reason: Failed to furnish a valid surety bond.

Bryant L. VanBrakle,

Director, Bureau of Tariffs, Certification and Licensing.

[FR Doc. 92–7518 Filed 4–1–92; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

March 27, 1992.

Background

Notice is hereby given of the final approval of proposed information collections by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.9 (OMB Regulations on Controlling Paperwork Burdens on the Public).

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Frederick J. Schroeder—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202–452–3829)

OMB Desk Officer—Gary Waxman—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, room 3208, Washington, DC 20503 (202–395–7340)

Final Approval Under OMB Delegated Authority of the Extension With Revision of the Following Report

1. Report title: Report of Commercial Paper Outstanding Placed by Brokers and Dealers; Report of Commercial Paper Outstanding Placed Directly by Issuers; Daily Offering Rates on Commercial Paper.

Agency form number: FR 2957a, FR 2957b, and FR 2957d.

OMB Docket number: 71000–0002.

Frequency: Monthly, Weekly, and Daily.

Reporters: Brokers and dealers and direct issuers of commercial paper.

Annual reporting hours: 1457.

Estimated average hours per response: 2 to 7.

Number of respondents: 67.

Small businesses are not affected.

General description of report: This information collection is voluntary and is authorized by law (12 U.S.C. 263, 353 et. seq., and 461). The FR 2957a and

FR2957b are given confidential treatment (5 U.S.C. 552(b)(4)).

Abstract: These reports provide information on the amounts outstanding and selected offering rates on commercial paper, which is used by the Federal Reserve to gauge the aggregate flow of funds and to determine the composition of short-term financing components in credit markets.

Final Approval Under OMB Delegated Authority of the Implementation of the Following Report

1. Report title: Report on Total Foreign Exchange Turnover.

Agency form number: FR 3036a and FR 3036c.

OMB Docket number: 7100–0252.

Frequency: One-time survey.

Reporters: Principals and brokers that are active in the U.S. foreign exchange market.

Annual reporting hours: 13,120.

Estimated average hours per response: 64.

Number of respondents: 205.

Small businesses are not affected.

General description of report: This information collection is voluntary and is authorized by law (12 U.S.C. 248(a), 353–359, and 3105(b) and is given confidential treatment (12 U.S.C. 552(b)(4).

Abstract: This survey will gather information as of April 1992 on turnover volume in the U.S. foreign exchange market from approximately 190 bank and nonbank financial institutions and approximately 15 brokers. The information will assist the Federal Reserve in assessing market structure and in implementing monetary policy. Aggregated survey data will be compiled with information from similar surveys conducted simultaneously in about 25 foreign countries and made available to the public. This information will enhance public awareness of the size and structure of the global foreign exchange market.

2. Report title: 1992 Survey of Consumer Finances.

Agency form number: FR 3059.

OMB Docket number: 7100–0254.

Frequency: One-time survey.

Reporters: U.S. families.

Annual reporting hours: 6,000 hours.

Estimated average hours per response: 1.3 hours.

Number of respondents: Approximately 4,500 families.

Small businesses are not affected.

General description of report: This information collection is voluntary and is authorized by law (12 U.S.C. 225a, 1828(c), 1842, 1843, Pub.L. No. 102–242.)

Abstract: The survey, to be conducted between April and October 1992, will collect data on the assets, debts, income, work history, pension rights, use of financial services, and attitudes of a sample of U.S. families. The survey is the only source of representative information on the structure of finances of U.S. families.

Board of Governors of the Federal Reserve System, March 27, 1992.

William W. Wiles,

Secretary of the Board.

[FR Doc. 92–7568 Filed 4–1–92; 8:45 am]

BILLING CODE 6210–01–M

Capitol Bancorp; Formation of, Acquisition by, or Merger of Bank Holding Companies

The company listed in this notice has 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)).

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 to the Reserve Bank indicated for that application 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.

Comments regarding this application must be received not later than April 27, 1992.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Capitol Bancorp, Lansing, Michigan; to acquire 100 percent of the voting shares of Oakland Commerce Bank, Farmington Hills, Michigan, proposed successor to United Savings Bank, Farmington Hills, Michigan.

Board of Governors of the Federal Reserve System, March 27, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92–7564 Filed 4–1–92; 8:45 am]

BILLING CODE 6210–01–F

Illinois Financial Services, 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 27, 1992.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Illinois Financial Services, Inc., Chicago, Illinois; and Metropolitan Bancorp, Inc., Chicago, Illinois; to acquire Civic Federal Savings Bank, Chicago, Illinois; and thereby engage in operating a savings association pursuant to § 225.25(b)(9) of the Board's Regulation Y. These activities will be conducted in Chicago, Illinois.

Board of Governors of the Federal Reserve System, March 27, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-7566 Filed 4-1-92; 8:45 am]

BILLING CODE 6210-01-F

Norwest Corp.; Application to Engage de novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

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 27, 1992.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Norwest Corporation, Minneapolis, Minnesota; to indirectly acquire a 50 percent general partnership interest in PN Financial Services and thereby indirectly engage *de novo* in making and servicing loans pursuant to § 225.25(b)(1); and leasing personal property pursuant to § 225.25(b)(5) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, March 27, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-7567 Filed 4-1-92; 8:45 am]

BILLING CODE 6210-01-F

FEDERAL TRADE COMMISSION

Report of the Tar, Nicotine, and Carbon Monoxide Content of 534 Varieties of Domestic Cigarettes

ACTION: Notice.

SUMMARY: The Federal Trade Commission publishes the Report of the Tar, Nicotine, and Carbon Monoxide Content of 534 Varieties of Domestic Cigarettes.

DATES: April 2, 1992.

ADDRESSES: Copies of the full report are available from the FTC's Public Reference Branch, room 130, 6th St. and Pennsylvania Ave., NW., Washington, DC 20580. (202) 326-3222.

FOR FURTHER INFORMATION CONTACT: Joanna Crane-Murray, Bureau of Consumer Protection, at the address given above, telephone (202) 326-3256.

SUPPLEMENTARY INFORMATION: These are the most recent test results of the tar, nicotine, and carbon monoxide levels of the smoke of domestic cigarettes reported by the FTC. The Tobacco Institute Testing Laboratory, (TITL), a private laboratory operated by the cigarette industry, conducted the tar, nicotine, and carbon monoxide testing for the widely-available domestic cigarette varieties. This testing was conducted under the supervision of a representative of the FTC. TITL provided the results to the respective cigarette companies. The companies provided the data generated by TITL regarding their own brands to the FTC in response to compulsory process issued by the Commission. Cigarette smoke from generic (no brand-name), private label, and not-widely-available cigarettes was not tested by TITL, but was tested by the cigarette companies and provided under compulsory process to the FTC. The methodology, processes and procedures that the companies and TITL employed are identical to those the Commission has followed in the past.

By Direction of the Commission.

Donald S. Clark,

Secretary.

Brand name	Description	Tar	Nic	CO
Alpine	King; F; SP; Men	16	1.1	15
Alpine	100; F; SP; Men	15	1.1	14
Alpine	King; F; SP; Men. Lt	09	0.7	10
Alpine	100; F; SP; Men. Lt	09	0.8	11
Alpine *	Long; F; HP; Men. Ful-Fla	15	1.0	14
Alpine *	Long; F; HP; Men. Lt	09	0.7	10
American Filter	100; F; SP	16	1.2	15
American Filter	King; F; SP	16	1.2	14
American Lights	100; F; SP; Lt	11	1.0	12
American Lights	King; F; SP; Lt	11	0.9	12
American Lights	100; F; SP; Men. Lt	11	1.0	12
B&H De-Nic *	King; F; HP; Men. Lights	09	0.1	NT
B&H De-Nic *	100; F; HP; Lights	09	0.1	NT
B&H De-Nic *	100; F; HP; Men. Lights	09	0.1	NT
B&H De-Nic *	King; F; HP; Lights	09	0.1	NT
Basic **	King; F; SP	16	1.1	NT
Basic **	100; F; SP	17	1.2	NT
Basic **	King; F; SP; Lights	10	0.8	NT
Basic **	King; F; SP; Men. Lights	11	0.8	NT
Basic **	100; F; SP; Lights	11	0.8	NT
Basic **	100; F; SP; Men. Lights	11	0.8	NT
Basic **	King; F; SP; Ultra Lt	06	0.5	NT
Basic **	100; F; SP; Ultra Lt	06	0.5	NT
Basic **	King; NF; SP	24	1.6	NT

Brand name	Description	Tar	Nic	CO
Belair	King; F; SP; Men	10	0.8	10
Belair	100; F; SP; Men	08	0.7	09
Belair	King; F; SP; Men.; Lo-Price	15	1.2	14
Belair	100; F; SP; Men.; Lo-Price	14	1.2	14
Belair	King; F; SP; Men. Lt.; Lo-Price	09	0.8	10
Belair	Long; F; SP; Men. Lt.; Lo-Price	09	0.9	10
Benson and Hedges	King; F; SP	15	1.3	12
Benson and Hedges	100; F; HP; Lt	11	0.9	11
Benson and Hedges	100; F; HP; Men. Lt	10	0.8	11
Benson and Hedges	100; F; SP	16	1.2	15
Benson and Hedges	100; F; HP	16	1.2	15
Benson and Hedges	100; F; HP; Men	16	1.2	15
Benson and Hedges	100; F; SP; Men	16	1.2	16
Benson and Hedges	100; F; SP; Lt	10	0.8	12
Benson and Hedges	100; F; SP; Men. Lt	10	0.8	11
Benson and Hedges	100; F; HP; DLX Ultra-Lt	05	0.5	06
Benson and Hedges	100; F; HP; Men. DLX Ultra-Lt	05	0.4	06
Benson and Hedges	King; F; SP; Multi	11	0.9	10
Best Buy **	King; F; SP; Ful-Fla	16	1.1	NT
Best Buy **	100; F; SP; Ful-Fla	17	1.2	NT
Best Buy **	King; F; SP; Lt	10	0.8	NT
Best Buy **	King; F; SP; Men. Lt	11	0.8	NT
Best Buy **	100; F; SP; Lt	11	0.8	NT
Best Buy **	100; F; SP; Men. Lt	11	0.8	NT
Best Buy **	King; F; SP; Ultra-Lt	06	0.5	NT
Best Buy **	100; F; SP; Ultra-Lt	06	0.5	NT
Best Buy **	King; NF; SP	24	1.6	NT
Best Value **	King; F; SP; Full Flavor	15	1.2	15
Best Value **	100; F; SP; Full Flavor	15	1.2	17
Best Value **	King; F; SP; Lt	10	0.9	11
Best Value **	100; F; SP; Lt	09	0.8	09
Best Value **	100; F; SP; Ultra-LtSp	05	0.5	06
Best Value **	King; F; SP; Men. Lt	11	0.9	12
Best Value **	100; F; SP; Men. Lt	11	1.0	10
Best Value **	King; F; SP; Ultra Lt	05	0.5	07
Big Money **	100; F; SP; Men. Lights	11	0.8	NT
Bristol *	King; F; SP; Lt	11	0.8	12
Bristol *	King; F; SP; Men. Lt	11	0.8	12
Bristol *	100; F; SP; Light	11	0.8	13
Bristol *	100; F; SP; Men. Lt	11	0.9	12
Bristol *	King; F; SP	16	1.1	NT
Bristol *	100; F; SP	16	1.1	NT
Bristol *	King; NF; SP	22	1.4	NT
Bristol *	100; F; SP; Ultra Lt	06	0.5	NT
Bucks *	King; F; SP	14	1.0	NT
Bucks *	King; F; SP; Lt	11	0.8	NT
Bull Durham *	King; F; HP	14	1.1	16
Bull Durham *	King; F; HP; Lites	10	0.9	09
Cambridge	100; F; SP; Ultra	04	0.4	06
Cambridge	King; F; SP; Lt	12	0.9	12
Cambridge	King; F; SP; Men. Lt	12	0.9	12
Cambridge	100; F; SP; Lt	12	0.9	13
Cambridge	100; F; SP; Men. Lt	11	0.9	13
Cambridge	King; F; SP; Full-Fla	17	1.1	15
Cambridge	100; F; SP; Full-Fla	17	1.2	16
Camel	King; F; SP	14	1.0	13
Camel	King; F; HP	16	1.0	15
Camel	100; F; SP; Lt	10	0.8	12
Camel	King; F; SP; Lt	11	0.8	11
Camel	King; F; HP; Lt	09	0.6	11
Camel	70; NF; SP	22	1.4	13
Camel	100; F; SP	16	1.0	17
Camel *	85; F; SP; Ultra Lt	06	0.6	08
Camel *	85; F; HP; Ultra Lt	06	0.5	08
Camel *	100; F; HP; Ultra Lt	06	0.6	07
Capri	100 F; HP	09	0.8	06
Capri	100; F; HP; Men	09	0.7	06
Capri	120; F; HP	13	1.1	09
Capri	120; F; HP; Men	12	1.0	07
Carlton	120; F; SP	05	0.5	05
Carlton	King; F; SP	01	0.1	02
Carlton	120; F; SP; Men	05	0.5	04
Carlton	King; F; SP; Men	01	0.1	02
Carlton	King; F; HP	01	0.1	02
Carlton	100; F; HP	01	0.1	01
Carlton	100; F; SP	02	0.2	03
Carlton	100; F; HP; Men	01	0.1	01
Carlton	100; F; SP; Men	03	0.3	04
Carlton	King; F; HP; Ultra	<0.5	<0.05	<0.5
Cartier Vendome	100; F; HP	08	0.8	08
Cartier Vendome	100; F; HP; 10	08	0.7	07
Cartier Vendome	100; F; HP; Men	08	0.8	08

Brand name	Description	Tar	Nic	CO
Cartier Vendome	100; F; HP; Men.; 10	08	0.8	08
Century	King; F; SP; 25	15	1.0	17
Century	King; F; SP; Lt.; 25	08	0.7	10
Century	100; F; SP; 25	15	1.1	18
Century	100; F; SP; Lt.; 25	11	0.9	12
Century	100; F; SP; Men. Lt.; 25	11	0.8	13
Chelsea	100; F; HP; Men	10	0.7	10
Chelsea	100; F; HP	10	0.8	10
Chesterfield	Reg; NF; SP	18	1.2	11
Chesterfield	85; Nf; SP	22	1.5	14
Chesterfield	King; F; SP; Light	09	0.7	11
Chesterfield	100; F; SP; Light	09	0.8	10
Class A **	Reg; NF; SP; NF	19	1.3	11
Class A **	King; NF; SP	23	1.6	14
Class A **	King; F; SP; Full	16	1.3	13
Class A **	King; F; SP; Men. Full	16	1.3	13
Class A **	100; F; SP; Full	17	1.4	14
Class A **	100; F; SP; Men. Full	17	1.4	14
Class A **	King; F; SP; Lt	11	1.0	12
Class A **	King; F; SP; Men. Lt	11	1.0	14
Class A **	100; F; SP; Lt	12	1.1	11
Class A **	100; F; SP; Men. Lt	12	1.1	11
Class A **	King; F; SP; Ultra Lt	06	0.7	06
Class A **	King; F; SP; Men. Ultra Lt	06	0.7	06
Class A **	100; F; SP; Ultra Lt	06	0.7	05
Class A **	100; F; SP; Men. Ultra Lt	06	0.7	05
Class A Deluxe **	King; F; SP; DLX; Full	16	1.3	13
Class A Deluxe **	100; F; SP; DLX; Full	17	1.4	14
Class A Deluxe **	King; F; HP; DLX; Lt	14	1.2	13
Class A Deluxe **	King; F; SP; Del. Lt	11	1.0	12
Class A Deluxe **	King; F; SP; Men. Del. Lt	11	1.0	14
Class A Deluxe **	100; F; SP; Del. Lt	12	1.1	11
Class A Deluxe **	100; F; SP; Men. Del Lt	12	1.1	11
Class A Deluxe **	100; F; SP; Dlx Ul-Lt	06	0.7	05
Cost Cutter **	King; F; SP; Full-Fla	15	1.2	15
Cost Cutter **	100; F; SP; Full-Fla	15	1.2	17
Cost Cutter **	King; F; SP; Lt	10	0.9	11
Cost Cutter **	100; F; SP; Lt	09	0.8	09
Cost Cutter **	100; F; SP; Ultra-Ltsp	05	0.5	06
Cost Cutter **	King; F; SP; Men. Lt	11	0.9	12
Cost Cutter **	100; F; SP; Men. Lt	11	1.0	10
Dakota *	85; F; HP; Men. Full	18	1.4	16
Dakota *	King; F; HP; Light	12	0.9	12
Doral	King; F; SP; Lt	09	0.8	10
Doral	King; F; SP; Men. Lt	09	0.7	10
Doral	100; F; SP; Lt	10	0.9	10
Doral	100; F; SP; Men. Lt	09	0.7	12
Doral	King; F; SP; Full-Fla	15	1.1	15
Doral	100; F; SP; Full-Fla	15	1.1	17
Doral	100; F; SP; Ultra-Lt	05	0.5	07
Doral	King; F; SP; Men. Full-Fla	15	1.1	15
Doral	100; F; SP; Men. Full-Fla	15	1.1	17
Doral	King; F; SP; Ultra-Lt	05	0.5	06
English Oval	King; NF; HP	23	1.9	15
Eve	120; F; HP; Lt	12	1.0	10
Eve	120; F; HP; Men. Lt	11	1.0	10
Eve	100; F; HP; Men. Slim	12	1.0	09
Eve	100; F; HP; Lt. Slim	12	1.0	09
Eve	120; F; HP; Ultra-Lt	05	0.5	04
Eve	120; F; HP; Men. Ultra-Lt	05	0.5	04
Eve *	100; F; HP; Men. Ultra Lt	06	0.7	05
Eve *	100; F; HP; Ultra Lt	06	0.7	05
F&L **	King; F; HP; Lt	11	0.8	NT
F&L **	100; F; SP; Ultra-Lt	06	0.5	NT
F&L **	King; F; SP; Men. Lt	11	0.8	NT
F&L **	King; F; SP; Lt	10	0.8	NT
F&L **	100; F; SP; Lt	11	0.8	NT
F&L **	100; F; SP; Men. Lt	11	0.8	NT
Falcon *	King; F; SP; Lt	11	0.7	11
Falcon *	King; F; SP; Men. Lt	10	0.8	12
Falcon *	100; F; SP; Lt	11	0.8	14
Falcon *	100; F; SP; Men. Lt	09	0.7	11
Famous Value **	King; F; SP; Ful-Fla	16	1.1	NT
Famous Value **	King; F; SP; Lt	10	0.8	NT
Famous Value **	King; F; SP; Men. Lt	11	0.8	NT
Famous Value **	100; F; SP; Ful-Fla	17	1.2	NT
Famous Value **	100; F; SP; Lt	11	0.8	NT
Famous Value **	100; F; SP;Men. Lt	11	0.8	NT
Famous Value **	King; F; SP; Ultra-Lt	06	0.5	NT
Famous Value **	100; F; SP; Ultra-Lt	06	0.5	NT
Famous Value **	King; NF; SP	24	1.6	NT
Genco **	King; NF; SP	24	1.6	NT

Brand name	Description	Tar	Nic	CO
Genco **	King; F; SP	16	1.1	NT
Genco **	100; F; SP	11	0.8	NT
Genco **	King; F; SP; Lt	10	0.8	NT
Genco **	King; F; SP; Men. Lt	11	0.8	NT
Genco **	100; F; SP; Lt	17	1.2	NT
Genco **	100; F; SP; Men. Lt	11	0.8	NT
Genco **	King; F; SP; Ultra Lt	06	0.5	NT
Genco **	100; F; SP; Ultra Lt	06	0.5	NT
Golden Lights	King; F; SP; Lt	07	0.7	08
Golden Lights	King; F; SP; Men. Lt	08	0.7	08
Golden Lights	100; F; SP; Lt	08	0.8	08
Golden Lights	100; F; SP; Men. Lt	09	0.8	10
Golden Lights	King; F; HP; Lt	07	0.6	08
Golden Lights	100; F; HP; Lt	08	0.7	08
GPA **	King; NF; SP	24	1.6	NT
GPA **	King; F; SP	16	1.1	NT
GPA **	100; F; SP	17	1.2	NT
GPA **	King; F; SP; Lt	10	0.8	NT
GPA **	King; F; SP; Men. Lt	11	0.8	NT
GPA **	100; F; SP; Lt	11	0.8	NT
GPA **	100; F; SP; Men. Lt	11	0.8	NT
GPA **	King; F; SP; Ultra Lt	06	0.5	NT
GPA **	100; F; SP; Ultra Lt	06	0.5	NT
GPC Approved **	Reg; NF; SP; Plain	24	1.3	14
GPC Approved **	King; F; SP; Lt	11	0.7	12
GPC Approved **	100; F; SP; Lt	12	0.8	13
GPC Approved **	King; F; SP; Men. Lt	10	0.7	10
GPC Approved **	100; F; SP; Men. Lt	09	0.7	09
GPC Approved **	King; F; SP; Ultra Lt	06	0.5	07
GPC Approved **	100; F; SP; Ultra-Lt	06	0.5	07
GPC Approved **	King; F; SP	18	1.0	16
GPC Approved **	100; F; SP	16	1.0	17
GPC Approved **	King; F; SP; Men	16	1.0	14
GPC Approved **	100; F; SP Men	14	1.0	15
Gridlock **	King; NF; SP	24	1.0	NT
Gridlock **	King; F; SP; Ful-Fla	16	1.1	NT
Gridlock **	100; F; SP; Lt	11	0.8	NT
Gridlock **	100; F; SP; Ultra-Lt	06	0.5	NT
Gridlock **	100; F; SP; Ful-Fla	17	1.2	NT
Harley Davidson	King; F; SP	10	0.8	11
Harley Davidson	King; F; SP; Lt	08	0.7	10
Herbert Tareyton	King; NF; SP	24	1.6	17
Heritage	85; F; SP; Lights	10	0.8	13
Heritage	100; F; SP; Lights	11	0.9	14
Hi-Lite	100; F; HP	14	1.0	13
Horizon *	100; F; SP; Light	12	0.8	13
Horizon *	100; F; SP; Men. Light	12	0.8	12
Kent	King; F; SP	12	0.9	13
Kent	100; F; SP	13	1.0	13
Kent	King; F; HP	11	0.8	12
Kent	100; F; SP; Men	12	0.9	13
Kent	King; F; SP; III	03	0.3	04
Kent	100; F; SP; Plain III	05	0.5	07
Kent	100; F; HP; III	05	0.5	07
Kool	100; F; SP; Men. Super-Lg	16	1.3	16
Kool	Reg; NF; SP; Men	21	1.3	14
Kool	King; F; SP; Men	16	1.2	16
Kool	King; F; HP; Men	16	1.1	15
Kool	King; F; SP; Men. Lt	08	0.7	08
Kool	100; F; SP; Men. Lt	08	0.7	09
Kool	King; F; SP; Men. Mild	12	0.9	12
Kool	100; F; SP; Men. Mild	12	1.0	12
Kool	King; F; HP; Men. Mild	12	0.9	11
Kool Deluxe *	King; F; HP; Men	09	0.8	10
Kool Deluxe *	100; F; SP; Men	10	0.8	09
L and M	King; F; SP	14	1.0	13
L and M	King; F; HP	14	1.1	13
L and M	100; F; SP; Light 30	12	1.0	10
L and M	100; F; SP; Lt. Long	08	0.8	06
L and M *	100; F; SP; Ful	17	1.4	13
L and M *	100; F; SP; Ult-Lt 10PK-30	06	0.7	05
Lark	King; F; SP; Lt	12	0.9	10
Lark	100; F; SP; Lt	12	1.1	12
Lark	King; F; SP	13	1.0	12
Lark	100; F; SP; Extra Long	13	1.1	13
Lucky Strike	Reg; NF; SP	24	1.6	16
Lucky Strike	King; F; SP	13	1.0	13
Lucky Strike	King; F; HP	13	1.0	13
Lucky Strike	100; F; SP	13	1.1	13
Lucky Strike	King; F; SP; Lt	08	0.7	09
Lucky Strike	100; F; SP; Lt	09	0.8	10
Lucky Strike *	100; F; SP; Men	12	1.0	12

Brand name	Description	Tar	Nic	CO
Magna	King; F; SP	13	0.9	14
Magna	King; F; HP	14	0.9	14
Magna	King; F; SP; Lt	11	0.7	12
Magna	King; F; HP; Lt	09	0.6	11
Malibu	100; F; SP	15	1.2	15
Malibu	100; F; LT; Sp	09	0.8	10
Malibu	100; Men; SP; F	11	1.0	12
Malibu	King; F; SP	16	1.2	14
Malibu	King; F; LT; SP	08	0.7	09
Malibu	King; F; Men; SP	16	1.2	14
Malibu	100; F; SP; Ultra-Lt	05	0.5	07
Marlboro	King; F; HP	16	1.1	14
Marlboro	King; F; SP	16	1.1	14
Marlboro	King; F; SP; 25	16	1.1	14
Marlboro	King; F; SP; Men	16	1.2	15
Marlboro	100; F; SP	16	1.2	15
Marlboro	100; F; HP	16	1.2	15
Marlboro	King; F; SP; Lt	11	8.0	11
Marlboro	King; F; SP; Lt. 25	11	9.0	11
Marlboro	King; F; HP; Lt	11	8.0	12
Marlboro	100; F; SP; Lt	10	0.8	11
Marlboro	100; HP; F; Lt	10	0.8	11
Marlboro	100; F; HP; Men. Lights	09	0.8	10
Marlboro	85; F; HP; Men. Lts	09	0.8	09
Marlboro	85; F; HP; Ultra Lt	05	0.5	07
Marlboro	100; F; HP; Ultra Lt	06	0.5	08
Marlboro *	85; F; HP; Men	15	0.9	NT
Max	120; F; SP	15	1.2	16
Max	120; F; SP; Men	15	1.2	16
Merit	King; F; SP	07	0.6	09
Merit	King; F; SP; Men	08	0.6	09
Merit	100; F; SP	09	0.7	11
Merit	100; Men; F; SP	09	0.8	11
Merit	King; HP; F	07	0.6	09
Merit	King; F; SP; Ultra-Lt	04	0.4	05
Merit	100; F; SP; Ultra-Lt	05	0.5	07
Merit	King; F; SP; Men. Ultra-Lt	05	0.5	06
Merit	100; F; SP; Men. Ultra-Lt	05	0.5	06
Merit *	King; F; HP; Men	09	0.7	NT
Merit	King; F; HP; Ultra-Lt	04	0.5	06
Merit	100; F; HP; Ultra-Lt	06	0.6	07
Merit *	Long; F; HP	09	0.7	NT
Merit De-Nic	King; F; SP	08	0.1	09
Merit De-Nic	King; F; SP; Men	08	0.1	08
Merit De-Nic	King; F; SP; Ultra	03	0.1	04
Merit De-Nic	King; F; SP; Men. Ultra	03	0.1	03
Miami *	King; F; SP; Lt	14	1.2	13
Misty Slims	100; LT; F; HP	08	0.7	08
Misty Slims	100; LT; F; Men	08	0.7	08
Money *	King; F; SP; Men. Lights	11	0.8	NT
Montclair *	100; F; SP	15	1.2	16
Montclair	100; LT; F; SP	11	1.0	13
Montclair	100; LT; F; Men. SP	11	1.0	12
Montclair *	King; LT; F; SP	12	1.0	13
Montclair *	King; LT; F; Men. SP	12	1.0	13
Montclair *	King; F; SP	16	1.3	15
Montclair *	100; F; SP; Ultr. Lt	06	0.6	08
More	120; F; SP	16	1.2	21
More	100; F; HP; Lt	09	0.7	09
More	120; F; SP; Men	16	1.3	20
More	100; F; HP; Men. Lt	08	0.7	09
More	120; F; SP; Men. Lt	12	1.0	18
More	120 ; F; SP; Lt	12	0.9	17
More	120; F; SP; Wht Lt	10	0.8	13
More	120; F; SP; Men. Wht. Lt	10	0.8	14
Newport	King; Men; F; SP	16	1.2	17
Newport	King; Men; F; SP; 25	16	1.2	17
Newport	100; Men; F; SP	18	1.4	19
Newport	100; Men; F; SP; 25	18	1.4	18
Newport	King; F; HP; Men.	15	1.1	15
Newport	King; F; SP; Men. Lt	08	0.7	09
Newport	100; F; SP; Men. Lt	08	0.8	08
Newport	King; F; HP; Men. Lt	08	0.7	09
Newport	100; F; HP; Men	18	1.4	19
Newport	100; F; HP; Men. Lt	08	0.7	08
Newport Stripe *	100; F; HP; Men. Slim Lt	11	0.9	14
Newport Stripe	100; F; HP	11	0.9	15
Newport Stripe	100; F; Men; HP	11	0.9	14
Next	King; F; SP; Men; Lo-Tar	07	0.1	08
Next	100; F; SP; Lo-Tar	09	0.1	09
Next	100; F; SP; Men. Lo-Tar	10	0.1	09
Next	King; F; SP; Ultra Lo-Tar	03	0.1	04

Brand name	Description	Tar	Nic	CO
Next	King; F; SP; Men. Ultra Lo-Tar	03	0.1	03
Next	100; F; SP; Ultra Lo-Tar	05	0.1	06
Next	100; F; SP; Men. Ultra Lo-Tar	04	0.1	05
Next	King; F; SP; Lo-Tar	08	0.1	09
No Frills **	King; F; SP; Lt	10	0.8	NT
No Frills **	King; F; SP; Men. Lt	11	0.8	NT
No Frills **	100; F; SP; Lt	11	0.8	NT
No Frills **	100; F; SP; Ultra-Lt	06	0.5	NT
No Frills **	100; F; SP; Full	17	1.2	NT
No Frills **	100; F; SP; Men. Lt	11	0.8	NT
No Frills **	King; F; SP; Ultra Lt	06	0.5	NT
No Frills **	King; F; SP	16	1.1	NT
Now	100; F; SP	02	0.2	03
Now	King; F; SP	01	0.1	02
Now	King; F; HP	<0.5	<0.05	<0.5
Now	100; F; HP	<0.5	<0.05	<0.5
Now	100; F; SP; Men	02	0.2	03
Now	King; F; SP; Men	01	0.1	02
Old Gold	King; F; SP	16	1.2	17
Old Gold	100; F; SP	18	1.4	18
Old Gold	King; NF; SP; Straight	26	1.8	17
Old Gold	King; F; SP; Lt	08	0.7	09
Old Gold	100; F; SP; Lt	11	0.9	15
Pall Mall	King; NF; SP	25	1.7	16
Pall Mall *	King; NF; SP; 25	25	1.7	16
Pall Mall	100; F; SP; Lt	09	0.8	11
Pall Mall	100; F; SP	15	1.2	15
Pall Mall *	King; NF; SP; Lt	18	1.3	17
Pall Mall	King; F; SP; Red	15	1.2	14
Pall Mall	100; F; SP; Red	15	1.2	14
Pall Mall	King; F; SP; Lt. Red	10	0.8	10
Pall Mall	100; F; SP; Lt. Red	10	0.8	10
Pall Mall Gold *	100; F; Lt. SP	15	1.2	15
Parliament	King; F; HP; Men	09	0.7	09
Parliament	LT.; F; SP; King	09	0.7	10
Parliament	LT; 100; F; SP	12	1.0	12
Philip Morris	King; NF; SP; Con	26	1.7	16
Philip Morris *	Reg; NF; SP	22	1.4	12
Philip Morris	100; F; HP; Intl	17	1.3	17
Philip Morris	100; F; HP; Men. Intl	17	1.3	16
Picayune *	Reg; NF; SP	18	1.2	12
Players	Reg; NF; HP	25	1.8	14
Players	King; F; HP	11	0.9	12
Players	King; F; Men. HP	11	0.9	12
Players	100; F; HP	13	1.1	12
Players	100; F; Men. HP	14	1.1	12
Players	King; F; SP; Lt 25	10	0.8	11
Players	King; F; SP; Men. Lt. 25	10	0.8	10
Players	100; F; SP; Lt. 25	11	0.9	12
Players	100; F; SP; Men. Lt. 25	11	0.9	13
Pyramid	King; LT; F; SP	10	0.8	12
Pyramid	100; F; SP; Lt	10	0.9	11
Pyramid	100; F; SP; Men. Lt	10	0.8	11
Pyramid	King; NF; SP	21	1.4	14
Pyramid	100; F; SP; Ultra-Lt	05	0.5	05
Pyramid	King; F; SP; Ful-Fla	14	1.1	13
Pyramid	King; Men; F; SP; Ful-Fla	14	1.1	13
Pyramid	100; F; SP; Ful-Fla	15	1.2	15
Pyramid	100; F; Men.; SP; Ful-Fla	14	1.2	14
Raleigh	King; F; SP	14	0.9	14
Raleigh	100; F; SP	15	1.0	16
Raleigh	King; F; SP; Lt	11	0.9	12
Raleigh	100; F; SP; Lt	12	0.9	14
Raleigh	Reg; NF; SP	24	1.5	16
Raleigh Extra *	King; F; SP	18	1.1	17
Raleigh Extra *	100; F; SP	16	1.0	18
Raleigh Extra *	King; F; SP; Lights	11	0.7	12
Raleigh Extra *	100; F; SP; Lights	12	0.8	13
Raleigh Extra *	King; F; SP; Men. Lights	10	0.8	10
Raleigh Extra *	100; F; SP; Men. Lights	09	0.8	09
Richland	King; F; SP	17	1.2	15
Richland	King; F; SP; 25	17	1.2	14
Richland	King; F; SP; Men	16	1.1	15
Richland	King; F; SP; Men. 25	16	1.1	15
Richland	King; F; SP; Lt. 25	11	0.9	12
Richland	King; F; SP; Light	11	0.9	12
Richland	100; F; SP	17	1.3	16
Richland	100; F; SP; 25	17	1.3	16
Richland	100; F; SP; Lt	12	0.9	14
Richland	100; F; SP; Lt 25	13	1.0	14
Richland	100; F; SP; Men	16	1.2	16
Ritz	100; F; HP; Men	11	0.8	11

Brand name	Description	Tar	Nic	CO
Ritz	100; F; HP	09	0.8	10
Royale *	King; F; SP; Lt	10	0.8	NT
Royale *	King; F; SP; Men. Lt	11	0.8	NT
Royale *	100; F; SP; Lt	11	0.8	NT
Royale *	100; F; SP; Men. Lt	11	0.8	NT
Salem	King; F; SP; Men	17	1.2	17
Salem *	85; F; HP; Men.	18	1.1	16
Salem	100; F; SP; Men. Lt	08	0.7	09
Salem	King; F; SP; Men. Lt	09	0.7	11
Salem	100; F; SP; Men	16	1.2	15
Salem	100; F; HP; Men. Slim-Lt	08	0.7	09
Salem	King; F; SP; Men. Ultra-Lt	05	0.4	07
Salem	100; F; SP; Men. Ultra-Lt	04	0.4	07
Salem	100; F; HP; Men. Lt; Cus-Care	11	0.9	11
Salem *	85; F; SP; Men	17	1.2	NT
Saratoga	120; F; HP	15	1.2	14
Saratoga	120; Men. F; HP	14	1.1	13
Satin	100; F; SP	11	0.9	12
Satin	100; F; SP; Men	11	0.9	12
Savvy *	100; F; SP; Lt	10	0.9	11
Savvy *	100; F; SP; Men. Lt	10	0.9	11
Savvy *	100; F; SP; Ultra-Lt	05	0.5	05
Scotch Buy **	King; F; SP; Full	15	1.2	15
Scotch Buy **	100; F; SP; Full	15	1.2	17
Scotch Buy **	King; F; SP; Lt	10	0.9	11
Scotch Buy **	100; F; SP; Lt 100	09	0.8	09
Scotch Buy **	King; F; S; Men. Lt Men	11	0.9	12
Scotch Buy **	100; F; SP; Men. Lt Men	11	1.0	10
Scotch Buy **	100; F; SP; Ultra Lt	05	0.5	06
Scotch Buy **	King; F; SP; Ultra Lt	05	0.5	07
Silva Thins *	100; F; SP	12	1.0	10
Silva Thins *	100; F; SP; Men	12	1.1	10
Silva Thins	100; F; HP	11	0.9	11
Silva Thins	100; F; HP; Men	12	1.0	11
Spring	100; F; SP; Men	18	1.4	18
Spring	King; F; SP; Lemon Lt	09	0.8	12
Spring	King; F; SP; Men. Lemon Lt	08	0.7	10
Spring	100; F; SP; Men. Light Lemon	10	0.8	13
Sterling **	100; F; SP; Full-Fla	16	1.1	17
Sterling **	100; F; SP; Men. Full-Fla	17	1.2	16
Sterling **	100; F; SP; Lt	10	0.8	11
Sterling **	100; F; SP; Men. Lt	09	0.8	09
Tall	120; F; SP	18	1.6	18
Tall	120; F; SP; Men	17	1.5	16
Tareyton	King; F; SP	14	1.0	15
Tareyton	100; F; SP	14	1.0	17
Tareyton	King; F; SP; Lt	05	0.5	06
Tareyton	Long; LT; 100; F; SP	07	0.7	08
Triumph	King; F; SP	03	0.3	04
Triumph	King; F; SP; Men	03	0.3	04
Triumph	100; F; SP	05	0.5	07
Triumph	100; F; SP; Men	04	0.4	06
True	King; F; SP	04	0.4	05
True	King; F; SP; Men	04	0.4	05
True	100; F; SP	06	0.6	07
True	100; F; SP; Men	07	0.6	07
Uptown *	King; F; HP; Men	18	1.3	NT
Uptown *	King; F; SP; Men	18	1.3	NT
Value & Quality **	100; F; SP; Full-Fla	15	1.2	17
Value & Quality **	85; F; SP; Full	15	1.2	15
Value & Quality **	85; F; SP; Light	10	0.9	11
Value & Quality **	100; F; SP; Light	09	0.8	09
Value & Quality **	85; F; SP; Men. Light	11	0.9	12
Value & Quality **	100; F; SP; Men. Light	11	1.0	10
Value & Quality **	100; F; SP; Ultra-Lt	05	0.5	06
Value & Quality **	85; F; SP; Ultra Lt	05	0.5	07
Vantage	100; F; SP	08	0.7	11
Vantage	King; F; SP	08	0.6	10
Vantage	100; F; SP; Ultra-Lt	05	0.4	08
Vantage	King; F; SP; Ultra-Lt	05	0.4	07
Vantage	King; F; SP; Men	09	0.7	12
Vantage	100; F; SP; Men	08	0.6	11
Vantage *	100; F; SP; Excel	09	0.7	09
Viceroy	King; F; SP	17	1.3	15
Viceroy	100; F; SP	18	1.4	15
Viceroy	King; F; SP; Lt	11	0.9	12
Viceroy	100; F; SP; Lt	13	1.0	14
Viceroy	King; F; HP	16	1.2	13
Viceroy *	100; F; HP	16	1.2	13
Viceroy *	King; F; HP; Lights	11	0.9	11
Viceroy *	100; F; HP; Lights	12	0.9	13
Virginia Slims	100; F; SP; Slim	14	1.1	13

Brand name	Description	Tar	Nic	CO
Virginia Slims	100; F; SP; Men. Slim	14	1.1	13
Virginia Slims	100; F; HP; Slim-Lt	08	0.7	08
Virginia Slims	100; F; HP; Men. Slim-Lt	08	0.6	08
Virginia Slims	120; F; HP; Slim-Lt	13	1.1	13
Virginia Slims	120; F; HP; Men. Slim-Lt	13	1.1	13
Virginia Slims	100; F; HP; Ultra-Lt	05	0.5	06
Virginia Slims	100; F; HP; Men. Ultra-Lt	05	0.4	05
Virginia Slims	100; F; HP; Super Slim	06	0.5	07
Virginia Slims	100; F; HP; Men. Super Slim	05	0.5	06
Winston	100; F; SP	16	1.1	18
Winston	King; F; SP	16	1.1	15
Winston	King; F; HP	15	1.0	15
Winston	100; F; SP; Lt	10	0.8	12
Winston	King; F; SP; Lt	10	0.7	11
Winston	King; F; HP; Lt	09	0.6	11
Winston	100; F; SP; Ultra-Lt	05	0.4	07
Winston	King; F; SP; Ultra-Lt	05	0.5	08
Winston	100; F; HP; Lt	10	0.7	12

* New brands or brands not widely available in the marketplace: data supplied by the company.
** Private label cigarettes: data supplied by the companies.
<: (less than) below the sensitivity of the testing method.
Description: F—Filter; NF-non Filter; Men.—Menthol; HP—Hard Pack; SP—Soft Pack; Reg-Regular (70mm); K—King Size (80—85); 100 & 120 are in millimeter per cigarette; Lt-Light; FLA—Flavor; DLX—Deluxe; 10, 25, or 30—Number of cigarettes per pack if other than 20.
Tar: Total particulate matter in milligrams per cigarette less nicotine and water.
Nic: Total alkaloids reported as milligrams of nicotine per cigarette.
CO: Carbon monoxide reported in milligrams per cigarette. "NT" entered where CO was not available.

[FR Doc. 92-7460 Filed 4-1-92; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Health Care Policy and Research

Meeting

In accordance with section 10(a) of the Federal Advisory Committee Act (5 U.S.C. appendix 2), announcement is made of the following advisory subcommittee scheduled to meet during the month of April 1992:

Name: Information Systems to Enhance the Year, 2000 Objectives Subcommittee.

Dates and Times: April 9, 1992, 8:30 a.m.

Place: Parklawn Building, Conference Room P, 5600 Fishers Lane, Rockville, Maryland 20857.

This meeting will be closed to the public.

Purpose: The Subcommittee's charge is to provide, on behalf of the Health Care Policy and Research Contracts Review Committee, advice and recommendations to the Secretary and to the Administrator, Agency for Health Care Policy and Research (AHCPR), regarding the scientific and technical merit of contract proposals submitted in response to a specific Request for Proposals. The purpose of this contract is to develop information systems which foster achievement of the health promotion and disease prevention objectives for the year 2000 which are contained in the "Healthy People 2000: National Health Promotion and Disease Prevention Objectives" (DHHS Publication No. (PHS) 91-50213). During Phase I the contractor is to develop a prototype for one of the 22 major categories of objectives listed in the referenced DHHS publication. During Phase II, the contractor is to complete full development and beta testing of the prototype objective and complete the design and prototype development for all additional objectives.

Agenda: The session of this Subcommittee will be devoted entirely to the technical review and evaluation of contract proposals submitted in response to a specific Request for Proposals. The Administrator, AHCPR, has made a formal determination that this meeting will not be open to the public. This is necessary to protect the free exchange of views and avoid undue interference with Committee and Department operations, and safeguard confidential proprietary information and personal information concerning individuals associated with the proposals that may be revealed during the sessions. This is in accordance with section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. appendix 2, Department regulations, 45 CFR 11.5(a)(6), and procurement regulations, 48 CFR 315.604(d).

Anyone wishing to obtain information regarding this meeting should contact Karen Harris, Office of Management, Management Systems and Services Branch, Agency for Health Care Policy and Research, Executive Office Center, 2101 E. Jefferson Street, suite 601, Rockville, Maryland 20852, (301) 227-8441.

Agenda items are subject to change as priorities dictate.

Note: Due to unforeseen circumstances, arrangements for this meeting were delayed. Consequently, more timely notification was not possible.

Dated: March 26, 1992.

J. Jarrett Clinton,

Administrator, AHCPR.

[FR Doc. 92-7500 Filed 4-1-92; 8:45 am]

BILLING CODE 4160-90-M

Agency for Toxic Substances and Disease Registry

Board of Scientific Counselors, Agency for Toxic Substances and Disease Registry; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Agency for Toxic Substances and Disease Registry (ATSDR) announces the following committee meeting.

Name: Board of Scientific Counselors, ATSDR.

Times and Dates: 8:30 a.m.-4:45 p.m., Thursday, April 30, 1992. 8:30 a.m.-4:15 p.m., Friday, May 1, 1992.

Place: Centers for Disease Control, Auditorium A, 1600 Clifton Road, NE., Atlanta, Georgia 30333.

Status: The entire meeting will be open to the public.

Purpose: The Board of Scientific Counselors, ATSDR, advises the Administrator, ATSDR, on ATSDR programs to ensure scientific quality, timeliness, utility, and dissemination of results. Specifically, the Board advises on the adequacy of the science in ATSDR-supported research, emerging problems that require scientific investigation, accuracy and currency of the science in ATSDR reports, and program areas to emphasize and/or to de-emphasize.

Agenda: The agenda will include:

- A review of the ATSDR physician health education outreach efforts, including state cooperative agreements.
- Presentations by ATSDR Clinical Fellows on (1) emergency response to environmental hazards, (2) effectiveness of lead abatement on childhood lead poisoning, (3) current research using K-X-Ray Fluorescence for epidemiological studies on lead, and (4) lead hypertension in black men.
- A discussion on health data gaps research, including the ATSDR cancer policy, substance-specific research, voluntary

research, and the Great Lakes applied research program.

• An update on ATSDR's program of health assessments at Federal facilities.

Writter comments are welcome and should be received by the contact person listed below prior to the opening of the meeting.

Contact Person for More Information: Charles Xintaras, Sc.D., Executive Secretary, Board of Scientific Counselors, ATSDR, Mailstop E-28, 1600 Clifton Road, NE, Atlanta, Georgia 30333, telephone 404/639-0708 or FTS 236-0708.

Dated: March 26, 1992.

Elvin Hilyer,

Associate Director for Policy Coordination.

[FR Doc. 92-7556 Filed 4-1-92; 8:45 am]

BILLING CODE 4160-70-M

Subcommittee on Great Lakes Human Health Effects Research of the Board of Scientific Counselors, Agency for Toxic Substances and Disease Registry; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Agency for Toxic Substances and Disease Registry (ATSDR) announces the following committee meeting.

Name: Subcommittee on Great Lakes Human Health Effects Research of the Board of Scientific Counselors, ATSDR.

Time and Date: 2 p.m.-5 p.m., April 29, 1992.

Place: Centers for Disease Control, Auditorium A, 1600 Clifton Road, NE., Atlanta, Georgia 30333.

Status: The entire meeting will be open to the public.

Purpose: The subcommittee will advise the Board of Scientific Counselors on the scientific aspects of a program of human health effects research relevant to pollution of the Great Lakes.

Supplementary Information: The Great Lakes Critical Programs Act of 1990 mandates the Environmental Protection Agency, in consultation with ATSDR, to prepare a report by 1994 that describes the impact on human health of water pollutants in the Great Lakes. In support of this directive, Congress earmarked $2 million for ATSDR in fiscal year 1992 to support human health effects studies in the Great Lakes region.

Agenda: This is the initial meeting of this subcommittee. The subcommittee will be advised of ATSDR statutory directives and provided an overview of the ATSDR Great Lakes Research Program. This program overview will focus on possible areas of human health research concerning potential adverse health outcomes associated with pollutants in the Great Lakes.

The focus of the meeting will be a discussion of ATSDR's Great Lakes Research Program. Comments from the public will be solicited following the discussion.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Charles Xintaras, Sc.D., Executive Secretary, Board of Scientific Counselors, ATSDR, (MS E-28), 1600 Clifton Road, NE, Atlanta, Georgia 30333, telephone (404) 639-0708 or FTS 236-0708.

Dated: March 26, 1992.

Elvin Hilyer,

Associate Director for Policy Coordination.

[FR Doc. 92-7555 Filed 4-1-92; 8:45 am]

BILLING CODE 4160-70-M

Centers for Disease Control

[Announcement Number 228]

Cooperative Agreement Program for Centers for Agricultural Research, Education, and Disease and Injury Prevention Availability of Funds for Fiscal Year 1992

Introduction

The Centers for Disease Control (CDC), the Nation's prevention agency, announces the availability of Fiscal Year 1992 funds for cooperative agreements with universities to establish centers for agricultural research, education, and disease and injury prevention. The cooperative agreement program will significantly strengthen the occupational public health infrastructure by integrating resources for occupational safety and health research and public health prevention programs at the state and local levels.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority area of Occupational Safety and Health. (For ordering a copy of Healthy People 2000, see section Where to Obtain Additional Information.)

Authority

This program is authorized under section 20(a) of the Occupational Safety and Health Act of 1970 [29 U.S.C. 669(a)] and the Public Health Service Act, section 301(a), [42 U.S.C. 241(a)], as amended.

Eligible Applicants

Eligible applicants include state and private universities and university-affiliated, not-for-profit medical centers within the United States of America. The restriction of eligible applicants is due to the Fiscal Year 1990 appropriations language that initiated this program and states that centers for agricultural occupational safety and health will be established at universities. In Fiscal Year 1990, Centers were established in DHHS Regions VII and IX. In Fiscal Year 1991, Centers were established in DHHS Regions V and VIII. Because of programmatic and regional differences in agriculture throughout the United States, only one center will be established in any DHHS region. Therefore, DHHS Regions V (Illinois, Indiana, Michigan, Minnesota, Ohio, an Wisconsin); VII (Iowa, Kansas, Missouri, and Nebraska); VIII (Colorado, Montana, North and South Dakota, Utah, and Wyoming); and IX (American Samoa, Arizona, California, Guam, Hawaii, Nevada, Trust Territory, Wake Islands, and North Mariana Islands) are excluded in FY 1992.

Eligible DHHS Regions are I (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont); II (New Jersey, New York, Puerto Rico, and Virgin Islands); III (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia); IV (Alabama, Florida, Georgia, Kentucky, Mississippi, North and South Carolina, and Tennessee); VI (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas); and X (Alaska, Idaho, Oregon, and Washington).

Availability of Funds

Approximately $500,000 will be available in Fiscal Year 1992 to fund one or two new Centers. It is expected that the average award will be approximately $250,000, ranging from approximately $200,000 to $500,000. Funding estimates may vary and are subject to change. The awards are expected to become effective on or about September 30, 1992, and will be awarded for a 12-month budget period within a project period up to 5 years.

Continuation awards within the cooperative agreement will be made on the basis of satisfactory progress and the availability of funds.

Purpose

This cooperative agreement program is designed to address the research, education, and intervention activities that are unique to agriculture. To achieve this objective, the program will establish centers for agricultural research, education, and disease and injury prevention. The general objectives are as follows:

1. Develop and conduct applied preventive research related to the occupational health and safety of agricultural workers and their families.

2. Develop model educational programs on agricultural health and safety for agricultural workers and their families.

3. Develop model programs for the prevention of illness and injury among agricultural workers and their families.

4. Evaluate agricultural injury and disease prevention programs implemented by agricultural extension programs, state health departments, Federal agencies, and others.

5. Conduct applied research and evaluation of engineering control technology and procedures developed by Federal, state, and private agencies and research on ergonomic control technology.

6. Provide consultation and/or training to researchers, health and safety professionals, graduate/professional students, and agricultural extension agents.

Program Requirements

The activities related to the development of centers for agricultural research, education, and disease and injury prevention require substantial CDC/NIOSH collaboration and involvement. The nature and extent of these activities are described as follows:

A. Recipient Activities

1. Develop and conduct applied research related to the occupational health and safety of agricultural workers and their families.

2. Develop and conduct education and training programs on agricultural health and safety for agricultural workers and their families, extension/outreach personnel, and for graduate/professional education.

3. Develop a research protocol or protocols for the Center for Agricultural Research, Education, Disease and injury Prevention. Obtain peer review of the protocol and revise and finalize as required for final approval.

4. Where appropriate, collaborate with NIOSH and other CDC scientists, intramurally and extramurally, who are working in complementary research areas.

5. Collaborate with NIOSH and other CDC staff in reporting and disseminating research results and relevant health and safety education and training information to appropriate Federal, state, and local agencies, health acre providers; the scientific community; agricultural workers and their families; and management and union representatives.

B. CDC Activities

1. Provide technical assistance through site visits and correspondence in the areas of program development, implementation, maintenance, and priority setting related to the cooperative agreement.

2. Provide scientific collaboration for appropriate aspects of the program.

3. Assist in the reporting and dissemination of research results and relevant health and safety education and training information to appropriate Federal, state, and local agencies; health care providers; the scientific community; agricultural workers and their families; and management and union representatives.

Evaluation Criteria

The application, including a proposal for both research and training components, will be reviewed based on evidence that specifically describes the applicant's ability to meet the following criteria:

1. Responsiveness to the objectives of the cooperative agreement program including the applicant's understanding of the objectives of the proposed cooperative agreement and the relevance of the proposal to the objectives. (20%)

2. Feasibility of meeting the proposed goals of the cooperative agreement program including the proposal schedule for initiating and accomplishing each of the activities of the cooperative agreement and the proposed method for evaluating the accomplishments. (20%)

3. Strength of the program design in addressing the distinct characteristics, populations, and needs in agricultural research and education for the region. (20%)

4. Strength of the integrated proposed program for agricultural health and safety in the areas of prevention, research, education, and multidisciplinary approach. (20%)

5. Efficiency of resources and novelty of program including the efficient use of existing and proposed personnel with assurances of a major time commitment of the Project Director to the program, and the novelty of program approach. (10%)

6. Training and experience of proposal Program Director and staff, including a Program Director who is a recognized scientist and technical expert and staff with training or experience sufficient to accomplish proposed program. (10%)

7. The extent to which the program budget is reasonable, clearly justified, and consistent with the intended use of funds. (Not Scored)

Funding Priorities

In Fiscal Years 1990 and 1991, Centers were established in DHHS Regions V, VII, VIII, and IX. Because of programmatic and regional differences in agriculture throughout the United States, only one center will be established in any DHHS region. Therefore, DHHS Regions V, VII, VIII, and IX are excluded in FY 1992.

Other Requirements

A. Human Subjects

This program involves research on human subjects; therefore, all applicants must comply with the Department of Health and Human Services regulations (Public Law 93–148) regarding the protection of human subjects. Assurance must be provided that demonstrates the project or activity will be subject to initial and continuing review by an appropriate institutional review committee. The applicant will be responsible for providing assurance in accordance with the appropriate guidelines and form provided in the application kit.

B. Paperwork Reduction Act

Projects funded through the cooperative agreement mechanism of this program involving the collection of information from 10 or more individuals will be subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

Executive Order 12372 Review

Applications are not subject to review by Executive Order 12372.

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance (CFDA) for this program is 93.262.

Application Submission and Deadline

The original and two copies of the application PHS Form 5161–1 must be submitted to Henry S. Cassell, III, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, Mailstop E–14, 255 East Paces Ferry Road, NE., room 300, Atlanta, Georgia 30305, on or before June 1, 1992.

1. *Deadline:* Applicants shall be considered as meeting the deadline if they are either:

a. Received on or before the deadline date, or

b. Sent on or before the deadline date and received in time for submission to the independent review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a

legibly dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailings.)

2. *Late Applicants:* Applications: Applications which do not meet the criteria in 1.a. or 1.b. above are considered late applications. Late applications will not be considered in the current competition and will be returned to the applicant.

Where to Obtain Additional Information

Additional information on application procedures, copies and application forms, other material and business management technical assistance may be obtained from Lisa G. Tamaroff, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, Mailstop E-14, 255 East Paces Ferry Road NE., room 300, Mail Stop E-14, Atlanta, Georgia 30305, or by calling (404) 842-6796 or FTS 236-6796.

For programmatic technical assistance, contact Dr. Stephen A. Olenchock, Division of Respiratory Disease Studies, National Institute for Occupational Safety and Health, Centers for Disease Control, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505, or by calling (304) 291-4256 or FTS 923-4256.

Please Refer to Announcement Number 228 When Requesting Information and Submitting an Application.

Potential applicants may obtain a copy of Healthy People 2000 (Full Report, Stock No. 017-001-00474-0) or Health People 2000 (Summary Report, Stock No. 017-001-00473-1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402-9325 (Telephone (202) 783-3238).

Dated: March 26, 1992.

J. Donald Millar,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 92-7558 Filed 4-1-92; 8:45 am]

BILLING CODE 4160-19-M

Food and Drug Administration

[Docket No. 92F-0147]

Purina Mills, Inc.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Purina Mills, Inc., has filed a petition proposing that the food aditive regulations be amended to provide for the safe use of gamma radiation from cobalt 60, cesium 137, or electron beam radiation, not to exceed 4.5 megarads (Mrads), for microbial disinfection of laboratory animal feeds.

DATES: Written comments by June 1, 1992.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Woodrow M. Knight, Center for Veterinary Medicine (HFV-226), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-295-8731.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 2225) has been filed by Purina Mills, Inc., P.O. Box 66812, St. Louis, MO 63166-6812. The petition proposes tha § 579.22 *Ionizing radiation for treatment of laboratory animal diets* (21 CFR 579.22) be amended to provide for the safe use of cobalt 60, cesium 137, or electron beam radiation, not to exceed 4.5 Mrads, for the microbial disinfection of laboratory feed for rats, mice, hamsters, guinea pigs, and rabbits.

The potential environmental impact of this action is being reviewed. The environmental assessment, prepared by the petitioner, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: March 30, 1992.

Gerald B. Guest,

Director, Center for Veterinary Medicine.

[FR Doc. 92-7639 Filed 4-1-92; 8:45 am]

BILLING CODE 4160-01-M

Health Resources and Services Administration

Final Funding Preference, Funding Priority, Special Consideration, and Review Criteria For Grants for Residency Training and Advanced Education in the General Practice of Dentistry

The Health Resources and Services Administration (HRSA) announces the final funding preference, funding priority, special consideration and review criteria for FY 1992 for Grants for Residency Training and Advanced Education in the General Practice of Dentistry authorized under the authority of section 785 of the Public Health Service Act (the Act), title VII, extended by the Health Professions Reauthorization Act of 1988, title VI, Public Law 100-607. This authority expired on September 30, 1991. This program announcement is subject to reauthorization of the legislative authority. This program is presently operating under general appropriation legislation for the Departments of Health and Human Services and Labor, Public Law 102-170, with new authorizing legislation pending in the Congress.

Approximately $3.8 million will be available in FY 1992 for this program. Of this amount, $2.7 million is committed to previously approved continuation awards. Approximately $1.1 million is expected to be available to fund 7 competing awards averaging $106,000. The application deadline for this program was December 6, 1991.

Final Funding Preference, Funding Priority, Special Consideration, and Review Criteria

A proposed funding preference, funding priority, special consideration and review criteria were published in the **Federal Register** dated October 3, 1991 at 56 FR 50126, for public comment. No comments were received during the 30-day comment period. The funding preference, funding priority, special consideration, and review criteria will be retained as follows:

Final Funding Preference for Fiscal Year 1992

In making awards in FY 1992, the Secretary shall give preference to applicants proposing to establish new training positions, as part of either a new program or the expansion of an existing program.

First funding within this preference will be for approved applications designed to offer substantial clinical training experience for trainees to provide primary care services to underserved rural and urban areas, and high risk populations. The experiences must include training at one or more of the following entities: Health Professional Shortage Areas, (section 332 of the Act); Migrant Health Centers, (section 329 of the Act); Community Health Centers, (section 330 of the Act); health care facilities of the Indian Health Service (IHS); State designated clinic/centers serving an underserved population; or other rural/urban health clinics that meet grant program requirements.

Final Funding Priority for Fiscal Year 1992

In determining the order of funding of approved applications, a funding priority will be given to:

New Applicants: applicants who have been operating an advanced general dentistry program for 5 years or less, and are proposing to increase the number of trainees in the program, and have not received funds under this authority.

Final Special Consideration for Fiscal Year 1992

Special consideration will be given to applicants that:

1. Propose didactic and clinical training experiences concerning ambulatory and inpatient case management of HIV/AIDS infection related diseases;

2. Propose multidisciplinary geriatric training experience in ambulatory settings and inpatient and extended care facilities; and/or

3. Propose didactic and clinical training experiences in dental care for the medically compromised, chronically ill and physically or mentally handicapped.

Final Review Criteria for Fiscal Year 1992

The following additional review criteria will be used for fiscal year 1992.

Applications will be reviewed based on the following criteria:

1. The extent to which the objectives of the program are consistent with the purposes of the grant program, and the extent to which the evaluation methodology will effectively assess the impact of the project.

2. The extent to which the proposal demonstrates a need for the project.

3. The extent to which present or potential problems are understood by the applicant, and the extent to which solutions to these problems have been developed.

4. The extent to which the organizational and administrative relationships between institutional and programmatic components of the project enhance the achievement of project objectives.

5. The extent to which the curriculum will enhance the trainee's ability to become an efficient, effective, competent practitioner of general dentistry.

6. The extent to which the trainee recruitment and selection process assures that highly qualified trainees with a true interest in general practice are enrolled in the program.

7. The extent to which the facilities and equipment used in the training program are appropriate to the general practice of dentistry.

8. The extent to which the budget justification is reasonable and indicates that institutional support to the project is provided to the maximum extent possible.

To obtain specific information concerning programmatic aspects of the grant program, contact: Dr. Richard Weaver, Chief, Dental Health Branch, Division of Associated, Dental, and Public Health Professions, Bureau of Health Professions, Health Resources and Services Administration, 5600 Fishers Lane, room 8C–15, Rockville, Maryland 20857, Telephone: (301) 443–6837.

This program is listed at 93.897 in the *Catalog of Federal Domestic Assistance.*

Dated: January 8, 1992.

Robert G. Harmon,

Administrator.

[FR Doc. 92–7580 Filed 4–1–92; 8:45 am]

BILLING CODE 4160–15–M

Final Funding Preference and Priorities for Grants for Establishment of Departments of Family Medicine

The Health Resources and Services Administration (HRSA) announces the final funding preference and priorities for fiscal year (FY) 1992 for Grants for Establishment of Departments of Family Medicine authorized under the authority of section 780, title VII of the Public Health Service (PHS) Act, as amended by the Health Professions Reauthorization Act of 1988, title VI of Public Law 100–607.

This program announcement is subject to reauthorization of the legislative authority. This program is presently operating under general appropriation legislation for the Departments of Health and Human Services and Labor, Public Law 102–170, with new authorizing legislation pending in the Congress.

Approximately $6.8 million is available for this program in FY 1992. Of this amount $2.7 million is committed to previously approved continuation awards. Approximately 31 competing awards will be made averaging $132,230 each.

A proposed funding preference and funding priorities were published in the **Federal Register** dated November 20, 1991, at 56 FR 58580, for public comment. No comments were received during the 30-day comment period. As proposed, the funding preference and funding priorities will be retained as follows:

Final Funding Preference for FY 1992

A funding preference will be given to applicants that have established a Department of Family Medicine within the last year (since November 27, 1990 or a year before the deadline for receipt of applications) or propose to establish such a unit within the first year of grant funding.

