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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 330 and 333

RIN 3206-AE61

Passing Over Preference Eligibles for Appointments Outside Registers

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is revising its regulations governing procedures used to select candidates for temporary and term appointments outside registers. The revised regulations clarify public notice requirements and the respective responsibilities of agencies and OPM for approving selections of candidates not eligible for veterans preference when preference eligibles with equal or higher ranking are available.

EFFECTIVE DATE: January 9, 1992.

FOR FURTHER INFORMATION CONTACT: Tracy E. Spencer, (202) 606-0960 or FTS 266-0960.

SUPPLEMENTARY INFORMATION: Section 3318 of title 5, United States Code sets out procedures agencies must follow to pass over a preference eligible on a list of eligibles in order to select a nonpreference eligible. These procedures include special protections for preference eligibles who have compensable service-connected disabilities of 30 percent or more. Section 3327 of title 5, United States Code, requires agencies to give public notice through OPM and State Employment Service offices whenever they are accepting outside applications for positions in the competitive service.

OPM issued proposed regulations clarifying agencies' responsibilities under these laws on August 1, 1991 (56 FR 36741). One employee organization and one OPM office commented on those regulations.

The employee organization questioned the provisions for passing over preference eligibles in order to select candidates not eligible for veterans preference. The procedures prescribed in part 333 implement the same legal requirements that apply to competitive examinations, under which passover provisions have always been available. The only change proposed was to delegate to agencies authority to approve passing over preference eligibles other than those whose preference is based on a compensable service-connected disability of 30 percent or more. (The law requires that OPM approve requests to pass over 30 percent disabled veterans.) OPM plans to issue instructions in the Federal Personnel Manual regarding appropriate reasons for passing over preference eligibles. These will parallel the reasons allowed under competitive examinations—i.e., that a preference eligible does not meet a particular qualification or suitability requirement for a postion.

The OPM office noted that §§ 330.102 and 333.102, which treat the same statutory public notice requirement, should include the same requirements for the content of annoucements.

Accordingly, OPM is revising § 330.102 to incorporate the more complete content requirements set out in § 333.102. With this change, OPM is adopting the proposed regulations as final.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it affects only the procedures used to appoint certain Federal employees.

List of Subjects

5 CFR Part 330

Government employees, Intergovernmental relations.

5 CFR Part 333

Administrative practice and procedures, Government employees.

Office of Personnel Management.

Constance Berry Newman,

Director.

Accordingly, OPM is amending 5 CFR parts 330 and 333, as follows:

PART 330—RECRUITMENT, SELECTION, AND PLACEMENT (GENERAL)

1. The authority citation for part 330 continues to read as follows:

Authority: 5 U.S.C. 1302, 3301, 3302, E.O. 10577, 3 CFR, 1954–1958 Comp., p. 218; § 330.102 also issued under 5 U.S.C. 3327; subpart B also issued under 5 U.S.C. 3315 and 8151; § 330.401 also issued under 5 U.S.C. 3310; subpart H also issued under 5 U.S.C. 8337(h) and 8457(b).

2. Section 330.102 is revised to read as follows:

§ 330.102 Notification of vacancies to State Job Service and Office of Personnel Management.

Federal agencies (as defined in 5 U.S.C. 5102(a)(1)) must notify State Job Service offices and the Office of Personnel Management of vacant positions in the competitive service which they intend to fill from outside the Federal service, other than through competitive examinations or hiring a person who is eligible for career service entry without competitive examination. The notices must describe the qualifications required and application deadline and must include equal opportunity and veterans preference provisions. OPM will issue specific instructions for preparing notices in the Federal Personnel Manual.

PART 333—RECRUITMENT AND SELECTION FOR TEMPORARY AND TERM APPOINTMENTS OUTSIDE THE REGISTER

3. The authority citation for part 333 is revised to read as follows:

Authority: 5 U.S.C. 1302, 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218; section 333.203 also issued under 5 U.S.C. 1104, Pub. L. 95–454, sec. 3(5).

§ 333.102 [Redesignated as § 333.103]

4. Section 333.102 is redesignated as § 333.103 but is otherwise unchanged, and a new § 333.102 is added to read as follows:

§ 333.102 Public notice for temporary and term appointments outside the register.

An agency recruiting outside the register must send a vacancy announcement to the OPM job information center(s) and place an order with the State Employment Service office(s) that have geographic jurisdiction over the position(s). The notices must describe the qualifications required and application deadline and must include equal opportunity and veterans preference provisions. OPM will issue specific instructions for preparing notices in the Federal Personnel Manual.

5. In section 333.201, paragraph (c) is revised to read as follows:

§ 333.201 Making appointments from an unranked list.

* * * * *

(c) Except as provided in paragraph (b) of § 333.202 and in § 333.203, qualified candidates not eligible for veteran preference may be selected only when no qualified veteran preference eligibles are available.

6. In section 333.202, paragraph (b)(2) is revised to read as follows, and paragraph (c) is removed.

§ 333.202 Making appointments from a numerically ranked list.

* * * * *

(b) * * *

(2) Consider a preference eligible whose eligibility for further consideration for the position has been discontinued as provided in § 333.203.

7. A new section 333.203 is added to read as follows:

§ 333.203 Passing over a preference eligible.

(a) *Preference eligibles with compensable service-connected disabilities of 30 percent or more.* When an agency making an appointment passes over the name of a preference eligible who is entitled to prior consideration under paragraph (b) of § 333.201 or under paragraph (a) of § 333.202 and who has a compensable service-connected disability of 30 percent or more and proposes to select a nonpreference eligible, the agency must—

(1) Submit its reasons for so doing to the OPM office with examining jurisdiction over the position;

(2) Notify the preference eligible of the proposed passover, the reasons for it, and his or her right to respond to OPM within 15 days after the date of notification; and

(3) Obtain OPM's approval for the proposed passover before selecting the nonpreference eligible.

(b) *Other preference eligibles.* When an agency making an appointment passes over the name of a preference eligible other than one described in paragraph (a) of this section who is entitled to prior consideration under paragraph (b) of § 333.201 or under paragraph (a) of § 333.202 and selects a nonpreference eligible, it must record its reasons for so doing and must furnish a copy of those reasons to the preference eligible and to his or her representative on request.

(c) *Discontinuing consideration.* An agency may discontinue consideration of a preference eligible for a position if, on three occasions, the agency has considered the candidate for the position and has either—

(1) Obtained OPM's approval to pass over his or her name and select a nonpreference eligible in accordance with paragraph (a) of this section; or

(2) Passed over his or her name and recorded its reasons for so doing as provided in paragraph (b) of this section.

[FR Doc. 91-29438 Filed 12-9-91; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1205

[CN-91-003]

Amendment to the Cotton Research and Promotion Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to order.

SUMMARY: This amendment to the Cotton Research and Promotion Order is issued pursuant to the Cotton Research and Promotion Act Amendments of 1990. Amendments to the Act were enacted by Congress under subtitle G of title XIX of the Food, Agriculture, Conservation and Trade Act of 1990 on November 28, 1990. A notice of proposed amendments to the Cotton Research and Promotion Order was published for public comment on April 10, 1991. The proposed amendment to the Order, addressing the public comments received, was published on July 9, 1991. The proposed amendment was approved by a majority (60 percent) of importers and producers of cotton voting in a referendum conducted July 17-26 as required by the Act. Results of the referendum were announced in a nationally distributed press release August 2, 1991.

The Order as amended provides for: (1) Importer representation on the Cotton Board; (2) the assessment of imported cotton and cotton products; (3) an increase in the amount the Secretary of Agriculture can be reimbursed for conduct of a referendum from $200,000 to $300,000; (4) reimbursement of government agencies that assist in administering the collection of assessments on imported cotton and cotton products; and (5) termination of the right of producers to demand a refund of assessments.

EFFECTIVE DATE: December 10, 1991.

FOR FURTHER INFORMATION CONTACT: Craig Shackelford, (202) 720-2259.

SUPPLEMENTARY INFORMATION: This amendment to the Cotton Research and Promotion Order has been reviewed in accordance with Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be a "non-major" rule under Executive Order 12291 since it does not meet the criteria for a major regulatory action contained in that Order.

The Administrator, Agricultural Marketing Service (AMS), has certified that this action will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Under this amendment refunds to producers will be eliminated. Therefore, it is estimated that $41,075,853, for 1991, collected by handlers from producers will not be subject to refunds. At current refund rates of approximately 34 percent, $13,965,790 of the estimated $41,075,853 will be retained by the Research and Promotion program. The economic impact of the proposed elimination of refunds is not expected to be significant. It is expected that assessments from imports will total $6,785,816, including reimbursements, and that the total program will generate an estimated total of $47,861,669 based on the 1991 forecast. The economic impact of an assessment on importers is not expected to be significant. The economic impact of the other amendments to the Order as described in the preamble is also not expected to be significant. Furthermore, the Research and Promotion program is expected to benefit producers, handlers and importers by expanding and maintaining new and existing markets.

The amendment will also impose reporting and recordkeeping burdens on importers. This burden should average less than .25 hours per year. Therefore, the economic impact is not expected to be significant.

In compliance with Office of Management and Budget (OMB)

regulations (5 CFR part 1320) which implement the Paperwork Reduction Act (PRA) of 1980 (44 U.S.C. chapter 35) and Section 3504(h) of the PRA, the information collection and recordkeeping requirements for domestic handlers and producers contained in this subpart, and the domestic handler reporting and refund application forms used by the Board under the information collection provisions and the recordkeeping requirements were previously approved by OMB and assigned control number 0581–0093 under the PRA.

The agency intends to rely on Customs Service records to satisfy most information collection and reporting requirements concerning importers of cotton needed to effectuate the terms of the amendment, thus minimizing the reporting burden. Periodically, certain information related to specific imports may be required for proper administration of the Order. The nature of such information would be specified in rules and regulations issued pursuant to this Order. Based on comparable Research and Promotion programs, it would require approximately 10 minutes for an importer to complete a reporting form and approximately 10 minutes to complete a reimbursement application. There would be an estimated 1,000 importers per year subject to these information collection requirements. Reporting forms and applications would be filed on a monthly basis yielding an estimated annual burden of 4080 hours. Importers will be expected to maintain and make available to the Secretary such books and records as necessary to carry out the provisions of the Order and regulations. Importers will be required to retain such records for at least two years beyond the marketing year of their applicability.

In addition, importer organizations may direct a request to the Secretary for certification of eligibility to participate in nominating members to represent cotton importers on the Cotton Board. It is anticipated that two organizations will respond with an average reporting burden of two hours per response.

Producers and importers will also have an opportunity to submit referendum ballots. The estimated number of respondents for this form is 200,000 with an estimated average reporting burden of .10 hours per response.

Individual producers and importers nominated for the Board will be required to submit a membership background information sheet. Information sheets have been previously approved by OMB and assigned OMB control number 0505–0001. The estimated number of respondents is 32 per year. Each respondent will submit one response when nominated, with an estimated average reporting burden of 0.5 hour per response.

This Order amendment provides for: (1) Importer representation on the Cotton Board by an appropriate number of persons, as determined by the Secretary of Agriculture, who import cotton and or cotton products into the United States on which assessments are paid, and are selected by the Secretary from nominations submitted by importer organizations certified by the Secretary; (2) assessments and supplemental assessments on imported cotton and cotton content of imported products at rates determined in the same manner as the U.S. cotton. Under this Order, the rate of assessment and supplemental assessment for imported cotton are substantially the same as the rates applicable to domestically produced cotton. Such rates are currently one dollar per bale plus six tenths of one percent of the value of the cotton. For the purpose of supplemental assessments on imported cotton, a value will be placed on imported cotton and cotton content of imported cotton products based on an average of historical cotton prices. It is anticipated that the value of imported cotton will be established annually based on a 12 month average of prices received by domestic producers. It is also anticipated that conversion factors established by the Secretary will be used to determine the assessment on imported cotton and cotton-containing products identified by a classification number under the Harmonized Tariff Schedule. These factors and classification numbers will be specified in rules and regulations issued to implement the Order; (3) an increase in the amount that the Secretary of Agriculture can be reimbursed for conducting any referendum from $200,000 to $300,000; (4) reimbursement to agencies of the federal government that assist in administering the import provisions for a reasonable amount of the expenses incurred by that agency in connection therewith; and (5) termination of the producer's right to demand a refund of assessments.

These amendments are issued pursuant to the Cotton Research and Promotion Act Amendments of 1990 (Subtitle G of title XIX of the Food, Agriculture, Conservation and Trade Act of 1990, Public Law 101–624, November 28, 1990) which amended the Cotton Research and Promotion Act (7 U.S.C. 2101 *et. seq.*) The 1990 amendments to the Act require that after notice and opportunity for public comment, a proposed amendment to the Order implementing the provisions of the Act be issued. The proposed Order amendment was issued in the **Federal Register** on July 9, 1991 (56 FR 31289–31297). The amendment to the Act further requires that the Secretary must conduct a referendum among persons who have been cotton producers during a representative period, and persons who are importers of cotton and who, during a 12 month period ending not later than 90 days prior to the conduct of the referendum under this section, imported a quantity of cotton with a value or weight in excess of the de minimis quantity, if any, established by the Secretary. The referendum was for the purpose of determining if a majority of those voting approve the proposed amendment to the Order. Such a referendum was conducted July 17–26 in which a majority of cotton importers and producers approved the proposed amendments to the Cotton Research and Promotion Order. The Secretary announced the results of this referendum in a national press release issued August 2, 1991, in accordance with the Cotton Research and Promotion Act Amendments of 1990. Of 46,220 valid responses, 27,879, or 60 percent, of persons voting, favored the amendment in the Order, and 18,341, or 40 percent, opposed.

A review will be conducted once every five years in accordance with the requirements of the Cotton Research and Promotion Act Amendments of 1990 by the Secretary to ascertain whether a referendum is needed to determine whether producers and importers favor or disfavor these amendments to the Order. Also, in accordance with the 1990 amendments, if the Secretary does not provide for a referendum, one may be conducted upon the request of a requisite number of producers and importers.

It is found that this action will tend to effectuate the declared policy of the Act.

Pursuant of the provisions in 5 U.S.C. 553, it is found and determined that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the **Federal Register** because: (1) Cotton producers and importers voting in a referendum have approved the amendment; and (2) in accordance with the Act, the amendment should be published as soon as possible.

List of Subjects in 7 CFR Part 1205

Advertising, Agricultural research, Cotton, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 1205 is amended as follows:

PART 1205—COTTON RESEARCH AND PROMOTION

1. The authority for part 1205 continues to read as follows:

Authority: 7 U.S.C. 2101–2118.

2. Section 1205.302 is revised to read as follows:

§ 1205.302 Act.

Act means the Cotton Research and Promotion Act, as amended (7 U.S.C. 2101–2118; Public Law 89–502, 80 Stat 279, as amended).

3. Section 1205.304 is revised to read as follows:

§ 1205.304 Cotton.

Cotton means:

(a) All Upland cotton harvested in the United States, and, except as used in §§ 1205.311 and 1205.335, includes cottonseed of such cotton and the products derived from such cotton and its seed, and

(b) Imports of Upland cotton, including the Upland cotton content of the products derived thereof. The term "cotton" shall not, however, include:

(1) Any entry of imported cotton by an importer which has a value or weight less than a de minimis amount established in regulations issued by the Secretary and

(2) Industrial products as that term is defined by regulation.

4. The sections listed in the first column are redesignated as shown in the second column.

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1205.335	1205.339
1205.336	1205.340
1205.337	1205.341
1205.338	1205.343
1205.339	1205.345
1205.340	1205.346
1205.341	1205.347
1205.342	1205.348

5. Section 1205.305 "Upland Cotton" is added to read as follows:

§ 1205.305 Upland cotton.

Upland Cotton means all cultivated varieties of the species Gossypium hirsutum L.

6. Section 1205.306 "Bale" is added to read as follows:

§ 1205.306 Bale.

Except as used in § 1205.322, *Bale* means the package of lint cotton produced at a cotton gin or the amount of processed cotton in a manufactured product that is equivalent to a 500 pound bale of lint cotton.

7. Section 1205.310 "Importer" is added to read as follows:

§ 1205.310 Importer.

Importer means many person who enters, or withdraws from warehouse, cotton for consumption in the customs territory of the United States, and the term *import* means any such entry.

8. Redesignated § 1205.316 is revised to read as follows:

§ 1205.316 Cotton-Producer organization.

Cotton-Producer Organization means any organization which has been certified by the Secretary pursuant to § 1205.341.

9. Section 1205.317 is added to read as follows:

§ 1205.317 Cotton-Importer organization.

Cotton-Importer Organization means any organization which has been certified by the Secretary pursuant to § 1205.342.

10. Redesignated § 1205.322 is revised to read as follows:

§ 1205.322 Establishment and membership.

(a) There is hereby established a Cotton Board composed of:

(1) Representatives of cotton producers, each of whom shall have an alternate, selected by the Secretary from nominations submitted by eligible producer organizations within a cotton-producing state, as certified pursuant to § 1205.341, or, if the Secretary determines that a substantial number of producers are not members of or their interests are not represented by any such eligible organizations, from nominations made by producers in a manner authorized by the Secretary, and

(2) Representatives of cotton importers, each of whom shall have an alternate, selected by the Secretary from nominations submitted by eligible importer organizations, as certified pursuant to § 1205.342, or, if the Secretary determines that a substantial number of importers are not members of or their interests are not represented by any such eligible organization, from nominations made by importers in a manner authorized by the Secretary.

(b) Representation on the Cotton Board shall be as follows:

(1) Each cotton-producing state shall have at least one member and an additional member for each 1 million bales or major fraction (more than half) thereof of cotton produced in the state and marketed above one million bales during the period specified in the regulations for determining Board membership; and

(2) Cotton importers shall be represented by an appropriate number of representatives, as determined by the Secretary, of importers of cotton subject to assessment during the period specified in the regulations for determining Board membership. That number shall not be less than two members. The initial importer representation on the Board shall consist of four representatives. The Secretary may, after consultation with organizations representing importers, reduce or increase the number of importer representatives, in the manner prescribed by the Secretary.

11. Redesignated § 1205.323 is revised to read as follows:

§ 1205.323 Term of office.

All members of the Board and their alternatives shall serve for terms of three years. Each member and alternate shall continue to serve until a successor is selected and has qualified.

12. Redesignated § 1205.324 is revised to read as follows:

§ 1205.324 Nominations.

All nominations authorized under § 1205.322 shall be made within such a period of time and in such a manner as the Secretary shall prescribe. The eligible producer organizations within each cotton-producing state, as certified pursuant to § 1205.341, shall caucus for the purpose of jointly nominating two qualified persons for each member and each alternate member to be selected to represent the cotton producers of such cotton-producing state. The eligible

importer organizations, as certified pursuant to § 1205.342, shall caucus for the purpose of jointly nominating two qualified persons for each member and each alternate member to be selected to represent the cotton producers of such cotton-producing state. The eligible importer organizations, as certified pursuant to § 1205.342, shall caucus for the purpose of jointly nominating two qualified persons for each member and alternate member to be selected to represent cotton importers. If joint agreement is not reached with respect to the nominees for any such position, each such organization may nominate two qualified persons for any position on which there is no agreement.

13. Redesignated § 1205.325 is revised to read as follows:

§ 1205.325 Selection.

From the nominations made pursuant to §§ 1205.322 and 1205.324, the Secretary shall select the members of the Board and an alternate for each member on the basis of representation provided for in §§ 1205.322 and 1205.323.

14. Redesignated § 1205.327 is revised to read as follows:

§ 1205.327 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the Board to qualify, or in the event of death, removal, resignation or disqualification of any member or alternate member of the Board, a successor for the unexpired term of such member or alternate member of the Board shall be nominated and selected in the manner specified in §§ 1205.322, 1205.324 and 1205.325.

15. Redesignated § 1205.328 is revised to read as follows:

§ 1205.328 Alternate members.

An alternate member of the Board, during the absence of the member for whom the person is the alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event of death, removal, resignation or disqualification of a member, the alternate for the member shall act for the member until a successor for such member is selected and qualified. In the event that both a producer member of the Board and the member's alternate are unable to attend a meeting, the Board may designate any other alternate member from the same cotton-producing state or region to serve in such member's place and stead of such meeting. In the event that both an importer member and the member's alternate are unable to attend a meeting, the Board may designate any other importer alternate member to serve in such member's place and stead at such meeting.

16. In redesignated § 1205.331, of paragraph (b) is revised to read as follows:

§ 1205.331 Powers.

* * * * *

(b) Subject to the approval of the Secretary, to make rules and regulations to effectuate the terms and provisions of this subpart including the designation of the handler, importer, or other person responsible for collecting the assessments authorized by § 1205.335, which designation may be of different handlers, importers, or other persons, or classes of handlers, importers, or other persons, to recognize differences in marketing practices or procedures in any state or area;

* * * * *

17. In redesignated § 1205.332, paragraphs (c) and (i) are revised to read as follows:

§ 1205.332 Duties.

* * * * *

(c) With the approval of the Secretary, to enter into contracts or agreements for the development and submission to it of research and promotion plans or projects authorized by § 1205.333, and for the carrying out of such plans or projects when approved by the Secretary, and for the payment of costs thereof with funds collected pursuant to § 1205.335, with an organization or association whose governing body consists of cotton producers selected by the cotton-producer organizations certified by the Secretary under § 1205.341, in such manner that the producers of each cotton-producing state will, to the extent practicable, have representation on the governing body of such organization in the proportion that the cotton marketed by the producers of such state bears to the total marketed by the producers of all cotton-producing states. Any such contract or agreement shall provide that such contracting organization or association shall develop and submit annually to the Cotton Board, for the purpose of review and making recommendations to the Secretary, a program of research, advertising, and sales promotion projects, together with a budget, or budgets, which shall show the estimated cost to be incurred for such projects, and that any such projects shall become effective upon approval by the Secretary. Any such contract or agreement shall also provide that the contracting organization shall keep accurate records of all its transactions, which shall be available to the Secretary and Board on demand, and make an annual report to the Cotton Board of activities carried out and an accounting for funds received and expended, and such other reports as the Secretary may require;

* * * * *

(i) To act as intermediary between the Secretary and any producer, importer, or handler.

* * * * *

18. In redesignated § 1205.333, the introductory text is revised to read as follows:

§ 1205.333 Research and promotion.

The Cotton Board shall in the manner prescribed in § 1205.332(c) establish or provide for:

* * * * *

19. In redesignated § 1205.334, paragraphs (b) and (c) are revised and new paragraph (d) is added to read as follows:

§ 1205.334 Expenses.

* * * * *

(b) The Board shall reimburse the Secretary for:

(1) Expenses up to $300,000 incurred by the Secretary in connection with any referendum conducted under the Act and

(2) Expenses incurred by the Department of Agriculture for administrative and supervisory costs up to five employee years annually.

(c) The Board shall reimburse any agency of the United States Government that assists in administering the import provisions of the order for a reasonable amount of the expenses incurred by that agency in connection therewith.

(d) The funds to cover such expenses incurred under paragraphs (a), (b) and (c) of this section shall be paid from assessments received pursuant to § 1205.335.

20. Redesignated § 1205.335 is revised to read as follows:

§ 1205.335 Assessments.

(a) Each cotton producer or other person for whom cotton is being handled shall pay to the handler thereof designated by the Cotton Board pursuant to regulations issued by the Secretary and such handler shall collect from the producer or other person for whom the cotton, including cotton owned by the handler, is being handled, and shall pay to the Cotton Board, at such times and in such manner as prescribed by regulations issued by the Secretary, assessments as prescribed in paragraphs (a)(1) and (2) of this section:

(1) An assessment at the rate of $1 per bale of cotton handled;

(2) A supplemental assessment on cotton handled which shall not exceed one percent of the value of such cotton as determined by the Cotton Board and approved by the Secretary and published in the Cotton Board rules and regulations. The rate of the supplemental assessment may be increased or decreased by the Cotton Board with the approval of the Secretary. The Secretary shall prescribe by regulation whether the assessment rate shall be levied on:

(i) The current value of the cotton, or

(ii) An average value determined from current and/or historical cotton prices and converted to a fixed amount for each bale.

(b) Each importer of cotton shall pay to the Cotton Board through the U.S. Customs Service, or in such other manner and at such times as prescribed by regulations issued by the Secretary, assessments as prescribed in paragraphs (b)(1) and (2) of this section:

(1) An assessment of $1 per bale of cotton imported or the bale equivalent thereof for cotton products.

(2) A supplemental assessment on each bale of cotton imported, or the bale equivalent thereof for cotton products, which shall not exceed one percent of the value of such cotton as determined by the Cotton Board and approved by the Secretary and published in the Cotton Board rules and regulations. The rate of the supplemental assessment on imported cotton shall be the same as that paid on cotton produced in the United States. The rate of the supplemental assessment may be increased or decreased by the Cotton Board with the approval of the Secretary. The Secretary shall prescribe by regulation the value of imported cotton based on an average of current and/or historical cotton prices.

(c) The Secretary may designate by regulation exemptions to assessments provided for in this section for the following:

(1) Entries of products designated by specific Harmonized Tariff Schedule numbers which the Secretary determines are composed of U.S. cotton or other than Upland cotton, and for;

(2) Cotton contained in entries of imported cotton and cotton products that is U.S. produced cotton or is other than Upland cotton.

(d) Assessments collected under this section are to be used for such expenses and expenditures, including provision for a reasonable reserve, as the Secretary finds reasonable and likely to be incurred by the Cotton Board and the Secretary under this subpart.

21. Redesignated § 1205.336 is revised to read as follows:

§ 1205.336 "Importer Reimbursements".

Any cotton importer against whose imports any assessment is made and collected under the authority of the Act who has reason to believe that such assessment or any portion of such assessment was made on U.S. produced cotton or cotton other than Upland cotton shall have the right to demand and receive from the Cotton Board a reimbursement of the assessment or portion of the assessment upon submission of proof satisfactory to the Board that the importer paid the assessment and that the cotton was produced in the U.S. or is other than Upland cotton. Any such demand shall be made by the importer in accordance with regulations and on a form and within a time period prescribed by the Board and approved by the Secretary. Such time periods shall provide the importer at least 90 days from the date of collection to submit the reimbursement form to the Board. Any such reimbursement shall be made within 60 days after demand therefor.

22. Redesignated § 1205.338 is revised to read as follows:

§ 1205.338 Reports.

Each handler and importer subject to this subpart and importers of de minimis amounts of cotton may be required to report to the Cotton Board periodically such information as is required by regulations, which may include but not be limited to the following:

(a) Number of bales handled or imported;

(b) Number of bales on which an assessment was collected;

(c) Name and address of person from whom the handler has collected the assessments on each bale handled or imported;

(d) Date collection was made on each bale handled or imported.