Final Funding Priorities for FY 1992

A funding priority will be given to the following:

1. Applicants that have an established required 3rd year family medicine clerkship (at least 4 weeks in duration) or provide evidence that such a clerkship will be initiated no later than academic year 1993–94.

2. Applicants that establish an educational partnership between a family medicine academic administrative unit and health care facilities serving the underserved, which includes the provision of training opportunities for medical students and residents in the health care facility, and faculty development and enrichment opportunities at the medical school for medical staff of the health care center.

3. Applicants that document that 20 percent or more of the previous medical school graduating class entered accredited family medicine residency training programs or internship training programs in osteopathic medicine which emphasize family medicine and are approved by the American Osteopathic Association.

4. Applicants that have established a division level administrative unit of Family Medicine within the last year (since November 27, 1990 or a year before the deadline for receipt of applications) or propose to establish such a unit within the first year of grant funding.

Questions regarding programmatic information should be directed to: Mr. Donald Buysse, Chief, Primary Care Medical Education Branch, Division of Medicine, Bureau of Health Professions,

Health Resources and Services Administration, 5600 Fishers Lane, room 4C-25, Rockville, Maryland 20857, Telephone: (301) 443-3614.

This program is listed at 93.984 in the Catalog of Federal Domestic Assistance. Applications submitted in response to this announcement are not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs (as implemented through 45 CFR part 100).

Dated: February 20, 1992.

Robert G. Harmon,

Administrator.

[FR Doc. 92-7579 Filed 4-1-92; 8:45 am]

BILLING CODE 4160-15-M

Final Funding Priority for Grants for Nurse Anesthetist Education Programs

The Health Resources and Services Administration (HRSA) announces the final funding priority for fiscal year 1992, for Grants for Nurse Anesthetist Education Programs, authorized under section 831(a), title VIII of the Public Health Service (PHS) Act as amended by the Nursing Shortage Reduction and Education Extension Act of 1988, title VII of Public Law 100-607.

This program announcement is subject to reauthorization of the legislative authority. This program is presently operating under general appropriation legislation for the Departments of Health and Human Services and Labor, Public Law 102-170, with new authorization legislation pending in the Congress.

Approximately $1 million is available in FY 1992 for this program. Of this amount, $500,000 is committed to previously approved continuation awards. Approximately $500,000 is expected to be available to fund four competing awards averaging $125,000 each

A proposed funding priority was published in the **Federal Register** dated November 20, 1991, at 56 FR 58583, for public comment. One comment was received concerning the proposed funding priority.

The respondent was concerned with nurse anesthesia programs fulfilling comprehensive primary care services to the underserved when nurse anesthesia services have traditionally not been considered primary care services. The Department believes that linkages between nurse anesthesia education programs and primary care settings in underserved regions or for underserved populations will promote access to nurse anesthesia services and and thus promote health.

The funding priority as proposed will be retained as follows:

Final Funding Priority for Fiscal Year 1992

A funding priority will be given to applicant institutions that have formal linkages between the education program for which the applicant is seeking funding, and service programs which provide comprehensive primary care services to the underserved as part of its institutional program

Questions regarding programmatic information should be directed to: Mary S. Hill, Chief, Nursing Education Practice Resources Branch, Division of Nursing, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, room 5C-14, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: (301) 443-6193.

This program is listed at 93.916 in the Catalog of Federal Domestic Assistance and is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs (as implemented through 45 CFR part 100).

Dated: February 20, 1992.

Robert G. Harmon,

Administrator.

[FR Doc. 92-7578 Filed 4-1-92; 8:45 am]

BILLING CODE 4160-15-M

Final Funding Preference and Priorities for Grants for Programs for Physicians Assistants

The Health Resources and Services Administration (HRSA) announces the final funding preference and priorities for fiscal year (FY) 1992 for Grants for Programs for Physician Assistants authorized under the authority of section 788(d), title VII, formerly section 783(a) of the Public Health Service Act (the Act), as amended by the Health Professions Reauthorization Act of 1988, title VI of Public Law 100-607. This authority expired on September 30, 1991. This program announcement is subject to the reauthorization of the legislative authority. This program is presently operating under general appropriation legislation for the Departments of Health and Human Services and Labor, Public Law 102-170, with new authorizing legislation pending in the Congress.

Approximately $5.0 million will be available in FY 1992 for this program. Of this amount, $578,000 is committed to previously approved continuation awards. Approximately $4.4 million is expected to be available to fund 36 competing awards averaging $123,000.

A proposed funding preference and funding priorities were published in the **Federal Register** dated October 21, 1991, at 56 FR 52552 for public comment. No comments were received during the 30-day comment period. The final funding preference and funding priorities will be retained as follows:

Final Funding Preference for FY 1992

A funding preference will be given to applications which document that each of the current trainees will complete at least one required clinical clerkship of between 4 and 8 weeks in an inpatient or outpatient health care facility/practice located in:

(1) A Health Professional Shortage Area (HPSA) designated under section 332 of the PHS Act;

(2) A Medically Underserved Area (MUA) designated under section 330(b)(3) of the PHS Act;

(3) A State-designated clinic/center serving an underserved population;

(4) A Migrant Health Center designated under section 329 of the PHS Act;

(5) A Community Health Center designated under section 330 of the PHS Act;

(6) A Homeless Health Center designated under section 340 of the PHS Act;

(7) Facilities that have formal arrangements to provide primary health care services to public housing communities;

(8) Hospitals and/or health care facilities of the Indian Health Service;

(9) Health care facilities that draw at least 50 percent of their teaching program patients from areas or populations designated as HPSAs; or MUAs; or

(10) A site located within a service area of a Federal or State supported Area Health Education Center (AHEC), provided such site has been developed through an affiliation agreement with such AHEC and the site otherwise meets the criteria for underserved incorporated within this funding preference.

Section 332 establishes criteria to designate geographic areas, population groups, medical facilities, and other public facilities in the States as Health Professional Shortage Areas.

Section 330(b)(3) establishes Medically Underserved Areas which are areas designated by the PHS, based on four criteria:

(1) Infant mortality rate;

(2) Percentage of the population below the poverty level;

(3) Percentage of the population over age 65; and

(4) Number of practicing primary care physicians per 1,000 population.

Section 329 authorizes support for migrant health facilities nationwide and comprises a network of health care services for migrant and seasonal farm workers.

Section 330 authorizes support for community health care services to medically underserved populations.

Section 340 authorizes the Health Care for the Homeless Program, which, as used here, means a community-based program of comprehensive primary health care and substance abuse services brought to the homeless population.

Public Housing Communities means the residents of low income public housing projects that received Federal assistance, usually through a local public housing agency, under the provisions of the U.S. Housing Act of 1937.

Final Funding Priorities for Fiscal Year 1992

Funding priorities will be given for each of the following:

1. Applications which can demonstrate that at least 25 percent of current trainees will complete at least one clinical clerkship of between 4 and 8 weeks in an inpatient or outpatient health care facility/practice located in: (1) A Health Professional Shortage Area (HPSA) designated under section 332 of the PHS Act; (2) a Medically Underserved Area (MUA) designated under provisions of section 330(b)(3) of the PHS Act; (3) a State-designated clinic/center serving an underserved population; (4) a Migrant Health Center designated under section 329 of the PHS Act; (5) a Community Health Center designated under section 330 of the PHS Act; (6) a Homeless Health Center designated under section 340 of the PHS Act; (7) facilities that have formal arrangements to provide primary health care services to public housing communities; (8) hospitals and/or health care facilities of the Indian Health Service; (9) health care facilities, that draw at least 50 percent of their teaching program patients from areas or populations designated as HPSAs or MUAs; or (10) a site located within a service area of a Federal or State supported Area Health Education Center (AHEC), provided such site has been developed through an affiliation agreement with such AHEC and the site otherwise meets the criteria for underserved incorporated within this funding priority.

2. Applications which have or propose to incorporate innovative educational approaches in their curriculums (including a clinical component), relative to: Public health needs of inner city/rural populations, infant mortality prevention, HIV/AIDS prevention and/or treatment, or substance abuse prevention and/or treatment. Innovation may be demonstrated by the concept/methodology to be used, by the establishment of a new educational relationship with a health care delivery system, by the population to be served as a result of the curriculum initiative or by the subject or disease for the educational intervention. The number of students to be impacted by this training must be included in the description of the activity.

Questions regarding programmatic information should be directed to: Ms. Cherry Tsutsumida, Chief, Multidisciplinary Centers and Programs Branch, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, 5600 Fishers Lane, room 4C–05, Rockville, Maryland 20857, Telephone: (301) 443–6817.

This program is listed at 93.886 in the Catalog of Federal Domestic Assistance.

Dated: January 9, 1992.

Robert G. Harmon,

Administrator.

[FR Doc. 92–7582 Filed 4–1–92; 8:45 am]

BILLING CODE 4160–15–M

Final Funding Priorities for Grants for Podiatric Primary Care Residency Training Programs

The Health Resources and Services Administration (HRSA) announces the final funding priorities for fiscal year 1992 for Grants for Podiatric Primary Care Residency Training Programs authorized under the authority of section 788(e), title VII of the Public Health Service Act, and extended by the Health Professions Reauthorization Act of 1988, Public Law 100–607, title VI.

This program announcement is subject to reauthorization of the legislative authority. This program is presently operating under general appropriation legislation for the Departments of Health and Human Services and Labor, Public Law 102–170, with new authorizing legislation pending in the Congress.

Approximately $599,000 is available for this program in FY 1992. There are no continuation commitments. Approximately 11 competing awards will be made averaging $54,000 each.

Proposed funding priorities were published in the **Federal Register** dated November 26, 1991, at FR 56 59953, for public comment.

No comments were received during the 30-day comment period. As proposed, the funding priorities will be retained as follows:

Final Funding Priorities for Fiscal Year 1992

Funding priorities will be given to:

1. Applications which demonstrate substantial clinical training experience in one or more of the following: PHS Act, section 781 Area Health Education Center(s); in areas that meet the criteria for designation as PHS Act, section 332 Podiatric Health Professional Shortage Area(s); and/or a PHS Act, section 329 Migrant Health Center(s), PHS Act, section 330 Community Health Center(s) or State designated clinic/center serving an underserved population.

Section 781(a)(1) authorizes Federal assistance to schools of medicine and osteopathic medicine which have cooperative arrangements with one or more public or nonprofit private area health education centers for the planning, development and operation of area health education center programs.

Section 332 establishes criteria to designate geographic areas, population groups, medical facilities and other public facilities in the States as Health Professional Shortage Areas.

Section 329 authorizes support for migrant health facilities nationwide and comprises a network of health care services for migrant and seasonal farm workers.

Section 330 authorizes support for community health care services to medically underserved populations.

2. Applications which are innovative in their health professions education approaches to HIV/AIDS and/or geriatrics.

If additional programmatic information is needed, please contact: Ms. Cherry Tsutsumida, Chief, Multidisciplinary Centers and Programs Branch, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, room 4C–05, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–6817.

This program is listed at 93.181 in the Catalog of Federal Domestic Assistance. It is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs (as implemented through 45 CFR part 100).

Dated: February 20, 1992.

Robert G. Harmon,

Administrator.

[FR Doc. 92–7581 Filed 4–1–92; 8:45 am]

BILLING CODE 4160–15–M

National Institutes of Health

Meeting of the Acquired Immunodeficiency Syndrome Program Advisory Committee (APAC)

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Acquired Immunodeficiency Syndrome (AIDS) Program Advisory Committee on April 16–17, 1992, at the National Institutes of Health (NIH), Bethesda, MD. The meeting will take place on April 16 from 9 a.m. to 5 p.m., and on April 17 from 9 a.m. to 12 noon, in Building 31, C Wing, Conference Room 10. The meeting will be open to the public.

The purpose of the tenth meeting will be to examine research priorities of the NIH AIDS research program. Specifically, the APAC will address therapy issues, pediatric AIDS, AIDS and tuberculosis, and international AIDS research efforts. Deborah S. Fountain, Committee Management Officer, Office of AIDS Research, National Institutes of Health, Building 31, room 5C02, 9000 Rockville Pike, Bethesda, MD 20892, (301) 496–0358, will furnish the meeting agenda, roster of committee members, and substantive program information upon request.

Dated: March 23, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92–7629 Filed 4–1–92; 8:45 am]

BILLING CODE 4140–01–M

National Library of Medicine; Meeting of the Board of Scientific Counselors

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselor, National Library of Medicine, on May 14, and May 15, 1992, in the Board Room of the National Library of Medicine, building 38, 8600 Rockville Pike, Bethesda, Maryland.

The meeting will be open to the public from 8:30 a.m. to 12:45 p.m. and from 1:45 to 4:45 p.m. on May 14 and from 8:30 a.m. to approximately 12 noon on May 15 for the review of research and development programs and preparation of reports of the Lister Hill National Center for Biomedical Communications. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sec. 552b–(c)(6), title 5, U.S.C., and sec. 10(d) of Public Law 92–463, the meeting will be closed to the public on May 14, from approximately 12:45 p.m. to 1:45 p.m. for the consideration of personnel qualifications and performance of individual investigators and similar items, the disclosure of which would constitute an unwarranted invasion of personal privacy.

The Executive Secretary, Dr. Daniel R. Masys, Director, Lister Hill National Center for Biomedical Communications, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20894, telephone (301) 496–4441, will furnish summaries of the meeting, rosters of committee members, and substantive program information.

Dated: March 17, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92–7625 Filed 4–1–92; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Diabetes and Digestive and Kidney Diseases; Meeting of the Board of Scientific Counselors

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK), April 29, 30 and May 1, 1992, National Institutes of Health, building 2, room 102, Bethesda, Maryland 20892. This meeting will be open to the public on April 29 from 8:50 p.m. to 9:30 p.m., and April 30 from 9 a.m. to 12 noon and again from 2 p.m. to 4:30 p.m. The open portion of the meeting will be devoted to scientific presentations by various laboratories of the NIDDK Intramural Research Program. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sec. 552b(c)(6), title 5, U.S.C. and sec. 10(d) of Public Law 92–463, the meeting will be closed to the public on April 29 from 8:20 p.m. to 8:50 p.m., April 30 from 12 noon to 2 p.m. and again from 4:30 p.m. to recess, and May 1 from 9 a.m. to adjournment for the review, discussion and evaluation of individual intramural programs and projects conducted by the NIDDK, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Summaries of the meeting and rosters of the members will be provided by the Committee Management Office, National Institute of Diabetes and Digestive and Kindey Diseases, building 31, room 9A19, Bethesda, Maryland 20892. Further information concerning the meeting may be obtained by contacting the office of Dr. Allen Spiegel, Scientific Review Administrator, Board of Scientific Counselors, National Institutes of Health, building 10, room 9N–222, Bethesda, Maryland 20892, (301) 496–4128.

Dated: March 17, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92–7627 Filed 4–1–92; 8:45 am]

BILLING CODE 4140–01–M

National Cancer Institute; Meeting—Board of Scientific Counselors, Division of Cancer Prevention and Control

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, Division of Cancer Prevention and Control, National Cancer Institute, May 7–8, 1992, building 31, conference room 10, Sixth Floor, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20892.

This meeting will be open to the public on May 7 from 1 p.m. to 5 p.m. and on May 8 from 8:30 a.m. until adjournment to discuss administrative details and for the discussion and review of concepts and programs within the Division. Attendance by the public will be limited to space available.

The Committee Management Office, National Cancer Institute, building 31, room 10A06, National Institutes of Health, Bethesda, Maryland 20892, (301/496–5708) will provide a summary of the meeting and a roster of committee members, upon request.

Other information pertaining to this meeting can be obtained from the Executive Secretary, Linda M. Bremerman, National Cancer Institute, Executive Plaza-North, room 318, National Institutes of Health, Bethesda, Maryland 20892 (301–496–8526), upon request.

(Catalog of Federal Domestic Assistance Program Numbers: 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control)

Dated: March 23, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92–7628 Filed 4–1–92; 8:45 am]

BILLING CODE 4140–01–M

National Cancer Institute; Meeting; Board of Scientific Counselors, Division of Cancer Etiology

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, Division of Cancer Etiology on May 14–15, 1992. The meeting will be held in Wilson Hall, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20892.

This meeting will be open to the public from 11 a.m. to recess on May 14 and from 9 a.m. to adjournment on May 15 for discussion and review of the Division budget and review of concepts for grants and contracts. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92–463, the meeting will be closed to the public from 9 a.m. to approximately 11 a.m. on May 14 for the review, discussion and evaluation of individual programs and projects conducted by the Division of Cancer Etiology. These programs, projects, and discussions could reveal personal information concerning individuals associated with the programs and projects, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Ms. Carole A. Frank, Committee Management Officer, National Cancer Institute, Building 31, room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. David McB. Howell, Executive Secretary of the Board of Scientific Counselors, Division of Cancer Etiology, National Cancer Institute, Building 31, room 11A06, National Institutes of Health, Bethesda, Maryland 20892 (301/496–6927) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Numbers: 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control)

Dated: March 17, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92–7626 Filed 4–1–92; 8:45 am]

BILLING CODE 4140–01–M

Public Health Service

Privacy Act of 1974; Addition of New Routine Use to a System of Records

AGENCY: Public Health Service, HHS.

ACTION: Addition of a routine use to an existing system of records.

SUMMARY: In accordance with the provisions of the Privacy Act, the Public Health Service (PHS) is publishing a notice of the addition of a routine use to an existing system of records, 09–20–0147, "Occupational Health Epidemiological Studies, HHS/CDC/NIOSH."

DATES: PHS invites interested parties to submit comments on the proposed routine use on or before May 4, 1992. The additional routine use will be effective 30 days after the date of publication unless PHS receives comments which would result in a contrary determination.

ADDRESSES: Comments should be addressed to the Centers for Disease Control (CDC) Privacy Act Coordinator at the address listed below. Comments received will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday in the Executive Park Facility, Building 22, room 2236, Atlanta, Georgia.

FOR FURTHER INFORMATION CONTACT: Joseph E. Salter, Privacy Act Coordinator, Centers for Disease Control, 1600 Clifton Road, Executive Park Facility, Building 22, room 2236, Mailstop E–11, Atlanta, Georgia 30333, (404) 639–2940. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: CDC proposes to add a new routine use to an existing system of records within its National Institute for Occupational Safety and Health (NIOSH): 09–20–0147, "Occupational Health Epidemiological Studies. HHS/CDC/NIOSH." The new routine use is compatible with the purpose for which the information was collected. Specifically, a major purpose of the system of records is to evaluate mortality and morbidity of occupationally related diseases. This routine use is compatible in that it will permit the Department of Justice to assess the morbidity and mortality associated with uranium mining and will facilitate the implementation of the Radiation Exposure Compensation Act (hereinafter "the Act"), 42 U.S.C.A. 2210 note. The routine use will permit the Public Health Service (PHS) to disclose to the Department of Justice of the United States tha data obtained during the course of the PHS Epidemiological Study of United States Uranium Miners (hereinafter "the Study") as well as the census of uranium miners conducted during the 1950s and 1960s. The data will be used by the Department of Justice, pursuant to congressional directive, to make compassionate payments to uranium miners (or their survivors) who contracted lung cancer or certain other serious nonmalignant respiratory diseases after exposure to defined minimum levels of radiation in the uranium mines.

The Study examined a cohort of approximately 4,100 uranium miners in the southwestern states from the early 1950s through the late 1960s. The U.S. Public Health Service gathered extensive employment and health information on each member of the cohort, and has continued to update that data periodically. The Study found that there was a significant risk of developing lung cancer associated with uranium mining.

The results of the Study served as one of the principal bases for Congressional interest in the plight of the uranium miners who had mined the ore which was later refined and used in the Federal Government's nuclear weapons testing program. The House Judiciary Committee, the Senate Labor and Human Resources Committee, and the Senate Committee on Energy and Natural Resources examined the Study and received testimony from Dr. Victor E. Archer (formerly with PHS), Dr. Richard W. Hornung (Chief, Statistical Services Section, NIOSH) and others regarding the adverse impact of past uranium mining practices on the health of the miners. The Study is the single largest and most accurate collection of such information in existence in the U.S. It was relied on extensively by Congress in developing and passing the Act.

Permitting the Department of Justice to have access to the Study and the census data is consistent with the purpose for which the records were collected. The purpose of the Study was to evaluate the health of the cohort of uranium miners. Permitting the Department of Justice to have access to this data will allow them to reliably verify eligibility of miners on the basis of the data in the Study. The purpose of the claims program is to compensate individuals for illnesses connected to the very conditions being examined by the study.

Providing the Department of Justice with access to the Study records is consistent with the intent of Congress as represented in the Act. The Act provides that the Department of Justice should consult with the Director of NIOSH "with respect to making determinations" on the eligibility of miners for

compensation (42 U.S.C.A. 2210, section 6 (b)(2)). Access will enable the Department of Justice to expeditiously assess the eligibility of miners or their widows for compensation.

Permitting access to the Department of Justice will significantly decrease the administrative cost and effort required to implement the Act. Without access and use, the Department of Justice would be forced to require each of the more than 17,000 potentially eligible miners to provide written consent for the Justice Department to obtain access to the Study for the purpose of obtaining available information. The Justice Department would spend resources and time unnecessarily in transmitting each written consent to PHS and following up on each request for data. PHS would spend resources and time unnecessarily in responding individually to each request for data. Access by Justice Department personnel would eliminate these inefficiencies.

Permitting the Department of Justice to have access and use the data would not result in the unauthorized release of private information contained in the Study. Study information received by the Department of Justice will be maintained in a secure manner in the Department of Justice system of records "Civil Division Case File System, Justice/CIV-001." Access will be limited to Justice Department employees whose official duties require access to the Study data. All data will be kept in a locked, limited access area.

Dated: March 24, 1992.

Wilford J. Forbush,

Director, Office of Management.

09-20-0147

SYSTEM NAME:

Occupational Health Epidemiological Studies, HHS/CDC/NIOSH.

A new routine use, number 9, is added as follows:

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

9. Disclosure of epidemiologic study records pertaining to uranium workers may be made to the Department of Justice to be used in determining eligibility for compensation payments to the miners or their survivors.

[FR Doc. 92-7585 Filed 4-1-92; 8:45 am]

BILLING CODE 4160-18-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT-070-4410-08]

Planning Area Boundary for the Dillon Resource Area; Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Administrative changes were made within the Butte District in 1983. As a result, the Dillon Resource Area was delineated as follows: Beaverhead County with the exception of public lands south of the Big Hole River and north of the forest boundary in Ranges 10 W. through 14 W. and Madison County.

The changes in boundaries were needed to facilitate administrative effectiveness and efficiency.

This notice serves as the official record of the current planning area boundary for Dillon Resource Area, Butte District BLM.

FOR FURTHER INFORMATION CONTACT: Jim Lewis, Dillon Resource Area Manager, 1005 Selway Drive, Dillon, Montana 59725, COM 406-683-2337 or FTS 391-2205.

Dated: March 24, 1992.

Francis R. Cherry, Jr.,

Associate State Director.

[FR Doc. 92-7603 Filed 4-1-92; 8:45 am]

BILLING CODE 4310-DN-M

[WY-920-00-4120-16]

Coal leases, Exploration Licenses, etc.; Wyoming

AGENCY: Bureau of Land Management, (Wyoming) Interior.

ACTION: Notice of Public Hearing for WYODAK Mine Logical Mining Unit, (LMU) (WYW073289, WYW0111833, WYW0313666, WYW78630, AND WYW85379).

SUMMARY: Notice is hereby given that WYODAK Resources Development Corp. (WYODAK) has filed an application for the Wyodak Mine Logical Mining Unit (LMU) in accordance with the provisions of 43 CFR Part 3497. The approval of this LMU application is proposed to be effective December 31, 1991.

DATES: A public hearing to receive comments from any person having a direct interest in the LMU has been scheduled to be held on May 14, 1992, at 7 p.m.

ADDRESSES: The public hearing will be held in the Canyon Room at the Holiday Inn, 2008 S. Douglas Hwy 59, Gillette, Wyoming. Any written comments concerning approval of the LMU should be sent, within fourteen (14) days of this notice, to the District Manager, Casper District Office, U.S. Bureau of Land Management, 1701 East "E" Street, Casper, Wyoming 82601.

FOR FURTHER INFORMATION CONTACT: Lou Ouano, Mining Engineer, Branch of Solid Minerals, Casper District Office at (307) 261-7600 or Laura Steele, Land Law Examiner, Branch of Mining Law and Solid Minerals, Wyoming State Office, at (307) 775-6250.

SUPPLEMENTARY INFORMATION: A Notice of Availability for the LMU affecting Federal coal leases, WYW073289, WYW0111833, WYW0313666, WYW78630, and WYW85379, leased by the Federal Government to WYODAK and fee coal owned by WYODAK, was published in the Gellette News-Record on March 23 and 30, 1992. The descriptions of the land to form the LMU are as follows:

Federal Coal and Land Description

WYW073289 T. 50N., R. 71 W., 6th P.M., Wyoming
Sec. 28: SWNE, E2NW, SWNW, SW, W2SE.
Containing 400.00 acres.

WYW0111833 T. 50 N., R. 71 W., 6th P.M., Wyoming
Sec. 21: S2SESE;
Sec. 22: S2SWSW;
Sec. 28: NWNE.
Containing 80.00 acres.

WYW031366 T. 50 N., R. 71 W., 6th P.M., Wyoming
Sec. 10: S2SW;
Sec. 15: W2E2, W2;
Sec. 21: N2, N2N2N2SW, SESW, NESE, SWSE;
Sec. 22: W2NE, NW, N2NESW, NWSW, S2SESW, E2SE, N2NWSE, N2S2NWSE, S2S2SWSE.
Containing 1,460.00 acres.

WYW78630 T. 50 N., R. 71 W., 6th P.M., Wyoming
Sec. 34: S2N2, SW.
Containing 320.100 acres.

WYW85379 T. 50 N., R. 71 W., 6th P.M., Wyoming
Sec. 27: E2SW, SWSE;
Sec. 34: N2NE, NENW.
Containing 240.00 acres.

The combined acreage of these Federal coal leases is 2,500.00 acres.

Non-Federal lands: Surface and Coal

Owned by WYODAK T. 50 N., R. 71 W., 6th P.M., Wyoming
Sec. 27: SWNW;
Sec. 28: NESE, E2NE.
Containing 160.00 acres.

Total LMU Acreage: 2,660.00 acres

Ray Brubaker,

State Director.

[FR Doc. 92-7557 Filed 4-1-92; 8:45 am]

BILLING CODE 4310-22-M

[WY-930-02-4111-09]

Big Piney-LaBarge Coordinated Activity Plan; Protest Opportunity

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of opportunity to protest the approval of the Big Piney-LaBarge Coordinated Activity Plan.

SUMMARY On November 15, 1991, the Bureau of Land Management (BLM) published a notice in the **Federal Register**, which improperly stated that the decision to approve the Big Piney-LaBarge Coordinated Activity Plan (CAP) was subject to appeal as provided by 43 CFR 4.4. Subsequent examination of the plan and associated records determined that the plan was protestable to the BLM Director under the administrative review provisions of 43 CFR 1610.5.

This notice is published for the purpose of initiating a planned protest period. The protest period will extend for 30 days beginning with the publication date of this notice. To be considered in the administrative review process, any protest must be postmarked no later than the last day of the protest period.

Under the provisions of 43 CFR 1610.5, only those persons or organizations who participated in the planning process leading to the Big Piney-LaBarge CAP may protest. A protesting party may raise only those issues which he or she submitted for the record during the planning process.

DATES: Protests must be filed, in writing, with the Director (WO-760), Bureau of Land Management, 1849 C Street NW., Washington, DC 20240.

In order to be considered complete, a protest must contain, at a minimum, the following information:

1. The name, mailing address, telephone number and interest of the person filing the protest;

2. A statement of the issue or issues being protested;

3. A statement of the part or parts of the Big Piney-LaBarge CAP being protested;

4. A copy of all documents addressing the issue or issues that were submitted during the CAP planning process by the protesting party or an indication of the date the issue or issues were discussed for the record; and

5. A concise statement explaining why the State Director's decision is believed to be incorrect.

FOR FURTHER INFORMATION CONTACT: For further information contact Bill Daniels, Chief, Branch of Planning and Environmental Coordination, Bureau of Land Management, Wyoming State Office (WY-934), P.O. Box 1828, Cheyenne, Wyoming 82003, telephone (307) 775-6105, or Arlan Hiner, Pinedale Resource Area Manager, Bureau of Land Management, P.O. Box 768, Pinedale, Wyoming 82941, telephone (307) 367-4358.

Dated: March 26, 1992.

F. William Eikenberry,

Associate State Director.

[FR Doc. 92-7592 Filed 4-1-92; 8:45 am]

BILLING CODE 4310-22-M

[ID-030-02-4212-13] IDI-28137

Realty Action (IDI-28137); Private Exchange Involving Lands in Bonneville County, ID

AGENCY: Bureau of Land Management, Interior.

ACTION: Private exchange involving public lands in Bonneville County, Idaho.

The following described public land in Bonneville County, Idaho has been found suitable for disposal by exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2756, 43 U.S.C. 1716):

Boise Meridian, Idaho

T. 1 N., R. 44 E.,

Sec. 22, SW¼NW¼NW¼SE¼NW¼, SW¼NW¼SE¼NW¼,S½SE¼NW¼SE¼NW¼,SW¼SE¼NW¼, W½NW¼SE¼SE¼NW¼,SW¼SE¼SE¼NW¼.

The area described contains 18.125 acres, more or less.

Upon publication of this notice in the **Federal Register**, the subject public lands will be segregated from all forms of appropriation under the public land laws, including the general mining laws, except for leasing under the mineral leasing laws. The segregative effect will terminate upon issuance of patent to the exchange proponent or upon expiration of two years from the effective date, or by publication of a Notice of Termination by the Authorized Officer, whichever comes first.

In exchange for these lands, the United States will acquire the following described lands in Bonneville County, Idaho from Walter Weeks:

Boise Meridian, Idaho

T. 1 N., R. 44 E.,

Sec. 22, NW¼SE¼ (Within).

The area described contains 32.53 acres, more or less.

BLM proposes to exchange public land for private land in Bonneville County, Idaho to acquire winter range for mule deer. The value of the lands to be exchanged has been estimated to be equal. This exchange is consistent with BLM and local planning for the lands involved. The public interest will be well served by completing the exchange.

The patent, when issued, will contain the following reservations to the United States:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States. Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

The patent will also be issued subject to:

1. A right-of-way described under Serial Number IDI-21038 for an electric powerline issued under the Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

2. A right-of-way described under Serial Number IDI-06499 for an electric powerline issued under the Act of March 4, 1911 (356 Stat. 1253).

Detailed information concerning the exchange, including the environmental assessment is available for review at the Idaho Falls District, Bureau of Land Management, 940 Lincoln Road, Idaho Falls, Idaho 83401.

For a period of 45 days from the date of publication of this notice, interested parties may submit comments to the District Manager, Idaho Falls District, at the above address. In the absence of timely objections, this proposal shall become the final determination of the Department of Interior.

Dated: March 24, 1992.

Lloyd H Ferguson,

District Manager.

[FR Doc. 92-7598 Filed 4-1-92; 8:45 am]

BILLING CODE 4310-GG-M

[WY-010-02-4212-21; WYW-121792]

Realty Action; Lease of Public Lands; Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action, noncompetitive surface facility lease in Hot Springs County, Wyoming.

SUMMARY: The following lands have been examined and found suitable for lease under section 302 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 2920.

Sixth Principal Meridian

T. 44 N., R. 98 W.,

Beginning at a point which bears S. 00°03′ W., 1,630.41 feet to a point; thence S. 54°00′ W., 193.35 feet to a point; thence N. 22°35′W., 181.44 feet from the quarter corner between sections 13 and 14.

From the point of beginning by metes and bounds N. 31°37′30″ W., 85.51 feet; S. 58°36′W., 120.00 feet; S. 21°36′ E. 83.88 feet; N. 59°48′30″ E., 134.55 feet to the point of beginning.

The above land contains 0.246 acre more or less.

FOR FURTHER INFORMATION CONTACT: Joseph T. Vessels, Area Manager, Grass Creek Resource Area, Bureau of Land Management, P.O. Box 119, Worland, Wyoming 82401, (307) 347–9871.

SUPPLEMENTARY INFORMATION: The Bureau of Land Management proposes to lease the surface of approximately 0.246 acres of public land to Catherine E. Hammond, who currently has a contract to operate a United States Post Office facility at Hamilton Dome, Wyoming, for a period of ten years. The appraised rental for the site is $200.00 annually.

For a period of forty-five (45) days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Bureau of Land Management, P.O. Box 119, Worland, Wyoming 82401. Any adverse comments will be evaluated by the District Manager, who may sustain, vacate, or modify this realty action. In the absence of any objections, the realty action will become the final determination of the Department of the Interior.

Dated: March 19, 1992.

Joseph T. Vessels,

Grass Creek Resource Area Manager.

[FR Doc. 92–7535 Filed 4–1–92; 8:45 am]

BILLING CODE 4310-22-M

[UT-040-02-4332-12]

Regulation Changes for the Paria Canyon-Vermilion Cliffs Wilderness Area, UT-AZ

AGENCY: Bureau of Land Management, Interior.

ACTION: The Bureau of Land Management is revising and updating the visitor use regulations for the Paria Canyon, Buckskin Gulch, and Wire Pass drainages of the Paria Canyon-Vermilion Cliffs Wilderness. These regulations are designed to promote a low impact, wilderness use ethic for visitors that is aimed at protecting the wilderness values and wilderness experience opportunities in these canyons for all who visit these areas.

The change in regulations is in compliance with the Paria Canyon-Vermilion Cliffs Wilderness Management Plan (1986) and authorized under Federal Regulations (43 CFR 8560.0–6) Management of Designated Wilderness Areas.

The following visitor use regulations apply:

• Party or group size is limited to 10 persons (groups larger than 10 will be required to split into groups of 10 or less and begin hiking on separate days.)

Rationale: Campsite available in the canyons are to small to accommodate 15 people at one time or more than one large group at one time. Smaller groups will contribute to a reduction in impacts such as erosion and vegetative damage.

• A Special Recreation Permit is required for all proposed, commercial uses such as outfitters or guided trips where profit from client fees is sought.

Rationale: Federal regulations (43 CFR 8372.1–1) require that all commercial recreation uses on all public lands be authorized by Special Recreation Permit.

• The use of horses in conjunction with an approved Special Recreation Permit (commercial operators is allowed only in Paria Canyon from Bush Head Canyon downstream to the wilderness boundary.

Rationale: Provisions for the use of horses in the lower reaches of Paria Canyon in conjunction with approved commercial outfitting, guiding, or packing was made in the wilderness plan primarily to accommodate guided hunts for bighorn sheep.

• Private use of horses, burros, llamas, and goats is allowed in Paria Canyon, however, these animals must stay in the "shoreline terrace" areas and not be taken onto "wooded terraces".

Rationale: Animals can greatly accelerate the erosion of these silt terraces, especially when tied to trees as this tends to concentrate the effects of trampling.

• Campfires and burning of trash are not allowed in the canyons.

Rationale: Campfires leave unsightly scars and fire rings tend to become full of deposits of partially burned trash. Also, campfires require wood to burn and in the narrow canyon environment, dead wood has become scarse.

• Visitors entering the Paria Canyon, Buckskin Gulch, or Wire Pass drainages must register at one of the four designated trailheads; White House, Buckskin, Wire Pass, Lees Ferry. (This does not constitute a formal permit, reservation, or fee system.)

Rationale: Registration is important because it allows indirect monitoring of visitors' locations in the canyons for emergency purposes.

• Visitors staying one or more nights in the canyons must camp only in existing campsites or, if necessary and safe, on shoreline terraces.

Rationale: Most desirable locations in the canyons already contain a campsite; some are small, while other more popular sites are fairly large. With such campsite availability, there is no need to create new sites.

• All camp and latrine areas must be at least 100 feet from springs and pack stock restraint areas 200 feet from springs.

Rationale: By keeping camps and the activities associated with camps, such as bathing, dishes, latrine, and animal restraint, away form spings, the quality of water at the springs will be maintained.

• Cutting of trees, limbs, or other plants to make camp "improvements" is prohibited

Rationale: Vegetative resources can become damaged, bug-infested, or even scarse very quickly in a narrow, canyon environment if everyone tries to "improve" the campsite. Take your camp as it is.

• Camping is not allowed on or adjacent to any archaeological site.

Rationale: Federal law (the Archaeological Resources and Protection Act of 1979 [ARPA] prohibits disturbing or defacing these resources.

• Disturbing or defacing prehistoric or historic ruins, sites, artifacts, or rock art panels is prohibited by law. This includes removal of broken pieces of pottery, bone, or stone artifacts from the surface of any site.

Rationale: Again, APRPA applies here. The value of archaeological sites is scientific study, as well as public interpretation.

• All trash associated with an individual or group trip, including used toilet paper, must be packed out of the canyons by that individual or group.

Rationale: Burning and burying trash and toilet paper have been unsuccessful methods of disposal. These methods have left smouldering smelly debris, piles of unburned or partially burned toilet paper and dug up trash and toilet paper by animals. It is best to plan ahead, go prepared to store all generated trash and toilet paper in large, sealable bags, to be deposited in garbage cans at one of the trailheads.

• The Paria Canyon-Vermilion Cliffs Wilderness is closed to motor vehicles, motorized equipment, or other forms of mechanical transport, including bicycles and hang gliders.

Rationale: Federal laws (the Wilderness Act of 1964 and the Arizona Wilderness Act of 1984 generally prohibit such uses of wilderness. BLM is charged with managing

the wilderness so that the natural condition, opportunities for solitude and for primitive and unconfined types of recreation, and any ecological, geological, or other features of scientific, educational, scenic, or historical value will remain unimpaired.

SUMMARY: The above regulations are for the Paria Canyon, Buckskin Gulch, and Wire Pass drainages of the Paria Canyon-Vermilion Cliffs Wilderness. Other regulations apply to areas outside of these drainages. If parties are planning on visiting other portions of the wilderness, please contact the Kanab or Vermilion Resource Area Offices prior to your trip.

DATES: The regulations are effective as of 12 a.m., May 1, 1992.

FOR FURTHER INFORMATION CONTACT: BLM, Kanab Resource Area Office, 318 North 1st East, Kanab, Utah 84741 (801) 644–2672, or Vermilion Resource Area Office, 225 North Bluff Street, St. George, Utah 84770 (801) 628–4491.

Dated: March 26, 1992.

Gordon R. Staker,

District Manager.

[FR Doc. 92–7597 Filed 4–1–92; 8:45 am]

BILLING CODE 4310-DQ-M

[ES-962-4950-13; ES-045002, Group 28, Missouri]

Filing of Plat of Dependent Resurvey and Subdivision of Sections 7 and 18, Stayed

On Wednesday, February 12, 1992 there was published in the **Federal Register**, Volume 57, Number 29, on page 5167 a notice entitled "Filing of Plat of Dependent Resurvey and Subdivision of Sections 7 and 18". In said notice was a plat depicting the dependent resurvey of a portion of the subdivisional lines, and the survey of the subdivision of sections 7 and 18; certain metes-and-bounds surveys, and the survey of road easements necessary to delineate the Wappappello Lake Acquisition Boundary of Township 28 North, Range 6 east, Fifth Principal Meridian, Missouri, accepted on February 3, 1992. The official filing date of the plat is hereby stayed, pending consideration of all protests.

Dated: March 26, 1992.

Denise P. Meridith,

State Director.

[FR Doc. 92–7536 Filed 4–1–92; 8:45 am]

BILLING CODE 4310-GJ-M

[OR-942-00-4730-12: GP2-189]

Filing of Plats of Survey; Oregon/Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey of the following described lands are scheduled to be officially filed in the Oregon State Office, Portland, Oregon, thirty (30) calendar days from the date of this publication.

Willamette Meridian

Oregon

T. 17 S., R. 1 W., accepted February 25, 1992.
T. 18 S., R. 1 W., accepted February 18, 1992.
T. 34 S., R. 3 W., accepted March 9, 1992.
T. 19 S., R. 5 W., accepted March 13, 1992.
T. 17 S., R. 7 W., accepted February 18, 1992.
T. 29 S., R. 8 W., accepted February 25, 1992.
T. 15 S., R. 9 W., accepted March 6, 1992.
T. 23 S., R. 10 W., accepted March 6, 1992.
T. 19 S., R. 1 E., accepted February 14, 1992.
T. 40 S., R. 2 E., accepted February 7, 1992.

If protests against a survey, as shown on any of the above plat(s), are received prior to the date of official filing, the filing will be stayed pending consideration of the protest(s). A plat will not be officially filed until the day after all protests have been dismissed and become final or appeals from the dismissal affirmed.

The plat(s) will be placed in the open files of the Oregon State Office, Bureau of Land Management, 1300 NE. 44th Avenue, Portland, Oregon 97213, and will be available to the public as a matter of information only. Copies of the plat(s) may be obtained from the above office upon required payment. A person or party who wishes to protest against a survey must file with the State Director, Bureau of Land Management, Portland, Oregon, a notice that they wish to protest prior to the proposed official filing date given above. A statement of reasons for a protest may be filed with the notice of protest to the State Director, or the statement of reasons must be filed with the State Director within thirty (30) days after the proposed official filing date.

The above-listed plats represent dependent resurveys, survey and subdivision.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, 1300 NE. 44th Avenue, P.O. Box 2965, Portland, Oregon 97208.

Dated: March 24, 1992.

Robert E. Mollohan,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 92–7601 Filed 4–1–92; 8:45 am]

BILLING CODE 4310-33-M

[ES-962-4950-13-4600: ES-045082, Group 1, Washington, DC]

Filing of Plat of Dependent Resurvey

The plat, in one sheet, of a portion of the boundary of U.S. Reservation No. 518, Washington, DC, has been officially filed in Eastern States, Alexandria, Virginia, at 7:30 a.m., on March 17, 1992.

The survey was made upon request submitted by the National Park Service. Copies of the plat will be available upon request and prepayment of the reproduction fee of $4.00 per copy.

Dated: March 26, 1992.

Denise P. Meridith,

State Director.

[FR Doc. 92–7624 Filed 4–1–92; 8:45 am]

BILLING CODE 4310-65-M

Fish and Wildlife Service

Marine Mammal Annual Report Availability, Calendar Year 1990

AGENCY: Fish and Wildlife Servie, Interior.

ACTION: Notice of availability of calendar year 1990 Marine Mammal Annual Report.

SUMMARY: The U.S. Fish and Wildlife Service (Service) has issued the 1990 annual report on administration of the marine mammals under its jurisdiction, as required by section 103(f) of the Marine Mammal Protection Act of 1972. The report covers the period January 1 to December 31, 1990, and was submitted to the Congress on February 10, 1992. By this notice, the public is informed that a 1990 report is available and that interested individuals may obtain a copy by written request to the Service.

ADDRESSES: Written request for copies should be addressed to: Publications Unit, U.S. Fish and Wildlife Service, Department of the Interior, Mail Stop 130 Arlington Square, 1849 C Street, NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Jeffrey L. Horwath, Division of Fish and Wildlife Management Assistance, U.S. Fish and Wildlife Service, Department of the Interior, Mail Stop 820-Arlington Square, 1849 C Street, NW., Washington, DC 20240, (703) 358–1718.

SUPPLEMENTARY INFORMATION: The Service is responsible for eight species of marine mammals under the jurisdiction of the Department of the Interior, as assigned by the Marine Mammal Protection Act of 1972. These species are polar bear, sea and marine otters, walrus, manatees (three species) and dugong. The report reviews the Service's marine mammal-related activities during the report period. Administrative actions discussed include appropriations, marine mammals in Alaska, endangered and threatened marine mammal species, law enforcement activities, scientific research and public display permits, certificates of registration, research, Outer Continental Shelf environmental studies and international activities.

This notice was prepared by Jeffrey L. Horwath, Wildlife Biologist, Division of Fish and Wildlife Management Assistance, U.S. Fish and Wildlife Service, Washington, DC 20240.

Dated: March 19, 1992.

Richard N. Smith,

Deputy Director.

[FR Doc. 92-7609 Filed 4-1-92; 8:45 am]

BILLING CODE 4310-55-M

INTERSTATE COMMERCE COMMISSION

Availability of Environmental Assessments

Pursuant to 42 U.S.C. 4332, the Commission has prepared and made available environmental assessments for the proceedings listed below. Dates of environmental assessments are available and listed below for each individual proceeding.

To obtain copies of these environmental assessments contact Ms. Johnnie Davis or Ms. Victoria Dettmar, Interstate Commerce Commission, Section of Energy and Environment, room 3219, Washington, DC 20423, (202) 927-5750 or (202) 927-6211.

Comments on the following assessment are due 15 days after the date of availability:

AB-55 (Sub-No. 416X), CSX Transportation—Abandonment—In Polk County, Florida. EA available 3/24/92.

Comments on the following assessment are due 30 days after the date of availability:

AB-33 (Sub-No. 71X), Union Pacific Railroad Company—Abandonment Exemption—In Lancaster County, Nebraska. EA available 3/27/92.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92-7570 Filed 4-1-92; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 32017]

Burlington Northern Railroad Co.—Acquisition and Operation Exemption—South Dakota Railroad Authority

Burlington Northern Railroad Company (BN) has filed a notice of exemption to acquire a 484-mile line of the South Dakota Railroad Authority (SDRA) between milepost 600.7 near Ortonville, MN, and milepost 1080.6 near Terry, MT. BN has provided service over the line since April 19, 1982, under a modified certificate of public convenience and necessity. The line had been abandoned by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Milwaukee), acquired by the State authority (SDRA), and leased to BN.[1] Since that time, BN has operated the line as a part of its system, and has paid the principal and interest on the acquisition and rehabilitation debt for the line. Under the operating agreement with SDRA, upon satisfaction of the debt obligations on the line, BN could exercise a purchase option and for $1.00 take legal title to the line. After BN receives authority from this Commission to acquire the line, it will record the change of title in the appropriate counties. There will be no change in operations on the line.

Acquisition of an active rail line by a rail carrier requires approval under 49 U.S.C. 11343. However, where a line is no longer subject to the Commission's jurisdiction due to its having been abandoned, the acquisition and operation of that line is subject to the prior approval requirements of 49 U.S.C. 10901 instead. Thus, since the line involved here had been abandoned by the Milwaukee,[2] BN has properly invoked the Commission's notice of exemption procedures at 49 CFR part 1150, subpart D applicable to section 10901 acquisitions and operations to acquire the subject line.[3]

BN's notice seeks authority only to acquire, and not to operate, the involved line. Presumably, BN assumes that since it has been operating the line under a modified certificate for over 10 years, it needs no further operating authority. However, modified certificates apply only to operations over State owned lines. Therefore, after BN acquires this line, its modified certificate authority will no longer be valid. Accordngly, BN's request is amended to include authority to operate the line as well.[4]

Any comments must be filed with the Commission and served on: Michael E. Roper, Associate General Counsel, Burlington Northern Railroad Company, 3800 Continental Plaza, 777 Main Street, Fort Worth, TX 76102-5384.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke does not automatically stay the transaction.

Decided: March 27, 1992.

By the Commission, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92-7571 Filed 4-1-92; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree; Puerto Rico Administration of Corrections

In accordance with Department policy, 28 CFR 50.7, notice is hereby

[1] See Finance Docket No. 29907, *Burlington Northern Railroad Company—Operation—Between Ortonville, MN AND Terry, MT* (not printed), served May 4, 1982, and our rules governing modified certificates now codified at 49 CFR 1150, subpart C.

[2] As noted, after abandonment the State then acquired the line and BN received authority to operate the line under the Commission's modified certificate rules. Under those rules, the State has not incurred any common carrier obligation, is not a railroad, and therefore this acquisition by BN is not a transaction between railroads. BN, as operator, has been exempted from 49 U.S.C. 10901 and 10903 governing the start up and termination of operations.

[3] The Railway Labor Executives' Association (RLEA) filed a routine request mistakenly identifying BN's notice as a request for exemption from 49 U.S.C. 11343-11347 and seeking the imposition of employee protective conditions under section 11347. As discussed, section 10901 governs this transaction, not 11343. The Commission has determined that labor protective conditions will not be imposed on this class of transactions unless exceptional circumstances are shown. Ex Parte 392 (Sub-No. 1), *Class Exemption—Acq. & Oper. of R. Lines Under 49 U.S.C. 10901*, 1 I.C.C.2d 810, 814 (1986), *aff'd sub nom. Illinois Commerce Commission* v. *I.C.C.*, 817 F.2d 145 (D.C. Cir. 1987). RLEA does not allege that exceptional circumstances are involved. Accordingly, labor protective conditions will not be imposed.

[4] If it has not done so already, BN should also comply with 49 CFR 1150.24 and notify the appropriate parties that it will cease providing service under the modified certificate but will continue providing service pursuant to this notice of exemption.

given that on March 16, 1992, a proposed Consent Decree in *United States* v. *Puerto Rico Administration of Corrections*, Civil No. 90–2119 (JAF), was lodged with the United States District Court for the District of Puerto Rico. The proposed Consent Decree settles the United States' claims that the defendant had violated provisions of the Clean Water Act through its failure to comply with the terms and conditions of its National Pollutant Discharge Elimination System permits for discharges from wastewater treatment plants at its Guayama, Guavate, and Zarzal facilities.

Under the terms of the Consent Decree, settling defendant will pay $1,000,000 in civil penalties and implement a program pursuant to a specified schedule to bring each of three wastewater treatment systems into compliance with the defendant's National Pollutant Discharge Elimination System permits.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, U.S. Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Puerto Rico Administration of Corrections*, D.O.J. Ref. 90–5–1–1–3364.

The proposed Consent Decree may be examined at the Region II Office of the Environmental Protection Agency, 26 Federal Plaza, New York, New York 10278. Copies of the Consent Decree may be examined at the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue Building, NW., Washington, DC 20044 (202–347–2072). A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue Building, NW., Box 1097, Washington, DC 20044. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $7.75 (25 cents per page reproduction cost) made payable to Consent Decree Library.

John C. Cruden,

Environment and Natural Resources Division Chief, Environmental Enforcement Section.

[FR Doc. 92–7538 Filed 4–1–92; 8:45 am]

BILLING CODE 4410–01–M

Pollution Control; Lodging of Consent Decree

In accordance with Section 122 of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("DERCLA"), 42 U.S.C. 9622, and the policy of the Department of Justice, 28 CFR 50.7, notice is hereby given that a consent decree was lodged in the United States District Court for the Northern District of Iowa on or about March 19, 1992, in settlement of the allegations in the complaint in the action styled *United States* v. *Solvay Animal Health, Inc. and the City of Charles City, Iowa*. This consent decree settles the government's claims brought pursuant to Sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, for costs incurred by the United States because of actual or threatened releases of hazardous substances from the Shaw Avenue Dump Site located in Charles City, Iowa.

Under the terms of the proposed consent decree, the defendants agree to pay the United States one hundred and eighteen thousand, three hundred and forty two dollars, and forty cents ($118,342.40) for costs incurred by the United States relating to the Site. The defendants also agreed to design and implement a remedial action at the site. The remedial action involves, in part, excavating and disposing of certain contaminated soils in an offsite facility, capping, and groundwater monitoring.

The Department of Justice will receive comments relating to the proposed consent decree for a period of 30 days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, 10th and Pennsylvania Ave, NW., Washington, DC 20530. All comments should refer to *United States* v. *Solvay Animal Health, Inc. and the City of Charles City, Iowa*, D.J. Ref. 90–11–2–772.

The proposed consent decree may be examined at the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue Building, NW., Box 1097, Washington, DC 20004, 202–347–2072. A copy of the proposed consent decree may be obtained in person or by mail from the Document Center. In requesting a copy, please enclose a check in the amount of $43.50 (25 cents per page reproduction costs) payable to Consent Decree Library. The proposed Consent Decree may also be reviewed at the Environmental Protection Agency:

EPA Region VII

Contact: Doug Walther, Office of Regional Counsel, U.S. Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101, (918) 551–7010.

Roger B. Clogg,

Acting Assistant Attorney General Environment and Natural Resources Division.

[FR Doc. 92–7539 Filed 4–1–92; 8:45 am]

BILLING CODE 4410–01

Antitrust Division

Notice Pursuant to the National Cooperative Research Act of 1984; Bell Communications Research, Inc.

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), Bell Communications Research, Inc. ("Bellcore") on March 4, 1992, filed a written notification on behalf of Bellcore and Lasertron, Inc. ("Lasertron") simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to the venture and (2) the nature and the objective of the venture. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties to the venture, and its general areas of planned activities, are given below.

Bellcore is a Delaware corporation with its principal place of business in Livingston, New Jersey.

Lasertron is a Massachusetts corporation with its principal place of business in Burlington, Massachusetts.

Bellcore and Lasertron entered into an agreement effective as of January 6, 1992 to engage in cooperative research of the reliability of strained-layer quantum well lasers to better understand the applications and long term performance characteristics of these devices for exchange and exchange access services.

Joseph H. Widman,

Director of Operations, Antitrust Division.

[FR Doc. 92–7611 Filed 4–1–92; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research Act of 1984; Computer Aided Manufacturing—International, Inc.

Notice is hereby given that, on January 2, 1992, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), Computer Aided Manufacturing—International, Inc. ("CAM–I") filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in the membership and research and development project areas of CAM–I. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

The current industrial member companies in the United States are: Aluminum Co. of America (Alcoa), Alcoa Center, Pennsylvania; Allied-Signal—Kansas City Div., Kansas City, Missouri; Arthur Andersen, Los Angeles, California; The Boeing Company, Seattle, Washington; Brown & Sharpe, N. Kingston, Rhode Island; Caterpillar, Inc., Peoria, Illinois; Clark Equipment Co., South Bend, Indiana; Deloitte & Touche, Boston, Massachusetts; Eastman Kodak Company, Rochester, New York; Electronic Data Systems, Warren, Michigan; Emerson Electric, St. Louis, Missouri; Ernst & Young, Cleveland, Ohio; General Dynamics—Ft. Worth Div., Ft. Worth, Texas; General Electric, Schenectady, New York; Goldstar, Changwon City, Korea; Grumman Aerospace, Bethpage, New York; Harris Corporation, Melbourne, Florida; Honeywell, Inc., Minneapolis, Minnesota; Hughes Aircraft Co., El Segundo, California; IBM Corporation, Boca Raton, Florida; J.I. Case Co., Racine, Wisconsin; KPMG Peat Marwick, Palo Alto, California; LTV Aerospace & Defense Co., Dallas, Texas; Martin Marietta Energy Sys., Oak Ridge, Tennessee; McDonnell Douglas Corp., St. Louis, Missouri; National SemiConductor, Santa Clara, California; NIES, Canberra City, Australia; Northrop Corp., Hawthorne, California; Price Waterhouse, Cleveland, Ohio; Procter & Gamble Co., Cincinnati, Ohio; Rockwell International, El Segundo, California; Schlumberger, Sugarland, Texas; Texas Instruments, Plano, Texas; U.S. Air Force; U.S. Navy; and Westinghouse Electric Corporation, Columbia, Maryland.

The current industrial member companies in Europe are: Aerospatiale, Paris, France; Alcatel NV, Brussels, Belgium; British Aerospace, Hants, England; Groupe Bull, Paris, France; CTE/ITM, Genoa, Italy; Coopers & Lybrand, Deloitte, London, England; Eurosept, Boulogne, France; Finmeccanica, Rome, Italy; IPL–TNO, Apeldoorn, The Netherlands; IVF Swedish Institute, Goteborg, Sweden; Lucas Engineering, Solihull, West Midlands, England; Messerschmitt-Bolkow-blohm, Munich, Germany; Nuove Pignone, Florence, Italy; Philips International, Eindhoven, The Netherlands; Siemens AG, Munich, Germany; Telos Management, Milan, Italy; and Valmet Corporation, Helsinki, Finland.

Current industrial member companies in the Pacific region are: Fujitsu, Ltd., Kawasaki, Japan; Hitachi, Ltd., Yokohama, Japan; and Honda Engineering, Sayama City, Japan.

Current educational members in the United States are: Arizona State University, Tempe, Arizona; Brigham Young University, Provo, Utah; California Polytechnic, San Luis Obispo, California; Carnegie Mellon University, Pittsburgh, Pennsylvania; Illinois Institute of Technology, Chicago, Illinois; Massachusetts Institute of Technology, Cambridge, Massachusetts; Merrick School of Business, Baltimore, Maryland; North Carolina State University, Raleigh, North Carolina; North Texas State University, Denton, Texas; Oklahoma State University, Stillwater, Oklahoma; Portland State University, Portland, Oregon; Purdue University, West Lafayette, Indiana; Rennselaer Polytechnic Institute, Troy, New York; Stanford University, Palo Alto, California; University of California (UCLA), Los Angeles, California; University of Maryland, Baltimore, Maryland; University of Massachusetts, Amherst, Massachusetts; University of Minnesota, Minneapolis, Minnesota; University of Missouri—Rolla, Rolla, Missouri; University of New Hampshire, Durham, New Hampshire; University of San Francisco, San Francisco, California; University of Southern California, Los Angeles, California; University of Texas, Arlington, Arlington, Texas; University of Texas, Austin, Texas; University of Texas, El Paso, El Paso, Texas; and University of Waterloo—Ontario, Waterloo, Canada.

Current educational members in Europe are: Cranfield Institute of Technology, Poole, England; Groupe H.E.C., Jouy-en-Josas, France; Helsinki University of Technology, Espoo, Finland; Katholieke Universiteit Leuven (CRIF), Heverlee, Belgium; Loughborough University of Technology, Leicestershire, England; Politechnico Di Milano, Milan, Italy; Royal Institute of Stockholm, Stockholm, Sweden; Tech. Institute of Aachen, Aachen, Germany; Universiteit Frederciana Karlsruhe, Karlsruhe, Germany; University of Trondheim—Norway, Trondheim, Norway; and Univ. of Twente, Twente, The Netherlands.

The current educational member in the Pacific region is Kyoto University, Kyoto, Japan.

The planned activities of CAM–I remain unchanged except that the Product Optimization Program has been discontinued.

On December 15, 1984, the Joint Venture filed its original notification pursuant of section 6(a) of the Act. The Department of Justice ("the Department") published a notice in the **Federal Register** pursuant to section 6(b) of the Act on January 24, 1985, 50 FR 3425–26. Additional notifications showing changes in membership were published in the **Federal Register** on February 26, 1986, 51 FR 6812–13; May 4, 1987, 52 FR 16321–22; February 12, 1988, 53 FR 4232–33; February 6, 1989, 54 FR 5693–94; February 12, 1990, 55 FR 4916–17; and January 25, 1991, 56 FR 2949.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 92–7615 Filed 4–1–92; 8:45 am]

BILLING CODE 4410-01-M

Notice Pursuant to the National Cooperative Research Act of 1984

Notice is hereby given that, on February 18, 1992, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq* ("the Act"), Eastman Kodak Company filed written notification of a cooperative research project simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to the project, and (2) the nature and objectives of the project. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties to the cooperative research project and its general areas of planned activities are given below.

Eastman Kodak Company is a New Jersey corporation with its principal place of business at 343 State Street, Rochester, New York 14650. Fuji Photo Film Co., Ltd. is a Japanese corporation with its principal place of business at 26–30, Nishiazabu 2-chome, Minato-ku, Tokyo 106, Japan. Canon Inc. is a Japanese corporation with its principal place of business at 30–2, Shimomaruko

3-chome, Ohta-ku, Tokyo 146, Japan. Minolta Camera Co., Ltd. is a Japanese corporation with its principal place of business at 3–13, Azuchi-machi 2-chome, Chuo-ku, Osaka 541, Japan. Nikon Corporation is a Japanese corporation with its principal place of business at Fuji Building, 2–3, Marunouchi 3-chome, Chiyoda-ku, Tokyo 100, Japan.

The objectives of the cooperative research project are to investigate options for advanced silver-halide photographic systems that could provide enhanced benefits and flexibility of use, and to enable the addition of desirable features as project proceeds.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 92–7613 Filed 4–1–92; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research Act of 1984; Michigan Materials and Processing Institute

Notice is hereby given that, on February 19, 1992, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), the Michigan Materials and Processing Institute ("MMPI"') filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

The following company was recently accepted as a Full Member of MMPI: Himont Advanced Materials, a Division of Himont U.S.A., Inc., Lansing, Michigan and GE Plastics, Southfield, Michigan.

The following companies were recently accepted as Associate Members in MMPI: Chem-Trend, Incorporated, Howell, Michigan; Moldflow Pty. Ltd., Kalamazoo, Michigan; Auto-Air Composites, Inc., Lansing, Michigan and Wavemat Inc., Plymouth, Michigan.

On August 7, 1990, MMPI filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on September 6, 1990, 55 FR 36710. Additional notifications showing changes in membership were published in the **Federal Register** on July 5, 1991, 56 FR 30771 and January 15, 1992, 57 FR 1760.

Membership in this venture remains open, and MMPI intends to file additional written notification disclosing all changes in membership of this venture.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 92– 7612 Filed 4–1–92; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research Act of 1984; Petroleum Environmental Research Forum

Notice is hereby given that, on February 10, 1992, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301, *et seq.* ("the Act"), the participants in the Petroleum Environmental Research Forum ("PERF") Project No. 91–07, titled "Development of Ex-situ Soil Washing Techniques to Remediate Brine Contaminated Soils," filed written notifications simultaneously with the Attorney General and with the Federal Trade Commission disclosing (1) the identities of the parties to the project and (2) the nature and objective of the research program to be performed in accordance with said project. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties participating in PERF Project No. 91–07, together with the nature and objectives of the research program, are given below.

The current parties to PERF Project No. 91–07 identified by this notice are:

Amoco Production Company, Tulsa, OK 74102.
Chevron Oil Field Research Company, La Habra, CA 90631.
Mobil Exploration and Producing Services Inc., Dallas, TX 75247.
Oryx Energy Company, Dallas, TX 75252.
Texaco, Inc., Bellaire, TX 77402.
Union Oil Company of California, Brea, CA 92621.

Research and development work required in furtherance of PERF Project No. 91–07 is to be carried out by Canonie Environmental Services Corp. under contract with the above participants. The nature and objective of the research program performed in accordance with the Project is to develop soil washing technology for the remediation of brine and hydrocarbon contaminated soils. Achievement of this objective will include the following activities: Characterization of the physical and chemical properties of contaminated soils before and after soil washing; washing contaminated soils in a laboratory environment to determine optimum process operating parameters; and utilization of laboratory data obtained to develop a process flow diagram, with material balances, equipment recommendations and preliminary cost data.

Participation in this Project will remain open to interested persons and organizations until issuance of the final Project Report, which is presently anticipated to occur approximately twelve (12) months after the date of publication of this Notice. The participants intend to file additional written notifications disclosing all changes in membership of this Project. Information regarding participation in this Project may be obtained from Dr. Raymond J. Jan, Mobil Exploration and Producing Services, Inc., 3000 Pegasus Park Drive, Dallas, Texas 75247.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 92–7610 Filed 4–1–92; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research Act of 1984; Portland Cement Association

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), the Portland Cement Association ("PCA") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission on January 31, 1992, disclosing that there have been changes in the membership of PCA. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Eastern Cement Corporation, West Palm Beach, Florida, has become a member. Lone Star Northwest, Seattle, Washington; Roanoke Cement Company, Norfolk, Virginia; Instituto Mexicano del Cemento y del Concreto (UMCYC), Mexico City, Mexico, and its affiliates; Cementos Acapulco, S.A.; Cementos Apasco, S.A.; Cementos de Chihuahua, S.A.; Cementos Mexicanos, S.A.; Cementos Moctezuma, S.A.; Cementos Tolteca, S.A.; and Coopertiva de Cementos Cruz Azul are no longer members.

No other changes have been made in either the membership or planned activities of PCA.

On January 7, 1985, PCA filed its original notification pursuant to section 6(a) of the Act. The Department of

Justice (the "Department") published a notice in the **Federal Register** pursuant to section 6(b) of the Act on February 5, 1985, 50 FR 5015. On March 14, 1985, August 13, 1985, January 3, 1986, February 14, 1986, May 30, 1986, July 10, 1986, December 31, 1986, February 3, 1987, April 17, 1987, June 3, 1987, July 29, 1987, August 6, 1987, October 9, 1987, February 18, 1988, March 9, 1988, March 11, 1988, July 7, 1988, August 9, 1988, August 23, 1988, January 23, 1989, February 24, 1989, March 13, 1989, May 25, 1989, July 20, 1989, August 24, 1989, September 25, 1989, December 14, 1989, January 31, 1990, May 29, 1990, July 15, 1990, December 18, 1990, January 31, 1991, May 28, 1991 and October 15, 1991, PCA filed additional written notifications. The Department Published notices in the **Federal Register** in response to these additional notifications on April 10, 1985 (50 FR 14175), September 16, 1985 (50 FR 37594), November 15, 1985 (50 FR 47292), December 24, 1985 (50 FR 52568), February 4, 1986 (51 FR 4440), March 12, 1986 (51 FR 8573), June 27, 1986 (51 FR 23479), August 14, 1986 (51 FR 29173), February 3, 1987 (52 FR 3356), March 4, 1987 (52 FR 6635), May 14, 1987 (52 FR 18295), July 10, 1987 (52 FR 26103), August 26, 1987 (52 FR 32185), November 17, 1987 (52 FR 43953), March 28, 1988 (53 FR 9999), August 4, 1988 (53 FR 29397), September 15, 1988 (53 FR 35935), September 28, 1988 (53 FR 37883), February 23, 1989 (54 FR 7894), March 20, 1989 (54 FR 11455), April 25, 1989 (54 FR 17835), June 28, 1989 (54 FR 27220), August 23, 1989 (54 FR 35092), September 11, 1989 (54 FR 37513), October 20, 1989 (54 FR 43146), February 1, 1990 (55 FR 3497), March 7, 1990 (55 FR 8204), July 3, 1990 (55 FR 27518), July 19, 1990 (55 FR 29432), January 25, 1991 (56 FR 2950), March 15, 1991 (56 FR 11274) July 1, 1991 (56 FR 29977), and November 14, 1991 (56 FR 57903), respectively.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 92-7614 Filed 4-1-92; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

David M. Pruitt; Revocation of Registration

On January 3, 1992, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to David M. Pruitt, d/b/a Pruitt's K-9 Narcotic Detection, Route 2, Box 830, Frontage Road, Cleveland, Tennessee 37311. The Order to Show Cause proposed to revoke Mr. Pruitt's DEA Certificate of Registration, RP0145501, and to deny any pending applications for renewal of such registration as a researcher under 21 U.S.C. 823(f). The Order to Show Cause alleged that Mr. Pruitt's continued registration would be inconsistent with the public interest.

The Order to Show Cause was sent to Mr. Pruitt by registered mail and was delivered to him on January 17, 1992. More than thirty days have passed since the Order to Show Cause was received by Mr. Pruitt and the Drug Enforcement Administration has reviewed no response thereto. Pursuant to 21 CFR 1301.54(a) and 1301.54(d), Mr. Pruitt is deemed to have waived his opportunity for a hearing. Accordingly, the Administrator now enters his final order in this matter without a hearing and based on the investigative file. 21 CFR 1301.57.

The Administrator finds that Pruitt's K-9 Narcotic Detection is registered as a researcher under the Controlled Substances Act. This registration permits Mr. Pruitt to obtain and possess Schedule I controlled substances for the purpose of training dogs for drug detection. Mr. Pruitt's original application for registration was supported by a protocol and a Schedule I license issued by the Tennessee Board of Pharmacy.

On February 8, 1990, an incident took place at the Cleveland, Tennessee, Police Department during which Mr. Pruitt was observed to be in an intoxicated condition. He was unsteady on his feet, his eyes were red and dilated, and his speech was slurred. He subsequently admitted have simultaneously taken Halcion and twice the prescribed dosage of Valium. Halcion and Valium are both Schedule IV controlled substances. Mr. Pruitt also admitted to having been a user of cocaine and that he was in possession of a thirty-five millimeter film container containing cocaine which had been seized during a raid conducted by the Cleveland Police Department. Following this incident, Mr. Pruitt surrendered his state license to a Tennessee Board of Pharmacy investigator.

Mr. Pruitt subsequently contested the validity of the surrender of his state license and requested a hearing before the Board of Pharmacy. On September 25, 1990, the matter was heard by a state administrative law judge. During the course of the hearing, and in an interview with a DEA Diversion Investigator, Mr. Pruitt admitted that he had acquired Schedule I controlled substances other than pursuant to official DEA order forms, that he possessed controlled substances in schedules other than that authorized by his registration, that he failed to keep complete records of all controlled substances he obtained or disposed of, and that he stored controlled substances in violation of both Federal regulations and the protocol he filed with the Tennessee Board of Pharmacy. By Order dated October 9, 1990, the Board of Pharmacy affirmed the voluntary surrender of Mr. Pruitt's state license.

On or about November 19, 1990, a grand jury of the McCracken County Circuit Court in Paducah, Kentucky, handed up an indictment charging Mr. Pruitt with theft of cocaine from the Paducah Police Department, possession of cocaine, carrying a concealed weapon, and driving a vehicle under the influence of alcohol or other substances. Mr. Pruitt pled guilty and was convicted of feloniously possessing a Schedule II narcotic substance and carrying a concealed weapon. The theft and impaired driving charges were dismissed. On September 6, 1991, Mr. Pruitt was sentenced to serve a one-year term of imprisonment. The Court allowed Mr. Pruitt 133 days credit for time already served and has permitted him to remain free while undergoing drug treatment.

On November 18, 1990, Mr. Pruitt presented two prescriptions to be filled at an Eckerd Drug pharmacy in Cleveland, Tennessee. The prescriptions were issued by an emergency room physician at Bradley Memorial Hospital. The pharmacist became suspicious when he noticed that one of the prescriptions, written for Lortab 5 mg. tablets, a Schedule III controlled substance, authorized five refills. Knowing that emergency room physicians rarely authorized refills of their prescriptions, the pharmacist suspected that the document had been altered. After telephoning the physician and determining that she had not authorized any refills, the pharmacist notified the local authorities. After interviewing both the physician and the pharmacist, officers of the Cleveland Police Department arrested Mr. Pruitt on November 19, 1990, and charged him with forging or altering the prescription. DEA has been advised that this matter is still pending.

The Administrator may revoke a registration, or deny an application for such registration, if he determines that the registration would be inconsistent with the public interest. 21 U.S.C. 824(a)(4). Pursuant to 21 U.S.C. 823(f) the following factors are to be considered in determining the public interest:

(1) The recommendation of the appropriate State licensing board or disciplinary authority.

(2) The applicant's experience in dispensing, or conducting research with respect to controlled substances.

(3) The applicant's conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances.

(4) Compliance with applicable State, Federal or local laws relating to controlled substances.

(5) Such other conduct which may threaten the public health and safety.

It is well established that these factors are to be considered in the disjunctive, i.e., the Administrator may properly rely on any one or a combination of factors, and give each factor the weight he deems appropriate. See, for example, Henry J. Schwarz, Jr., M.D., Docket No. 99–42, 54 FR 16422 (1989).

In this proceeding, a number of the foregoing factors are relevant. Mr. Pruitt has surrended his state license to the Tennessee Board of Pharmacy. He is without authority to handle controlled substances under the laws of that state. DEA has consistently held that termination of a registrant's state authority to handle controlled substances requires revocation of his Federal registration. 21 U.S.C. 823(f). Lack of state authority is a separate ground for revocation of a DEA registration. 21 U.S.C. 824(a)(3). See, for example, Mely Salanga, M.D., 56 FR 64808 (1991), and cases cited therein.

Mr. Pruitt's experience in handling controlled substances has been poor. He has failed to maintain adequate security for the Schedule I controlled substances he obtained for his dog training business, he handled controlled substances for which he was not registered, he failed to maintain required records for those for which he was registered and failed to comply with the requirements of the Schedule I protocol which supported his state license and Federal registration. All registrants are expected to comply with the requirements of the law and the regulations. These requirements are designed to prevent diversion of controlled substances into illicit channels. Handlers of Schedule I substances, which are subject to a greater risk of diversion, must be even more aware of the regulations and must take extra measures to insure accountability and security. DEA cannot continue to register any registrant who fails to meet these responsibilities.

Mr. Pruitt has been convicted of felonious possession of a Schedule II narcotic controlled substance. Conviction of a felony relating to a controlled substance constitutes an independent ground for revocation of a DEA registration. 21 U.S.C. 824(a)(2).

Finally, it is apparent that Mr. Pruitt has been an abuser of controlled substances. He was found to be in an intoxicated condition at the Cleveland, Tennessee, police station and he was arrested and charged with driving under the influence in Paducah, Kentucky. He has admitted to taking more than the prescribed dosage of Valium, and taking that drug in combination with Halcion. On two occasions, Mr. Pruitt was found in possession of cocaine which he had taken from the custody of police agencies with which he was working. He attempted to obtain additional quantities of a Schedule III narcotic by altering a prescription issued to him by an emergency room physician. It is also clear that Mr. Pruitt was operating motor vehicles and carrying a firearm during the same time that he was abusing drugs. His activities constituted a threat to the safety of the community in which he lived and worked. While lack of a controlled substance registration will not prevent Mr. Pruitt from abusing drugs, possession of such a registration has enabled him to obtain the Schedule I substances for which he was registered and to gain access to other substances in the custody of the various police departments he encountered in his dog training business.

In view of the foregoing, the Administrator finds that there are independent grounds for revocation of Mr. Pruitt's registration and that there is more than sufficient reason to conclude that such registration is inconsistent with the public interest. Mr. Pruitt has not responded to the Order to Show Cause and has presented no evidence which would support retention of his registration. The subject registration must, therefore, be revoked.

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824, and 28 CFR 0.100(b), hereby orders that DEA Certificate of Registration, RP0145501, previously issued to David M. Pruitt, doing business as Pruitt's K–9 Narcotic Detection, be, and it hereby is, revoked. Any pending applications for renewal of such registration are hereby denied. This order is effective April 23, 1992.

Dated: March 25, 1992.

Robert C. Bonner,

Administrator of Drug Enforcement.

[FR Doc. 92–7551 Filed 4–1–92; 8:45 am]

BILLING CODE 4410–09–M

Office of Justice Programs

National Institute of Justice Research and Evaluation Plan; 1992

AGENCY: National Institute of Justice, Office of Justice Programs, Justice.

ACTION: Public announcement of the availability of the National Institute of Justice Research and Evaluation Plan: 1992.

SUMMARY: The National Institute of Justice (NIJ) is publishing this notice of the availability of its NIJ Research and Evaluation Plan: 1992.

ADDRESSES: National Institute of Justice, 633 Indiana Avenue, NW., Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT: Charles B. DeWitt, Director, National Institute of Justice, 633 Indiana Avenue, NW., Washington, DC 20531.

For a copy of the NIJ Research and Evaluation Plan: 1992, call the National Criminal Justice Reference Service, 1–800–851–3420 (in metropolitan Washington, 301–251–5500).

SUPPLEMENTARY INFORMATION: The following supplementary information is provided:

Authority

This action is authorized under sections 201–3 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. 3721–23.

Background

The Office of Justice Programs (OJP), U.S. Department of Justice, published a notice announcing the FY 1992 Discretionary Program Plan for its component bureaus and offices at 50 FR 66877, December 26, 1991. The National Institute of Justice announces the availability of its Research and Evaluation Plan: 1992. The NIJ Research and Evaluation Plan provides further details of the National Institute of Justice programs outlined in the OJP Plan. Also included in the NIJ Research and Evaluation Plan are application requirements, application forms, and deadlines for receipt of proposals.

Michael J. Russell,

Deputy Director National Institute of Justice.

[FR Doc. 92–7250 Filed 4–1–92; 8:45 am]

BILLING CODE 4410–18–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Biotic Systems and Resources; Meeting

SUMMARY: In accordance with the Federal Advisory Committee Act (Pub.

L. 92–463, as amended), the National Science Foundation announces the following meeting.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to review and evaluate proposals and provide advice and recommendations as part of the selection process for awards. Because the proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals, the meeting is closed to the public. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b)c), Government in the Sunshine Act.

Name: Special Emphasis Panel in Biotic Systems and Resources.

Date: May 20 and 21, 1992.

Times: 8:30 a.m. to 5 p.m.

Place: Room 543, National Science Foundation, 1800 G Street NW., Washington, DC 20050.

Type of Meeting: Closed.

Agenda: Review and evaluate Doctoral Dissertation Research proposals.

Contact: Dr. Penelope Firth, Division of Environmental Biology, National Science Foundation, room 215, Washington, DC 20550 (202/357–3978).

Dated: March 30, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–7560 Filed 4–1–92; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Chemistry and Committee of Visitors; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Public Law 463, the National Science Foundation announces the following meeting:

Name: Committee of Visitors and Advisory Committee for Chemistry.

Date and Time: April 22, 1992, 8:30 a.m. to 5:30 p.m. Closed; April 23, 1992, 8:30 a.m. to 3:00 p.m. Closed; April 23, 1992, 3:00 p.m. to 5:30 p.m. Open; April 24, 1992, 8:30 a.m. to 3:00 p.m. Open.

Place: Room 540, National Science Foundation, 1800 G Street, NW., Washington, DC 20550.

Type of Meeting: Part Open.

Contact Person: Dr. Kenneth G. Hancock, Director, Division of Chemistry, National Science Foundation, Washington, DC 20550 Telephone (202) 357–7947.

Summary Minutes: For Open Portion of Meeting may be obtained from Dr. Kenneth G. Hancock.

Purpose of Committee: Closed Session: To carry out Committee of Visitors (COV) review of Chemistry Programs, including examination of decisions on proposals, reviewer comments, and other privileged materials. Open Session: Review current activities and provide long-range planning advice for Chemistry Division programs, structure, and grant mechanisms.

Reason for Closing: The meeting is closed to the public because the Committee is reviewing proposal actions that will include privileged intellectual property and personal information that could harm individuals if they were disclosed. If discussions were open to the public, these matters that are exempt under 5 U.S.C. 552 B.(c) (4) and (6) of the Government in the Sunshine Act would improperly be disclosed.

Dated: March 30, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–7563 Filed 4–1–92; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Design and Manufacturing Systems; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Design and Manufacturing Systems.

Date and Time: April 24, 1992, 8:30 a.m. to 4 p.m.

Place: Room 536, National Science Foundation, 1800 G Street NW., Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. Suren B. Rao, Program Director, Design and Manufacturing Systems, National Science Foundation, 1800 G Street NW., room 1128, Washington, DC 20550. Telephone (202) 357–7676.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Engineering Faculty Internship proposals submitted to the Division of Design and Manufacturing Systems.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 30, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–7586 Filed 4–1–92; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Electrical and Communications Systems; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Electrical and Communications Systems.

Date and Time: April 20, 1992—8:30 a.m. to 5:30 p.m.

Place: Rooms 536 and 1133, National Science Foundation, 1800 G St., NW., Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Drs. Peter Sauer and R. Baheti, Program Directors, 1800 G St., NW., room 1151 Washington, DC 20550 Telephone (202) 357–9618.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate unsolicited proposals submitted to the Engineering Systems Program.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b.(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 30, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–7562 Filed 4–1–92; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Electrical and Communications Systems; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name: Special Emphasis Panel in Electrical and Communications Systems.

Date and Time: April 16, 1992; 8:30 a.m. to 5 p.m.

Place: NSF, Rm. 500–C, 1110 Vermont Avenue NW., Washington, DC.

Contact Person: Dr. Brian J. Clifton, Program Director, Solid State and Microstructures, (202) 357–9618.

Type of Meeting: Closed.

Purpose of Meeting: To provide advice and recommendations concerning research proposals submitted to the NSF for financial support.

Agenda: To review and evaluate Combined Research-Curriculum Development proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

These matters are exempt under 5 U.S.C. 552b.(c) (4) and (6) of the Government in the Sunshnie Act.

Dated: March 30, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-7559 Filed 4-1-92; 8:45 am]

BILLING CODE 7555-01-M

Meetings

The National Science foundation announces the following meetings:

Name: Special Emphasis Panel in the Division of Engineering Education Infrastructure Development.

Date	Place	Time
4/20/92	Cornell University, Ithaca, NY	9:00-5:15
4/21/92	Cornell University, Ithaca, NY	8:00-3:00
4/23/92	Hampton University, Hampton, VA	9:00-5:00
4/30/92	Southern University, Baton Rouge, LA	8:30-4:30
5/1/92	Tuskegee University, Tuskegee, AL	9:00-4:30
5/2/92	Tuskegee University, Tuskegee, AL	8:00-12:00
5/4/92	Stanford University, San Francisco, CA	9:00-6:00
5/5/92	University of California-Berkeley, Berkeley, CA	9:00-5:00
5/7/92	California Polytechnic University, San Luis Obispo, CA	9:00-5:00
5/27/92	Iowa State University, Ames, IA	8:00-9:00
5/28/92	Iowa State University, Ames, IA	8:30-3:00

Type of Meeting: Closed.

Contact: Dr. Win Aung, Senior Staff Associate, Division of Engineering Infrastructure Development, 1776 G Annex, National Science Foundation, Washington, DC 20550.

Purpose of Meeting: To conduct an in-depth evaluation of the Synthesis Coalition, per the Cooperative Agreement.

Agenda: Review and evaluation of the Synthesis Coalition's Engineering Education Coalition award.

Reason for Closing: The award being reviewed includes information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Dated: March 30, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-7561 Filed 4-1-92; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Minerals Exploration Co.; Draft Finding of No Significant Impact Regarding the Renewal of Source Material License SUA-1350 Authorizing the Sweetwater Uranium Project, Sweetwater County, WY

March 24, 1992.

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Draft finding of no significant impact.

1. Proposed Action

The proposed administrative action is to grant a renewal of Source Material License SUA-1350 for the Sweetwater Uranium Project in conjunction with a transfer of the license from Minerals Exploration Company to Kennecott Uranium Company.

2. Reasons for Draft Finding of No Significant Impact

An environmental assessment for the renewal was prepared by the staff at the Nuclear Regulatory Commission (NRC) and issued by the NRC's Uranium Recovery Field Office (URFO). The Sweetwater Uranium project is currently operated by Minerals Exploration Company. Source Material License SUA-1350 authorizes maintaining the facility in a standby status, and does not authorize operation of the mill. The environmental assessment performed by the NRC staff evaluated potential onsite and offsite impacts due to radiological releases that may occur as a result of maintaining the facility in a standby status. Documents used in preparing the environmental assessment include the previous assessment dated May 29, 1985, the request for license renewal dated January 23, 1991, the previous application for license renewal dated March 1984, environmental monitoring data from 1985 through 1991 and the Final Environmental Statement related to operation of the Sweetwater Uranium Project dated December, 1978 (NUREG-0505). Based on the review of these documents, the NRC has determined that no significant impacts will result from the proposed action and, therefore, an addendum to the existing Final Environmental Statement is not warranted.

The following statements support the draft Finding of No Significant Impact and summarize the evaluation of the Sweetwater project based on the documents described above.

A. Radiological effluents from the facility will be below regulatory limits. Environmental monitoring is sufficient to detect any radiological releases.

B. No additional land will be disturbed by maintaining the facility in a standby status.

C. The ground water corrective action program will be maintained to remove hazardous constituents and restore ground-water quality.

D. Radioactive wastes will be minimal and will be disposed of in an approved manner in accordance with applicable Federal and State regulations.

E. The physical structures will be decommissioned and the site reclaimed in accordance with applicable Federal and State requirements at the end of the operational phase. A surety arrangement exists to ensure completion of the reclamation activities.

In accordance with 10 CFR 51.33(a), the Director, Uranium Recovery Field Office, made the determination to issue a draft finding of no significant impact and to accept comments on the draft finding for a period of 30 days after issuance in the **Federal Register**.

This finding, together with the environmental assessment setting forth the basis for the finding, is available for public inspection and copying at the NRC's Uranium Recovery Field Office, 730 Simms Street, Golden, Colorado, and at the NRC's Public Document Room, 2120 L Street NW., Washington, DC.

Dated at Denver, Colorado this 24th day of March, 1992.

For the Nuclear Regulatory Commission.

Ramon E. Hall,

Director, Uranium Recovery Field Office, Region IV.

[FR Doc. 92-7620 Filed 4-1-92; 8:45 am]

BILLING CODE 7590-01-M

Regional State Liaison Officers; Meeting

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of regional state liaison officers' meeting.

On May 4 and 5, 1992, the Nuclear Regulatory Commission (NRC) will sponsor a regional meeting with the governor-appointed State Liaison Officers from Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Vermont. The subjects will include Low-Level Waste Title Transfer and Storage, Planning for the Federal Field Exercise (FFE-3), A Review of the New Fuel Accident, Outreach Initiatives to the Public, License Renewal, Participatory

Rulemaking, Site Decommissioning and Compatibility Issues, among others.

The meeting will be conducted at the Regional I office, 475 Allendale Road, King of Prussia, Pennsylvania 19406. The meeting is open to the public for observation and attendance and will take place between 9:30 a.m. and 5 p.m. on Monday, May 4, and between 8:30 a.m. and 2 p.m. on Tuesday, May 5, 1992.

Questions regarding this meeting should be referred to Maitri Bannerjee at (215) 337-5246.

Dated at Rockville, Maryland this 25th day of March 1992.

For the Nuclear Regulatory Commission.

Carlton Kammerer,

Director, Office of State Programs.

[FR Doc. 92-7621 Filed 4-1-92; 8:45 am]

BILLING CODE 7590-01-M

Receipt of Petition for Director's Decision Under 10 CFR 2.206

Notice is hereby given that by Petition dated July 9, 1991, the Confederated Tribes and Bands of the Yakima Indian Nation request that the Director of the Office of Nuclear Material Safety and Safeguards exercise his authority to require submittal of a license application from the Department of Energy (DOE) with respect to high-level radioactive wastes on the Hanford site in the State of Washington and to expedite regulation in accordance with provision of 10 CFR part 30 "or other applicable chapters of the CFR." The Petitioner asserts as grounds for this request its conclusion that the DOE is currently in violation of 10 CFR part 30 requirements for a license since "various near surface geologic repositories, referred to as cribs, ditches, trenches and single shell tanks," meeting the 10 CFR part 60 definition of "geologic repository," have received and currently hold in "long-term storage" or "disposal," "high-level radioactive waste." The request is being treated pursuant to 10 CFR 2.206 of the Commission's regulations. As provided by § 2.206, appropriate action will be taken on this request within a reasonable time. A copy of the Petition is available for inspection in the Commission's Public Document Room, 2120 L Street, NW., Washington, DC 20555.

Dated at Rockville, Maryland this 21st day of March 1992.

For the Nuclear Regulatory Commission.

Robert M. Bernero,

Director, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 92-7622 Filed 4-1-92; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 030-05980-OM, 030-05981-OM, 030-05982-OM, 030-08335-OM, 030-08444-OM, and 030-05980-OM-2, 030-05981-OM-2, 030-05982-OM-2, 030-08335-OM-2, 030-08444-OM-2; ASLBP Nos. 89-590-01-OM and 90-598-01-OM-2]

Safety Light Corporation, et al. (Byproduct Material Licenses); Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721, the Atomic Safety and Licensing Board for Safety Light Corporation, et al. (Byproduct Material Licenses), with the above-identified Docket Nos., is hereby reconstituted by appointing Administrative Judge Thomas S. Moore as Chairman of these Licensing Boards in place of Administrative Judge Marshall E. Miller who is unable to serve due to schedule conflict.

As reconstituted, the Board is comprised of the following Administrative Judges:

Thomas S. Moore, Chairman
James H. Carpenter, Member
Frederick J. Shon, Member

All correspondence, documents and other material shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new Chairman is: Thomas S. Moore, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Dated at Bethesda, Maryland, this 25th day of March 1992.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 92-7623 Filed 4-1-92; 8:45 am]

BILLING CODE 7590-01-M

RAILROAD RETIREMENT BOARD

Determination of Quarterly Rate of Excise Tax for Railroad Retirement Supplemental Annuity Program

In accordance with directions in section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C. 3221(c)), the Railroad Retirement Board has determined that the excise tax imposed by such section 3221(c) on every employer, with respect to having individuals in his employ, for each work-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning April 1, 1992, shall be at the rate of 31 cents.

In accordance with directions in section 15(a) of the Railroad Retirement Act of 1974, the Railroad Retirement Board has determined that for the quarter beginning April 1, 1992, 31.4 percent of the taxes collected under section 3211(b) and 3221(c) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Account and 68.6 percent of the taxes collected under such sections 3211(b) and 3221(c) plus 100 percent of the taxes collected under section 3221(d) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Supplemental Account.

Dated: March 24, 1992.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 92-7540 Filed 4-1-92; 8:45 am]

BILLING CODE 7905-01-M

DEPARTMENT OF STATE

[Public Notice 1594]

Defense Trade Advisory Group; Establishment

The Department of State is establishing the Defense Trade Advisory Group to provide a formal channel for regular consultation and coordination with U.S. defense exporters on issues involving defense trade and the U.S. laws and regulations for munitions exports.

Members of the committee will be appointed by the Assistant Secretary of State for Politico-Military Affairs. The committee will follow the procedures prescribed by the Federal Advisory Committee Act. Meetings will be open to the public unless a determination is made in accordance with the Federal Advisory Committee Act that a meeting or a portion of the meeting should be closed to the public. Notice of each meeting will be provided in the **Federal Register** at least 15 days prior to the meeting date.

For further information, contact: James Andrew Lewis, Deputy Director, Center for Defense Trade (202) 647-6968.

Dated: March 26, 1992.

Richard A. Clarke,

Assistant Secretary of State for Politico-Military Affairs.

[FR Doc. 92-7593 Filed 4-1-92; 8:45 am]

BILLING CODE 4710-25-M

[Public Notice 1593]

Fine Arts Committee; Meeting

The Fine Arts Committee of the Department of State will meet on Saturday, April 25, 1992 at 10 a.m. in the John Quincy Adams State Drawing Room. The meeting will last

approximately until 11:30 a.m. and is open to the public.

The agenda for the committee meeting will include a summary of the work of the Fine Arts Office since its last meeting in November 1991 and the announcement of gifts and loans of furnishings as well as financial contributions from January 1, 1991 to December 31, 1991.

Public access to the Department of State is strictly controlled. Members of the public wishing to take part in the meeting should telephone the Fine Arts Office by Wednesday, April 22, 1992, telephone (202) 647-1990 to make arrangements to enter the building. The public may take part in the discussion as long as time permits and at the discretion of the chairman.

Dated: March 5, 1992.

Clement E. Conger,

Chairman, Fine Arts Committee.

[FR Doc. 92-7596 Filed 4-1-92; 8:45 am]

BILLING CODE 4710-38-M

[Public Notice 1590]

Ad Hoc Task Group on Wind Profiler Radars of Study Group 8 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that the U.S. CCIR Ad Hoc Task Group on Wind Profiler Radars will hold an open meeting on Friday, April 10, 1992, commencing at 9:30 a.m. in room 12246 at the National Oceanic and Atmospheric Administration Building Metro Center 2 (adjacent to the Silver Spring Metro station), 1325 East-West Highway, Silver Spring, MD.

The Ad Hoc Task Group is to assist the U.S. in its preparation for a proposed CCIR Task Group which is to study technical characteristics and suitable frequency bands for wind profiler radars and prepare a report to a future World Administrative Radio Conference competent to consider frequency allocations for wind profiler radars. The purpose of this meeting is to adopt the terms of reference, organization and work plan for the Ad Hoc Task Group. Authors are requested to bring 25 copies of documents to the meeting.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Persons planning to attend the meeting must announce this no later than five days before the meeting to Paul L. Rinaldo, Manager, Technical Development, American Radio Relay League, Inc., 225 Main Street, Newington, CT 06111, phone (203) 666-1541, fax (203) 665-7531. The announcement must include name and social security number.

Dated: March 18, 1992.

Warren G. Richards,

Chairman, U.S. CCIR National Committee.

[FR Doc. 92-7607 Filed 4-1-92; 8:45 am]

BILLING CODE 4710-07-M

TENNESSEE VALLEY AUTHORITY

Acid Rain Program Designated Representative

AGENCY: Tennessee Valley Authority.

ACTION: Notice.

SUMMARY: TVA is announcing the selection of a "designated representative" and "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, section 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. 92-6158 Filed 4-1-92; 8:45 am]

BILLING CODE 8120-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Intent To Prepare an Environmental Impact Statement and to Conduct Scoping on Airport Alternatives to Accommodate the Long-Term Air Transportation Needs of the Minneapolis-St. Paul Region, MN

AGENCY: Department of Transportation, Federal Aviation Administration.

ACTION: Notice of intent to prepare an Environmental Impact Statement and to conduct public scoping.

SUMMARY: The Federal Aviation Administration (FAA) is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared on the potential effects of alternatives to accommodate the long-term air transportation needs of the Minneapolis-St. Paul region, including a new airport site and a comprehensive plan for additional improvements to the existing Minneapolis-St. Paul International Airport. To ensure that all significant issues related to the proposed action are identified, the FAA is soliciting information and comments from the public concerning this project and is advising Federal, State and local agencies and the public of the scoping process and scheduled meetings that will be conducted as a part of this process.

FOR FURTHER INFORMATION CONTACT: Mr. Glen Orcutt, Airports District Office, Federal Aviation Administration, 6020 28th Avenue South, room 102, Minneapolis, Minnesota 55450 612-725-4221.

SUPPLEMENTARY INFORMATION: The FAA proposes to prepare an EIS on the culmination of several studies which are evaluating the potential consequences and possible alternatives of an airport site selection that would allow construction of a replacement airport for the Minneapolis-St. Paul region, a preferred comprehensive plan for the expansion at the existing Minneapolis-St. Paul Airport, other reasonable alternatives and the no action alternative. A first phase scoping report has been prepared by the Metropolitan Airports Commission and will be circulated to Federal, State and local agencies for their review and comment. The report describes the planning process and environmental studies culminating in the EIS. Additional scoping meetings will be conducted throughout the process to ensure that

issues and alternatives are identified early and that mitigating measures are considered to minimize adverse environmental consequences.

To ensure a full cooperative effort, the FAA, as lead agency on this project, recognizes the magnitude of this proposal and extends an invitation to affected Federal, State and local agencies to participate as a cooperating agency on this project. In accepting the duties and role of a cooperating agency, the agency shall participate in the NEPA process at the earliest point, shall participate in the scoping process, shall assist in preparing those portions of the EIS in which it has the greatest technical expertise and shall make available staff support to enhance interdisciplinary capability. Agencies interested in participating as a cooperating agency are requested to respond in kind to the FAA at the address listed at the beginning of this notice.

The environmental review of the project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4371, et seq.), CEQ regulations (40 CFR parts 1500–1508), FAA Orders 5050.4A and 1050.1D and all applicable Federal and State regulations and local ordinances.

Public Scoping

An initial scoping meeting will be conducted on April 21, 1992, at the Metropolitan Airports Commission general offices, beginning at 2 p.m. for Federal, State and local agencies. The meeting will be reconducted on April 21, 1992, at the Ramsey Junior High School Auditorium, One West 49th Street, Minneapolis, beginning at 7 p.m., and again at 7 p.m. on April 22, 1992 at Rosemount High School Student Center, 3335 142nd Street West, Rosemount, to allow for public input. Agencies and the public will be notified of subsequent meetings as they are scheduled. Written comments will be accepted until May 4, 1992 and may be directed to the FAA at the following address.

Address: Federal Aviation Administration, Airports District Office, MSP–ADO–600, 6020 28th Avenue South, room 102, Minneapolis, Minnesota 55450.

Issued in Des Plaines, Illinois, on March 27, 1992.

Larry H. Ladendorf,

Acting Manager, Airports Division, FAA, Great Lakes Region.

[FR Doc. 92–7630 Filed 4–1–92; 8:45 am]

BILLING CODE 4910–13–M

Federal Highway Administration

Environmental Impact Statement: Hancock & McDonough Counties, Illinois

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for construction of Illinois Route 336 as a four-lane highway The proposed project will extend from just south of the City of Carthage in Hancock County, Illinois, easterly to a point near the City of Macomb in McDonough County, Illinois. The proposed project would be designated Federal Aid Primary Route 315 (FAP 315).

FOR FURTHER INFORMATION CONTACT:

Mr. James C. Partlow, Project Development Engineer, Federal Highway Administration, Illinois Division, 3250 Executive Park Drive, Springfield, Illinois 62703, Phone (217) 492–4622

Mr. Dale E. Risinger, District Engineer, Illinois Department of Transportation, 6035 North Knoxville Avenue, Peoria, Illinois 61614, Phone (309) 691–2110.

SUPPLEMENTARY INFORMATION: The proposed action is the construction of a four-lane, partial access-controlled, divided highway in Hancock and McDonough Counties, Illinois, which will be approximately 35 miles in length. The project will begin just south of Carthage and extend north to US 136 and then east through a corridor in the vicinity of US 136 to Macomb. The proposed improvement may bypass several small communities.

The proposed action will enhance economic development in west-central Illinois by improving traffic access to the project area, improve traffic circulation, provide safer and more efficient access to the urban area, provide a divided highway design for high operating speeds and provide continuity from Quincy to Macomb. Primary environmental resources which may be impacted are local property tax income, agricultural land, and wetlands.

It is anticipated that the proposed project will be constructed as a partial access controlled facility. Interchanges or intersections will be provided at all major high-volume roadways. Several alignment alternatives will be evaluated for the proposed project including the no-action alternative.

A scoping process will be undertaken as part of this proposed project. The process will include meetings, informal coordination, review sessions as appropriate, and discussions at regularly scheduled Illinois Department of transportation coordination meetings. Further details and a scoping information packet may be obtained from one of the contact persons listed above.

To ensure that the full range of issues related to the proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to FHWA or IDOT at the addresses provided above.

(Catalog of Federal Domestic Assistance program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Issued on: March 23, 1992.

James C. Partlow,

Project Development Engineer, Federal Highway Administration, Illinois Division, Springfield, Illinois.

[FR Doc. 92–7600 Filed 4–1–92; 8:45 am]

BILLING CODE 4910–22–M

Maritime Administration

[Docket S–890]

Lykes Bros. Steamship Co., Inc.; Application

Notice of application under section 605(c) of the Merchant Marine Act, 1936, as amended, for subsidized service on Trade Route 1 under Contract MA/MSB–451.

Notice is hereby given that Lykes Bros. Steamship., Inc. (Lykes), by letter application of March 17, 1992, supplemented on March 20, 1992, has requested amendment of its subsidized service description as set forth in Lykes' Operating-Differential Subsidy Agreement, Contract MA/MSB–451.

Under its ODSA, Contract MA/MSB–451, Lykes is authorized on its Line B (TR 21) service to perform up to 40 annual subsidized sailings between the U.S. Gulf and ports in the United Kingdom and Northern Europe. Lykes notes that Contract MA/MSB–451 recognizes that Lykes may reacquire from First American Bulk Carrier Corporation 20 sailings on Line B (TR 21) and provides for the rvision of the relevant appendix to the contract to reflect 60 sailings in the event such a repurchase occurs. In the event TR 1 is incorporated into Contract MA/MSB–451, these 20 sailings would be added to the 98 sailings requested by this application. On its TR 13 service, Lykes is authorized to perform up to 48 annual

subsidized sailings between the U.S. Gulf and South Atlantic and ports in the Mediterranean. On TA 4, Lykes is authorized to perform service between the U.S. Great Lakes and the Mediterranean, India, Persian Gulf and Red Sea on up to ten annual subsidized sailings.

The service descriptions for all three required services contain additional service rights, including privilege and permissive rights, such as, in particular, the privilege authority to serve TR 10 in conjunction with sailings on, among others, TR 13 and TA 4. Accordingly, Lykes' intent is that the present application should be understood to request authority to perform up to 98 subsidized sailings on TR 1, retaining Lykes' TR 21, 13, and TA 4 authority and the TR 10 privilege authority, to the extent each of these is not otherwise subsumed by the more general authority to perform service on TR 1 requested by the application.

Lykes has proposed a revised service description including the various permissive and privilege authorities which were tied to the separate TR 13, 21 and TA 4 service descriptions. It does not, however, address tha other ancillary changes that will need to be made in appendix A to Contract MA/MSB–451, such as the Line C and D dual service authority; the privilege to serve TR 10 off of the other trade routes served by Lykes, such as TR 15–B and TR 22; or the privilege on TR 18 as it relates to TR 13, which latter authority will be subsumed by TR 1.

Lykes believes that the geographic descriptions follow as closely as possible the descriptions contained in Docket R–111 or in Lykes' appendix A to Contract MA/MSB–451. Consequently, there are references to West and East Germany and the U.S.S.R., none of which exist politically as such any longer. Also, the official TR 1 description of Morocco was more restrictive than Lykes' present authority and was, therefore, expanded to include the Atlantic ports of that country.

As stated in the application, Lykes, initial intent is to continue operating its Line B service and its services on TR 13 and TR 10, as it is presently. Accordingly, Lykes will continue to serve the trade between the U.S. Gulf and North Atlantic and the United Kingdom and Northern Europe on its Line B service. Lykes would also continue to serve the Mediterranean in its subsidized services to and from the U.S. Atlantic and Gulf Coasts. These Mediterranean services are designated by Lykes as Line M for the container service and Line C for the conventional or breakbulk service. It is not expected that itineraries and frequencies of these services would change immediately.

However, as contemplated by the Maritime Subsidy Board and the Maritime Administration when the redesignated trade routes were adopted, Lykes foresees substantial opportunity within its basic service as presently offered to utilize the broadened trade route authority of TR 1. This broader authority would enable increased flexibility and efficiency in Lykes' vessel deployment which, in turn, would facilitate Lykes' efforts to meet, on a much more timely basis, the changing trade patterns arising from the needs and demands of the shippers and consignees in the trade. Indeed, Lykes maintains, the realization of such transportation efficiencies was one of the principal purposes for the redesignation of the trade routes in Docket R–111.

Lykes' statistics demonstate that there is no question that U.S. flag participation on TR 1 is inadequate. In Lykes' view, the increased flexibility provided by the TR 1 authority will enable Lykes to meet this inadequacy more effectively and efficiently. Lykes notes it is not, by this application, requesting an increase in the number of subsidized vessels beyond that already authorized in Contract MA/MSB–451, nor an increase in the level of subsidy presently authorized in that contract.

This application may be inspected in the Office of the Secretary, Maritime Administration. Any person, firm, or corporation having any interest in such application and desiring to submit comments concerning the application on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended, must file written comments in triplicate with the Secretary, Maritime Administration, room 7300, Nassif Building, 400 Seventh Street SW., Washington DC 20590. Comments must be received no later than 5 p.m. on April 22, 1992. The Maritime Subsidy Board will consider any comments submitted and take such action with respect thereto as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 20.804 Operating-Differential Subsidies)

Dated: March 27, 1992.

By Order of the Maritime Subsidy Board.

Joel C. Richard,

Assistant Secretary.

[FR Doc. 92–7501 Filed 4–1–92; 8:45 am]

BILLING CODE 4910–81–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Dated: March 27, 1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Bureau of Alcohol, Tobacco and Firearms

OMB Number: 1512–0242.
Form Number: ATF F 5400.6.
Type of Review: Revision.
Title: User-Limited Permit (Explosives).
Description: This user-limited permit is useful to the person making a one-time purchase from out-of-State. It is to be used one time only and is nonrenewable. The explosives distributor makes entries on the form and returns the form to the permittee to prevent reuse of the $2 permit.
Respondents: Individuals or households, Small businesses or organizations.
Estimated Number of Respondents/Recordkeepers: 1,198.
Estimated Burden Hours Per Respondent/Recordkeeper: 1 minute.
Frequency of Response: Other (one time only).
Estimated Total Reporting Burden: 24 hours.

OMB Number: 1512–0482.
Form Number: ATF REC 5100/1.
Type of Review: Revision.
Title: Labeling and Advertising Requirements Under the Federal Alcohol Administration Act (Supplemental Request).
Description: Under the Federal Alcohol Administration Act, bottlers and importers of alcohol beverages are required to display certain information for consumers on labels including, in the case of bulk process champagne, the words "bulk process."
Respondents: Businesses or other for-profit, Small businesses or organizations.
Estimated Number of Respondents: 6,060.

Estimated Burden Hours Per Respondent: 1 hour.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 1 hour.
Clearance Officer: Robert N. Hogarth (202) 927-8930, Bureau of Alcohol, Tobacco and Firearms, room 3200, 650 Massachusetts Avenue NW., Washington, DC 20226.
OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,
Departmental Reports, Management Officer.
[FR Doc. 92-7572 Filed 4-1-92; 8:45 am]
BILLING CODE 4810-31-M

Public Information Collection Requirements Submitted to OMB for Review

Date: March 27, 1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

U.S. Customs Service

OMB Number: 1515-0081.
Form Number: CF 213.
Type of Review: Extension.
Title: Importer's Premises Visit Significant Importation Report.
Description: The CF 213 constitutes a summary report of an interview conducted at the importer's premises by a Customs officer. The CF 213 provides for uniformity for the various importers. Customs conducts the interview based on its responsibilities involving appraisement, classification and admissibility with regard to imported merchandise.
Respondents: Businesses or other for-profit, Small businesses or organizations.
Estimated Number of Responses: 7,385.
Estimated Burden Hours Per Response: 2 hours, 24 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 17,724 hours.
Clearance Officer: Ralph Meyer (202) 566-9182, U.S. Customs Service, Paperwork Management Branch, room 6316, 1301 Constitution Avenue, NW., Washington, DC 20229.
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. 92-7574 Filed 4-1-92; 8:45 am]
BILLING CODE 4820-02-M

Public Information Collection Requirements Submitted to OMB for Review

Dated: March 27, 1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-1222.
Form Number: IRS Forms 8628, 8635, and 9161.
Type of Review: Revision.
Title:
1. Request for Federal Income Tax Forms "Plan Only" Accounts (8628).
2. Request for Federal Income Tax Forms for Libraries (8635).
3. Request for Federal Income Tax Forms for Bank, Post Office and Library (BPOL) Accounts (9161).

Description: These forms allow banks, post offices and libraries to distribute tax forms and publications to taxpayers at convenient locations as a service for the Internal Revenue Service.
Respondents: Individuals or households, State or local governments, Farms, Businesses or other for-profit, Federal agencies or employees, Non-profit institutions, Small businesses or organizations.
Estimated Number of Responses: 62,911.
Estimated Burden Hours Per Respondent:

Form	Response time
8628	5 minutes.
8635	10 minutes.
9161	10 minutes.

Frequency of Response: Annually.
Estimated Total Reporting Burden: 6,507 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. 92-7575 Filed 4-1-92; 8:45 am]
BILLING CODE 4830-01-M

Public Information Collection Requirements Submitted to OMB for Review

Dated: March 27, 1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Financial Management Service

OMB Number: 1510-0058.
Form Number: None.
Type of Review: Extension.
Title: Endorsement and Payment of Checks on the United States Treasury and Claims on Account of Treasury Checks.
Description : A person making a claim on a Treasury check provides information concerning the check to the agency that authorized the issuance of the check. The information is used to determine if the claimant is entitled to the amount of the check. Likely claimants are individual recipients of checks.
Respondents: Individuals or households.
Estimated Number of Respondents: 1.
Estimated Burden Hours Per Response: 1 hour.

Frequency of Response: On occasion.
Estimated Total Reporting Burden: 1 hour.
Clearance Officer: Jacqueline R. Perry (301) 436–6453, Financial Management Service, 3361-L 75th Avenue, Landover, MD 20785.
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. 92–7576 Filed 4–1–92; 8:45 am]
BILLING CODE 4810-35-M

Public Information Collection Requirements Submitted to OMB for Review

Dated: March 30, 1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Bureau of the Public Debt

OMB Number: 1535–0096.
Form Number: PD F 1993.
Type of Review: Extension.
Title: Reinvestment Application.
Description: This form is used to request that proceeds of matured Series H savings bonds be reinvested in Series HH savings bonds.
Respondents: Individual or households.
Estimated Number of Respondents: 270,000.
Estimated Burden Hours Per Response: 15 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 67,500 hours.
Clearance Officer: Rita DeNagy, (202) 874–1148, Bureau of the Public Debt, Room 137, BEP Annex, 300 13th Street SW., Washington, DC 20239–0001.
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. 92–7577 Filed 4–1–92; 8:45 am]
BILLING CODE 4810-40-M

Public Information Collection Requirements Submitted to OMB for Review

Dated: March 27, 1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

Special Request

The Financial Crimes Enforcement Network (FinCEN) is requesting approval from the Office of Management and Budget of these information collections by April 17, 1992 to allow this program to meet its anticipated start date.

Departmental Offices Financial Crimes Enforcement Network

OMB Number: New.
Form Number: TD F 90–22.44.
Type of Review: New collection.
Title: Request for Query/Analysis.
Description: This form allows the efficient intake of requests for investigative support sent to the Financial Crimes Enforcement Network (FinCEN) by Federal, state and local law enforcement. The information will provide the information necessary to determine the lawful parameters of data base searches in response to the requests.
Respondents: State or local governments, Federal agencies or employees.
Estimated Number of Respondents: 4,300.
Estimated Burden Hours Per Response: 30 minutes.
Frequency of Response: Other (once per request).
Estimated Total Reporting Burden: 2,150 hours.

OMB Number: New.
Form Number: TD F 90–22.45.
Type of Review: New collection.
Title: FinCEN Access Identification Form.
Description: This collection will be used to ensure that confidential law enforcement information is provided only to authorized officials of state and local law enforcement agencies. The collected information will allow identities to be efficiently verified.
Respondents: State or local governments.
Estimated Number of Respondents: 100.
Estimated Burden Hours Per Response: 10 minutes.
Frequency of Response: Other (one-time only).
Estimated Total Reporting Burden: 17 hours.
Clearance Officer: Lois K. Holland, (202) 566–6579, Departmental Offices, room 3191, Treasury Annex, 1500 Pennsylvania Avenue NW., Washington, DC 20220.
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. 92–7573 Filed 4–1–92; 8:45 am]
BILLING CODE 4810-25-M

Customs Service

[T.D. 92-33]

Revocation of Customs Broker Licenses

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: General notice.

SUMMARY: Notice is hereby given that on March 24, 1992, the Secretary of the Treasury, pursuant to section 641, Tariff Act of 1930, as amended, (19 U.S.C. 1641), and § 111.74 of the Customs Regulations, as amended (19 CFR 111.74), ordered to the revocation of the following broker licenses due to the failure of the broker to file the triennial report as required by 19 CFR 111.30(d). Hence, the subject licenses are revoked. These licenses were issued in the Los Angeles district.

Dated: March 27, 1992.

C.L. Brainard,
Director, Office of Trade Operations.

Broker Name and License No.

Norvin E. Alcorn—7154
Martin Altman—3940
Harlan Anderson—9445
Roger C. Anderson—4015

Joanne Antall—6982
Ronald Arrin—7632
Mark Bacic—4466
Deborah Batist—6144
Charles Barnett—3939
George A. Bateman—2347
Kay Bennett—4900
Thomas Allen Biggs—5467
Dale L. Borhaug—7187
Neil Brooksby—10626
Donald Michael Buynak—7682
Barbara Ellen Carroll—9189
Joseph G. Cauchon—2453
Charles Crow—6004
Paul Cinecone—5984
Joseph B. Cheap—2152
Leland J. Coontz, III—9435
Eileen S. Cross—6931
Keith L. Curtis, Sr.—5157
David Dalldorf—5117
Rebecca L. Dearing—11830
Susanna Des Marias—6930
Hector M. Diaz—2533
Gerald E. Dickey—9579
James Joseph Dobson—3855
Tom J. Dorlis—9701
Donald Doss—4569
Alberta N. Duncan—2656
Linda Lee Fetscher—5664
Howard Daniel Fisher—3297
Scott Kendall Flora—9086
Ola L. Foley—5398
Bernard L. Friedman—5114
David M. Gaylor—7152
Russell C. Greene—6076
Joanne Graham—11377
Susan K. Grimm—7215
Nancy Lillian Gulish—4790
Peter Michael Guyer—11221
Joanne Hanson—9457
Deborah S. Hoyt Harris—9335
Nellie S. Harrison—5167
Dale Jay Hollingshead—9540
Kristeen Anne Hulburt—8034
James B. Humphrey—5800
Leslie Hyland—9139
Deborah Ann Karen—6467
Kevin Edward Kearney—7018
Bradley A. Kint—4218
Robert M. Kosslyn—5529
Lionel Nello Levy—9789
Howard Liu—9429
Charles A. Loomis—4232
Paul G. Lopez—7776
Frederick William Luessen—9484
Brandon R. MacDuff—9089
Johnathan D. McClean—9430
Michael Patrick McMullen—9132
Francis M. Mecham—3977
David J. Miller—6457
Gene O. Miller—2254
Samuel R. Montague—5263
Carmen Mornburgh—10629
David A. Mulherin—4278
Michael A. Nack—11517
Raeleen Newman—7186
Donna Joanne Nuss—7744
Robert Eugene Pambert—10666
Alvin F. Papke, Jr.—5989
Hal Pepe—10598
Debra M. Perkins—11264
James Robert Phillips—5757
Mary K. Pindur—4934
Samuel Plon—3288
Bonnie Prange—10973
Deborah Amthor Rankin—7075
Michael Walter Reasoner—5752
Deborah Riding—11324
Joan M. Robb—4844
Louis F. Romanello—4094
Frank Saccocio—11140
Shozo Saito—3616
George B. Salas—4442
Richard E. Santiestevan—3882
Earl R. Sauls—2615
Michael B. Schubert—5951
Richard Ernest Seggesser—4626
Harold A. Shubin—5293
Louis Silverman—6296
Herman Simmons—6318
Ellen Baker Snell—6164
Stephen M. Stambuk—2250
Louis R. Terrile—4031
James Steiner—4534
George S. Strong, Jr.—9417
Peter Dal Suh—9821
Allen Sundell—2834
Emily Szu Tu—11090
Joanna Marie Tabatabai—9444
Donald G. Stava—5033
Carmen E. Thornburgh—10627
Dolores Bribiesca Villegas—7096
Eric C. Von Coelln—11950
Patricia A. Wade—05445
Leonard A. Webster—2256
Stanley Edward Wells—5528
Katherine White—2454
Wendy Cordeiro White—9589
David M. Wick—4843
Acclerated Customs Brokers, Inc.—7304
All Transport, Inc—6988
Berry & McCarthy Shipping Company, Inc.—7406
Bostrum Warren, Inc.—5888
Burlington—11088
Comport Air International, Inc.—6122
Consolidated Freightways Export/Import Inc.—7651
D&D Freight Service, Inc.—9845
Bruce Duncan, Co.,—7593
HW Dorf Company Inc. of Cal.—1860
M.B. Ingham & Son, Inc.—6310
KTS Customs Brokers—10666
L.A. Global Services, Inc.—7762
Laufer Shipping (Cal). Company, Inc.—9550
Levy & Associates—10632
Matsukawa and Associates—4522
Movers Port Service, Inc.—9095
SEI Group of Companies, Inc.—7365
Earl R. Sauls Associates—5251
Shipco, Inc.—4861
Superior Customs Brokers, Inc.—5450
Surface Freight Corporation—2016
Union Air Transport GMBM, Inc.—7179
F.B. Vandergrift Company, Inc.—6919
WITS, Inc.—4735
Steve Zamarripa, Inc.—10967

[FR Doc. 92-7507 Filed 4-1-92; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF VETERANS AFFAIRS

Career Development Committee; Charter Renewal

This gives notice under the Federal Advisory Committee Act (Pub. L. 92-463) of October 6, 1972, that the Department of Veterans Affairs' Career Development Committee has been renewed for a 2-year period beginning March 23, 1992, through March 23, 1994.

Dated: March 26, 1992.

By direction of the Secretary.

Diane H. Landis,

Committee Management Officer.

[FR Doc 92-7587 Filed 4-1-92; 8:45 am]

BILLING CODE 8320-01-M

Privacy Act of 1974; Report of Amended Matching Program

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

Notice is hereby given that the Department of Veterans Affairs (VA) intends to conduct a recurring computer matching program matching Office of Personnel Management Civil Service Retirement Act and Federal Employees' Retirement System Act benefit recipients with VA pension and parents' dependency and indemnity compensation records.

The goal of this match is to identify VA benefit recipients who are also receiving civil service annuities and survivor payments reportable to VA as countable income.

The Department of Veterans Affairs (VA) plans to match records of veterans and surviving spouses and children who receive pension and parents who receive dependency and indemnity compensation (DIC) from VA with records of civil service benefit recipients maintained by the Office of Personnel Management (OPM). The match with OPM will provide VA with data from the OPM Central-1 Civil Service Retirement and Insurance Records. VA will use the data to update the master records of VA beneficiaries receiving income dependent benefits and to adjust VA benefit payments as prescribed by law. Currently, information about a VA beneficiary's receipt of civil service benefits is obtained from reporting by the beneficiary. The proposed matching

programs will enable VA to ensure accurate reporting of OPM benefits.

Records to be Matched: OPM as "source agency" will provide civil service benefit payment information from the systems of records designated as OPM Central-1, Civil Service Retirement and Insurance Records, 55 FR 3816, February 5, 1990, matched against the VA system of records, Compensation, Pension, Education and Rehabilitation Records—VA (58 VA 21/22) contained in the Privacy Act Issuances, 1989 compilation, Volume II, pages 918–922 and as amended at **Federal Register** 56 FR 15667. In accordance with Title 5 U.S.C. subsection 552a(o)(2) and (r), copies of the agreement are being sent to both Houses of Congress and to the Office of Management and Budget.

This notice is provided in accordance with the provisions of the Privacy Act of 1974 as amended by Public Law 100–503.

The match is estimated to start April 1, 1992, but will start no sooner than 30 days after publication of this Notice in the **Federal Register**, or 30 days after copies of this notice and the agreement of the parties is submitted to Congress and the Office of Management and Budget, whichever is later, and end not more than 18 months after the agreement is properly implemented by the parties. The involved agencies' Data Integrity Boards (DIB) may extend this match for 12 months provided the agencies certify to their DIBs, within three months of the ending date of the originial match, that the matching program will be conducted without change and that the matching program has been conducted in compliance with the original matching program.

ADDRESSES: Interested individuals may comment on the proposed matches by writing to the Director, Compensation and Pension Service (21), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420.

FOR FURTHER INFORMATION CONTACT: David G. Spivey (213B), (202) 233–3504.

SUPPLEMENTARY INFORMATION: This information is required by title 5 U.S.C. subsection 552a(e)(12), the Privacy Act of 1974. A copy of this notice has been provided to both Houses of Congress and the Office of Management and Budget.

Approved: March 23, 1992.

Edward J. Derwinski,

Secretary of Veterans Affairs.

[FR Doc. 92–7588 Filed 4–1–92; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 57, No. 64
Thursday, April 2, 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).

FOREIGN CLAIMS SETTLEMENT COMMISSION

F.C.S.C. Meeting Notice No. 7–92

Announcement in Regard to Commission Meetings and Hearings

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings and oral hearings for the transaction of Commission business and other matters specified, as follows:

Date, Time, and Subject Matter

Thurs., April 23, 1992, at 10:30 a.m.—Consideration of Proposed Decisions on claims against Iran

Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 601 D Street, NW., Washington, DC. Requests for information, or advance notices of intention to observe a meeting, may be directed to: Administrative Officer, Foreign Claims Settlement Commission, 601 D Street, NW., Room 10000, Washington, DC 20579. Telephone: (202) 208–7727.

Dated at Washington, D.C. on March 30, 1992.

Judith H. Lock,

Administrative Officer.

[FR Doc. 92–7693 Filed 3–31–92; 8:45 am]

BILLING CODE 4410-01-M

FEDERAL ELECTION COMMISSION

"FEDERAL REGISTER" NUMBER: 92-7158.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, April 2, 1992, 10:00 a.m., Meeting Open to the Public.

The following item is added to the agenda:

Advisory Opinion 1991–30: Mr. Frank M. Northam on behalf of Citizens for a Sound Economy, Inc. (continued from Meeting of March 26, 1992)

DATE AND TIME: Tuesday, April 7, 1992, 10:00 a.m.

PLACE: 999 E Street, N.W., Washington, D.C.

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 9, 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:

Title 26 Certification Matters

Final Audit Report—Jesse Jackson for President '88 Committee; Jesse Jackson for President '88 Committee-California; and New Yorkers for Jesse Jackson '88

Advisory Opinion 1992–7: Mr. James H. Ingraham on behalf of H & R Block Political Action Committee

Advisory Opinion 1992–9: Mr. Roy L. Beavers of KAMO Power

Gephardt for President: Statement of Reasons Supporting Final Repayment Determination

Administrative Matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Press Officer, Telephone: (202) 219-4155.

Delores Harris,

Administrative Assistant.

[FR Doc. 92-7764 Filed 3-31-92, 2:53 pm]

BILLING CODE 6715-01-M

Corrections

Federal Register
Vol. 57, No. 64
Tuesday, April 2, 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.

DEPARTMENT OF COMMERCE

International Trade Administration

[A-421-701]

Brass Sheet and Strip From the Netherlands; Final Results of Antidumping Duty Administrative Reviews

Correction

In notice document 92-6446, beginning on page 9534, in the issue of Thursday, March 19, 1992, make the following correction:

On page 9538, in the 3rd column, in the 13th line (in the heading preceding *Comment 15*:), "88/89" should read "89/90".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 92F-0100]

PCI Membrane Systems, Ltd.; Filing of Food Additive Petition

Correction

In notice document 92-6637, appearing on page 10028, in the issue of Monday, March 23, 1992, in the second column, under **FOR FURTHER INFORMATION CONTACT:**, in the third line, "(HHF-335)" should read "(HFF-335)"; and in the fifth line, "020-254-9500" should read "202-254-9500".

BILLING CODE 1505-01-D

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-30469; File No. SR-MSE-92-03]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by Midwest Stock Exchange, Inc. To Establish an Automatic Execution System for Limit Orders

Correction

In notice document 92-6283, beginning on page 9462, in the issue of Wednesday, March 18, 1992, in the third column, in the heading, the Release number should read as set forth above.

BILLING CODE 1505-01-D

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-30487; File No. SR-BSE-92-02]

Self-Regulatory Organizations; Filing of Proposed Rule Change by Boston Stock Exchange, Inc. Adopting Chapter XXXIII, Section 7 Regarding BEACON Liability

Correction

In notice document 92-6736 appearing on page 10196 in the issue of Tuesday, March 24, 1992, in the heading, the Release number should read as set forth above.

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Transport Airplane and Engine Subcommittee of the Aviation Rulemaking Advisory Committee; Meeting

Correction

In notice document 92-6521, appearing on page 9755, in the issue of Friday, March 20, 1992, in the second column, under **DATES:**, in the second line, "April 17" should read "April 7".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92-NM-33-AD]

Airworthiness Directives; Canadair, Ltd., Model CL-600-1A11 (CL-600), CL-600-2A12 (CL-601), and CL-600-2B16 (CL-601-3A) Series Airplanes

Correction

In proposed rule document 92-6085, beginning on page 9078, in the issue of Monday, March 16, 1992, make the following corrections:

§ 39.13 [Corrected]

1. On page 9080, in the first column, in § 39.13(a), in the first line, "1991" should read "1992".

2. On the same page, in the same column, in § 39.13(a)(2), in the first line, "CL-6-2A12" should read "CL-600-2A12".

3. On the same page, in the same column, in § 39.13(b), in the ninth line, "CL-60-2A12" should read "CL-600-2A12".

4. On the same page, in the second column, in § 39.13(c), in the third line, "of" should read "or".

BILLING CODE 1505-01-D

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 4

RIN 2900-AF26

Disability Evaluations for HIV-Related Illnesses

Correction

In rule document 92-6580 beginning on page 10134 in the issue of Tuesday, March 24, 1992, make the following correction:

On page 10136, in the first column, under the signature line, in the words of issuance paragraph, the words "proposed to be" should be removed.

BILLING CODE 1505-01-D

federal register

Thursday
April 2, 1992

Part II

Department of Education

Direct Grant Programs and Fellowship Programs; Notice

DEPARTMENT OF EDUCATION

Direct Grant Programs and Fellowship Programs

AGENCY: Department of Education.

ACTION: Notice of direct grant programs and fellowship programs under which the Secretary is making new awards for fiscal year 1992.

SUMMARY: The Secretary updates the list of the Department's direct grant programs and fellowship programs under which the Secretary is making new awards for fiscal year (FY) 1992 and estimates the deadline dates for the transmittal of applications for those programs for which application notices have not yet been published. The Secretary also revises the list of State Single Points of Contact (SPOCs) for programs subject to the requirements of Executive Order 12372 (Intergovernmental Review of Federal Programs). The notice is intended to help potential applicants in planning for the remainder of this fiscal year.

DATES: The actual or estimated deadline dates for transmitting applications under these programs are listed in column four of the chart contained in this notice. If a program will be announced at a later date, the actual deadline date will appear in the application notice published in the **Federal Register**.

For previously announced programs that are subject to Executive Order 12372, the deadline dates for the transmittal of State Process Recommendations by SPOCs and comments by other interested parties are listed in the application notices for those programs (see column three of the chart for the respective publication dates of—and **Federal Register** volume and page references to—those notices).