23. Redesignated § 1205.339 is revised to read as follows:

§ 1205.339 Books and records.

Each handler and importer subject to this subpart and importers of de minimis amounts of cotton shall maintain and make available for inspection by the Secretary such books and records as are necessary to carry out the provisions of this subpart and the regulations issued thereunder, including such records as are necessary to verify any reports required. Such records shall be retained for at least two years beyond the marketing year of their applicability.

24. Redesignated § 1205.340 is revised to read as follows:

§ 1205.340 Confidential treatment.

All information obtained from such books, records or reports shall be kept confidential by all officers and employees of the Department of Agriculture and of the Cotton Board; and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary of Agriculture, or to which the Secretary or any officer of the United States is a party, and involving this subpart. Nothing in this § 1205.340 shall be deemed to prohibit:

(a) The issuance of general statements based upon the reports of a number of handlers or importers subject to this subpart or importers of de minimis amounts of cotton, which statements do not identify the information furnished by any person, or

(b) The publication by the direction of the Secretary, of the name of any person violating this subpart, together with a statement of the particular provisions of this subpart violated by such person.

25. Redesignated § 1205.341, the concluding text of the section is revised to read as follows:

§ 1205.341 Certification of cotton producer organizations.

* * * * *

The primary consideration in determining the eligibility of an organization shall be whether its cotton producer membership consists of a sufficiently large number of cotton producers who produce a relatively significant volume of cotton to reasonably warrant its participation in the nomination of members for the Cotton Board. Any cotton producer organization found eligible by the Secretary under this § 1205.341 will be certified by the Secretary, and the Secretary's determination as to eligibility is final.

26. Redesignated § 1205.343 is revised to read as follows:

§ 1205.343 Suspension and termination.

(a) The Secretary will, whenever the Secretary finds that this subpart or any provision thereof obstructs or does not tend to effectuate the declared policy of the Act, terminate or suspend the operation of this subpart or such provision.

(b) The Secretary may conduct a referendum at any time, and shall hold a referendum on request of 10 percent or more of the number of cotton producers and importers (if subject to the Order) voting in the most recent referendum, to

determine whether cotton producers and importers subject to the Order favor the suspension or termination of this subpart, except that in counting such request for a referendum, not more than 20 percent of such request may be from producers from any one state or importers of cotton (if subject to the Order). The Secretary shall suspend or terminate such subpart at the end of the marketing year whenever the Secretary determines that its suspension or termination is approved or favored by a majority of producers and importers subject to the Order voting in such referendum who, during a representative period determined by the Secretary, have been engaged in the production or importation of cotton, and who produced and imported more than 50 percent of the volume of cotton produced and imported by those voting in the referendum.

27. Redesignated § 1205.345 paragraphs (b) and (c) are revised reads as follows:

§ 1205.345 Proceedings after termination.

* * * * *

(b) The said trustees shall—

(1) Continue in such capacity until discharged by the Secretary;

(2) Carry out the obligations of the Cotton Board under any contracts or agreements entered into by it pursuant to § 1205.332 (c);

(3) From time-to-time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Board and the trustees, to such person or persons as the Secretary may direct; and

(4) Upon request of the Secretary execute such assignments or other instruments necessary or appropriate to vest in such persons full title and right to all funds, property and claims vested in the Board or the trustees pursuant to this § 1205.345.

(c) Any person to whom funds, property or claims have been transferred or delivered pursuant to this § 1205.345 shall be subject to the same obligation imposed upon the Cotton Board and upon the trustees.

* * * * *

28. A new § 1205.342 "Certification of Cotton Importer Organizations" is added to read as follows:

§ 1205.342 Certification of cotton importer organizations.

Any importer organization may request the Secretary for certification of eligibility to participate in nominating members and alternate members to represent cotton importers on the Cotton Board. Such eligibility shall be based, in addition to other available information, upon a factual report submitted by the organization which shall contain information deemed relevant and specified by the Secretary for the making of such determination, including the following:

(a) Nature and size of organization's active membership, proportion of total active membership accounted for by cotton importers and the total amount of cotton imported by the organization's cotton importer members;

(b) The extent to which the cotton importer membership of such organization is represented in setting the organization's policies;

(c) Evidence of stability and permanency of the organization;

(d) Sources from which the organization's operating funds are derived;

(e) Functions of the organization; and

(f) The organization's ability and willingness to further the aims and objectives of the Act.

The primary consideration in determining the eligibility of an organization shall be whether its membership consist of a sufficient large number of cotton importers who import a relatively significant volume of cotton to reasonably warrant its participation in the nomination of members for the Cotton Board. Any importer organization found eligible by the Secretary under this § 1205.342 will be certified by the Secretary, and the Secretary's determination as to eligibility is final.

Dated: December 4, 1991.

Jo Ann R. Smith,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 91-29454 Filed 12-9-91; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 1240

[AMS-FV-91-272]

RIN 0581-AA46

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the Honey Research, Promotion, and Consumer Information Order (Order) and the General Rules and Regulations issued thereunder in order to remove refund provisions as they pertain to producers and importers. This action is based upon the vote in an industry-wide referendum conducted in August 1991. In the referendum, honey producers and importers favored terminating the refund provisions of the Order. The Honey Research, Promotion, and Consumer Information Act (Act) requires the Order to be amended if such termination is favored by the producers and importers.

EFFECTIVE DATE: December 10, 1991.

FOR FURTHER INFORMATION CONTACT: Sheila Young, 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: This final rule is issued pursuant to the Honey Research, Promotion, and Consumer Information Act, as amended (7 U.S.C. 4601-4612), and the Order issued thereunder (7 CFR part 1240).

This final rule has been reviewed by the Department of Agriculture (Department) in accordance with Executive Order 12291 and USDA Regulation 1512-1 and has been determined to be a "non-major" rule under the criteria contained in the Executive Order.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this interim final rule on small entities.

There are an estimated 145 handlers, 510 producer-packers, 8,300 producers, and 350 importers who are currently subject to the provisions of the Order. The majority of these persons would be classified as small businesses under the criteria established by the Small Business Administration.

The changes to the Order and its rules and regulations are made as a result of the vote in the first reconfirmation referendum conducted pursuant to the 1990 amendments to the Act. The economic impact of these changes may impose additional costs on approximately 4 percent of those persons who have requested and received refunds of assessments paid. However, the benefits of this action are expected to outweigh the costs. The changes will reduce reporting and recordkeeping requirements. Furthermore, the research and promotion program is expected to benefit handlers, producer-packers, producers, and importers by expanding and maintaining new and existing markets.

The Act, as amended, specifies that the Secretary shall conduct a

referendum to determine if honey producers and importers favor the continuation of the Order and termination of the authority for producers and importers to obtain a refund of assessments. Approval requires the vote of a majority of those producers and importers voting in the referendum, who produce and import more than 50 percent of the volume of honey produced and imported by those voting in the referendum. In the event termination of the refund provision is favored by the requisite number of producers and importers, the Order must be amended accordingly. The changes are in accordance with amendments to the Act as made in the Honey Research, Promotion, and Consumer Information Act Amendments of 1990 (subtitle F, chapter 1 of the Food, Agriculture, Conservation, and Trade Act of 1990, Pub. L. 101–624, November 28, 1990).

The Order currently provides that any producer or importer who pays an assessment under the authority of this part shall have the right to request from the Board a refund of such assessment upon submission of proof to the Board's staff that the producer or importer paid the assessment for which refund is sought.

On July 30, 1991, a referendum order was published in the **Federal Register** (56 FR 36014). The Order specified that producers and importers who produced or imported honey in 1990, did not receive an exemption on that honey, and who were currently producing or importing honey were eligible to vote. A majority of those voting in the referendum, who produced and imported more than 50 percent of the volume of honey produced and imported by those voting in the referendum, favored continuation of the Order and termination of the refund provisions. The results of the referendum indicated that 90.73 percent of producers and importers, who produced and imported 84.74 percent of the volume of honey produced and imported favored continuation of the Order. In addition, 72.14 percent of producers and importers, who produced and imported 62.42 percent of the volume of honey produced and imported favored termination of the refund provisions. Therefore, based on the results of the referendum, this action removes the refund provisions in the Order and its rules and regulations.

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.

In compliance with Office of Management and Budget (OMB) regulations (5 CFR part 1240) which implement the Paperwork Reduction Act (PRA) of 1980 (44 U.S.C. chapter 35) and section 3504(h) of the PRA, all recordkeeping requirements under the Order and its rules and regulations have been previously approved by OMB and have been issued OMB numbers 0581–0093 and 0505–0001. This action places no new recordkeeping or reporting requirements on producers or importers.

Based on available information, the Administrator of the AMS has determined that the issuance of this rule will not have a significant economic impact on a substantial number of small entities.

Upon the basis of the results of the first reconfirmation referendum, it is found that this action will tend to effectuate the declared policy of the Act.

Pursuant to the provisions in 5 U.S.C. 553, it is found and determined that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because (1) Honey producers and importers voted to terminate the producer and importer refund provisions in the first reconfirmation referendum; and (2) the Act requires the Secretary to amend the Order as necessary to reflect such vote.

List of Subjects in 7 CFR Part 1240

Honey, Agricultural research, Reporting and recordkeeping requirements, Advertising, Imports, Market development, and Consumer information.

For the reasons set forth in the preamble, chapter XI of title 7, part 1240 is amended to read as follows:

PART 1240—HONEY RESEARCH, PROMOTION, AND CONSUMER INFORMATION ORDER

1. The authority citation for 7 CFR part 1240 is amended to read as follows:

Authority: Honey Research, Promotion, and Consumer Information Act, as amended 7 U.S.C. 4601–4612.

2. Section 1240.43 is revised to read as follows:

§ 1240.43 State assessment plan refund.

Any State authority operating pursuant to a State assessment plan satisfying the conditions of paragraph (a) of this section may obtain a refund of assessments collected by the Board on honey and/or honey products produced in that State except as provided in paragraph (b) of this section.

(a) Refunds shall be paid only if the Secretary certifies that the State assessment plan:

(1) Is comparable to the program established under the Act and this part; and

(2) Was in existence and in operation on January 1, 1985.

(b) Refunds shall be made directly to States, and in no event shall exceed the amount collected by the Board on honey produced in the requesting State, and the amount of any refund shall be limited in accordance with the provisions of this subpart.

§ 1240.117 [Removed]

3. Section 1240.117 is removed.

Dated: December 4, 1991.

Jo Ann R. Smith,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 91–29470 Filed 12–9–91; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91–NM–183–AD; Amdt. 39–8113; AD 91–26–02]

Airworthiness Directives; Boeing of Canada, Ltd., de Havilland Division, Model DHC–8–100 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain de Havilland Model DHC–8–100 series airplanes, which requires a revision of the Airplane Flight Manual and prohibits the use of engine bleed air during takeoffs and landings. Recent flight testing has revealed that, following failure of the left engine, bleed air loads on the remaining engine can exceed design limits, resulting in a momentary delay in engine uptrim power. This condition, if not corrected, could result in reduced engine-out takeoff and climb performance of the airplane.

EFFECTIVE DATE: December 23, 1991.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Fiesel, Propulsion Branch, ANE–174; telephone (516) 791–7421. Mailing address: FAA, New England Region, New York Aircraft Certification Office, 181 South Franklin Avenue, room 202, Valley Stream, New York 11581.

SUPPLEMENTARY INFORMATION: Transport Canada, which is the airworthiness authority of Canada, in accordance with existing provisions of a bilateral airworthiness agreement, has notified the FAA of an unsafe condition which may exist on certain de Havilland Model DHC–8–100 series airplanes. In most transport category airplanes, high-pressure air is extracted from the engine compressor and used for air conditioning, anti-ice protection, and other uses. This extracted air is referred to as "bleed air." Recent flight testing has revealed that, following failure of the left engine, the resulting momentary loss of electrical power to the "min-max" servo controller caused the bleed air pressure regulating and shutoff valves (PRSOV) to move to the maximum bleed position. This condition resulted in a delay of uptrim power of the operating engine.

Failure of the left engine will result in loss of power to the left secondary electrical bus, which powers the bleed airflow "min-max" servo controller. Following failure of the left secondary bus, the bus-tie system automatically reinstates electrical power to the failed bus, which restores power to the "min-max" servo controller. The momentary loss of electrical power to the "min-max" servo controller allows the PRSOV's to supply maximum bleed air for approximately five seconds.

Engine failure also initiates power uptrim of the operative engine. Because the PRSOV is supplying maximum bleed flow, full engine uptrim power will not be available for this five-second period. This condition, if not corrected, could result in reduced engine-out takeoff and climb performance of the airplane.

Transport Canada has issued emergency airworthiness directive CF–91–32 which describes a revision of the Airplane Flight Manual and prohibits the use of engine bleed air during takeoffs and landings.

This airplane model is manufactured in Canada and type certificated in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement.

Since this condition is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD requires a revision of the Airplane Flight Manual (PSM 1–81–1A) and prohibits the use of engine bleed air during takeoffs and landings.

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

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

91–26–02. **Boeing of Canada, Ltd., De Havilland Division:** Amendment 39–8113. Docket No. 91–NM–183–AD.

Applicability: Model DHC–8–102 and –103 series airplanes, serial numbers 3 through 287, certificated in any category.

Compliance: Required as indicated, unless previously accomplished.

To prevent reduced engine-out takeoff and climb performance of the airplane, accomplish the following:

(a) Within 7 days after the effective date of this AD, remove Supplement No. 21, dated May 30, 1990 (for Model DHC–8–102 series airplanes), or September 26, 1990 (for Model DHC–8–103 series airplanes), from the de Havilland Airplane Flight Manual PSM 1–81–1A.

(b) Within 7 days after the effective date of this AD, revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) by inserting the following statement. This may be accomplished by inserting a copy of this AD into the AFM.

Supplement No. 21, dated May 30, 1990 (for Model DHC–8–102 series airplanes), or September 26, 1990 (for Model DHC–8–103 series airplanes), of the de Havilland Airplane Flight Manual PSM 1–81–1A, is withdrawn. Use of engine bleed air during takeoffs and landings is prohibited.

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

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

(d) Special flight permits may be issued in accordance with FAR 211.97 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

(e) This amendment (39–8113, AD 91–26–02) becomes effective December 23, 1991.

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

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91–29447 Filed 12–9–91; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 91–ASO–21]

Establishment of Transportation Area, Prestonburg, KY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes the Prestonburg, KY Transition Area. A standard instrument approach procedure (SIAP) has been developed to serve the Big Sandy Regional Airport. This action will lower the base of controlled airspace from 1,200 feet to 700 feet above the surface in vicinity of the airport in order to provide protection of instrument flight rules (IFR) operations. Additionally, the operating status of the airport will change from visual flight rules (VFR) only to include IFR operations concurrent with publication of the SIAP.

EFFECTIVE DATE: 0901 UTC, July 23, 1992.

FOR FURTHER INFORMATION CONTACT: James G. Walters, Airspace Section, System Management Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 763–7646.

SUPPLEMENTARY INFORMATION:

History

On October 3, 1991, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish the Prestonburg, KY Transition Area (56 FR 50066). A standard instrument approach procedure (SIAP) had been developed to serve the Big Sandy Regional Airport. The proposed action would lower the base of controlled airspace from 1200 feet to 700 feet above the surface in vicinity of the airport for protection of IFR aeronautical operations. Also, it was proposed to change the operating status of the Big Sandy Regional Airport from VFR operations only to include IFR operations concurrent with publication of the SIAP. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. § 71.181 of part 71 of the Federal Aviation Regulations was republished in FAA Handbook 7400.6G dated September 4, 1990.

The Rule

This amendment to part 71 of the Federal Aviation Regulations establishes the Prestonburg, KY Transition Area. A standard instrument approach procedure (SIAP) has been developed to serve the Big Sandy Regional Airport. This action lowers the base of controlled airspace from 1,200 feet to 700 feet above the surface in vicinity of the airport for protection of IFR aeronautical operations. Additionally, the operating status of the airport will be changed from VFR operations only to include IFR operations concurrent with publication of the SIAP.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Transition area.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 71 of the Federal Aviation Regulations (14 CFR part 71) is amended, as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. APP. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. App. 106(g) (Revised Public Law 97–449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Prestonburg, KY [New]

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Big Sandy Regional Airport (lat. 37°45'04"N., long. 82°38'13"W.).

Issued in East Point, Georgia, on November 27, 1991.

Walter E. Denley,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 91–29448 Filed 12–9–91; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Parts 768, 771, 772, 773, 774, 775, and 787

[Docket No. 911182–1282]

Establishment of Import Certificate/Delivery Verification Procedure for Switzerland and Liechtenstein; Removal of Swiss Blue Import Certificate Requirement for Special and General Licenses

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Final rule.

SUMMARY: This final rule makes a number of amendments to the Export Administration Regulations (EAR) in response to recent revisions to Switzerland's export control law. Specifically, this rule removes § 775.4 of the EAR and amends § 775.3 to include Switzerland and Liechtenstein among the destinations that are subject to the International Import Certificate/Delivery Verification Certificate (IC/DV) procedure. This rule substitutes an IC/DV procedure for the Swiss Blue Import Certificate requirement and eliminates the requirement for a Swiss Blue Import Certificate for the following exports and reexports: (1) Exports/reexports under General License G–COCOM; (2) Exports/reexports under Distribution Licenses; (3) Exports/reexports under the Service Supply Procedure; and (4) Reexports in accordance with part 774 of the EAR. This rule also revises the recordkeeping requirements in the EAR to conform with the IC/DV procedures.

The changes made by this rule will reduce recordkeeping requirements for exporters because they will no longer have to maintain Swiss Blue Import Certificates on file in support of the export/reexport transactions described above.

A license applicant will not be required to obtain a Swiss Import Certificate in support of a license application to export items identified by the code letter "A" on the Commerce Control List, unless exempted or excepted by the EAR. The IC/DV procedure set forth in § 775.3 provides a broader range of exemptions than was previously available under § 775.4.

EFFECTIVE DATE: This rule is effective December 10, 1991.

FOR FURTHER INFORMATION CONTACT: Rod Joseph, Office of Technology and Policy Analysis, Bureau of Export Administration, U.S. Department of Commerce, Telephone: (202) 377–8171.

SUPPLEMENTARY INFORMATION:

Background

The changes made by this final rule are made in response to recent amendments to Switzerland's export control legislation. The Government of Switzerland now requires authorization for the reexport of all items in the Swiss Export List (a list of controlled items that is roughly equivalent to the lists maintained by COCOM). Previously, the Government of Switzerland only required the consent of the supplying country if an item had been imported into Switzerland under a Swiss Blue Import Certificate.

As a result of the amendments to Switzerland's export control legislation, Swiss reexport control procedures and Import Certificate documentation meet the elements considered essential by the Coordinating Committee for Multilateral Export Controls (COCOM). Therefore, this final rule amends the EAR to remove the special Swiss Blue Import Certificate requirements in § 775.4 and to include Switzerland and Liechtenstein among the destinations that are identified in § 775.3 of the EAR as subject to the International Import Certificate/Delivery Verification Certificate procedure. Since this rule revises § 775.3(c)(1) to reference the Swiss Blue Import Certificate as a document that is equivalent to an International Import Certificate (IC), all specific references to the Swiss Blue Import Certificate are being removed.

Rulemaking Requirements

1. This rule complies with Executive Order 12291 and Executive Order 12661.

2. This rule mentions collections of information subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). These collections have been approved by the Office of Management and Budget under control numbers 0694–0001, 0694–0002, 0694–0005, 0694–0010, 0694–0015, and 0694–0016. The requirement for supporting documents will be reduced as a result of this rule, thereby reducing the paperwork burden on the public.

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

4. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by section 553 of the Administrative Procedure Act (5 U.S.C. 553) or by any other law, under sections 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a)) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

5. The provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a foreign and military affairs function of the United States. This rule does not impose a new control. No other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule.

Accordingly, it is issued in final form. However, comments from the public are always welcome. Comments should be submitted to Patricia Muldonian, Office of Technology and Policy Analysis, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

List of Subjects

15 CFR Part 768

Imports, Penalties, Reporting and recordkeeping requirements.

15 CFR Parts 771, 772, 773, 774, and 775

Exports, Reporting and recordkeeping requirements.

15 CFR Part 787

Boycotts, Exports, Law enforcement, Penalties, Reporting and recordkeeping requirements.

Accordingly, parts 768, 771, 772, 773, 774, 775, and 787 of the Export Administration Regulations (15 CFR parts 730–799) are amended as follows:

1. The authority citations for 15 CFR parts 768, 771, 772, 773, 774, 775, and 787 are revised to read as follows:

Authority: Pub. L. 96–72, 93 Stat. 503 (50 U.S.C. app. 2401 *et seq.*), as amended; E.O. 12532 of September 9, 1985 (50 FR 36861, September 10, 1985) as affected by notice of September 4, 1986 (51 FR 31925, September 8, 1986), Pub. L. 99–440 of October 2, 1986 (22 U.S.C. 5001 *et seq.*); E.O. 12571 of October 27, 1986 (51 FR 39505, October 2, 1986); Pub. L. 995–223, 91 Stat. 1626 (50 U.S.C. 1701 *et seq.*), E.O. 12730 of September 30, 1990 (55 FR 40373, October 2, 1990).

PART 768—[AMENDED]

§ 768.2 [Amended]

2. In § 768.2, paragraph (a)(9)(iii) is amended in the first sentence by removing the parenthetical phrase "(other than a Swiss Blue Import Certificate)".

PART 771—[AMENDED]

§ 771.24 [Amended]

3. In § 771.24, paragraph (d) is removed.

PART 772—[AMENDED]

4. In § 772.8, paragraph (a)(3) is revised to read as follows:

§ 772.8 Special types of individual license applications.

(a) * * *

(3) *Applicability of special provisions.* Except for a shipment originating in Canada, the application must be accompanied by the document applicable to the country of ultimate destination as specified in part 775 of this subchapter.

§ 772.11 [Amended]

5. Section 772.11 is amended by removing in paragraph (h)(2)(i) the phrase "Swiss Blue Import Certificate," and by removing in paragraph (k)(1) introductory text the phrase "Swiss Blue Import Certificate (§ 775.4 of this subchapter),".

PART 773—[AMENDED]

6. Section 773.3 is amended by revising the heading and the first two sentences of paragraph (h)(1), by revising paragraphs (h)(2) and (j)(2)(ii), and by removing paragraph (h)(3) to read as follows:

§ 773.3 Distribution license.

* * * * *

(h) * * * (1) *Exports by license holders.* A Yugoslav End-Use Certificate covering distribution or use within Yugoslavia must be obtained from the Government of Yugoslavia and forwarded to the license holder before any export is made. The license holder shall maintain records of all completed certificates and for partially used certificates maintain a record summarizing the partial shipments for each certificate. * * *

(2) *Reexports by consignees.* An approved consignee may reexport for use or distribution within Yugoslavia only if the reexport is covered by a Yugoslav End-Use Certificate. The original of each Yugoslav End-Use Certificate issued, or a reproduced copy if the original is required by the government of the country in which the distributor is located, shall be forwarded quarterly by the distributor to the license holder.

* * * * *

(j) * * *

(2) * * *

(ii) An approved consignee may reexport for use or distribution within Yugoslavia only if the reexport is covered by a Yugoslav End-Use Certificate, as provided in § 773.3(h).

* * * * *

§ 773.7 [Amended]

7. In § 773.7, paragraph (d)(1)(iii) is amended by removing the phrase "Swiss Blue Import Certificate or a".

8. In § 773.7, paragraph (e) is amended by revising the heading and the first sentence to read as follows:

§ 773.7 Service supply procedure.

* * * * *

(e) *Exports and Reexports to Yugoslavia.* For an export or reexport of spare and replacement parts to service equipment located in Yugoslavia, the U.S. exporter or its approved service facility, or the authorized foreign manufacturer, must obtain for each transaction a Yugoslav End-Use Certificate showing the United States as the country of origin of the parts to be shipped. * * *

* * * * *

§ 773.7 [Amended]

9. In section 773.7, paragraph (k) introductory text is amended by removing the phrase "and Swiss Blue Import Certificates".

§ 773.8 [Amended]

10. In § 773.8, paragraph (d)(1) is amended by removing the phrase "a Swiss Blue Import Certificate,".

PART 774—[AMENDED]

11. In § 774.2, paragraph (k)(2) is revised to read as follows:

§ 774.2 Permissive reexports.[2]

* * * * *

(k) * * *

(2) *Provided that,* Eligible commodities are for use or for consumption within a COCOM participating country (as defined in § 774.3(e)(1)(ii)), Austria, Finland, Ireland, Sweden, or Switzerland, or for reexport from such country in accordance with other provisions of the Export Administration Regulations (15 CFR parts 730–799).

* * * * *

§ 774.3 [Amended]

12. In § 774.3, the list of countries in paragraph (c)(1)(i)(B) is amended by removing the entries "Liechtenstein," and "Switzerland,".

13. Section 774.3 is amended by revising paragraph (c)(1)(ii), by removing paragraph (d), and by redesignating paragraph (e) as new paragraph (d), to read as follows:

§ 774.3 How to request reexport authorization.

* * * * *

(c) * * *

(1) * * *

(ii) If the required document is a Yugoslav End-Use Certificate, a People's Republic of China End-User Certificate, a Singapore Import and Delivery Verification Certificate, or Indian Import Certificate, and the same document must be furnished to the export control authorities of the country from which the reexport will be made, the Office of Export Licensing will permit the applicant to submit or retain on file, as appropriate (see § 774.3(c)(1)(i)), a reproduced copy of the document being furnished to the country of reexport. If the required documentation cannot be obtained, a waiver may be requested in accordance with the applicable provisions of the Export Administration Regulations (15 CFR parts 730–799). (See § 775.5(c) of this subchapter for waiver of a Yugoslav End-Use Certificate and § 775.7(c) of this subchapter for waiver of an Indian Import Certificate.)

* * * * *

PART 775—[AMENDED]

§ 775.1 [Amended]

14. The table in § 775.1(b) is amended by adding the word "Liechtenstein," immediately before the word "Luxembourg,", by adding the work "Switzerland," immediately after the word "Sweden," in the column titled "and the country of destination is"; by removing entry number 3 and by redesignating entries number 4 through 8 as entries number 3 through 7, respectively.

§ 775.2 [Amended]

15. In 775.2, paragraph (b)(1) is amended by removing the phrase "a Swiss Blue Import Certificate (§ 775.4),".

16. Section 775.3 is amended by adding a Note immediately following paragraph (a)(2), by republishing the heading and first sentence of paragraph (b), by revising footnote number 1, and by adding "Liechtenstein" and "Switzerland" in alphabetical order in paragraph (b) as follows:

§ 775.3 International import certificate and delivery verification certificate.

(a) * * *

(2) * * *

Note: Switzerland satisfies the DV requirement by issuing a copy of the reverse side of the official copy of the Swiss Import Certificate, on which shipments delivered into Switzerland have been recorded.

* * * * *

(b) *Destinations.* The following country destinations are subject to the International Import Certificate/Delivery Verification Certificate System requirements.[1]

* * * * *

§ 775.4 [Removed]

17–18. Section 775.4 is removed and reserved.

§ 775.10 [Amended]

19. Section 775.10 is amended:

a. By removing the phrase "Swiss Blue Import Certificates," where it appears in the introductory text of the section, in paragraph (a), and in the heading of paragraph (b)(3);

b. By removing the phrase "a Swiss Blue Import Certificate," in paragraph (b)(3);

c. By removing the phrase "Swiss Blue Import Certificate," where it appears in paragraph (c), in paragraph (e), in paragraph (f)(1) introductory text, in paragraph (f)(2)(i) introductory text, in the second certification at the end of paragraph (f)(2)(ii), and in paragraph (g)(1) introductory text; and

d. By redesignating paragraph (f)(2)(i)(b) as paragraph (f)(2)(i)(B).

20. Supplement No. 1 to part 775 is amended by adding an entry for "Liechtenstein" in alphabetical order, by revising the entry for "Switzerland," and by revising footnote 1 to the table to read as follows:

[2] See § 774.9 for effect on foreign laws.

[1] See § 775.5 for Yugoslav End-Use Certificate requirements, § 775.6 for People's Republic of China End-Use Certificate requirements, § 775.7 for Indian Import Certificate requirements, and § 775.8 for Polish, Hungarian, or Czechoslovak Import Certificate requirements.

SUPPLEMENT NO. 1.—AUTHORITIES ADMINISTERING IMPORT CERTIFICATE/DELIVERY VERIFICATION SYSTEM IN FOREIGN COUNTRIES[1]

Country	IC/DV authorities	System administered [2]
*	*	*
Liechtenstein	Swiss Federal Office for Foreign Economic Affairs, Import and Export Division, Zieglerstrasse 30, CH-3003 Bern	IC/DV
*	*	*
Switzerland	Swiss Federal Office for Foreign Economic Affairs, Import and Export Division, Zieglerstrasse 30, CH-3003 Bern	IC/DV
*	*	*

[1] Facsimiles of Import Certificates and Delivery Verifications issued by each of these countries may be inspected at the Bureau of Export Administration Western Regional Office, 300 Irvine Avenue, suite 345, Newport Beach, California 92660-3198, or at any U.S. Department of Commerce District Office (see listing on page (ii) under District Office Addresses) or at the Office of Export Licensing, room 1099D, U.S. Department of Commerce, 14th Street and Pennsylvania Avenue, NW., Washington, DC 20230. Copies are not available.
[2] IC—Import Certificate and/or DV—Delivery Verification.

PART 787—[AMENDED]

21. In § 787.13, paragraphs (e)(2)(ii)(B) and (e)(2)(ii)(C) are amended to read as follows:

§ 787.13 Recordkeeping.

* * * * *

(e) * * *
(2) * * *
(ii) * * *

(B) Yugoslav End-Use Certificates and other records required for exports under the Distribution License, as required by § 773.3(h)(1) of this subchapter;

(C) Yugoslav End-Use Certificates and other records required for exports under the Service Supply Procedure, as required by § 773.7(e) of this subchapter;

* * * * *

Dated: December 4, 1991.

James M. LeNunyon,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 91-29440 Filed 12-9-91; 8:45 am]

BILLING CODE 3510-DT-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Parts 187, 188, 189, 190, 197, 204, 214, 235, 265, 271, 286f, 288, 289, 291b, 296, 336, 337, and 338

Redesignation of Parts

AGENCY: Office of the Secretary, DOD.

ACTION: Final rule amendment.

SUMMARY: This document redesignates several parts in title 32, chapter I, of the Code of Federal Regulations. These administrative amendments are made for ease of use to transfer the newly redesignated parts into the appropriate subchapters. A chart specifically identifying the old part number, the new part number, and the subchapter in which the newly redesignated parts will be transferred is also attached.

EFFECTIVE DATE: December 10, 1991.

FOR FURTHER INFORMATION CONTACT: L. M. Bynum, Correspondence and Directives Directorate, Washington Headquarters Services, Pentagon, Washington, DC 20301-1155, telephone 703-697-4111.

SUPPLEMENTARY INFORMATION: .

List of Subjects

32 CFR Parts 187 and 197

Armed forces, Environmental protection; Foreign relations.

32 CFR Parts 214 and 188

Environmental impact statements.

32 CFR Parts 235 and 189

Public lands-mineral resources.

32 CFR Parts 204 and 288

Accounting; Armed forces; Government property.

32 CFR Parts 265 and 190

Armed forces; Federal buildings and facilities; Natural resources.

32 CFR Parts 286f and 271

Banks, banking; Credit; National Security Agency/Central Security Service; Privacy.

32 CFR Parts 296 and 336

Administrative practice and procedure.

32 CFR Parts 289 and 337

Freedom of information; Government publications.

32 CFR Parts 291b and 338

Freedom of information.

The chart shown below identifies the old part numbers, the newly redesignated part numbers, the amendments and revisions to be made within the text of the newly redesignated parts, and the subchapter in which the newly redesignated parts are to be transferred:

Accordingly, under the authority of 10 U.S.C. 131, 32 CFR chapter I, is amended as identified in the chart below:

Old Part No.	New Part No.	Amendments and Revisions	Subchapter
197	187	1. The authority citation for newly redesignated part 187 is revised to read as follows:. **Authority:** 10 U.S.C. 131. 2. Newly redesignated § 187.1 is amended by changing "214" to "188." 3. Newly redesignated § 187.5(d)(1) is amended by changing "§ 197.6" to "§ 187.6." 4. Newly redesignated § 187.6 is amended by changing "§ 197.5(d)" to "§ 187.5(d)." 5. Enclosure 1, paragraph D.2. to newly redesignated part 187 is amended by changing "§ 197.4(d)" to "§ 187.4(d)."	L
214	188	1. The authority citation for newly redesignated part 188 is revised to read as follows: **Authority:** 42 U.S.C. 4321. 2. Newly redesignated § 188.6 is amended by changing "§ 214.5" to "§ 188.5."	L
235	189	No changes.	L
265	190	1. Newly designated section 190.1(a) is amended by revising footnote 1 to read as follows: "Canceled by DoD Directive 4700.4." 2. Newly redesignated § 190.4(d) is amended by changing "214" to "188" and "197" to "187; 3. Newly redesignated § 190.5(a)(3) is amended by revising footnote 2 to read as follows: "Copies may be obtained, at cost, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161."	L

Old Part No.	New Part No.	Amendments and Revisions	Sub-chapter
		4. Appendix to newly redesignated part 190, paragraph A.5.e., is amended by revising footnote 1 to read as follows: "Copies may be obtained, at cost, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161."; paragraph A.8., footnote 2, paragraph B.2.e., footnote 3, and paragraph B.3.e., and footnotes 4 and 5 are amended by revising the narrative to read: "See footnote 2 to paragraph A.5.e."; paragraph B.4.a. is amended by changing "§ 265.3" to § 190.3"; and paragraph B.4.e. introductory text by changing "214" to "188"	
288	204	1. The authority citation for newly redesignated part 204 is revised to read as follows: **Authority:** 31 U.S.C. 483a. 2. Newly redesignated § 204.1 is amended by changing "288" to "204" 3. Newly redesignated section 204.4 is amended in paragraph (c)(1)(i) by changing "§ 288.9" to "§ 204.9" and in paragraph (c)(1)(ii), footnote 1 is revised to read as follows: "Copies may be obtained, at cost, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161."; paragraphs (c)(1) (vii), (viii), and (ix) are amended by revising footnotes 2, 3 and 4 to read as follows: "See footnote 1 to § 204.1(c)(1)(ii)." 4. Newly redesignated § 204.5(f) is amended by changing "Assistant Secretary of Defense (Comptroller)" to "Comptroller of the Department of Defense" and "§ 288.10" to "§ 204.10"	M
		5. Newly redesignated § 204.6 is amended in paragraphs (a)(1) and (a)(4) by revising footnotes 5 and 6 to read as follows: "See footnote 1 to § 204.1(c)(1)(ii)."; paragraphs (a)(4) and (b)(1)(v) are also amended by revising footnotes 7 and 8 to read as follows: See footnote 1 to § 204.1(c)(1)(ii)"; paragraph (b)(2) by changing "§ 228.4(c)" to "§ 204.4(c)" and "§ 228.9" to "§ 204.9"; paragraph (b)(3) by changing "Assistant Secretary of Defense (Comptroller)" to "Comptroller of the Department of Defense" 6. Newly redesignated § 204.8 is amended by revising footnote 9 to read as follows: "See footnote 1 to § 204.1(c)(1)(ii)." 7. The heading for newly redesignated § 204.9 is amended by changing "§ 288.4(c)(D)" to "§ 204.4(c)(4)". 8. Newly redesignated § 204.10 introductory text is amended by changing "§ 288.9" to "§ 204.9"	
286f	271	1. The authority citation for newly redesignated part 271 is revised to read as follows: **Authority:** 12 U.S.C. 3401 et seq. 2. Newly redesignated §§ 271.2(c), 271.3(a) (twice) and 271.3(b) are amended by changing "294" to "275."	M
296	336	1. Newly redesignated § 336.2(b) is amended by changing "§ 296.5" to "§ 336.5" 2. Newly redesignated § 336.3(b) is amended by changing "§ 296.2(d)(2) (i) and (ii), (3) and (4)" to "§ 336.2(d)(2) (i) and (ii), (3) and (4)" 3. Newly redesignated § 336.4(a) is amended by changing "§ 296.2(d)" to "§ 336.2(d)" 4. Newly redesignated § 336.5(d) is amended by changing "§ 296.5" to "§ 336.5" 5. Newly redesignated § 336.6 is amended by changing "§ 296.4" to "§ 336.4"	P
289	337	1. Newly redesignated § 337.1 is amended by changing "part 1" to "Chapter 2" 2. Newly redesignated § 337.2 is revised to read as follows: § 337.2 Ordering DoD publications DoD publications and changes published in Chapter 3—Publications section of DoD 5025.1-I, "DoD Directives System Annual Index" are available from the various sources that are identified in the Availability Column. Addresses for forwarding written requests to the various sources are listed at the beginning of chapter 3. A fee will be charged for DoD Publications ordered from the National Technical Information Service.	P
291b	338	No changes	P

Dated: November 27, 1991.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 91-28935 Filed 12-9-91; 8:45 am]

BILLING CODE 3810-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 58

[IN-13-1-5351; FRL-4038-6]

Modification of the Ozone Monitoring Season; Indiana

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Final rule; notice of ozone monitoring season modification.

SUMMARY: Ozone (O_3) is required to be monitored at National Air Monitoring Stations (NAMS) and State and Local Air Monitoring Stations (SLAMS) only during the "ozone season" as designated in the Aerometric Information Retrieval System (AIRS) files on a State by State basis. Previously, the ozone season for Indiana had been designated as April 1 through October 31. A review of historic monitoring data for Indiana and adjacent areas for the past 5 years revealed that during the month of October Indiana is not subject to high ozone concentrations. Therefore,

pursuant to 40 CFR 58.13(a)(3), USEPA determined that Indiana is now subject to an April-September ozone monitoring timeframe. The modified ozone season will apply to 1991 ozone monitoring data and future monitoring efforts unless otherwise revised.

EFFECTIVE DATE: This regulation is effective as of November 26, 1991.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the following location: U.S. Environmental Protection Agency, Region V, Regulation Development Branch, 230 S. Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Patricia Morris, Regulation Development Section, U.S. Environmental Protection Agency, Region V, 230 S. Dearborn St., Chicago, Illinois 60604, (312) 353–8656 or (FTS) 353–8656.

SUPPLEMENTARY INFORMATION:

Background

The State of Indiana monitors for ozone and submits data to AIRS as required to determine the air quality and attainment status of metropolitan areas and recognize trends in air quality. 40 CFR 58.13(a)(3) provides that the Regional Administrator may exempt periods or seasons from consecutive hourly averages for continuous State and Local Air Monitoring Station (SLAMS) analyzers. Part 58 appendix D, lists the current ozone season on a state by state basis. The Indiana season is listed as April through October.

On February 19, 1991, the Indiana Department of Environmental Management (IDEM) requested that USEPA modify the State's current ozone season to April 1 through September 30. After review of the historic monitoring data in AIRS for Indiana and adjacent areas, USEPA determined that ozone exceedances have not occurred during October and are not expected to occur during October. 40 CFR 58.32 states that the NAMS network is subject to the approval of the Administrator. On June 10, 1991, the USEPA's Office of Air Quality Planning and Standards concurred with Region V's request for a change to the NAMS sites. Valdes V. Adamkus, Regional Administrator, Region V, notified Kathy Prosser, Commissioner, IDEM, of USEPA's approval of these requests on November 26, 1991.

The USEPA has determined that this change to the ozone monitoring season in Indiana complies with all applicable requirements of the Clean Air Act and USEPA policy and regulations concerning such revisions. Due to the minor nature of this revision, USEPA concluded that conducting notice and comment rulemaking prior to approving the revision would have been "unnecessary and contrary to the public interest," and hence was not required by the Administrative Procedure Act, 5 U.S.C. 553(b). This action became final and effective on November 26, 1991, the date of USEPA approval of the State's request.

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and 3 State Implementation Plan (SIP) revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 10, 1992. This action may not be challenged later in proceedings to enforce its requirements (see 307(b)(2)).

List of Subjects in 40 CFR Part 58

Air pollution control, Intergovernmental relations.

Dated: November 26, 1991.

Ralph Bauer,

Acting Regional Administrator.

PART 58—[AMENDED]

Title 40, part 58 of the Code of Federal Regulations is being amended as follows:

1. The authority citation for part 58 continues to read as follows:

Authority: 42 U.S.C. 7410, 7601(a), 7613, 7619.

Appendix D to Part 58—[Amended]

2. In Appendix D to part 58; in the table in 2.5, the entry for "Indiana" is revised to read as follows:

OZONE MONITORING SEASON BY STATE

State	Begin month	End month
* * * * *		
Indiana	April	September.
* * * * *		

[FR Doc. 91–29487 Filed 12–9–91; 8:45 am]

BILLING CODE 6560–50–M

Proposed Rules

Federal Register
Vol. 56, No. 237
Tuesday, December 10, 1991

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Part 1951

Predetermined Amortization Schedule System (PASS) Account Servicing

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule

SUMMARY: The Farmers Home Administration (FmHA) proposed to amend its regulation to introduce a new form to improve the method Multiple Family Housing borrowers use to notify FmHA of changes to tenant status. The intended effect is to increase the efficiency of internal FmHA processing.

DATES: Comments must be received on or before February 10, 1992.

ADDRESSES: Submit written comments, in duplicate, to the Office of the Chief, Regulations, Analysis and Control Branch, Farmers Home Administration, U.S. Department of Agriculture, room 6348—South Agriculture Building, Washington, DC 20250. All written comments made pursuant to this notice will be available for public inspection during regular work hours at the above address. Public reporting burden for this collection of information is estimated to very from 5 minutes to 1 hour per response, with an average of 5 minutes per response including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspect of this collection of information, including suggestions for reducing this burden, to the Department of Agriculture, Clearance Officer, OIRM, room 404–W, Washington, DC 20250; and to the Office of Management and Budget, Attention: Desk Officer for the Farmers Administration, Washington, DC 20503. The collection of information requirements contained in this rule have been submitted to OMB for review under section 3504(h) of the Paperwork Reduction Act of 1980.

FOR FURTHER INFORMATION CONTACT: Laurence R. Anderson, Senior Loan Specialist, Multiple Family Housing Servicing and Property Management Division, room 5321–S, Farmers Home Administration, 14th and Independence Avenue, SW., Washington, DC 20250, telephone (202) 382–1611.

SUPPLEMENTARY INFORMATION:

Classification

This action has been reviewed under USDA procedures established in Departmental Regulation 1512–1 which implements Executive Order 12291, and has been determined "nonmajor" since the annual effect on the economy is less than $100 million and there will be no significant increase in cost or prices for consumers, individual industries, Federal, State or local Government agencies, or geographic regions. Furthermore, there will be no adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States enterprises to compete with foreign based enterprises in domestic or import markets. This action is not expected to substantially affect budget outlay or affect more than one Agency or be controversial. The net result is to provide better service to rural communities.

Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR part 1940, subpart G, "Environmental Program." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of human environment, and in accordance with the National Environmental Policy Act of 1969, Public Law 91–90, an Environmental Impact Statement is not required.

Programs Affected

This program/activity is listed in the Catalog of Federal Domestic Assistance under Numbers 10.415, Rural Rental Housing Loans and 10.427, Rural Rental Assistance Payments.

Intergovernmental Consultation

For the reasons set forth in the Final Rule related Notice(s) to 7 CFR part 3015, subpart V, this program/activity is included in the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Regulatory Flexibility Act

This final rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601–612). The undersigned has determined and certified by signature of this document that this rule will not have a significant economic impact on a substantial number of small entities since this rulemaking action does not involve a new or expanded program.

List of Subjects in 7 CFR Part 1951

Account Servicing, Accounting, Loan programs—Agriculture, loan programs—Housing and community development, Low and moderate income housing loans—Servicing, Mortgages.

PART 1951—SERVICING AND COLLECTIONS

1. The authority citation for part 1951 continues to read as follows:

Authority: 7 U.S.C. 1989, 42 U.S.C. 1480, 5 U.S.C. 301, 7 CFR 2.70.

Subpart K—Predetermined Amortization Schedule System (PASS) Account Servicing

§ 1951.506 [Amended]

2. Section 1951.506(a)(5)(iii) is amended by changing the reference in the last sentence from "paragraph VII F" to "paragraph VII F 5."

3. Section 1951.506 is amended by adding paragraph (a)(7) to read as follows:

§ 1951.506 Processing payments.

* * * * *

(a) * * *

(7) Borrowers may use Form FmHA 1951–29, "Multiple Family Housing—Changes To Tenant Status," to report changes of tenant status to the District Director.

* * * * *

Dated: September 26, 1991.

La Verne Ausman,

Administrator, Farmers Home Administration.

[FR Doc. 91–29388 Filed 12–9–91; 8:45 am]

BILLING CODE 3410–07–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91-ASW-17]

Airworthiness Directives; Bell Helicopter Textron, Inc. (BHTI), Model 205B, 212, and 412 Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes the adoption of a new airworthiness directive (AD) applicable to BHTI Model 205B, 212, and 412 helicopters, that would require a repetitive magnetic particle inspection of the main transmission lower planetary spider gear. The proposed AD is needed to detect and prevent fatigue failure of the main transmission lower planetary spider gear, which could, in turn, result in catastrophic failure of the transmission and subsequent loss of control of the helicopter.

DATES: Comments must be received by January 24, 1992.

ADDRESSES: Submit comments on the proposal in triplicate to: Rules Docket, Office of the Assistant Chief Counsel, Attention: Rules Docket Number 91-ASW-17, FAA, 4400 Blue Mound Road, Fort Worth, Texas 76193-0007, or deliver in triplicate to 4400 Blue Mound Road, room 158, Building 3B, of the Rules Docket. Comments may be inspected at this location between 9 a.m. and 3 p.m., weekdays, except Federal holidays.

The applicable service bulletins may be obtained from Bell Helicopter Textron, Inc., P.O. Box 482, Fort Worth, Texas 76101, Attention: Customer Support, or may be examined in the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Scott A. Horn, FAA, Rotorcraft Certification Office, ASW-170, Fort Worth, Texas 76193-0170, telephone (817) 624-5177; fax (817) 624-5988.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 91-ASW-17." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 91-ASW-17, Bldg. 3B, room 158, 4400 Blue Mound Road, Fort Worth, Texas 76193-0007

Discussion

The manufacturer has conducted a crack growth analysis of a planetary spider gear which recently cracked in service and subsequently, tested two additional spider gears for fatigue. As a result, the FAA has determined that a spider gear can fail, causing in turn, failure of the main transmission.

Since this condition is likely to exist or develop on other helicopters of the same design, the proposed AD would require repetitive magnetic particle inspections of the spider gear on Bell Model 205B, 212, and 412 series helicopters to detect and preclude failure of this gear.

It is estimated that approximately 875 helicopters in U.S. registry would be affected by this AD. During the first year of this AD's effectivity, approximately 12 percent of the 875 helicopters will require 32 work hours per teardown inspection. Additionally, another 33 percent of the fleet will require 6 hours per inspection in conjunction with scheduled yearly overhauls. The labor rate is approximately $55 per work hour. Based on these figures, it is estimated that the cost of compliance would not be more than an average of $320 per year for each affected helicopter or $280.000 for the total fleet.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—[AMENDED]

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

Authority: 48 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

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

Bell Helicopter Textron, Inc. (BHTI): Docket No. 91-ASW-17.

Applicability: All Model 205B, 212, and 412 helicopters, certificated in any category, with main transmission lower planetary spider gear, part number (P/N) 204-040-785-003, installed.

Compliance: Required as indicated, unless already accomplished. To prevent fatigue of the main transmission lower planetary spider gear, P/N 204-040-785-003, which could result in failure of the main transmission and subsequent loss of control of the helicopter, accomplish the following:

(a) Within the next 600 hours' time in service after the effective date of this AD or prior to the accumulation of 3,100 hours' time in service from the last magnetic particle inspection, whichever occurs first, perform a magnetic particle inspection of the lower

planetary spider gear in accordance with the applicable BHTI maintenance, repair and overhaul manuals.

(b) Repeat the inspection of paragraph (a) at intervals not to exceed 3,100 hour's time in service from the last inspection.

(c) Replace unairworthy parts with airworthy parts before further flight.

(d) An alternative method of compliance or adjustment of the compliance times, which provides an equivalent level of safety, may be used if approved by the Manager, Rotorcraft Certification Office, ASW-170, Federal Aviation Administration, Fort Worth, Texas 76193-0170.

Issued in Fort Worth, Texas, on November 6, 1991.

James D. Erickson,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 91-29446 Filed 12-9-91; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 91-NM-218-AD]

Airworthiness Directives; Boeing Model 737-100 and 737-200 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to supersede an existing airworthiness directive (AD), applicable to all Boeing Model 737 series airplanes, which currently requires periodic inspections of the fuel lines contained within the wing fuel tanks to detect air leakage. The requirements of that AD are intended to detect air leakage into the fuel feed line during fuel system suction feed operation at low fuel levels, which could cause loss of fuel flow to the engines and could result in simultaneous unrecoverable loss of power of both engines. This action would limit the applicability of the AD to only Boeing Model 737-100 and 737-200 series airplanes, line number 001 through line number 900. This proposal is prompted by a determination that design features incorporated in later models of this airplane series have eliminated the leakage problem and thereby make the periodic inspections unnecessary.

DATES: Comments must be received no later than January 27, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 91-NM-218-AD, 1601 Lind Avenue S.W., Renton, Washington 98055-4056.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Bray, Seattle Aircraft Certification Office, Propulsion Branch, ANM-140S; telephone (206) 431-2681. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 91-NM-218-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 91-NM-218-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056

Discussion

On January 26, 1984, the FAA issued AD 84-03-01, Amendment 39-4803 (49 FR 5056, February 10, 1984), which is applicable to all Model 737 series airplanes, to require periodic inspections to detect air leakage in fuel lines that are contained within the wing fuel tanks. That action was prompted by a report of six flameouts occurring during taxi with the fuel pumps off. This condition, if not corrected, could result in air leakage into the fuel feed lines within the wing tanks during fuel system suction feed operation at low fuel levels causing loss of fuel flow to the engine, which could result in simultaneous unrecoverable loss of power of both engines.

Since issuance of that AD, an operator requested clarification of the applicability statement of the subject AD. Boeing Service Bulletin 737-28-1047, dated July 22, 1983, referenced in AD 84-03-01, limits the effectivity to Boeing Model 737-100 and 737-200 series airplanes prior to line number 901, whereas the subject AD is applicable to all Model 737 series airplanes. Upon reconsideration, the FAA has determined that the subject AD should not apply to Models 737-300, 737-400, and 737-500 series airplanes, nor to Model 737-200 airplanes line number 901 and above, all of which were certificated after the issuance of AD 84-03-01. Design features incorporated in these later series airplanes have eliminated the leakage problems and thereby make the repetitive inspections required by AD 84-03-01 unnecessary. The unsafe condition addressed by AD 84-03-01 is not likely to exist or develop on these later series airplanes.

In addition, since issuance of AD 84-03-01, the FAA has reviewed and approved Boeing Service Bulletin 737-28-1047, Revision 1, dated July 27, 1984; Revision 2, dated April 26, 1985; and Revision 3, dated November 19, 1987; as alternative methods of compliance to the requirements of the existing AD. These service bulletin revisions were clarifying in nature. The FAA has included these service bulletin revisions in this proposed AD as alternative methods of compliance with paragraph (a).

Since the addressed unsafe condition may exist or develop on certain Model 737-100 and 737-200 series airplanes, this action proposes to supersede AD 84-03-01 with a new AD that would continue to require repetitive inspections of the fuel lines within the wing fuel tanks, but would limit the applicability of the AD to only Model 737-100 and 737-200 series airplanes prior to line number 901.

There are approximately 900 Model 737-100 and 737-200 series airplanes of

the affected design in the worldwide fleet. It is estimated that 300 airplanes of U.S. registry would be affected by this AD, that it would take approximately 1 work hour per airplane to accomplish the required actions, and that the average labor cost would be $55 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $16,500.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39–4803 and by adding the following new airworthiness directive.

Boeing: Docket 91–NM–218–AD. Supersedes AD 84–03–01, Amdt. 39–4803.

Applicability: All Model 737–100 and 737–200 series airplanes, line number 001 through line number 900, certificated in any category.

Compliance: Required as indicated, unless previously accomplished.

To prevent air leakage into the fuel feed lines within the wing tanks during fuel system suction feed operation at low fuel levels, accomplish the following:

(a) Prior to the accumulation of either 20,000 flight hours or 7 years of age, or within 500 flight hours, whichever occurs later after February 21, 1984 (the effective date of Amendment 39–4803), institute an inspection program in accordance with Boeing Service Bulletin 737–28–1047, Revision 3, dated November 19, 1987, or earlier FAA approved revisions.