For programs yet to be announced that are subject to EO 12372, the deadline for the transmittal of State Process Recommendations and other comments will appear in the respective application notices for those programs (see column three of the chart for the estimated publication dates of those notices).

The date on which applications will be available for any given programs are in the application notice for that program.

ADDRESSES: The address and telephone number for obtaining applications for, or further information about, an individual program are in the application notice for that program.

Deaf and hearing impaired individuals may call the TDD number, if any, listed in the individual application notices. If a TDD number is not listed for a given program, 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.

The address for transmitting recommendations and comments under Executive Order 12372 is in the appendix to this notice. The appendix also contains the addresses of individual SPOCs.

SUPPLEMENTARY INFORMATION: On September 18, 1991, the Secretary published in the **Federal Register** (56 FR 47270) the Department's annual combined application notice (CAN). That notice listed almost all of the direct grant and fellowship programs under which the Secretary planned to make new awards in FY 1992 and included the application notices for many of those programs. The list included some programs for which application notices had not yet been published. Since publication of the CAN, application notices have been published for a number of those programs. Also, some new programs have been added, and some other programs have been withdrawn or replaced.

At a meeting with officials of the Department in December 1991, certain representatives of the higher education community recommended that the Department publish an update of the CAN at least once each year, preferably at or near the beginning of the second academic semester. These representatives recommended that the update include a listing of all application notices published to date for that fiscal year. They recommended further that the Secretary provide estimated dates for publication of future application notices and estimated deadlines for transmitting applications under those notices.

The Secretary determined that these actions would be helpful, not only to the higher education community but to all potential applicants under the Department's many direct grant programs and fellowship programs. This notice, therefore, lists all FY 1992 programs previously announced in the **Federal Register**, including those for which the deadline dates have already passed, as well as FY 1992 programs to be announced at a later date. As is the case with the CAN, this notice is designed to assist potential applicants in planning projects and activities. However, to expedite publication of this update, the Secretary has decided not to include any individual application notices. Application notices are published separately in the **Federal Register**. If additional competitions are carried out in FY 1992 because of new legislation or other events not known at this time, the Secretary will announce those competitions in future issues of the **Federal Register**.

As an appendix to the CAN of September 18, 1991, the Secretary published a list of State Single Points of Contact (SPOCs) for programs subject to Executive Order 12372 and the regulations in 34 CFR part 79. Since publication of that list, two more States, Pennsylvania and Oregon, have voluntarily withdrawn from participation under the order, and the names or addresses of SPOCs in a number of other States have changed. The Secretary has determined that this information, which has been made available to the Department, should be available, as well, to entities affected by the order and its implementing regulations. Therefore, as an appendix to this update, the Secretary is publishing a revised listing of SPOCs.

Organization of Notice

The chart lists all direct grant programs and certain fellowship programs under which the Secretary is making new awards in FY 1992. The listings are organized under the following principal program offices of the Department:

Office of Bilingual Education and Minority Languages Affairs
Office of Educational Research and Improvement
Office of Elementary and Secondary Education
Office of Postsecondary Education
Office of Special Education and Rehabilitative Services
Office of Vocational and Adult Education

The listing for each principal office includes two categories of application notices: Those already published and those to be published at a later date. The programs are listed in order of their Catalog of Federal Domestic Assistance (CFDA) number irrespective of category. An asterisk (*) preceding a CFDA number indicates a program announced or listed since publication of the CAN and not included or referenced in that earlier combined notice.

The listing for each office contains the following information:

- The CFDA number of each program.
- The name of that program.
- A reference to the application notice; that is, either (1) the publication date of the application notice, with a reference to the volume and page number of the **Federal Register** in which

the announcement appeared, or (2) an estimated date for publication of the application notice.

• The deadline date or estimated deadline date for the transmission of applications.

Programs To Be Announced at a Future Date

For FY 1992 a number of programs will be governed by new regulations or funding priorities. This notice references these types of programs with estimated dates (est.) in columns three and four of the chart. For further information regarding many of these programs, readers are referred to the following notices of proposed rulemaking and notices of proposed funding priorities that have been published in the **Federal Register:**

Foreign Periodicals Program—Notice of Proposed Rulemaking	52 FR 49122 (12/29/87)
Upward Bound Program—Math and Science Initiative—Notice of Proposed Priorities	56 FR 37620 (8/7/91)
Javits Gifted and Talented Students Education Grant Program—Notice of Proposed Rulemaking	56 FR 51122 (10/9/91)
Children and Youth with Disabilities—Notice of Proposed Priorities for Fiscal Years 1992 and 1993	56 FR 51766 (10/15/91)
Cooperative Demonstration Program (Correction Education)—Notice of Proposed Priorities for Fiscal Year 1992	56 FR 57774 (11/13/91)
Proposed Funding Priorities for the National Institute on Disability and Rehabilitation Research for Fiscal Years 1992–93.	56 FR 58280 (11/18/91)
National English Literacy Demonstration Program for Individuals of Limited English Proficiency—Notice of Proposed Priorities for Fiscal Year 1992.	56 FR 58480 (11/19/91)
Educational Partnerships Program—Notice of Proposed Rulemaking	56 FR 59158 (11/22/91)
Cooperative Demonstration Program (School-to-Work)—Notice of Proposed Priorities for Fiscal Year 1992	56 FR 64926 (12/12/91)
Demonstration Projects for the Integration of Vocational and Academic Learning Program (Model Tech-Prep Education Projects)—Notice of Proposed Priorities for Fiscal Year 1992.	57 FR 154 (1/2/92)
Office of Special Education and Rehabilitative Services—Notice of Proposed Funding Priorities for Fiscal Years 1992 and 1993.	57 FR 3250 (1/28/92)
Business and Education Standards—Notice of Proposed Priorities for Fiscal Year 1992	57 FR 3619 (1/30/92)
Transitional Bilingual Education Program; Special Alternative Instructional Program—Notice of Proposed Priorities for Fiscal Year 1992.	57 FR 6818 (2/28/92)
Even Start—Notice of Proposed Rulemaking	57 FR 7300 (2/28/92)
Rehabilitation Short-Term Training—Notice of Proposed Priorities for Fiscal Year 1992	57 FR 8052 (3/5/92)
Protection and Advocacy of Individual Rights—Notice of Proposed Priority for Fiscal Year 1992	57 FR 8232 (3/6/92)

Applicability of Section 5301 of the Anti-Drug Abuse Act of 1988

A number of programs listed in the chart provide that a grant, fellowship, traineeship, or other monetary benefit may be awarded to an individual. This award may be made to the individual either directly by the Department or by a grantee that receives Federal funds for the purpose of providing, for example, fellowships, traineeships, or other awards to individuals.

Section 5301 of the Anti-Drug Abuse Act of 1988 (Pub. L. 100–690; 21 U.S.C. 862) provides that a sentencing court may deny eligibility for certain Federal benefits to an individual convicted of drug trafficking or possession. Thus, an individual who applies for a grant, fellowship, or other monetary benefit under a program covered by this notice should understand that, if convicted of drug trafficking or possession, he or she is subject to denial of eligibility for that benefit if the sentencing court imposes such a sanction.

This denial applies whether the Federal benefit is provided to the individual directly by the Department or is provided through a grant, fellowship, traineeship, or other award made available with Federal funds by a grantee.

Any persons determined to be ineligible for Federal benefits under the provisions of section 5301 are listed in the General Services Administration's "List of Parties Excluded from Federal Procurement or Nonprocurement Programs."

Applicability of the Federal Debt Collection Procedures Act of 1990

The programs listed in the chart make discretionary awards subject to the eligibility requirements of the Federal Debt Collection Procedures Act of 1990 (Pub. L. 101–647; 28 U.S.C. 3201). The Act provides that if there is judgment lien against a debtor's property for a debt to the United States, the debtor is not eligible to receive a Federal grant or loan, except direct payments to which the debtor is entitled as beneficiary, until the judgment is paid in full or otherwise satisfied.

List of Programs

CFDA No.	Name of program	Application notice	Application deadline date
	Office of Bilingual Education and Minority Languages Affairs		
84.003A	Transitional Bilingual Education Program	9/18/91 (56 FR 47270)	1/10/92.
*84.003C	Developmental Bilingual Education Program	1/30/92 (57 FR 3618)	4/3/92.
84.003E	Special Alternative Instructional Program	9/18/91 (56 FR 47270)	1/10/92.
84.003G	Academic Excellence Program	9/18/91 (56 FR 47270)	1/21/92.
84.003J	Family English Literacy Program	9/18/91 (56 FR 47270)	11/13/91
84.003L	Special Populations Program	9/18/91 (56 FR 47270)	11/13/91.
*84.003M	Transitional Bilingual Education Program (Recent Arrivals Priority).	5/22/92 (est.)	7/6/92 (est.).
*84.003N	Special Alternative Instructional Program (Recent Arrivals Priority).	5/22/92 (est.)	7/6/92 (est.).
84.003Q	State Educational Agency Program	9/18/91 (56 FR 47270)	11/29/91.
84.003R	Educational Personnel Training Program	9/18/91 (56 FR 47270)	1/27/92.
84.003S	Training Development and Improvement Program	11/4/91 (56 FR 56452)	1/23/92.
84.003T	Fellowship Program	9/18/91 (56 FR 47270)	1/17/92.

CFDA No.	Name of program	Application notice	Application deadline date
84.003V	Short-Term Training Program	9/18/91 (56 FR 47270)	11/13/91.
	Office of Educational Research and Improvement		
	Library Programs		
84.036B	Library Career Training Program—Fellowship Awards	6/12/91 (56 FR 27157)	10/10/91.
84.091A	Strengthening Research Library Resources	6/12/91 (56 FR 27157)	10/28/91,[1] 12/2/91.[2]
84.163A	Library Services to Indian Tribes and Hawaiian Natives Program—Basic Grants.	6/12/91 (56 FR 27156)	10/1/91.
84.163B	Library Services to Indian Tribes and Hawaiian Natives Program—Special Projects Grants.	6/12/91 (56 FR 27158)	4/3/92.
84.167A	Library Literacy Program	6/12/91 (56 FR 27156); 10/18/91 (56 FR 52260)	12/13/91.
84.197A	College Library Technology and Cooperation Grants Program	6/12/91 (56 FR 27157)	1/17/92.
*84.197E	Biotechnology Information Education Demonstration Project	2/11/92 (57 FR 4994)	4/28/92.
84.239A	Foreign Language Materials Acquisition Program	6/12/91 (56 FR 27157)	3/9/92.
	Fund for the Improvement and Reform of Schools and Teaching		
	(First)		
84.168	National Program for Mathematics and Science Education	Withdrawn	Withdrawn.
*84.168A	National Program for Mathematics and Science Education—Curriculum Frameworks.	6/5/92 (est.)	7/31/92 (est.).
*84.168R	National Program for Mathematics and Science Education—Regional Consortiums.	6/5/92 (est.)	7/31/92 (est.).
84.211A	FIRST—Schools and Teachers Program	12/19/91 (56 FR 65958)	3/6/92.
84.211B	FIRST—Schools and Teachers Program—School-Level Projects.	12/19/91 (56 FR 65960)	3/6/92.
*84.211C	FIRST—Schools and Teachers Program	1/14/92 (57 FR 1632)	3/18/92.
84.212A	FIRST—Family-School Partnership Program	12/19/91 (56 FR 65946)	3/6/92.
84.215	Secretary's Fund for Innovation in Education (FIE):		
84.215A	FIE—Innovation in Education Program—Restructuring	3/17/92 (57 FR 9378)	5/22/92.
84.215B	FIE—Comprehensive School Health Education Program	12/19/91 (56 FR 65962)	2/14/92.
*84.215C	FIE—Technology Education Program	3/10/92 (57 FR 8564)	5/8/92.
*84.215G	FIE—Innovation in Education Program—Assessment	6/5/92 (est.)	7/31/92 (est.).
	Office of Research		
84.117A	National Reading Research Center	7/8/91 (56 FR 31014)	10/18/91.
84.117E	Educational Research Grant Program—Field-Initiated Studies	9/18/91 (56 FR 47270); 11/19/91 (56 FR 58373)	1/22/92.
84.117J	OERI Fellows Program	2/7/92 (57 FR 4796)	4/17/92.
	Programs for the Improvement of Practice		
84.073A	National Diffusion Network Program—New Developer Demonstrator Projects.	9/18/91 (56 FR 47270)	4/10/92.
84.073C	National Diffusion Network Program—New State Facilitator Projects.	12/12/91 (56 FR 64777)	3/9/92.
84.073E	National Diffusion Network Program—New Dissemination Process Projects.	9/18/91 (56 FR 47270)	5/29/92.
*84.117H	Researcher Training Program	3/6/92 (57 FR 8236)	5/1/92.
84.203A	Star Schools—General	5/18/92 (est.)	7/2/92 (est.).
84.203B	Star Schools—Statewide	5/18/92 (est.)	7/2/92 (est.).
84.203C	Star Schools—Dissemination	5/18/92 (est.)	7/2/92 (est.).
84.206	Javits Gifted and Talented Students Education Grant Program	3/13/92 (57 FR 9002)	5/7/92.
84.228A	Educational Partnerships Program	4/10/92 (est.)	6/18/92 (est.).
	National Center for Education Statistics		
84.999B	National Assessment of Educational Progress Data Reporting Program.	9/18/91 (56 FR 47270)	11/15/91.
*84.999E	National Assessment of Educational Progress Program	11/25/91 (56 FR 59250); 1/6/92 (57 FR 402)	1/17/92.
	Office of Elementary and Secondary Education		
84.004C	Desegregation of Public Education—State Educational Agency Desegregation Program.	7/25/91 (56 FR 34056); 8/12/91 (56 FR 38132)	10/1/91.
84.014B	Follow Through Program—Local Projects	9/18/91 (56 FR 47270); 3/10/92 (57 FR 8444)	4/27/92.
84.014C	Follow Through Program—Sponsors	9/18/91 (56 FR 47270); 3/10/92 (57 FR 8444)	4/27/92
84.061A	Educational Services for Indian Children	9/18/91 (56 FR 47270)	1/8/92.
84.061C	Planning, Pilot, and Demonstration Projects for Indian Children (Planning Projects).	2/21/92 (57 FR 6283)	5/1/92.
84.061D	Planning, Pilot, and Demonstration Projects for Indian Children (Pilot Projects).	2/21/92 (57 FR 6283)	5/1/92.
84.061E	Planning, Pilot, and Demonstration Projects for Indian Children (Demonstration Projects).	2/21/92 (57 FR 6283)	5/1/92.
84.061F	Indian Education—Educational Personnel Development	2/21/92 (57 FR 6283)	5/1/92.
84.062A	Educational Services for Indian Adults	9/18/91 (56 FR 47270)	1/8/92.
84.072A	Indian-Controlled Schools—Enrichment Projects	9/18/91 (56 FR 47270)	1/8/92
84.083A	Women's Educational Equity Act	9/18/91 (56 FR 47270); 2/26/92 (57 FR 6599)	Withdrawn.

CFDA No.	Name of program	Application notice	Application deadline date
84.087A	Indian Fellowship Program	9/18/91 (56 FR 47270)	2/7/92
84.123A	Law-Related Education Program	9/18/91 (56 FR 47270)	3/2/92
84.184A	Drug-Free Schools and Communities Program—Demonstration Grants to Institutions of Higher Education.	9/18/91 (56 FR 47270); 12/19/91 (56 FR 65890)	2/4/92
84.184B	Drug-Free Schools and Communities Program—Federal Activities Grants Programs.	9/18/91 (56 FR 47270)	12/20/91
84.190A	Christa McAuliffe Fellowship Program	9/18/91 (56 FR 47270)	12/13/91
84.201	School Dropout Demonstration Assistance Program	1/17/92 (57 FR 2081); 2/21/92 (57 FR 6216)	4/3/92.
84.207A	Drug-Free Schools and Communites—School Personnel Training Grants.	9/18/91 (56 FR 47270)	12/4/91.
84.214A	Migrant Educational Even Start Program	6/1/92 (est.)[3]	7/31/92 (est.).
84.233A	Drug-Free Schools and Communities—Emergency Grants	9/18/91 (56 FR 47270)	2/18/92.
84.241A	Drug-Free Schools and Communities—Counselor Training Grants Program.	9/18/91 (56 FR 47270); 12/19/91 (56 FR 65890)	2/4/92.
	Office of Postsecondary Education		
84.016A	Undergraduate International Studies and Foreign Language	8/8/91 (56 FR 37691)	11/4/91.
84.017A	International Research and Studies Program	8/19/91 (56 FR 41124)	11/1/91.
84.019A	Fulbright-Hays Faculty Research Abroad	8/26/91 (56 FR 42035)	11/1/91.
84.021A	Fulbright-Hays Group Projects Abroad	8/8/91 (56 FR 37691)	10/21/91.
84.022A	Fulbright-Hays Doctoral Dissertation Research Abroad	8/26/91 (56 FR 42035)	11/1/91.
84.031A	Strengthening Institutions Program	9/16/91 (56 FR 46770)	1/24/92.
84.031G	Endowment Challenge Grant Program	9/18/91 (56 FR 47270)	6/11/92.
84.031H	Strengthening Institutions Program and Endowment Challenge Grant Program—Designation as an Eligible Institution (under 84.031A and 84.031G).	8/1/91 (56 FR 36780)	9/20/91.
84.047A	Upward Bound Program	9/18/91 (56 FR 47270)	12/6/91.
84.047A-3	Upward Bound Program—Math/Science Centers	4/10/92 (est.)	6/5/92 (est.).
84.055A	Cooperative Education Program—Administration Projects	9/18/91 (56 FR 47270)	12/13/91.
84.055C	Cooperative Education Program—Research Projects	9/18/91 (56 FR 47270)	12/13/91.
84.055D	Cooperative Education Program—Training and Resource Center Projects.	9/18/91 (56 FR 47270)	12/13/91.
84.094B	Patricia Roberts Harris Fellowships Program—Graduate and Professional Study Fellowships.	9/18/91 (56 FR 47270); 10/29/91 (56 FR 55665)	11/29/91.
84.094C	Patricia Roberts Harris Fellowships Program—Public Service Education Fellowships.	8/19/91 (56 FR 41125)	10/11/91.
84.097A	Law School Clinical Experience Program	9/18/91 (56 FR 47270)	1/21/92.
84.120A	Minority Science Improvement Program—Institutional, Cooperative, and Design Projects.	10/28/91 (56 FR 55493)	12/11/91.
84.120B	Minority Science Improvement Program—Special Projects	10/28/91 (56 FR 55493)	12/11/91.
84.136A	Assistance for Training in the Legal Profession	Withdrawn	Withdrawn.
84.153	Business and International Education	8/8/91 (56 FR 37691)	11/8/91.
84.170A	Jacob K. Javits Fellows Program	9/18/91 (56 FR 47270)	2/3/92.
*84.172A	Graduate Academic Facilities Grant Program	4/15/92 (est.)	7/15/92 (est.).
84.200A	Graduate Assistance in Areas of National Need	9/13/91 (56 FR 46700)	10/28/91.
84.202A	Minority Particiaption in Graduate Education	9/13/91 (56 FR 46684)	10/28/91.
84.217A	Ronald E. McNair Post-Baccalaureate Achievement Program	5/11/92 (est.)	6/24/92 (est.).
84.219A	Student Literacy Corps Program	8/16/91 (56 FR 40880)	11/4/91.
84.220A	Centers for Interational Business Education	12/2/91 (56 FR 61308)	2/28/92.
*84.251	Foreign Periodicals	5/15/92 (est.)	7/31/92 (est.).
*84.252	Urban Community Services	4/6/92 (est.)	5/29/92 (est.).
	Fund for the improvement of Postsecondary Education (FIPSE)		
84.116A	Comprehensive Program (Preapplications)	8/26/91 (56 FR 42036)	10/16/91.
84.116B	Comprehensive Program (Applications) [4]	8/26/91 (56 FR 42036)	2/28/92.
84.116F	Fund for the Improvement of Postsecondary Education—Innovative Projects for Student Community Service.	9/18/91 (56 FR 47270)	12/18/91.
84.116G	Fund for the Improvement of Postsecondary Education—Practitioner Scholars (Invitational Priority: Lecture Series).	9/18/91 (56 FR 47270)	12/10/91.
84.116H	Fund for the Improvement of Postsecondary Education—Special Focus Competition (Invitational Priority: College-School Partnerships to Improve Learning of Essential Academic Subjects, Kindergarten through College).	1/14/92 (57 FR 1628)	3/18/92.
84.116J	Fund for the improvement of Postsecondary Education—Special Focus Competition (Invitational Priority: Higher Education Cooperation and Exchange between the United States and the European Community).	Withdrawn	Withdrawn.
84.116K	Fund for the Improvement of Postsecondary Education—Special Focus Competition (Invitational Priority: Projects in Science and the Humanities).	9/18/91 (56 FR 47270)	4/1/92.
84.183A	Drug Prevention Programs in Higher Education—Institution-Wide Program.	9/18/91 (56 FR 47270)	1/21/92.
84.183B	Drug Prevention Programs in Higher Education—Special Focus Program Competition: National College Student Organizational Network Program.	9/18/91 (56 FR 47270); 10/29/91 (56 FR 55665)	5/4/92.
84.183D	Drug Prevention Programs in Higher Education—Special Focus Program Competition: Specific Approaches to Prevention Projects (Invitational Priority: Higher Education Consortia for Drug Prevention).	9/18/91 (56 FR 47270)	2/24/92.

CFDA No.	Name of program	Application notice	Application deadline date
84.183E	Drug Prevention Programs in Higher Education—Analysis and Dissemination Program Competitions: Dissemination of Successful Projects.	9/18/91 (56 FR 47270)	1/13/92.
84.183F	Drug Prevention Programs in Higher Education—Analysis and Dissemination Program Competitions: Analysis Projects.	9/18/91 (56 FR 47270)	1/13/92.
	Office of Special Education and Rehabilitative Services		
	Office of Special Education Programs		
84.023A	Advancing and Improving the Research Knowledge Base	12/23/91 (56 FR 66436)	3/6/92.
84.023B	Student-Initiated Research Projects	8/30/91 (56 FR 43005)	1/10/92.
84.023C	Field-Initiated Research Projects	8/30/91 (56 FR 43005)	10/25/91.
84.023J	Research on Self-Determination in Individuals with Disabilities	6/1/92 (est.)	7/6/92 (est.).
84.023M	Ombudsmen Projects for Children and Youth with Disabilities	6/1/92 (est.)	7/6/92 (est.).
84.023N	Initial Career Awards	6/1/92 (est.)	7/1/92 (est.).
84.023R	Including Children with Disabilities as a Part of Systemic Efforts to Restructure Schools.	6/1/92 (est.)	7/6/92 (est.).
84.024B	Early Childhood Model Demonstration Projects	3/30/92 (est.)	6/1/92 (est.).
84.024D	Outreach Projects	3/30/92 (est.)	6/1/92 (est.).
84.024H	Experimental Projects	3/30/92 (est.)	6/1/92 (est.).
84.024P	Training of Early Intervention Service Providers through Training of Faculty from Institutions of Higher Education.	3/30/92 (est.)	6/1/92 (est.).
84.024T	Early Childhood Research Institute—Service Implementation and Capacity for Providing Early Intervention Services.	3/30/92 (est.)	6/1/92 (est.).
84.025A	State and Multi-State Services Projects for Children with Deaf-Blindness and Optional Pilot Projects for Children with Deaf-Blindness.	3/30/92 (est.)	5/18/92 (est.).
84.025E	Technical Assistance for Transitional Services	10/11/91 (56 FR 51590)	1/17/92.
84.025R	Research in Social Relationships for Children and Youth with Deaf-Blindness.	3/30/92 (est.)	5/18/92 (est.). 15.
*84.025U	National Clearinghouse for Children with Deaf-Blindness	10/11/91 (56 FR 51590)	1/17/92.
84.026B	Descriptive Video	3/30/92 (est.)	5/18/92 (est.).
84.026R	Special Research, Development, and Evaluation Projects	3/30/92 (est.)	5/18/92 (est.).
84.026S	Closed-Captioned Daytime Programming	3/30/92 (est.)	5/18/92 (est.).
84.026T	Cultural Experiences for Deaf and Hard of Hearing Individuals	10/22/91 (56 FR 54706)	1/31/92.
84.029A	Training Personnel To Serve Low-Incidence Disabilities	11/7/91 (56 FR 57205)	1/10/92.
84.029B	Preparation of Personnel for Careers in Special Education	11/7/91 (56 FR 57205)	1/10/92.
*84.029C	Personnel Development Partnerships	12/30/91 (56 FR 67380)	4/1/92.
*84.029C3	Technical Assistance to Technical Development Partnerships	6/30/92 (est.)	7/30/92 (est.).
84.029D	Preparation of Leadership Personnel	11/7/91 (56 FR 57205)	1/10/92.
84.029E	Minority Institutions	11/7/91 (56 FR 57205)	1/10/92.
84.029F	Preparation of Related Services Personnel	11/7/91 (56 FR 57205)	1/10/92.
84.029K	Special Projects	11/7/91 (56 FR 57205)	1/10/92.
*84.029K3	Special Projects	6/30/92 (est.)	7/30/92 (est.).
84.029M	Parent Training and Information Centers	9/18/91 (56 47296)	11/8/91.
*84.029P	Urban and Rural Parent Centers	6/30/92 (est.)	7/30/92 (est.).
84.029Q	Training Early Intervention and Preschool Personnel	11/7/91 (56 FR 57205)	1/10/92.
84.029R	Technical Assistance to Parent Projects	6/30/92 (est.)	7/30/92 (est.).
84.078C	Career Placement Opportunities for Students with Disabilities in Postsecondary Programs.	3/30/92 (est.)	5/18/92 (est.).
84.086A	Social Relationships Research Institute for Children and Youth with Severe Disabilities.	3/30/92 (est.)	5/18/92 (est.).
84.086D	Developing Innovations for Educating Children with Severe Disabilities Full-time in General Education Classrooms.	3/30/92 (est.)	5/18/92 (est.).
84.086J	State-wide Systems Change	3/30/92 (est.)	4/30/92 (est.).
84.086R	Model Inservice Training Projects	3/30/92 (est.)	4/30/92 (est.).
84.086U	Outreach Serving Students with Severe Disabilities in Integrated Environments.	3/30/92 (est.)	4/30/92 (est.).
*84.158	State Systems for Transition Services for Youth with Disabilities	12/20/91 (56 FR 66295)	3/13/92.
84.158D	Model Demonstration Projects to Identify, Recruit, Train, and Place Youth with Disabilities Who Have Dropped Out of School.	3/30/92 (est.)	4/30/92 (est.).
84.158G	Institute to Evaluate and Provide Technical Assistance to States Implementing Cooperative Projects to Improve Transition Services.	3/30/92 (est.)	5/18/92 (est.).
84.158K	Model Demonstration Projects to Identify and Teach Skills Necessary for Self-Determination.	3/30/92 (est.)	5/18/92 (est.).
84.158P	Research Projects on the Transition of Special Populations to Integrated Postsecondary Environments.	3/30/92 (est.)	5/18/92 (est.).
84.159A	State Agency—Federal Evaluation Studies Projects	6/30/92 (est.)	8/7/92 (est.).
84.159F	State Agency—Federal Evaluation Studies Projects—Feasibility Studies of Impact and Effectiveness.	6/30/92 (est.)	8/7/92 (est.).
84.159G	The Center for Special Education Finance	6/30/92 (est.)	8/7/92 (est.).
84.180D	Innovative Applications of Technology to Enhance Experiences in the Arts for Children with Disabilities.	4/28/92 (est.)	6/11/92 (est.).
84.180E	Demonstrating and Evaluating the Benefits of Educational Innovations Using Technology.	4/28/92 (est.)	6/11/92 (est.).
84.180F	Studying How the Design of Software and Computer-Assisted Media and Materials Can Enhance the Instruction of Preschool Children with Disabilities.	4/28/92 (est.)	6/4/92 (est.).

CFDA No.	Name of program	Application notice	Application deadline date
*84.180G	Technology, Education Media, and Materials Research Projects that Promote Literacy.	3/24/92 (57 FR 10248)	5/26/92.
*84.180H	Technology, Education Media, and Materials Demonstration Projects that Promote Literacy.	3/24/92 (57 FR 10248)	5/26/92.
*84.180N	Practice Improvement Center on the Effective and Efficient Use of Technology, Media, and Materials in the Provision of Education and Related Services to Children and Youth with Disabilities.	6/3/92 (est.)	7/20/92 (est.).
*84.237B	Facilitating Interagency and Private Sector Resource Pooling to Improve Services.	4/10/92 (est.)	6/16/92 (est.).
84.237C	School Preparedness for Promoting the Personal and Social Development of Students with Emotional and Behavioral Problems, including Those with Serious Emotional Disturbance.	4/28/92 (est.)	5/29/92 (est.).
*84.237D	Professional Development and Support	4/10/92 (est.)	6/16/92 (est.).
*84.237E	Family/Community Alliances to Increase the Use of Community Programs.	4/20/92 (est.)	6/16/92 (est.).
	National Institute on Disability and Rehabilitation Research		
84.133A	Research and Demonstration Projects	4/10/92 (est.)	6/5/92 (est.).
84.133B	Rehabilitation Research and Training Centers	4/10/92 (est.)	6/24/92 (est.).
84.133C	Innovation Grants	7/31/91 (56 FR 36662)	3/16/92.
*84.133D	Knowledge Dissemination and Utilization Project—Support of Implementation of the Americans with Disabilities Act.	11/25/91 (56 FR 59250)	1/31/92
84.133D	Knowledge Dissemination and Utilization	4/10/92 (est.)	6/5/92 (est.).
84.133E	Rehabilitation Engineering Centers	4/10/92 (est.)	6/24/92 (est.).
84.133F	Rehabilitation Research Fellowships	7/31/91 (56 FR 36662)	12/15/91.
84.133G	Field-Initiated Research	7/31/91 (56 FR 36662)	10/15/91.
84.133P	Research Training Grants	5/14/91 (56 FR 22282)	9/30/91.
84.224A	State Grants for Technology-Related Assistance for Individuals with Disabilities.	8/22/91 (56 FR 38300)	10/15/91.
84.231A	Innovation and Demonstration Technology Grants	10/16/91 (56 FR 51885)	12/13/91.
84.236A	Technology Related Assistance for Individuals with Disabilities—Training and Public Awareness Projects.	10/16/91 (56 FR 51884)	12/13/91.
	Rehabilitation Services Administration		
84.128G	Vocational Rehabilitation Service Projects for Migratory Agricultural and Seasonal Farmworkers with Handicaps—Service Models to Expedite the Rehabilitation Process.	3/5/92 (57 FR 8049)	4/23/92.
84.128K	Special Projects and Demonstrations for Providing Supported Employment Services to Individuals with Severe Handicaps—Community-Based Projects in Rural Areas.	3/5/92 (57 FR 8045)	4/20/92.
84.128L	Special Projects and Demonstrations for Providing Supported Employment Services to Individuals with Severe Handicaps—Community-Based Projects for Individuals with Long Term Mental Illnesses.	3/5/92 (57 FR 8045)	4/20/92.
84.128M	Special Projects and Demonstrations for Providing Supported Employment Services to Individuals with Severe Handicaps—Community-Based Projects for Unserved and Underserved Populations.	3/5/92 (57 FR 8045)	4/20/92.
84.129	Rehabilitation Long-Term Training	9/20/91 (56 FR 47745)	11/22/91.
*84.129A	Rehabilitation Long-Term Training—Prosthetics and Orthotics	9/20/91 (56 FR 47745); 1/17/92 (57 FR 2081)	2/14/92.
*84.129B	Rehabilitation Long-Term Training—Rehabilitation Counseling	11/22/91 (56 FR 59164)	2/3/92.
*84.129B	Rehabilitation Long-Term Training—Rehabilitation Counseling—Doctoral Level Program.	3/12/92 (57 FR 8797)	5/8/92.
*84.129S	Rehabilitation Long-Term Training—National Cleaninghouse of Rehabilitation Training Materials.	3/12/92 (57 FR 8797);	5/8/92.
*84.129S	Rehabilitation Long-Term Training—Client Assistance—Projects of National Scope.	3/12/92 (57 FR 8797)	5/8/92.
84.129T	Experimental and Innovative Training	9/18/91 (56 FR 47275); 11/15/91 (56 FR 58053)	11/21/91.
84.129V	State Vocational Rehabilitation Unit In-Service Training	11/25/91 (56 FR 59251)	3/9/92.
84.132	Centers for Independent Living	Withdrawn	Withdrawn.
*84.177A	Independent Living Services for Older Blind Individuals	6/30/92 (est.)	8/21/92 (est.).
84.234H	Projects with Industry—Projects to Increase Placements in Occupations that Reflect Current and Future Employment Trends and Labor Market Needs.	3/10/92 (57 FR 8567)	4/30/92.
84.234J	Projects with Industry—Projects to Increase the Wage-Earning Potential of Individuals with Handicaps.	3/10/92 (57 FR 8567)	4/30/92.
84.235A	Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals with Severe Handicaps—Individuals with Specific Learning Disabilities Residing in Remote or Rural Areas.	3/10/92 (57 FR 8551)	5/8/92.
84.235G	Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals with Severe Handicaps—Individuals with Traumatic Brain Injuries.	3/10/92 (57 FR 8551)	5/8/92.
84.235H	Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals with Severe Handicaps—Individuals with Chronic, Progressive Diseases.	3/10/92 (57 FR 8551)	5/8/92.

CFDA No.	Name of program	Application notice	Application deadline date
*84.235J	Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals with Severe Handicaps—Non-Priority.	3/10/92 (57 FR 8551)	5/8/92.
*84.235K	Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals with Severe Handicaps—Hearing Research Center.	6/30/92 (est.)	8/21/92 (est.).
*84.235L	Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals with Severe Handicaps—Comprehensive Head Injury Rehabilitation and Prevention Centers.	2/19/92 (57 FR 6008)	4/15/92.
*84.240	Program of Protection and Advocacy of Individual Rights	6/30/92 (est.)	8/21/92 (est.).
84.246	Rehabilitation Short-Term Training	6/30/92 (est.)	8/15/92 (est.).
84.250A	Vocational Rehabilitation Service Projects for American Indians with Handicaps—Disabilities of High Prevalence on the Reservation or in the Tribal Village.	3/5/92 (57 FR 8039)	4/30/92.
84.250B	Vocational Rehabilitation Service Projects for American Indians with Handicaps—Individuals with Specific Learning Disabilities.	3/5/92 (57 FR 8039)	4/30/92.
	Office of Vocational and Adult Education		
84.099	Bilingual Vocational Instructor Training Program	5/10/91 (56 FR 21784)	7/12/91.
84.101A	Indian Vocational Education Program	5/30/91 (56 FR 24634)	7/15/91.
84.101C	Native Hawaiian Vocational Education Program	9/18/91 (56 FR 47270)	4/5/92.
84.192A	Adult Education for the Homeless Program	4/2/91 (56 FR 13522)	6/14/91.
84.193A	Demonstration Centers for the Training of Dislocated Workers Program.	6/7/91 (56 FR 26566)	8/2/91.
84.198A	National Workplace Literacy Program	6/4/91 (56 FR 25578)	7/19/91.
84.199D	Cooperative Demonstration Program (Correctional Education)	3/31/92 (est.)	5/29/92 (est.).
84.199E	Cooperative Demonstration Program (School-to-Work)	3/31/92 (est.).	5/29/92 (est.).
84.223A	National English Literacy Demonstration Program for Adults of Limited English Proficiency.	3/31/92 (est.)	5/29/92 (est.).
84.244A	Business and Education Standards Program	4/30/92 (est.)	6/26/92 (est.).
84.247A	Commercial Drivers Education Program	8/12/91 (56 FR 38274)	10/11/91.
84.248A	Demonstration Projects for the Integration of Vocational and Academic Learning Program.	4/10/92 (est.)	6/5/92 (est.).

[1] For institutions needing to establish eligibility.
[2] For all others.
[3] The program announcement published on 9/10/91 (56 FR 47270) is to be replaced by a new announcement.
[4] Applicants for 84.116B must submit preapplications under 84.116A by 10/16/91.

Invitation to Comment

The Secretary welcomes comments on the usefulness of this update of the annual combined application notice and suggestions for improving this update or the combined application notice.

Please direct any comments and suggestions to Steven N. Schatken, Assistant General Counsel for Regulations, U.S. Department of Education, 400 Maryland Avenue, SW (room 4091, FOB–6), Washington, DC 20202–2110.

Dated: March 25, 1992.

Lamar Alexander,

Secretary of Education.

Appendix

Intergovernmental Review of Federal Programs

This appendix applies to each program that is subject to the requirements of Executive Order 12372 (Intergovernmental Review of Federal Programs) and the regulations in 34 CFR part 79.

The objective of the Executive order is to foster an intergovernmental partnership and to strengthen federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

Applicants must contact the appropriate State Single Point of Contact to find out about, and to comply with, the State's process under Executive Order 12372. Applicants proposing to perform activities in more than one State should immediately contact the Single Point of Contact for each of those States and follow the procedure established in each of those States under the Executive order. A listing containing the Single Point of Contact for each State is included in this appendix.

In States that have not established a process or chosen a program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

Any State Process Recommendation and other comments submitted by a State Single Point of Contact and any comments from State, areawide, regional, and local entities must be mailed or hand-delivered by the date indicated in this notice to the following address: The Secretary, EO 12372—CFDA# (commenter must insert number—including suffix letter, if any), U.S. Department of Education, room 4161, 400 Maryland Avenue, SW, Washington, DC 20202–0125.

Proof of mailing will be determined on the same basis as applications (see 34 CFR 75.102). Recommendations or comments may be hand-delivered until 4:30 p.m. (Washington, DC time) on the date indicated in this notice.

PLEASE NOTE THAT THE ABOVE ADDRESS IS NOT THE SAME ADDRESS AS THE ONE TO WHICH THE APPLICANT SUBMITS ITS COMPLETED APPLICATION. *DO NOT SEND APPLICATIONS TO THE ABOVE ADDRESS.*

State Single Points of Contact

Alabama

Mrs. Moncell Thornell, State Single Point of Contact, Alabama Department of Economic & Community Affairs, 3465 Norman Bridge Road, Post Office Box 250347, Montgomery, Alabama 36125–0347, Telephone (205) 284–8905.

Arizona

Ms. Janice Dunn, Arizona State Clearinghouse, 3800 N. Central Avenue, Fourteenth Floor, Phoenix, Arizona 85012, Telephone (602) 280–1315.

Arkansas

Mr. Joseph Gillespie, Manager, State Clearinghouse, Office of Intergovernmental Service, Department of Finance and Administration, P.O. Box 3278, Little Rock, Arkansas 72203, Telephone (501) 371-1074.

California

Chris Kinne, Grants Coordinator, Office of Planning and Research, 1400 Tenth Street, Sacramento, California 95814, Telephone (916) 445-0613.

Colorado

State Single Point of Contact, State Clearinghouse, Division of Local Government, 1313 Sherman Street, room 520, Denver, Colorado 80203, Telephone (303) 866-2156.

Connecticut

Richard N. Symonds, Jr., Single Point of Contact Office, Office of Policy and Management, Policy Development and Planning Division, 80 Washington Street, Hartford, Connecticut 06106-4459, Telephone (203) 566-3410.

Delaware

Francine Booth, State Single Point of Contact, Executive Department, Thomas Collins Building, Dover, Delaware 19903, Telephone (302) 739-3326.

District of Columbia

Lovetta Davis, State Single Point of Contact, Executive Office of the Mayor, Office of Intergovernmental Relations, room 416, District Building, 1350 Pennsylvania Avenue, NW., Washington, DC 20004, Telephone (202) 727-9111.

Florida

Janice L. Alcott, Director, Florida State Clearinghouse, Executive Office of the Governor, Office of Planning and Budgeting, The Capitol, Tellahassee, Florida 32399-0001, Telephone (904) 488-8114.

Georgia

Charles H. Badger, Administrator, Georgia State Clearinghouse, 270 Washington Street, SW., Atlanta, Georgia 30334, Telephone (404) 656-3855.

Hawaii

Mary Lou Koayashi, Planning Program Manager, Office of State Planning, Office of the Governor, State Capitol—room 406, Honolulu, Hawaii 96813, Telephone (808) 548-5893, FAX (808) 548-8172.

Illinois

Jami Owens, State Single Point of Contact, Office of the Governor, State of Illinois, Springfield, Illinois 62706, Telephone (217) 782-1671.

Indiana

Frank Sullivan, Budget Director, State Budget Agency, 212 State House, Indianapolis, Indiana 46204, Telephone (317) 232-5610.

Iowa

Steven R. McCann, Division for Community Progress, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309, Telephone (515) 281-3725.

Kentucky

Ronald W. Cook, Office of the Governor, Department of Local Government, Kentucky State Clearinghouse, 2nd Floor Capital Plaza Tower, Frankfort, Kentucky 40601, Telephone (502) 564-2382.

Maine

State Single Point of Contact, Attn: Joyce Benson, State Planning Office, State House Station #38, Augusta, Maine 04333, Telephone (207) 289-3261.

Maryland

Mary Abrams, Chief, Maryland State Clearinghouse, Department of State Planning, 301 West Preston Street, Baltimore, Maryland 21201-2365, Telephone (301) 225-4490.

Massachusetts

State Single Point of Contact, Attn: Beverly Boyle, Executive Office of Communities & Development, 100 Cambridge Street, room 1803, Boston, Massachusetts 02202, Telephone (617) 727-7001.

Michigan

Milton O. Waters, Director of Operations, Michigan Neighborhood Builders Alliance, Michigan Department of Commerce, Telephone (517) 373-7111.

Please direct correspondence to: Manager, Federal Project Review, Michigan Department of Commerce, Michigan Neighborhood Builders Alliance, P.O. Box 30242, Lansing, Michigan 48909, Telephone (517) 373-6223.

Mississippi

Cathy Mallette, Clearinghouse Officer, Department of Finance and Administration, Office of Policy Development, 421 West Pascagoula Street, Jackson, Mississippi 39203, Telephone (601) 960-4280.

Missouri

Lois Pohl, Federal Assistance Clearinghouse, Office of Administration, Division of General Services, P.O. Box 809, room 760, Truman Building, Jefferson City, Missouri 65102, Telephone (314) 751-4834.

Montana

Deborah Stanton, State Single Point of Contact, Intergovernmental Review Clearinghouse, c/o Office of Budget and Program Planning, Capitol Station, Room 202—State Capitol, Helena, Montana 59620, Telephone (406) 444-5522.

Nevada

Department of Administration, State Clearinghouse, Capitol Complex, Carson City, Nevada 89710, Telephone (702) 885-4420, Attention: John B. Walker, Clearinghouse Coordinator.

New Hampshire

Jeffrey H. Taylor, Director, New Hampshire Office of State Planning, Attn: Intergovernmental Review Process/James E. Bieber, 2½ Beacon Street, Concord, New Hampshire 03301, Telephone (603) 271-2155.

New Jersey

Richard J. Porth, Director, Division of Community Resources.

Please direct inquires to: Andrew J. Jaskolka, State Review Process, Division of Community Resources, CN 814. (room 609), Trenton, New Jersey 08625-0814, Telephone (609) 292-9025.

New Mexico

Aurelia M. Sandoval, State Budget Division, DFA, Room 190, Bataan Memorial Building, Santa Fe, New Mexico 87503, Telephone (505) 827-3640, FAX (505) 827-3006.

New York

New York State Clearinghouse, Division of the Budget, State Capitol, Albany, New York 12224, Telephone (518) 474-1605.

North Carolina

Mrs. Chrys Baggett, Director, Intergovernmental Relations, N.C. Department of Administration, 116 W. Jones Street, Raleigh, North Carolina 27611, Telephone (919) 733-0499.

North Dakota

Jim Boyd, State Single Point of Contact, Office of Intergovernmental Assistance, Office of Management and Budget, 14th Floor, State Capitol, Bismarck, North Dakota 58505-0170, Telephone (701) 224-2094.

Ohio

Larry Weaver, State Single Point of Contact, State/Federal Funds Coordinator, State Clearinghouse, Office of Budget and Management, 30 East Broad Street, 34th Floor, Columbus, Ohio 43266-0411, Telephone (614) 466-0698.

Oklahoma

Don Strain, State Single Point of Contact, Oklahoma Department of Commerce, Office of Federal Assistance Management, 6601 Broadway Extension, Oklahoma City, Oklahoma 73116, Telephone (405) 843-9770.

Rhode Island

Kevin Nelson, Review Coordinator, Office of Strategic Planning, Division of Planning, 1 Capitol Hill—Fourth Floor, Providence, Rhode Island 02908-5870, Telephone (401) 277-2093.

South Carolina

State Single Point of Contact, Grant Services, Office of the Governor, 1205 Pendleton Street, room 477, Columbia, South Carolina 29201, Telephone (803) 734-0494.

South Dakota

Susan Comer, State Clearinghouse Coordinator, Office of the Governor, 500 East Capitol, Pierre, South Dakota 57501, Telephone (605) 773-3212.

Tennessee

Charles Brown, State Single Point of Contact, State Planning Office, 500 Charlotte Avenue, 309 John Sevier Building, Nashville, Tennessee 37219, Telephone (615) 741-1676.

Texas

Tom Adams, Governor's Office of Budget and Planning, P.O. Box 12428, Austin, Texas 78711, Telephone (512) 463-1778.

Utah

Utah State Clearinghouse, Office of Planning and Budget, ATTN: Carolyn Wright,

room 116 State Capitol, Salt Lake City, Utah 84114, Telephone (801) 538–1535.

Vermont

Bernard D. Johnson, Assistant Director, Office of Policy Research & Coordination, Pavilion Office Building, 109 State Street, Montpelier, Vermont 05602, Telephone (802) 828–3326.

Washington

Marilyn Dawson, Washington Intergovernmental Review Process, Department of Community Development, 9th and Columbia Building, Mail Stop GH–51, Olympia, Washington 98504–4151, Telephone (206) 753–4978.

West Virginia

Fred Cutlip, Director, Community Development Division, Governor's Office of Community and Industrial Development, Building #6, room 553, Charleston, West Virginia 25305, Telephone (304) 348–4010.

Wisconsin

William C. Carey, Federal/State Relations, IGA Relations, 101 South Webster Street, P.O. Box 7868, Madison, Wisconsin 53707, Telephone (608) 266–0267.

Wyoming

Theany McAffe, State Single Point of Contact, Wyoming State Clearinghouse, State Planning Coordinator's Office, Capitol Building, Cheyenne, Wyoming 82002, Telephone (307) 777–6400.

Territories

Guam

Michael J. Reidy, Director, Bureau of Budget and Management Research, Office of the Governor, P.O. Box 2950, Agana, Guam 96910, Telephone (671) 472–2285.

Northern Mariana Islands

State Single Point of Contact, Planning and Budget Office, Office of the Governor, Saipan, CM, Northern Mariana Islands 96950.

Puerto Rico

Patria Custodio/Isreal Soto Marrero, Chairman/Director, Puerto Rico Planning Board, Minillas Government Center, P.O. Box 41119, San Juan, Puerto Rico 00940–9985. Telephone (809) 727–4444.

Virgin Islands

Jose L. George, Director, Office of Management and Budget, No. 32 & 33 Kongens Gade, Charlotte Amalie, V.I. 00802, Telephone (809) 774–0750.

[FR Doc. 92–7347 Filed 4–1–92; 8:45 am]

BILLING CODE 4000–01–M

federal register

Thursday
April 2, 1992

Part III

Environmental Protection Agency

40 CFR Part 763

Asbestos; Manufacture, Importation, Processing and Distribution Prohibitions; Effect of Court Decision

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 763

[OPPTS-62114; FRL-4044-2]

Asbestos; Manufacture, Importation, Processing and Distribution Prohibitions; Effect of Court Decision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Continuing restrictions on certain asbestos-containing products.

SUMMARY: On October 18, 1991, the United States Court of Appeals for the Fifth Circuit, in *Corrosion Proof Fittings* v. *EPA*, No. 89-4596, slip op. 558 (Oct. 18, 1991), vacated and remanded most of the rule which prohibited the manufacture, importation, processing, and distribution in commerce of certain asbestos-containing products, and required the labeling of those products. Subsequently, the Court clarified the decision and held that the rule continued to govern asbestos-containing products that were not being manufactured, imported, or processed on July 12, 1989. This document identifies products that EPA believes may remain subject to the prohibition and labeling requirements of the rule, and solicits comments on EPA's determinations with respect to the status of various other asbestos-containing products as of July 12, 1989.

DATES: Comments must be submitted to EPA on or before May 4, 1992.

ADDRESSES: Written comments that contain information claimed as Confidential Business Information (CBI) should be identified by the docket number [OPPTS-62114] and submitted in triplicate, together with one version from which all claimed CBI has been deleted, to: TSCA CBI Docket Office (TS-790), Office of Pollution Prevention and Toxics, rm. E201, 401 M St., SW., Washington, DC, 20460. Written comments that contain no claimed CBI should be submitted to: TSCA Public Docket Office (TS-793), Office of Pollution Prevention and Toxics, rm. G004, NE Mall, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: David Kling, Acting Director, TSCA Assistance Division (TS-799), Office of Pollution Prevention and Toxics, rm. E-545, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Telephone: (202) 260-1404, TDD: (202) 554-0551.

SUPPLEMENTARY INFORMATION:

I. Background

On July 12, 1989, EPA issued a final rule under section 6 of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2605. The rule prohibited, at staged intervals, the future manufacture, importation, processing, and distribution in commerce of almost all asbestos-containing products, and required labeling of such products (40 CFR 763.160-763.179). The first stage of the ban regulated any "new uses of asbestos," and certain specifically identified asbestos-containing products. "New uses of asbestos" means those commercial uses of asbestos not identified in 40 CFR 763.165, and not excluded specifically by the definition, the manufacture, importation, or processing of which would be initiated for the first time after August 25, 1989 (40 CFR 763.163). After August 27, 1990, the rule banned the manufacture, importation, and processing of all stage one products, and required that those products be labeled while they remained in distribution (40 CFR 763.165(a), 763.167(a), 763.171(a)). After August 27, 1992, the rule also prohibited the distribution in commerce of all stage one products (40 CFR 763.169(a)). The second and third stages of the ban regulated additional types of asbestos-containing products. These two later stages of the rule contained provisions that were comparable to the first stage, but that were to take effect from 1992 through 1997 (40 CFR 763.165(b)-(e), 763.167(b) and (c), 763.169(b)-(d), 763.171((b) and (c)).

In *Corrosion Proof Fittings*, the Court agreed with EPA's determination that asbestos is hazardous and presents similar risks throughout different industries, and affirmed the Agency's authority to issue rules that ban all uses of a toxic substance under TSCA. The Court, however, held that the asbestos ban rule was not supported by substantial evidence because EPA failed to sustain its burden under TSCA section 6(a) of showing that the products banned by the rule present an unreasonable risk, and that a less burdensome regulation would not adequately protect against that risk. The Court also found that EPA failed to give adequate notice and opportunity to comment on the use of analogous exposure data to support parts of the rule. For products that "once were, but no longer are, being produced," however, the Court found that EPA properly evaluated the risks. Id. at 590-591. It held that TSCA authorizes EPA to ban future uses of asbestos, and specifically refused to "disturb the agency's decision to ban products that no longer are being produced in or imported into the United States." Id. at 591.

EPA filed a Motion for Clarification with respect to the effect of the Court's decision on the portions of the rule that regulate asbestos-containing products that were no longer being produced or imported. In response to the Motion, the Court stated that its earlier holding not to disturb EPA's decision to ban certain products applies to "products that were not being manufactured, imported, or processed on July 12, 1989," the date the final rule was issued. *Corrosion Proof Fittings*, slip op. at 1007 (November 15, 1991). It also authorized EPA to resolve factual disputes with respect to the particular products that may be in that category. *Id.* In light of this clarification, it is clear that the Court did not disturb the rule with respect to products that were originally covered by the rule, and that were not being manufactured, imported, or processed on July 12, 1989. The Court did not require the Agency to go through an entirely new rulemaking process for these products. It did, however, recognize that there may be some disagreements regarding the status of some products, and it authorized EPA to resolve such factual disputes on remand.

EPA also filed a Request for Rehearing, which the Fifth Circuit denied on November 27, 1991. The Government has decided not to file a petition for a Writ of Certiorari to the United States Supreme Court.

II. Status of Products

Based upon the Court's clarified decision, EPA believes that new uses of asbestos, vinyl/asbestos floor tile, and asbestos flooring felt products are still subject to the rule. By definition, any product that constitutes a "new use of asbestos" was not being manufactured, imported, or processed on July 12, 1989. A "new use of asbestos" is defined as a use that is initiated for the first time after August 25, 1989 (40 CFR 763.163). Based upon this definition, any product that was being manufactured, imported, or processed on July 12, 1989, automatically cannot be a "new use" of asbestos because it would have been initiated prior to August 25, 1989. Thus any product that is a "new use of asbestos" was not being manufactured, imported, or processed on July 12, 1989, and continues to be governed by the rule pursuant to the Court's clarified decision (40 CFR 763.163).

The information available to EPA as part of the rulemaking proceeding also establishes that vinyl/asbestos floor tile and flooring felt were not being

manufactured, imported, or processed when the final rule was issued. EPA made such a determination in the preamble to the final rule (54 FR 29460, 29484, 29492, July 12, 1989), and in the Regulatory Impact Analysis of Controls on Asbestos and Asbestos Products. That determination was later substantiated in part by statements made to the Fifth Circuit Court of Appeals by the Asbestos Information Association of North America (AIA) and the Asbestos Institute (AI), which represent members of the asbestos industry. The two organizations told the Court that vinyl/asbestos floor tile and flooring felt were no longer produced in the United States. Recent communications from AIA, AI, and other entities, however, raise some questions about the status of these products. Therefore, EPA is requesting comments with respect to whether these products were being manufactured, imported, or processed on July 12, 1989.

Based upon information currently available to the Agency, EPA also believes that the following products may be subject to the rule: asbestos-cement (A/C) corrugated and flat sheet, A/C shingle, and asbestos clothing, flooring felt, pipeline wrap, roofing felt, commercial, corrugated and specialty paper, rollboard, and millboard. Both the AIA and the AI stated in their appeal to the Fifth Circuit that these products were not in production at the time the final rule was issued. Recent EPA efforts also indicate that these products probably were not being manufactured, imported, or processed when the final rule was issued, and the Agency is soliciting comments with respect to their status as of July 12, 1989.

Finally, there may be other asbestos-containing products identified in the rule that were not being manufactured, imported, or processed on July 12, 1989, and which therefore may continue to be subject to the rule. In the original rulemaking proceeding, EPA did not identify the status of every asbestos-containing product as of July 12, 1989. Accordingly, EPA seeks information concerning whether any of the other asbestos-containing products, which were identified in the rule but not discussed in the preceding paragraphs of this document, were being manufactured, imported, or processed on July 12, 1989.

Commentators submitting information with respect to the July 12, 1989, status of asbestos-containing products should provide supporting documentation for any claims of manufacturing, processing, or importing as of that date. Such documentation may include records of customs declarations, or evidence of manufacturing or processing on the pertinent date.

As soon as possible after reviewing the comments, EPA will determine which asbestos-containing products were not being manufactured, imported, or processed as of July 12, 1989. The Agency will issue its determination in the **Federal Register**, and identify the products, in addition to new uses of asbestos, that continue to be governed by the prohibition and labeling requirements of the rule. The second notice also will provide information, to the extent that it is available to the Agency, on products that are not subject to the rule, including a list of specific asbestos-containing products and of the companies that were manufacturing, importing, or processing the products on July 12, 1989.

III. Comments Containing Confidential Business Information

All comments will be placed in the public record unless the commentator claims that they contain CBI, and the comments are clearly labeled as containing claimed CBI when they are submitted. Because of the need to expedite this process, CBI claims should be accompanied by comments substantiating the claim as described in 40 CFR 2.204(e)(4). While a part of the record, CBI comments will be treated in accordance with 40 CFR part 2. A sanitized version of all CBI comments should be submitted to EPA for the public file.

It is the responsibility of the commentator to comply with 40 CFR part 2 so that all materials claimed as confidential may be properly protected. This includes, but is not limited to, clearly indicating on the face of the comment (as well as on any associated correspondence) that information claimed to be CBI is included, or marking "CONFIDENTIAL," "TSCA CBI," or a similar designation on the face of each document or attachment in the comment which contains the claimed CBI. EPA will consider the failure to clearly identify the claimed confidential status on the face of the comment as a waiver of any such claim and will make such information available to the public without further notice to the commentator or business.

IV. Record

EPA has established a record (docket number OPPTS–62114) for comments submitted pursuant to this document, and for other comments regarding the July 12, 1989, status of asbestos-containing products received by EPA before this document but after the Fifth Circuit decision. The Agency will supplement this record as necessary. A public version of the record, from which all CBI has been deleted, is available for inspection in the TSCA Public Docket Office, rm. G004, NE Mall, 401 M St., SW., Washington, DC, from 8 a.m. to noon and from 1 p.m. to 4 p.m., Monday through Friday, except legal holidays.

EPA has placed copies of the Fifth Circuit Court's decision, dated October 18, 1991, and Clarification of the decision, dated November 15, 1991, in Docket OPPTS–62114 for public review. These documents are:

1. Decision of the U.S. Court of Appeals for the Fifth Circuit in *Corrosion Proof Fittings, et al., petitioners, -vs- The Environmental Protection Agency and William K. Reilly, Administrator, respondents*, No. 89–4596 (5th Cir., Oct. 18, 1991).

2. U.S. Fifth Circuit Court of Appeals Clarification of its Decision in *Corrosion Proof Fittings, et al., petitioners, -vs- The Environmental Protection Agency and William K. Reilly, Administrator, respondents*, No. 89–4596 (5th Cir., Nov. 15, 1991).

Dated: February 28, 1992.

Linda J. Fisher,

Assistant Administrator for Prevention, Pesticides and Toxic Substances.

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April 2, 1992

Part IV

Department of Defense

Department of the Army

32 CFR Part 626

Biological Defense Safety Program; Final Rule

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 626

[AR 385-69]

Biological Defense Safety Program

AGENCY: Department of the Army, DOD.

ACTION: Final Rule.

SUMMARY: The Department of the Army (DA) acting as executive agent for the Department of Defense announces the establishment of the Army Biological Defense Safety Program for all aspects of the Biological Defense Program (BDP) as 32 CFR part 626, Subchapter I. The Biological Defense Safety Program was first announced in the **Federal Register** (56 FR 3186), January 28, 1991. This program provides new DA policy and implements the Centers for Disease Control (CDC)—National Institutes of Health (NIH) Guidelines on Biosafety in Microbiological and Biomedical Laboratories, Department of Defense (DoD) and Department of the Army policy statements, and other Federal regulations. This program assigns responsibility for safety studies and reviews of biological defense research, development, test and evaluation (RDT&E) projects, and prescribes safety precautions and procedures applicable to DoD contracted operations.

EFFECTIVE DATE: May 4, 1992.

FOR FURTHER INFORMATION CONTACT: Mr. William Wortley, (DACS-SF), room: 2C717, Pentagon, Washington, DC 20310-0200, (703) 695-7291.

SUPPLEMENTARY INFORMATION: Through the U.S. Army Biological Defense Program, the Department of the Army serves as the executive agent for the Department of Defense Biological Defense Research, Development, Test, and Evaluation Program (RDT&E). As the executive agent, DA supports RDT&E efforts to maintain and develop defensive measures and materiel to meet potential biological warfare threats. To develop these measures and materiel, it is necessary to use biological agents during the conduct of the RDT&E. This document, draft Army Regulation 385-69, was developed in coordination with the biological defense community and fully staffed and coordinated with subject matter experts, the Army Staff, and applicable major Army commands. In addition, an independent (non-DOD) review was conducted by the Occupational Safety and Health Administration, U.S. Department of Labor. Army-wide implementation of the Biological Defense Safety Program is authorized based on the policies and standards contained in the cited authority and references.

Executive Order 12291

This final rule has been reviewed under Executive Order 12291 and the Secretary of the Army has classified this action as nonmajor. The effect of the final rule on the economy will be less than $100 million.

Regulatory Flexibility Act

This final rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 and the Secretary of the Army has certified that this action does not have a significant impact on a substantial number of small entities.

Paperwork Reduction Act

This final rule does not contain reporting or recordkeeping requirements subject to approval by the Office of Management and Budget under the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

List of Subjects in 32 CFR Part 626

Biologics, National Defense, Occupational safety and health, Safety.

Accordingly, 32 CFR part 626 is revised to read as follows:

PART 626—BIOLOGICAL DEFENSE SAFETY PROGRAM

Authority: 5 U.S.C. 102, 10 U.S.C. 21, 111, 151-158, 42 U.S.C. 216, 50 U.S.C. 1431; Pub. L. 101-510, 104 Stat. 1516.

Subpart A—Introduction

§ 626.1 Purpose.

(a) This regulation prescribes Department of the Army (DA) safety policy, responsibilities, and procedures for biological defense research, development, test, and evaluation (RDTE) operations.

(b) DA Pam 385-69 prescribes the minimum safety criteria and technical requirements for the Army biological defense safety program and will be used in conjunction with this regulation to establish and implement the biological defense safety program.

§ 626.2 References.

Required and related publications are listed in appendix A of this part.

§ 626.3 Explanation of abbreviations and terms.

Abbreviations and special terms used in this regulation are explained in the appendix B of this part.

§ 626.4 Responsibilities.

(a) The Assistant Secretary of the Army (Installations, Logistics, and Environment) (ASA(IL&E)) establishes overall Army occupational safety and health policy and maintains oversight of the following—

(1) All aspects of environment, safety, and occupational health statutory compliance.

(2) Safe biological defense RDTE operations.

(b) The Assistant Secretary of the Army (Research, Development, and Acquisition) (ASA(RDA)). Establishes overall Army RDA policy and will—

(1) Integrate, coordinate, and manage Army efforts to increase effectiveness of biological defense technologies, materiel research, and the development and acquisition program.

(2) Review and validate all future biological defense RDTE facility construction or renovation requirements before any organization initiates these construction or renovation programs.

(c) The Director of Army Safety (DASAF), Office of the Chief of Staff, Army (OCSA), administers and directs the Army Safety Program as specified in AR 385-10. The DASAF will—

(1) Manage Army-wide safety policy and guidance for biological defense RDTA programs as a part of the Army Safety Program.

(2) Approve all actions that imply or establish a DA safety position for biological defense RDTE covered by this part.

(3) Represent DA on all biological defense RDTE safety studies and reviews.