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

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

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

Jim Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91–29444 Filed 12–9–91; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 91–NM–228–AD]

Airworthiness Directives; Boeing Model 757 Series Airplanes Equipped With Pratt and Whitney PW2000 Series Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD) that is applicable to Boeing Model 757 series airplanes equipped with Pratt and Whitney PW2000 series engines. The proposed AD would require replacement of the left and right engine fuel shutoff (spar) valves. This proposal is prompted by reports of difficulty in obtaining successful engine starts during production testing. The actions specified by the proposed AD are intended to prevent the inability to obtain a successful in-flight engine start.

DATES: Comments must be received no later than January 27, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 91–NM–228–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Jeffrey Duven, Seattle Aircraft Certification Office, Propulsion Branch, ANM–140S; telephone (206) 227–2688. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 91–NM–228–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket Number 91–NM–228–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

Discussion

During recent production testing conducted by Boeing, three Model 757–200 series airplanes equipped with Pratt and Whitney PW2000 engines experienced an inability to successfully obtain in-flight engine starts. The inability to successfully obtain in-flight engine starts on these three airplanes was determined to be caused by an improperly functioning engine fuel shutoff (spar) valve. These engine fuel shutoff valves incorporate a pressure relief feature designed to operate when pressure upstream or downstream of the valve exceeds 70 psig. On the three subject airplanes, it has been determined that sufficient backpressure applied to the upstream side of the relief valve can prevent the relief valve from operating until downstream pressures far exceed 70 psig. Fuel pressure downstream of the engine fuel shutoff valves on these three airplanes was sufficiently above the design relief pressure of 70 psig to cause the gears and bearings of the engine driven fuel pumps to be unseated. As a result of this condition, the efficiency of the engine driven fuel pumps was transiently lowered to a level that prevented successful engine starts. This condition, if not corrected, could result in the inability to obtain a successful engine start during flight.

The FAA has reviewed and approved Boeing Alert Service Bulletin 757–28A0028, dated October 3, 1991, which described procedures for the removal and replacement of engine fuel shutoff valves.

Since the unsafe condition described is likely to exist on other airplanes of this same type design, an AD is proposed which would require the removal and replacement of engine fuel shutoff valves in accordance with the service bulletin previously described.

There are approximately 52 Model 757 series airplanes of the affected design in the worldwide fleet. It is estimated that 46 airplanes of U.S. registry would be affected by this AD, that it would take approximately 14 work hours per airplane to accomplish the required actions, and that the average labor cost would be $55 per work hour. Required parts are estimated to cost $3,000 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $173,420.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

Boeing: Docket No. 91–NM–228–AD.

Applicability: Model 757 series airplanes, equipped with Pratt and Whitney PW2000 series engines; as listed in Boeing Alert Service Bulletin 757–28A0028, dated October 3, 1991; certificated in any category.

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

To ensure that in-flight engine restart capability is available, accomplish the following:

(a) Remove and replace the left and right engine fuel shutoff valves in accordance with Boeing Alert service bulletin 757–28A0028 dated October 3, 1991.

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

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

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

Jim Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91–29445 Filed 12–9–91; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

RIN 0720–AA13

[DoD 6010.8–R]

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Requirements for Coverage and Reimbursement of Services of Physicians in Teaching Settings

AGENCY: Office of the Secretary, DoD.

ACTION: Proposed rule.

SUMMARY: This proposed amendment revises the comprehensive CHAMPUS regulation, DoD 6010.8–R, pertaining to basic CHAMPUS benefits. This proposed amendment provides specific requirements for coverage and reimbursement of services of teaching physicians and for physicians in training.

DATES: Written public comments must be received on or before January 9, 1992.

ADDRESSES: Send comments to the Office of the Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS), Office of Program Development, Aurora, CO 80045–6900.

FOR FURTHER INFORMATION CONTACT: Stephen E. Isaacson, Office of Program Development, OCHAMPUS, telephone (303) 361–4005.

SUPPLEMENTARY INFORMATION:

I. Background

CHAMPUS has always covered the services of teaching physicians. However, because of the nature of their services, reimbursement for them is often included in the diagnosis related group (DRG) or other comparable payments made to the hospitals or other institutional providers where the teaching physicians' services are rendered. At other times, teaching physicians' services can be billed separately and reimbursed on an allowable charge basis. This dichotomy has continued to cause confusion among providers, and this proposed rule is

intended to better define the requirements for separate payments for teaching physicians' services.

Teaching physicians may be reimbursed on an allowable charge basis only when they provide services as an attending physician or when they provide distinct, identifiable, personal services (e.g., services rendered as a consultant, assistant surgeon, etc.). Attending physician services may include both direct patient care services or direct supervision of care provided by a physician in training. Other services performed by a teaching physician such as administration, research, and teaching cannot be reimbursed separately on an allowable charge basis. Rather, these services are included in the payments made to the hospital or other institutional provider for the inpatient care.

In order to be considered an attending physician, a teaching physician must, as demonstrated by performance of the activities listed below, render sufficient personal and identifiable medical services to the CHAMPUS beneficiary to exercise full, personal control over the management of the case. The attending physician's services to the patient must be of the same character, in terms of the responsibilities to the patient that are assumed and fulfilled, as the services rendered to other paying patients. In order to be considered an attending physician, the teaching physician must:

1. Review the patient's history and the record of examinations and tests in the institution, and make frequent reviews of the patient's progress; and

2. Personally examine the patient; and

3. Conform or revise the diagnosis and determine the course of treatment to be followed; and

4. Either perform the physician's services required by the patient or supervise the treatment so as to assure that appropriate services are provided by physicians in training and that the care meets a proper quality level; and

5. Be present and ready to perform any service performed by an attending physician in a nonteaching setting when a major surgical procedure or a complex or dangerous medical procedure is performed; and

6. Be personally responsible for the patient's care, at least throughout the period of hospitalization.

Payment on the basis of allowable charges may be made for the professional services rendered to a beneficiary by his/her attending physician when the attending physician provides personal and identifiable direction to physicians in training who are participating in the care of the patient. While it is not necessary that the attending physician be personally present for all services, the attending physician must be on the provider's premises and available to provide immediate personal assistance and direction if needed. Accordingly, a physician who merely reviews a patient's progress on a daily basis but is unavailable when a physician in training renders care cannot be considered to be an attending physician. The attending physician would be considered unavailable either because he/she is not on the provider's premises or because his/her activities preclude immediate and personal assistance. On the other hand, in the case of major surgical procedures and other complex and dangerous procedures or situations, such personal direction must include supervision in person by the attending physician.

A teaching physician also may be reimbursed on an allowable charge basis for any individual, identifiable service rendered to a CHAMPUS beneficiary, so long as the service is a covered service and is normally reimbursed separately, and so long as the patient's records contain entries personally made by the physician which substantiate the service.

The services of a teaching physician must be billed by the hospital or other institutional provider when the physician is employed by or under contract to the provider or a related entity. If the services are those of an attending physician, as opposed to individual, personal services rendered by the teaching physician, the conditions for qualifying as an attending physician must have been met, and the claim must be signed by an individual (e.g., the department head) authorized by the physician and who is knowledgeable of the physician's responsibilities for being considered an attending physician.

Where the teaching physician has no relationship with the hospital or other institutional provider (except for standard physician privileges to admit patients) and generally treats patients on a fee for service basis in the private sector, the teaching physician may submit claims under his/her own provider number (e.g., employee identification number or social security number).

Although there has been far less confusion regarding reimbursement of services provided by physicians in training, we are also including specific requirements for them.

Physicians in training in an approved teaching program, are considered to be "students" and may not be reimbursed directly by CHAMPUS for services rendered to a beneficiary when their services are provided as part of their employment (either salaried or contractual) by a hospital or other institutional provider. They should not be identified as the attending physician, they are not authorized to execute various certifications, and separate charges for their services should not be billed. Their services are reimbursed to the provider through the DRG-based payments or through payments based on billed charges, etc.

Services of physicians in training may be reimbursed on an allowable charge basis only if the physician in training is fully licensed to practice medicine by the state in which the services are preformed, and the services are rendered outside the scope and requirements of the approved training program to which the physician in training is assigned.

II. Regulatory Procedures

Executive Order 12291 requires that a regulatory impact analysis be performed on any major rule. A "major rule" is defined as one which would result in an annual effect on the national economy of $100 million or more or have other substantial impacts.

The Regulatory Flexibility Act (RFA) requires that each federal agency prepare, and make available for public comment, a regulatory flexibility analysis when the agency issues regulations which would have a significant impact on a substantial number of small entities. For purposes of the RFA, we consider small entities to include all hospitals and third-party payers.

This proposed rule is not a major rule under Executive Order 12291. This proposed rule only provides specific requirements for existing policies and makes no changes to those policies. Accordingly, it also will not significantly affect a substantial number of small entities. Therefore, no regulatory impact analysis is required.

III. Other Required Information

Paperwork Reduction Act

This notice does not impose information collection requirements. Therefore, it does not need to be reviewed by the Executive Office of management and Budget under the authority of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501–3511).

List of Subjects in 32 CFR Part 199

Claims, Handicapped, Health insurance, and Military personnel.

PART 199—[AMENDED]

Accordingly, 32 CFR part 199 is amended as follows:

1. The authority citation for part 199 continues to read as follows:

Authority: 10 U.S.C. 1079, 1086, 5 U.S.C. 301.

2. Section 199.2(b) is proposed to be amended by adding new definitions *Approved teaching program* and *Physician in training* in alphabetical order and revising the definition *Attending physician* to read as follows:

§ 199.2 Definitions.

* * * * *

(b) * * *

Approved teaching programs. For purposes of CHAMPUS, an approved teaching program is a program of graduate medical education which has been duly approved in its respective specialty or subspecialty by the Accreditation Council for Graduate Medical Education of the American Medical Association, by the Committee on Hospitals of the Bureau of Professional Education of the American Osteopathic Association, by the Council on Dental Education of the American Dental Association, or by the Council on Podiatry Education of the American Podiatry Association.

* * * * *

Attending Physician. The physician who has the primary responsibility for the medical diagnosis and treatment of the patient. A consultant or an assistant surgeon, for example, would not be an attending physician. Under very extraordinary circumstances, because of the presence of complex, serious, and multiple, but unrelated, medical conditions, a patient may have more than one attending physician concurrently rendering medical treatment during a single period of time. An attending physician also may be a teaching physician.

* * * * *

Physician in training. Interns and residents participating in approved postgraduate training programs and physicians who are not in approved programs but who are authorized to practice only in a hospital or other institutional provider setting, e.g., individuals with temporary or restricted licenses, or unlicensed graduates of foreign medical schools.

* * * * *

Teaching physician. A teaching physician is any physician whose duties include providing medical training to physicians in training within a hospital or other institutional provider setting.

* * * * *

3. Section 199.4 is proposed to be amended by revising paragraphs (b)(1)(i) and (c)(1)(i) and adding a new paragraph (c)(3)(xiii) before the note to read as follows.

§ 199.4 Basic program benefits.

* * * * *

(b) * * *

(1) * * *

(i) *Billing practices.* To be considered for benefits under § 199.4(b), covered services and supplies must be provided and billed for by a hospital or other authorized institutional provider. Such billings must be fully itemized and sufficiently descriptive to permit CHAMPUS to determine whether benefits are authorized by this part. Depending on the individual circumstances, teaching physician services may be considered an institutional benefit in accordance with § 199.4(b) or a professional benefit under § 199.4(c). See paragraph (c)(3)(xiii) of this section for the CHAMPUS requirements regarding teaching physicians. In the case of continuous care, claims shall be submitted to the appropriate CHAMPUS fiscal intermediary at least every 30 days either by the beneficiary or sponsor, or, on a participating basis, directly by the facility on behalf of the beneficiary (refer to § 199.7).

* * * * *

(c) * * *

(1) * * *

(i) *Billing practices.* To be considered for benefits under this paragraph (c) of this section, covered professional services must be performed personally by the physician or other authorized individual professional provider, who is other than a salaried or contractual staff member of a hospital or other authorized institution, and who ordinarily and customarily bills on a fee-for-service basis for professional services rendered. Such billings must be itemized fully and sufficiently descriptive to permit CHAMPUS to determine whether benefits are authorized by this part. See paragraph (c)(3)(xiii) of this section for the requirements regarding the special circumstances for teaching physicians. For continuing professional care, claims should be submitted to the appropriate CHAMPUS fiscal intermediary at least every 30 days either by the beneficiary or sponsor, or directly by the physician or other authorized individual professional provider on behalf of a beneficiary (refer to § 199.7).

* * * * *

(3) * * *

(xiii) *Physicians in a teaching setting.*

(A) *Teaching physicians.*—(*1*) *General.* The services of teaching physicians may be reimbursed on an allowable charge basis only when the teaching physician has established an attending physician relationship between the teaching physician and the patient or when the teaching physician provides distinct, identifiable, personal services (e.g., services rendered as a consultant, assistant surgeon, etc.). Attending physician services may include both direct patient care services or direct supervision of care provided by a physician in training. In order to be considered an attending physician, the teaching physician must:

(*i*) Review the patient's history and the record of examinations and tests in the institution, and make frequent reviews of the patient's progress; and

(*ii*) Personally examine the patient; and

(*iii*) Confirm or revise the diagnosis and determine the course of treatment to be followed; and

(*iv*) Either perform the physician's services required by the patient or supervise the treatment so as to assure that appropriate services are provided by physicians in training and that the care meets a proper quality level; and

(*v*) Be present and ready to perform any service performed by an attending physician in a nonteaching setting when a surgical procedure or a complex or dangerous medical procedure is performed; and

(*vi*) Be personally responsible for the patient's care, at least throughout the period of hospitalization.

(*2*) *Direct supervision by an attending physician of care provided by physicians in training.* Payment on the basis of allowable charges may be made for the professional services rendered to a beneficiary by his/her attending physician when the attending physician provides personal and identifiable direction to physicians in training who are participating in the care of the patient. It is not necessary that the attending physician be personally present for all services, but the attending physician must be on the provider's premises and available to provide immediate personal assistance and direction if needed.

(*3*) *Individual, personal services.* A teaching physician may be reimbursed on an allowable charge basis for any individual, identifiable service rendered to a CHAMPUS beneficiary, so long as the service is a covered service and is normally reimbursed separately, and so long as the patient records substantiate the service.

(*4*) *Who may bill.* The services of a teaching physician must be billed by the institutional provider when the physician is employed by or under contract to the provider or a related entity. Where the teaching physician has no relationship with the provider (except for standard physician privileges to admit patients) and generally treats patients on a fee for service basis in the private sector, the teaching physician may submit claims under his/her own provider number.

(B) *Physicians in training.* Physicians in training in an approved teaching program are considered to be "students" and may not be reimbursed directly by CHAMPUS for services rendered to a beneficiary when their services are provided as part of their employment (either salaried or contractual) by a hospital or other institutional provider. Services of physicians in training may be reimbursed on an allowable charge basis only if:

(*1*) The physician in training is fully licensed to practice medicine by the state in which services are performed, and

(*2*) The services are rendered outside the scope and requirements of the approved training program to which the physician in training is assigned.

* * * * *

Dated: November 27, 1991.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 91–28934 Filed 12–9–91; 8:45 am]

BILLING CODE 3810–01–M

Notices

Federal Register
Vol. 56, No. 237
Tuesday, December 10, 1991

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Waggit Environmental Impact Statement, Six Rivers National Forest, Trinity County, CA

AGENCY: Forest Service, Agriculture.

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

SUMMARY: Notice is hereby given that the USDA Forest Service will prepare the Waggit EIS (Environmental Impact Statement) which proposes timber management in the Mad, Rock and Backbone Compartments located on the Mad River Ranger District, Six Rivers National Forest, Trinity County, California. The Forest Service hereby gives notice of the environmental analysis and decision making process that will occur on the proposal so that interested and affected people are aware of how they may participate and contribute to the final decision.

DATES: To be most helpful, comments concerning the scope of the analysis described in this notice should be received on or before February 1, 1992.

ADDRESSES: Submit written comments and suggestions to Gene Graber, District Ranger, Mad River Ranger District, Star Route Box 300, Bridgeville, California 95526.

FOR FURTHER INFORMATION CONTACT: Ray L. McCray, Planning Forester, Mad River Ranger District, Star Route Box 300, Bridgeville, California 95526, phone 707–574–6233.

SUPPLEMENTARY INFORMATION: The Waggit EIS includes all of the Mad, Rock and Backbone Compartments. This 14,400 acre planning area is located from the Mad River Ranger Station south to Hettenshaw Valley along Mad Ridge. It is bordered on the West side by the Van Duzen River and the East side by the Mad River and Ruth Lake. The proposed harvesting in the planning area was being analyzed under the Waggit EA (Environmental Assessment). Initial scoping and analysis has identified the following potential issues related to the proposed action: (a) Water quality (b) the quality and quantity of old growth (c) the visual character of the planning area especially from Ruth Lake, and (d) threatened and sensitive wildlife species such as the Peregrine Falcon and Northern Spotted Owl.

In preparing the EIS, the Forest Service will identify and consider a wide range of alternatives. One of these will be "No Action", in which no timber harvest or road construction would occur. Other alternatives will consider various levels and locations of harvest and related road construction in response to the issues generated. These alternatives will consider managing up to 950 acres yielding up to 20 million board feet of timber.

Public participation will be especially important at several points during the analysis. The first point is during the scoping process (40 CFR 1501.7). The Forest Service will be seeking information, comments, and assistance from Federal, State, and local agencies and other individuals or organizations who may be interested in or affected by the proposed action. This input will be used in preparation of the Draft EIS. The scoping process includes:

1. Identifying potential issues.
2. Identifying issues to be analyzed in depth.
3. Eliminating insignificant issues or those which have been covered by a relevant previous environmental analysis.
4. Exploring additional alternatives.
5. Identifying potential environmental effects of the proposed action and alternatives (i.e., direct, indirect, and cumulative effects and connected actions).

James L. Davis, Jr., Forest Supervisor, Six Rivers National Forest, Eureka, California, is the responsible official.

The Draft EIS is expected to be filed with the EPA (Environmental Protection Agency) and to be available for public review in July 1992. At that time EPA will publish a notice of availability of the Draft EIS in the **Federal Register**.

The comment period on the Draft EIS will be 45 days from the date the EPA's Notice of Availability appears in the **Federal Register**. It is very important that those interested in the management of the Mad, Rock and Backbone Compartments participate at that time. To be the most helpful, comments on the Draft EIS should be as specific as possible and may address the adequacy of the statement or the merits of the alternatives discussed (see The Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3). In addition, Federal court decisions have established that reviewers of a Draft EIS must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions, *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978), 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 EIS, *City of Angoon* v. *Hodel*, 803 F. 2d 1016, 1022 (9th Cir. 1986) and *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 to them in the Final EIS.

After the comment period for the Draft EIS, the comments received will be analyzed and considered by the Forest Service in the preparation of the Final EIS. The Final EIS is scheduled to be completed in November 1992. In the Final EIS, 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 EIS, and applicable laws, regulations, and policies in making a decision regarding this proposal. The responsible official will document the decision and reasons for the decision in the Record of Decision. That decision will be subject to appeal under 36 CFR part 217.

Dated: December 4, 1991.

James L. Davis, Jr.,

Forest Supervisor, Six Rivers National Forest.

[FR Doc. 91–29452 Filed 12–9–91; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

International Trade Administration

[C-796-601]

Carbon Steel Wire Rod From Zimbabwe; Determination Not To Revoke Countervailing Duty Order

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

ACTION: Notice of determination not to revoke countervailing duty order.

SUMMARY: The Department of Commerce is notifying the public of its determination not to revoke the countervailing duty order on carbon steel wire rod from Zimbabwe.

EFFECTIVE DATE: December 10, 1991.

FOR FURTHER INFORMATION CONTACT: Cameron Cardozo or Maria MacKay, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION: On October 11, 1991, the Department of Commerce ("the Department") published in the **Federal Register** (56 FR 51373) its intent to revoke the countervailing duty order on carbon steel wire rod from Zimbabwe (51 FR 29292; August 15, 1986). In accordance with 19 CFR 355.25(d)(4)(iii), the Secretary of Commerce will conclude that an order is no longer of interest to interested parties and will revoke the order if no interested party objects to revocation or requests an administrative review by the last day of the fifth anniversary month. We had not received a request for an administrative review of the order for the last five consecutive annual anniversary months.

On October 18, 1991, the petitioners, the Georgetown Steel Corp., North Star Steel Texas, Inc., Raritan River Steel Co., Armco Inc., and Bethlehem Steel Co., objected to our intent to revoke the order. Therefore, we no longer intend to revoke the order.

This notice is in accordance with 19 CFR 355.25(d).

Dated: December 2, 1991.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 91-29484 Filed 12-9-91; 8:45 am]

BILLING CODE 3510-DS-M

[C-357-403]

Oil Country Tubular Goods From Argentina, Final Results of Countervailing Duty Administrative Review

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

ACTION: Notice of Final Results of Countervailing Duty Administrative Review.

SUMMARY: On October 9, 1991, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on oil country tubular goods from Argentina. We have now completed that review and determine the total bounty or grant to be 0.36 percent *ad valorem* for the period January 1, 1989 through December 31, 1989. In accordance with 19 CFR 355.7, any rate less than 0.50 percent *ad valorem* is *de minimis*.

EFFECTIVE DATE: December 10, 1991.

FOR FURTHER INFORMATION CONTACT: Laurie Goldman or Barbara Tillman, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On October 9, 1991, the Department of Commerce (the Department) published in the **Federal Register** (56 FR 50855) the preliminary results of its administrative review of the countervailing duty order on oil country tubular goods from Argentina (49 FR 46564; November 27, 1984). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

Scope of Review

Imports covered by this review are shipments of Argentine oil country tubular goods. These products include finished or unfinished oil country tubular goods, which are hollow steel products of circular cross section intended for use in the drilling of oil or gas, and oil well casing, tubing and drill pipe of carbon or alloy steel, whether welded or seamless, manufactured to either American Petroleum Institute (API) or proprietary specifications. During the review period this merchandise was classifiable under item numbers 7304.20.20, 7304.20.40, 7304.20.50, 7304.20.60, 7304.20.70, 7304.20.80, 7304.39.00, 7304.51.50, 7304.59.60, 7304.59.80, 7304.90.70, 7305.20.40, 7305.20.60, 7305.20.80, 7305.31.40, 7305.31.60, 7305.39.10, 7305.39.50, 7305.90.10, 7305.90.50, 7306.20.20, 7306.20.30, 7306.20.40, 7306.20.60, 7306.20.80, 7306.30.50, 7306.50.50, 7306.60.70 and 7306.90.10 of the Harmonized Tariff Schedule (HTS).

HTS numbers are provided for convenience and Customs purposes. The written description remains dispositive of the scope of the order. The review covers the period January 1, 1989 through December 31, 1989, and eleven programs.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received comments and rebuttals to comments from North Star Steel Ohio, petitioner, and Siderca S.A., a respondent.

Comment 1: Respondent argues that the Department did not have sufficient evidence to warrant a reinvestigation of counterguarantees provided by the Ministry of Economy for Inter-American Development Bank (IADB) loans. Respondent claims that the Ministry of Economy has been empowered to provide loan guarantees under Law 16,432, in effect since 1961, and Decree 8739, in effect since 1973. The Department has been aware of the loan guarantees since its original investigation, when it found these guarantees to be not countervailable. At that time, the Department found that "the vast majority of BANADE (Banco Nacional de Desarollo) loans were accompanied by a counterguarantee of the Secretariat of Finance."

Respondent further argues that the Department chose not to reinvestigate this program in the previous administrative review because it did not have "specific information indicating that there were changes in the program sufficient to warrant reinvestigation." See Oil Country Tubular Goods From Argentina; Final Results of Countervailing Duty Administrative Review (56 FR 38116, August 12, 1991). Respondent cites numerous other cases wherein the Department refused to reinvestigate a program absent new information (*e.g., PPG* v. *United States*, 746 F. Supp. 119 (CIT 1990), Unprocessed Float Glass From Mexico; Final Results of Countervailing Duty Administrative Review (56 FR 23866, May 24, 1991), and Rice From Thailand; Final Results of Countervailing Duty Administrative Review (56 FR 68, January 2, 1991)). Respondent notes that in all of these past cases there has been a "presumption in favor of the validity of the past determination and the party challenging it carries the burden of persuasion." Respondent maintains that

the only new evidence provided by petitioner in this review was information showing a general decline in the use of Ministry of Economy guarantees in 1984.

Petitioner argues that the Department correctly decided to reexamine the counterguarantee program. The Department has long-established criteria to reinvestigate a program that has been found not countervailable when there is evidence of a change in that program or its application. See Oil Country Tubular Goods From Israel, Final Results of Countervailing Duty Administrative Review (55 FR 46703, November 6, 1990). The Court of International Trade in *PPG Industries, Inc.* v. *United States*, 746 F. Supp. 119 (CIT 1990) (PPG Industries), has ruled that the Department "has discretion in deciding whether to reinvestigate a program previously found not countervailable." Petitioner insists that substantial "new" evidence provided was sufficient to justify a reinvestigation of the program.

Department's Position: We agree with petitioner that the Department has discretion in deciding whether to reinvestigate a program previously found not countervailable. The Department's authority to reexamine a program previously found not countervailable is discussed at length by the Court of International Trade in PPG Industries. In that case, the Court concluded that the Department "is entitled to draw upon its own knowledge and expertise and facts capable of judicial notice" in deciding whether to reinvestigate a program. In this case, the Department determined that there was sufficient information to warrant a reinvestigation of counterguarantees provided by the Government of Argentina.

As stated in the preliminary results of this administrative review, the original investigation determined that the BANADE guarantee program was not countervailable based on section 771(5)(A)(ii) of the Tariff Act (see Final Affirmative Countervailing Duty Determination and Countervailing Duty Order; Oil Country Tubular Goods From Argentina (49 FR 46564, November 27, 1984)). However, during the course of the current review petitioner provided additional information suggesting that guarantees and counterguarantees have been provided on a specific basis in Argentina after the time period examined in the Department's final determination in the OCTG investigation. Petitioner's allegation and supporting information regarding counterguarantees were provided in this review in a timely manner and were deemed sufficient to warrant a reexamination of the guarantee program.

Comment 2: Respondent argues that, based on evidence available to the Department, the counterguarantee provided by the Ministry of Economy cannot be a countervailable subsidy. In order for a domestic subsidy to be found countervailable, two conditions must be met. First, the program must be provided to a specific enterprise or industry or group thereof, and second, the program must be provided on terms inconsistent with commercial considerations. Respondent argues that neither of these two conditions you been met.

With respect to the Department's first criterion, respondent claims that Ministry of Economy counterguarantees are widely available to all industries within Argentina. The only information provided by petitioner to support the allegation that the program is limited was an observation that the amount of financing the Ministry of Economy counterguarantees declined in 1984. Respondent maintains the fact does not signify that the program is being provided on a limited, or industry-specific, basis.

In fact, respondent claims it has provided information refuting petitioner's evidence, including charts showing that the amount of financing guaranteed by the Ministry of Economy was five times greater than the amount of financing guaranteed by BANADE without a Ministry of Economy counterguarantee, as well as evidence showing that BANADE loans were widely distributed throughout the economy and the country. The Ministry of Economy also submitted a letter stating that loan counterguarantees had been issued to various sectors of the economy both before and after 1984, the year in which petitioner claimed that counterguarantees for private companies ceased.

With regard to the Department's policy regarding commercial considerations, respondent argues that the Department cannot rule that the counterguarantee program is inconsistent with commercial considerations. Respondent asserts that the counterguarantee was requirement of the IADB, and, in past cases, the Department has determined that "a company which could have obtained unguaranteed funds does not receive a countervailable subsidy when a guarantee is required and is provided at rates which might be less than the general level of guarantee fees." See e.g., Carbon Steel Products From Austria; Final Affirmative Countervailing Duty Determination (50 FR 33369, August 19, 1985) and Carbon Steel Wire Rope From Spain; Final Affirmative Countervailing Duty Determination (49 FR 19551, May 8, 1984). Respondent could have obtained alternative financing without securing a counterguarantee. Further, the counterguarantee actually imposed an additional cost for Siderca. Respondent notes that the Department has measured the benefit from the counterguarantee as the difference between a guarantee fee that is not secured with a counterguarantee and the fee paid for a guarantee that has been secured with a counterguarantee. However, respondent claims the Department has failed to explain how this lower guarantee fee could provide a benefit when the alternative would be to obtain commercial market financing in which no guarantee fee would be required.

Petitioner argues that the counterguarantee program changed since the Department's original investigation. Petitioner provided evidence that the number of counterguarantees granted dropped significantly during the period after the investigation, indicating that the program may have provided benefits to a specific enterprise or industry, or group thereof. Petitioner alleged that respondent was probably the sole beneficiary of the counterguarantee program in 1985, since the amount of the guarantee almost exactly equals the total amount of counterguarantees of its kind granted in that year, and there is no evidence that any other company used this program in 1985. Petitioner also points out that counterguarantees remained unused in Argentina during 1986 and 1987.

Petitioner argues that these circumstances led to an economic benefit for respondent by (1) reducing the fee respondent had to pay for the guarantee on the IADB loan, and (2) allowing respondent to receive a preferential loan from the IADB that it would not have received absent the counterguarantee. Information provided by respondent does not rebut the evidence provided by petitioner and only provides irrelevant information regarding the number of loans from the BANADE that were counterguaranteed. Respondent did not receive a BANADE loan. Further, respondent's insistence that petitioner was required to provide more compelling information could not have been met because such information is only available to respondent.

Petitioner claims that respondent paid a fee for the guarantee in order to obtain the benefit of a lower interest rate that would not have been attainable in the commercial banking market. Petitioner

contends that the combination of government benefits with the IADB loan was inconsistent with commercial considerations because "where the market charges a risk premium (in terms of higher interest rates), the government provided a guarantee for free."

Department's Position: We disagree with respondent that the counterguarantee program cannot be countervailable. Petitioner provided information indicating that the number of counterguarantees issued by the Ministry of Economy dropped significantly during the period after the investigation, indicating that the program may have provided benefits to a specific enterprise, industry, or group thereof. Based on this information, the Department decided it had sufficient evidence to reexamine whether counterguarantees provided countervailable benefits to respondent. The Department sent questionnaires to the Government of Argentina requesting information on the use and distribution of Ministry of Economy counterguarantees. The responses provided by the Government of Argentina to the Department's questionnaires were incomplete. They only stated that counterguarantees were widely available; and they did not include specific information regarding the industries and regions receiving counterguarantees, as requested by the Department. Accordingly, based on the information available, we determined in the preliminary results of review that counterguarantees were countervailable. None of the arguments submitted by respondent in its case and rebuttal briefs leads us to conclude that we should change our determination for these final results of review. Furthermore, because the counterguarantee is provided at no charge to Siderca, we also maintain that it is inconsistent with commercial considerations.

Comment 3: Petitioner argues that the purpose of the countervailing duty law is to offset any unfair competitive advantage conferred through government intervention in the marketplace and that the counterguarantee program provided respondent with such a competitive advantage. While petitioner does not advocate countervailing this particular unique benefit provided to Siderca because it meets the statutory definition of a subsidy as "(t)he provision of * * * loan grantees on terms inconsistent with commercial considerations." See 19 CFR 1677(5)(A)(ii)(I).

Petitioner also argues that Departmental precedent and regulations compel it to calculate the full value of the subsidy by comparing the IADB financing package, which could not have been obtained absent the counterguarantee, with a commercial alternative available to Siderca.

Petitioner claims that because the Department is required to offset the full value of a subsidy, the benefit received by Siderca from the Ministry of Economy counterguarantee was incorrectly calculated. In order to account for the full value of the subsidy, the Department should measure the difference in the terms of the IADB loan with a commercial benchmark rate. petitioner cites New Steel Rail, Except Light Rail, From Canada; Final Affirmative Countervailing Duty Determination and Countervailing Duty Order (54 FR 31991, August 3, 1989) (New Steel Rail), wherein the Department found that the guarantee rate obtained by the company was the same as the commercial guarantee rate, and subsequently compared the company's total cost for the government guaranteed loan with the total cost for a benchmark loan. Petitioner states that the instant case is similar and, because there is not an acceptable alternative commercial benchmark for loan guarantees, the Department must compare the total IADB loan cost with a market determined commercial benchmark for similar loans.

Respondent replies that the preliminary results of review recognized that land from international lending institutions such as the IADB cannot provide countervailable benefits under U.S. law. Respondent claims that in this case the counterguarantee provided by the Ministry of Economy likewise cannot be countervailed because it was a requirement of the IADB. The Department's determination that this counterguarantee provided a countervailable benefit is "tantamount to permitting the receipt of loans from international institutions, but then not allowing companies to apply for those loans." Respondent further argues that the Department has previously concluded that loan guarantees obtained because they are required by international lending institutions are not countervailable. See, e.g., Carbon Steel Products from Austria; Final Affirmative Countervailing Duty Determination (50 FR 33369, August 19, 1985) and Carbon Steel Wire Rope From Spain; Final Affirmative Countervailing Duty Determination (49 FR 19551, May 8, 1984).

Respondent next contends that, even if the Department determines that benefits from counterguarantees provide countervailable benefits, the Department's methodology for valuing the benefit does not require an evaluation of the cost of international financing because it is the Department's practice not to countervail loans from international lending institutions. Respondent cites a number of authorities that demonstrate the Department' practice, including Certain Stainless Steel Hollow Products From Sweden; Final Affirmative Countervailing Duty Determination and Countervailing Duty Order (52 FR 5794, February 26, 1987) (Stainless Steel from Sweden), (New Steel Rail), and Countervailing Duties: Notice of Proposed Rulemaking and Request for Public Comment (54 FR 23366, April 27, 1989) 19 CFR 355.44(c)(1).

In Stainless Steel From Sweden, the Department stated that "If we have a benchmark guarantee fee, we would not generally examine the interest rate on the guaranteed loan because any benefit to the borrower would be reflected in the difference in guarantee fees." Respondent argues that this confirms the Department's practice of finding that the difference in the amount actually paid for the government guarantee and the benchmark guarantee will account for the full value of the benefit. The Department has only examined the terms of a loan in those cases when there was no commercial alternative benchmark to measure guarantees. Respondent further argues that the appropriate benchmark should have been zero because the commercial alternative available to respondent would have been to obtain a loan with no guarantee. It is clear from the evidence provided by respondent that the company could easily have obtained commercial financing without having to obtain a loan guarantee. Moreover, even if the Department rejects the zero benchmark, it should instead compare the fee for the BANADE guarantee with the fee actually paid which is what the Department did in the preliminary results of review.

Respondent also claims that in past cases where the Department has evaluated government actions in connection with international financing, the Department has carefully isolated the benefit attributed only to the actions of that government. Respondent cites Fuel Ethanol from Brazil; Final Affirmative Countervailing Duty Determination (51 FR 3361, January 27, 1986) (Ethanol), where the Department explicitly stated that "the portion of funds provided which represents the financing of the World Bank is not countervailable." In no case has the

Department ever measured the benefit of the government action by measuring the preferentiality of the funding from the international institution. Any change in that policy would overturn extensive and consistent Departmental practice.

Department's Position: As stated in the preliminary results of this administrative review, "(w)hile the Department does not consider loans provided by international lending institutions to be countervailable under U.S. countervailing duty law * * *, we do consider the government action taken in connection with such loans is within the purview of U.S. countervailing duty law." Our final determination in Ethanol reflects this position. In Ethanol, the Department found that, even though the loans provided by the government were part of a World Bank contract, the portion of the loans provided directly by the Government of Brazil were countervailable. However, the Department countervailed "only that portion attributable to the government of Brazil's commitment under the terms of the World Bank contract." The portion of the loans funded by the World Bank was not countervailed.

With regard to petitioner's argument that the benefit from the counterguarantee is the difference between the interest rate on the IADB loan and a commercial benchmark loan, this would be tantamount to countervailing the IADB loan itself. As stated in the preliminary results of review, we do consider that government actions taken in connection with loans from international lending institutions can be reached under U.S. countervailing duty law; however, the action of the international lending institution is not within the purview of the countervailing duty law. The international lending institution sets the interest rate on its loans. While the international lending institution may take into account local economic conditions in setting the rate, the government in the recipient country does not have control over the interest rate set by the lending institution. The New Steel Rail case cited by the petitioner to support its argument that the interest rate on the IADB loan itself should be compared to a commercial benchmark did not involve financing from international lending institutions. Moreover, the company involved was a government-owned company that was deemed to be uncreditworthy, and the methodologies applied to government-owned, uncreditworthy companies are distinct from the methodologies applied to privately-owned, creditworthy companies. See Countervailing Duties: Notice of Proposed Rulemaking and Request for Public Comment (54 FR 23366, April 27, 1989), 19 CFR 355.44(c)(1).

With respect to the government of Argentina's argument that the counterguarantee was a condition of the IADB, and, as such, is not countervailable, the government of Argentina had sole control over the terms of the counterguarantee itself. By not charging Siderca a fee for the counterguarantee, despite the fact that a fee is usually charged for a loan guarantee in Argentina, the government took an action that was inconsistent with commercial considerations. Furthermore, contrary to respondent's arguments, we do not consider that the commercial alternative to the IADB loan and the counterguarantee would have been for Siderca to obtain a private loan with no guarantee. The commercial alternative available to respondent would have been to pay the full amount for the guarantee fee charged by BANADE. The effect of the Government of Argentina's action in providing the counterguarantee was to reduce the total cost of the guarantee package. Therefore, the Department determines that its methodology accurately captures the benefit received by Siderca from the countergurantee, and does not countervail any portion of the IADB loan itself.

Comment 4: Petitioner argues that Department incorrectly applied the methodology it used to calculate the benefit attributable to Ministry of Economy counterguarantees. Petitioner claims that the BANADE guarantee fee was converted from dollars to australes at the exchange rate effective on December 7, 1989, while the total sales figure was expressed in year-end australes. Petitioner argues that the BANADE guarantee fee should have also been converted at the year-end exchange rate.

Respondent states that, although they do not believe that this program provides countervailable benefits, the methodology used by the Department correctly calculated the benefit attributable to this program. Respondent claims that petitioner confuses the concepts of exchange rates and inflation adjustment. The payment made by respondent on December 7, 1989 was correctly converted from dollars at the exchange rate in effect on that day. The year-end adjustment to the figure for total sales was an adjustment for inflation and is completely irrelevant to the exchange rate. The adjustment, from historical value to a value adjusted for inflation, is made because of the need to express all values in constant terms. Further, since the actual payment occurred in December, there was no need to perform an adjustment to December australes.

Department's Position: We agree with respondent. In evaluating the benefit received from a program found to be countervailable, the Department seeks to determine the actual value of that benefit. The methodology used by the Department measures the value of an actual payment that was made on December 7, 1989 by converting from dollars to australes according to the exchange rate on that same day. We subsequently measured that actual figure against the total sales reported for the year. This is the same figure used to report to government authorities. In Argentina, the total sales figure is adjusted for inflation according to a published monthly inflation index. In this case, the figure for total sales is adjusted through December. The payment for the loan guarantee is also a December figure and does not need to be adjusted. The Department routinely adjusts for inflation in hyperinflationary economies such as Argentina. However, since the payment in question was made in December, there was no need to perform an additional calculation. (See Cotton Yarn From Brazil; Preliminary Results of Countervailing Duty Administrative Review (56 FR 47456, September 19, 1991)). The Department, therefore, finds that the methodology it used to determine the benefit received from the Ministry of Economy counterguarantee is correct.

Comment 5: Petitioner argues that the Department incorrectly used only one bank's interest rate as the country-wide benchmark for pre-export financing obtained under the RF–153 loan program, and that this methodology violates Departmental practice of using the predominant source of short-term financing in the country in question. Petitioner states that it was the responsibility of the Department to seek out a representative sample of interest rates and requests that the Department undertake such an inquiry to establish a true country-wide benchmark. Petitioner cites the proposed countervailing duty regulations and Certain Iron-Metal Castings From India; Final Results of Countervailing Duty Administrative Review, (51 FR 45788, December 22, 1986).

Petitioner further states that although the Department used the same information to determine the benchmark interest rate in Leather From Argentina; Final Affirmative Countervailing Duty Determination and Countervailing Duty

Order (Leather) (55 FR 40212, October 2, 1990), the Leather decision only addressed the appropriateness of using a separate benchmark for dollar-denominated financing and did not address the issue of the use of one bank's interest rates.

Respondent contends that the Department used the correct benchmark interest rate to analyze the benefits received from pre-export financing. The benchmark chosen by the Department for 1989 loans was a benchmark that had already been established in Leather and Textile Mill Products and Apparel From Argentina; Final Results of Administrative Review (Apparel) (56 FR 41823, August 23, 1991). In Leather, the Department relied on various sources of information to establish the benchmark interest rate, including letters received from other international banks which indicated that the benchmark rate should actually have been lower than the rate used by the Department. There is no requirement that the Department reestablish a benchmark interest rate for a particular year in each review and investigation that it conducts.

Respondent also argues that petitioner is incorrect in stating that Leather did not address the usage of one bank's interest rate. The Department did not explicitly "consider" whether one bank's interest rate would satisfy its benchmark requirements because it was not faced with that issue in either Leather or Apparel. The Department consistently used the same benchmark for the same review period in Leather, Apparel and in the present review. That benchmark was calculated in accordance with the Department's standard methodology.

Department's Position: We disagree with petitioner that the Department's use of one bank's interest rate as the country-wide benchmark for pre-export financing obtained under the RF–153 loan program was incorrect. In this administrative review, the Department used the same benchmark to measure the benefit received from the RF–153 loan program as it did in Leather, which covered the same review period. See also Apparel; § 355.44(b)(3)(i) of Countervailing Duties; Notice of Proposed Rulemaking and Request for Public Comments (54 FR 23380, May 31, 1989) (describing the Department's procedures for determining a benchmark interest rate for short-term financing).

Both the preliminary and final countervailing duty determinations in Leather also discuss at length the Department's procedure for arriving at a benchmark interest rate for short-term (less that one year) loans. In those reviews, the Department stated that "it is our practice to use the average interest rate for an alternative source of short-term financing in the country in question. In determining this benchmark, we will normally rely upon the predominant source of short-term financing. In the absence of such financing, we may use a benchmark composed of the interest rates for two or more sources of short-term financing, weighted, wherever possible, according to the value of the financing from each source." (55 FR at 40215). Since the Department utilized the predominant source of short-term financing, it is not necessary to decide whether other alternative source should be used. Therefore, the Department determines that it used the appropriate benchmark for short-term loans in its calculation of the benefit from the RF–153 loan program.

Comment 7: Petitioner claims that they have presented new evidence in this administrative review that requires the Department to reexamine whether price premiums are being provided to Siderca by YPF, a state-owned oil company. Petitioner argues that because the "Buy Argentina" law required the state-owned oil company to buy OCTG from Siderca, the only domestic producer, a monopoly was created allowing Siderca to sell OCTG at prices 30 to 50 percent higher than export prices.

Petitioner further contends that, although the Department has previously found this program to be not countervailable, the Department erroneously based its conclusion on the preferentiality test which compared YPF and private company prices. Petitioner claims that the preferentiality test is not appropriate in that it deals with the provision of goods or services and, therefore, which does not apply to the current case. The Department should be evaluating whether YPF purchased OCTG at excessive prices, thereby providing Siderca with funds similar to a grant.

Respondents argue that the Department has already rejected petitioner's argument in previous administrative reviews. (See Oil Country Tubular Goods From Argentina, Final Results of Countervailing Duty Administrative Review (56 FR 38116, August 12, 1991)). Respondents states that the Department's decision, based on lack of proof that the Government paid more for OCTG than other purchasers within the jurisdiction, was justified. Further, respondent claims that petitioner has provided no "new" evidence or interpretation to justify a reexamination of price premiums by the Department. Moreover, petitioner's submission of its alleged "new information" on September 19, 1990, was untimely.

Department's Positions We agree with respondent. Petitioner has provided neither new evidence nor new argument during this administrative review that would require the Department to reexamine the issue of whether price premiums are being provided to respondent. As stated in Oil Country Tubular Goods From Argentina, Final Results of Administrative Review (56 FR 38116, August 12, 1991), "the Department continues to use the same methodology in this review as used in its original investigation. A government cannot be found to be providing a subsidy when independent, arms-length prices within the same jurisdiction are actually higher. The Department undertook a thorough analysis, including verification of price documentation, which showed that the Government of Argentina actually paid a lower price for OCTG than did private companies."

Therefore, because petitioner did not provide any new information, the Department continues to hold, as in past reviews, that price premiums are not being provided to respondent by the Government of Argentina.

Comment 8: Respondent claims that any benefits calculated from the RF–153 pre-export financing program should not be included for purposes of the cash deposit rate. To the extent that RF–153 financing may be found countervailable, the Department should take into account program-wide changes when calculating the cash deposit rate.

Respondent contends that benefits from the RF–153 loan program were indefinitely suspended under Central Bank Communication A–1870, effective March 8, 1991. On September 20, 1991, prior to the Department's preliminary results, the Government of Argentina signed the "Understanding between the United States and Argentina Regarding Subsidies and Countervailing Duties" (the Understanding) and committed to "not reinstate, recommence funding of or replace any suspended programs nor increase any export subsidy or export subsidy element of any program described in the Understanding," including the pre-export financing program. Since the Department has recognized that program-wide changes occurring prior to the preliminary results of review may be considered for purposes of the cash deposit rate, a zero cash deposit rate for RF–153 pre-export financing is warranted for this review.

Petitioner argues that the Understanding does not by itself eliminate Argentina's countervailable

subsidies and does not meet the Department's criteria for recognizing a program-wide change. Petitioner claims that, in order for the Department to make an adjustment because of a program-wide change, several criteria must be met including (1) that it be effectuated by an official act, such as the enactment of a statute, regulation or decree, or contained in the schedule of an existing statute, regulation or decree; (2) the modification must occur prior to the preliminary results of an administrative review; and (3) the modification must effect a measurable change in the amount of countervailable subsidies provided by the program. See Countervailing Duties; Notice of Proposed Rulemaking and Request for Public Comment (54 FR 23366, May 31, 1989) and Certain Textile Mill Products and Apparel From Peru, Final Results of Administrative Review (50 FR 9871, March 12, 1985).

Petitioner claims that the Understanding does not directly affect the operation of pre-export financing and that the criteria for considering a program-wide change have not been met. Petitioner contends that the Understanding itself is not a statute, regulation or decree and is too vague to bring about actual change to a program. Additionally, because the changes in question will take place gradually over a period of several years, they cannot be considered to have been implemented prior to publication of the preliminary results of review. Finally, because there is no actual legislation regulating the changes, there is no way for the Department to value the effect of any changes that may occur. See Rice From Thailand; Final Results of Countervailing Duty Administrative Review (56 FR 68, January 2, 1991).

Department's Response: Because the program-wide change claimed by respondent could only further reduce the cash deposit rate, which is already *de minimis*, the Department need not make a determination regarding this issue.

Final Results of Review

As a result of our review, we determine the total bounty or grant to be 0.36 percent *ad valorem* for the period January 1, 1989 through December 31, 1989. In accordance with 19 CFR 355.7, any rate less than 0.50 percent *ad valorem* is *de minimis*.

The Department will instruct the Customs Service to liquidate, without regard to countervailing duties, all shipments of this merchandise exported to the United States on or after January 1, 1989 and on or before December 31, 1989.

Further, the Department will instruct the Customs Service to waive cash deposits of estimated countervailing duties, as provided by section 751(a)(1) of the Tariff Act, on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results of administrative review. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.22.

Dated: December 2, 1991.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 91–29483 Filed 12–9–91; 8:45 am]

BILLING CODE 3510–DS–M

United States-Canada Free-Trade Agreement, Article 1904; Binational Panel Reviews: Notice of Completion of Panel Review.

AGENCY: United States-Canada Free-Trade Agreement, Binational Secretariat, United States Section, International Trade Administration, Department of Commerce.

ACTION: Notice of completion of panel review of final determination in the 1989 antidumping duty administrative review made by the Department of Commerce, International Trade Administration, Import Administration, respecting replacement parts for self-propelled bituminous paving equipment from Canada, Secretariat File No. USA–91–1904–05.

SUMMARY: Pursuant to rules 73(2) and 80(1) (a) of the Article 1904 Panel Review ("Rules"), the Panel Review of the final determination described above was completed on October 31, 1991, the date following the filing of a consent motion to terminate binational panel review of this matter.

FOR FURTHER INFORMATION CONTACT: James R. Holbein, United States Secretary, Binational Secretariat, suite 4012, 14th and Constitution Avenue, Washington, DC 20230, (202) 377–5438.

SUPPLEMENTARY INFORMATION: On October 30, 1991, Allatt Paving Equipment Division of Ingersoll-Rand Canada Inc., filed a consent motion requesting termination of this Panel Review with the United States Section of the Binational Secretariat. Allatt Paving Equipment Division of Ingersoll-Rand Canada, Inc. was the only participant in this panel review.

Rule 73(2) provides that "where a Notice of Motion requesting termination of Panel Review filed by a participant is consented to by all the participants and an affidavit to that effect is filed, or where all participants file Notices of Motion requesting termination, the panel review is terminated and, if a panel has been appointed, the panelists are discharged."

Rule 80(1)(a) provides that the termination shall be effective on the day after the day on which the motion is filed. Pursuant to the authorities cited above, this Notice of Completion of Panel Review was effective on October 31, 1991.

Dated: December 4, 1991.

James R. Holbein,

United States Secretary, FTA Binational Secretariat.

[FR Doc. 91–29441 Filed 12–9–91; 8:45 am]

BILLING CODE 3510–GT–M

National Oceanic and Atmospheric Administration

Endangered Fish and Wildlife; Petition and Finding To Remove the Eastern Pacific Gray Whale Stock From the List of Endangered and Threatened Wildlife

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

ACTION: Notice of receipt of petition and finding.

SUMMARY: NMFS announces receipt of a petition under the Endangered Species Act (ESA) to remove the eastern Pacific gray whale (*Eschrichtius robustus*) stock from the U.S. List of Endangered and Threatened Wildlife (the List). NMFS finds that the petition presents substantial information indicating that the requested action is warranted but because a proposed regulation to remove this stock from the List has been published, it is not necessary to commence a formal review of the status of this stock under the petition.

DATES: Comments on the petition must be received by February 10, 1992.

ADDRESSES: Comments should be mailed to the Director, Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Dr. Charles Karnella, NMFS, at (301) 427–2332.

SUPPLEMENTARY INFORMATION:

Background

Section 4 of the ESA as amended (16 U.S.C. 1531 *et seq.*), contains provisions allowing interested persons to petition the Secretary of the Interior or the Secretary of Commerce to add a species to, or remove a species from the List. Section 4(b)(3)(A) of the ESA requires that, to the maximum extent practicable, within 90 days after receiving such a petition, the Secretary of either the Interior or Commerce, depending upon the species involved, shall determine whether the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted. NMFS interprets "substantial scientific or commercial information" to mean the amount of information that would lead a reasonable person to believe that the proposed measure may be warranted (50 CFR 424.14(b)). Section 4(b)(3)(B) of the ESA requires that, within 12 months of receipt of a petition to add a species to, or remove a species from the List, a finding be made as to whether the requested action is: (a) Not warranted; (b) warranted; or (c) warranted, but precluded by other listing activity. Such a 12-month finding is to be published promptly in the **Federal Register**. If, based upon a review of the status of the stock, the finding is that the action is warranted, section 4(b)(3) also requires prompt publication in the **Federal Register** of a proposed regulation to implement such action.

On January 3, 1990 (55 FR 164), NMFS announced that it was conducting status reviews under section 4(c)(2) of the ESA on certain listed species (including the gray whale) under its jurisdiction, and solicited comments and biological information. That status review was completed and made available to the general public in June 1991. In addition to a status review, NMFS is required under section 4(c)(2)(B) of the ESA to determine whether any species should (1) be removed from the List; (2) be changed in status from an endangered species to a threatened species; or (3) be changed in status from a threatened species to an endangered species. On June 27, 1991 (56 FR 29471), NMFS announced that, based upon the recently completed status review, it intended to publish a proposed determination that the listing status of the eastern North Pacific population of gray whale should be changed. That proposed determination and rule was completed and published in the **Federal Register** on November 22, 1991, 56 FR 58869).

Petition

Coincident with completion of the status review under section 4(c)(2) of the ESA and after work was initiated on the proposed determination and rule, the Secretary of Commerce received, on March 7, 1991, a petition from the Northwest Indian Fisheries Commission and others, which requested, under section 4(b)(3)(A) of the ESA, the removal of the eastern stock of the North Pacific gray whale from the ESA. On March 27, 1991, the Under Secretary for Oceans and Atmosphere, NOAA, acknowledged the petition and NMFS began a review to determine whether the petition presented "substantial scientific or commercial information" that would support such an action.

NMFS has completed that review and has determined that the petition presents substantial information indicating that the requested action is warranted. However, because a status review has been completed, published, and made available for public comment, NMFS has determined that conducting another status review under section 4(b)(3)(A) would be duplicative and unnecessary. In addition, a proposed regulation to delist the gray whale has been published. This proposed regulation can be taken as the finding action required by section 4(b)(3)(B) for petitions found to contain substantial information. Under the provisions of section 4, NMFS has 1 year from date of publication of the proposal to issue a final rule and decision. That decision will be published in the **Federal Register**.

Dated: December 5, 1991.