(4) Develop safety policy and standards for biological defense RDTE operations.

(5) Develop Army level safety program guidance.

(6) Conduct an annual management review of the biological defense occupational safety and health programs of commands with Biological Defense Program (BDP) operations and responsibilities, to ensure consistency with DA policy.

(7) Conduct biological defense safety evaluation visits, and advise the Army Staff (ARSTAF) of concerns, trends, and needed corrective actions.

(8) Develop policies and provide guidance for executing the Biological Defense Safety Program.

(9) Conduct the review of general construction plans for biological defense RDTE facilities.

(10) Establish procedures to investigate biological defense related mishaps, referenced in AR 385–40.

(11) Serve as proponent for Army biological safety training.

(d) The Commanding General, United States Army Corps of Engineers, (CG, USACE) will establish procedures to ensure that biological defense RDTE facilities are designed, constructed, and acquired in accordance with current Federal, State, Department of Defense (DOD), and DA regulatory standards.

(e) The Surgeon General (TSG) will—

(1) Develop occupational health standards and medical support policies for the BDP.

(2) Provide advice and guidance for health hazard assessments and medical surveillance in accordance with current directives and policies.

(3) Provide medical guidance for selecting appropriate protective equipment for use in the BDP.

(4) Provide a representative to each BDP special safety study group.

(5) Provide occupational health support to the DASAF for conduct of annual management reviews (§ 624.4(c)(6)).

(f) The Commander, United States Army Medical Research and Development Command (USAMRDC), in addition to major Army commands (MACOMs) responsibilities, will—

(1) Conduct safety site assistance visits at BDP Army research facilities, on a periodic basis as determined necessary by the DASAF, and advise the ARSTAF of findings and recommendations.

(2) Provide a group member for all other studies and reviews.

(3) Assist Headquarters, Department of the Army (HQDA) in its oversight role of monitoring biological defense RDTE activities throughout the Army and advise HQDA on concerns, trends, and corrective actions required.

(4) Assist the DASAF in performing biological defense safety program mishap investigations.

(5) Assist the DASAF in developing biological defense safety policy and recommend changes to policies and procedures.

(6) Serve as the proponent for the BDP Special Immunization Program.

(g) MACOM Commanders with a BDP mission will—(1) Establish and operate an effective safety program.

(2) Publish a command program to implement HQDA biological safety standards and to identify responsibilities for all subordinate organizations that maintain, store, handle, use, transport, or dispose of etiologic agents used in the BDP.

(3) Supervise subordinate organizations to ensure that an effective safety program, which complies with this regulation, DA Pam 385–69, and AR 385–10 is implemented and maintained.

(4) Ensure that biological defense safety programs comply with the provisions of this regulation and DA Pam 385–69.

(5) Appoint a safety and health manager per AR 385–10, who is occupationally qualified under Office of Personnel Management standards and has special knowledge of biological safety and health requirements. This safety and health manager should be the single point of contact for all aspects of the BDP Safety Program.

(6) Review standing operating procedures (SOPs) for biological defense RDTE operations.

(7) Develop and submit general construction plans for approval through command channels to HQDA, Army Safety Office, DACS–SF, WASH DC 20310–0200.

(8) Approve or disapprove individual access to etiologic agent restricted areas.

(9) Implement a Chemical Hygiene Plan, as appropriate, which meets the requirement of 29 CFR 1910.1450.

Subpart B—Biological Defense Safety Policy and Procedures

§ 626.5 Policy.

(a) This regulation applies to BDP RDTE operations involving etiologic agents being investigated by DA for biological defense purposes.

(b) Specific biological safety requirements and guidance are contained in DA Pam 385–69.

§ 626.6 Mishap reporting and investigation.

Biological defense RDTE related mishaps will be reported and investigated per AR 385–40 and AR 40–400. Med 16 Report will be used to report only personnel exposure or illness related to the BDP.

§ 626.7 Administrative and work practice controls.

(a) The cardinal principle for safety in BDP operations is to minimize the potential exposure of personnel to etiologic agents. In practice, this means conducting RDTE activities using the appropriate facilities, equipment, and procedures for the biosafety level (BL), and requiring only the minimum number of appropriately trained personnel, the minimum period of time, and minimum amount of the material, consistent with program objectives and safe operations.

(b) Open air testing under the BDP is restricted to use of simulants only, unless the Secretary of Defense determines that testing is necessary for national security in accordance with section 409, Public Law 91–121, 83 Stat. 204, signed November 18, 1967. Also, for RDTE involving protective equipment or detection devices, the least hazardous etiologic agent consistent with mission objectives will be employed. All testing of such equipment employing etiologic agents will be in appropriate biosafety level containment laboratories.

(c) A hazard analysis, to determine safety precautions, necessary personnel protection and engineering features, and procedures to prevent exposure, will be completed for—

(1) All BDP operations involving etiologic agents.

(2) A change in process or control measures that may increase potential contact or concentrations of biological material.

(d) An SOP is required for all biological defense RDTE operations. The SOP will—

(1) Describe in detail all necessary operational and safety requirements.

(2) Describe in detail actions to take in the event of mishap.

(3) Describe in detail the location of required emergency response equipment.

(4) Be available at the work site.

(5) Forbid concurrent unrelated work during biological defense RDTE operations within a laboratory area or suite.

(6) Be approved by the commander or the safety officer and signed by workers involved in the operation.

(7) Provide names and telephone numbers of responsible personnel.

(e) Training and information. All personnel who work directly with etiologic agents in the BDP, or who otherwise have a potential for exposure, will receive appropriate training to enable them to work safely and to understand the relative significance of agent exposures.

(1) This training will include signs and symptoms of etiologic agent exposure, information on sources of exposure, possible adverse health affects, and practices and controls used to limit exposures. The environmental and medical monitoring procedures in use, their purposes, worker responsibilities in health protection programs, and handling of laboratory mishaps will also be presented.

(2) Workers will be required to demonstrate proficiency before performing potentially hazardous operations. Refresher training will be repeated at least annually.

(3) Initial and refresher training will be documented and kept on file as a permanent record.

(f) Medical surveillance. A medical surveillance program (see AR 40–5) will be established for all personnel (military and civilian) who may be potentially exposed to etiologic agents.

(1) Placement, periodic medical surveillance examinations, and termination examinations shall be conducted for each worker, to establish a baseline health record and to provide periodic job-related assessments of the worker's health status. Preassignment, periodic, and termination health assessments will include a work history, a medical history, physical examinations, indicated clinical laboratory sutdies and, when available, examinations or tests specific to the etiologic agent in question.

(2) Medical officers responsible for treating BDP etiologic agent exposures and conducting medical surveillance for BDP workers shall receive specialized training on the unique hazards of etiologic agents and recommended medical therapies.

(3) Special immunizations will be given to personnel handling specific etiologic agents as required.

(4) Records documenting the above will be maintained permanently.

(g) Emergency preparedness: (1) SOPs will address emergency procedures related to any mishap involving BDP etiologic agents. Notification and evacuation procedures will be covered in detail, as well as measures to contain the contamination.

(2) Local, regional, State, or Federal emergency support and coordinating agencies, such as law enforcement, fire departments, health departments, and governments will be informed of BDP activities and the appropriate support necessary, to include any equipment and training necessary, to provide effective emergency response and ensure compliance with community "right-to-know" statutes and regulations. Agreements with external agencies must be formalized.

(3) If a mishap with a BDP etiologic agent results in personnel exposure, approved emergency procedures will be immediately initiated to protect personnel and the environment and to constrain the spread of contamination. All personnel except those responsible for emergency operations will evacuate the immediate area.

(4) Special medical surveillance will be started as soon as possible for all workers present in the potentially affected area at the time of the mishap.

(h) Labeling and posting of hazards:

(1) Hazard warning signs which incorporate the universal biohazard symbol will be posted on the access door to the work area. (See DA PAM 385–69, para 3–5a(1).) The sign will be covered or removed if the organizational safety officer certifies that the area has been decontaminated.

(2) For areas irradiated with ultraviolet light, a caution sign reading "Ultraviolet Light, Wear Eye Protection" will be posted.

(i) Disposal controls. Etiologic agents used in the BDP must be decontaminated before disposal of infectious or hazardous wastes and must not violate any Army, Federal, State, local, or host nation environmental standards. Procedures for decontamination are described in DA Pam 385–69.

(1) The preferred methods of decontamination of etiologic agents are autoclaving or chemical inactivation with appropriate biocidal solutions. (See chap 5, DA Pam 385–69.)

(2) Etiologic agents awaiting decontamination will be contained at the appropriate biosafety level.

(j) Maintenance controls. A continuing program for equipment and facility maintenance will be implemented for each BDP operation.

(k) Protective equipment. Guidance concerning protective equipment is contained in DA Pam 385–69.

§ 626.8 Etiologic agent containment.

(a) Facility engineering controls and appropriate biocontainment equipment will be used, in conjunction with special practices and procedures, to minimize potential exposure of personnel and the environment to etiologic agents used in BDP operations. Engineering and equipment controls will be implemented to the maximum extent feasible and verified as effective. Protective clothing will not be used in lieu of engineering controls. Engineering controls will be the prime means of biocontainment. Personal protective equipment such as respirators are to be used only after feasible engineering controls have been shown unable to control the environment fully.

(b) Before beginning any etiologic agent operation, a determination will be made that the hazards associated with the operation are under positive control as defined in the applicable SOP and that the operation complies with the criteria of this regulation and DA Pam 385–69.

§ 626.9 Inspections.

(a) Biosafety laboratories require periodic (at least quarterly for BL–1 and BL–2 and monthly for BL–3 and BL–4 laboratories), inspections by safety and health professionals. Safety officials will document the inspections, assure that deviations from safe practices are recorded, and that recommended corrective actions are taken. If deviations are life threatening, this area will be restricted until corrective actions are accomplished. New RDTE efforts involving etiologic agents will be evaluated and inspected prior to start-up to assure equipment, facilities, employee training, and procedures are in place and adequate for the introduction of BDP material. Safety officials will maintain such records for 3 years and will review the records at least annually for trends requiring corrective actions.

(b) Supervisors shall inspect work areas frequently (at least weekly) and take corrective actions promptly.

§ 626.10 Transportation of BDP etiologic agents.

(a) Etiologic agents utilized in the BDP shall be packed, labeled, marked, prepared for shipment, and shipped in accordance with applicable Federal, State, and local laws and regulations, to include 42 CFR part 72, "Interstate Shipment of Etiologic Agents," 49 CFR parts 172 and 173 (Department of Transportation), 9 CFR part 122 (USDA Restricted Animal Pathogens), and DA Pam 385–69.

(b) Etiologic agents shipped to support the BDP will use secondary shipping containers which are sealed with a crimped lid (see app D, DA Pam 385–69).

(c) BDP organizations and contractors who provide etiologic agents will ship all etiologic agents by private carrier. The United States Postal Service will not be used to transport etiologic agents required for the BDP.

(d) In addition to the above requirements, shipments of BL–4 etiologic agents will be hand carried by Government courier or under the immediate supervision of a responsible party. This individual must be knowledgeable about the potential hazards of the materials and be able to monitor all aspects of the shipment to ensure that required transfers have been completed and documented and final receipt has been accomplished and acknowledged.

(e) Audit trails of all BDP etiologic agent shipments and receipts of such agents shall be established and maintained for at least 3 years. Such audit trails shall identify date of shipment, carrier, addresses of the shipper and recipient, and agent(s) shipped and received.

§ 626.11 General construction plans.

General construction plans for BDP facilities, as well as for changes in use of facilities, will be submitted through the chain of command to HQDA, Army Safety Office, DACS–SF, WASH DC 20310–0200 for safety review and approval. Plans shall be forwarded for new construction or major modifications of facilities used in the BDP. The facility system safety requirements of AR 385–16 and AR 415–15 shall be followed. Simultaneously, RDTE requirements that necessitate such renovation, modification, or construction shall be submitted through the chain of command to HQDA, OASA(RDA), SARD–ZT, WASH DC 20310–0103 for review and approval.

§ 626.12 Maximum credible event (MCE).

(a) Because of the complexity of the RDTE conducted in the BDP, the range of potential consequences that could be associated with a mishap must be considered. MCE is a risk analysis technique which provides a useful tool for estimating the effectiveness of existing safeguards. The potential for events must be carefully analyzed to determine the MCE that could occur and cause a mishap. All hazard analysis and general construction plans mentioned in § 626.11 will include a consideration of an MCE.

(b) The term MCE, as used herein, is analogous to a realistic worst-case analysis. The best available credible information will be applied to estimate the results of various MCEs. Those assumptions that yield the potential for more severe consequences, as opposed to assumptions that operational and safety controls will always perform as designed, will be used. The rule of reason will be applied to confine the MCE to realistic or believable occurrences.

(c) When considering an MCE, consider the redundancy of safety systems engineered into the facilities and the equipment used, depending on containment level required to make them as fail-safe as practical. The MCE for containment laboratories must be considered in terms of physical containment for both toxins and biological organisms. Therefore, both toxin and biological MCEs will be considered.

(d) Because aerosols of etiologic agents represent the most significant potential hazard for exposure of workers or the environment, a hazard analysis (to include MCE) of proposed BDP RDTE activities will be performed to determine the procedures, engineering controls, and facility design required to mitigate potential significant hazards.

§ 626.13 Controls.

(a) Personnel who are not needed to operate a BDP laboratory, will not be allowed to enter potentially hazardous areas.

(b) Written procedures to control access and ensure that personnel can be evacuated or protected from exposure may be used in place of absolute personnel exclusion.

§ 626.14 Waivers and exemptions.

(a) The goal of the biological defense safety program is strict adherence to safety standards and the elimination of all waivers and exemptions.

(b) Waiver authority. (1) The Chief of Staff, Army (CSA) is the controlling authority for granting waivers of biological defense safety standards. This authority is redelegated by this regulation to commanders of MACOMs and the commander of the USAMRDC.

(2) Waiver authority will not be subdelegated.

(3) Commanders with waiver authority will—

(i) Ensure the existence of necessary and compelling reasons before granting waivers.

(ii) Grant waivers to standards for installations and activities within their areas of authority.

(c) Waiver requests: (1) Commanders of installations and activities will submit a request for waiver when compliance with these standards cannot be achieved. When such waivers affect on other commands, initiating activities will coordinate requests with those commands.

(2) Requests for waivers will contain the following information:

(i) Description of conditions. State the mission requirements and compelling reasons which make the waiver essential and the impact if not approved, and describe all affected sites or facilities and the quantity and type of BDP required.

(ii) The safety regulations, including specific safety requirements or conditions cited by paragraph, from which the waiver is requested, and the reasons for the waiver.

(iii) Specific time period for which the waiver is requested.

(iv) A hazard analysis which identifies actual and potential hazards which can result from the waived requirements or conditions.

(v) A risk assessment that provides information on the risk being assumed because of the waiver. The assessment will include those safety precautions and compensatory measures in force during the waiver period.

(vi) A waiver abatement plan to include milestones, resources, and actions planned to eliminate the need for the waiver.

(3) Requests for waivers will be forwarded through command channels to the MACOM or CG, USAMRDC, as appropriate, for approval. MACOM or USAMRDC safety officials will forward a copy of approved waivers to HQDA, DACS–SF, WASH DC 20310–0200. Copies of all waivers will be maintained at the installation and MACOM or USAMRDC Safety Offices for up to 3 years after the waiver is terminated.

(4) Time limitations: (i) Waivers are normally limited to 1 year or less, and will be considered rescinded after 1 year, unless reviewed. The activity or installation commander forwarding a request for waiver will allow time to permit investigation, evaluation, and reply.

(ii) Waivers may be renewed each year by the commander originally granting the waiver for a waiver period not to exceed 5 years. Prior renewal, commanders will review the need for the waiver to ensure that circumstances requiring the waiver have not changed. Results of this review (and a progress report regarding milestones that have been completed) will be forwarded through command channels to the commander originally granting the waiver.

(iii) A request for amendment will be initiated when factors or circumstances requiring a change to the original waiver are identified.

(iv) When factors or circumstances prevent correction of the waiver condition within 5 years of the initial approval of the waiver, such condition becomes a candidate for an exemption.

(d) Exemptions. (1) Exemptions are relatively long-term exceptions to otherwise mandatory standards. Exemptions will be granted only under the following conditions:

(i) If corrective measures are impractical.

(ii) If impairment of the overall defense posture would result.

(iii) If positive programs to eliminate of the need for the exemption are being pursued.

(2) Exemptions can be approved only by the Secretary of the Army.

(i) Requests for exemptions will be sent through command channels to HQDA, DACS–SF, WASH DC 20310–0200.

(ii) Exemption requests will include the information required in paragraph(c)(2) of this section.

(iii) Copies of exemption requests will be maintained at the installation and MACOM or USAMRDC Safety Offices.

Subpart C—BDP Contractors

§ 626.15 Written procedures for contractor review.

The contracting agency will prepare written procedures for reviewing contractor capability to safely perform BDP work with etiologic agents. The written procedures will describe the criteria and guidelines for preparing the facilities description, safety requirements, special procedures and techniques, inspection procedures, and MCE scenarios. These written procedures will be submitted to the contracting agency MACOM for review and approval.

§ 626.16 Contracting agencies.

Contracting agencies, in coordination with their respective Command safety offices will monitor contractor performance in meeting safety requirements.

(a) The contracting agency will establish an inspection program and schedule for all BDP contractors who perform contract work with BL–3 or BL–4. Inspections will be conducted by safety and health personnel. The schedule will include, as a minimum, the following:

(1) A pre-award inspection on site, prior to contact award, for initial contracts for BDP work requiring BL–3 or BL–4 operations. If during a pre-award inspection, major corrective measures are required, a reinspection is required prior to the beginning of contract operations.

(2) A pre-award inspection of follow-on BL–3 and BL–4 contracts.

(3) A pre-operational inspection if a major change in procedures, facilities, or equipment is made after the pre-award survey.

(4) Annual inspection of BL–3 and seminannual inspection of BL–4 contractor facilities, equipment, and operations.

(b) Pre-award surveys and annual inspections of contractors performing work requiring BL–3 or BL–4 will be conducted by safety and health professionals trained in BDP operational safety requirements. Pre-award surveys and annual inspections of BL–1 and BL–2 contractors will be conducted by safety and health professionals or contracting agency representatives who are trained in biological safety inspection techniques. The Safety Inspection Checklist in DA Pam 385–69 will be used.

(c) The contracting agency will require each BDP contractor whose contract requires the use of etiologic agents to prepare a facility safety program plan based on the criteria below and submit the plan to the contracting agency for review prior to beginning BDP contract operations. The plan will describe the contractor organization, and procedures for meeting DOD, Army, and contracting Command safety requirements as specified in the contract.

(1) A safety training program for all individuals working with etiologic agents must be documented by the contractor and include, as a minimum, the requirements in § 626.7(e). Appropriate safety training will be provided to scientists, other laboratory personnel, and unrelated personnel such as technicians, clerical, and maintenance workers. This training will be documented.

(2) The contractor must designate a qualified individual to be responsible for the entire safety program with full authority to develop and enforce contractor safety policies. Regular safety inspections will be conducted and inspection reports will be provided to the contracting agency upon request.

(3) Policies for storing, handling, and moving etiologic agents within the contractor facility shall be included in the plan.

(4) Policies and procedures for disposal of any etiologic agent waste must be identified. Disposal must comply with Federal, State, and local regulations as well as DOD and Army requirements.

(5) An SOP must be established for each area where BDP etiologic agents are stored, transferred, or used. In addition, an SOP must be prepared for operations unique to any specific contract. The contractor will provide the SOP to contracting agency personnel upon request for review.

(6) For contracts requiring BL–3 or BL–4, the contractor will provide (upon request) facility engineering drawings and specifications for the relevant etiologic agent containment areas, associated ventilation systems, and local approving authority. Also to be included is test data verifying that all systems adequately meet the DOD and Army safety requirements, as well as test methods for periodic recertification of the system.

(7) MCE scenarios that ensure that all realistic threats are considered at contractor sites, see § 626.12 of this part.

§ 626.17 Contractor changes.

The contractor will submit proposed changes to the original safety documentation to the contracting agency for review prior to implementation. Requests will include justification and test data verifying that adequate safety will be maintained.

§ 626.18 BDP contract requirements.

(a) Contractors performing work with BL–3 and BL–4 material must prepare a plan detailing procedures for controlling laboratory mishaps involving etiologic agents.

(1) The contractor shall have the necessary equipment and trained personnel for controlling the mishap.

(2) In the event of an incidental release of a BDP etiologic agent from appropriate laboratory biocontainment that may result in personnel exposure, approved emergency procedures will be initiated immediately to effectively protect personnel and the environment and to constrain the spread of contamination. The affected areas will be decontaminated before normal operations are resumed.

(3) Special medical surveillance will be started as soon as possible for all workers present in the potentially affected area at the time of the mishap.

(4) Local emergency support agencies, such as law enforcement, fire departments, health departments, and governments will be informed of BDP activities and the appropriate support necessary, to include any equipment and training to provide effective emergency response. Agreements with external agencies must be formalized.

(5) The contractor shall be required to review the plan annually and consult external agencies if there is an agreement for them to provide

assistance. This should be done in coordination with the contracting agency.

Subpart D—BDP Studies and Reviews

§ 626.19 Assuring maximum safety.

(a) Safety studies and reviews are conducted to assure that maximum safety and health measures are being taken to prevent mishaps involving BDP etiologic agents in any amount or under any conditions that may cause incapacitation, illness, or death to any person, or adverse effects on the public or to the environment.

(b) The system safety requirements of AR 385–16 will be followed during all BDP safety studies and reviews.

§ 626.20 Special studies.

Any HQDA agency may recommend a special study or review of an etiologic agent or system when it becomes necessary to investigate the condition or changes described below. The responsbile HQDA agency will determine the scope and conduct the study or review. Special study activities will be coordinated with HQDA, DACS–SF, WASH DC 20310–0200.

(a) Conditions or practices which may affect safety.

(b) Major system modifications including both design and physical configuration changes.

(c) Significant changes to safety, health, and environmental protection standards and requirements that affect BDP operations.

Appendix A to part 626—References

These publications can be obtained from the National Technical Information Services, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Required Publications

AR 40–5—Preventive Medicine. (Cited § 626.7(f) introductory text)

AR 40–400—Patient Administration. (Cited in § 626.6)

AR 385–10—Army Safety Program. (Cited in §§ 626.4(c) introductory text, 626.4(g)(3), and 626.4(g)(5))

AR 385–16—System Safety Engineering and Management. (Cited in §§ 626.11, and 626.19

AR 385–40—Accident Reporting and Records. (Cited in §§ 626.4(c)(10) and 626.6)

AR 415–15—Military Construction, Army (MCA) Program Development. (Cited in § 626.11)

DA Pam 385–69—Biological Defense Safety Program. (Cited in §§ 626.1(b), 626.4(g)(3), 626.4(g)(4), 626.5(b), 626.7(h)(1), 626.7(i) intro text, 626.7(i)(1), 626.7(k), 626.8(b), 626.10(a), 626.10(b), and 626.16(b))

Med 16 Report. (Cited in § 626.6)

Related Publications

A related publication is merely a source of additional information. The user does not have to read it to understand this regulation.

AR 40–10—Health Hazard Assessment Program in Support of the Army Material Acquisition Decision Process

AR 70–1—Systems Acquisition Policy and Procedures

AR 70–10—Test and Evaluation During Development and Acquisition of Materiel

AR 70–18—The Use of Animals in DOD Programs

AR 70–25—Use of Volunteers as Subjects of Research

AR 70–65—Management of Controlled Substances, Ethyl Alcohol, and Hazardous Biological Substances in Army Research, Development, Test, and Evaluation Facilities

AR 200–1—Environmental Protection and Enhancement

AR 200–2—Environmental Effects of Army Actions

AR 405–90—Disposal of Real Estate

Appendix B to Part 626—Glossary

Abbreviations

AMC—United States Army Materiel Command

AR—Army regulation

ARSTAF—Army Staff

ASA (IL&E)—Assistant Secretary of the Army (Installations, Logistics and Environment)

ASA (RDA)—Assistant Secretary of the Army (Research, Development, and Acquisition)

BDP—Biological Defense Program

BL—Biosafety level

CG—commanding general

CSA—Chief of Staff, United States Army

DA—Department of the Army

DA Pam—Department of the Army Pamphlet

DASAF—Director of Army Safety

DCSOPS—Deputy Chief of Staff for Operations and Plans

DOD—Department of Defense

HEPA—high efficiency particulate air

HQDA—Headquarters, Department of Army

IPR—in process reviews

MACOM—major Army command

MCA—Military Construction, Army

MCE—maximum credible event

OCSA—Office of the Chief of Staff, United States Army

R&D—research and development

RDTE—research, development, test, and evaluation

RCRA—Resource Conservation Recovery Act

SOP—standing operating procedure

TSG—The Surgeon General, Army

USACE—United States Army Corps of Engineers

USAMRDC—United States Army Medical, Research and Development Command

Terms

Biological Defense Mishap

An event in which the failure of laboratory facilities, equipment, or procedures appropriate to the level of potential pathogenicity or toxicity of a given etiologic agent (organism or toxin) may allow the unintentional, potential exposure of humans or the laboratory environment to that agent. Mishaps can be categorized into those resulting in confirmed exposures and those resulting in potential exposures. A confirmed accidental exposure is any mishap in which there was direct evidence of an exposure, such as a measurable rise in specific antibody titer to the etiologic agent in question, or a confirmed diagnosis of intoxication or disease. A potential exposure is any mishap in which there was reason to believe that anyone working with an etiologic agent may have been exposed to that agent, yet no measurable rise in specific antibody titer or diagnosis of illness or disease can be found. However, there is reason to believe in such a case that the possibility existed for introduction of an etiologic agent through mucous membranes, the respiratory tract, broken skin, or the circulatory system as a direct result of the incident or injury.

Biocontainment Area

An area which meets the requirements for a BL–3 or BL–4 facility. The area may be an entire building, a suite of rooms, a single room within a building, or a biological safety cabinet.

Biological Safety Cabinets

Engineering controls designed to enable laboratory workers to handle infectious etiologic agents and to provide primary containment of any resultant aerosol. There are three major classes of cabinets (I, II, and III) and several sub-classes of class II cabinets. Each type of cabinet provides a different degree of protection to personnel and to the products handled inside them.

Biosafety Level

A combination of facilities, equipment, and procedures used in handling etiologic agents to protect the worker, environment, and the community. This combination is proportional to the potential hazard of the etiologic agent in question.

Biosafety Level 1

The facilities, equipment, and procedures suitable for work involving agents of no known or of minimal potential hazard to laboratory personnel and the environment.

Biosafety Level 2

The facilities, equipment, and procedures applicable to clinical, diagnostic, or teaching laboratories, suitable for work involving indigenous agents of moderate potential hazard to personnel and the environment. It differs from BL–1 in that (1) laboratory personnel have specific training in handling pathogenic agents, (2) the laboratory is directed by scientists with experience in the handling of specific agents, (3) access to the laboratory is limited when work is being conducted, and (4) certain procedures in which infectious aerosols could be created are conducted in biological safety cabinets or other physical containment equipment. Personnel must be trained. Strict adherence to recommended practices is as important in attaining the maximum containment capability as is the mechanical performance of the equipment itself.

Biosafety Level 3

The facilities, equipment, and procedures applicable to clinical, diagnostic, research, or production facilities in which work is performed with indigenous or exotic agents where there is potential for infection by aerosol and the disease may have serious or lethal consequences. It differs from BL–2 in that (1) more extensive training in handling pathogenic and potentially lethal agents is necessary for laboratory personnel, (2) all procedures involving the manipulation of infectious material are conducted within biological safety cabinets, or by other physical containment devices, (3) the laboratory has special engineering and design features, including access zones, sealed penetrations, and directional airflow, and (4) any modification of BL–3 recommendations must be made only by the commander.

Biosafety Level 4

The facilities, equipment, and procedures required for work with dangerous and exotic agents which pose a high individual risk of life-threatening disease. It differs from BL–3 in that (1) members of the laboratory staff have specific and thorough training in handling extremely hazardous infectious agents, (2) laboratory personnel understand the primary and secondary containment functions of the standard and special practices, containment equipment, and laboratory design characteristics, (3) access to the laboratory is strictly controlled by the commander, (4) the facility is either in a separate building or in a controlled area within a building, which is completely isolated from all other areas of the building, (5) a specific facility operations manual is prepared or adopted, (6) within work areas of the facility, all activities are confined to Class III biological safety cabinets or Class I or Class II biological safety cabinets used in conjunction with one-piece positive pressure personnel suits ventilated by a life support system, and (7) the maximum containment laboratory has special engineering and design features to prevent microorganisms from being disseminated to the environment.

Building

A structure that contains the requisite components necessary to support a facility that is designed according to the required biosafety level. The building can contain one or more facilities conforming to one or more biosafety levels.

Confirmed Exposure

Any mishap with a BDP agent in which there was direct evidence of an actual exposure such as: A measurable raise in antibody titer to the agent, or a confirmed diagnosis of intoxication or disease.

Decontamination

The physical or chemical processes by which an object or area, contaminated with a harmful or potentially harmful etiologic agent, is made safe for handling or use. Such processes include physical removal of all contaminants, thermal destruction of biological activity (sterilization), chemical inactivation (biocidal process), or a combination of these methods.

Etiologic Agent

A viable microorganism, or its toxin which causes or may cause human disease, and includes those agents listed in 42 CFR 72.3 of the Department of Health and Human Services regulations, and any material of biological origin that poses a degree of hazard similar to those organisms.

Exemption

A permanent written exemption approved by HQDA for a requirement imposed by this regulation. An exemption is based on a determination that conformity to the established standard is impossible, highly impracticable, unnecessary, or not in the best interest of the United States Government.

First Aid

Any one-time treatment, and any follow-up visit for the purpose of observation of minor scratches, cuts, burns, splinters, and so forth, which do not ordinarily require medical care. Such one-time treatment, and follow-up visit for observation, is considered first aid, even through provided by a physician or registered medical professional personnel.

High efficiency particulate air (HEPA) filter

A filter which removes particulate matter down to sub-micron sized particles from the air passed through it with a minimum efficiency of 99.97 percent. HEPA filters remove particulate matter with great efficiency while vapors and gases (for example from volatile chemicals) are not removed and pass through unrestricted. HEPA filters are used as the primary means of removing infectious agents from air exhausted from engineering controls and facilities.

Institute Director

The commander of an Army activity conducting RDTE with BDP etiologic agents, or the equivalent at a research organization under contract to the BDP.

Institution

An organization such as an Army RDTE activity (institute, agency, center, or similar facility) or a contract organization such as a school of medicine or research institute that conducts RDTE with BDP etiologic agents.

Laboratory

An individual room or rooms within a facility that provides space in which work with etiologic agents may be performed. It contains all of the appropriate engineering features and equipment required at a given biosafety level to protect personnel working in the laboratory and the environment external to the facility.

Potential Accidental Exposure

Any mishap in which there was reason to believe that anyone working with a BDP material may have been exposed to that material, yet no measurable rise in antibody titer or diagnosis of intoxication or disease was made. However, the high probability existed for introduction of an agent through mucous membranes, ingestion, respiratory tract, broken skin, or circulatory system as a direct result of the accident, injury, or incident.

Resource Conservation Recovery Act (RCRA) Listed Hazardous Waste

The waste materials listed by Environmental Protection Agency under authority of the RCRA for which the disposal is regulated by the Environmental Protection Agency. A description and listing of these wastes is located in 40 CFR part 261.

Sterilization

The complete destruction of all forms of microbial life.

Suite

An area consisting of more than one room, and designed to be a functional unit in which laboratory operations can be conducted. Suites may contain a combination of laboratories and animal holding rooms or both and associated support areas within a facility that are designed to conform to a particular biosafety level. There may be one or more suites within a facility.

Toxin

Toxic material of biologic origin that has been isolated from the parent organism. The toxic material of plants, animals, or microorganisms.

Waiver

A temporary (1 year or less) written relief from a requirement imposed by this regulation, pending accomplishment of actions or programs which will result in conformance to the required standards. Waivers will not be extended beyond 5 years.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

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April 2, 1992

Part V

Department of Defense

Department of the Army

32 CFR Part 619

Program for Qualifying DOD Freight Motor Carriers, Exempt Surface Freight Forwarders, and Shipper Agents; Proposed Rule

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 619

Program for Qualifying DOD Freight Motor Carriers, Exempt Surface Freight Forwarders, and Shipper Agents

AGENCY: Military Traffic Management Command, Department of the Army, DOD.

ACTION: Proposed rule.

SUMMARY: This proposed rule established changes to 32 CFR part 619 and is necessary to protect the interest of DoD while reducing the financial burden for small established carriers to do business with DOD. Bond requirement will be based on a sliding scale. The submission of financial statements is discontinued. The proposed rule allows for MTMC to approve insurance underwriters on a case-by-case basis and acceptance of self-insurance; adds qualification standards for Surface Freight Forwarders, and shipper agents; adds additional requirements and standards for carriers wishing to handle shipments of hazardous or secret materials, sensitive weapons and munitions; and shipments which require a Transportation Protective Service (TPS); modifies the cargo insurance requirements for carriers of perishable substance and bulk fuel; and establishes a basic agreement between MTMC and motor carriers who handle shipments requiring a TPS, shipments of hazardous materials (other than Classes A and B explosives), and handle shipments of classes A and B explosives.

DATES: Comments must be received on or before May 4, 1992.

ADDRESSES: Send comments to: Headquarters, Military Traffic Management Command, ATTN: MTIN, 5611 Columbia Pike, Falls Church, VA 22041–5050.

FOR FURTHER INFORMATION CONTACT: Ms. Pat McCormick, (703) 756–1595/6; Ms. Robbie Randolph, (703) 756–1568; or Ms. Rose Sharpe, (703) 756–1062; Headquarters, Military Traffic Management Command, Attn: MTIN, 5611 Columbia Pike, Falls Church, VA 22041–5050.

SUPPLEMENTARY INFORMATION: Basic information on the Carrier Qualification Program was previously published in the **Federal Register**, 53 FR 17970, 54 FR 27667, 55 FR 7361, 55 FR 52976 and 56 FR 2849.

Performance Bond

The performance bond is established to protect the interest of the DOD. It provides a source of funds that can be used to pay for reprocurement costs associated with those instances where a carrier frustrates or abandons DOD freight. The amount of the bond a carrier needs to obtain is dependent on the risk associated to the DOD. The bond will never exceed $100,000. Two different systems are used for risk evaluation. Which system is used will be determined when carrier is asked to qualify.

(a) All carriers: (1) Carriers having done business in their own name with DOD for 3 years or more will be required to submit a performance bond in the amount of 2.5% of their total DOD revenue for the previous 12 months, not to exceed $100,000 and not less than $25,000.

(2) New carriers and those carriers having done business in their own name with the DOD for less than 3 years will be required to submit a performance bond based on their proposed area of service, that is, 1 state (including intrastate)—$25,000, 2 to 3 states—$50,000, and 4 or more states—$100,000.

(3) Once a carrier has been doing business with the DOD for 3 years, their bond requirement will change from area of service to revenue.

(b) Local drayage and commercial zone carriers are exempt from the bond requirement.

(c) Surface Freight Forwarders and Shipper Agents. Due to the volume of traffic handled by these two modes and the area normally serviced, the bond amount is set at $100,000.

Financial Statements

The requirement to submit financial statements upon submission of initial application package has been discontinued. Nevertheless, motor carriers, surface freight forwarders and shipper agents may be required to furnish financial data at MTMS's discretion when considered necessary to assure a carrier's financial condition will not detrimentally impact on service to DOD customers. This financial data includes, but is not limited to:

(a) Company certified financial statements.

(b) CPA review, audit and opinion (including footnotes) of financial statements.

Insurance

Insurance underwriters must be rated in the Best's Insurance Guide, or listed in the Fiscal Service Treasury Department Circular 570, Listing of Surety Companies. MTMC may on a case-by-case basis grant exceptions to carriers with non-rated insurance underwriters but only if insurance is acceptable to the Interstate Commerce Commission. Additionally, MTMC will accept self-insurance for those carriers who were self-insured with the Interstate Commerce Commission (ICC) as of January 1, 1991. Self-insurance will be accepted only upon receipt of a Service Order from the ICC granting the self-insurance.

Requirements and Standards to Handle Hazardous or Secret Materials, and Sensitive Weapons and Munitions

Requirements and standards are already in place for carriers who wish to handle hazardous or secret materials, and sensitive weapons and munitions; therefore, they were originally exempted from the initial program. However, in order to streamline and standardize procedures, these carriers will now be brought under the basic Carrier Qualification Program, to include additional requirements for consideration to participate in freight shipments which have higher requirements than those for general commodities.

The following amendments and/or additions to appropriate sections of title 32 part 619 establish the applicable unique requirements for all motor programs. Any sections not changed applies to all persons, carriers or companies wishing to participate in the movement of DOD freight.

The Directorate of Personal Property maintains its own separate and unique requirements for carriers wishing to participate in household shipments; therefore, this program is excluded from the freight Carrier Qualification Program. Further, a carrier who is qualified under one program will not automatically qualify to participate in both programs. Additionally, the requirements of one program may not be used to qualify for another program, e.g., any criteria used to qualify under the freight program cannot be used to qualify under the Personal Property Program.

A carrier who wants to participate in more than one freight program, i.e., motor carrier, shipper agent, exempt surface freight forwarder, will be required to meet criteria established for that program. For example, a company who offers service as a motor common carrier and also wants to participate as an exempt surface freight forwarder will have to meet both programs requirements and execute all applicable agreements. There is one exception to

this policy. Motor carriers wishing to handle various types of commodities which require qualification, i.e. general commodities, hazardous materials, and A and B explosives need only qualify once. However, they will be required to meet the requirements of the most stringent program. They will also be required to execute agreements for each program.

Criteria for handling shipments which require a Transportation Protective Service (TPS) and hazardous materials: Carriers must have one year of general experience which demonstrates satisfactory service in the movement of DOD general commodity freight shipments. Carrier must submit to MTMC for review, a copy of its security and/or safety procedures and/or guidance which it provides to employees handling a TPS or hazardous shipment. Carriers may also be subject to covert surveillance by a government employee or government contractor employee. Carrier may be required to submit to a corporate and/or terminal inspection.

Executive Order 12291

This proposed rule has been reviewed under Executive Order 12291 and the Secretary of the Army has classified this action as nonmajor. The effect of the rule on the economy will be less than $100 million.

Regulatory Flexibility Act

This proposed rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 and the Secretary of the Army has certified that this action does not have a significant impact on a substantial number of small entities.

Paperwork Reduction Act

This rule has been approved by the Office of Management and Budget as required under the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

List of Subjects in 32 CFR Part 619

Shipping, Motor vehicle, Safety, Trucks, Common carriers, Freight.

Accordingly, 32 CFR part 619 is proposed to be amended as follows:

PART 619—PROGRAM FOR QUALIFYING DOD FREIGHT MOTOR CARRIERS

1. The authority citation for part 619 continues to read as follows:

Authority: 49 U.S.C. 1801–1813, 2503, 2505, and 2509.

2. Section 619.1 is amended by revising the first sentence to read as follows:

§ 619.1 Introduction.

Carriers, surface freight forwarders, and shipper agents interested in qualifying or remaining qualified will submit data described in §§ 619.2 through 619.6 to the appropriate area command (Bayonne, NJ or Oakland, CA) based on the location of the carrier's headquarters.* * *

3. Section 619.2 is amended by adding paragraph (c) to read as follows:

§ 619.2 Safety ratings.

* * * * *

(c) Carriers transporting hazardous, secret materials or sensitive weapons and munitions, or any shipment, regardless of commodity which requires a Transportation Protective Service (TPS) will not be used if the safety rating is less than satisfactory.

4. Section 619.4 is revised to read as follows:

§ 619.4 Insurance—public liability and cargo.

(a) *Public liability.* Motor carriers, surface freight forwarders, and shipper agents will submit proof of public liability shown on the certificate. The insurance underwriters must be rated in the Best's Insurance Guide, or listed in the Fiscal Service Treasury Department Circular 570, Listing of Surety Companies. MTMC will grant exceptions to carriers with non-rated insurance underwriters on a case-by-case basis but only if insurance is acceptable to the Interstate Commerce Commission. The certificate holder will be notified, in writing, 30 days in advance of any change or cancellation.

(1) The public liability requirements for motor carriers are specified by 49 CFR 387.9 and are summarized as follows based on the commodities transported:

(i) Property (nonhazardous)	$750,000
(ii) Oil, hazardous waste, materials and substances not in bulk	1,000,000
(iii) Hazardous substances in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; any quantity of Class A or B explosives; any quantity of poison gas (Poison A); or highway route controlled quantity radioactive materials	5,000,000

(2) Surface freight forwarders and shipper agents will submit proof of $1 million public liability (death and bodily injury, property damage, and environmental restoration).

(b) *Cargo.* Motor common carriers, surface freight forwarders, and shipper agents will be required to have their insurance company provide proof of cargo insurance to MTMC on a certificate of insurance form. The deductible portion will be shown on the certificate. The insurance underwriter must have a policyholder's rating in the Best's Insurance Guide, listed in the Fiscal Service Treasury Department Circular 570, Listing of Surety Companies or specifically approved by HQMTNC. DOD's minimum cargo insurance requirements are as listed below:

(1) Motor common carriers, including classes A and B explosives, but excluding perishables and bulk fuel—$150,000 per shipment.

(2) Automobile transporters or carriers which move vehicles in haul-away/drive-away service—$20,000 per vehicle transported.

(3) Perishable carriers—$80,000 per shipment.

(4) Bulk fuel—$25,000 per shipment.

(5) Surface freight forwarders and shipper agents—$250,000 per shipment.

5. Section 619.5 is revised to read as follows:

§ 619.5 Financial records.

The requirement to submit financial statements upon submission of initial application package has been discontinued. Nevertheless, motor carriers, surface freight forwarders and shipper agents may be required to furnish financial data at MTMC's discretion when considered necessary to assure a carrier's financial condition will not detrimentally impact on service to DOD customers. This financial data includes, but is not limited to the following:

(a) Company certified financial statements.

(b) CPA review, audit and opinion (including footnotes) of financial statements.

6. Section 619.6 is amended by revising the introductory text and adding paragraph (k) to read as follows:

§ 619.6 Information.

Motor carriers, surface freight forwarders and shipper agents will provide HQMTMC the following information:

* * * * *

(k) In addition to information contained in paragraphs (a) through (h) and (j) of this section, exempt surface freight forwarders and shipper agents must furnish a listing of carriers which they have a contract with and intend to use in the movement of government

shipments. Information must include the complete company names, company officials to include their position and title, home office addresses, telephone numbers, 24 hour emergency point of contact for shipment status, and ICC operating authority number of each carrier.

7. Section 619.7 is revised to read as follows:

§ 619.7 Performance bond.

(a) *Motor carriers.* (1) Carriers having done business in their own name with DOD for 3 years or more will be required to submit a Performance Bond in the amount of 2.5% of their total DOD revenue for the previous 12 months, not to exceed $100,000 and not less than $25,000.

(2) New carriers and those carriers having done business in their own name with the DOD for less than 3 years will be required to submit a Performance Bond based on areas of service they offer, that is, 1 state (including intrastate)—$25,000, 2 to 3 states—$50,000, and 4 or more states—$100,000.

(b) Local drayage and commercial zone carriers are exempt from the bond requirement.

(c) Surface Freight Forwarders and Shipper Agents. Dut to the volume of traffic handled by these two modes and the area normally serviced the bond amount is set at $100,000.

(d) All carriers must submit a letter of intent to file a bond from a surety company with initial application. Upon HQMTMC approval, carriers will provide HQMTMC with a Performance Bond. The bond must be issued by a surety company listed in the Fiscal Service Treasury Department Circular No. 570. The sum of the bond shall be as determined by § 619.7 (a) through (c) of this part. The bond must be continuous until cancelled. HQMTMC will be notified, in writing, 30 days in advance of any change or cancellation. The Performance Bond secures performance and fulfillment of carrier obligations to deliver DOD freight. It will cover any instance where a carrier cannot or will not deliver DOD freight tendered to them to final destination. This includes default, abandoned shipments, inability to perform, and bankruptcy by the carrier.

8. Section 619.8 Basic agreement, is revised to read as follows:

§ 619.8 Basic agreement.

Motor carriers, surface freight forwarders and shipper agents meeting the qualification requirements of §§ 619.1 through 619.7 will be required to sign the appropriate Basic Agreement in the appendices to this part.

Appendix to Part 619 [Removed]

9. Appendix to Part 619—Basic Agreement Between the Military Traffic Management Command and Motor Common Carriers for Approval to Transport General Commodities for the Department of Defense—is removed.

10. Appendixes A through F to part 619 are added to read as follows:

Appendix A to Part 619—Basic Agreement Between the Military Traffic Management Command and Motor Common Carriers for Approval to Transport General Commodities for the Department of Defense

1. The undersigned, who is duly authorized and empowered to act on behalf of (NAME OF COMPANY, TYPED OR LEGIBLY PRINTED), hereinafter called the carrier, as a prerequisite for approval to transport general commodities for the account of the Department of Defense (DOD) and the Military Traffic Management Command (MTMC), (hereinafter called the Government), agree to comply with all additional requirements, terms and conditions as set forth in this Agreement. This agreement governs the transportation of all DOD general commodity freight administered by the Directorate of Inland Traffic, MTMC (except used household goods). Noncompliance by the carrier with any provision of this Agreement may result in MTMC taking action against the carrier under the Carrier Performance Program, governed by MTMC Regulation 15–1, and revoking approval to participate in this traffic. If the carrier's approval is revoked, the carrier may be disqualified from further participation in any DOD freight Traffic.

2. Approval and Revocation.

a. Carrier understands that its initial approval and retention of approval are contingent upon establishing and maintaining, to MTMC's satisfaction sufficient resources to support its proposed scope of operations and services. Sufficient resources include equipment, personnel, facilities, and finances to handle traffic anticipated by DOD/MTMC under the carrier's proposed scope of operations in accordance with the service requirements of the shipper.

b. The carrier understands that MTMC may revoke approval at any time upon discovery of grounds for ineligibility or disqualification. The carrier further understands that it is not authorized to submit tenders for shipments requiring a Transportation Protective Service (TPS) until it has served DOD in an approved status for 12 continuous months. Prior to being allowed to handle shipments which require a TPS or classes A & B explosives, the carrier must first meet any additional requirements in effect at the time.

c. In addition to the initial evaluation, the carrier agrees that it will cooperate with MTMC follow-up evaluations at any time subsequent to signing this Agreement to confirm continued eligibility.

d. The carrier certifies that neither the owners, company, corporate officials, nor any affiliation or subsidiary thereof are currently debarred or suspended, disqualified by a MTMC General Freight Board, or placed in non-use by MTMC from doing business with DOD.

3. Lawful Performance

a. Carrier agrees to comply with all applicable Federal, State, municipal, and other local laws and regulations governing the safe, proper, and lawful operation of motor vehicles to include 49 CFR parts 386–397. Intrastate carriers are required to comply with all applicable state or federal regulations, whichever are more stringent.

b. No fines, charges, or assessments for overload vehicles or other violations of applicable laws and regulations will be passed to or be paid by any agency of the Federal Government.

4. Operating Authority

Carrier agrees to maintain valid motor common carrier operating certificates for its scope of operations. Any carrier found to be, in fact, involved in the brokerage, as defined by the Interstate Commerce Commission (ICC), of DOD freight traffic will have its approval revoked.

5. Insurance

a. Minimum public liability insurance requirements are prescribed in 49 CFR 387.9. Carrier agrees to ensure that the ICC is provided proof of their public liability insurance, in the form of a BMC 91 or 91–X, or MCS 90, in accordance with sections 29 and 30 of the Motor Carrier Act of 1980. Further, the motor carrier agrees to provide MTMC with a certificate of insurance form. The certificate holder block of the form will indicate that MTMC, 5611 Columbia Pike, Falls Church, Virginia 22041–5050, Attn: MTIN–FF, will be notified in writing, 30 days in advance of any change or cancellation. The deductible portion will be shown on the certificate. The insurance underwriter must have a policyholder's rating in the Best's Insurance Guide, listed in the Fiscal Service Treasury Department Circular 570, Listing of Surety Companies or must be acceptable to the ICC and specifically approved by MTMC.

b. The carrier agrees to also file with MTMC proof of:

(1) *Public liability insurance* Interstate Carriers—$750,000 per vehicle for property (excluding hazardous) and $1,000,000 per vehicle for oil, hazardous wastes, hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101.

(2) *Public liability insurance Intrastate Carriers*—Public Liability Insurance shall be that as required by the state, except that for deregulated states, public liability shall be the same as that required of interstate carriers.

(3) *Cargo insurance.* Cargo insurance in the minimum of $150,000 for loss and damage of government freight per vehichle and/or $20,000 per vehicle transported (e.g., automobile transporters or vehicles in

haulaway service) must be maintained. Perishable carriers will maintain, as a minimum, cargo insurance in the amount of $80,000 and bulk petroleum carriers will maintain $25,000.

c. The insurance, carried in the name of the carrier, will be in force at all times while this Agreement is in effect or until such time as the carrier cancels all tenders. The carrier agrees to ensure that the policies include a provision requiring the insurer to notify MTMC prior to any performance of service by the carrier. Changes, renewals, and cancellations notices must also be sent to MTMC, 5611 Columbia Pike, Falls Church, Virginia 22041–5050, ATTN: MTIN–FF. This requirement applies to both interstate and intrastate carriers. Carrier's insurance policy(s) must cover all equipment used to transport DOD freight.

6. Performance Bond

a. Carriers agree to provide MTMC with a Performance Bond at no cost to the Government. The bond secures performance and fulfillment of the carrier obligation to deliver DOD freight to destination. It will cover DOD re-procurement costs as a result of carrier default, abandoned shipments, inability to perform, or bankruptcy. The bond must be issued by a surety company listed in the Fiscal Service Treasury Department Circular No. 570. The bond must be completed on the form provided by MTMC. The bond will be continuous until cancelled. MTMC will be notified in writing, 30 days in advance of any change or cancellation. A letter of intent by the surety company is required with the initial application package. Upon MTMC approval, the carrier agrees to submit the Performance Bond before the Tender of Service will be accepted.

b. The sum of the bond will be determined as follows: (1) Carriers have done business in their own name with DOD for 3 years or more will be required to submit a Performance Bond in the amount of 2.5% of their total DOD revenue for the previous 12 months, not to exceed $100,000 and not less than $25,000.I21(2) New carriers and those carriers having done business in their own name with the DOD for less than 3 years will be required to submit a Performance Bond based on areas of service they offer, that is:I211 state (including intrastate)—$25,000;I212 to 3 states—$50,000; and I214 or more states—$100,000.I21(3) Once a carrier has been doing business with the DOD for 3 years, their bond requirement will change from area of service to revenue.I21c. Local drayage and commercial zone carriers are exempt from the bond requirement.I21d. If carrier has secured the Performance Bond as a result of qualifying under Ammunition and Explosive, Classes A and B program or hazardous materials (other than ammunition and explosives, classes A and B) program no additional Performance Bond is required.

7. Safety

a. Carrier will not have an "unsatisfactory" safety rating with the Federal Highway Administration, Department of Transportation and, if it is an intrastate motor carrier, with the appropriate state agency. The carrier further agrees to permit unannounced safety inspections of its facilities, terminals, equipment, employees, and procedures by DOD civilian, military personnel, or DOD contract employees. These inspections may include in-transit surveillance of vehicles and drivers. The carrier agrees to provide evidence that fulfills the requirement set forth in 49 CFR parts 390 thru 396. Inspection of carrier equipment, dirvers' records, route plans and inspection reports will be permitted during both the pickup and delivery of shipments and in coordination with local police or other authorities while in transit. Carrier also agrees to allow inspection of carrier records and individual driver qualification files. When requested, carrier agrees to provide adequate evidence of an active driver safety, security training and evaluation program. Upon request, the carrier agrees to furnish sufficient information to permit MTMC to verify or inspect carrier and driver records.

b. The carrier agrees to have in place a company-wide safety management program. Carrier safety program will comply with applicable Federal, State and local statutes or requirements. Safety programs at the company-wide or terminal level may be subject to evaluation by DOD representatives.

c. The carrier agrees to notify, within a reasonable period of time, the consignor and consignee named by the Government Bill of Lading (GBL) or Commercial Bill of Lading (CBL) of cargo loss, damage, or unusual delay. Information reported will include origin/destination, GBL/CBL number, shipping paper information, time and place of occurrence, and other pertinent accident details. When requested, carrier agrees to furnish MTMC a copy of accident reports submitted to the Department of Transportation on Form MCS 50–T (Property).

8. Drivers Requirement

a. The carrier agrees to ensure that any driver used by the carrier to transport DOD freight possesses a valid driver's license (in compliance with Federal Commercial Motor Vehicle Safety Act of 1986) issued by his or her state of domicile. Drivers must have, at a minimum, 1 year of driving experience driving equipment similar to that used to transport DOD freight, or have proof of graduation from an accredited motor driving school.

b. The carrier agrees to further ensure that driver carry adequate identification to verify affiliation with the carrier named on the Government Bill of Lading.

9. Equipment

The carrier is prohibited from using trip-leased equipment or drivers, except upon prior approval from MTMC. Leases of less than 30 days are considered trip-leases. In order to trip-lease, a carrier must apply for approval under MTMC's trip-lease program.

10. Shipment

The carrier agrees to provide, at no additional cost to the government, the status of any shipment within 24 hours after an inquiry is made. Further, the carrier agrees to not divulge any information to unauthorized persons concerning the nature and movement of any DOD shipment.

11. Documentation

a. The carrier agrees to accept GBLs and CBLs on which freight charges will be paid by the Government, and be bound by all terms stated on the SF1103, Government Bill of Lading, regardless of the type of bill of lading tendered.

b. The carrier agrees to comply with the documentation prelodge procedures in effect at Military Ocean Terminals when cargo is consigned for further movement overseas. (Prelodging is the submission of advance shipment documents which identifies the shipment to the Military Ocean Terminal prior to delivery of the cargo at the terminal.) Instructions will be provided by the consignor to furnish certain data at least 24 hours in advance of cargo delivery to the terminal.

12. Loss or Damage

The carrier agrees to be liable for loss or damage to cargo in accordance with the provisions of 49 U.S.C. 11707 (the Carmack Amendment to the Interstate Commerce Act). Carrier agrees to promptly settle uncontested claims for loss or damage.

13. Standard Tender of Service

a. The carrier agrees to comply with the preparation and filing instructions and applicable freight traffic rules publications issued by MTMC. Carrier understands that MTMC will reject tenders not in compliance with these instructions.

b. Carrier agrees to provide a street address where the company office is located in lieu of a post office box number. Carrier agrees to provide the address prior to or in conjunction with submission of any tenders or other rate schedules. The carrier agrees to also advise MTMC of any change in address prior to the effective date of the change. Failure to do so is grounds to discontinue use of the carriers.

c. Carrier understands that tenders inadvertently accepted and distributed for use and not in compliance with this agreement, the provisions contained in the Standard Tender of Freight Services (MT Form 364–R), or the applicable MTMC Freight Traffic Rules Publication, and supplements thereof, will be subject to immediate removal or non-use until corrections are made. The issuing carrier will be advised when tenders are removed under these circumstances.

14. Rates

a. Carrier agrees to transport Government shipments at its lowest applicable rate whether or not the rate tender is referenced on the Government Bill of Lading or Commercial Bill of Lading.

b. Carrier agrees to publish through rates guaranteed for at least 30 days. These rates must be filed with MTMC, HQ, Eastern Area, Attn: MTE–IN, Bayonne, New Jersey 07002–5302. The carrier must publish all rates, charges, and accessorial services on a "Department of Defense Standard Tender of Freight Services", MT Form 364–R and must comply with the tender preparation instructions. (Only services annotated with a

charge in the tender will be paid by the shipper.)

15. Carrier Performance

Carrier agrees that carrier's equipment, performance, and standards of service will conform with its obligations under Federal, State and local law and regulation as well as with the guidelines found in the Defense Traffic Management Regulation (DTMR) and this Agreement. The carrier fully understands its obligation to remain current in its knowledge of service standards. The carrier accepts the Government's right to revoke approval, declare ineligible, non-use, or disqualify the carrier for unsatisfactory service for any operating deficiency, noncompliance with terms of this Agreement or terms of any negotiated agreements, tariffs, tenders, bills of lading or similar arrangements determining the relationship of the parties, or for the publication or assessment of unreasonable rates, charges, rules, descriptions, classifications, practices, or other unreasonable provisions of tariffs/tenders. Rules governing the Carrier Performance Program are found in MTMC Regulation 15–1, and Army Regulation 55–355, DTMR. If a carrier is removed or disqualified for 6 months or more, it will have to be re-qualified.

16. General Provisions

The carrier agrees to possess a valid Standard Carrier Alpha Code (SCAC). When a company holding the appropriate authority has operating divisions each with its own unique SCAC, each such division is required to execute a separate agreement with MTMC governing the transportation of protected commodities.

17. Terms of the Agreement

a. The terms of this Agreement will be applicable to each shipment.

b. This agreement shall be effective from the date of approval by MTMC, until terminated. Termination is effective upon receipt of written notice by either party.

c. Nothing in this Agreement will be construed as a guarantee by the Government of any particular volume of traffic.

d. The carrier agrees to immediately notify MTMC of any changes in ownership, in affiliations, executive officers, and/or board members, and carrier name. Carrier understands that failure to notify MTMC shall be grounds for immediate revocation of the carrier's approval and their participation in the movement of DOD freight.

18. Additional Specialized Requirements

The terms of this Agreement will not prevent different or additional requirements with respect to negotiated agreements or added requirements for other types of service and/or commodities.

19. Inquiries

Inquiries may be referred to: Commander, Military Traffic Management Command, Attn: MTIN–FF, 5611 Columbia Pike, Falls Church, Virginia 22041–5050.

20. Carrier Acknowledgement and Acceptance

The certifying carrier official agrees to ensure that the appropriate company officials and employees are familiar with the requirements, terms and conditions of this Agreement and are in full compliance with the applicable provisions herein. Any information found to be falsely represented in the Motor Carrier Qualification Form, the attachments or during the qualification procedures, to include additional requirements of this Agreement, shall be grounds for automatic revocation of this Agreement and immediate non-use of the carrier, the affiliated companies, division and entities.

I, (typed name and title of carrier official), verify under penalty of perjury under the laws of the United States of America, that the information contained in the carrier qualification application packet and this Agreement is true, correct and complete. If representing a company or organization, I certify that I am qualified and authorized to offer this information. I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C. 1001 by up to 5 years imprisonment and fines up to $10,000 for each offense, or punishable as perjury under 18 U.S.C. 1621 by fines up to $2,000 or imprisonment up to 5 years for each offense. Further I understand the requirements of this Agreement and on behalf of (typed name of carrier and MC number), agree to comply with the terms and conditions contained herein.

_____

Signature of carrier official and title

Date _____

Carrier Address _____

_____

_____

Telephone Number ( ) _____

24 Hr Emergency Number ( ) _____

Intrastate Operating Authority Certificate Number-MC_____

Interstate Operating Authority

_____

Certificate Number(s) (Include

_____

Issuing State—for example

_____

PA–#12345) _____

Military Traffic Management Command Acknowledgment/Acceptance

Signature _____

Title _____

Date Approved: _____

Appendix B to Part 619—Agreement Between the Military Traffic Management Command and Motor Common Carriers Governing the Transportation of Ammunition and Explosives, Classes A and B for and on Behalf of the U.S. Department of Defense

1. The undersigned, who is duly authorized and empowered to act on behalf of (name of company, typed or legibly printed) (hereinafter called the carrier), as a prerequisite for approval to transport ammunition and explosives, classes A and B, for the account of the Department of Defense (DOD) and the Military Traffic Management Command (MTMC), (hereinafter called the Government), agree to comply with all additional requirements, terms and conditions as set forth in this Agreement. This Agreement governs the transportation of all DOD class A and B ammunition and explosives shipments administered by the Directorate of Inland Traffic, MTMC. Further, the carrier must also be a party to and in full compliance with requirements contained in the Agreement governing shipments which require a Transportation Protective Service (TPS). Noncompliance by the carrier with any provision of this or any other Agreement it is a party to will be sufficient grounds for immediate revocation of the carrier's approval to participate in the movement of class A and B ammunition and explosives. The carrier may also be subject to further action under the Carrier Performance Program, governed by MTMC Regulation 15–1, which could result in nationwide disqualification on all DOD freight shipments.

2. Approval and Revocation

a. Carrier understands that its initial approval and retention of approval are contingent upon establishing and maintaining, to MTMC's satisfaction sufficient resources to support its proposed scope of operations and services. Sufficient resources include the equipment, personnel, facilities, and finances to handle the traffic anticipated by DOD/MTMC under the carrier's proposed scope of operations in accordance with the service requirements of the shipper.

b. The carrier understands that MTMC may revoke approval at any time upon discovery of grounds for ineligibility or disqualification.

c. In addition to the initial evaluation, the carrier agrees that it will cooperate with MTMC follow-up evaluations at any time subsequent to signing this Agreement to confirm continued eligibility.

d. The carrier certifies that neither the owners, company, corporate officials, nor any affiliation or subsidiary thereof are currently debarred or suspended, disqualified by a MTMC General Freight Board, or placed in non-use by MTMC from doing business with DOD.

3. Lawful Performance

a. Carrier agrees to comply with all applicable Federal, State, municipal, and other local laws and regulations governing the safe transportation and storage of ammunition and explosives to include 49 CFR parts 177 and 386 thru 397. Provisions for exempt intra-city operations as defined in 49 CFR 387.9 will not apply to the transportation of explosives for the DOD. Intrastate carriers are required to comply with all applicable state or federal regulations, whichever are more stringent.

b. No fines, charges, or assessments for overload vehicles or other violations of applicable laws and regulations will be passed to or be paid by any agency of the Federal Government.

4. Operating Authority

Carrier agrees to maintain valid motor common carrier operating certificates for its scope of operations which is not restricted against the handling and transport of

hazardous or ammunition and explosives, classes A and B. Any carrier found to be, in fact, involved in the brokerage, as defined by the Interstate Commerce Commission (ICC), of DOD freight traffic will have its approval revoked.