William W. Fox, Jr.,

Assistant Administrator for Fisheries.

[FR Doc. 91-29480 Filed 12-9-91; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Wool and Man-Made Fiber Textiles and Textile Products and Silk Blend and Other Vegetable Fiber Apparel Produced or Manufactured in Malaysia

December 5, 1991.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: December 5, 1991.

FOR FURTHER INFORMATION CONTACT:

Jennifer Aldrich, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 343-6496. For information on embargoes and quota re-openings, call (202) 377-3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for certain categories are being adjusted, variously, for swing and carryover.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 55 FR 50756, published on December 10, 1990). Also see 55 FR 49675, published on November 30, 1990.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 5, 1991.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 26, 1990, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textiles and textile products and silk blend and other vegetable fiber apparel, produced or manufactured in Malaysia and exported during the twelve-month period which began on January 1, 1991 and extends through December 31, 1991.

Effective on December 5, 1991, you are directed to amend further the directive dated November 26, 1990 to adjust the limits for the following categories, as provided under the terms of the current bilateral agreement between the Governments of the United States and Malaysia:

Category	Adjusted twelve-month limit [1]
Fabric Group	
218, 219, 220, 225–227, 313–315, 317, 326 and 613/614/615/617, as a group.	78,771,028 square meters.
Sublevels in the group	
314	32,344,919 square meters.
613/614/615/617	24,097,362 square meters.
Other specific limits	
237	294,945 dozen.
300/301	1,589,144 kilograms.
336/636	313,596 dozen.
342/642/842	304,884 dozen.
351/651	178,956 dozen.
435	16,549 dozen.
634/635	588,168 dozen of which not more than 259,249 dozen shall be in Category 635.
647/648	1,159,011 dozen of which not more than 834,090 each shall be in Categories 647–K [2] and 648–K [3].

[1] The limits have not been adjusted to account for any imports exported after December 31, 1990.

[2] Category 647–K: only HTS numbers 6103.23.0040, 6103.23.0045, 6103.29.1020, 6103.29.1030, 6103.43.1520, 6103.43.1540, 6103.43.1550, 6103.43.1570, 6103.49.1020, 6103.49.1060, 6103.49.3014, 6112.12.0050, 6112.19.1050, 6112.20.1060 and 6113.00.0044.

[3] Category 648–K: only HTS numbers 6104.23.0032, 6104.23.0034, 6104.29.1030, 6104.29.1040, 6104.29.2038, 6104.63.2010, 6104.63.2025, 6104.63.2030, 6104.63.2060, 6104.69.2030, 6104.69.2060, 6104.69.3026, 6112.12.0060, 6112.19.1060, 6112.20.1070, 6113.00.0052 and 6117.90.0046.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 91–29485 Filed 12–9–91; 8:45 am]

BILLING CODE 3510–DR–F

Adjustment of Import Limits for Certain Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Thailand

December 4, 1991.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: December 11, 1991.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 343–6581. For information on embargoes and quota re-openings, call (202) 377–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for certain categories are being adjusted, variously, for swing and special shift.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 55 FR 50756, published on December 10, 1990). Also see 56 FR 32558, published on July 17, 1991.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 4, 1991.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on July 11, 1991, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Thailand and exported during the twelve-month period which began on January 1, 1991 and extends through December 31, 1991.

Effective on December 11, 1991, you are directed to amend further the directive dated July 11, 1991 to adjust the limits for the following categories, as provided under the terms of the current bilateral agreement between the Governments of the United States and Thailand:

Category	Adjusted twelve-month limit [1]
Levels in Group I	
219	2,600,000 square meters.
300	3,210,000 kilograms.
301–P [2]	3,210,000 kilograms.
301–O [3]	642,000 kilograms.
313/314/315	58,325,000 square meters of which not more than 14,000,000 square meters shall be in Category 313, not more than 32,000,000 square meters shall be in Category 314 and not more than 20,000,000 square meters shall be in Category 315.
317/326	4,180,000 square meters.
369–S [4]	117,235 kilograms.
611	12,840,000 square meters.
613/614/615	32,175,000 square meters of which not more than 17,955,000 square meters shall be in Categories 613/615 and not more than 18,720,000 square meters shall be in Category 614.
625/626/627/628/629.	8,560,000 square meters of which not more than 7,490,000 square meters shall be in Category 625.
Sublevels in Group II	
338/339	1,449,000 dozen.
340	222,300 dozen.
341/641	439,875 dozen.
345	196,650 dozen.
347/348/847	539,125 dozen.
638/639	1,707,750 dozen.
645/646	207,000 dozen.
647/648	689,420 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1990.

[2] Category 301–P: only HTS numbers 5206.21.0000, 5206.22.0000, 5206.23.0000, 5206.24.0000, 5206.25.0000, 5206.41.0000, 5206.42.0000, 5206.43.0000, 5206.44.0000 and 5206.45.0000.

[3] Category 301–O: only HTS numbers 5205.21.0000, 5205.22.0000, 5205.23.0000, 5205.24.0000, 5205.25.0000, 5205.41.0000, 5205.42.0000, 5205.43.0000, 5205.44.0000 and 5205.45.0000.

[4] Category 369–S: only HTS number 6307.10.2005.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 91–29443 Filed 12–9–91; 8:45 am]

BILLING CODE 3510–DR–F

Establishment of an Import Limit, Amendment of Visa and Quota Requirements and Adjustment of Import Charges for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Korea

December 3, 1991.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing a limit, amending visa and quota

requirements and adjusting import charges.

EFFECTIVE DATE: December 11, 1991.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 343–6581. For information on embargoes and quota re-openings, call (202) 377–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The Governments of the United States and the Republic of Korea reached agreement to amend their current bilateral agreement to establish a level for Category 617. Also, HTS number 5601.21.0090 (Category 369pt.) shall be exempt from quota and visa requirements. However, it shall be subject to entry/entry summary procedures. 1990 overshipments for Group I are decreased due to the exemption of charges in HTS number 5601.21.0090, resulting in chargebacks.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 55 FR 50756, published on December 10, 1990). Also see 55 FR 1706, published on January 18, 1990; 55 FR 50860, published on December 11, 1990; and 56 FR 18574, published on April 23, 1991.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 3, 1991.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 5, 1990, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Korea and exported during the twelve-month period which began on January 1, 1991 and extends through December 31, 1991.

Effective on December 11, 1991, you are directed to amend the December 5, 1990 directive to establish a limit for Category 617 in Group I at a level of 4,250,000 square meters [1]. Import charges already made to Group 1 for Category 617 shall be retained.

You are directed to deduct the following amounts, for goods exported in 1990, from the 1991 charges made to the categories listed below. These same amounts shall be charged to the corresponding categories for 1990 (see directive dated January 11, 1990).

Category	Amount to be deducted/ charged
Levels within Group I	
201	152 kilograms.
218	5,168 square meters.
220	7,625 square meters.
222	2,840 kilograms.
224	169,595 square meters.
229	8,677 kilograms.
301	12,701 kilograms.
313	1,939 square meters.
315	88,170 square meters.
317	49,249 square meters.
326	2,655 square meters.
369–O [a]	467 kilograms.
400	136 kilograms.
410	43,286 square meters.
611	59,535 square meters.
619	598,968 square meters.
620	45,481 square meters.
624	65,295 square meters.
625	64,653 square meters.
629	5,262 square meters.
669–P [b]	43,860 kilograms.
669–O [c]	42,080 kilograms.
670–O [d]	5 kilograms.

[a] Category 369–O: all HTS numbers except 4202.12.4000, 4202.12.8020, 4202.12.8060, 4202.92.1500, 4202.92.3015 and 4202.92.6000 (Category 369–L).
[b] Category 669–P: only HTS numbers 6305.31.0010, 6305.31.0020 and 6305.39.0000.
[c] Category 669–O: all HTS numbers except 6305.31.0010, 6305.31.0020 and 6305.39.0000 (Category 669–P).
[d] Category 670–O: all HTS number except 4202.12.8030, 4202.12.8070, 4202.92.3020, 4202.92.3030 and 4202.92.9020 (Category 670–L).

Also for goods exported in 1990, you are directed to deduct the following amounts from the 1991 charges made to the categories listed below and charge the amounts indicated to the following categories for 1991:

Category	Amount to be deducted	Amount to be charged
314	–0–.	19,585 square meters.
317	19,585 square meters.	–0–.
369–O [a]	–0–.	6,857 kilograms.

[a] Category 369–O: all HTS numbers except 4202.12.4000, 4202.12.8020, 4202.12.8060, 4202.92.1500, 4202.92.3015 and 4202.92.6000 (Category 369–L).

[1] The limit has not been adjusted to account for any imports exported after December 31, 1990.

Further, for goods exported in 1990, you are directed to deduct the following amounts from the 1990 charges and charge the amounts indicated to the following categories for 1990:

Category	Amount to be deducted	Amount to be charged
314	19,585 square meters.	–0–.
317	–0–.	19,585 square meters.
317	1 square meter	–0–.
369–O [a]	6,857 kilograms.	–0–.

[a] Category 369–O: all HTS numbers except 4202.12.4000, 4202.12.8020, 4202.12.8060, 4202.92.1500, 4202.92.3015 and 4202.92.6000 (Category 369–L).

For goods exported in 1990, you are directed to deduct 1 square meter from the 1991 charges made to Category 317, and charge 1 square meter to Category 317 for 1990.

For goods exported in 1990, you are directed to deduct 6,857 kilograms from the 1991 charges and 312,060 kilograms from the 1990 charges made to HTS number 5601.21.0090.

For goods exported in 1991 and imported during the period January 1 through October 31, 1991, you are directed to deduct 254,457 kilograms from the charges made to HTS number 5601.21.0090.

Further, you are are directed to exempt HTS number 5601.21.0090 from existing quota and visa requirements.

Effective on December 11, 1991, and until further notice, you are directed to require entry/entry summary procedures, and to count goods in Category 369pt. (HTS number 5601.21.0090) which are exported in 1991 and imported for consumption and withdrawal from warehouse for consumption on and after December 11, 1991.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 91–29442 Filed 12–9–91; 8:45 am]
BILLING CODE 3510–DR–F

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Office of Information Resources Management,

invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before January 9, 1992.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok: Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place, NW., room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Mary P. Liggett, Department of Education, 400 Maryland Avenue, SW., room 5624, Regional Office Building 3, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Mary P. Liggett (202) 708–5174.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations.

The Acting Director, Office of Information Resources Management, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following:

(1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Mary P. Liggett at the address specified above.

Dated: December 4, 1991.

Mary P. Liggett,

Acting Director, Office of Information Resources Management.

Office of Postsecondary Education

Type of Review: Revision.
Title: Performance Report for the Training Program for Special Staff and Leadership Personnel.
Frequency: Annually.
Affected Public: Non-institutions.
Reporting Burden:
Responses: 15.
Burden Hours: 45.
Recordkeeping Burden:
Recordkeepers: 0.
Burden Hours: 0.
Abstract: Non-profit institutions which have participated in a training program for Special Programs Staff and Leadership Personnel are to submit these reports to the Department. The Department uses the information to access the accomplishments of project goals and objectives, and to aid in effective program management.

Office of Special Education and Rehabilitative Services

Type of Review: Extension.
Title: Indicators and Data Requirements for Projects With Industry Grants.
Frequency: Annually.
Affected Public: Non-profit institutions.
Reporting Burden:
Responses: 115.
Burden Hours: 2,300.
Recordkeeping Burden:
Recordkeepers: 0.
Burden Hours: 0.
Abstract: Each grantee shall report to the Commissioner at the end of each year the extent to which the grantee is in compliance with the evaluation standards. The Department will use this information to determine whether the performance of Projects With Industry (PWI) program grantees is at a level to warrant grant continuation.

[FR Doc. 91–29424 Filed 12–9–91; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Proposed Contract Award to Science Applications International Corporation

AGENCY: Department of Energy.

ACTION: Notice of potential organizational conflict of interest in the award of a contract to Science Applications International Corporation.

SUMMARY: In accordance with Department of Energy (DOE) Acquisition Regulations, 48 CFR 909.570–9, DOE gives public notice that a contract is being awarded, recognizing the existence of potential organizational conflicts of interest, because it has been determined that contract performance by Science Applications International Corporation, (SAIC), under Contract Number DE–AC01–92DP70056 is in the best interests of the United States.

FOR FURTHER INFORMATION CONTACT:

Gerald Gears, U.S. Department of Energy, Office of Engineering and Operations Support, DP–62, 19901 Germantown Road, Germantown, MD 20874 Telephone: (301) 903–7316.
John Lewis, U.S. Department of Energy, Office of Placement and Administration, PR–322.2, 1000 Independence Avenue, SW., Washington, DC 20585 Telephone: (202) 586–9512.

SUPPLEMENTARY INFORMATION:

Findings, Mitigation, Determination

Under DOE Acquisition Regulations, 48 CFR subpart 909.5, the Department of Energy is subject to certain requirements intended to avoid organizational conflicts of interest in the award and performance of contracts for technical and management support services. An organizational conflict of interest (OCI) is considered to exist when a contractor "has past, present, or currently planned interests, that, either directly or indirectly through a client relationship, relate to the work to be performed under a Department contract and which (1) may diminish its capacity to give impartial, technically sound, objective assistance and advice, or (2) may result in being given an unfair competitive advantage," DOE Acquisition Regulations, 48 CFR 909.570–3. Pursuant to these provisions, a contract may not be awarded unless the Secretary or his designee has made a determination that it is unlikely that an OCI would exist, or that a conflict has been avoided after inclusion of appropriate conditions in the contract. If an OCI is determined to exist and cannot be avoided, the contract may be awarded if the Secretary or his designee determines that award would be in the best interest of the Untied States and include appropriate provisions in the contract to mitigate the OCI. If, after award, a possible OCI is subsequently identified, the Secretary or his designee must determine whether or not it would be in the best interest of the Government to terminate the contract.

Based on the following findings, it is determined to be in the best interest of the U.S. Government to: (1) Award a technical support services contract described below to SAIC, and (2) conclude that potential organizational conflicts of interest will be mitigated.

Findings

1. The U.S. Department of Energy, Office of Engineering and Operations Support (OEOS) in Defense Programs, has a continuing need for specialized technical support in facilities planning

and engineering analysis. This contract will include technical support and background analyses related to (a) technical assessments, nuclear and non-nuclear safety assessments as well as environmental evaluations; (b) planning and development of systems required to facilitate management of Deputy Assistant Secretary for Facilities programs; (c) project management documentation, draft program plans, facility design documentation, engineering and physics analyses; and (d) support in agendas, general documentation and reports, administration of technical briefings.

2. To select a contractor to do this work for OEOS, a full and open competitive procurement action was publicly announced in the Commerce Business Daily on December 28, 1990. The Request for Proposal (RFP), numbered DE–RP01–90DP70056, was issued to the public on March 27, 1991, and closed on May 6, 1991. One proposal was received in response to the solicitation from SAIC.

3. Using the data and analyses delivered under this contract, the OEOS Program Office staff will develop various alternative strategies available to accomplish a given requirement or solve a particular problem. In addition to the contract-developed data and analyses, the OEOS considers other factors in the development of these strategies, including technical and analytical studies from sources, budget and schedule considerations and potential environmental impacts. Subsequently, the alternatives are further assessed and compared by OEOS line management staff in order to permit OEOS and Department of Energy management to make decisions regarding implementation.

4. In accordance with 48 CFR 909.570–5, SAIC provided statements disclosing relevant information concerning its interests related to work to be performed for the agency and bearing on whether it has possible conflicts of interest (a) with respect to being able to render impartial, technically sound, and objective assistance or advice or (b) which may give it an unfair competitive advantage.

5. Based on an evaluation of acts contained in the disclosure, the Department has found that there could be potential organizational conflicts of interest with regard to the work under this contract. The technical and cost-related analyses and data to be delivered by the contractor could, after being further studied by OEOS engineers, result in the modification and/or expansion of OEOS facilities which might ultimately result in increased or varied operations requirements for the OEOS. Accordingly, there may be the appearance that, through this support contract, SAIC could potentially influence DOE decisions so as to benefit the contractor's other Government and commercial business activities. There is also a potential conflict in that SAIC has performed work at certain of the facilities which will be the subject of reviews, which could result in SAIC reviewing its own prior work.

6. Because the nature and scope of the OEOS headquarters oversight program work requires that the contractor have extensive corporate experience and capabilities in various aspects of the nuclear industry, a potential organization conflict of interest could occur to some extent.

7. Since the proposed contractor (SAIC) has or does provide various support services to other OEOS operations contractors, the scopes of their respective contracts could result in a relationship which would allow one part of SAIC to directly or purposely benefit another.

Mitigation

Mitigation, to the extent feasible, will be obtained by OEOS staff review of contract deliverables to insure objectivity and independence on the part of the contractor. In addition, as this would be a level-of-effort-type contract in which specific direction would be given to the contractor by task assignment, the Contracting Officer's Technical Representative, who prepares such assignments, and the Contracting Officer will examine each task to be assigned to ensure that the contractor will not be the reviewer or the sole reviewer of a report, plan, procedure, or facility which has previously been prepared or reviewed by another SAIC component. In such situations, OEOS could rely on other existing Defense Programs contractors to perform a specific review. The potential for unfair competitive advantage is avoided by the following circumstances:

(a) Almost all data reviewed is publicly available, or is subject to FOIA request;

(b) Most of the non-publicly available information is either Classified or Unclassified Controlled Nuclear Information and is therefore protected by security requirements from disclosure to non-project related personnel in the offeror's organization or affiliates;

(c) Any follow-on work which might be identified as necessary by line management reviews in the OEOS would be competitively bid, and all information necessary to bid would be made available to all offerors through the Request For Proposal process; and

(d) SAIC has committed itself to maintain any information generated in the assessments or analysis within the project office, where it could not be used to gain any advantage in other business undertaken by themselves or their affiliates. In addition, the special clause "Organizational Conflicts of Interest," 48 CFR 952.209–72, will be included in the contract.

Determination

Based on the foregoing and the fact that SAIC was the only respondent to the full and open competitive solicitation for these services, I have determined that the services covered by the proposed contract cannot be otherwise obtained and that the award by DOE to SAIC is in the best interest of the United States as prescribed in 48 CFR 909–570–9(a)(3).

Issued in Washington, DC, on December 5, 1991.

Richard A. Claytor,

Assistant Secretary for Defense Programs

[FR Doc. 91–29474 Filed 12–9–91; 8:45 am]

BILLING CODE 6450–01–M

Mitigation Plan for the International Thermonuclear Experimental Reactor (ITER) Project

AGENCY: Office of Energy Research, Department of Energy.

ACTION: Notice of proposed plan and solicitation of comments.

SUMMARY: The U.S. Department of Energy is seeking comments from U.S. industry on its proposed Organizational Conflict of Interest Mitigation Plan related to the Engineering Design Activities of the International Thermonuclear Experimental Reactor (ITER) project. Work will be funded by the Department of Energy's Office of Fusion Energy in the Office of Energy Research.

DATES: Interested parties should provide their comments in writing no later than 30 calendar days from December 10, 1991.

ADDRESSES: Address comments to Mr. Warren Marton, Office of Fusion Energy, Office of Energy Research, Code ER–531, U.S. Department of Energy, Washington, DC 20545.

FOR FURTHER INFORMATION CONTACT: Mrs. Joan Selles, U.S. Home Team Project Office, Lawrence Livermore National Laboratory, 7000 East Avenue,

L–641, Livermore, CA 94551, (510) 422–9871.

SUPPLEMENTARY INFORMATION: The ITER is a joint project of the United States, the European Communities, Japan, and the Soviet Union, with the objective of designing and building an engineering test reactor for fusion power development. The four parties are currently completing negotiations to enter the next phase of the project, the Engineering Design Activities. The previous phase, the Conceptual Design Activities, was conducted during 1988–1990 by the parties. During the Engineering Design Activities, which are expected to last six years (1992–1997), a detailed engineering design of ITER will be carried out within the respective national programs (the Home Teams). The Office of Fusion Energy has formed the U.S. Home Team, which will work with the Joint Central Team and the Office of Fusion Energy to conduct the Engineering Design Activities.

The Mitigation Plan is proposed by the Department of Energy for the purpose of mitigating organizational conflicts of interest which might arise during the project. Interested parties may obtain copies of the proposed mitigation plan from the U.S. ITER Home Team Office (see last paragraph) and should provide their comments in writing to Mr. Warren Marton, Office of Fusion Energy, Office of Energy Research, ER–531, U.S. Department of Energy, Washington, DC 20545, no later than 30 calendar days from December 10, 1991.

The proposed mitigation plan consists of the following sections:

I. Background (including organization).
II. Activities Relating to Hardware Procurements.
III. Participation on Joint Central Team.
IV. U.S. Home Team Activities (within the major categories of Physics Research, Design, and Technology Research).
V. Advisory Groups and Consultants (including responsibilities of the Home Team Leader to further mitigate any appearance of organizational conflicts of interest).

The U.S. Home Team expects to issue additional announcements in the future regarding opportunities in ITER, requests for expressions of interest, information packets, and requests for proposals/quotations.

Anyone desiring to comment on the proposed mitigation plan may obtain a copy from the U.S. Home Team Project Office, Lawrence Livermore National Laboratory, P.O. Box 808, L–641, Livermore, CA 94551 Attn: Joan Selles. Express mail should go to 7000 East Avenue, L–641. Phone requests may be made to Mrs. Selles (510)422–9871; telefaxes should go to (510) 423–4145.

Sarah Eary,

Chief, M&O/DP/ER Branch, Contracts Management Division.

[FR Doc. 91–29476 Filed 12–9–91; 8:45 am]

BILLING CODE 6450–01–M

Withdrawal of Notice of Intent To Prepare Environmental Impact Statement for Renovation of Feed Materials Production Center (Now Fernald Environmental Management Project) Near Fernald, OH

AGENCY: Office of Environment, Safety and Health; Department of Energy.

ACTION: Withdrawal of notice of intent to prepare an environmental impact statement.

The Department of Energy (DOE) today withdraws its Notice of Intent (51 FR 29583, August 19, 1986) to prepare an Environmental Impact Statement (EIS) for renovation of the Feed Materials Production Center (FMPC) near Fernald, Ohio. (On August 23, 1991, FMPC was renamed the Fernald Environmental Management Project (FEM).) The renovation activities proposed at that time were intended to: (1) Improve environmental, health, and safety conditions and production reliability; (2) restore production to a level necessary to meet future defense needs; and (3) enhance management of hazardous and radioactive waste materials. Public scoping meetings for the Renovation EIS were held on September 3 and 22, 1986.

This decision is based on the FMPC mission change from uranium processing to environmental restoration. On February 19, 1991, the Secretary of Energy announced that production at FMPC would permanently cease, and he transmitted a Closure Plan and a Retaining Plan for FMPC to the Congress and to the State of Ohio. Many projects that would have been covered by the Renovation EIS were canceled due to the mission change. The remaining projects are being evaluated under the National Environmental Policy Act (NEPA) as part of the operational and remedial activities proposed at the former FMPC.

On May 15, 1990, DOE published a Notice of Intent (55 FR 20183) to prepare a Remedial Investigation/Feasibility Study (RI/FS)–EIS for the first of a series of remedial actions at FMPC. DOE will publish notices of public participation opportunities and document availability for this RI/FS–EIS and for other NEPA documents related to activities at FMPC, in accordance with the DOE Guidelines for Compliance with NEPA (52 FR 47662, December 15, 1987, as amended) and Secretary of Energy Notice (SEN) No. 15 of February 5, 1990.

FOR FURTHER INFORMATION CONTACT: Carol M. Borgstrom, Director, Office of NEPA Oversight, EH–25, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–4600 or (800) 472–2756.

Issued in Washington, DC, on December 3, 1991.

Paul L. Ziemer,

Assistant Secretary, Environment, Safety and Health.

[FR Doc. 91–29475 Filed 12–9–91; 8:45 am]

BILLING CODE 6450–01–M

Department of Energy Implementation Plan for Conducting an Operational Readiness Review at the Rocky Flats Plant Prior to Resumption of Operations; Response to Recommendation 91–4 of the Defense Nuclear Facilities Safety Board

AGENCY: Department of Energy.

ACTION: Notice and request for public comment.

SUMMARY: Pursuant to section 315(b) of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2286 d(b), the Department of Energy (DOE) hereby publishes notice of an acceptance by the Secretary of Energy (Secretary) to Recommendation 91–4 of the Defense Nuclear Facilities Safety Board, for conducting an Operational Readiness Review at the Rocky Flats Plant prior to resumption of operations which supplements DNFSB Recommendation 90–4. DOE hereby requests public comment on the response of the Secretary to Recommendation 91–4.

DATES: Comments, data, views, or arguments concerning the Secretary's response are due on or before January 9, 1992.

ADDRESSES: Send comments, data, views, or arguments concerning the Secretary's response to: Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., suite 700, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Donald F. Knuth, Director, Office of Self-Assessment and Emergency Management, Defense Programs, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

Dated: December 5, 1991.

Donald F. Knuth,

Director, Office of Self-Assessment and Emergency Management, Defense Programs.

The Secretary of Energy, Washington, DC 20585

November 6, 1991.

The Honorable John T. Conway,

Chairman Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., Suite 700, Washington, DC 20004

Dear Mr. Conway: This is in response to your letter of September 30, 1991, in which you enclosed Defense Nuclear Facilities Safety Board Recommendation 91–4. The Department of Energy accepts Recommendation 91–4.

The Defense Nuclear Facilities Safety Board Recommendation 91–4 included four specific recommendations. Our plans for implementing these recommendations are described in the enclosure.

Sincerely,

James D. Watkins,

Admiral, U.S. Navy (Retired).

Enclosure.

[FR Doc. 91–29477 Filed 12–9–91; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket Nos. ER92–210–000, et al.]

Tampa Electric Co., et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

December 3, 1991.

Take notice that the following filings have been made with the Commission:

1. Tampa Electric Co.

[Docket No. ER92–210–000]

Take notice that on November 28, 1991, Tampa Electric Company (Tampa Electric) tendered for filing a Letter Agreement that extends for one year, through December 31, 1992, an existing Letter of Commitment providing for the sale by Tampa Electric to the Orlando Utilities Commission (Orlando) of up to 100 MW of capacity and associated energy.

Tampa Electric proposes an effective date of January 1, 1992, for the extension, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing have been served on Orlando and the Florida Public Service Commission.

Comment date: December 17, 1991, in accordance with Standard Paragraph E end of this notice.

2. Green Mountain Power Corp.

[Docket No. ER92–106–000]

Take notice that on November 20, 1991, Green Mountain Power Corporation (GMP) tendered for filing an executed Sales Agreement dated as of June 1, 1990, pursuant to which GMP agreed to sell capacity and/or energy available from time to time to Washington Electric Cooperative, Inc. GMP has requested that copies of this agreement be substituted for unexecuted copies of the Sales Agreement which were previously submitted October 7, 1991.