5. Insurance

a. Minimum public liability insurance requirements are prescribed in 49 CFR 387.9. Carrier agrees to ensure that the ICC is provided proof of their public liability insurance, in the form of a BMC 91 or 91–X, or MCS 90, in accordance with sections 29 and 30 of the Motor Carrier Act of 1980. Further, the motor carrier will provide MTMC with a certificate of insurance form. The certificate holder block of the form will indicate that MTMC, 5611 Columbia Pike, Falls Church, Virginia 22041–5050, Attn: MTIN–FF, will be notified in writing, 30 days in advance of any change or cancellation. The deductible portion will be shown on the certificate. The insurance underwriter must have a policyholder's rating in the Best's Insurance Guide, listed in the Fiscal Service Treasury Department Circular 570, Listing of Surety Companies or must be acceptable to the ICC and specifically approved by MTMC.

b. The carrier agrees to also file with MTMC proof of:

(1) *Public liability insurance.* Interstate and Intrastate carriers $5,000,000 per vehicle.

(2) *Cargo insurance.* Cargo insurance in the minimum of $150,000 for loss and damage of government freight per vehicle.

c. The insurance, carried in the name of the carrier, will be in force at all times while this Agreement is in effect or until such time as the carrier cancels all tenders. The carrier agrees to ensure that the policies include a provision requiring the insurer to notify MTMC prior to any performance of service by the carrier. Changes, renewals, and cancellations notices must also be sent to MTMC, 5611 Columbia Pike, Falls Church, Virginia 22041–5050, Attn: MTIN–FF. This requirement applies to both interstate and intrastate carriers. Carrier's insurance policy(s) must cover all equipment used to transport DOD freight.

6. Performance Bond

a. Carriers agrees to MTMC with a Performance Bond at no cost to the Government. The bond secures performance and fulfillment of the carrier obligation to deliver DOD freight to destination. It will cover DOD re-procurement costs as result of carrier default, abandoned shipments, inability to perform, or bankruptcy. The bond must be issued by a surety company listed in the Fiscal Service Treasury Department Circular No. 570. The bond must be completed on the form provided by MTMC. The bond will be continuous until cancelled. MTMC will be notified in writing, 30 days in advance of any change or cancellation. A letter of intent by the surety company is required with the initial application package. Upon MTMC approval, the carrier agrees to submit the Performance Bond before the Tender of Service will be accepted.

b. The sum of the bond will be determined as follows.

(1) Carriers having done business in their own name with DOD for 3 years or more will be required to submit a Performance Bond in the amount of 2.5% of their total DOD revenue for the previous 12 months, not to exceed $100,000 and not less than $25,000.

(2) New carriers and those carriers having done business in their own name with the DOD for less than 3 years will be required to submit a Performance Bond based on areas of service they offer, that is:

1 state (including intrastate)—$25,000;
2 to 3 states)—$50,000; and
4 or more states—$100,000.

(3) Once a carrier has been doing business with the DOD for 3 years, their bond requirement will change from area of service to revenue.

c. If carrier has secured the Performance Bond as a result of qualifying under the general commodity program or hazardous materials (other than ammunition and explosives, classes A and B) program, no additional Performance Bond is required.

7. Safety and Security

a. A "satisfactory" safety rating will be maintained with the Federal Highway Administration, Department of Transportation and/or with the appropriate state agency or commission in the case of intrastate. Safety ratings which are "unsatisfactory," "conditional", "insufficient information", or "not rated" will not be accepted. The carrier further agrees to permit unannounced safety and security inspections of its facilities, terminals, equipment and operational procedures by DOD civilian or military personnel, or DOD contract employees. Inspection of carrier equipment, drivers' records, route plans and inspection reports will be permitted during both the pickup and delivery of shipments and in coordination with local police or other authorities while in transit. Carrier also agrees to allow inspection of carrier records and individual driver qualification files. When requested, carrier agrees to provide adequate evidence of an active driver safety, security training and evaluation program. Carrier agrees to furnish, on request, driver's Social Security Numbers to verify their security clearances and allow for inspection of carrier/driver records.

b. Carrier agrees to have in place a company-wide safety and security management program which includes specific on-going safety and security programs for each terminal location. Individual terminal programs will encompass planning and execution for safety and security in routine operations, to include emergency responders and planners, and with the local police and fire authority. Carrier programs will incorporate compliance with all applicable Federal, State, and local statutes or requirements. Conformance with other safety standards, such as NFPA Code 498, will be accomplished as much as possible, with compensating measures for deviations. Safety and security programs at the company wide or terminal level may be subject to evaluation by a DOD representative.

c. The carrier agrees to notify, within a reasonable period of time, the consignor and consignee named by the Government Bill of Lading (GBL) or Commercial Bill of Lading (CBL) of cargo loss, damage, or unusual delay. Carrier also agrees to notify the consignor and the consignee named on the GBL immediately by telephone of an accident, incident or significant delay. The information to be reported will include origin/destination, GBL/CBL number, shipping paper information, time and place of occurrence and other pertinent accident details. Carrier agrees to notify the MTMC area command annotated on the BGL within one half (½) hour after notification of the consignor and consignee, and provide status updates as required. The MTMC HOTLINE telephone numbers are as follows:

—Eastern Area: 800–524–0331; New Jersey only: 800–624–1361
—Western Area: 800–331–1822; California only: 800–348–4639

When requested, Carrier agrees to furnish MTMC a copy of accident reports submitted to Department of Transportation on Form MCS 50–T (Property) or MCS 50–B (Passengers) when DOD classes A and B explosives movements are involved.

d. Carrier agrees to provide the driver(s) transporting protected commodities an emergency telephone number (indicated on the last page of this Agreement) which, when used at any time (24 hours a day, 7 days a week), will reach a qualified carrier representative who will be able to provide information and assistance. MTMC will be immediately notified if this telephone number should be changed. Carrier also agrees to equip the vehicle transporting the material with communications equipment (CB radio, mobile phone, etc.) capable of being used to obtain assistance in an emergency.

e. Carrier agrees to provide the appropriate TPS when requested by a DOD shipper. Carrier further agrees to comply with, and meet, all criteria for transportation protective service as set forth in the Agreement governing the transportation of shipments requiring a TPS and also defined in the MTMC Freight Rules Publication No. 1A (MFTRP No. 1A) and reissues thereto.

f. Carrier agrees to execute a DD Form 441S (Certificate Pertaining to Foreign Interests) as a precondition to providing any TPS for the DOD. Only one DD Form 441S must be executed by a carrier regardless of the number or type of TPS provided.

g. All copies of the Signature and Tally Record (DD Form 1907), Special Instructions for Motor Vehicle Drivers (DD Form 836), and the Motor Vehicle Inspection (DD Form 626), will be transferred from driver to driver throughout the entire movement of classes A and B explosives shipments. All drivers transporting such shipments must sign the DD Form 1907 and follow the instructions shown on the DD Form 836. Furnishing of the Signature and Tally Record is an integral part of a TPS to be provided by the carrier. Carrier must ensure that each person responsible for the proper handling of the shipment signs the Signature and Tally Record at the time he/she assumes responsibility. All drivers transporting such shipment must sign the Signature and Tally Record. When used with DD, both drivers are required to sign the Signature and Tally Record upon original receipt.

8. Driver Requirements

a. Carrier agrees to comply with all driver requirements contained in paragraph 7 of the Agreement between the Military Traffic Management Command and Motor Common Carriers Governing the Transportation of Shipments Which Require a Transportation Protective Service (TPS) for and on Behalf of the U.S. Department of Defense.

b. Carrier agrees that newly employed drivers will not be allowed to transport classes A and B explosives until after background checks required by 49 CFR 391.23 have been successfully completed.

c. Carrier agrees that no driver disqualified under 49 CFR 391.15 will be permitted to operate any vehicle transporting classes A and B explosives.

d. The driver of a motor vehicle transporting classes A and B explosives must undergo a physical examination and must be certified physically qualified to drive a commercial motor vehicle in accordance with 49 CFR 391.43. Carrier agrees to have driver screening programs in place to ensure that the provisions of this paragraph are met.

9. Equipment

Carrier agrees to comply with all equipment requirements contained in paragraph 8 of the Agreement Between the Military Traffic Management Command and Motor Common Carriers Governing the Transportation of Shipments Which Require a Transportation Protective Service (TPS) for and on Behalf of the U.S. Department of Defense.

10. Shipment

a. Carrier is responsible for shipments from origin to ultimate destination. The carrier also remains responsible for shipments placed in a safe haven or refuge location. Carrier agrees not to disclose any information to unauthorized persons concerning the nature, kind, quantity, destination, consignee or routing of any protected commodities shipment tendered to it. The carrier further agrees to provide, at no additional cost to the Government, the status of any shipment within 24 hours after an inquiry is made.

b. Carrier agrees to comply with all shipment requirements contained in paragraph 9 of the Agreement Between the Military Traffic Management Command and Motor Common Carriers Governing the Transportation of Shipments Which Require a Transportation Protective Service (TPS) for and on Behalf of the U.S. Department of Defense.

c. When requested by the shipper for reasons of security, carrier agrees to cover the shipment with a carrier-provided tarpaulin. Protective tarping is an accessorial service.

11. Documentation

a. The carrier agrees to accept GBLs and CBLs on which freight charges will be paid by the Government, and bound by all terms stated on the SF1103, Government Bill of Lading, regardless of the type of bill of lading tendered.

b. The carrier will comply with the documentation prelodge procedures in effect at Military Ocean Terminals when cargo is consigned for further movement overseas. (Prelodging is the submission of advance shipment documents which identifies the shipment to the Military Ocean Terminal prior to delivery of the cargo at the terminal.) Instructions will be provided by the consignor to furnish certain data at least 24 hours in advance of cargo delivery to the terminal.

12. Loss or Damage

The carrier agrees to be liable for loss or damage to cargo in accordance with the provision of 49 U.S.C. 11707 (the Carmack Amendment to the Interstate Commerce Act). Carrier agrees to promptly settle uncontested claims for loss or damage.

13. Standard Tender of Service

a. The carrier agrees to comply with the preparation and filing instructions and applicable freight traffic rules publications issued by MTMC. Carrier understands that MTMC will reject tenders not in compliance with these instructions.

b. Carrier agrees to provide a street address where the company office is located in lieu of a post office box number. Carrier agrees to provide the address prior to or in conjunction with submission of any tenders or other rate schedules. The carrier agrees to also advise MTMC of any change in address prior to the effective date of the change. Failure to do so is grounds to discontinue use of the carriers.

c. Carrier understands that tenders inadvertently accepted and distributed for use and not in compliance with this Agreement, the provisions contained in the Standard Tender of Freight Services (MT Form 364–R), or the applicable MTMC Freight Traffic Rules Publication, and supplements thereof, will be subject to immediate removal or non-use until corrections are made. The issuing carrier will be advised when tenders are removed under these circumstances.

14. Rates

a. Carrier agrees to transport Government shipments at its lowest applicable rate whether or not the rate tender is referenced on the Government Bill of Lading or Commercial Bill of Lading.

b. The carrier's rates must be on file with MTMC, HQ, Eastern Area, Attn: MTE–IN, Bayonne, New Jersey 07002–5302. The carrier must publish all rates, charges, and accessorial services on a "Department of Defense Standard Tender of Freight Services", MT Form 364–R and must comply with the tender preparation instructions. (Only services annotated with a charge in the tender will be paid by the shipper.)

15. Carrier Performance

Carrier agrees that carrier's equipment, performance, and standards of service will conform with its obligations under Federal, State and local law and regulation as well as with the guidelines found in the Defense Traffic Management Regulation (DTMR) and this Agreement. The carrier fully understands its obligation to remain current in its knowledge of service standards. The carrier accepts the Government's right to revoke approval, declare ineligible, non-use, or disqualify the carrier for unsatisfactory service for any operating deficiency, noncompliance with terms of this Agreement or terms of any negotiated agreements, tariffs, tenders, bills of lading or similar arrangements determining the relationship of the parties, or for the publication or assessment of unreasonable rates, charges, rules, descriptions, classifications, practices, or other unreasonable provisions of tariffs/tenders. Rules governing the Carrier Performance Program are found in MTMC Regulation 15–1, and Army Regulation 55–355, DTMR. If a carrier is removed or disqualified for 6 months or more, it will have to be re-qualified.

16. General Provisions

The carrier must process a valid Standard Carrier Alpa Code (SCAC). When a company holding the appropriate authority has operating divisions each with its own unique SCAC, each such division is required to execute a separate agreement with the MTMC governing the transportation of protected commodities.

17. Terms of the Agreement

a. The terms of this Agreement will be applicable to each shipment.

b. This Agreement shall be effective from the date of approval by MTMC, until terminated. Termination is effective upon receipt of written notice by either party.

c. Nothing in this Agreement will be construed as a guarantee by the Government of any particular volume of traffic.

d. The carrier agrees to immediately notify MTMC of any changes in ownership, in affiliations, executive officers, and/or board members, and carrier name. Carrier understands that failure to notify MTMC shall be grounds for immediate revocation of the carrier's approval and their participation in the movement of DOD freight.

18. Additional Specialized Requirements

The terms of this Agreement will not prevent different or additional requirements with respect to negotiated agreements or added requirements for other types of service and/or commodities.

19. Inquiries

Inquiries may be referred to: Commander, Military Traffic Management Command, Attn: MTIN–FF, 5611 Columbia Pike, Falls Church, Virginia 22041–5050.

20. Carrier Acknowledgment and Acceptance

The certifying carrier official agrees to ensure that the appropriate company officials and employees are familiar with the requirements, terms and conditions of this Agreement and are in full compliance with the applicable provisions herein. Any information found to be falsely represented in the Motor Carrier Qualification Form, the attachments or during the qualification procedures, to include additional requirements of this Agreement, shall be grounds for automatic revocation of this Agreement and immediate non-use of the carrier, the affiliated companies, division and entities.

I, (typed name and title of carrier official), verify under penalty of perjury under the laws of the United States of America, that the information contained in the carrier qualification application packet and this Agreement is true, correct and complete. If representing a company or organization, I certify that I am qualified and authorized to offer this information. I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C. 1001 by up to 5 years imprisonment and fines up to $10,000 for each offense, or punishable as perjury under 18 U.S.C. 1621 by fines up to $2,000 or imprisonment up to 5 years for each offense. Further I understand the requirements of this Agreement and on behalf of (typed name of carrier and MC number), agree to comply with the terms and conditions contained herein.

Signature of carrier official and title _____

Date _____

Carrier Address _____

_____

_____

Telephone Number ( ) _____

24 hr Emergency Number ( ) _____

Interstate Operating Authority Certificate Number-MC _____

Intrastate Operating Authority

_____

Certificate Number(s) (Include)

_____

Issuing State—for example

_____

PA—#12345) _____

Military Traffic Management Command Acknowledgment/Acceptance

Signature _____

Title _____

Date Approved: _____

Appendix C to Part 619—Agreement Between the Military Traffic Management Command and Motor Common Carriers Governing the Transportation of Hazardous Material Other Than Classes A and B Explosives for and on Behalf of the U.S. Department of Defense

1. The undersigned, who is duly authorized and empowered to act on behalf of (name of company, typed or legibly printed) (hereinafter called the carrier), as a prerequisite for approval to transport hazardous materials, (other than Classes A & B Explosives), as defined in 49 CFR parts 172 and 173, in bulk, for the account of the DOD and the Military Traffic Management Command (MTMC) (hereinafter called the Government), agrees to comply with all requirements, terms and conditions as set forth in this Agreement. This Agreement governs the transportation of all DOD hazardous materials, (other than Classes A & B Explosives) in bulk, as defined in 49 CFR parts 172 and 173, shipments administered by the Directorate of Inland Traffic, MTMC. If the carrier wishes to participate in DOD traffic which requires a protective service, the carrier must also be a party to and in full compliance with requirements contained in the Agreement governing shipments which require a Transportation Protective Service (TPS). Noncompliance by the carrier with any provision of this or any other Agreement it is a party to will be sufficient grounds for immediate revocation of the carrier's approval to participate in the movement of hazardous materials. The carrier may also be subject to further action under the Carrier Performance Program, governed by MTMC Regulation 15–1, which could result in nationwide disqualification on all DOD freight shipments.

2. Approval and Revocation

a. Carrier understands that its initial approval and retention of approval are contingent upon establishing and maintaining, to MTMC's satisfaction sufficient resources to support its proposed scope of operations and services. Sufficient resources include the equipment, personnel, facilities, and finances to handle the traffic anticipated by DOD/MTMC under the carrier's proposed scope of operations in accordance with the service requirements of the shipper.

b. The carrier understands that MTMC may revoke approval at anytime upon discovery of grounds for ineligibility or disqualification. The carrier further understands that it is not authorized to submit tenders for shipments requiring a TPS until it has served DOD in an approved status for 12 continuous months. Prior to being allowed to handle shipments which require a TPS or classes A & B explosives, the carrier must first meet any additional requirements in effect at the time.

c. In addition to the initial evaluation, the carrier agrees that it will cooperate with MTMC follow-up evaluations at any time subsequent to signing this Agreement to confirm continued eligibility.

d. The carrier certifies that neither the owners, company, corporate officials, nor any affiliation or subsidiary thereof are currently debarred or suspended, disqualified by a MTMC General Freight Board, or placed in non-use by MTMC from doing business with DOD.

3. Lawful Performance

a. Carrier agrees to comply with all applicable Federal, State, municipal, and other local laws and regulations governing the safe, proper, and lawful operation of motor vehicles to include title 49 Code of Federal Regulations (CFR) 386–397. Intrastate carriers are required to comply with all applicable state or federal regulations, whichever are more stringent.

b. No fines, charges, or assessments for overload vehicles or other violations of applicable laws and regulations will be passed to or be paid by any agency of the Federal Government.

4. Operating Authority

Carrier agrees to maintain valid motor common carrier operating certificates for its scope of operations which is not restricted against the handling and transport of hazardous materials as defined in 49 CFR 172 and 173. Any carrier found to be, in fact, involved in the brokerage, as defined by the Interstate Commerce Commission (ICC), of DOD freight traffic will have its approval revoked.

5. Insurance

a. Minimum public liability insurance requirements are prescribed in 49 CFR 387.9. § 387.9 Carrier agrees to ensure that the ICC is provided proof of their public liability insurance, in the form of a BMC 91 or 91–X, or MCS 90, in accordance with sections 29 and 30 of the Motor Carrier Act of 1980. Further, the motor carrier will provide MTMC with a certificate of insurance form. The certificate holder block of the form will indicate that MTMC, 5611 Columbia Pike, Falls Church, Virginia 22041–5050, Attn: MTIN–FF, will be notified in writing, 30 days in advance of any change or cancellation. The deductible portion will be shown on the certificate. The insurance underwriter must have a policyholder's rating in the Best's Insurance Guide, listed in the Fiscal Service Treasury Department Circular 570, Listing of Surety Companies or must be acceptable to the ICC and specifically approved by MTMC.

b. The carrier agrees to also file with MTMC proof of:

(1) *Interstate Public Liability.* Carrier will ensure that its insurance company(s) file with MTMC proof of public liability and property damage insurance for the transportation of hazardous commodities in the minimum amounts prescribed in 49 CFR 387.9.

(2) *Intrastate Public Liability.* Carrier will ensure that its insurance company(s) file with MTMC proof of insurance which meets the state requirements for public liability and property damage for the transportation of hazardous materials.

(3) *Cargo Insurance.* Carrier will also file with MTMC proof of $150,000 per incident minimum cargo insurance for loss and damage of Government freight other than bulk fuel which is set at $25,000.

c. The insurance, carried in the name of the carrier, will be in force at all times while this Agreement is in effect or until such time as the carrier cancels all tenders. The carrier agrees to ensure that the policies include a provision requiring the insurer to notify MTMC prior to any performance of service by the carrier. Changes, renewals, and cancellations notices must also be sent to MTMC, 5611 Columbia Pike, Falls Church, Virginia 22041–5050, Attn: MTIN–FF. This requirement applies to both interstate and intrastate carriers. Carrier's insurance policy(s) must cover all equipment used to transport DOD freight.

6. Performance Bond

a. Carriers agree to provide MTMC with a Performance Bond at no cost to the Government. The bond secures performance and fulfillment of the carrier obligation to deliver DOD freight to destination. It will cover DOD re-procurement costs as a result of carrier default, abandoned shipments, inability to perform, or bankruptcy. The bond must be issued by a surety company listed in the Fiscal Service Treasury Department Circular No. 570. The bond must be completed on the form provided by MTMC. The bond will be continuous until cancelled. MTMC will be notified in writing, 30 days in advance of any change or cancellation. A letter of intent by the surety company is required with the initial application package.

Upon MTMC approval, the carrier agrees to submit the Performance Bond before the Tender of Service will be accepted.

b. The sum of the bond shall be determined as follows.

(1) Carriers having done business in their own name with DOD for 3 years or more will be required to submit a performance bond in the amount of 2.5% of their total DOD revenue for the previous 12 months, not to exceed $100,000 and not less than $25,000.

(2) New carriers and those carriers having done business in their own name wth the DOD for less than 3 years will be required to submit a Performance Bond based on areas of service they offer, that is:

1 state (including intrastate)—$25,000;
2 to 3 states—$50,000; and
4 or more states—$100,000.

(3) Once a carrier has been doing business with the DOD for 3 years, their bond requirement will change from area of service to revenue.

c. Local drayage and commercial zone carriers are exempt from the bond requirement.

d. If carrier has secured the Performance Bond as a result of qualifying under the general commodity program or classes A and B program, no additional Performance Bond is required.

7. Safety and Security

a. A "satisfactory" safety rating will be maintained with the Federal Highway Administration, Department of Transportation and/or with the appropriate state agency or commission in the case of intrastate. Safety ratings with an "unsatisfactory," "conditional", "insufficient information", or "not rated" will not be accepted. The carrier further agrees to permit unannounced safety and security inspections of its facilities, terminals, equipment and operational procedures by DOD civilian or military personnel, or DOD contract employees. These inspections may include transit surveillances of vehicles and drivers. The carrier agrees to provide evidence that fulfills the requirement set forth in 49 CFR parts 390 thru 396. Inspection of carrier equipment, dirvers' records, route plans and inspection reports will be permitted during both the pickup and delivery of shipments and in coordination with local police or other authorities while in transit. Carrier also agrees to allow inspection of carrier records and individual driver qualification files. When requested, carrier agrees to provide adequate evidence of an active driver safety, security training and evaluation program. Carrier agrees to furnish, on request, driver's Social Security Numbers to verify their security clearances and allow for inspection of carrier/driver records.

b. Carrier agrees to have in place a company-wide safety and security management program which includes specific on-going safety and security programs for each terminal location. Individual terminal programs will encompass planning and execution for safety and security in routine operations, to include emergency responses and planners, and with the local police and fire authority. Carrier programs will incorporate compliance with all applicable Federal, State, and local statutes or requirements. Conformance with other safety standards, such as NFPA Code 498, will be accomplished as much as possible, with compensating measures for deviations. Safety and security programs at the company wide or terminal level may be subject to evaluation by a DOD representative.

c. The carrier agrees to notify, within a reasonable period of time, the consignor and consignee named by the Government Bill of Lading (GBL) or Commercial Bill of Lading (CBL) or cargo loss, damage, or unusual delay. Carrier also agrees to notify the consignor and the consignee named on the GBL immediately by telephone of a accident, incident or significant delay. The information to be reported will include origin/destination, GBL/CBL number, shipping paper information, time and place of occurence and other pertinent accident details. Carrier agrees to notify the MTMC area command annotated on the GBL within one-half (½) hour after notification of the consignor and consignee, and provide status updates as required. The MTMC HOTLINE telephone numbers are as follows:

—Eastern Area: 800–524–0331; New Jersey only: 800–624–1361
—Western Area: 800–331–1822; California only: 800–348–4639

When requested, carrier agrees to furnish MTMC a copy of accident reports submitted to Department of Transportation on Form MCS 50–T (Property).

d. Carrier agrees to provide the driver(s) transporting hazardous commodities an emergency telephone number (indicated on the last page of this Agreement) which, when used at any time (24 hours a day, 7 days a week), will reach a qualified carrier representative who will be able to provide information and assistance. MTMC will be immediately notified if this telephone number should be changed.

e. Carriers approved to transport DOD hazardous materials requiring TPS agree that no driver disqualified under 49 CFR 391.15 will be permitted to operate any vehicle transporting such commodities.

f. Carriers approved to transport DOD hazardous materials agree to ensure that drivers of a motor vehicle transporting such commodities must undergo a physical examination and must be certified physically qualified to drive a commercial motor vehicle in accordance with 49 CFR 391.43. Carrier also agrees to have driver screening programs in place to ensure that the provisions of this paragraph are met.

8. Drivers Requirements

a. Carrier agrees to ensure that the driver(s) employed to transport hazardous materials have a minimum of at least one year of general commodities driving experience (using similar equipment) prior to transporting hazardous commodities and that its drivers are trained and competent in the movement of these commodities to include an understanding of the following: 49 CFR 397; instructions on procedures to be followed in the event of a delay; nature of the materials being transported; precautions to be taken in an emergency; written route plans; and shipping paper entries. The carrier will certify that the driver is trained and competent in the movement of hazardous commodities, and proof of certification must be carried in the vehicle of the unit transporting these commodities.

b. The carrier agrees to further ensure that driver(s) carry a valid motor vehicle operator's license (in compliance with Federal Commercial Motor Vehicle Safety Act of 1986) issued by his/her state of domicile, a certificate of physical examination issued during the preceding 24 months, and an employee record card, or similar document, one of which must contain the driver's photograph. The driver(s) must be 21 years of age. The driver(s) must carry adequate identification to verify affiliation with the carrier name on the Government Bill of Lading (GBL).

9. Equipment

a. Trip-leased equipment, with or without drivers, will not be used to transport hazardous materials for the account of the DOD. Exceptions for the use of intermittent or occasional drivers in 49 CFR 391.63 will not apply to any DOD movement. Any equipment, with or without drivers, leased to augment carrier-owned equipment will be on a not less than 90-day noncancellable basis.

b. A copy of the equipment lease agreement must be carried in the vehicle of the unit transporting these commodities. (Facsimile, Xerox, or otherwise reproduced copies, are not acceptable.) Interchange agreements which originate at origin will be considered trip leases and will not be accepted. The lease must be complete at time of pick up and should require no further information to be completed by the driver. Failure to comply with this requirement or attempted abuse of this requirement could result in the carrier's participation in this type traffic to be immediately revoked and up to nationwide disqualification on all DOD freight shipments should further action under the Carrier Performance Program be deemed appropriate.

c. Carriers approved to transport DOD hazardous materials requiring TPS agree to comply with all equipment requirements contained in paragraph 8 of the Agreement Between the Military Traffic Management Command and Motor Common Carriers Governing the Transportation of Shipments Which Require a Transportation Protective Service (TPS) for and on Behalf of the U.S. Department of Defense.

10. Shipment

a. Carrier is responsible for shipments from origin to ultimate destination. The carrier also remains responsible for shipments placed in a safe haven or refuge location. Carrier agrees not to disclose any information to unauthorized persons concerning the nature, kind, quantity, destination, consignee or routing of any hazardous material shipment tendered to it. The carrier further agrees to provide, at no additional cost to the Government, the status of any shipment within 24 hours after an inquiry is made.

b. Carrier agrees to ensure that shipper-provided placards are displayed in accordance with the general requirements found in 49 CFR 172.504 for the transportation of hazardous materials. The carrier further agrees to conform to the requirements found in 49 CFR 177.825 pertaining to the transportation on designated routes of radioactive materials for which placarding is required. Carrier also agrees to route all other shipments of hazardous commodities in accordance with the provisions of 49 CFR 397.9.

c. When requested by the shipper for reasons of security, carrier agrees to cover the shipment with a carrier-provided tarpaulin. Protective tarping is an accessorial service.

d. Carriers approved to transport DOD hazardous materials requiring TP'S agree to comply with all shipment requirements contained in paragraph 9 of the Agreement Between the Military Traffic Management Command and Motor Common Carriers Governing the Transportation of Shipments Which Require a Transportation Protective Service (TPS) for and on Behalf of the U.S. Department of Defense.

11. Documentation

a. The carrier agrees to accept GBLs and CBLs on which freight charges will be paid by the Government, and bound by all terms stated on the SF1103, Government Bill of Lading, regardless of the type of bill of lading tendered.

b. The carrier agrees to comply with the documentation prelodge procedures in effect at Military Ocean Terminals when cargo is consigned for further movement overseas. (Prelodging is the submission of advance shipment documents which identifies the shipment to the Military Ocean Terminal prior to delivery of the cargo at the terminal.) Instructions will be provided by the consignor to furnish certain data at least 24 hours in advance of cargo delivery to the terminal.

12. Loss or Damage

The carrier agrees to be liable for loss or damage to cargo in accordance with the provisions of 49 U.S.C. 11707 (the Carmack Amendment to the Interstate Commerce Act). Carrier agrees to promptly settle uncontested claims for loss or damage.

13. Standard Tender of Service

a. The carrier agrees to comply with the preparation and filing instructions and applicable freight traffic rules publications issued by MTMC. Carrier understands that MTMC will reject tenders not in compliance with these instructions.

b. Carrier agrees to provide a street address where the company office is located in lieu of a post office box number. Carrier will provide the address prior to or in conjunction with submission of any tenders or other rate schedules. The carrier agrees to also advise MTMC of any change in address prior to the effective date of the change. Failure to do so is grounds to discontinue use of the carriers.

c. Carrier understands that tenders inadvertently accepted and distributed for use and not in compliance with this agreement, the provisions contained in the Standard Tender of Freight Services (MT Form 364–R), or the applicable MTMC Freight Traffic Rules Publication, and supplements thereof, will be subject to immediate removal or nonuse until corrections are made. The issuing carrier will be advised when tenders are removed under these circumstances.

14. Rates

a. Carrier agrees to transport Government shipments at its lowest applicable rate whether or not the rate tender is referenced on the Government Bill of Lading or Commercial Bill of Lading.

b. The carrier's rates must be on file with MTMC, HQ, Eastern Area, Attn: MTE–IN, Bayonne, New Jersey 07002–5302. The agent must publish all rates, charges and accessorial services on a "Department of Defense Standard Tender of Freight Services", MT Form 364–R and must comply with the tender preparation instructions. (Only services annotated with a charge in the tender will be paid by the shipper.)

15. Carrier Performance

Carrier agrees that carrier's equipment, performance, and standards of service will conform with its obligations under Federal, State and local law and regulation as well as with the guidelines found in the Defense Traffic Management Regulation (DTMR) and this Agreement. The carrier fully understands its obligation to remain current in its knowledge of service standards. The carrier accepts the Government's right to revoke approval, declare ineligible, nonuse, or disqualify the carrier for unsatisfactory service subsequent to approval or for any other operating deficiency, or for noncompliance with terms of the Agreement or terms of negotiated agreements, tariffs, tenders, bills of lading or similar arrangements determining the relationship of the parties, or for the publication or assessment of unreasonable rates, charges, rules, descriptions, classifications, practices, or other unreasonable provisions of tariffs/tenders. Rules governing the Carrier Performance Program are found in MTMC Regulation 15–1, and Army Regulation 55–355, DTMR. If a carrier is removed or disqualified for 6 months or more, it will have to be requalified.

16. General Provisions

The carrier agrees to possess a valid Standard Carrier Alpha Code (SCAC). When a company holding the appropriate authority has operating divisions each with its own unique SCAC, each such division is required to execute a separate agreement with MTMC governing the transportation of protected commodities.

17. Terms of the Agreement

a. The terms of this Agreement will be applicable to each shipment.

b. This agreement shall be effective from the date of approval by MTMC, until terminated. Termination is effective upon receipt of written notice by either party.

c. Nothing in this Agreement will be construed as a guarantee by the Government of any particular volume of traffic.

d. The carrier agrees to immediately notify MTMC of any changes in ownership, in affiliations, executive officers, and/or board members, and carrier name. Carrier understands that failure to notify MTMC shall be grounds for immediate revocations of carriers approval and their participation in movement of DOD freight.

18. Additional Specialized Requirements

The terms of this Agreement will not prevent different or additional requirements with respect to negotiated agreements or added requirements for other types of service and/or commodities.

19. Inquiries

Inquiries may be referred to: Commander, Military Traffic Management Command, Attn: MTIN–FF, 5611 Columbia Pike, Falls Church, Virginia 22041–5050.

20. Carrier Acknowledgment and Acceptance

The certifying carrier official agrees to ensure that the appropriate company officials and employees are familiar with the requirements, terms and conditions of this Agreement and are in full compliance with the applicable provisions herein. Any information found to be falsely represented in the Motor Carrier Qualification Form, the attachments or during the qualification procedures, to include additional requirements of this Agreement, shall be grounds for automatic revocation of this Agreement and immediate non-use of the carrier, the affiliated companies, division and entities.

I, (TYPED NAME AND TITLE OF CARRIER OFFICIAL), verify under penalty of perjury under the laws of the United States of America, that the information contained in the carrier qualification application packet and this Agreement is true, correct and complete. If representing a company or organization, I certify that I am qualified and authorized to offer this information. I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C. 1001 by up to 5 years imprisonment and fines up to $10,000 for each offense, or punishable as perjury under 18 U.S.C. 1621 by fines up to $2,000 or imprisonment up to 5 years for each offense. Further I understand the requirements of this Agreement and on behalf of (typed name of carrier and MC number), agree to comply with the terms and conditions contained herein.

_____

Signature of carrier official and title

Date _____

Carrier address _____

_____

_____

Telephone Number ( ) _____

24 hr Emergency Number ( ) _____

INTERSTATE OPERATING AUTHORITY CERTIFICATE NUMBER—MC

Intrastate Operating Authority

_____

Certificate Number(s) (Include

_____

Issuing State—for example

_____

PA—#12345)——————————
Military Traffic Management Command
Acknowledgment/Acceptance
Signature ——————————
Title ——————————
Date Approved: ——————————

Appendix D to Part 619—Agreement Between the Military Traffic Management Command and Motor Common Carriers Governing the Transportation of Shipments Which Require a Transportation Protective Service (TPS) for and on Behalf of the U.S. Department of Defense

1. The undersigned, who is duly authorized and empowered to act on behalf of (NAME OF COMPANY, TYPED OR LEGIBLY PRINTED) (hereinafter called the carrier), as a prerequisite for approval to transport classified materials, protected and sensitive material, weapons and ammunition, munitions or other hazardous material as defined in 49 CFR parts 172 and 173 which are designated sensitive by the U.S. Department of Defense (DOD), (hereinafter referred to as "protected commodities"), which require a Transportation Protective Service (TPS) for the account of the DOD and the Military Traffic Management Command (MTMC) (hereinafter called the Government), agree to comply with all additional requirements, terms and conditions as set forth in this Agreement. Carrier further acknowledges that it is in full compliance with the basic qualification standards either for general commodities, hazardous materials (other than classes A and B explosives), or classes A and B ammunition and explosives, has executed the appropriate MTMC agreement, and is required to maintain and will maintain in a current status, all basic requirements, in addition to requirements established by this Agreement. Noncompliance by the carrier with any provision of this Agreement will be sufficient grounds for immediate revocation of the carrier's approval to participate in the movement of protected commodities which require a TPS. The carrier may also be subject to further action under the Carrier Performance Program as set forth in MTMC Regulation 15–1, Transportation and Travel, Procedure for Disqualifying and Placing Carriers in Non-Use, which could result in nationwide disqualification on all DOD freight shipments.

2. Approval and Revocation

a. Carrier understands that its initial approval and retention of approval are contingent upon establishing and maintaining, to MTMC's satisfaction sufficient resources to support its proposed scope of operations and services. Sufficient resources include the equipment, personnel, facilities, and finances to handle the traffic anticipated by DOD/MTMC under the carrier's proposed scope of operations in accordance with the service requirements of the shipper.

b. The carrier understands that MTMC may revoke approval at any time upon discovery of grounds for ineligibility or disqualification.

c. In addition to the initial evaluation, the carrier agrees that it will cooperate with MTMC follow-up evaluations at any time subsequent to signing this Agreement to confirm continued eligibility.

d. Carrier agrees to execute a DD Form 441S (Certificate Pertaining to Foreign Interests) as a precondition to providing any TPS for the DOD. Only one DD Form 441S must be executed by a carrier regardless of the number or type of TPS provided.

e. Carrier agrees to allow a National Agency Check (NAC) on all management and operational personnel involved in the performance of Dual Driver Protective Service with National Agency Checks (DN). The results of the NAC must be favorable as determined by MTMC under DOD criteria as a precondition to the carrier providing Satellite Monitoring (SM) with DN. Management personnel include: owners (including partnership where applicable), principal deputies, board members (where applicable), and company managers responsible for liaison with DOD operations. Operational personnel include: Drivers, handlers, and terminal and security personnel hired permanently or temporarily by the company to protect the DOD cargo under SM with DN.

f. Carrier providing Protective Security Service (PS) and/or Security Escort Vehicle Service (SE) accompanying a PS shipment must have been cleared by the Defense Investigative Service (DIS) under the DOD Industrial Security Program.

3. Lawful Performance

Carrier agrees it will comply with all rules, regulations and requirements set forth in any and all agreements which may be applicable to the shipment/commodity transported requiring a TPS.

4. Agreements

When applicable, carrier agrees to execute a separate agreement with MTMC governing the transportation of hazardous materials, ammunition and explosives, or Classes A and B explosives, as defined in 49 CFR part 173.

5. Security

a. Carrier agrees to designate a "qualified carrier representative" when handling shipments requiring a TPS. This representative will be employed by the carrier, or the terminal involved, aware of the sensitivity of the shipment, knowledgeable of the safety, security and emergency procedures to be followed, authorized and capable of moving a transportation conveyance and, when providing PS, cleared by DIS.

b. Carrier agrees to ensure that trailers containing protected commodities are always connected to tractors during shipment except when stopped at a DOD activity for loading or unloading, a carrier's terminal for servicing, a carrier-designated point where driver(s) or qualified carrier representative maintains continuous surveillance over the shipment, or a qualified safe haven or refuge location.

c. When requested by the shipper for reasons of security, carrier agrees to cover the shipment with a carrier-provided tarpaulin. Protective tarping for security reasons is an accessorial service.

6. Safety

a. A "satisfactory" safety rating will be maintained with the Federal Highway Administration, Department of Transportation and/or with the appropriate state agency or commission in the case of intrastate. Safety ratings which are "unsatisfactory," "conditional," "insufficient information," or "not rated" will not be accepted.

b. Carrier agrees to notify the consignor and the consignee named on the GBL immediately by telepone of an accident, incident or significant delay. The information to be reported will include origin/destination, GBL/CBL number, shipping paper information, time and place of occurrence and other pertinent accident details. Carrier will notify the MTMC area command annotated on the GBL within one half (½) hour after notification of the consignor and consignee, and provide status updates as required. The MTMC HOTLINE telephone numbers are as follows:

—Eastern Area: 800–524–0331; New Jersey only: 800–624–1361
—Western Area: 800–331–1822; California only: 800–348–4639

When requested, carrier will furnish MTMC a copy of accident reports submitted to Department of Transportation on Form MCS 50–T (Property).

c. Carrier agrees to provide the driver(s) transporting protected commodities an emergency telephone number (indicated on the last page of this Agreement) which, when used at any time (24 hours a day, 7 days a week), will reach a qualified carrier representative who will be able to provide information and assistance. MTMC will be immediately notified if this telephone number should be changed. Carrier also agrees to equip the vehicle transporting the material with communications equipment (CB radio, mobile phone, etc.) capable of being used to obtain assistance in an emergency.

7. Driver Requirements

a. Carrier agrees to ensure that the driver(s) employed to transport protected commodities requiring a TPS be 21 years of age and have a minimum of one year of experience driving tractor/trailer equipment under various driving conditions.

b. Carrier agrees to ensure that the driver(s) employed to transport protected commodities requiring a TPS carry a valid motor vehicle operator's license (in compliance with Federal Commercial Motor Vehicle Safety Act of 1986) issued by his/her state of domicile, a certificate of physical examination issued during the preceding 24 months, and an employee record card, or similar document, one of which must contain the driver's photograph.

c. Carrier agrees to ensure driver(s) will carry adequate identification to verify affiliation with the carrier named on the Government Bill of Lading (GBL). The driver identification requirements for those carriers cleared to handle SECRET shipments will be in accordance with Paragraph 8 of the DOD Industrial Security Manual (DOD 5220.22–M) and Paragraph 11a(10) of the Carrier

Supplement to the DOD Industrial Security Manual (DOD 5220.22–C).

8. Equipment

a. Trip-leased equipment, with or without drivers, will *not* be used to transport protected commodities for the account of the DOD. Exceptions for the use of intermittent or occasional drivers in 49 CFR 391.63 will not apply to any DOD movement. Any equipment, with or without drivers, leased to augment carrier-owned equipment will be on a not less than 90-day noncancellable basis.

b. A copy of the equipment lease agreement *must* be carried in the vehicle of the unit transporting these commodities. (Facsimile, Xerox, or otherwise reproduced copies, are not acceptable.) Interchange agreements which originate at origin will not be accepted. The lease must be complete at time of pick up and should require no further information to be completed by the driver. Failure to comply with this requirement or attempted abuse of this requirement could result in the carrier's participation in this type traffic to be immediately revoked and up to nationwide disqualification on all DOD freight shipments should further action under the Carrier Performance Program be deemed appropriate.

9. Shipment

a. Carrier agrees to provide the appropriate TPS when requested by a DOD shipper. Carrier further agrees to perform the TPS as defined in the applicable Military Traffic Management Command Freight Traffic Rules Publication (MFTRP No. 1A) or reissues thereto. A TPS is any one of the following services or any combination thereof:

—DOD Constant Surveillance Service (CS)
—Dual Driver Protective Service (DD)
—Dual Driver w/National Agency Check Protective Service (DN)
—Motor Surveillance Service (MS)
—Protective Security Service (PS)
—DTTS Satellite Motor Surveillance Service (SM)
—Security Escort Vehicle Service (SE)

b. Carrier agrees that all shipments of protected commodities DN and/or PS will only be moved in direct single line-haul service. Transportation involving an interchange service may be used, however, if the shipment is under DD or CS.

c. Carrier agrees to provide exclusive use of vehicle or dromedary service for all shipments requiring SM and DN and/or PS. The motor vehicle or dromedary furnished will be devoted exclusively to the transportation of the tendered shipment without seal or lock breakage, and without transfer of lading for the convenience of the carrier.

d. Carrier agrees to maintain an ST (DD Form 1907) for all shipments of protected commodities requiring a TPS. Furnishing of the ST is an integral part of a TPS to be provided by the carrier. Carrier agrees to ensure that each person responsible for the proper handling of the shipment signs the ST at the time he/she assumes responsibility. All drivers transporting such shipment must sign the ST. When used with DD, both drivers are required to sign the ST upon original receipt.

e. Carrier agrees to be responsible for shipments from origin to ultimate destination. The Carrier also remains responsible for shipments placed in a safe haven or refuge location. Carrier agrees not to disclose any information to unauthorized persons concerning the nature, kind, quantity, destination, consignee or routing of any protected commodities shipment tendered to it. The carrier further agrees to provide, at no additional cost to the Government, the status of any shipment within 24 hours after an inquiry is made.

10. Carrier Performance

Carrier agrees that carrier's equipment, performance, and standards of service will conform with its obligations under Federal, State and local law and regulation as well as with the guidelines found in the Defense Traffic Management Regulation (DTMR) and this Agreement. The carrier fully understands its obligation to remain current in its knowledge of service standards. The carrier accepts the Government's right to revoke approval, declare ineligible, nonuse, or disqualify the carrier for unsatisfactory service subsequent to approval or for any other operating deficiency, or for noncompliance with terms of the Agreement or terms of negotiated agreements, tariffs, tenders, bills of lading or similar arrangements determining the relationship of the parties, or for the publication or assessment of unreasonable rates, charges, rules, descriptions, classifications, practices, or other unreasonable provisions of tariffs/tenders. Rules governing the Carrier Performance Program are found in MTMC Regulation 15–1, and Army Regulation 55–355, DTMR. If a carrier is removed or disqualified for 6 months or more, it will have to be requalified.

11. Terms of the Agreement

a. The terms of this Agreement will be applicable to each shipment.

b. This agreement shall be effective from the date of approval by MTMC, until terminated. Termination is effective upon receipt of written notice by either party.

c. Nothing in this Agreement will be construed as a guarantee by the Government of any particular volume of traffic.

d. The carrier agrees to immediately notify MTMC of any changes in ownership, in affiliations, executive officers, and/or board members, and carrier name. Carrier understands that failure to notify MTMC shall be grounds for immediate revocation of the carrier's approval and their participation in the movement of DOD freight.

12. Additional Specialized Requirements

The terms of this Agreement will not prevent different or additional requirements with respect to negotiated agreements or added requirements for other types of service and/or commodities.

13. Inquiries

Inquiries may be referred to: Commander, Military Traffic Management Command, Attn: MTIN–FF, 5611 Columbia Pike, Falls Church, Virginia 22041–5050.

14. Carrier Acknowledgment and Acceptance

The certifying carrier official agrees to ensure the appropriate company officials and employees are familiar with the requirements, terms and conditions of this Agreement and are in full compliance with the applicable provisions herein. Any information found to be falsely represented in the Motor Carrier Qualification Form, the attachments or during the qualification procedures, to include additional requirements of this Agreement, shall be grounds for automatic revocation of this Agreement and immediate non-use of the carrier, the affiliated companies, division and entities.

I, (typed name and title of carrier official), verify under penalty of perjury under the laws of the United States of America, that the information contained in the carrier qualification application packet and this Agreement is true, correct and complete. If representing a company or organization, I certify that I am qualified and authorized to offer this information. I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C. 1001 by up to 5 years imprisonment and fines up to $10,000 for each offense, or punishable as perjury under 18 U.S.C. 1621 by fines up to $2,000 or imprisonment up to 5 years for each offense. Further I understand the requirements of this Agreement and on behalf of (typed name of carrier and MC number), agree to comply with the terms and conditions contained herein.

_____
Signature of carrier official and title
Dates _____
Carrier Address _____
_____
_____
Telephone Number ( ) _____
24 hr Emergency Number ( ) _____
Interstate Operating Authority Certificate Number-MC _____
Intrastate Operating Authority
_____
Certificate Number(s) (Include
_____
Issuing State—for example
_____
PA—#12345) _____
Military Traffic Management Command Acknowledgment/Acceptance
Signature _____
Title _____
Date Approved: _____

Appendix E to Part 619—Agreement Between the Military Traffic Management Command Surface Freight Forwarders Governing the Transportation of General Commodities for and on Behalf of the U.S. Department of Defense

1. The undersigned, who is duly authorized and empowered to act on behalf of (name of forwarder, typed or legibly printed), hereinafter referred to as the forwarder, as a prerequisite for consideration for participation in the transport of general commodities as an exempt surface freight forwarder, for the U.S. Department of Defense (DOD), agree to comply with all

requirements, terms and conditions as set forth in this Agreement. Noncompliance with any provision of this Agreement will be sufficient grounds for immediate revocation of the forwarder's privilege to participate in the movement of DOD freight. For the purpose of this Agreement, a surface freight forwarder is defined as a person or company who for compensation assembles and consolidates less-than-truckload freight, as defined in the Instruction for preparation of Department of Defense Standard Tender of Freight Services, MT Form 364–4 (and revisions thereto), part II, and uses for the whole or any part of the line-haul transportation the services of regulated motor or rail carriers, breaks bulk, and delivers the less-than-truckload freight holding out in its own name and under its own responsibility a through transportation service from point of receipt to destination. Forwarders may participate in truckload movements under extraordinary circumstances, but not on a regular basis nor as their main business.

2. Approval and Revocation

a. Forwarder understands that its initial approval and retention of approval are contingent upon establishing and maintaining, to MTMC's satisfaction, sufficient resources to support its proposed scope of operations and services. Sufficient resources include personnel, facilities, carriers with adequate equipment, and finances to handle the traffic anticipated by DOD/MTMC under the forwarder's proposed scope of operations in accordance with the service requirements of the shipper.

b. The forwarder understands that MTMC may revoke approval at any time upon discovery of grounds for ineligibility or disqualification. The forwarder further understands that it will not be authorized to participate in any traffic which requires a Transportation Protective Service.

c. In addition to the initial evaluation, the forwarder agrees that it will cooperate with MTMC follow-up evaluations at any time subsequent to signing this Agreement to confirm continued eligibility.

d. The forwarder agrees and certifies that neither the owners, company, corporate officials, nor any affiliation or subsidiary thereof are currently debarred or suspended, disqualified by a MTMC General Freight Board, or placed in non-use by MTMC from doing business with DOD.

3. Lawful Performance

a. Forwarder agrees to comply with all applicable federal, state, municipal and other local laws and regulations. No fines, charges, or assessments for overloaded vehicles or other violations of applicable laws and regulations will be passed to, or be paid by any agency of the Federal Government.

b. The forwarder agrees to keep current and on file a list of all carriers to be used in the transport of DOD freight shipments. This list will contain, as a minimum, the company's name, president/vice president's name, operating authority number, corporate office address, telephone number and a designated 24-hour on-call point of contact in the event of an accident or emergency situation. MTMC can direct forwarder not to use specific carriers in the movement of DOD freight shipments.

c. The forwarder further agrees and certifies that it will not use any carrier which has been debarred, suspended by the Government or which has been placed in non-use or disqualified by MTMC from doing business with the DOD for the movement of any DOD freight shipments.

4. Operations

The forwarder agrees and certifies that it is operating as a forwarder as defined herein. If incorporated, evidence of incorporation, bearing the official seal of the state in which filed, Articles of Incorporation, listing all the officers of the corporation are attached and certified to be true, correct and current.

5. Insurance

a. The forwarder agrees to maintain a minimum of $1,000,000 public liability insurance and $250,000 cargo insurance for loss and damage of Government freight. A copy of the certificate of insurance must be on file with MTMC, ATTN: MTIN–FF, prior to any performance of service by the forwarder.

b. The insurance, carried in the name of the forwarder, will be in force at all times while this Agreement is in effect or until such time as the forwarder cancels all tenders. The forwarder agrees to ensure that the policies include a provision requiring the insurer to notify MTMC prior to any performance of service by the carrier. The certificate holder block of the form will indicate that MTMC, 5611 Columbia Pike, Falls Church, Virginia 22041–5050, Attn: MTIN–FF, will be notified in writing, 30 days in advance of any change or cancellation. The deductible portion will be shown on the certificate.

c. The insurance underwriter must have a policyholder's rating in the Best's Insurance Guide, listed in the Fiscal Service Treasury Department Circular 570, Listing of Surety Companies or must be acceptable to the Interstate Commerce Commission and specifically approved by MTMC. Self-Insurance will not be accepted.

6. Performance Bond

Forwarder's agrees to provide MTMC with a Performance Bond at no cost to the Government. The bond secures performance and fulfillment of the forwarder's obligation. It will cover default, abandoned shipments, inability to perform, bankruptcy and reprocurement costs. The bond must be issued by a surety company listed in the Fiscal Service, Treasury Department Circular No. 570. The sum of the bond shall be no less than $100,000. The bond must be completed on the form provided by MTMC and will be continuous until cancelled. MTMC will be notified, in writing, 30 days in advance of any change or cancellation. A letter of intent by the surety company is required with the initial application. Upon MTMC approval forwarder agrees to submit the performance bond before the Tender of Service will be accepted.

7. Safety

a. The forwarder agrees not to use any carrier that has an "unsatisfactory" safety rating with the Federal Highway Administration, Department of Transportation, and if it is an intrastate motor carrier, with the apporpriate state agency.

b. Shipments will be delivered in direct service without delay to the destination shown on the Government Bills of Lading unless consignee or consignor directs diversion of the shipment to a new or different destination. Deliveries will be made during the shipper's normal business hours.

c. The forwarder agrees to not divulge any information to unauthorized persons concerning the nature and movements of any shipment tendered to it.

d. The forwarder agrees to notify the consignor and consignee named by the Government bill of Lading (GBL) or Commerical Bill of Lading (CBL) of cargo loss, damage, or unusual delay. Information reported will include origin/destination, GBL/CBL number, shipping paper information, time and place of occurrence, and other pertinent details. Upon request, the forwarder agrees to ensure MTMC is furnished a copy of accident reports submitted to Department of Transportation on Form MCS 50–T (Property).

e. The forwarder agrees to have in place a company-wide safety management program. Forwarder safety program will comply with applicable Federal, State and local statutes or requirements. Safety programs at the company-wide or terminal level may be subject to evaluation by DOD representatives. The forwarder further agrees to permit unannounced safety inspections of its facilities, terminals, equipment, employees, and procedures by DOD civilian, military personnel, or DOD contract employees.

8. Reserved

9. Equipment

The forwarder agrees to ensure equipment is spotted for loading at the time and place requested. The Government reserves the right to reject the utilization of any equipment placed for loading by the forwarder if it does not, upon inspection, meet specifications and requirements for the particular shipment involved (size, cube, cleanliness, mechanical condition, etc.).

10. Shipment

The forwarder agrees to provide, at no additional cost to the government, the status of any shipment within 24 hours after an inquiry is made. Further, the forwarder agrees to not divulge any information to unauthorized persons concerning the nature and movement of any DOD shipment.

11. Documentation

a. Forwarder agrees to accept Government Bills of Lading on which freight charges will be paid by the Government, and will be bound by all terms and conditions stated thereon.

b. The forwarder agrees to comply with the provisions of documentation prelodging in effect at Military Ocean Terminals which cargo is consigned for further movement overseas. (Prelodging is the submission of advance shipment documents which identifies the shipment to the Military Ocean

Terminal prior to arrival of the cargo at the terminal to permit preparation of the terminal documentation.) Instructions will be provided by the consignees to furnish certain data at least 24-hours in advance of cargo arrival at the terminal.

12. Loss & Damage

The forwarder agrees to be fully liable for delivery of all cargo in the same condition as received at origin, except loss or damage caused by act of God, public enemy act, omission of shipper, inherent vice or detrimental changes due to nature of commodity, or natural shrinkage. Forwarder agrees to settle promptly, claims for loss or damage. The forwarder also agrees to provide the status of any shipment tendered to them within 24-hours after an inquiry is made.

13. Standard Tender of Service

a. The forwarder agrees to comply with the preparation and filing instructions and applicable freight traffic rules publications issued by MTMC. Forwarder understands that MTMC will reject tenders not in compliance with these instructions.

b. Forwarder agrees to publish a street address where the company office is located in lieu of a post office box number. The Military Traffic Management Command must be advised of any change in address. Failure to do so is grounds to discontinue the use of the forwarder.

c. Forwarder understands that tenders inadvertently accepted and distributed for use and not in compliance with this agreement, the provisions contained in the Standard Tender of Freight Services (MT Form 364–R), or the applicable MTMC Freight Traffic Rules Publication, and supplements thereof, will be subject to immediate removal or non-use until corrections are made. The issuing forwarder will be advised when tenders are removed under these circumstances.

14. Rates

a. Forwarder agrees to transport Government shipments at it lowest effective charge named in the tender applicable on the commodity transported, whether or not the rate tender is referenced on the Government bill of lading.

b. The forwarder agrees to publish through rates guaranteed for at least 30 days. These rates must be filed with MTMC HQ, Eastern Area, ATTN: MTE–IN, Bayonne, New Jersey 07002–5302. The forwarder must publish all rates, charges, and accessorial services on a "Department of Defense Standard Tender of Freight Services", MT Form 364–R and must comply with the tender preparation instructions. (Only services annotated with a charge in the tender will be paid by the shipper.)

c. The forwarder agrees to promptly refund all uncontested overcharges to the Government and authorizes the Government to deduct the amount of overcharges from any amount subsequently found to be due the forwarder.

d. The Government reserves the right to pursue administrative claims directly with forwarders under the Interstate Commerce Act or other authorities.

15. Carrier Performance

a. Forwarder agrees that its performance, and standards of service will conform with its obligations under Federal, State and local law and regulation as well as with the guidelines found in the Defense Traffic Management Regulation (DTMR) and this Agreement. The forwarder fully understands its obligation to remain current in its knowledge of service standards. The forwarder accepts the Government's right to revoke approval, declare ineligible, non-use, or disqualify the carrier for unsatisfactory service for any operating deficiency, noncompliance with terms of this Agreement or terms of any negotiated agreements, tariffs, tenders, bills of lading or similar arrangements determining the relationship of the parties, or for the publication or assessment of unreasonable rates, charges, rules, descriptions, classifications, practices, or other unreasonable provisions of tariffs/tenders. Rules governing the Carrier Performance Program are found in MTMC Regulation 15–1, and Army Regulation 55–355, DTMR. If a forwarder is removed or disqualified for 6 months or more, it will have to be re-qualified.

b. Failure or nonperformance by the forwarder with any of the terms or conditions of service will constitute a breach of this Agreement. The Government reserves the right to disqualify the forwarder for unsatisfactory service until such time as the forwarder establishes to the satisfaction of DOD that the operating or other deficiency(s) has been corrected.

16. General Provisions

That the fowarder must have a valid Standard Carrier Alpha Code (SCAC) and use it on all DOD billing documents to identify the forwarder. When a company holding the appropriate authority has operating divisions each with its own unique SCAC, each such division is required to execute a separate agreement with MTMC governing the transportation of protected commodities.

17. Terms of the Agreement

a. The terms of this Agreement will be applicable to each shipment.

b. This Agreement shall be effective from the date of acknowledgment by the Military Traffic Management Command, until terminated upon receipt of written notice by either party.

c. Nothing in this Agreement will be construed as a guarantee by the Government of any particular volume of traffic.

d. The forwarder agrees to immediately notify MTMC of any changes in ownership, in affiliations, executive officers, and/or board members, and forwarder name. Forwarder understands that failure to notify MTMC shall be grounds for immediate revocation of the forwarder's approval and their participation in the movement of DOD freight.

18. Additional Specialized Requirements

The terms of this Agreement will not prevent different or additional requirements with respect to negotiated agreements or added requirements for other types of service and/or commodities.

19. Inquiries

Inquiries may be referred to Commander, Military Traffic Management Command, Attention: MTIN–FF, 5611 Columbia Pike, Falls Church, VA 22041–5050.

20. Forwarder Acknowledgment and Acceptance

a. The undersigned forwarder official, by affixing signature hereto, states that he has read and understands the general and specific terms and conditions of service outlined and agrees to provide service in accordance with such terms or conditions. Any information found to be falsely represented in the Qualification Form, the attachments or during the qualification procedures, to include additional requirements of this Agreement, shall be grounds for automatic revocation of this Agreement and immediate non-use of the forwarder, the affiliated companies, division and entities.

Forwarder's Acknowledgment/Acceptance

I, (typed name and title of forwarder official), verify under penalty of perjury under the laws of the United States of America, that the information contained in the forwarder qualification application packet and this Agreement is true, correct and complete. If representing a company or organization, I certify that I am qualified and authorized to offer this information. I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C. 1001 by up to 5 years imprisonment and fines up to $10,000 for each offense, or punishable as perjury under 18 U.S.C. 1621 by fines up to $2,000 or imprisonment up to 5 years for each offense. Further I understand the requirements of this Agreement and on behalf of (typed name of forwarder) agree to comply with the terms and conditions contained herein.

_____

Signature of forwarder official and title

Date _____

Forwarder address _____

_____

_____

Telephone number ( ) _____

24 hr emergency number ( ) _____

Military Traffic Management Command Acknowledgment/Acceptance

Signature _____

Title _____

Date Approved: _____

Appendix F to Part 619—Agreement Between the Military Traffic Management Command and Shipper Agents Governing the Transportation of General Commodities for and on Behalf of the U.S. Department of Defense

1. The undersigned, who is duly authorized and empowered to act on behalf of (name of shipper agent, typed or legibly printed), a shipper agent, hereinafter referred to as the agent, as a prerequisite for consideration for participation in the transport of general commodities as an exempt shipper agent, for

the U.S. Department of Defense (DOD), agree to comply with all requirements, terms and conditions as set forth in this Agreement. Noncompliance with any provision of this Agreement will be sufficient grounds for immediate revocation of the agent's privilege to participate in the movement of DOD freight. For the purpose of this Agreement, a exempt shipper agent is defined as a person or company who for compensation provides a service by acting as an intermodal intermediary handling truck or container load shipments or consolidates less-than-truckload freight, as defined in the instructions for the Department of Defense (DOD) Standard Tender of Freight Services, MT Form 364–R and revisions thereto, for truck load movement and the Military Traffic Management Command Freight Traffic Rules Publication MFTRP No. 1 A, Item 225. The agent also handles drayage on both ends of the movement and other services performed in a terminal area. The agent may not act in its capacity as a broker when charged with the responsibility of moving DOD freight shipments.

2. Approval and Revocation

a. Agent understands that its initial approval and retention of approval are contingent upon establishing and maintaining, to MTMC's satisfaction, sufficient resources to support its proposed scope of operations and services. Sufficient resource include personnel, facilities, carriers with adequate equipment, and finances to handle the traffic anticipated by DOD/MTMC under the agent's proposed scope of operations in accordance with the service requirements of the shipper.

b. The agent understands that MTMC may revoke approval at any time upon discovery of grounds for ineligibility or disqualification. The agent further understands that it will not be authorized to participate in any traffic which requires a Transportation Protective Service.

c. In addition to the initial evaluation, the agent agrees that it will cooperate with MTMC follow-up evaluations at any time subsequent to signing this Agreement to confirm continued eligibility.

d. The agent agrees and certifies that neither the owners, company, corporate officials, nor any affiliation or subsidiary thereof are currently debarred or suspended disqualified by a MTMC General Freight Board, or placed in non-use by MTMC from doing business with DOD.

3. Lawful Performance

a. The agent agrees to comply with all applicable federal, state, municipal and other local laws and regulations. No fines, charges, or assessments for overloaded vehicles or other violations of applicable laws and regulations will be passed to, or be paid by any agency of the Federal Government.

b. The agent agrees to keep current and on file a list of all carriers to be used in the transport of DOD freight shipments. This list will contain, as a minimum, the company's name, president/vice president's name, operating authority number, corporate office address, telephone number and a designated 24-hour on-call point of contact in the event of an accident or emergency situation. MTMC can direct agent not to use specific carriers in the movement of DOD freight shipments.

c. The agent further agrees and certifies that it will not use any carrier which has been debarred, suspended by the Government or which has been placed in non-use or disqualified by MTMC from doing business with the DOD for the movement of any DOD freight shipments.

4. Operations

The agent agrees and certifies that it is operating as a shipper agent as defined herein. If incorporated, evidence of incorporation, bearing the official seal of the state in which filed, Articles of Incorporation, listing all the officers of the corporation are attached and certified to be true, correct and current.