Comment date: December 17, 1991, in accordance with Standard Paragraph E at the end of this notice.

3. Idaho Power Co.

[Docket No. ER92–92–000]

Take notice that on November 22, 1991, Idaho Power Company (IPC) tendered for filing an Amendment to Filing regarding: FERC Docket No. ER92–92–000 regarding Power Sale Agreements between Idaho Power and the Bonneville Power Administration. The Amendment to Filing supplies additional information requested by the Commission staff. Copies of this Amendment were served upon the Bonneville Power Administration.

Comment date: December 17, 1991, in accordance with Standard Paragraph E at the end of this notice.

4. St. Joseph Light & Power Co.

[Docket No. ER92–18–000]

Take notice that St. Joseph Light & Power Company (SJLP), on November 25, 1991, tendered for filing an amendment to filing of SJLP–Iowa Power Interchange Agreement Amendment. In this amendment to filing, SJLP has provided additional supporting information.

Comment date: December 18, 1991, in accordance with Standard Paragraph E at the end of this notice.

5. Montaup Electric Co.

[Docket No. ER92–202–000]

Take notice that on November 25, 1991, Montaup Electric Company (Montaup) filed an agreement between itself and the Consolidated Edison Company of New York, Inc. (Con Edison), for the sale of capacity and associated energy from Montaup to Con Edison, to be dispatched to Con Edison Based on the availability and operating characteristics of Montaup's Canal Unit No. 2. Energy deliveries commenced November 1, 1991 and will terminate April 30, 1992. Montaup requests that the agreement be allowed to become effective November 1, 1991.

Comment date: December 17, 1991, in accordance with Standard Paragraph E at the end of this notice.

6. Montaup Electric Co.

[Docket No. ER92–201–000]

Take notice that on November 25, 1991, Montaup Electric Company (Montaup) filed Unit Capacity Sales agreement between itself and Bangor Hydro-Electric Company (Bangor) for the sale of Canal Unit No. 2 (Unit) from Montaup to Bangor. The sale commenced on November 1, 1991 and will terminate on October 31, 1992. Montaup requests that the agreement be made effective November 1, 1991. Bangor will receive 5.1370% of the Unit's winter maximum net capability (30 MW) plus the associated energy. The capacity rate to be paid by Bangor to Montaup will be $2.50/kW-mon., less than the Unit's fixed cost of $4/kW-mon. Bangor is also responsible for its share of the Unit's total actual monthly energy expenses.

Comment date: December 17, 1991, in accordance with Standard Paragraph E at the end of this notice.

7. Duquesne Light Co.

[Docket No. ES92–18–000]

Take notice that on November 29, 1991, Duquesne Light Company filed an application with the Federal Energy Regulatory Commission under section 204 of the Federal Power Act seeking authority to issue not more than $250 million of promissory notes and commercial paper on or before December 31, 1993, with a final maturity date no later than December 31, 1994

Comment date: December 23, 1991, in accordance with Standard Paragraph E at the end of this notice.

8. Kansas Gas and Electric Co.

[Docket No. ER92–211–000]

Take notice that Kansas Gas and Electric Company (KG&E) on November 27, 1991, tendered for filing a proposed Generating Municipal Electric Service Agreement superseding FERC Rate Schedule No. 165 between KG&E and the City of Girard, Kansas (City).

This filing is necessary because the City desires to cancel its existing Agreement which provides for transmission service and to begin receiving service as a partial requirements customer. KG&E has requested an effective date of February 1, 1992.

Copies of this filing were served upon the City of Girard, Kansas and the Utilities Division of the Kansas Corportion Commission.

Comment date: December 17, 1991, in accordance with Standard Paragraph E at the end of this notice.

9. Duke Power Co.

[Docket No. ER92-199-000]

Take notice that on November 22, 1991, Duke Power Company (Duke) tendered for filing Amendment No. 1 to *Duke Power Company* Supplement No. 25 to Rate Schedule FERC No. 10 (Service Schedule J). Service Schedule J is an agreement by Duke to sell Carolina Power & Light Company 400 MW of capacity and associated energy for a six-year term beginning on January 1, 1992 and ending on December 31, 1997. By order dated March 17, 1989 in Docket No. ER89-106-000, the Commission accepted Schedule J to become effective on January 1, 1992, subject to refund. *Duke Power Co.*, 46 FERC ¶ 61,315, *reh'g denied*, 47 FERC ¶ 61,350 (1989). Through Amendment No. 1, Duke proposes to make three revisions to Schedule J: (1) To postpone the effective date of sales under Schedule J by eighteen months so that they will begin on July 1, 1993 and end on June 30, 1999; (2) to replace the section of Service Schedule J requiring regulatory approvals; and (3) to modify a cap on the amount of Service Schedule J Contract Energy that may be priced based on energy from Duke's combustion turbines.

Duke requests that the Commission waive the requirements of § 35.3 of its regulations (18 CFR 35.3) so that Amendment No. 1 to Service Schedule J may become effective on January 1, 1992. Duke also requests that the Commission set an expedited response time for protests and motions to intervene.

Comment date: December 17, 1991, in accordance with Standard Paragraph E at the end of this notice.

10. Public Service Company of New Hampshire

[Docket No. ER91-643-000]

Take notice that on November 25, 1991, Public Service Company of New Hampshire (PSNH) amended the original filing in this docket to correct an oversight pointed out by Staff. In preparing the PSNH/Central Maine Agreement filed in this docket under which PSNH sells power from the Yankee Atomic Electric Company nuclear plant to Central Maine Power Company (Central Maine), PSNH and Central Maine took into account the language of the Yankee Atomic/PSNH Agreement (under which PSNH purchases that power from Yankee Atomic) without incorporating the provisions of the settlement agreement in Yankee Atomic's rate case in Docket No. ER90-47-000. PSNH states that this filing corrects the oversight by amending the PSNH/Central Maine Agreement to incorporate provisions of that settlement agreement. PSNH requests that the filing as amended be made effective as of January 1, 1990.

Comment date: December 17, 1991, in accordance with Standard Paragraph E at the end of this notice.

11. Northern States Power Co. (Minnesota) Northern States Power Co. (Wisconsin)

[Docket Nos. ER90-349-007, ER90-406-000, ER91-21-000]

Take notice that on November 25, 1991, Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin) (hereafter "NSP Companies") filed the following tariff sheets:

Northern States Power Companies; FERC Electric Tariff Original Volume No. 1.

Table of Contents; Original Sheet No. 34 through No. 154.

Such revised tariff sheets are required in compliance with the Commission's Letter Order dated October 23, 1991. The tariff sheets established a Settlement Tariff for consenting parties to the Settlement Agreement and Offer of Settlement filed July 12, 1991.

Comment date: December 17, 1991, in accordance with Standard Paragraph E at the end of this notice.

12. Connecticut Light and Power Co.

[Docket No. ER92-23-000]

Take notice that on November 23, 1991, Connecticut Light and Power Company (CL&P) tendered for filing supplemental information regarding a proposed rate schedule, an Exchange of Units between CL&P and The United Illuminating Company (UI) and six month extension to the exchange agreement originally filed.

CL&P states that the amendment was filed in response to a request by the Commission for additional information. And to withdraw the notice of termination and provide for the extension of the agreement.

CL&P states that a copy of this filing has been mailed to UI.

CL&P requests that the Commission waive its standard notice period and filing notice regulations to the extent necessary to permit the rate schedule originally filed to become effective November 1, 1986 and for the extension to become effective November 1, 1991.

Comment date: December 17, 1991 in accordance with Standard Paragraph E at the end of this notice.

13. PacifiCorp Electric Operations

[Docket No. ER91-471-000]

Take notice that PacifiCorp Electric Operations ("PacifiCorp"), on November 23, 1991, tendered for filing, in accordance with the Commission's Order dated November 1, 1991 a new Volume 5 to its filing.

Copies of this filing were supplied to all parties hereto and to all state regulatory agencies having jurisdiction over the parties.

As requested in its original filing dated May 31, 1991, PacifiCorp hereby continues its request for a June 1, 1991 effective date for all section 205 services.

Comment date: December 17, 1991, in accordance with Standard Paragraph E at the end of this notice.

14. Missouri Public Service Co.

[Docket No. ER91-683-000]

Take notice that on November 26, 1991, Missouri Public Service Company (Missouri) tendered for filing additional cost support data for its September 30, 1991 filing in the above referenced docket.

Comment date: December 18, 1991, in accordance with Standard Paragraph E at the end of this notice.

15. Blackstone Valley Electric Co.

[Docket No. ER92-207-000]

Take notice that on November 26, 1991, Blackstone Valley Electric Company ("Blackstone") filed an agreement dated October 30, 1989 under which Northeast Energy Associates (NEA) made a contribution in aid of construction for the addition of protective electrical equipment necessary to interconnect NEA's Bellingham facility with Blackstone's transmission system. The Bellingham facility entered commercial service on September 1, 1991.

Blackstone requests waiver of the 60-day notice requirement to permit the contribution in aid provisions of the agreement (all provisions except paragraph 5, which provides for recovery of O&M expenses, property taxes and insurance) to become effective September 1, 1991. Blackstone requests that paragraph 5 be made effective on January 26, 1992, 60 days from today.

Comment date: December 17, 1991, in accordance with Standard Paragraph E at the end of this notice.

16. Iowa Public Service Co.

[Docket No. ER91-684-000]

Take notice that on November 27, 1991, Iowa Public Service Company

(IPS) tendered for filing an amendment to the filing of an executed Transmission Interconnection and Interchange Agreement between IPS and Nebraska Public Power District (NPPD).

IPS indicates that the Interconnection and Interchange Agreement reflects the establishment of a transmission interconnection between the two systems. NPPD will pay IPS a facilities charge based on transmission line investment. This amendment provides additional cost support for the transmission facilities charge.

IPS respectfully requests a waiver of the Commission's rules so that the Interconnection and Interchange Agreement may be approved retroactive to December 29, 1986.

IPS states that copies of this filing were served on NPPD and the Iowa Utilities Board.

Comment date: December 17, 1991, in accordance with Standard Paragraph E end of this notice.

17. PacificCorp Electric Operations

[Docket No. ER92-178-000]

Take notice that PacifiCorp Electric Operations ("PacifiCorp"), on November 27, 1991, tendered for filing an amendment to its November 6, 1991 filing of the Operation and Maintenance Service Agreement ("Agreement") in this Docket.

The amended filing is being submitted to provide a revised determination of the Transmission Administrative and General Expense Factor utilized to determine the Annual Charge for operation and maintenance service under the Agreement.

PacificCorp renews its request for waiver of the Commission's regulations in order to allow an effective date of January 1, 1987 to be assigned to the revised Annual Charge.

Copies of this amended filing were supplied to WASCO and the Public Utility Commission of Oregon.

Comment date: December 17, 1991, in accordance with Standard Paragraph E at the end of this notice.

18. The Washington Water Power Co.

[Docket No. ER91-627-000]

Take notice that on November 27, 1991, The Washington Water Power Company (WWP) tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.11 an executed copy of the Conformed Western Systems Power Pool Agreement.

Comment date: December 17, 1991, in accordance with Standard Paragraph E at the end of this notice.

19. Washington Water Power Co.

[Docket No. ER92-129-000]

Take notice that on November 25, 1991, The Washington Water Power Company (WWP), tendered for filing an Amendment 1 to its filing for a rate revision for the Transmission Agreement between WWP and PacifiCorp Electric Operations (PacifiCorp), rate schedule FERC Number 125. WWP states that this Amendment 1 revises the sole use of facilities charge for the Oldtown Point of Delivery (Newport Substation), and provides additional information requested by Commission staff.

A copy of the filing was served upon PacifiCorp.

Comment date: December 13, 1991 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. 91-29432 Filed 12-9-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP86-631-003, et al.]

Williams Natural Gas Co., et al.; Natural Gas Certificate Filings

December 3, 1991.

Take notice that the following filings have been made with the Commission:

1. Williams Natural Gas Co.

[Docket No. CP86-631-003]

Take notice that on November 20, 1991, Williams Natural Gas Company (WNG), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP86-631-003 pursuant to section 7(c) of the Natural Gas Act a petition to amend the order of May 10, 1988, 43 FERC ¶62,171, issuing to WNG a blanket certificate of public convenience and necessity for certain transportation of natural gas pursuant to Order Nos. 436 and 500. WNG states that the amendment requested herein would authorize WNG to modify Rate Schedule PR(B) to allow conjunctive billing, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

WNG states, this proposed modification is designed to provide WNG's PR(B) customers greater flexibility to serve their large commercial and industrial end users by providing that deliveries at any one billing location in excess of the MDQ, will not constitute unauthorized overrun deliveries, unless WNG has declared a period of capacity curtailment affecting that specific location.

Comment date: December 24, 1991, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

2. Tennessee Gas Pipeline Co.

[Docket No. CP92-211-000]

Take notice that on November 25, 1991, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP92-211-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon interruptible natural gas transportation service under fifteen rate schedules in Tennessee's Original Volume No. 2 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.

The transportation services Tennessee proposes to abandon are as follows:

Docket authorized	Tennessee rate schedule No.	Customer
CP77-387	T-53	Northern Natural Gas Co.
CP78-197	T-69	Northern Natural Gas Co.
CP78-197	T-70	Southern Natural Gas Co.
CP78-16	T-76	Northern Natural Gas Co.
CP78-543	T-83	Essex County Gas Co., successor to Boston Gas.
CP79-377	T-92	Southern Natural Gas Co.
CP79-266	T-94	Southern Natural Gas Co.
CP79-271	T-95	Columbia Gas Transmission.
CP80-95	T-103	Florida Gas Transmission.
CP84-49	T-142	Granite State Gas Transmission, Inc.
CP84-431	T-151	Northern Natural Gas Co.

Docket authorized	Tennessee rate schedule No.	Customer
CP86-121	T-161	Columbia Gas Transmission.
CP86-127	T-165	Panhandle Eastern Pipe Line Co.
CP85-162	T-172	Columbia Gas Transmission.
CP87-8	T-178	Commonwealth Gas Co.

It is stated that no facilities are proposed to be abandoned.
It is stated than no facilities are proposed to be abandoned.

Tennessee states that each of the listed rate schedules provide for the performance of an interruptible transportation service by Tennessee. It is further stated that no service has actually been rendered by Tennessee under any of these rate schedules for at least two years. Tennessee states that each customer has executed a written confirmation of its agreement that the transportation service is no longer needed and may be abandoned.

Tennessee submits that the abandonment of these services is in the public interest because the customers no longer desire the services and cancellation of the rate schedules will allow Tennessee's tariff to accurately reflect the services actually performed by Tennessee.

Comment date: December 24, 1991, in accordance with Standard Paragraph F at the end of the notice.

3. Texas-Ohio Pipeline, Inc.

[Docket No. CP92-217-000]

Take notice that on December 3, 1991, Texas-Ohio Pipeline Company (Texas-Ohio), One Memorial City Plaza, 800 Gessner, Suite 1030, Houston, Texas 77024, filed in Docket No. CP92-217-000 an application pursuant to section 7(c) of the Natural Gas Act for authorization to operate, as an open-access transporter, a pipeline and compressor facilities that would interconnect the pipeline systems or Tennessee Gas Pipeline Company (Tennessee) and Texas Eastern Transmission Corporation (TETCO). Texas-Ohio requests that the Commission authorize it to operate the facilities on a limited-term basis pending Commission action on the request for permanent authorization, waive any applicable notice requirements and grant a shortened notice period, and waive its rules requiring that the application be filed electronically, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Texas-Ohio states that it requests such authorizations as necessary to operate its facilities in interstate commerce and for blanket certificate authorization to perform open-access transportation services on such facilities. It is stated that Texas-Ohio owns pipeline transmission facilities consisting of two 1000 horsepower (hp) compressors and approximately 600 feet of above-ground 10-inch pipeline, all located in Garrard County, Kentucky. According to Texas-Ohio, gas is received into its facilities from Tennessee at Tennessee's Meter No. 020718 and such gas is transported by Texas-Ohio and delivered into TETCO's system at TETCO's Meter No. 72766.

From November 1990 to June 1991, Texas-Ohio states that it constructed its facilities and transported natural gas pursuant to authorizations granted to it by the Kentucky Public Service Commission (KPSC) in Case No. 90-273. The authorizations granted to Texas-Ohio included a certificate to construct Garrard County facilities, designation of Texas-Ohio as an intrastate pipeline operating as a transporting utility, acceptance of tariff sheets which established fixed and flexible interruptible transportation rates as well as fixed firm transportation rates, terms and conditions for the services offered, a curtailment plan and inclusion of an explicit statement that the services would be available to Kentucky customers.

Subsequent to obtaining KPSC authorization, Texas-Ohio states that it filed an application in Docket No. RP91-5-000 for approval of rates to be charged for transportation services performed under section 311(a)(2) of the NGPA. On June 3, 1991, Texas-Ohio submits that it suspended transportation of gas because, due to a scheduling error, Kentucky-produced gas was not transported through the Texas-Ohio facilities but was instead transported across alternate pipeline routes. As a consequence, it was determined that gas delivered by Texas-Ohio to Kentucky customers originated from outside the state. Due to such circumstances, Texas-Ohio determined that an uncertainty existed regarding its status as an intrastate pipeline and suspended operation of its facilities. Since that time Texas-Ohio states that it has been attempting to establish a means for reinstituting transportation services through its facilities. However, Texas-Ohio does not concede that it did not qualify for interstate pipeline status during the period November 1990 through June 1991.

Texas-Ohio avers that it does not propose to construct any new facilities as a result of the proposed transportation services, but will continue to provide transportation services to customers that currently have existing transportation agreements with it. It is stated that the customers identified below have firm service agreements with Texas-Ohio and in turn serve their own customers, including high priority end-users.

Shipper	Type of service	MDQ (MMBtu)	Term
Interstate Gas Marketing	Firm	20,000	12/1/90-11/30/95
Texas-Ohio Gas	Firm	20,000	12/2/90-11/30/95
Texas-Ohio Gas	Interruptible	20,000	12/1/90-11/30/95
Johnson & Johnson	Interruptible	5,000	12/1/90-11/30/95
Centran Corp	Interruptible	30,000	5/1/91-3/31/92
Raritan River Steel	Interruptible	3,400	12/1/90-11/30/95
Lukens Steel	Interruptible	2,000	11/30/90-11/30/95
Doehler-Jarvis, Inc.	Interruptible	1,500	12/1/90-11/30/95

Texas-Ohio proposes to render open-access services pursuant to the terms and conditions set forth in its proposed FERC Gas Tariff, Original Volume No. 1. It is stated that these tariff provisions are substantially similar to the tariff provisions approved by the KPSC pursuant to which Texas-Ohio provided transportation services in the State of Kentucky through June 3, 1991. Texas-Ohio proposes to charge all firm shippers a transportation rate consisting of a reservation charge of $1.4813 per MMBtu and a commodity charge of $0.059 per MMBtu. Texas-Ohio states that such rates were developed using cost-of-service principles and differ from those currently on file with the KPSC inasmuch as the new rates have been designed on the basis of actual operating data.

According to Texas-Ohio, the transportation services it proposes to offer will permit two bottlenecks, one on the system of Tennessee and one on the system of TETCO, to be avoided. It is stated that TETCO is constrained at a point near the Kentucky-Tennessee border, and that due to this constraint, TETCO has historically curtailed interruptible transportation from receipt points located south of the Kentucky-Tennessee border destined for delivery points north of that border during the winter heating season. It is further stated that during the past three winter seasons, TETCO has curtailed interruptible transportation for all such gas originating upstream of its Mt. Pleasant compressor station and destined for delivery to Zones C or D, which are downstream from this compressor station.

On the Tennessee system, it is stated that a bottleneck exists in Mercer County, Pennsylvania, such that gas produced and transported from receipt points south of Mercer County cannot be transported to points of delivery north of Mercer County during certain periods of the year. During the past four winter seasons, Texas-Ohio states that Tennessee has curtailed gas moving on an interruptible basis from points upstream of stations 219, 237 and 313 to locations downstream of those stations.

It is stated that the facilities of Texas-Ohio are positioned so that both bottlenecks can be avoided by the transportation of gas on Texas-Ohio. In this regard, it is submitted that Tennessee typically has interruptible transportation capacity for deliveries to Texas-Ohio's facilities, but has bottlenecks downstream of its interconnection with Texas-Ohio. Conversely, it is stated that TETCO has a bottleneck upstream of Texas-Ohio's facilities, but has capacity for the movement of interruptible transportation volumes downstream of its Mt. Pleasant compressor station.[1] As such, it is stated that Texas-Ohio's facilities can be utilized to avoid bottlenecks of two different pipeline systems and thereby move gas to markets in the Northeast, facilitating the transportation and sale of additional gas during the winter.

Texas-Ohio requests that the Commission grant limited-term authorization to permit it to operate the facilities for the purpose of transporting gas only for those customers identified herein, effective December 15, 1991, so that gas will be able to flow to consumers during the current winter heating season, with such limited-term authority to expire upon the effectiveness of a final Commission order on Texas-Ohio's request for a permanent blanket certificate.

Comment date: December 18, 1991, 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 the 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. 91-29431 Filed 12-9-91; 8:45 am]

BILLING CODE 6717-01-M

[1] Texas-Ohio states that its facilities are located downstream of TETCO's Mt. Pleasant compressor station and are located approximately 40 miles downstream of TETCO's Danville compressor station. In relation to Tennessee's facilities, Texas-Ohio's facilities are located between Tennessee's Compressor Stations 101 and 102.

[Docket No. CP89-5-003]

CNG Transmission Corp.; Sale of Natural Gas

December 3, 1991.

Take notice that on November 14, 1991, CNG Transmission Corporation (CNG), 445 West Main Street, PO Box 2450, Clarksburg, West Virginia, submitted the following information regarding the sale of natural gas to be made to an affiliate under CNG's Rate Schedule USA, pursuant to the authorization granted by an order issued December 20, 1988, in Docket No. CP89-5-000.[1]

(1) Name of buyer: CNG Trading Company, CNG Producing Company

(2) Location of Buyer: CNG Trading Company, Pittsburgh, PA, CNG Producing Company, New Orleans, LA

(3) Affiliation between Northern and Buyer: Both of the above are affiliates of CNG, owned by the same parent, Consolidated Natural Gas Company.

(4) Term of Sale: December 1, 1991, through February 1, 1992, and month to month thereafter.

(5) Estimated Total and Maximum Daily Quantities:

Daily Quantity: CNG Trading Company—150,000 Dt/day, CNG Producing Company—150,000 Dt/day

Estimated Total: CNG Trading Company—6,000,000 Dt, CNG Producing Company—6,000,000 Dt

(6) Maximum sales rate: $3.090 per Dt, Minimum sales rate: $2,865 per Dt

Rate to be charged during billing period: CNG Trading Co.; $3.090 per Dt, CNG Producing Co.: $3,090 per dT

Any interested party desiring to make any protest with reference to this sale of natural gas should file with the Federal

[1] CNG Transmission Corporation, 45 FERC ¶ 61,446 (1988).

Energy Regulatory Commission, Washington, DC 20426, within 30 days after issuance of the instant notice by the Commission, pursuant to the order of December 20, 1988. If no protest is filed within that time or the Commission denies the protest, the proposed sale may continue until the underlying contract expires. If a protest is filed, CNG may sell gas for 120 days from the date of commencement of service or until a termination order is issued,whichever is earlier.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 91–29428 Filed 12–9–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. QF86–968–003]

E. F. Oxnard, Inc.; Amendment to Filing

November 29, 1991.

On November 20, 1991, E.F. Oxnard, Inc., tendered for filing an amendment to its filing in this docket.

The amendment supplements certain aspects of facility's ownership structure.

Any person desiring to be heard or objecting to the granting of qualifying status 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. All such motions or protests must be filed on or before December 18, 1991 and must be served on the applicant. 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 petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–29430 Filed 12–9–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TA84–2–37–013]

Northwest Pipeline Corporation; Report of Refunds

December 3, 1991.

Take notice that on November 6, 1991, Northwest Pipeline Corporation (Northwest) tendered for filing with the Federal Energy Regulatory Commission (Commission) its Report of Refunds made in accordance with the provisions of the Commission's orders, issued December 19, 1990, August 6, 1991, and October 24, 1991 in Docket Nos. TA84–2–37 and FA84–9, *et al.* Northwest states that on October 31, 1991, it made refunds of $2,749,633.00 to the appropriate customers.

Northwest states that copies of the refund report are being served upon Northwest's jurisdictional customer list and affected state commissions.

Any person desiring to protect said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rule 211 of the Commission's rules of practice and procedure 18 CFR 385.211. All such protests should be filed on or before December 9, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 91–29425 Filed 12–9–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. EF92–5171–000]

United States Department of Energy—Western Area Power Administration (Salt Lake City Area Integrated Projects); Filing

November 29, 1991.

Take notice that on November 22, 1991, the Assistant Secretary of Energy for Conservation and Renewable Energy tendered for filing, on behalf of the Western Area Power Administration (WAPA) of the United States Department of Energy, revised rates for the Salt Lake City Area Integrated Projects. The Assistant Secretary stated that interim approval had been given to the revised rates, and that final approval was sought for the rates for the period from December 1, 1991 to September 30, 1992.

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 18 CFR 385.214). All such motions or protests should be filed on or before December 17, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91–29429 Filed 12–9–91; 8:45 am]

BILLING CODE 6717–01–M

Office of Conservation of Renewable Energy

[Case No. F–039]

Energy Conservation Program for Consumer Products; Granting of the Application for Interim Waiver and Publishing of the Petition for Waiver of Furnace Test Procedures From the Ducane Company, Inc.

AGENCY: Office of Conservation and Renewable Energy, Department of Energy.

SUMMARY: Today's notice publishes a letter granting an Interim Waiver to The Ducane Company, Inc. (Ducane) from the existing Department of Energy (DOE) test procedures for furnaces regarding blower time delay for the company's FPBA series of gas furnaces.

Today's notice also publishes a "Petition for Waiver" from Ducane. Ducane's Petition for Waiver requests DOE to grant relief from the DOE test procedures relating to the blower time delay specification. Ducane seeks to test using a blower delay time of 30 seconds for its FPBA series of gas furnaces instead of the specified 1.5-minute delay between burner on-time and blower on-time. DOE is soliciting comments, data, and information respecting the Petition for Waiver.

DATES: DOE will accept comments, data, and information not later than January 9, 1992.

ADDRESSES: Written comments and statements shall be sent to: Department of Energy, Office of Conservation and Renewable Energy, Case No. F–039, Mail Stop CE–90, room 6B–025, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–3012.