5. Insurance

a. The agent agrees to maintain a minimum of $1,000,000 public liability insurance and $250,000 cargo insurance for loss and damage of Government freight. A copy of the certificate of insurance must be on file with MTMC, ATTN: MTIN–FF, prior to any performance of service by the agent.

b. The insurance must be carried in the name of the agent and will be in force at all times while this Agreement is in effect or until such time as the agent cancels all tenders. The agent agrees to ensure that the policies include a provision requiring the insurer to notify MTMC prior to any performance of service by the carrier. Changes, renewal and cancellation notices must also be sent to MTMC, 5611 Columbia Pike, Falls Church, Virginia 22041–5050, ATTN: MT–INFF. The Government will be given 30 days notice prior to any cancellation or material changes in insurance coverages.

c. The insurance underwriter must have a policyholder's rating in the Best's Insurance Guide, listed in the Fiscal Service Treasury Department Circular 570, Listing of Surety Companies or must be acceptable to the Interstate Commerce Commission and specifically approved by MTMC. Self-Insurance will not be accepted.

6. Performance Bond

Agent agrees to provide MTMC with a Performance Bond at no cost to the Government. The bond secures performance and fulfillment of the agent's obligation. It will cover default, abandoned shipments, inability to perform, bankruptcy and re-procurement costs. The bond must be issued by a surety company listed in the Fiscal Service, Treasury Department Circular No. 570. The sum of the bond shall be no less than $100,000. The bond must be completed on the form provided by MTMC and will be continuous until cancelled. MTMC will be notified, in writing, 30 days in advance of any change or cancellation. A letter of intent by the surety company is required with the initial application. Upon MTMC approval agent will submit the Performance Bond before the Tender of Service will be accepted.

7. Safety

a. The agent agrees not to use any carrier that has an "unsatisfactory" safety rating with the Federal Highway Administration, Department of Transportation, and if it is an intrastate motor carrier, with the appropriate state agency.

b. Shipments will be delivered in direct service without delay to the destination shown on the Government Bills of Lading unless consignee or consignor directs diversion of the shipment to a new or different destination. Deliveries will be made during the shipper's normal business hours.

c. The agent agrees not to divulge any information to unauthorized persons concerning the nature and movements of any shipment tendered to it.

d. The agent agrees to notify the consignor and consignee named by the Government bill of Lading (GBL) or Commercial Bill of Lading (CBL) of cargo loss, damage, or unusual delay. Information reported will include origin/destination, GBL/CBL number, shipping paper information, time and place of occurrence, and other pertinent details. Upon request, the agent agrees to ensure MTMC is furnished a copy of accident reports submitted to Department of Transportation on Form MCS 50–T (Property).

e. The agent agrees to have in place a company-wide safety management program. Agent safety program will comply with applicable Federal, State and local statutes or requirements. Safety programs at the company-wide or terminal level may be subject to evaluation by DOD representatives. The agent further agrees to permit unannounced safety inspections of its facilities, terminals, equipment, employees, and procedures by DOD civilian, military personnel, or DOD contract employees.

8. Reserved

9. Equipment

The agent agrees to ensure equipment is spotted for loading at the time and place requested. The Government reserves the right to reject the utilization of any equipment placed for loading by the agent if it does not, upon inspection, meet specifications and requirements for the particular shipment involved (size, cube, cleanliness, mechanical condition, etc.).

10. Shipment

The agent agrees to provide, at no additional cost to the government, the status of any shipment within 24 hours after an inquiry is made. Further, the agent agrees to not divulge any information to unauthorized persons concerning the nature and movement of any DOD shipment.

11. Documentation

a. Agent agrees to accept Government bills of lading on which freight charges will be paid by the Government, and will be bound by all terms and conditions stated thereon.

b. The agent agrees to comply with the provisions of documentation prelodging in effect at Military Ocean Terminals which cargo is consigned for further movement overseas. (Prelodging is the submission of advance shipment documents which identifies the shipment to the Military Ocean Terminal prior to arrival of the cargo at the terminal to permit preparation of the terminal

documentation.) Instructions will be provided by the consignees to furnish certain data at least 24-hours in advance of cargo arrival at the terminal.

12. Loss & Damage

The agent agrees to be fully liable for delivery of all cargo in the same condition as received at origin, except loss or damage caused by act of God, public enemy act, omission of shipper, inherent vice or detrimental changes due to nature of commodity, or natural shrinkage. Agent agrees to settle promptly, claims for loss or damage. The agent also agrees to provide the status of any shipment tendered to them within 24-hours after an inquiry is made.

13. Standard Tender

a. The agent agrees to comply with the preparation and filing instructions and applicable freight traffic rules publications issued by MTMC. The agent understands the MTMC will reject tenders not in compliance with these instructions.

b. Agent agrees to publish a street address where the company office is located in lieu of a post office box number. The Military Traffic Management Command must be advised of any change in address. Failure to do so is grounds to discontinue the use of the agent.

c. Agent understands that tenders inadvertently accepted and distributed for use and not in compliance with is agreement, the provisions contained in the Standard Tender of Freight Services (MT Form 364–R), or the applicable MTMC Freight Traffic Rules Publication MFTRP No. 1A, and supplements thereof, will be subject to immediate removal or non-use until corrections are made. The issuing agent will be advised when tenders are removed under these circumstances.

14. Rates

a. Agent agrees to transport Government shipments at its lowest effective charge named in the tender applicable on the commodity transported, whether or not the rate tender is referenced on the Government bill of lading.

b. The agent agrees to publish through rates guaranteed for at least 30 days. These rates must be filed with MTMC, HQ, Eastern Area, ATTN: MTE–IN, Bayonne, New Jersey 07002–5302. The agent must publish all rates, charges, and accessorial services on a "Department of Defense Standard Tender of Freight Services", MT Form 364–R and must comply with the tender preparation instructions. (Only services annotated with a charge in the tender will be paid by the shipper.)

c. The agent agrees to promptly refund all uncontested overcharges to the Government and authorizes the Government to deduct the amount of overcharges from any amount subsequently found to be due the agent.

d. The Government reserve the right to pursue administrative claims directly with agents under the Interstate Commerce Act or other authorities.

15. Carrier Performance

a. Agent agrees that its performance, and standards of service will conform with its obligations under Federal, State and local law and regulation as well as with the guidelines found in the Defense Traffic Management Regulation (DTMR) and this Agreement. The agent fully understands its obligation to remain current in its knowledge of service standards. The agent accepts the Government's right to revoke approval, declare ineligible, non-use, or disqualify the agent for unsatisfactory service for any operating deficiency, noncompliance with terms of this Agreement or terms of any negotiated agreements, tariffs, tenders, bills of lading or similar arrangements determining the relationship of the parties, or for the publication or assessment of unreasonable rates, charges, rules, descriptions, classifications, practices, or other unreasonable provisions of tariffs/tenders. Rules governing the Carrier Performance Program are found in MTMC Regulation 15–1, and Army Regulation 55–355, DTMR. If an agent is removed or disqualified for 6 months or more, it will have to be re-qualified.

b. Failure or nonperformance by the agent with any of the terms of conditions of service will constitute a breach of this Agreement. The Government reserves the right to disqualify the agent for unsatisfactory service until such time as the agent establishes to the satisfaction of DOD that the operating or other deficiency(s) has been corrected.

16. General Provisions

That the agent must agree to have a valid Standard Carrier Alpha Code (SCAC) and use it on all DOD billing documents to identify the agent. When a company holding the appropriate authority has operating divisions each with its own unique SCAC, each such division is required to execute a separate agreement with MTMC governing the transportation of protected commodities.

17. Terms of the Agreement

a. The terms of this Agreement will be applicable to each shipment.

b. This Agreement shall be effective from the date of acknowledgment by the Military Traffic Management Command, until terminated upon receipt of written notice by either party.

c. Nothing in this Agreement will be construed as a guarantee by the Government of any particular volume of traffic.

18. Additional Specialized Requirements

The terms of this Agreement will not prevent different or additional requirements with respect to negotiated agreements or added requirements for other types of service and/or commodities.

19. Inquiries

Inquiries may be referred to Commander, Military Traffic Management Command, Attention: MTIN–FF, 5611 Columbia Pike, Falls Church, VA 22041–5050.

20. Agent Acknowledgment and Acceptance

a. The undersigned official, by affixing signature hereto, states that he has read and understands the general and specific terms and conditions of service outlined and agrees to provide service in accordance with such terms or conditions. Any information found to be falsely represented in the Qualification Form, the attachments or during the qualification procedures, to include additional requirements of this Agreement, shall be grounds for automatic revocation of this Agreement and immediate non-use of the agent, the affiliated companies, division and entities.

Agent's Acknowledgment/Acceptance

I, (type name and title of agent official), verify under penalty of perjury under the laws of the United States of America, that the information contained in the agent qualification application packet and this Agreement is true, correct and complete. If representing a company or organization, I certify that I am qualified and authorized to offer this information. I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C., 1001 by up to 5 years imprisonment and fines up to $10,000 for each offense, or punishable as perjury under 18 U.S.C. 1621 by fines up to $2,000 or imprisonment up to 5 years for each offense. Further I understand the requirements of this Agreement and on behalf of (typed name of agent), agree to comply with the terms and conditions contained herein.

Signature of agent official and title _____

Date _____

Agent Address _____

_____

_____

Telephone Number ( ) _____

24 hr Emergency Number ( ) _____

Military Traffic Management Command Acknowledgment/Acceptance

Signature _____

Title _____

Date Approved _____

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 92–7096 Filed 4–1–92; 8:45 am]

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federal register

Thursday
April 2, 1992

Part VI

Environmental Protection Agency

40 CFR Part 122

National Pollutant Discharge Elimination System Application Deadlines, General Permit Requirements and Reporting Requirements for Storm Water Discharges Associated With Industrial Activity; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 122

[FRL-4100-4]

National Pollutant Discharge Elimination System Application Deadlines, General Permit Requirements and Reporting Requirements for Storm Water Discharges Associated With Industrial Activity

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Water Quality Act (WQA) of 1987 added section 402(p) to the Clean Water Act (CWA). Section 402(p) of the CWA requires the Environmental Protection Agency (EPA) to establish phased and tiered requirements for storm water discharges under the National Pollutant Discharge Elimination System (NPDES) program. On August 16, 1991 (56 FR 40948), EPA requested public comments on several regulatory and policy issues regarding NPDES permits for storm water discharges associated with industrial activity. On November 5, 1991 (56 FR 56549), the Agency also proposed extending the deadline for submitting part 2 of group applications for storm water discharges associated with industrial activity.

In response to comment received on August 16, 1991, proposal, today's action describes a National Strategy for issuing NPDES permits for storm water discharges associated with industrial activity. Today's action also contains a final rule that revises minimum NPDES monitoring requirements for storm water discharges associated with industrial activity. In addition, today's rule establishes minimum requirements for filing notices of intent to be authorized to discharge under NPDES general permits.

Today's rule also establishes a deadline of October 1, 1992 for part 2 of group applications for storm water discharges associated with industrial activity. As noted above, this revised deadline was proposed on November 5, 1991. In connection with group applications, today's rule contains an amendment to clarify the minimum number of facilities that must submit sampling information in part 2 of a group application.

Finally, today's action codifies several provisions of Section 1068 of the Intermodal Surface Transportation Efficiency Act of 1991 or Transportation Act into the NPDES regulations. Section 1068 of the Transportation Act addressed permit application deadlines for storm water discharges associated with industrial activity from facilities that were owned or operated by municipalities.

EFFECTIVE DATE: The final rule becomes effective May 4, 1992.

ADDRESSES: The public record is located at EPA Headquarters, EPA Public Information Reference Unit, room 2402, 401 M Street, SW, Washington, DC, 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: For further information on the rule contact the NPDES Storm Water Hotline at (703) 821-4823 or: Kevin Weiss, Office of Wastewater Enforcement and Compliance (EN-336), United States Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 260-9518.

SUPPLEMENTARY INFORMATION:

I. Background

The 1972 amendments to the Federal Water Pollution Control Act (FWPCA, also referred to as the Clean Water Act or CWA), prohibited the discharge of any pollutant to navigable waters from a point source unless the discharge is authorized by a NPDES permit. Efforts to improve water quality under the NPDES program have focused traditionally on reducing pollutants in discharges of industrial process wastewater and from municipal sewage treatment plants. This program emphasis has developed for a number of reasons. At the onset of the program in 1972, many sources of industrial process wastewater and municipal sewage were not controlled adequately, and represented pressing environmental problems. In addition, sewage outfalls and industrial process discharges were easily identified as responsible for poor, often drastically degraded water quality conditions. However, as pollution control measures were developed initially for these discharges, it became evident that more diffuse sources (occurring over a wide area) of water pollution, such as agricultural and urban runoff, were also major causes of water quality problems. Some diffuse sources of water pollution, such as agricultural storm water discharges and irrigation return flows, are exempted statutorily from the NPDES program. Controls for other diffuse sources have been slow to develop under the NPDES program.

A. Environmental Impacts

Several national assessments have been conducted to evaluate impacts on receiving water quality. For the purpose of these assessments, urban runoff was considered to be a diffuse source or nonpoint source pollution, although in legal terms, most urban runoff is discharged through conveyances such as separate storm sewers or other conveyances which are point sources under the CWA and subject to the NPDES program.

The "National Water Quality Inventory, 1990 Report to Congress" provides a general assessment of water quality based on biennial reports submitted by the States under section 305(b) of the CWA. In preparing section 305(b) Reports, the States were asked to indicate the fraction of the States' waters that were assessed, as well as the fraction of the States' waters that were fully supporting, partly supporting, or not supporting designated uses. The Report indicates that of the rivers, lakes, and estuaries that were assessed by States (approximately one-third of stream miles, one-half of lake acres and three-quarters of estuarine waters), roughly 60 percent to 70 percent are supporting the uses for which they are designated. For waters with use impairments, States were asked to determine impacts due to diffuse sources (agricultural and urban runoff and other categories of diffuse sources), municipal sewage, industrial (process) wastewaters, combined sewer overflows, and natural sources, and then to combine impacts to arrive at estimates of the relative percentage of State waters affected by each source. In this manner, the relative importance of the various sources of pollution causing use impairments was assessed and weighted national averages were calculated.

Based on 51 States and Territories that provided information on sources of pollution, the Assessment also concluded that pollution from diffuse sources such as runoff from agricultural, urban areas, construction sites, land disposal activities, and resource extraction activities is cited by the States as the leading cause of water quality impairment.[1] Diffuse sources appear to be increasingly important contributors of use impairment as discharges of industrial process wastewaters and municipal sewage plants come under control and intensified data collection efforts provide additional information. Some examples where use impairments are cited as being caused by diffuse sources include: Rivers and streams, where 11 percent are caused by separate storm sewers, 6 percent are caused by construction and 14 percent are caused by resource extraction; lakes, where 28 percent are caused by separate storm sewers and 24 percent are caused by land disposal; the Great Lakes shoreline, where 6 percent are caused by separate storm sewers, and 41 percent are caused by land disposal; for estuaries where, 30 percent are caused by separate storm sewers; and for coastal areas, where 36 percent are caused by separate storm sewers and 37 percent are caused by land disposal.

The States conducted a more comprehensive study of diffuse pollution sources under the sponsorship of the Association of State and Interstate Water Pollution Control Administrators (ASIWPCA) and EPA. The study resulted in the report "America's Clean Water—The States' Nonpoint Source Assessment, 1985" which indicated that 38 States reported urban runoff as a major cause of beneficial use impairment. In addition, 21 States reported construction site runoff as a major cause of use impairment.

Studies conducted by the National Oceanic and Atmospheric Administration (NOAA) [2] indicate that urban runoff is a major pollutant source which adversely affects shellfish growing waters. The NOAA studies identified urban runoff as affecting over 578,000 acres of shellfish growing waters on the East Coast (39 percent of harvest-limited area); 2,000,000 acres of shellfish growing waters in the Gulf of Mexico (59% of the harvest-limited area); and 130,000 acres of shellfish growing waters on the West Coast (52% of harvest-limited areas).

B. Water Quality Act of 1987

The Water Quality Act (WQA) of 1987 added section 402(p) to the CWA to establish a comprehensive two phased approach for EPA to address storm water discharges. Section 402(p)(1) provides that EPA or NPDES States cannot require a permit for certain storm water discharges until October 1, 1992, except for storm water discharges listed under section 402(p)(2). Section 402(p)(2) lists five types of storm water discharges which are covered under Phase I of the program and are required to obtain a permit before October 1, 1992:

(A) A discharge with respect to which a permit has been issued prior to February 4, 1987;

(B) A discharge associated with industrial activity;

(C) A discharge from a municipal separate storm sewer system serving a population of 250,000 or more;

(D) A discharge from a municipal separate storm sewer system serving a population of 100,000 or more, but less than 250,000; or

(E) A discharge for which the Administrator or the State, as the case may be, determines that the storm water discharge contributes to a violation of a water quality standard or is a significant contributor of pollutants to the waters of the United States.

The WQA clarified and amended the requirements for permits for storm water discharges in the new CWA section 402(p)(3). The Act clarified that permits for discharges associated with industrial activity must meet all of the applicable provisions of section 402 and section 301 including BAT/BCT technology-based requirements and that permits for discharges from municipal separate storm sewer must meet a new statutory standard requiring controls to reduce the discharge of pollutants to the maximum extent practicable (MEP). As with all point source discharges under the CWA, storm water discharges are subject to applicable water quality-based standards.

Section 402(p)(4) establishes deadlines to implement the permit program for: Storm water discharges associated with industrial activity; discharges from large municipal separate storm sewer systems (systems serving a population of 250,000 or more); and discharges from medium municipal separate storm sewer systems (systems serving a population of 100,000 or more but less than 250,000). This section of the Act specifies deadlines for EPA to promulgate permit application requirements, applicants to submit permit applications, EPA and authorized NPDES States to issue NPDES permits, and for permit compliance for the identified storm water discharges.

NPDES permits for all other storm water discharges fall under phase II of the program, and cannot be required until October 1, 1992, unless a permit for the discharge was issued prior to the date of enactment of the WQA (i.e., February 4, 1987), or the discharge is determined to be a significant contributor of pollutants to waters of the United States or is contributing to a violation of water quality standards.

EPA, in consultation with the States, is required to conduct two studies on phase II storm water discharges that are in the class of discharges for which EPA and NPDES States cannot require permits prior to October 1, 1992. The first study will identify those storm water discharges or classes of storm water discharges addressed by phase II and determine, to the maximum extent practicable, the nature and extent of pollutants in such discharges. The second study is for the purpose of establishing procedures and methods to control phase II storm water discharges to the extent necessary to mitigate impacts on water quality. Based on the two studies, EPA in consultation with State and local officials, is required to issue regulations by no later than October 1, 1992, which designate classes of phase II storm water discharges to be regulated to protect water quality and establish a comprehensive program to regulate such designated sources. This program must establish, at a minimum, (A) priorities, (B) requirements for State storm water management programs, and (C) expeditious deadlines. The program may include performance standards, guidelines, guidance, and management practices and treatment requirements, as appropriate.

C. November 16, 1990, Permit Application Regulations

EPA promulgated permit application regulations for the storm water discharges identified under section 402(p)(2) (B), (C), and (D) of the CWA, including storm water discharges associated with industrial activity, on November 16, 1990 (55 FR 47990). The November 16, 1990 regulations address requirements, including deadlines, for two sets of application procedures for storm water discharges associated with

[1] Major classes of diffuse sources that include, in part, storm water point source discharges are: Urban runoff conveyances, construction sites, agriculture (feedlots), resource extraction sites, and land disposal facilities.

[2] See "The Quality of Shellfish Growing Waters on the East Coast of the United States", NOAA, 1989; "The Quality of Shellfish Growing Waters in the Gulf of Mexico", NOAA, 1988; and "The Quality of Shellfish Growing Waters on the West Coast of the United States", NOAA, 1990.

industrial activity: Individual permit applications and group applications. In addition, the notice recognizes a third set of application procedures for storm water discharges associated with industrial activity: Those associated with general permits. With these requirements, EPA is attempting to implement a flexible, cost-effective approach for storm water permit applications.

The requirements for individual applications for storm water discharges associated with industrial activity are set forth at 40 CFR 122.26(c)(1). Generally, the applicant must provide comprehensive facility specific narrative information including: (1) A site map; (2) an estimate of impervious areas; (3) the identification of significant materials treated or stored on site together with associated materials management and disposal practices; (4) the location and description of existing structural and non-structural controls to reduce pollutants in storm water runoff; (5) a certification that all storm water outfalls have been evaluated for any unpermitted non-storm water discharges; and (6) any existing information regarding significant leaks or spills of toxic or hazardous pollutants within three years prior to application submittal. In addition, an individual application must include quantitative analytical data based on samples collected on site during storm events. Under § 122.26(e)(1) of the November 16, 1990 rule, individual applications were to have been submitted by November 18, 1991.[3]

The group application process allows for facilities with similar storm water discharges to file a single two part permit application. Part 1 of a group application includes a list of the facilities applying, a narrative description summarizing the industrial activities of participants of the group, a list of significant materials exposed to precipitation that are stored by participants and material management practices employed to diminish contact of these materials by precipitation (see 40 CFR 122.26(c)(2)(i)). Under the November 16, 1990 regulations, Part 1 of the group application was to be submitted to EPA no later than March 18, 1991.[4] The regulation provides that EPA has a 60 day period after receipt to review the part 1 applications and notify the groups as to whether they have been approved or denied as a properly constituted "group" for purposes of this alternative application process. Part 2 of the group application contains detailed information, including sampling data, on roughly ten percent of the facilities in the group (today's notice contains a more detailed description clarifying the requirements of 40 CFR 122.26(c)(2)(ii)). Under the November 16, 1990 regulations, part 2 applications were to be submitted no later than 12 months after the date of approval of the part 1 application. (Revisions to this deadline are discussed below). Also under the November 16, 1990 regulation, facilities that are rejected as members of a group were to have 12 months from the date they receive notification of their rejection to file an individual permit application (or obtain coverage under an appropriate general permit).[5]

The group application process has been designed by EPA as a one-time administrative procedure to ease the burden on the regulated community and permitting authorities in the initial stage of the storm water program.

The third application procedure entails seeking coverage under a general permit for storm water discharges associated with industrial activity. Dischargers covered by a general permit are excluded under 40 CFR 122.21(a) from requirements to submit individual or group permit applications. Conditions for filing an application to be covered by a general permit (typically called a Notice of Intent (NOI)) are established on a case-by-case basis. As discussed in more detail below, today's notice establishes final minimum requirements for general permit NOI submissions.

The November 16, 1990 regulations also establish a two part application process for discharges from municipal separate storm sewer systems serving a population of 100,000 or more. The regulations lists 220 cities and counties that are defined as having municipal separate storm sewer systems serving a population of 100,000 or more and allows for case-by-case designations of other municipal separate storm sewers to be part of these systems (55 FR 48073, 48074). The regulations provide that part 1 applications for discharges from large municipal separate storm sewer systems (systems serving a population of 250,000 or more) were due November 18, 1991. Part 2 applications for discharges from large systems are due on November 16, 1992. Part 1 applications for discharges from medium municipal separate storm sewer systems (systems serving a population of 100,000 or more, but less than 250,000) are due May 18, 1992. Part 2 applications for discharges from medium systems are due on May 18, 1993. Today's rulemaking does not address, modify or change application requirements or deadlines established by the November 16, 1990 regulations for discharges from municipal separate storm sewer systems serving a population of 100,000 or more.

D. August 16, 1991 Notice

On August 16, 1991, EPA published a notice (56 FR 40948) requesting public comment on four major areas:

(1) EPA's long-term permit issuance strategy for storm water discharges associated with industrial activity;

(2) Proposed modifications to 40 CFR 122.44(i)(2) addressing minimum monitoring and reporting requirements for NPDES permits for storm water discharges associated with industrial activity;

(3) Proposed modifications to 40 CFR 122.28(b)(2) addressing minimum notice of intent requirements for general permits;

(4) Draft baseline general permits for storm water discharges associated with industrial activity in 12 States (MA, ME, NH, FL, LA, TX, OK, NM, SD, AZ, AK, ID) and 6 Territories (District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands) without authorized NPDES State programs; on Indian lands in AL, CA, GA, KY, MI, MN, MS, MT, NC, ND, NY, NV, SC, TN, UT, WI, and WY; located within Federal facilities and Indian lands in CO and WA; and located within Federal facilities in Delaware.

One of the central purposes of today's notice is to address and/or take final action on the first three items listed above. Each of these three items is discussed in more detail below. The fourth component of the August 16, 1991 proposal involving draft baseline general permits for storm water will be addressed in a separate rulemaking presently scheduled for promulgation in late spring of this year.

E. November 5, 1991 Proposal

On November 5, 1991, (56 FR 56555), as a result of issues and concerns raised

[3] The deadline for submitting an individual permit application for storm water discharges associated with industrial activity was extended from November 18, 1991 to October 1, 1992 (56 FR 56548, (November 5, 1991)).

[4] The deadline for submitting part 1 of the group application was extended from March 18, 1991 to September 30, 1991 (56 FR 12098 (March 21, 1991)).

[5] The deadline for a facility that is rejected as a member of a group application to submit an individual permit application has been revised to provide that an individual application must be submitted no later than 12 months after the date of receipt of the notice of rejection or October 1, 1992, whichever comes first. (56 FR 56549, (November 5, 1991)).

in comments on the March 21, 1991 proposed deadline extensions, EPA requested comments on extending the deadline for submitting part 2 of the group application from May 18, 1992 to October 1, 1992. In the November 5, 1991 notice, the Agency indicated that this extension would provide an appropriate opportunity to conduct sampling to support the part 2 application and would allow for permit issuing agencies to issue general permits.

F. Intermodal Surface Transportation Efficiency Act of 1991

On December 18, 1991, the President signed the Intermodal Surface Transportation Efficiency Act (or Transportation Act) of 1991, into law. Section 1068 of the Transportation Act addresses NPDES permit application deadlines for storm water discharges associated with industrial activity from facilities that are owned or operated by muncipalities.

Section 1068(b)(1) of the Transportation Act provides that EPA shall require individual permit applications for storm water discharges associated with industrial activity that are owned or operated by municipalities on or before October 1, 1992; except that any municipality that has participated in a timely part 1 group application and that is denied participation in the group application shall not be required to submit an individual application until the 180th day following the date on which the denial is made.

Section 1068(b)(2) of the Transportation Act provides that part 1 of group applications for storm water discharges associated with industrial activity that are owned or operated by a municipality with a population of 250,000 or more shall be required on or before September 30, 1991, and part 2 applications on or before October 1, 1992. Part 1 of group applications for storm water discharges associated with industrial activity that are owned or operated by a municipality with a population of less than 250,000 shall be required on or before May 18, 1992, and part 2 applications on or before May 17, 1993.

Section 1068(c) of the Transportation Act provides that EPA shall not require any municipality with a population of less than 100,000 to apply for or obtain a permit for any storm water discharge associated with an industrial activity other than an airport, powerplant, or uncontrolled sanitary landfill owned or operated by such municipality before October 1, 1992, unless a permit is required by either section 402(p)(2) (A) or (E) of the CWA. Section 1068(d) of the Transportation Act defines uncontrolled sanitary landfill to mean a landfill or open dump, whether open or closed, that does not meet the requirements for runon and runoff controls established pursuant to subtitle D of the Solid Waste Disposal Act.

Section 1068(e) of the Transportation Act clarifies that the statutory deadlines for group and individual applications outlined above do not affect any storm water discharge that is subject to the provisions of either section 402(p)(2)(A) or 402(p)(2)(E) of the CWA. Section 402(p)(2)(A) of the CWA addresses storm water discharges that had an NPDES permit prior to February 4, 1987. Section 402(p)(2)(E) of the CWA addresses storm water discharges that EPA or the State, as the case may be, determines that the storm water discharge contributes to a violation of a water quality standard or is a significant contributor of pollutants to the waters of the United States. As discussed in more detail below, today's rule codifies the application provisions of Section 1068 of the Transportation Act.

II. Today's Rule

Today's rule addresses the following:

(1) EPA's long-term permit issuance strategy for storm water discharges associated with industrial activity;

(2) Modifications to 40 CFR 122.44(i)(2) addressing minimum monitoring and reporting requirements for NPDES permits for storm water discharges associated with industrial activity;

(3) Modifications to 40 CFR 122.28(b)(2) addressing minimum notice of intent requirements for general permits;

(4) Modifications to 40 CFR 122.26(e) to establish a deadline of October 1, 1992 for part 2 of group applications for storm water discharges associated with industrial activity;

(5) An amendment to 40 CFR 122.26(c)(2) to clarify the minimum number of facilities in a group that must submit sampling information in part 2 of a group application; and

(6) Modifications to 40 CFR 122.26(e) to codify portions of Section 1068 of the Transportation Act of 1991.

A. Long Term Permit Issuance Strategy

Many of the initial concerns regarding the NPDES storm water program focussed on adapting the existing NPDES permit program to effectively address the large number of storm water discharges associated with industrial activity. Potential issues with implementing the NPDES program for storm water discharges associated with industrial activity are raised not only by the number of industrial facilities subject to the program, but also by the challenges presented in identifying and assessing appropriate technologies for preventing and reducing pollutants in different classes of storm water and the differences in the nature and extent of storm water discharges.

Based on a consideration of comments from authorized NPDES States, municipalities, industrial facilities and environmental groups on the permitting framework and permit application requirements for storm water discharges associated with industrial activity, EPA has developed a strategy for permitting storm water discharges associated with industrial activity that will serve as a foundation for future program development and technology transfer. The Agency intends to use the flexibility provided by the CWA [6] in designing a workable and reasonable permitting system.

In an action related to this rulemaking, EPA, in conjunction with the Rennselaerville Institute, has initiated a project to develop recommendations for streamlining and improving the existing permit issuance and compliance processes for storm water discharges. In addition, the project will examine whether and how the currently unregulated phase II storm water discharges should be addressed. EPA will be issuing a **Federal Register** notice to announce a series of meetings that will address these phase II storm water discharges.

The strategy in today's action consists of two major components, a tiered framework for developing permitting priorities and a framework for the development of State Storm Water Permitting Plans.

1. Permitting Priorities

The Agency believes that most storm water permitting activities can be described in terms of the following four classes of activities:

• *Tier I—Baseline Permitting:* One or more general permits will be developed initially to cover the majority of storm water discharges associated with industrial activity;

[6] The Court in *NRDC* v. *Train*, 396 F. Supp. 1393 (D.D.C. 1975) *aff'd*, *NRDC* v. *Costle*, 568 F.2d 1369 (D.C. Cir. 1977), has recognized the administrative burden placed on the Agency by requiring individual permits for a large number of storm water discharges. These courts have affirmed EPA's discretion to use certain administrative devices, such as area permits or general permits to help manage its workload. In addition, the courts have recognized flexibility in the type of permit conditions that are established, including requirements for best management practices. See August 16, 1991 (56 FR 40948) for further discussion of the use of general permits for storm water discharges.

• *Tier II—Watershed Permitting:* Facilities within watersheds shown to be adversely impacted by storm water discharges associated with industrial activity will be targeted for individual or watershed-specific general permits;

• *Tier III—Industry-Specific Permitting:* Specific industry categories will be targeted for individual or industry-specific general permits; and

• *Tier IV—Facility-Specific Permitting:* A variety of factors will be used to target specific facilities for individual permits.

These four classes of activities will be implemented over time and will reflect priorities within given States. In most States, tier I activities, issuance of baseline permits, will be the initial starting point. As priorities and risks within the State are evaluated, classes of storm water discharges or individual storm water discharges will be identified for tier II, III or IV permitting activities. Usually a storm water discharge or a class of discharges will not go through a sequence that involves all four of the tiers associated with the strategy, but may for example, go from initial coverage under a Tier I baseline permit to coverage under a tier III industry-specific general permit.

a. *Tier I—Baseline permitting.* Tier I general permits can initially cover the majority of storm water discharges associated with industrial activity in a State. Consolidating many sources under a general permit greatly reduces the administrative burden of issuing permits for storm water discharges associated with industrial activity. Under this approach:

• Pollution prevention and/or best management practices will be established for discharges covered by the permit;

• Facilities whose discharges are covered by the permit will be certain of their legal responsibilities and have an opportunity to comply with the CWA;

• EPA and authorized NPDES States will begin to collect and review data on storm water discharges from priority industries, thereby supporting subsequent permitting activities;

• The public, including municipal operators of municipal separate storm sewers which may receive storm water discharges associated with industrial activity, will have the opportunity to review data and reports developed by industrial permittees under section 308(b) of the CWA;

• The baseline permits will provide a basis for coordinating requirements for storm water discharges associated with industrial activity with requirements of municipal storm water management programs in permits for discharges from municipal separate storm sewer systems.

• The baseline permits will provide a basis for bringing selected enforcement actions; and

• The baseline permit, along with the State storm water permitting plans (discussed below), will provide a focus for public comment on draft permits and subsequent phases of the permitting strategy for storm water discharges.

Initially, the coverage of the baseline permits will be broad. However, it is anticipated that coverage will become more specific and targeted as other permits are issued for storm water discharges associated with industrial activity pursuant to tier II through tier IV activities. The Agency believes that tier I permits can establish the appropriate balance between monitoring requirements and implementable controls that will initiate facility-specific controls and provide sufficient data for compliance monitoring and future program development. Baseline general permits are flexible enough to allow the inclusion of tier II, III or IV types of permit conditions, such as industry specific monitoring or control conditions into the baseline general permit.

b. *Tier II—Watershed permitting.* Issuing permits on a watershed basis is potentially a desirable way to cost effectively use Agency resources to satisfactorily address risk. Facilities within watersheds shown to be adversely impacted by storm water discharges associated with industrial activity will be targeted for individual and more specific general permitting activities. This process can be initiated by identifying receiving waters (or segments of receiving waters) where storm water discharges associated with industrial activity have been identified as a source of use impairment or are suspected to be contributing to use impairment. Information developed under sections 304(1), 305(b), and 319(a) of the CWA, along with information from other sources (including information developed under the baseline general permits for storm water discharges), can be used in evaluating impacts on receiving waters. This information may identify classes of storm water discharges that are of particular concern and portions of watersheds where the sources of concern are located. Appropriate classes of storm water discharges in these locations can be targeted for additional permit conditions which may provide for additional information to characterize the discharge (e.g., additional monitoring and reporting requirements) or, where appropriate, for more stringent controls.

Information gathered under initial permits for storm water discharges as well as information from other sources can be used to reassess water quality-based controls. As discussed in more detail below, State storm water permitting strategies are expected to have a major role in this process.

c. *Tier III—Industry-specific permitting.* Specific industry categories will be targeted for individual or industry-specific general permits. These permits will allow permiting authorities to focus attention and resources on industry categories of particular concern and/or industry categories where tailored requirements are appropriate. The Agency will work with the States to develop model permits for selected classes of industrial storm water discharges. In addition, the group application process adopted in the November 16, 1990 regulation, (55 FR 47990) will provide an additional mechanism for developing industry-specific general permits. Group applications that are received can be used to develop model permits for the appropriate industries.

d. *Tier IV—Facility-specific permitting.* Individual permits will be appropriate for some storm water discharges in addition to those identified under tier II and tier III activities. Individual permits should be issued where warranted by the environmental risks of the discharge, the need for additional and more complex individual control mechanisms, a facility's compliance history or the potential to consolidate permit requirements for a particular facility. For example, individual NPDES permits for facilities with process discharges should be expanded during the normal process of permit reissuance to cover storm water discharges from the facility. This provides an opportunity to develop more facility specific individual controls without greatly increasing incremental administrative burdens.

2. State Storm Water Permitting Plans

EPA believes that State Storm Water Permitting Plans provide an effective basis for ensuring adequate public input, evaluating program activities and priorities, and providing program oversight during the earlier stages of program development. These plans will provide an effective coordination and tracking mechanism for evaluating the initial permitting activities for storm water discharges required under section 402(p) of the CWA. In addition, State Storm Water Permitting Plans will provide a framework within which to coordinate and asses the relationship

and appropriate priorities between controlling storm water discharges under the NPDES program with other efforts to address diffuse sources of water pollution, such as State Nonpoint Source Control Programs developed under section 319 of the CWA.

EPA has outlined below a number of the components and elements of State Storm Water Permitting Plans which it believes are essential to assure successful implementation of the storm water initiative called for in section 402(p) of the CWA. At a minimum, State Storm Water Permitting Plans should include a description of an oversight strategy regarding the implementation of NPDES permits for discharges from large and medium municipal separate storm sewer systems; storm water discharges associated with industrial activity; and case-by-case designations of storm water discharges needing a permit. Plans should be developed for each State by the NPDES authority (e.g. either an authorized NPDES State, or, where a State does not have base program authorization, by EPA).

EPA is requesting that draft State Storm Water Permitting Plans be provided to the Office of Wastewater Enforcement and Compliance by April 3, 1995. EPA anticipates that States will update these plans on a regular basis. These plans will assist EPA in technology transfer activities with other States, evaluating the progress of States in implementing storm water permitting activities, and in identifying both successes and difficulties with ongoing program implementation. The initial State Storm Water Permitting Plan will also entail preliminary planning, assessment, and tracking that will be essential to developing phase II State Storm Water Management Programs called for under section 402(p)(6) of the CWA.

The basic framework for the Plan should include the following elements on a State-wide-basis:

Municipal Separate Storm Sewer Systems

- A list of municipal separate storm sewer systems serving a population of 100,000 or more within the State;
- For systems identified, a summary of the estimated pollutant loadings as initially provided in the permit application for such discharges, and as otherwise updated;
- The status of the issuance of permits for discharges from municipal separate storm sewer systems serving a population of 100,000 or more, including any NPDES permit number for such discharges; and
- An outline of the major components of municipal storm water management programs required under permits for discharges from municipal separate storm sewer systems, including a detailed description of the implementation of any innovative or model municipal program components.

Storm Water Discharges Associated With Industrial Activity

- A description of the status of activities to issue and implement baseline general permits, including a copy of any final general permit for storm water discharges associated with industrial activitiy;
- A list of categories of industrial facilities that have storm water discharges associated with industrial activity that are being considered for industry-specific storm water general permits;
- A description of procedures, including activities conducted under any general permit (such as inspections, review of notices of intent or review of monitoring reports) to identify specific storm water discharges associated with industrial activity that are appropriate for individual permits;
- A description of how permits for discharges from municipal separate storm sewer systems require the development of muncipal storm water management programs addressing the control of pollutants in storm water discharges associated with industrial activity.

Impacted Waters

- A description of procedures to identify receiving waters where discharges from municipal separate storm sewers, storm water discharges associated with industrial activity, or any other class of storm water discharges are, or have the potential to, cause or contribute to a violation of a water quality standard, including a list of waters identified by these procedures.
- A plan to evaluate improvements to water quality resulting from controlling storm water discharges.

Case-by-Case Designations.

- A description of procedures to identify storm water discharges (other than those currently subject to requirements for obtaining a permit) that contribute to a violation of a water quality standard or significantly contribute pollutants to the waters of the United States.
- A list of storm water discharges (and associated receiving waters) that have been designated or are being considered for designation under section 402(p)(2)(E) of the CWA as needing a permit.

EPA strongly encourages public participation and comment, including efforts to coordinate with appropriate Federal and State land managers, at the State level during the development of these plans.

These initial State storm water plan components will assist the implementation of permitting efforts for storm water discharges associated with industrial activity and other priority storm water discharges by creating a framework for planning and prioritizing State storm water permitting activities, tracking State permit issuance efforts, and providing EPA information for technology transfer purposes among NPDES permitting authorities and other State agencies. The State Storm Water Permitting Plans will provide a framework for implementing the tiered long-term strategy for permitting storm water discharges associated with industrial activity, and so noted above, it will assure preliminary State-wide planning and assessment that will be essential to developing phase II State Storm Water Management Programs required under section 402(p)(6) of the CWA. In reviewing State Storm Water Permitting Plans, EPA will coordinate with Federal Agencies that may be affected by components of the plans.

3. States without NPDES General Permit Authority

As noted, the issuance of general permits is an important component in the recommended permit issuing strategy. Presently 38 States (and 1 territory) have been authorized to implement the NPDES permit program. However, only 29 of these States have been authorized to issue general permits. If NPDES authority is not obtained for any of the remaining 10 States, individual NPDES permits based on the submission of individual or group applications will have to be issued for storm water discharges associated with industrial activity. It is important to emphasize that under the CWA, EPA cannot issue general permits in States that have been authorized to administer the base NPDES program.

EPA strongly recommends authorized NPDES States without general permit authority to obtain general permit authority as soon as possible. EPA is currently working with these States to provide technical assistance and support and to expedite the authorization process.

4. Response to Comments

a. *Tiered priorities.* Many commenters agreed that EPA and authorized NPDES States should prioritize permit issuance efforts for storm water discharges associated with industrial activity, and indicated that the tiered priorities identified by EPA generally establish an appropriate conceptual framework for such efforts. These commenters generally indicated that the four tier strategy provides appropriate opportunities to identify high-risk discharges. In response, the Agency agrees and is retaining the four tiered set of priorities as discussed in the August 16, 1991 proposal.

Some commenters indicated that they thought EPA and authorized NPDES States should be bound to implementing the tiered priorities consecutively in the order reflected by the four tiers. These commenters indicated that the draft general permits noticed on August 16, 1991 by EPA violated the tiered priority approach because the permits contained some permit conditions which were above a tier I baseline set of pollution prevention measures. EPA disagrees with these comments. The Agency wants to clarify that it only intends the four tiered set of priorities to be used as a general conceptual framework which can be used to describe efforts to issue permits. The strategy for setting storm water permit issuance priorities is not intended to be a set of regulatory requirements binding on EPA, States, or industrial dischargers. Articulating tiered priorities does not legally restrict conditions in permits issued by EPA or authorized NPDES States. Rather all NPDES permits, including permits for storm water discharges associated with industrial activity, must be in compliance with sections 301 and 402 of the CWA. A major purpose of articulating tiered priorities is to assist in identifying and developing appropriate permit conditions for high-risk facilities. Tier I baseline general permits which have some of the characteristics of tier II or III permits are consistent with these objectives.

b. *State Plans.* Some States supported the concept of Plans, but were concerned that scheduling plan development one year after the date of today's rule would hinder the initial development of storm water programs in a number of States. These commenters indicated that the NPDES storm water program would be in its initial stage of implementation and authorized NPDES States would be busy conducting a number of critical activities such as obtaining general permit authority, issuing baseline general permits, and issuing permits for discharges from large and medium municipal separate storm sewer systems. They indicated that these activities could be disrupted if States placed top priority on developing and submitting plans within a year of today's action. EPA agrees with these concerns, and believes that while development of these plans should begin early in the storm water permit issuance process to help guide implementation, draft plans do not need to be prepared for submission until April 3, 1995.

One State stressed that permitting plans were necessary to assure national equitability and prevent economic disincentives in States with progressive storm water management programs. EPA believes that one of its goals in overseeing the development of the NPDES program is to ensure that NPDES permits for storm water discharges reflect the requirements of the CWA in an equitable manner that reflects the technology-based and water quality-based requirements of the CWA. At the same time, the Agency recognizes the need to provide sufficient regulatory flexibility to allow States to make rational and reasonable permitting decisions. For example, today's rule provides permit writers with additional flexibility to target high risk discharges and establish group or facility specific monitoring and reporting requirements in NPDES permits for storm water discharges associated with industrial activity. In addition, permit conditions for most classes of storm water discharges will be established on a case-by-case basis. Nonetheless, the Agency agrees with the commenter that State Storm Water Permitting Plans can provide an important tool to ensure that NPDES storm water programs in different States reflect pollution control requirements consistent with the CWA while maintaining the adequate flexibility necessary to successfully implement the NPDES storm water program.

Several authorized NPDES States did not support the idea of State Storm Water Permitting Plans, but rather indicated that annual EPA/State agreements could be used as a tool for oversight of the NPDES storm water program. In response, the Agency believes that the approach in the Plans is consistent with and can be implemented as a component of annual EPA/State agreements if there is an adequate level of detail and specificity and the State and EPA Region agree on including the elements noted above as part of the annual oversight process. The Agency believes that by publishing a framework for these Plans, it will provide States with notice of necessary Plan elements, provide a nationally consistent approach for evaluating program progress, facilitate technology transfer activities, encourage public participation, and ensure that risks are evaluated ion the context of the entire NPDES storm water program.

In the August 16, 1991 notice, the Agency requested comments on whether the guidelines for Plans should be made requirements that are incorporated into EPA regulations, or remain non-binding recommendations for States. Most of the commenters that responded to this issue urged EPA to make the guidelines for Plans non-binding recommendations for the States. While EPA notes that it may require preparation of such Plans pursuant to Section 402(p)(6) of the CWA, the Agency agrees with the commenters that establishing guidelines for Phase I storm water permitting plans as non-binding recommendations provides an amount of flexibility that is appropriate at this point in the program's development. Therefore, the Agency is clarifying that the guidelines for Phase I Plans and the request to prepare and submit Plans to EPA are non-binding recommendations at this point in time.

B. Minimum Monitoring and Reporting Requirements for Storm Water Discharges

Current NPDES regulations at 40 CFR 122.44(i)(2) provide that all NPDES permits are to establish requirements to report monitoring results with a frequency dependent on the nature and effect of the discharge, but in no case less than once a year. In the August 16, 1991 proposal, EPA requested comment on six major options for modifying 40 CFR 122.44(i)(2) to provide minimum monitoring and reporting requirements specifically addressing storm water discharges associated with industrial activity.

In the August 16, 1991 proposal, the Agency identified a number of factors that it would consider when evaluating this issue:

Difficulties in Sample Collection—Collection of storm water samples may pose a number of potential difficulties. These difficulties include determining when a discharge will occur, safety considerations, the potential for a multiple discharge points at a single facility, the intermittent nature of the event, the limited number of events that occur in some parts of the country, and variability in flow rates.

Variability of Data—The types and concentrations of pollutants in storm water discharges associated with

industrial activity depend on a number of factors, including the nature of industrial activities occurring at the site, the nature of the precipitation event generating the discharge, and the time period from the last storm. Variations in these parameters at a site may result in variation from event to event in the concentrations and types of pollutants in a given discharge.

Types of Permit Conditions—Permits for industrial process discharges and discharges from POTWs traditionally have incorporated numeric and/or toxicity effluent limitations as conditions. Monitoring reports for these discharges provide a direct indication whether the discharge complies with permit conditions. However, it is anticipated that permits for storm water dischargers will contain a variety of types of controls. While numeric or toxicity limitations are expected to be appropriate for some storm water discharges, permits for other storm water discharges are expected to contain requirements to implement best management or pollution prevention practices. In these cases, discharge sampling information may not provide as direct a link to compliance with permit conditions. However, effluent monitoring data can still play an important role in identifying priority facilities, providing information on sources and types of pollutants which can be evaluated when designing or modifying best management or pollution prevention practices, and evaluating the effectiveness of best management practices and pollution prevention measures.

Administrative Burdens on Permitting Agencies—Requiring each facility that discharges storm water associated with industrial activity to submit monitoring data at least annually would result in a significant increase in the number of discharge monitoring reports received by EPA Regions and authorized NPDES States.[7] Receiving annual monitoring reports containing complex technical information from each facility with a storm water discharge associated with industrial activity would require a significant amount of permitting resources dedicated to reviewing and filing these reports.

[7] EPA estimates that if all facilities with storm water discharges associated with industrial activity other than oil and gas facilities and inactive mining operations were required to submit a discharge monitoring report annually, almost 15% of all discharge monitoring reports collected annually under the NPDES program would be for storm water discharges associated with industrial activity.

Focused Permitting Efforts

The long-term permitting strategy discussed earlier in today's notice provides for a flexible, risk-based system for issuing permits and targeting priority discharges. Flexibility has been incorporated into the strategy to facilitate efforts by EPA and authorized NPDES States to identify priority discharges and conduct permit issuance activities which reflect Regional and State priorities. Discharge sampling data from targeted facilities can support the development of priorities and can be used to assist in assessing the achievement of water management goals. As priorities and risks within a State are identified and evaluated, classes of facilities will be targeted for more specific permit issuance activities (tiers II, III and IV of the strategy).

1. Overview of Proposed Options and Comments

In the August 16, 1991 proposal, EPA identified six major options (plus a no change option) for establishing minimum monitoring requirements in NPDES permits for storm water discharges associated with industrial activity. These options only addressed minimum requirements for discharge monitoring in NPDES permits. All options retained authority for NPDES permit authorities to require more stringent monitoring requirements where appropriate. The six options (plus the no change option) were as follows:

No Change Option: Case-by-case monitoring conditions in permits for storm water discharges, with a minimum requirement to report monitoring results at least annually.

Option 1: Case-by-case monitoring conditions in permits for storm water discharges with a minimum requirement to report monitoring results at least twice per permit term.

Option 2: Case-by-case monitoring conditions in permits for storm water discharges with a minimum requirement that facilities conduct annual sampling. Facilities would not be required to report monitoring information unless the information was requested in a permit or by the Director, but would be required to retain information.

Option 3: Case-by-case monitoring conditions in permits for storm water discharges with a minimum requirement that facilities (other than those from oil and gas exploration or production operations and inactive mining operations where a past or present mine operator cannot be identified) conduct annual sampling. Facilities would not be required to report information unless the information was requested in a permit or by the Director, but would be required to retain information. For contaminated storm water discharges from oil and gas exploration or production operations or from inactive mining operations where a past or present mine operator cannot be identified, either case-by-case monitoring conditions in permits for storm water discharges with a minimum requirement of annual sampling (without reporting) or, instead of sampling, a Professional Engineer's (PE) certification attesting that good engineering practices were being employed to meet appropriate permit conditions.

Option 4: Case-by-case monitoring conditions in permits for storm water discharges with a minimum requirement that monitoring reports be submitted at least annually for targeted classes of storm water discharges associated with industrial activity located in the watershed of receiving waters that are sensitive to or impacted by storm water discharges.

Option 5: Case-by-case monitoring conditions in permits for storm water discharges with no minimum requirement to report monitoring results.

Option 6: Case-by-case monitoring conditions in permits for storm water discharges, with a minimum requirement for the first permit for the discharge that monitoring results be reported at least once a year. After a facility has submitted five years of data, monitoring conditions for storm water would be established on a case-by-case basis with no minimum requirement to conduct annual sampling.

In addition, the Agency indicated that it would consider developing a final regulation which combined aspects of several of the articulated options (see August 16, 1991 (56 FR 40957)). The various benefits and concerns with each option were discussed in the August 16, 1991 notice.

The comments received on the options reflected differing opinions regarding the need and use of monitoring in the NPDES storm water program. Some of the comments expressed views on the benefits and drawbacks of different monitoring strategies in different situations. An underlying theme that emerged from the comments was that a number of factors, such as the risk to water quality that different types and classes of storm water discharges associated with industrial activity present, the nature of permit conditions (e.g. such as numeric limitations and best management practices), and the nature of the operation of the facility should be considered when establishing

monitoring conditions in NPDES permits for storm water discharges.

Other commenters suggested that EPA should allow alternatives to monitoring. Some commenters urged the Agency to expand option 3 to allow other classes of facilities in addition to oil and gas operations to obtain a PE certification, to allow facility operators to conduct inspections, or certify compliance with a checklist of pollution prevention measures or best management practices (BMPs) in lieu of sampling. Other commenters suggested that other individuals were as qualified or more qualified than PEs to perform site inspections and that additional flexibility should be provided with regard to the inspection requirement. For example, some commenters indicated that certified construction inspectors were more appropriate for conducting inspections at construction sites than PEs, who might not be familiar with soil and erosion practices or storm water management technologies. Other commenters suggested that site personnel would typically be in the best position to evaluate the implementation of pollution prevention measures and BMPs.

Other comments urged EPA to consider the costs and technical difficulties of sample collection and analysis when establishing minimum monitoring requirements, and encouraged the Agency to consider alternatives to discharge sampling, such as allowing site inspections in lieu of monitoring. In the August 16, 1991 notice, EPA had requested comments on monitoring requirements for inactive mining operations, and some comments specifically addressed this issue.

2. Today's Rule

In response to comments, today's rulemaking adopts an approach that is a combination or hybrid of a number of options identified in the August 16, 1991 proposal, particularly options 3 and 5. The final rule provides for establishing monitoring conditions in NPDES permits for storm water discharges associated with industrial activity on a case-by-case basis. At a minimum, a permit for such a discharge must require the discharger to conduct an annual inspection of the facility site to identify areas contributing to a storm water discharge associated with industrial activity and evaluate whether measures to reduce pollutant loadings identified in a storm water pollution prevention plan are adequate and properly implemented in accordance with the terms of the permit and the plan or whether additional control measures are needed. The discharger must be required to maintain for a period of three years a record summarizing the results of the inspection and a certification that the facility is in compliance with the plan and the permit, or identifying any incidents of non-compliance. Such report and certification must be signed by a corporate official in accordance with 40 CFR 122.22.

Today's rule establishes a minimum requirement for annual inspections for most storm water discharges associated with industrial activity. The Agency believes that a minimum frequency of at least annual inspections is appropriate to ensure evaluation of changing conditions and practices at a site, (especially those caused by wet weather and winter conditions occurring throughout a year) and to ensure adequate implementation of pollution prevention measures on a regular basis. While option 3 of the August 16, 1991 proposal had requested comment on a minimum frequency of every three years for a PE certification for oil and gas operations and certain inactive sites, the Agency believes that providing additional flexibility in who conducts site inspections will sufficiently lower compliance costs in some cases to allow a higher frequency of inspections to be feasible. As discussed below, the Agency is providing additional flexibility in establishing monitoring or inspection requirements for storm water discharges from inactive mining operations. No commenters on the draft general permits in the August 16, 1991 **Federal Register** notice specifically indicated that it would be infeasible to comply with requirements in the draft general permits to conduct annual inspections. The Agency believes that a minimum annual frequency of inspections compensates for less formal requirements with respect to specifying who must conduct the inspection. A minimum annual frequency is also consistent with the minimum requirements for discharges other than storm water to report monitoring information at least annually.

A minimum of an annual inspection or report of monitoring results is not required for storm water discharges associated with industrial activity from inactive mining operations where annual inspections are impracticable. Rather, permits for storm water discharges from inactive mining operations may require certification once every three years by a Registered Professional Engineer that the facility is in compliance with the permit, or provide for alternative requirements. This provision will provide additional flexibility to address inactive mine operations. Mining activities have a somewhat unique history of development and inactive mining sites can be dispersed diffusely in remote, hard to reach locations where employees may typically not be onsite to conduct site evaluations. In addition, the inactive nature of these sites may limit changes to potential for storm water discharges from the site to contain pollutants, thereby warranting less frequent inspections. The Agency anticipates that certification by Professional Engineers may often be appropriate for these sites given the nature of typical controls for these sites, and the limited amount of activity occurring at them. Alternative requirements may be appropriate for storm water discharges from inactive mining operations in some circumstances. For example, storm water discharges from inactive mining operations on Federal lands where an operator cannot be identified present unique circumstances because of the remote nature and high number of sites on large Federally owned areas.

The Agency believes that this rule will provide sufficient flexibility for permit writers to establish monitoring requirements that reflect the potential risk of the discharge and that are appropriately related to the nature of the permit conditions for a discharge. Today's regulatory modification does not preclude discharge sampling and reporting requirements in NPDES permits for storm water discharges associated with industrial activity. While today's rule change provides additional flexibility to establish monitoring requirements, it does not limit the authority of EPA or authorized NPDES States to establish sampling requirements where appropriate based on a consideration of risk or other factors.

The Agency recognizes that different types of permit conditions are appropriate for different types of storm water discharges. Numeric effluent limitations are appropriate for some classes of storm water discharges. End-of-pipe numeric effluent limitations are typically used for some types or classes of storm water discharges associated with industrial activity.[8] Typically, NPDES permits for these classes of discharges will contain numeric effluent limitations, and sampling requirements will be appropriate for these permits.

[8] For example, the Agency has issued numeric effluent limitation guidelines for ten classes of discharges that are composed entirely of storm water or of storm water combined with process water.

However, for many other types of storm water discharges associated with industrial activity, NPDES permits for the discharge will require the implementation of pollution prevention measures and/or BMPs. Where permits require the implementation of pollution prevention measures and/or BMPs, and do not establish numeric effluent limitations, conducting inspections to identify sources of pollution and to evaluate whether the pollution prevention measures and/or BMPs required by the permit are being effectively implemented and are in compliance with the terms of the permit may provide a better indication than discharge sampling of whether a facility is complying with the permit. As a result, the Agency believes that today's rule will also reduce discharge sampling burdens on some industrial facilities with storm water discharge permits that require the implementation of pollution prevention measures and BMPs rather than numeric effluent limitations, while providing more effective and efficient environmental benefits.

Today's rule does not affect the manner in which the NPDES regulations address discharges other than storm water associated with industrial activity. The provisions of 40 CFR 122.44(i)(2) will continue to require that NPDES permits for discharges other than storm water associated with industrial activity establish requirements to report monitoring results with a frequency dependent on the nature and effect of the discharge, but in no case less than once a year. In addition, today's rule does not change the manner in which the NPDES regulations address storm water discharges which are subject to an effluent limitation guideline (e.g. a minimum of annual monitoring is still required for these facilities).

3. Response to Comment

Some commenters questioned the value of sampling data for storm water discharges in certain situations. In response, the Agency believes that, in certain instances, storm water discharge monitoring data will play a number of critical roles in the NPDES program. As discussed above, some permits for storm water discharges associated with industrial activity will establish technology or water quality-based numeric limitations. Discharge monitoring reports will be an important means of assessing compliance with these requirements. Discharge monitoring, including monitoring requirements in permits that do not establish numeric limitations, plays a number of other functions in the permit program.

Discharge monitoring data can be used to assist in the evaluation of the risk of discharges by indicating the types and the concentrations of pollutant parameters in the discharge. Discharge monitoring data can also be used to support the development of future permit conditions and controls, assist in identifying sources of pollutants at a facility, assist in the evaluation of the effectiveness of pollution prevention measures and BMPs, and assist in identifying potential water quality-based impacts. Storm water discharge monitoring data will have an important role, along with other information, in identifying facilities or classes of facilities where tier II, III and IV permit issuance activities are appropriate.

Several commenters offered a number of suggestions for monitoring programs for storm water discharges. In response, EPA generally recognizes that there are a number of innovative and risk-based approaches to developing monitoring strategies for storm water discharges associated with industrial activity. For example, monitoring requirements for storm water discharges associated with industrial activity can be focused on those discharges located in watersheds that are impacted by or sensitive to storm water discharges as proposed in option 4. In order to encourage States to explore efficient, innovative and cost-effective monitoring programs, today's rule provides flexibility to establish different monitoring strategies and does not adopt option 4, although the minimum requirements adopted today do not preclude the use of an option 4 type approach where appropriate. (The same is true for options 1, 2, or 6; EPA or authorized NPDES States retain the flexibility to use these types of approaches on a permit-specific basis). The Agency believes that this approach offers the greatest potential for using permits to generate information on priority storm water discharges that can be used to assist in the development of controls.

Many commenters urged EPA to provide sufficient regulatory flexibility to permit writers to establish discharge sampling and reporting requirements for storm water discharges associated with industrial activity on a case-by-case basis. Many commenters favored establishing discharge sampling requirements in a risk-based manner. A number of these commenters suggested that it was important to sample storm water discharges associated with industrial activity from priority classes of facilities, but that across-the-board monitoring requirements for all facilities with storm water discharges associated with industrial activity may not be an appropriate or cost-effective use of resources. A number of justifications were provided for favoring a flexible approach including: (1) Regulatory flexibility could allow establishing monitoring and reporting requirements in a risk-based manner; (2) some types of facilities may not be significant contributors of pollutants when they were in compliance with pollution prevention measures or plans; (3) in some situations site inspections would be more appropriate than monitoring for determining permit compliance; (4) EPA and authorized NPDES States have limited ability to effectively review data; (5) the potential burdens on small businesses and facilities in arid climates could be significant; (6) there would be difficulties in characterizing storm water discharges with sampling data; and (7) EPA needs to focus on storm water discharges with the highest risk. Some commenters summarized these concerns by indicating that they believed that for some storm water discharges associated with industrial activity, overly broad discharge monitoring requirements could be counterproductive toward the goals of the program, as significant resources would have to be expended collecting and analyzing discharge samples, thereby limiting available resources at some facilities, such as certain small businesses, to implement measures that would result in the removal of pollutants in their storm water discharges. Other commenters raised concerns regarding sampling storm water discharges from specific classes of industries. For example, representatives of the construction industry contended that monitoring storm water from construction sites has limited usefulness due to the changing nature of the activity.

As discussed above, EPA has designed today's rule to address all of these concerns. Since today's rule provides additional flexibility in the NPDES regulatory framework to establish monitoring requirements for storm water discharges associated with industrial activity, the Agency believes that the concerns raised by the commenters, where appropriate, can be addressed during the permit issuance process under the flexible regulatory framework established by today's rule. In particular, the Agency believes that today's rule, which relies on site inspections as minimum requirements, provides a more efficient and cost-effective approach for evaluating the

effectiveness of permit program implementation. The Agency notes that site inspections are typically an integral part of pollution prevention measures and best management practices for storm water discharges associated with industrial activity.[9]

Option 3 of the August 16, 1991 proposal would have provided flexibility when establishing monitoring requirements for storm water discharges from oil and gas exploration or production operations or from inactive mining operations where a past or present mine operator cannot be identified by allowing either a minimum requirement of annual sampling (without reporting) or, instead of sampling, a Professional Engineer's (PE) certification attesting that good engineering practices were being employed to meet appropriate permit conditions. The Agency requested comment on whether the PE certification was appropriate and whether it should be extended to other classes of facilities.

Some commenters suggested that other individuals were as qualified or more qualified than PEs to perform site inspections and that additional flexibility should be provided with regard to the inspection requirement. For example, some commenters indicated that certified construction inspectors were more appropriate for conducting inspections at construction sites than PEs who might not be familiar with soil and erosion practices or storm water management technologies. Other commenters suggested that site personnel would typically be in the best position to evaluate the implementation of pollution prevention measures and BMPs. In response, today's rule provides flexibility to allow site inspections to be conducted by persons other than PEs. While the Agency believes it is appropriate to require PE certifications in certain circumstances, the approach taken with today's rule will provide additional flexibility in developing these requirements.

A number of commenters suggested that PE certifications were appropriate for classes of storm water discharges associated with industrial activity other than those from oil and gas operations. These commenters indicated that such a certification could, in many cases, be less burdensome than discharge monitoring, and that such certifications could provide a closer link to compliance with pollution prevention measures and best management practices. As discussed above, today's rule provides that requirements to conduct annual site inspections can be established as minimum monitoring requirements in permits for storm water discharges. The Agency agrees with these comments to the extent that it is convinced that site inspections can provide an appropriate means for evaluating compliance with pollution prevention measures and best management practices for storm water discharges from different types of facilities. In addition, site inspections can be less burdensome than sampling storm water discharges for some facilities. Requiring annual inspections and reviewing documentation as part of routine compliance inspections or at the time of permit reissuance also makes effective use of the limited resources of permit issuance authorities, by allowing permit issuing agencies more time to focus on issues other than receiving, reviewing and filing monitoring data.

Some commenters indicated that EPA and authorized NPDES States should only require facilities to monitor storm water discharges associated with industrial activity where the permit issuing agencies can evaluate the data. The Agency recognizes that EPA and some authorized NPDES States cannot provide adequate resources to ensure that all discharge monitoring data can be inspected. However, the Agency believes that even where discharge monitoring data is not reviewed on an ongoing basis by a permit issuing authority, the data can still be very useful. Facilities which discharge should review their discharge sampling data to identify sources and types of pollutants in discharges, and to evaluate the effectiveness of pollution prevention measures and BMPs. Where an NPDES permit does not require a discharger to report sampling data, EPA or an authorized NPDES State will typically be able to request the data on a case-by-case basis, or request that the data be submitted for consideration prior to permit reissuance.

Some commenters expressed concerns about minimum monitoring requirements for storm water discharges from inactive mining operations. EPA agrees that in some circumstances, discharge sampling or annual inspections may be particularly burdensome at inactive mining operations, because mining operations often are found in remote areas that are not necessarily supported by infrastructure that allows easy access. In addition, at some inactive mining operations, inspections may not be as integrally related to pollution prevention measures for storm water discharges associated with industrial activity, as pollution prevention measures will not focus on day to day management activities. EPA has modified today's rule accordingly.

A number of commenters addressed the specific monitoring requirements in the draft general permits for storm water discharges associated with industrial activity in the August 16, 1991 notice. The Agency wants to clarify that the amendments to 40 CFR 122.44(i)(2) in today's rule establish minimum monitoring and reporting requirements for NPDES permits for storm water discharges associated with industrial activity. The Agency will respond to comments on the specific monitoring requirements in the draft general permits in the August 16, 1991 notice as part of the fact sheets and/or administrative records for those permits.

C. Application Requirements for General Permits

The provisions of 40 CFR 122.21(a) exclude persons covered by general permits from requirements to submit individual permit applications. Currently, the general permit regulations at 40 CFR 122.28, however, do not address the issue of how a potential permittee is to apply to be covered under a general permit. Rather, conditions for filing an application to be covered by a general permit (typically called a Notice of Intent (NOI)) have been established on a case-by-case basis. NOI requirements established in general permits operate instead of individual permit application requirements for the discharges covered by the general permit.

1. August 16, 1991 Proposal

The August 16, 1991 notice proposed several modifications to the NPDES regulatory framework for general permits. (The proposed changes addressed NPDES general permits for all classes of discharges and sludge disposal, and was not limited to storm water discharges). The proposal addressed procedures for becoming authorized to discharge under a general permit, minimum requirements for NOIs to be covered by a general permit, and deadlines for submitting NOIs.

[9] For example, EPA noticed draft general permits for storm water discharges associated with industrial activity on August 16, 1991 (56 FR 40948) that would require permittees other than construction activities to conduct visual inspections of designated equipment and plant areas for evidence of, or the potential for, pollutants entering the drainage system and to conduct annual site inspections to verify the description of potential pollutant sources and controls that are being implemented in storm water pollution prevention plans (see parts III.C.4.b.(9) and III.C.4.c, (56 FR 40996)). Under the draft general permits, permittees that operate construction activities are required to inspect all erosion controls on the site at least once every seven calendar days (see part III.C.5.b.(5), 56 FR 40999).

2. Today's Rule

Today's rule finalizes modifications to the NPDES regulatory framework for general permits addressing procedures for becoming authorized to discharge under an NPDES general permit, minimum requirements for notices of intent (NOI) to be covered by a general permit, and deadlines for submitting NOIs.

The regulatory framework provided by today's rule requires that, except for in two situations, an NOI must be submitted by a discharger (or treatment works treating domestic sewage) in order to be authorized to discharge (or in the case of a sludge disposal permit, to engage in a sludge use or disposal practice) under an NPDES general permit. The first situation where an NOI will not have to be submitted to authorize discharges under a general permit is where the Director notifies the discharger that its discharge is covered by the permit. The second situation where NOIs are not required under a general permit is where the Director provides in the general permit that a submission of an NOI is not required, where the Director finds that an NOI requirement is inappropriate for that general permit.

In making a decision that an NOI is inappropriate for a general permit, the Director will consider the type of discharge, the expected nature of the discharge, the potential for toxic and conventional pollutants in the discharges, the expected volume of the discharges, other means of identifying discharges covered by the permit, and the estimated number of discharges to be covered by the permit. Also, in making this decision, the Director is required to describe the reasons for not requiring an NOI in the fact sheet of the general permit. Under today's rule, such a finding could only be made for discharges other than discharges from POTWs, combined sewer overflows (CSOs), primary industrial facilities, and storm water discharges associated with industrial activity. The Agency believes that, given the potential environmental significance and NPDES program priorities associated with discharges from POTWs, CSOs, primary industrial facilities, and storm water discharges associated with industrial activity, it is appropriate to require NOIs in all general permits for these discharges.

Today's rule establishes minimum requirements for NOIs in NPDES general permits at 40 CFR 122.28(b)(2)(ii). This provision requires that the contents of the notice of intent be specified in the general permit and shall require the submission of information necessary for adequate program implementation, including at a minimum, the legal name and address of the owner or operator, the facility name and address, type of facility or discharges, and the receiving stream(s). This provision specifies minimum NOI requirements. General permits may require that additional information be reported in NOIs where appropriate.

The NOI provisions of this rule allow the Director to establish alternative notice of intent requirements for general permits for storm water discharges associated with industrial activity from inactive mining, inactive oil and gas operations, or inactive landfills occurring on Federal lands where an operator cannot be identified. The Agency is currently developing general permits for storm water discharges from inactive mines, inactive oil and gas operations and inactive landfills occurring on Federal lands. During the process of developing and issuing these permits, EPA will work with authorized NPDES States to determine appropriate NOI requirements for these permits given the unique nature, distribution, and occurrence of these discharges.

Today's rule also provides that general permits requiring the submittal of NOIs shall specify deadlines for submitting notices of intent and the date(s) when a discharger is authorized to discharge under the permit.

The Agency believes that deadlines for submittal of an NOI are an important part of NOI requirements, and that general permits should state when NOIs must be submitted. In addition, the permit should clarify when a discharge is authorized under the permit. In many cases, the Agency anticipates that general permits will provide that a discharger obtains coverage under the general permit after a specified time period passes after the date of submittal of an NOI. This approach will provide the NPDES authority with an opportunity to review the NOI prior to the authorization of the discharge. In other situations, it may be appropriate for general permits to provide that a discharge is authorized as soon as a complete and timely NOI is received.

The August 16, 1991 notice proposed in 40 CFR 122.28(b)(2)(iii) that unless a general permit provided alternative time periods, an NOI was to be submitted 60 days before the date of intended permit coverage. The final rule amends this paragraph such that no default deadline for submission is specified. Rather, the deadline for NOI submission will be established on a permit-specific basis. Today's rule simply requires that this issue be addressed in the general permit, but leaves the permitting authority this decision of which approach is most appropriate. The approach in the final rule will avoid the confusion that arose with the proposed regulatory language used in the August 16, 1991 notice. Today's rule also requires that NPDES general permits shall specify whether a discharger that has submitted a complete and timely notice of intent to be covered in accordance with the general permit and that is eligible for coverage under the permit, is authorized to discharge either in accordance with the permit upon receipt of the notice of intent by the Director, after a waiting period specified in the general permit, on a date specified in the general permit, or upon receipt of notification of inclusion by the Director. EPA has rewritten the proposed language in 40 CFR 122.28(b)(2)(iv) to make this provision clearer, but has not changed its intent. The Agency believes that the approach taken in the final rule retains the flexibility of the proposal while accomplishing the same purpose.

The Agency is finalizing this regulatory framework for NOIs with NPDES general permits to encourage the use of general permits, to provide for more consistent NOI requirements, and to ensure that dischargers covered by general permits provide appropriate information. Further, the Agency believes that today's regulatory framework provides a regulatory framework that is consistent with existing practices of EPA and authorized NPDES States.

3. Response to Comments

Most commenters addressing the proposed framework for NOIs supported the concept as a useful tool for the NPDES program. Some of these commenters urged EPA to use NOIs as a tool to minimize burdens on the authority issuing permits and reduce costs relative to submitting individual permit applications. Commenters indicated that an additional reason for using NOIs was to assist in clarifying whether a facility was covered by a given general permit.

The Agency agrees with these comments. NOIs serve a number of functions. NOI requirements in general permits can establish a clear accounting of the number of permittees covered by the general permit, the nature of operations at the facility generating the discharge, and their identity, location and receiving waters. NOIs can be used to develop a data base of facility-specific information. NOIs can be used as a screening tool to identify discharges where individual permits are

appropriate. For example, the identification of discharges to receiving waters with impaired water quality can be used to target facilities for priority permitting efforts. Also, the NOI can be used to identify classes of discharges appropriate for more specific general permits covering a more limited set of discharges. The NOI can provide information needed by the Director to notify dischargers that a more specific general permit was issued. The NOI also can identify the permittee to provide a basis to develop and implement enforcement and compliance monitoring strategies and priorities. In addition, the administrative burdens on the permitting issuing agency and the costs to dischargers can be reduced by replacing more complicated permit application requirements with simplified requirements.

One State commented that EPA should not mandate by regulation the information required in an NOI, which it believed should be left to the State or EPA Region issuing a general permit. In response, the Agency believes that today's regulatory framework provides sufficient flexibility for developing NOI requirements, and that the minimum information requirements of today's rule represent essential information necessary for meeting the program objectives outlined above. Under today's rule, the minimum requirements for NOIs include the legal name of the owner or operator and the facility name and address. EPA believes that this information is essential to identify the location of the facility for compliance purposes and to provide mailing addresses necessary to conduct any correspondence. The minimum NOI requirements also include a description of the type of facility or dischargers. This description is necessary to provide information to screen whether the discharge is eligible for coverage under the general permit and to allow the permit writer to begin to identify priority discharges. Finally, the minimum NOI requirements include the receiving stream(s). This information is necessary to adequately identify the discharges to impaired receiving waters where water quality-based permits are necessary.

Some commenters indicated that they believed that all discharges should be required to submit an NOI. Various reasons were provided to support this approach, including that the NPDES authority needed to know of all facilities that discharged storm water to a given water body, and that dischargers should not be required to comply with a permit unless they submit a notification. In response, the Agency believes that most general permits will require the submittal of NOI. However, there may be some situations where it may be more appropriate to have the Director notify dischargers that they are covered by a general permit or that NOI requirements are otherwise not appropriate.

For example, issuing a general permit without NOI requirements may be an appropriate way for EPA and authorized NPDES States to minimize administrative burdens and compliance costs in permits for small discharges which have been determined to have minimal or no impacts on receiving waters. Today's regulation provide some flexibility to address these situations.

In the August 16, 1991 notice, EPA requested comment on whether it is appropriate to require NOIs for the large number of contaminated storm water discharges associated with industrial activity from oil and gas exploration and production operations. Most commenters on this issue indicated that they thought NOIs should be required in general permits for storm water discharges from oil and gas operations. One State commented that it believed that it would be inappropriate to exclude a class of discharges from the requirements to submit an NOI unless there is an alternative method that can and will be used to track these discharges. A different commenter indicated that oil and gas operations were adequately monitored through the Spill Prevention Control and Countermeasure (SPCC) program and that NOIs for NPDES general permits would not be necessary. A number of the commenters expressed confusion over the relationship between this provision and section 402(1)(2) of the CWA[10], and suggested that requiring NOIs in NPDES permits for storm water discharges from oil and gas operations would minimize this confusion.

After evaluation of the comments, EPA believes, that except for the situation of inactive oil and gas operations on Federal lands discussed below, it is not appropriate to exclude contaminated storm water discharges associated with industrial activity from oil and gas exploration and production operations from the minimum NOI requirements, and therefore today's rule does not treat storm water discharges associated with industrial activity from oil and gas operations differently than other storm water discharges associated with industrial activity in this regard. As a result, today's rule does not contain a specific reference to storm water discharges from oil and gas operations. The Agency believes that NOI requirements in general permits for storm water discharges from oil and gas operation will provide for a clear tracking mechanism that is currently unavailable under the SPCC program [11]. In addition, as was pointed out by commenters, the NOI process can be used to identify facilities with contaminated runoff, and therefore minimize confusion with respect to the provisions of section 402(1)(2) of the CWA.

One commenter requested clarification on the procedures that would be followed to ensure that permits requiring Director notification instead of facility submission of an NOI are in compliance with the procedural requirements of the CWA and the NPDES regulations. The Agency does not believe that today's rule conflicts with the NPDES regulations or the CWA. The Agency believes that the existing NPDES regulations provide for adequate public notice and public comment opportunities when general permits are issued. (See 40 CFR 124.10,

[10] Section 402(1)(2) of the CWA provides that NPDES permits shall not be required for storm water runoff from mining operations or oil and gas exploration, production, processing or treatment operations or transmission facilities, composed entirely of flows which are from conveyances or systems of conveyances (including but not limited to pipes, conduits, ditches, and channels) used for collecting and conveying precipitation runoff and which are not contaminated by contact with or that has not come into contact with, any overburden, raw material, intermediate products, finished product, byproduct or waste products located on the site of such operation. EPA published permit application regulations consistent with section 402(1)(2) on November 16, 1990 (55 FR 480030). These regulations require permit applications for discharges composed entirely of storm water associated with industrial activity from oil or gas exploration, production, processing, or treatment operations, or transmission facilities only when a discharge of storm waters results in a discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 117.21, 40 CFR 302.6, or 40 CFR 110.6 at anytime since November 16, 1987, or the discharge contributes to a violation of a water quality standard. (see 40 CFR 122.26(c)(1)(iii)). Permit applications are not required for a discharge composed entirely of storm water from a mining operation unless the discharge comes into contact with any overburden, raw material, intermediate products, finished product, byproduct, or waste products located on the site of such operations.

[11] EPA requested comment on using information collected under the SPCC program to track storm water discharges. However, this approach has a number of limitations, including that the SPCC program currently does not require facilities subject to SPCC requirements to submit notifications. In addition, many facilities subject to the SPCC program are not subject to the NPDES storm water program either because they do not have a storm water discharge to waters of the United States or because they are not activities that are addressed by the regulatory definition of storm water discharge associated with industrial activity at 40 CFR 122.26(b)(14) (e.g., certain pipelines).

124.11, and 124.57.) The Agency wants to point out that the NPDES regulations require certain opportunities for the public to comment during the permit issuance process, and provide for permit appeal after the permit is issued. In addition, 40 CFR 122.28(b)(2)(iii) provides that for EPA issued permits, any owner or operator authorized by a general permit may request to be excluded from the coverage of the general permit by applying for an individual permit.

One commenter requested clarification on the type of notification that must be provided by the Director to a discharger where the discharger is not required to submit an NOI. In response, the Agency believes that in most cases, the Director will notify dischargers of coverage in writing.

One commenter requested clarification on whether a discharger that is not required to submit an NOI, but rather is notified by a Director, will be subject to permit fees. The Agency wants to clarify that this rulemaking does not address permit fees.

One commenter, while supporting the requirement that an NOI be submitted, indicated that EPA could reduce its paperwork load by issuing general permits for storm water discharges from construction sites that required dischargers to notify municipalities instead of the NPDES permit authority. EPA disagrees with this approach. Submitting NOIs to municipalities but not requiring that an NOI be submitted to the Director may not assure that EPA or authorized NPDES States receive adequate information to effectively implement the NPDES program for these discharges.

In the August 16, 1991 notice, EPA proposed that general permits for storm water discharges associated with industrial activity from inactive mining, inactive oil and gas operations occurring on Federal lands where an operator cannot be identified may contain alternative notice of intent requirements. A federal land management agency commented that inactive landfills on Federal lands are in some ways analogous to inactive mines and inactive oil and gas operations and should be treated similarly. EPA agrees with this comment and accordingly today's rule allows alternative notice of intent requirements in general permits for storm water discharges associated with industrial activity from inactive landfills on Federal lands.

One State urged EPA not to refer to NOIs as permit applications. They were concerned that calling NOIs permit applications would trigger certain public notice requirements under State law. They further argued that the purpose of NOIs are significantly different than permit applications, and that the cited State law provision should not apply. In response, EPA recognizes the differences between the purpose of a notice of intent and an individual permit application. Individual permit applications contain a significant amount of site-specific information that is typically used for the development of individual permit conditions. NOIs typically contain only general information and are used for screening and compliance purposes rather than for the development of permit conditions. However, the distinction between individual applications and NOIs as they relate to public notice requirements in various State laws is a question of interpretation of those State laws which EPA does not attempt to answer in this notice. EPA notes however, that it considers submission of an NOI to constitute a permit application for purposes of federal regulatory provisions which provide that a timely reapplication of a federal permit or license continues the effectiveness of the existing permit pending action by the Director. (See 40 CFR 122.6).

In the preamble to the August 16, 1991 notice, EPA discussed public accessibility to lists of NOIs, but did not publish proposed regulatory language addressing this issue. EPA does not intend to address this issue in this rulemaking, but will be addressing the issue in future rulemakings.

D. Deadline for Part 2 of Group Applications.

1. November 5, 1991 Proposal

On November 5, 1991, (56 FR 56555), EPA requested comments on extending the deadline for submitting part 2 of the group application from May 18, 1992 to October 1, 1992. In the November 5, 1991 notice, the Agency indicated that this extension would provide an appropriate opportunity to conduct sampling to support the Part 2 application and would allow for permit issuing agencies to issue general permits.

2. Today's Rule

EPA received over 60 comments on the November 5, 1991 proposal. After careful consideration of these comments, the Agency is extending the deadline for submitting part 2 of the group applications for storm water discharges associated with industrial activity from May 18, 1992 to October 1, 1992 as proposed.

EPA is granting this extension to provide an appropriate opportunity to conduct sampling to support the part 2 application. This regulatory modification will provide a more equitable framework for submitting permit applications for storm water discharges associated with industrial activity. It will also allow for permit issuing agencies to issue general permits prior to the completion of the group application process.

3. Response to Comments

All of the comments received on the November 5, 1991 proposal to extend the regulatory deadline for submitting part 2 of the group application supported an extension. A number of reasons were provided to justify the extension, including the difficulty associated with sampling storm water discharges from facilities located in arid and northern regions during winter months, the need for time to allow for the preparation of guidance documents, training personnel in sampling techniques, and conducting analytical work. A number of commenters supported October 1, 1992 as the deadline for part 2 of the group application. In general, these commenters expressed their belief that the deadlines for submitting part 2 of the group application and individual permit applications for storm water discharges associated with industrial activity should be the same. A number of reasons were given for supporting this approach, including, that this would be the most equitable approach, the regulated community would have a clearer choice of application options, and one deadline would limit confusion. EPA agrees with these concerns, and as is discussed above, is extending the deadline for submitting part 2 of the group application from May 18, 1992 to October 1, 1992.

Some commenters favored extending the deadline for submitting part 2 of the group application beyond October 1, 1992. Some of these commenters suggested that part 2 of the group application should not be required until general permits for storm water discharges associated with industrial activity were issued. These commenters indicated that this approach would ensure that dischargers would have three options for applying for a permit, (e.g. participating in a group application, submitting an individual application, or submitting an NOI to be covered under a general permit). This would allow dischargers to select the most cost-effective approach allowable under the NPDES regulatory framework. Other commenters suggested that participants in a group should be given one complete year from the date after the group

receives notice of approval of the part 1 application.

EPA notes that the extension to October 1, 1992 provides authorized NPDES States with additional time to issue general permits for storm water discharges associated with industrial activity. On August 16, 1991, (56 FR 40948), EPA published a proposal requesting public comment on draft general permits for storm water discharges associated with industrial activity in States and territories without authorized NPDES programs.[12] The Agency intends to make every effort to issue these general permits in the spring of 1992.

However, EPA has decided against basing the deadline for submitting part 2 of the group applications on the date that general permits are issued by individual States because of the potential confusion and uncertainty that would arise. Although the Agency proposed draft general permits for storm water discharges in States without authorized State NPDES programs in one notice, it may not finalize all of these permits on the same date. The Agency expects that various region-specific, State-specific, or industrial category-specific issues may take different amounts of time to address. It should also be noted that the August 16, 1991 proposal does not address general permits in authorized NPDES States. Each authorized NPDES State that will issue general permits for storm water discharges associated with industrial activity will have to go through the procedures for issuing general permits of that State. Different permit issuance procedures, along with other factors, will result in these permits being issued at different times. All of these factors indicate that a tremendous amount of uncertainty and confusion would result if EPA attempted to tie regulatory deadlines for submitting permit applications to the dates when general permits are issued for particular States. This is particularly important to the group application process where facilities from many different States may be in the same group.

In addition, the Agency anticipates that there will be situations where the permitting authority determines that general permits are inappropriate for a given class of storm water discharges. Additional confusion would arise in these situations if application deadlines were tied to the dates of general permit issuance. The Agency is also concerned that unacceptable delays may result under this approach in States where the issuance of a general permit is delayed.

EPA also disagrees with the suggestion that the deadlines for submitting part 2 of the application should be based on the date on which a part 1 application is accepted. EPA believes that establishing a fixed deadline of October 1, 1992 for part 2 of the group application is warranted for the same reasons that the Agency articulated above and in the proposal. This approach provides an equitable deadline for these facilities, reduces confusion and uncertainty in the regulated community, and provides sufficient time to complete the sampling necessary to obtain quantitative data.

E. Clarification for Part 2 of Group Applications

The November 16, 1990 regulations established procedures for group applications for storm water discharges associated with industrial activity. The group application process allows for facilities with similar storm water discharges to file a single two part permit application. Part 1 of a group application includes a list of the facilities applying, a narrative description summarizing the industrial activities of participants of the group, a list of significant materials exposed to precipitation that are stored by participants and material management practices employed to diminish contact of these materials by precipitation (see 40 CFR 122.26(c)(2)(i)). In addition, the part 1 application must identify the group participants that will submit quantitative data (sampling data) in part 2 of the group application. These participants must be representative of the group.

In part 2 of the group application, the subset of facilities identified in the Part 1 application must submit quantitative data. The provisions of 40 CFR 122.26(c)(2)(ii) establish a minimum criteria for identifying facilities from which sampling data must be submitted. EPA had proposed that, in general, groups submit data from at least 10 percent of the facilities in the group, with a minimum of 10 facilities submitting data (December 7, 1988 (53 FR 49435)). In the final rule, EPA allowed groups of 4 to 10 members to apply if 50 percent of the facilities submitted data (November 16, 1990 (55 FR 48067)).

During the group application process, the regulated community exhibited some confusion regarding the minimum number of facilities that must submit sampling data for groups with 11 to 99 members. For groups with 11 to 99 members, some groups have interpreted the language in the November 16, 1990 regulations to require 10 percent of the facilities to submit sampling data, while other groups have interpreted the language to require a minimum of 10 facilities to submit sampling data.

In today's action, EPA wants to clarify that for groups with 20 or fewer members, at least 50 percent of the dischargers participating in the group must submit quantitative data. For example, at least nine facilities must submit quantitative data if a group is composed of 17 members. For groups with 21 to 99 members, at least 10 dischargers participating in the group must submit quantitative data. For example, at least ten facilities must submit quantitative data if a group is composed of 25 members. For groups with 100 to 1,000 members, at least 10 percent of the dischargers participating in the group must submit quantitative data. For groups with more than 1,000 members, no more than 100 dischargers participating in the group must submit quantitative data.

For groups with more than 10 members, either a minimum of two dischargers from each precipitation zone indicated in appendix E of 40 CFR part 122 in which ten or more members of the group are located, or one discharger from each precipitation zone indicated in appendix E of 40 CFR part 122 in which nine or fewer members of the group are located, must be identified to submit quantitative data. For groups of 4 to 10 members, at least one facility in each precipitation zone in which members of the group are located must submit data. EPA has made a correction to the group application requirements to reflect the above, which represents EPA's original intent in the November 16, 1990 rule.

F. Transportation Act Deadlines

Section 1068 of the Transportation Act addresses permit application deadlines for storm water discharges associated with industrial activity that are owned or operated by municipalities. Today's rule codifies three changes to existing regulatory deadlines to reflect the new provisions of section 1068. The first two modifications address individual application deadlines, and the third addresses group application deadlines.

[12] The notice addresses draft general permits in 12 States (MA, ME, NH, FL, LA, TX, OK, NM, SD, AZ, AK, ID), and six Territories (District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands) without authorized NPDES State programs; on Indian lands in AL, CA, GA, KY, MI, MN, MS, MT, NC, ND, NY, NV, SC, TN, UT, WI, and WY; located within federal facilities and Indian lands in CO and WA; and located within federal facilities in Delaware.

The deadlines for submitting individual permit applications for storm water discharges associated with industrial activity that are owned or operated by municipalities are consistent with the October 1, 1992 regulatory deadline that EPA established on November 5, 1991 (56 FR 56548) with two exceptions:

(1) Municipal facilities that have been identified in a part 1 group application that has been submitted in a timely manner where either the group application is denied or the particular facility is rejected from the group, are not required to submit an individual application until the 180th day following the date on which the denial or rejection is made; and

(2) Facilities owned or operated by a municipality with a population of less than 100,000 other than an airport, powerplant, or uncontrolled sanitary landfill are not required to submit a permit application at this time unless a permit is required under either section 402(p)(2) (A) or (E) of the CWA.

With regard to facilities that are either part of a group that has been denied or which are individually rejected from a group, today's rule codifies alternative deadlines for storm water discharges associated with industrial activity from facilities that are owned or operated by a municipality and that are rejected as members of a part 1 group application. Such dischargers shall submit an individual application no later than 180 days after the date of receipt of the notice of rejection or October 1, 1992, whichever is later.

With respect to facilities owned or operated by municipalities with a population of 100,000 or less, EPA believes that Congress intended this language to place all of their storm water discharges (except for those from airports, powerplants and uncontrolled sanitary landfills) into Phase II of the storm water program.

Today's rule also codifies the Transportation Act's alternative deadlines for group applications for storm water discharges associated with industrial activities that are owned or operated by municipalities with a population of less than 250,000. Reflecting the new provisions of Section 1068 of the Transportation Act, the group application deadlines for these facilities are now May 18, 1992 for part 1 applications and May 17, 1993 for part 2 applications.

EPA also wants to clarify that the Transportation Act did not affect any of the regulatory application deadlines for storm water discharges associated with industrial activity from facilities that are either not owned or operated by a municipality or that are owned or operated by a municipality with a population of 250,000 or more. The legislative history for the Transportation Act clarified that "nothing in the conference report affects most of the dates for submitting stormwater permit applications established in EPA's recent rulemaking published in the **Federal Register** on November 5, 1991. * * * The conference report, while silent on the deadlines for these privately owned industries, is not intended to override the dates established in EPA's rulemaking action." (Vol. 137 Cong. Rec. H11509 (daily ed. November 26, 1991), Rep. Hammerschmidt). Thus, the permit application deadlines for storm water discharges associated with industrial activity from privately owned and operated facilities, including those that discharge through a municipal separate storm sewer to waters of the United States, are not changed by today's rule with the exception of the part 2 application deadlines discussed elsewhere in today's notice. Also, where a facility is privately owned and operated, but has a service contract with a municipality, the facility is not considered to be "municipally operated". For example, a privately owned and operated landfill that receives municipal waste pursuant to a contract with a municipality or some other form of reimbursement from a municipality can not avail itself of the application deadline extensions in the Transportation Act, which apply only to facilities owned or operated by municipal governments.

As outlined above, section 1068 of the Transportation Act contains special provisions for municipalities with a population of less than 100,000. Section 1068(c) of the Transportation Act defines two classes of industrial facilities that are owned or operated by municipalities with a population of less than 100,000. The first group of facilities is comprised of airports, powerplants, and uncontrolled sanitary landfills that are owned or operated by a municipality with a population of less than 100,000. It is clear that Congress did not intend in section 1068(c) to change the existing individual application deadlines for these discharges. Group application requirements for storm water discharges associated with industrial activity from these facilities are addressed by section 1068(b) of the Transportation Bill. As discussed above, the group application deadlines for these facilities are May 18, 1992 for Part 1 applicaitons and May 17, 1993 for part 2 applications.

The second group is comprised of facilities with storm water discharges associated with industrial activity other than airports, powerplants or uncontrolled sanitary landfills that are owned or operated by municipalities with a population of less than 100,000. Section 1068(c) provides that EPA shall not require this second group of industrial facilities to apply for or obtain a permit before October 1, 1992, unless a permit is required under either section 402(p)(2) (A) or (E) of the CWA.

With respect to this second group of facilities, today's rule reserves the regulatory deadlines for storm water applications. The Agency intends to address these facilities in a manner that is similar to other storm water discharges addressed by section 402(p)(1) or the CWA.[13] Currently, the Agency intends to evaluate storm water discharges associated with industrial activity that are owned or operated by a municipality with a population of less than 100,000 (except for those from powerplants, uncontrolled sanitary landfills and airports) along with other storm water discharges addressed by section 402(p)(1) in two studies required under section 402(p)(5) of the CWA. These studies will be used to support the development of regulations under section 402(p)(6).[14] It is clear from the legislative history of the Transportation Act that Congress intended to address these discharges in this manner, i.e., as discharges subject to the permit moratorium of section 402(p)(1) of the CWA. "EPA defined industrial activity in such a way as to require many cities with a population under 100,000 to make application for stormwater prmits, notwithstanding the moratorium on permit requirements that the Congress thought it was puting in place * * * This legislation will clarify that small cities need not apply for permits associated with some of the industrial facilities they own or operate until October 1, 1992, [the] date for the general moratorium on their permit requirements." (Vol. 137 Cong. Rec. S18596 (daily ed. November 27, 1991), Sen. Chafee). "[M]unicipalities with populations of less than 100,000 would

[13] Section 402(p)(1) of the CWA creates a moratorium on issuing NPDES permits until October 1, 1992 for storm water discharges that are not identified in section 402(p)(2) of the CWA.

[14] Section 402(p)(6) of the CWA requires EPA, in consultation with State and local officials, is required to issue regulations by no later than October 1, 1992, which designate additional storm water discharges to be regulated to protect water quality and establish a comprehensive program to regulate such designated sources. This program must establish, at a minimum, (A) priorities, (B) requirements for State Storm Water Management Programs, and (C) expeditious deadlines. The program may include performance standards, guidelines, guidance, and management practices and treatment requirements as appropriate.

not be required to apply for permits for stormwater discharges associated with industrial activities except for power plants, uncontrolled sanitary landfills, and airports." (Vol. 137 Cong. Rec. H11509 (daily ed. November 26, 1991), Rep. Hammerschmidt).

1. Determining the Population of Municipalities

The Transportation Act establishes phased requirements for NPDES permits for storm water discharges associated with industrial activity from facilities that are owned or operated by municipalities with specified populations. However, the Transportation Act uses a different classification scheme than is used in section 402(p) of the CWA to define classes of municipal separate storm sewer systems. Under section 402(p) of the CWA, municipal separate storm sewer systems are classified on the basis of population served by the system. Under the Transportation Act, the population used for classifying industrial operations owned or operated by municipalities is the population of the municipality. This distinction is important because a number of municipal entities with a population of 100,000 or more are not addressed by the regulatory definitions of large and medium municipal separate storm sewer systems.

40 CFR 122.26(b)(4) and (7) specifically identify 173 cities and 47 counties as having large or medium municipal separate storm sewer systems (e.g. systems serving a population of 100,000 or more).[15] While these definitions identify all incorporated cities with a population of 100,000 or more, they only specifically identify 47 of the 447 counties with a population of 100,000 or more based on the 1990 Census.[16] In addition, other types of municipal entities which may own or operate storm water discharges associated with industrial activity are not specifically addressed by the regulatory definition of large and medium municipal separate storm sewer systems. Examples include: sanitary sewer districts, flood control districts, and unincorporated towns and townships.

In providing phased requirements for different storm water discharges associated with industrial activity that are owned or operated by municipalities, EPA believes that a primary concern of Congress was the economic burdens placed on municipalities with a smaller population base over which to spread costs. In general, when determining the population of a municipal entity, EPA will look at the general population or service population of the municipal entity.

For the purpose of today's rule, the 1990 Census will be used to determine the population of counties. Service populations will be used to determine the population of sewage treatment districts which operate publicly owned treatment works (POTWs). Where one sewer district operates a number of plants, the entire service population of the district will be used to determine the applicable population classification of all of the treatment works operated by the district.[17] Populations within service districts will be used to determine the populations of flood control districts and other municipal entities with service populations. The State population will be used to determine the population of State DOTs.[18] Where an industrial facility is owned or operated by more than one municipality, then EPA intends to use the combined populations of the appropriate municipalities in determining population thresholds.

EPA believes that the distinction between the population of a municipality and the population served by a municipal separate storm sewer system is appropriate and was intended by Congress. In the November 16, 1990 rulemaking, EPA noted inter-jurisdiction complexities associated with municipal governments developing controls for storm water into such large and medium systems played a role in defining the regulatory terms large and medium municipal separate storm sewer systems. However, such concerns do not appear to be as evident with industrial facilities that are owned or operated by municipal entities.

2. Uncontrolled Sanitary Landfills

Section 1068(c) of the Transportation Act provides that facilities owned or operated by a municipality with a population of less than 100,000 other than an airport, powerplant, or uncontrolled sanitary landfill are not required to apply for permit applications at this time unless a permit is required under either section 402(p)(2) (A) or (E) of the CWA.

Section 1068(d) of the Transportation Act defines the term "uncontrolled sanitary landfill" to mean a landfill or open dump, whether in operation or closed, that does not meet the requirements for runon and runoff controls established pursuant to subtitle D of the Solid Waste Disposal Act. Today's action codifies this definition at 40 CFR 122.26(b)(15).

On October 9, 1991, (56 FR 50978), EPA published criteria for solid waste disposal facilities, including municipal solid waste landfills (MSWLFs), pursuant to subtitle D of the Solid Waste Disposal Act. Several provisions of these regulations specifically address runon and runoff from the active portions of regulated units. Owners or operators of all MSWLF units are required under 40 CFR 258.25 to design, construct and maintain a runon control system to prevent flow onto the active portion of the MSWLF unit during the peak discharge from a 25-year storm. In addition, all MSWLF units are required to design, construct, and maintain a run-off control system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour, 25-year storm. Runoff from the active portion of the unit must be handled in accordance with the surface water requirements of 40 CFR 258.27(a), which provides that all MSWLF units must be operated in compliance with NPDES requirements.[19] Any discharges of a nonpoint source of polution from an MSWLF unit into waters of the United States must also be in conformance with any established water quality management plan developed under the CWA. The

[15] See appendices F, G, H, and I to 40 CFR part 122.

[16] The regulatory definitions of large and medium municipal separate storm sewer systems only specifically identify counties with a population of 100,000 in unincorporated, urbanized areas of the county.

[17] For example, if a district with a cummulative service population of 350,000 operates two sewage treatment plants, one of which serves 300,000, and the other which serves 50,000, both plants will be considered to be a facility that is owned or operated by a municipality with a population of 250,000 or more.

[18] Under this approach, EPA would base the population of facilities operated by a State DOT on the entire State population rather than the population of the local government entity with land use authority (e.g. city, town, township, county) in which the facility is physically located. EPA believes that this approach is appropriate because the State DOT facility will typically be operated fairly independently of the local government entity with land use authority and the major revenue sources of the State DOT are State-wide (such as gasoline taxes).

[19] The October 9, 1991 rule clarified that the subtitle D requirements call for the collection and control of runoff from the active portion of MSWLF units, but do not require that the collected runoff be sampled or treated. This was because when the notice was issued, EPA was in the process of implementing NPDES requirements for storm water discharges associated with industrial activity from landfills. In the October 9, 1991 notice EPA explained that the NPDES permit under the CWA would be the appropriate mechanism for ensuring that point source discharges of runoff from MSWLFs are protective of human health and the environment (see October 9, 1991, (56 FR 51054)).

effective date for these requirements are October 9, 1993.

Operators of landfills that are owned or operated by a municipality with a population of less than 100,000 with a storm water discharge associated with industrial activity [20] that are 'uncontrolled' must submit an NPDES permit application for their discharge, or obtain coverage under an appropriate general permit.

EPA remains concerned about the risks to surface water quality posed by landfills.[21] The Agency wants to clarify that storm water discharges from landfills that are owned or operated by a municipality with a population of less than 100,000 can still be required to obtain an NPDES permit even where they are in compliance with subtitle D requirements where they are designated under section 402(p)(2)(E) of the CWA as needing an NPDES permit because they are significant contributors of pollutants to waters of the United States or they contribute to a violation of a water quality standard.

III. Economic Impact

EPA has prepared an Information Collection Request (ICR) for the purpose of estimating the information collection burden imposed on Federal, State and local governments and industry by today's revisions to requirements to submit annual monitoring reports, minimum notice of intent (NOI) requirements for NPDES general permits, and for States to submit State Storm Water Permitting Plans.

EPA estimates that the total annual cost of complying with the revised monitoring reporting requirements for storm water discharges is $12,756,146. The Agency estimates that today's rule results in a annual reduction in costs to the regulated community of $8,973,526 over the prior regulatory requirement. EPA estimates that the annual costs of complying with NOI submissions required by NPDES permits to be $282,348. However, EPA believes that today's rule will not increase the existing burdens of complying with NOI requirements.

EPA estimates that the annual costs to State governments and EPA of reviewing monitoring reports for storm water discharges is $136,156. The Agency estimates that the annual costs to States and EPA of reviewing NOIs is $210,919. However, EPA believes that today's rule will not increase the existing burdens of reviewing NOIs. EPA estimates the total annual costs of preparing and reviewing State Storm Water Permitting Plans to $351,846.

IV. Executive Order 12291

Executive Order 12291 requires EPA and other agencies to perform regulatory analyses of major regulations. Major regulations are those which impose a cost on the economy of $100 million or more annually or have certain other economic impacts. Today's regulatory amendments generally make the NPDES permit applications more flexible and less burdensome for the regulated community. These regulations do not satisfy any of the criteria specified in section 1(b) of the Executive Order and, as such, do not constitute a major rule. This regulation was submitted to the Office of Management and Budget (OMB) for review.

V. Paperwork Reduction Act

The information requirements in this rule have been approved by the Office of Management and Budget (OMB) under provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and have been assigned OMB Control number 2040–0004.

Public reporting burden for this collection of information is estimated to average 17.46 hours per response, an increase of 1.50 hours. This includes time for reviewing instructions, searching existing data sources, gathering the data needed, and completing and reviewing the collection of information. The 17.46 figure is an average for all dischargers under the NPDES program, including POTWs, industrial process, and stormwater dischargers. For storm water dischargers, the average burden per response will decrease by 3.8 hours per repondent.

Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch, PM–223Y, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, marked "Attention: Desk Officer for EPA."

VI. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA is required to prepare a Regulatory Flexibility Analysis to assess the impact of rules on small entities. No Regulatory Flexibility Analysis is required, however, where the head of the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities.

Today's amendments to the regulations would generally make the NPDES regulations more flexible and less burdensome for permittees. Accordingly, I hereby certify, pursuant to 5 U.S.C. 605(b), that these amendments will not have a significant impact on a substantial number of small entities.

VII. APA Requirements

The amendments to permit application deadlines for storm water discharges associated with industrial activity from facilities owned or operated by municipalities are being adopted without notice and comment. As they merely codify the provisions of section 1068 of the Intermodal Surface Transportation Efficiency Act of 1991, they constitute interpretive rules for which notice and comment is not required. EPA requested comment on the issue of the minimum number of facilities that must submit sampling data in a group application in a December 7, 1988 notice (53 FR 49416). Additional notice and comment is not required for the clarification to the group application regulations made in today's rule because the Agency has already taken comments on this issue and today's action only clarifies the approach that was intended by the November 16, 1990 rule.

List of Subjects in 40 CFR Part 122

Administrative practice and procedure, Environmental protection, Reporting and record keeping

---

[20] The existing landfill criteria in part 257 address all landfills except those covered by the revised criteria in part 258; which address municipal landfills which receive household hazardous wastes or hazardous wastes from small quantity generators. By contrast, the NPDES regulatory definition of "storm water discharge associated with industrial activity" addresses landfills that receive or have received any industrial wastes (wastes received from any of the other classes of facilities addressed by the regulatory definition of storm water discharges associated with industrial activity) (see 40 CFR 122.26(b)(14)).

[21] Surface water impacts associated with solid waste landfills are well characterized. In the August 30, 1988 (53 FR 33317) NPRM addressing solid waste disposal facility criteria under RCRA subtitle D, EPA noted that state inspection data, case study evidence, risk characterization studies, and the current limited use of design controls indicate that some solid waste landfills have degraded surface water quality and that this degradation could continue. Older landfils are of most concern because they may have received large volumes of hazardous waste and, in general, their use of design controls was very limited. States reported that of the 1,100 municipal solid waste landfills which monitored discharges to surface water, 660 were cited for surface water impacts. EPA believes that newer and future solid waste landfills may present lower risks because subtitle C regulations keep most hazardous waste out of solid waste landfills. In addition, design controls for solid waste landfills have improved, and are expected to continue to improve with the implementation of subtitle D requirements (see October 9, 1991 (56 FR 50981)).

requirements, Water pollution control, General permits, Storm water.

Authority: Clean Water Act, 33 U.S.C. 1251 *et seq.*

Dated: March 23, 1992.

William K. Reilly,

Administrator.

For the reasons stated in the preamble, title 40 of the Code of Regulations is amended as follows:

PART 122—EPA ADMINISTERED PERMIT PROGRAMS; THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

1. The authority citation for part 122 continues to read as follows:

Authority: Clean Water Act, 33 U.S.C. 1251 et seq.

Subpart B—Permit Application and Special NPDES Program Requirements

§ 122.26 [Amended]

2. Section 122.26 is amended by adding paragraph (b)(15), and revising paragraphs (c)(2)(i)(D), (e)(1), (e)(2)(i), (e)(2)(iii) and (e)(2)(iv) to read as follows:

§ 122.26 Storm water discharges (applicable to State NPDES programs, see § 123.25).

* * * * *

(b) * * *

(15) *Uncontrolled sanitary landfill* means a landill or open dump, whether in operation or closed, that does not meet the requirements for runon or runoff controls established pursuant to subtitle D of the Solid Waste Disposal Act.

(c) * * *

(2) * * *

(i) * * *

(D) For groups of more than 1,000 members, identify at least 100 dischargers participating in the group application from which quantitative data will be submitted. For groups of 100 or more members, identify a minimum of ten percent of the dischargers participating in the group application from which quantitative data will be submitted. For groups of between 21 and 99 members identify a minimum of ten dischargers participating in the group application from which quantitative data will be submitted. For groups of 4 to 20 members, identify a minimum of 50 percent of the dischargers participating in the group application from which quantitative data will be submitted. For groups with more than 10 members, either a minimum of two dischargers from each precipitation zone indicated in appendix E of this part in which ten or more members of the group are located, or one discharger from each precipitation zone indicated in appendix E of this part in which nine or fewer members of the group are located, must be identified to submit quantitative data. For groups of 4 to 10 members, at least one facility in each precipitation zone indicated in appendix E of this part in which members of the group are located must be identifed to submit quantitative data. A description of why the facilities selected to perform sampling and analysis are representative of the group as a whole in terms of the information provided in paragraphs (c)(1)(i)(B) and (c)(1)(i)(C) of this section, shall accompany this section. Different factors impacting the nature of the storm water discharges, such as the processes used and material management, shall be represented, to the extent feasible, in a manner roughly equivalent to their proportion in the group.

* * * * *

(e) * * *

(1) *Individual applications.* (i) Except as provided in paragraph (e)(1)(ii) of this section, for any storm water discharge associated with industrial activity identified in paragraphs (b)(14) (i) through (xi) of this section, that is not part of a group application as described in paragraph (c)(2) of this section or which is not authorized by a storm water general permit, a permit application made pursuant to paragraph (C) of this section shall be submitted to the Director by October 1, 1992;

(ii) For any storm water discharge associated with industrial activity from a facility that is owned or operated by a municipality with a population of less than 100,000 other than an airport, powerplant, or uncontrolled sanitary landfill, permit applications requirements are reserved.

(2) * * *

(i) *Part 1.* (A) Except as provided in paragraph (e)(2)(i)(B) of this section, part 1 of the application shall be submitted to the Director, Office of Wastewater Enforcement and Compliance by September 30, 1991;

(B) Any municipality with a population of less than 250,000 shall not be required to submit a part 1 application before May 18, 1992.

(C) For any storm water discharge associated with industrial activity from a facility that is owned or operated by a municipality with a population of less than 100,000 other than an airport, powerplant, or uncontrolled sanitary landfill, permit applications requirements are reserved.

* * * * *

(iii) *Part 2.* (A) Except as provided in paragraph (e)(2)(iii)(B) of this section, part 2 of the application shall be submittted to the Director, Office of Wastewater Enforcement and Compliance by October 1, 1992;

(B) Any municipality with a population of less than 250,000 shall not be required to submit a part 1 application before May 17, 1993.

(C) For any storm water discharge associated with industrial activity from a facility that is owned or operated by a municipality with a population of less than 100,000 other than an airport, powerplant, or uncontrolled sanitary landfill, permit applications requirements are reserved.

(iv) *Rejected facilities.* (A) Except as provided in paragraph (e)(2)(iv)(B) of this section, facilities that are rejected as members of the group shall submit an individual application (or obtain coverage under an applicable general permit) no later than 12 months after the date of receipt of the notice of rejection or October 1, 1992, whichever comes first.

(B) Facilities that are owned or operated by a municipality and that are rejected as members of part 1 group application shall submit an individual application no later than 180 days after the date of receipt of the notice of rejection or October 1, 1992, whichever is later.

* * * * *

2a. Section 122.28 is amended by redesignating current paragraph (b)(2) as (b)(3) and by adding a new paragraph (b)(2) to read as follows:

§ 122.28 General permits (applicable to state NPDES programs, see § 123.25).

* * * * *

(b) * * *

(2) *Authorization to discharge, or authorization to engage in sludge use and disposal practices.* (i) Except as provided in paragraphs (b)(2)(v) and (b)(2)(vi) of this section, dischargers (or treatment works treating domestic sewage) seeking coverage under a general permit shall submit to the Director a written notice of intent to be covered by the general permit. A discharger (or treatment works treating domestic sewage) who fails to submit a notice of intent in accordance with the terms of the permit is not authorized to discharge, (or in the case of sludge disposal permit, to engage in a sludge use or disposal practice), under the terms of the general permit unless the general permit, in accordance with paragraph (b)(2)(v) of this section, contains a provision that a notice of intent is not required or the Director

notifies a discharger (or treatment works treating domestic sewage) that it is covered by a general permit in accordance with paragraph (b)(2)(vi) of this section. A complete and timely, notice of intent (NOI), to be covered in accordance with general permit requirements, fulfills the requirements for permit applications for purposes of §§ 122.6, 122.21 and 122.26.

(ii) The contents of the notice of intent shall be specified in the general permit and shall require the submission of information necessary for adequate program implementation, including at a minimum, the legal name and address of the owner or operator, the facility name and address, type of facility or discharges, and the receiving stream(s). General permits for storm water discharges associated with industrial activity from inactive mining, inactive oil and gas operations, or inactive landfills occurring on Federal lands where an operator cannot be identified may contain alternative notice of intent requirements. All notices of intent shall be signed in accordance with § 122.22.

(iii) General permits shall specify the deadlines for submitting notices of intent to be covered and the date(s) when a discharger is authorized to discharge under the permit;

(iv) General permits shall specify whether a discharger (or treatment works treating domestic sewage) that has submitted a complete and timely notice of intent to be covered in accordance with the general permit and that is eligible for coverage under the permit, is authorized to discharge, (or in the case of a sludge disposal permit, to engage in a sludge use or disposal practice), in accordance with the permit either upon receipt of the notice of intent by the Director, after a waiting period specified in the general permit, on a date specified in the general permit, or upon receipt of notification of inclusion by the Director. Coverage may be terminated or revoked in accordance with paragraph (b)(3) of this section.

(v) Discharges other than discharges from publicly owned treatment works, combined sewer overflows, primary industrial facilities, and storm water discharges associated with industrial activity, may, at the discretion of the Director, be authorized to discharge under a general permit without submitting a notice of intent where the Director finds that a notice of intent requirement would be inappropriate. In making such a finding, the Director shall consider: the type of discharge; the expected nature of the discharge; the potential for toxic and conventional pollutants in the discharges; the expected volume of the discharges; other means of identifying discharges covered by the permit; and the estimated number of discharges to be covered by the permit. The Director shall provide in the public notice of the general permit the reasons for not requiring a notice of intent.

(vi) The Director may notify a discharger (or treatment works treating domestic sewage) that it is covered by a general permit, even if the discharger (or treatment works treating domestic sewage) has not submitted a notice of intent to be covered. A discharger (or treatment works treating domestic sewage) so notified may request an individual permit under paragraph (b)(3)(iii) of this section.

* * * * *

§ 122.28 [Amended]

3. In redesignated paragraph 122.28(b)(3)(ii), the reference; "(b)(2)(i)" is revised to read "(b)(3)(i)".

4. In paragraph 122.28(c)(3), the reference; "122.28(b)(2)(i) (A) through (F)" is revised to read "122.28(b)(3)(i) (A) through (G)"

Subpart C—Permit Conditions

5. Section 122.44 is amended by revising paragraph (i)(2) and adding paragraphs (i)(3) through (i)(5) to read as follows:

§ 122.44 Establishing limitations, standards, and other permit conditions (applicable to State NPDES programs, see § 123.25).

* * * * *

(i) * * *

(2) Except as provided in paragraphs (i)(4) and (i)(5) of this section, requirements to report monitoring results shall be established on a case-by-case basis with a frequency dependent on the nature and effect of the discharge, but in no case less than once a year. For sewage sludge use or disposal practices, requirements to monitor and report results shall be established on a case-by-case basis with a frequency dependent on the nature and effect of the sewage sludge use or disposal practice; minimally this shall be as specified in 40 CFR part 503 (where applicable), but in no case less than once a year.

(3) Requirements to report monitoring results for storm water discharges associated with industrial activity which are subject to an effluent limitation guideline shall be established on a case-by-case basis with a frequency dependent on the nature and effect of the discharge, but in no case less than once a year.

(4) Requirements to report monitoring results for storm water discharges associated with industrial activity (other than those addressed in paragraph (i)(3) of this section) shall be established on a case-by-case basis with a frequency dependent on the nature and effect of the discharge. At a minimum, a permit for such a discharge must require:

(i) The discharger to conduct an annual inspection of the facility site to identify areas contributing to a storm water discharge associated with industrial activity and evaluate whether measures to reduce pollutant loadings identified in a storm water pollution prevention plan are adequate and properly implemented in accordance with the terms of the permit or whether additional control measures are needed;

(ii) The discharger to maintain for a period of three years a record summarizing the results of the inspection and a certification that the facility is in compliance with the plan and the permit, and identifying any incidents of non-compliance;

(iii) Such report and certification be signed in accordance with § 122.22; and

(iv) Permits for storm water discharges associated with industrial activity from inactive mining operations may, where annual inspections are impracticable, require certification once every three years by a Registered Professional Engineer that the facility is in compliance with the permit, or alternative requirements.

(5) Permits which do not require the submittal of monitoring result reports at least annually shall require that the permittee report all instances of noncompliance not reported under § 122.41(l) (1), (4), (5), and (6) at least annually.

* * * * *

[FR Doc. 92-7279 Filed 4-1-92; 8:45 am]

BILLING CODE 6560-50-M

federal register

Thursday
April 2, 1992

Part VII

The President

Executive Order 12794—Establishing an Emergency Board To Investigate Disputes Between Certain Railroads and Their Employees Represented by the International Association of Machinists and Aerospace Workers

Executive Order 12795—Establishing an Emergency Board To Investigate a Dispute Between the Consolidated Rail Corporation and its Employees Represented by the Brotherhood of Maintenance of Way Employes

Executive Order 12796—Establishing an Emergency Board To Investigate Disputes Between the National Railroad Passenger Corporation and its Employees Represented by Certain Labor Organizations

Federal Register
Vol. 57, No. 64
Thursday, April 2, 1992

Presidential Documents

Title 3—

The President

Executive Order 12794 of March 31, 1992

Establishing an Emergency Board To Investigate Disputes Between Certain Railroads and Their Employees Represented by the International Association of Machinists and Aerospace Workers

Disputes exist between certain railroads and their employees represented by the International Association of Machinists and Aerospace Workers as designated on the attached list, which is made a part of this order.

These disputes have not been adjusted under the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188) ("the Act").

In the judgment of the National Mediation Board, these disputes threaten substantially to interrupt interstate commerce to a degree that would deprive various sections of the country of essential transportation service.

NOW, THEREFORE, by the authority vested in me as President by the Constitution and the laws of the United States, including section 10 of the Act, it is hereby ordered as follows:

Section 1. *Creation of Emergency Board.* There is created effective April 3, 1992, a board of three members to be appointed by the President to investigate these disputes. No member shall be pecuniarily or otherwise interested in any organization of railroad employees or any railroad carrier. The board shall perform its functions subject to the availability of funds.

Sec. 2. *Report.* The board shall report to the President on May 3, 1992, with respect to these disputes.

Sec. 3. *Maintaining Conditions.* As provided by section 10 of the Act, from the date of the creation of the board and for 30 days after the board has submitted its final report to the President, no change in the conditions out of which the disputes arose shall be made by the railroads or the employees, except by agreement of these parties.

Sec. 4. *Expiration.* The board shall terminate upon the submission of the report provided for in section 2 of this order.

George Bush

THE WHITE HOUSE,
March 31, 1992.

Billing code 3195–01–M

RAILROADS

(NMB Case Nos. A-11544 and A-12250)

Alameda Belt Line Railway

Alton & Southern Railway

Atchison, Topeka & Santa Fe Railway

Burlington Northern Railroad

Canadian National Railways

- Great Lakes Region Lines in U.S.
- St. Lawrence Region Lines in U.S.

Canadian Pacific Limited

CSX Transportation, Inc.

- Baltimore and Ohio Railroad
- Baltimore and Ohio Chicago Terminal Railroad
- Chesapeake and Ohio Railway
- Clinchfield Railroad
- Seaboard System Railroad
  - Louisville and Nashville Railroad (former)
  - Seaboard Coast Line Railroad (former)
- Western Maryland Railway

Chicago & Illinois Midland Railway

Chicago & North Western Transportation Co.

Colorado & Wyoming Railway

Consolidated Rail Corporation

Denver and Rio Grande Western Railroad

Duluth, Winnipeg & Pacific Railway

Elgin, Joliet & Eastern Railway

Grand Trunk Western Railroad

Houston Belt and Terminal Railway

Illinois Central Railroad

Kansas City Southern Railway

- Louisiana & Arkansas Railway
- Milwaukee (Soo Line)-KCS Joint Agency

Kansas City Terminal Railway

Lake Superior & Ishpeming Railroad

Los Angeles Junction Railway

Manufacturers Railway

Meridian & Bigbee Railroad

Missouri Pacific Railroad

- Galveston, Houston and Henderson Railroad
- Missouri-Kansas-Texas Railroad
- Oklahoma, Kansas & Texas Railroad

Monongahela Railway

New Orleans Public Belt Railroad

Norfolk and Portsmouth Belt Line Railroad

Norfolk Southern Railway Company

- Alabama Great Southern Railroad
- Atlantic and East Carolina Railway
- Carolina & Northwestern Railway
- Central of Georgia Railroad
- Cincinnati, New Orleans & Texas Pacific Rwy.
- Georgia Southern and Florida Railway
- Interstate Railroad
- New Orleans Terminal Co.
- Norfolk and Western Railway
- St. Johns River Terminal Company
- Tennessee, Alabama and Georgia Railway
- Tennessee Railway

Oakland Terminal Railway

Ogden Union Railway and Depot Co.

Peoria & Pekin Union Railway

Pittsburgh & Lake Erie Railroad

Port Terminal Railroad Association

Portland Terminal Railroad Company

Richmond, Fredericksburg & Potomac Railroad

Sacramento Northern Railway

Southern Pacific Transportation Co.

- Eastern Lines
- Western Lines

Terminal Railroad Association of St. Louis

Texas Mexican Railway

Union Pacific Railroad

Western Pacific Railroad

(NMB Case No. A-11071)

CSX Transportation, Inc.

Louisville and Nashville Railroad (former)

Seaboard Coast Line Railroad (former)

[FR Doc. 92-7783
Filed 4-1-92; 10:07 am]
Billing code 3195-01-C

Presidential Documents

Executive Order 12795 of March 31, 1992

Establishing an Emergency Board To Investigate a Dispute Between the Consolidated Rail Corporation and its Employees Represented by the Brotherhood of Maintenance of Way Employes

A dispute (NMB Case No. A–12260) exists between the Consolidated Rail Corporation and its employees represented by the Brotherhood of Maintenance of Way Employes.

This dispute has not been adjusted under the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188) ("the Act").

In the judgment of the National Mediation Board, this dispute threatens substantially to interrupt interstate commerce to a degree that would deprive various sections of the country of essential transportation service.

NOW, THEREFORE, by the authority vested in me as President by the Constitution and the laws of the United States, including section 10 of the Act, it is hereby ordered as follows:

Section 1. *Creation of Emergency Board.* There is created, effective April 3, 1992, a board of five members to be appointed by the President to investigate this dispute. No member shall be pecuniarily or otherwise interested in any organization of railroad employees or any railroad carrier. The board shall perform its functions subject to the availability of funds.

Sec. 2. *Report.* The board shall report to the President on May 3, 1992, with respect to this dispute.

Sec. 3. *Maintaining Conditions.* As provided by section 10 of the Act, from the date of the creation of the board and for 30 days after the board has submitted its report to the President, no change in the conditions out of which the dispute arose shall be made by the railroads or the employees, except by agreement of these parties.

Sec. 4. *Expiration.* The board shall terminate upon the submission of the report provided for in section 2 of this order.

George Bush

THE WHITE HOUSE,
March 31, 1992.

[FR Doc. 92–7789
Filed 4–1–92; 10:21 am]
Billing code 3195–01–M

Presidential Documents

Executive Order 12796 of March 31, 1992

Establishing an Emergency Board To Investigate Disputes Between the National Railroad Passenger Corporation and its Employees Represented by Certain Labor Organizations

Disputes exist between the National Railroad Passenger Corporation and its employees represented by certain labor organizations as designated on the attached list, which is made a part of this order.

These disputes have not been adjusted under the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188) ("the Act").

In the judgment of the National Mediation Board, these disputes threaten substantially to interrupt interstate commerce to a degree that would deprive various sections of the country of essential transportation service.

NOW, THEREFORE, by the authority vested in me as President by the Constitution and the laws of the United States, including section 10 of the Act, it is hereby ordered as follows:

Section 1. *Creation of Emergency Board.* There is created, effective April 3, 1992, a board of five members to be appointed by the President to investigate the disputes. No member shall be pecuniarily or otherwise interested in any organization of railroad employees or any railroad carrier. The board shall perform its functions subject to the availability of funds.

Sec. 2. *Report.* The board shall report to the President on May 3, 1992, with respect to these disputes.

Sec. 3. *Maintaining Conditions.* As provided by section 10 of the Act, from the date of the creation of the board and for 30 days after the board has submitted its final report to the President, no change in the conditions out of which the disputes arose shall be made by the railroads or the employees, except by agreement of these parties.

Sec. 4. *Expiration.* The board shall terminate upon the submission of the report provided for in section 2 of this order.

George Bush

THE WHITE HOUSE,
March 31, 1992.

Billing code 3195–01–M

LABOR ORGANIZATIONS

(NMB Case Nos. A-12309, A-12290, A-12198, A-12263, A-12268, A-12318, A-12103, A-12246, A-12291, A-12467, and A-12391)

American Train Dispatchers Association

Brotherhood of Locomotive Engineers

Brotherhood of Maintenance of Way Employes

International Association of Machinists & Aerospace Workers

International Brotherhood of Blacksmiths & Boilermakers

International Brotherhood of Electrical Workers

International Brotherhood of Firemen & Oilers

Transport Workers Union

Transportation Communications Union - ARASA

Transportation Communications Union - Carmen Division

United Transportation Union

[FR Doc. 92-7793
Filed 4-1-92; 10:30 am]
Billing code 3195-01-C

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Federal Register

Vol. 57, No. 64

Thursday, April 2, 1992

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FEDERAL REGISTER PAGES AND DATES, APRIL

CFR PARTS AFFECTED DURING APRIL

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last List April 1, 1992

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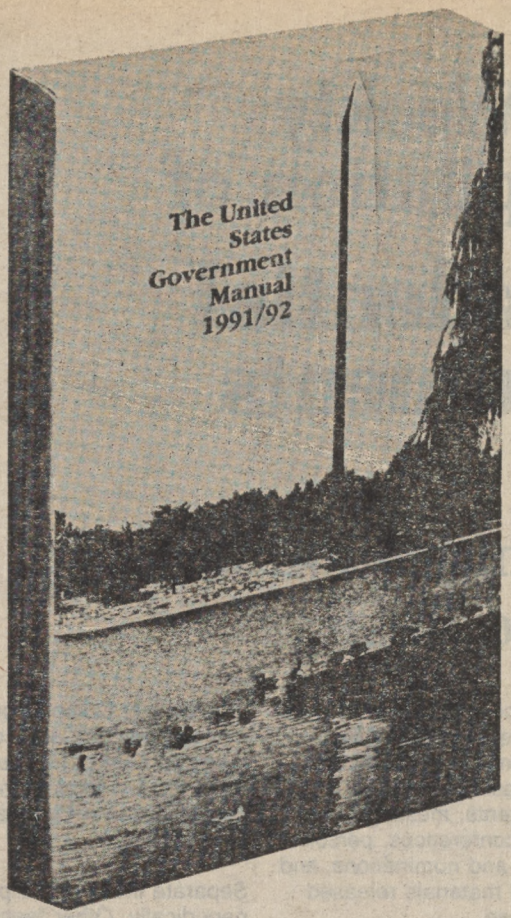

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Administration of George Bush

Weekly Compilation of
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Monday, January 23, 1989
Volume 25—Number 4

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(Signature) (Rev. 1-20-89)

4. **Mail To:** Superintendent of Documents, Government Printing Office, Washington, D.C. 20402-9371