FOR FURTHER INFORMATION CONTACT:

Cyrus H. Nasseri, U.S. Department of Energy, Office of Conservation and Renewable Energy, Mail Station CE–43, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9127.

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC–41, Forrestal Building, 1000 Independence Avenue,

SW., Washington, DC 20585, (202) 586–9507.

SUPPLEMENTARY INFORMATION: The Energy Conservation Program for Consumer Products (other than automobiles) was established pursuant to the Energy Policy and Conservation Act (EPCA), Public Law 94–163, 89 Stat. 917, as amended by the National Energy Conservation Policy Act (NECPA), Public Law 95–619, 92 Stat. 3266, the National Appliance Energy Conservation Act of 1987 (NAECA), Public Law 100–12, and the National Appliance Energy Conservation Amendments of 1988 (NAECA 1988), Public Law 100–357, which requires DOE to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including furnaces. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchasing decisions. These test procedures appear at 10 CFR part 430, subpart B.

DOE amended the prescribed test procedures by adding 10 CFR 430.27 on September 26, 1980, creating the waiver process. 45 FR 64108. Thereafter DOE further amended the appliance test procedure waiver process to allow the Assistant Secretary for Conservation and Renewable Energy (Assistant Secretary) to grant an Interim Waiver from test procedure requirements to manufacturers that have petitioned DOE for a waiver of such prescribed test procedures. 51 FR 42823, November 26, 1986.

The waiver process allows the Assistant Secretary to waive temporarily test procedures for a particular basic model when a petitioner shows that the basic model contains one or more design characteristics which prevent testing according to the prescribed test procedures or when the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption as to provide materially inaccurate comparative data. Waivers generally remain in effect until final test procedure amendments become effective, resolving the problem that is the subject of the waiver.

The Interim Waiver provisions, added by the 1986 amendment, allow the Assistant Secretary to grant an Interim Waiver when it is determined that the applicant will experience economic hardship if the Application for Interim Waiver is denied, if it appears likely that the Petition for Waiver will be granted, and/or the Assistant Secretary determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the Petition for Waiver. An Interim Waiver remains in effect for a period of 180 days or until DOE issues its determination on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180 days, if necessary.

On October 1, 1991, Ducane filed an Application for an Interim Waiver regarding blower time delay. Ducane's Application seeks an Interim Waiver from the DOE test provisions that require a 1.5-minute time delay between the ignition of the burner and starting of the circulating air blower. Instead, Ducane requests the allowance to test using a 30-second blower time delay when testing its FPBA series of gas furnaces. Ducane states that the 30-second delay is indicative of how these furnaces actually operate. Such a delay results in an energy savings of approximately 1.0 percent. Since current DOE test procedures do not address this variable blower time delay, Ducane asks that the Interim Waiver be granted.

Previous waivers for this type of timed blower delay control have been granted by DOE to Coleman Company, 50 FR 2710, January 18, 1985; Magic Chef Company, 50 FR 41553, October 11, 1985; Rheem Manufacturing Company, 53 FR 48574, December 1, 1988, 55 FR 3253, January 31, 1990, and 55 FR 37521, September 12, 1990; Trane Company, 54 FR 19226, May 4, 1989, and 55 FR 41589, October 12, 1990; Lennox Industries, 54 FR 50525, December 7, 1989; DMO Industries, 55 FR 4004, February 6, 1990; Heil-Quaker Corporation, 55 FR 13184, April 9, 1990; Carrier Corporation, 55 FR 13182, April 9, 1990; Inter-City Products Corporation, 55 FR 31099, July 31, 1990, and 56 FR 27959, June 18, 1991; Amana Refrigeration Inc., 56 FR 853, January 9, 1991, and 56 FR 29957, July 1, 1991; Armstrong Air Conditioning, Inc., 56 FR 10553, March 13, 1991, and 56 FR 34200, July 26,1991; Snyder General Corporation, 56 FR 14511, April 10, 1991; Goodman Manufacturing Corporation, 56 FR 20421, May 3, 1991; Thermo Products, Inc., 56 FR 32205, July 15, 1991; and The Ducane Company, 56 FR 45958, September 9, 1991. Thus, it appears likely that the Petition for Waiver will be granted for blower time delay.

In those instances where the likely success of the Petition for Waiver has been demonstrated based upon DOE having granted a waiver for a similar product design, it is in the public interest to have similar products tested and rated for energy consumption on a comparable basis.

Therefore, based on the above, DOE is granting Ducane an Interim Waiver for its FBPA series of gas furnaces. Pursuant to paragraph (e) of § 430.27 of the Code of Federal Regulations, the following letter granting the Application for Interim Waiver to Ducane was issued.

Pursuant to paragraph (b) of 10 CFR 430.27, DOE is hereby publishing the "Petition for Waiver" in its entirety. The petition contains no confidential information. DOE solicits comments, data, and information respecting the petition.

Issued in Washington, DC, November 27, 1991.

J. Michael Davis,

Assistant Secretary, Conservation and Renewable Energy.

October 1, 1991.

Assistant Secretary, Conservation and Renewable Energy,
United States Department of Energy, 1000 Independence Ave., Washington, DC 20585

Gentlemen: Please consider this Petition for Waiver and Application for Interim Waiver pursuant to Title 10 CFR 430.27.

Waiver is requested from the test procedures covering gas furnaces found at appendix N to subpart B of 10 CFR Part 430. The current Heat-Up Test procedure requires a 1.5 minute time delay between burner and startup. The Ducane Company is requesting to us 30 seconds instead of 1.5 minutes for Series "FPBA" Gas Furnaces.

These models will employ an electronic blower time control that starts the blower in approximately 30 seconds. Our testing indicates an increase of approximately one percent in AFUE using the 30 second time delay.

The Ducane Company seeks an interim waiver because it is likely that our waiver will be granted. Similar waivers have been granted to other manufacturers in the past.

A copy of this Petition for Waiver and Application for Interim Waiver will be sent to other manufacturers of similar type products.

Respectfully yours,
The Ducane Company, Inc.
Charles W. Adams,
V.P. Research and Development, Ducane Heating Division.

Department of Energy, Washington, DC 20585
November 27, 1991.

Mr. Charles W. Adams,
V.P. Research and Development,
The Ducane Company, Inc., 118 West Main Street, Blackville, South Carolina 29817–1199

Dear Mr. Adams: This is in response to your October 1, 1991, Application for Interim Waiver and Petition for Waiver from the Department of Energy (DOE) test procedures for furnaces regarding blower time delay for The Ducane Company, Inc. (Ducane) FPBA series of gas furnaces.

Previous waivers for this type of timed blower delay control have been granted by

DOE to Coleman Company, 50 FR 2710, January 18, 1985; Magic Chef Company, 50 FR 41553, October 11, 1985; Rheem Manufacturing Company, 53 FR 48574, December 1, 1988, 55 FR 3253, January 31, 1990, and 55 FR 37521, September 12, 1990; Trane Company, 54 FR 19226, May 4, 1989, and 55 FR 41589, October 12, 1990; Lennox Industries, 54 FR 50525, December 7, 1989; DMO Industries, 55 FR 4004, February 6, 1990; Heil-Quaker Corporation, 55 FR 13184, April 9, 1990; Carrier Corporation, 55 FR 13182, April 9, 1990; Inter-City Products Corporation, 55 FR 31099, July 31, 1990, and 56 FR 27959, June 18, 1991; Amana Refrigeration Inc., 56 FR 853, January 9, 1991, and 56 FR 29957, July 1, 1991; Armstrong Air Conditioning, Inc., 56 FR 10553, March 13, 1991, and 56 FR 34200, July 26, 1991; Snyder General Corporation, 56 FR 14511, April 10, 1991; Goodman Manufacturing Corporation, 56 FR 20421, May 3, 1991; Thermo Products, Inc., 56 FR 32205, July 15, 1991; and The Ducane Company, 56 FR 45958, September 9, 1991.

Ducane's Application for Interim Waiver does not provide sufficient information to evaluate what, if any, economic impact or competitive disadvantage Ducane will likely experience absent a favorable determination on its application. However, in those instances where the likely success of the Petition for Waiver has been demonstrated, based upon DOE having granted a waiver for a similar product design, it is in the public interest to have similar products tested and rated for energy consumption on a comparable basis.

Therefore, Ducane's Application for an Interim Waiver from the DOE test procedures for its FPBA series of gas furnaces regarding blower time delay is granted.

Ducane shall be permitted to test its line of FPBA series of gas furnaces on the basis of the test procedures specified in 10 CFR part 430, subpart B, appendix N, with the modification set forth below.

(i) Section 3.0 in appendix N is deleted and replaced with the following paragraph:

3.0 Test Procedure. Testing and measurements shall be as specified in section 9 in ANSI/ASHRAE 103–82 with the exception of sections 9.2.2, 9.3.1, and 9.3.2, and the inclusion of the following additional procedures:

(ii) Add a new paragraph 3.10 in appendix N as follows:

3.10 Gas- and Oil-Fueled Central Furnaces. After equilibrium conditions are achieved following the cool-down test and the required measurements performed, turn on the furnace and measure the flue gas temperature, using the thermocouple grid described above, at 0.5 and 2.5 minutes after the main burner(s) comes on. After the burner start-up, delay the blower start-up by 1.5 minutes (t−), unless: (1) the furnace employs a single motor to drive the power burner and the indoor air circulation blower, in which case the burner and blower shall be started together; or (2) the furnace is designed to operate using an unvarying delay time that is other than 1.5 minutes, in which case the fan control shall be permitted to start the blower; or (3) the delay time results in the activation of a temperature safety device which shuts off the burner, in which case the fan control shall be permitted to start the blower. In the latter case, if the fan control is adjustable, set it to start the blower at the highest temperature. If the fan control is permitted to start the blower, measure time delay, (t−), using a stop watch. Record the measured temperatures. During the heat-up test for oil-fueled furnaces, maintain the draft in the flue pipe within ±0.01 inch of water column of the manufacturer's recommended on-period draft.

This Interim Waiver is based upon the presumed validity of statements and all allegations submitted by the company. This Interim Waiver may be revoked or modified at any time upon a determination that the factual basis underlying the application is incorrect.

The Interim Waiver shall remain in effect for a period of 180 days or until DOE acts on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180-day period, if necessary.

Sincerely,

J. Michael Davis,

Assistant Secretary, Conservation and Renewable Energy.

[FR Doc. 91–29479 Filed 12–9–91; 8:45 am]

BILLING CODE 6450–01–M

Office of Fossil Energy

[Docket No. FE C&E 91–22; Certification Notice—90]

Filing Certification of Compliance: Coal Capability of New Electric Powerplant Pursuant to Provisions of the Powerplant and Industrial Fuel Use Act, as Amended

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of filing.

SUMMARY: Title II of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), as amended (42 U.S.C. 8301 *et seq.*), provides that no new electric powerplant may be constructed or operated as a base load powerplant without the capability to use coal or another alternate fuel as a primary energy source (FUA section 201(a), 42 U.S.C. 8311 (a), Supp. V. 1987). In order to meet the requirement of coal capability, the owner or operator of any new electric powerplant to be operated as a base load powerplant proposing to use natural gas or petroleum as its primary energy source may certify, pursuant to FUA section 201(d), to the Secretary of Energy prior to construction, or prior to operation as a base load powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with section 201(a) as of the date it is filed with the Secretary. The Secretary is required to publish in the **Federal Register** a notice reciting that the certification has been filed. Two owners and operators of proposed new electric base load powerplants have filed self-certifications in accordance with section 201(d).

Further information is provided in the **SUPPLEMENTARY INFORMATION** section below.

SUPPLEMENTARY INFORMATION:

The following companies have filed self-certifications:

Name	Date received	Type of facility	Megawatt capacity	Location
Magic Valley, Cogeneration Partners Ltd., Salt Lake City, UT.	11–25–91	Topping Cycle	10	Rupert, ID.
Magic West, Cogeneration Partners Ltd., Salt Lake City, UT.	11–25–91	Topping Cycle	10	Glens Ferry, ID.

Amendments to FUA on May 21, 1987 (Public Law 100–42), altered the general prohibitions to include only new electric base load powerplants and to provide for the self-certification procedure.

Copies of these self-certifications may be reviewed in the Office of Fuels Programs, Fossil Energy, room 3F–056, FE–52, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, or for further information call Myra Couch at (202) 586–6769.

Issued in Washington, DC on December 4, 1991.

Anthony J. Comb,

Director, Office of Coal & Electricity, Office of Fuels Programs, Fossil Energy.

[FR Doc. 91–29748 Filed 12–9–91; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 4039-1]

Solicitation Notice for Environmental Education Grants

PURPOSE OF NOTICE

This notice solicits applications from eligible organizations and institutions for cooperative agreements or grants to support projects to design, demonstrate, or disseminate practices, methods, or techniques related to environmental education and training as specified in section 6 of the National Environmental Education Act (Public Law 101-619). This grants program is separate from the Environmental Education and Training Program specified in section 5 of the Act.

BACKGROUND

On November 16, 1990, the National Environmental Education Act (NEEA) was signed by the President. Section 6 of the Act requires that the Environmental Protection Agency (EPA) solicit for projects, select suitable projects from among those proposed, supervise such projects, evaluate the results of projects, and disseminate information on the effectiveness and feasibility of the practices, methods, techniques, and processes. A presolicitation notice as published for this program on September 5, 1991.

APPROPRIATION

NEEA requires that, of the sums Congress appropriates in a fiscal year for activities under the NEEA, 38 percent shall be available for the Environmental Education Grants program in Section 6 of the Act. Congress appropriated $6,5000,000 for NEEA activities in fiscal year 1992, of which 38% is $2,470,000.

Questions and Answers

I. What is the purpose of the Environmental Education Grants?

The purpose of these grants is to stimulate environmental education by supporting projects to design, demonstrate, or disseminate practices, methods or techniques related to environmental education or training.

II. Who may submit applications?

Any local or tribal education agency, college or university, State education or environmental agency, not-for-profit organization, or noncommercial educational broadcasting entity may submit an application upon publication of this solicitation. These terms are defined in Section 3 of the statute and 40 CFR 47.105.

III. May a teacher/educator apply?

Only organizations are eligible. Educators may have their institution or association apply on their behalf. The qualifications of those individuals participating in the proposed project will be an important factor in the selection process.

IV. What activities will be eligible for grant support?

The eligible activities shall include, but not be limited to:

1. design, demonstration, or dissemination of environmental curricula, including development of educational tools and materials;

2. design and demonstration of field methods, practices, and techniques, including assessment of environmental and ecological conditions and analysis of environmental pollution problems;

3. projects to understand and assess a specific environmental issue or a specific environmental problem;

4. provision of training or related education for teachers, faculty, or related personnel in a specific geographic area or region; and

5. design and demonstration of projects to foster international cooperation in addressing environmental issues and problems involving the United States and Canada or Mexico.

V. Which projects will have priority?

In making grants pursuant to this section, EPA shall give priority to those proposed projects which will develop:

1. a new or significantly improved environmental education practice, method, or technique;

2. an environmental education practice, method, or technique which may have wide application; and

3. an environmental education practice, method, or technique which addresses an environmental issue which, in the judgment of the EPA, is of a high priority.

VI. What are EPA's objectives for the Environmental grants.

EPA has four objectives:

1. To enhance environmental teaching skills and curricula.

2. To create partnerships and promote teamwork to improve environmental education.

3. To help the general public make informed decisions about the environment.

4. To motivate the general public to be more environmentally conscious.

VII. Who will perform projects and activities?

The statute requires that projects must be performed by a person who belongs to the organization requesting funds or someone satisfactory to the organization and EPA. All applications must identify that person for approval.

VIII. Are matching funds required?

Yes. Federal funds for projects shall not exceed 75 percent of the total cost of such projects. The non-Federal share of project costs may be provided in cash or by in-kind contributions and other noncash support. In-kind contributions often include salaries or other verifiable costs.

The matching (non-Federal) share is a percentage of the entire cost of the project. If the 75 percent Federal portion is $5,000, then the entire project would be $6,667. The recipient would provide $1,667. The amount of non-Federal funds, including in-kind contributions, must be briefly itemized in the application.

IX. How much money may be requested?

EPA is encouraging requests for "grass roots" grants of $5,000 or less. At least 25 percent of all funds obligated under this section in a fiscal year shall be for grants of not more than $5,000. The statutory ceiling for any one grant is $250,000. Since funds are limited, proposed projects over $100,000 will be extremely competitive and few in number. Most of the competitive awards will be for $25,000 or less.

X. How will the recipients be selected?

Recipients will be selected at EPA's Regional Offices and at Headquarters. Regional panels will select grants for $25,000 or less. EPA Headquarters will select grants for more than $25,000.

XI. When should proposed activities start?

Activities cannot start before funds are awarded. Start dates are currently targeted for May 1, 1992.

XII. How much time would I have to complete the project?

Funding may be requested for 12 or 24 month periods. However, flexibility is possible depending upon the nature of the project. Activities must be completed within the time frame of the budget period. Concurrent grants to the same organization during the second year are not allowed.

XIII. If my organization is awarded a grant, what reports must I complete?

All recipients will be expected to submit final reports for EPA approval prior to receipt of the balance of grant funds. Recipients of grants greater than $5,000 may be expected to report on quarterly or semiannual progress, as well as final project completion. Since networking is crucial to the success of the program, grantees may be asked to transmit reports to a training program collection point.

XIV. When should applications be submitted?

Applications must be received by EPA within 60 days of the date that this solicitation notice is published in the **Federal Register.**

XV. What must be included in an application?

EPA will provide an application kit which will specify requirements. A kit may be obtained by writing:

EPA Env. Ed. Grants-Applications, AScI, 1365 Beverly Road, McLean, VA 22101.

or by calling (703) 847–3036 between 1 and 5 p.m. Eastern time. In order to receive a kit, you must request one after this notice has been published in the **Federal Register.**

The application must include:

1. A cover letter, no more than one page, which must be signed by an individual authorized to receive funds on behalf of the organization.

2. Application forms completed according to application kit instructions.

3. Work plans must be no more than 10 pages total for requests for more than $5,000 and no more than 5 pages total for those less than $5,000. The pages must be letter size (8½ x 11), with normal type size (10 or 12 cpi) and at least 1" margins. No appendices will be accepted except resumes. Work plans must include the following:

a. An abstract or executive summary of no more than 200 words that states the purpose of the project, method, and expected results.

b. A description of the proposed activities justifying them in terms of the eligibility and priority requirements of sections IV and V of this Notice. The work plan should include a description of the ongoing benefits the project will provide after funding is complete. The work plan should also include a budget.

c. A description of the qualifications of the project manager and key staff personnel and any plans for developing an administrative structure which will enable the program to operate effectively. Resumes may be included and will not be counted toward the page limit.

d. For projects over $5,000, include a listing of proposed project milestones and target completion dates and the estimated cost (in terms of Federal funds) of each activity. An example follows:

Milestone	Target date	Estimated cost
1. Assemble task force to administer project	5/1/92	$0
2. Develop detailed action plan for project	5/15/92	$300
3. Purchase necessary equipment and supplies	5/31/92	$1,500
4. Develop pilot curriculum for Grade 6 wetlands awareness program	9/30/92	$2,000
5. Give demonstrations of the pilot project to 4 sixth grade classes	12/31/92	$500
6. Evaluate pilot results and incorporate changes into curriculum	2/1/93	$1,000
7. Submit final report to EPA	3/1/93	$500
Grand Total		$5,800

Lewis S. W. Crampton,

Associate Administrator, Office of Communications, Education and Public Affairs.

[FR Doc. 91–29489 Filed 12–9–91; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–00116; FRL–4005–7]

Forum on State and Tribal Toxics Action (FOSTTA); Coordinating Committee and Teams; Open Meetings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Coordinating Committee and the five Projects of the Forum on State and Tribal Toxics Action (FOSTTA) will hold meetings at the time and place listed below in this notice. The meetings are open to the public.

DATES: The meetings are scheduled as follows:

1. The Coordinating Committee and all the Projects will hold a meeting December 16 and 17.

2. The Projects will meet December 16 from 8:30 a.m. to 5 p.m. and December 17 from 8:30 a.m. to noon. The Coordinating Committee will meet on December 17 from 1 p.m. to 5 p.m.

ADDRESSES: The meetings will be held at: The Holiday Inn, 480 King St., Alexandria VA.

FOR FURTHER INFORMATION CONTACT: By mail: Susan Kavanaugh, Office of Compliance Monitoring (EN–342), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, or Sarah Hammond, Office of Toxic Substances (TS–799), at the same address. By telephone: Susan Kavanaugh can be reached at (202) 260–1008 and Sarah Hammond at (202) 260–7258.

SUPPLEMENTARY INFORMATION: FOSTTA, a group of State toxics environmental managers, is intended to foster the exchange of toxics-related program and enforcement information among the States and between the States and U.S. EPA's Office of Pesticides and Toxic Substances (OPTS). FOSTTA currently consists of the Coordinating Committee and five issue-specific Projects. The Projects are: (1) The Chemical Information Management Project (formerly the TRI Team); (2) the State Enhancement and Decentralization Project; (3) the Pollution Prevention Project (formerly the 33/50 Team); (4) the Chemical Management Project; and (5) the Lead (Pb) Project.

Dated: December 3, 1991.

Michael M. Stahl,

Director, Office of Compliance Monitoring.

[FR Doc. 91–29497 Filed 12–9–91; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

Abacus Broadcasting Corp. et al.; Applications for Consolidated Hearing

1. The Commission has before it the following mutually exclusive applications for renewal of license of Station KJQN–FM (95.5 MHz), Ogden, Utah, and for a construction permit for a new FM station on 95.5 Mhz at Ogden, Utah:

Applicant	City/state	File No.	MM Docket No.
A. Abacus Broadcasting Corp. (Renewal of KJQN–FM)	Ogden, Utah	BRH–900530A2	1–350

Applicant	City/state	File No.	MM Docket No.
B. Rees Broadcasting, Inc. (New FM Station)	Ogden, Utah	BPH-900904MM	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the following issues:

(a) To determine whether there is a reasonable possibility that the tower height and location proposed by Rees would constitute a hazard to air navigation.

(b) If a final environmental impact statement is issued with respect to Abacus and/or Rees in which it is concluded that the proposed facilities are likely to have an adverse impact on the quality of the human environment, to determine whether the proposal or Abacus and/or Rees are consistent with the National Environmental Policy Act, as implemented by §§ 1.1301–1.1319 of the Commission's Rules.

(c) To determine which of the proposal would, on a comparative basis, best serve the public interest.

(d) To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

3. A copy of the complete Hearing Designation Order in this proceeding is available for inspection an copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC 20554. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., suite 140, Washington, DC 20037. Telephone (202) 857–3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 91–29493 Filed 12–9–91; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Information Collection Submitted to OMB for Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of information collection submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

SUMMARY: In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the FDIC hereby gives notice that it has submitted to the Office of Management and Budget a request for OMB review of the information collection system described below.

Type of Review: Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection.

Title: Country Exposure Report.

Form Number: FFIEC 009, FFIEC 009a.

OMB Number: 3064–0017.

Expiration Date of OMB Clearance: January 31, 1992.

Respondents: Insured State nonmember banks with country exposures over $30 million that are large relative to capital (as determined by the FDIC).

Frequency of Response: Quarterly.

Number of Respondents: 38.

Number of Responses per Respondent: 4.

Total Annual Responses: 152.

Average Number of Hours per Response: 29.

Total Annual Burden Hours: 4,408

OMB Reviewer: Gary Waxman, (202) 395–7340, Office of Management and Budget, Paperwork Reduction Project 3064–0017, Washington, D.C. 20503.

FDIC Contact: Steven F. Hanft, (202) 898–3907, Office of the Executive Secretary, room F–400, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

Comments: Comments on this collection of information are welcome and should be submitted before January 15, 1992.

ADDRESSES: A copy of the submission may be obtained by calling or writing the FDIC contact listed above. Comments regarding the submission should be addressed to both the OMB reviewer and the FDIC contact listed above.

SUPPLEMENTARY INFORMATION: The Country Exposure Report provides information on the amounts and composition of international assets held by U.S. banks. The reporting requirement is pursuant to section 907(a) of the International Lending Supervision Act, which requires insured State nonmember banks to submit their reports to the FDIC. Individual bank data is used for supervisory and statistical purposes. Aggregate data is published for use by the general public, banks, governments agencies, and international organizations.

Dated December 4, 1991.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 91–29456 Filed 12–9–91; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Submitted to the Office of Management and Budget for Clearance

The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following information collection package for clearance in accordance with the Paperwork Reduction Act (44 U.S.C. chapter 35).

Type: Extension of 3067–0194.

Title: National Fire Academy Executive Fire Officer Program Application for Admission.

Abstract: FEMA Form 95–22, National Fire Academy—Executive Fire Officer Program Application for Admission, is used by senior level executive fire officers to apply to the Executive Fire Officer Program. FEMA uses the application form to select the best qualified applicants for admission to the program.

The program is offered by FEMA's United States Fire Administration, National Fire Academy. Applicants selected to the program will complete four senior level courses over a four-year period.

Type of Respondents: Individuals or households, State and local governments.

Estimate of Total Annual Reporting and Recordkeeping Burden: 300 hours.

Number of Respondents: 300.

Estimated Average Burden Hours Per Response: 1 hour.

Frequency of Response: One-time.

Copies of the above information collection request and supporting documentation can be obtained by calling or writing the FEMA Clearance

Officer, Linda Borror, (202) 646–2624, 500 C Street, SW., Washington, DC 20472.

Direct comments regarding the burden estimate or any aspect of this information collection, including suggestions for reducing this burden, to: The FEMA Clearance Officer at the above address; and to Gary Waxman, (202) 395–7340, Office of Management and Budget, 3235 New Executive Office Building, Washington, DC 20503 within four weeks of this notice.

Dated: November 18, 1991.

Wesley C. Moore,

Director, Office of Administrative Support.

[FR Doc. 91–29459 Filed 12–9–91; 8:45 am]

BILLING CODE 6718–01–M

Agency Information Collection Submitted to the Office of Management and Budget for Clearance

The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following information collection package for clearance in accordance with the Paperwork Reduction Act (44 U.S.C. chapter 35).

Type: Revision of 3067–0200.

Title: Behavioral Analysis Survey: In Support of Hurricane Evacuation Studies.

Abstract: The information collected from the behavioral analysis survey will be used to develop reliable data concerning the expected evacuation response of the public vulnerable to hurricane hazards. The data is needed to estimate the time necessary to evacuate the public in the face of various hurricane scenarios. Studies are planned for the following areas: Northern New England (Maine, New Hampshire, Massachusetts); Myrtle Beach/Wilmington, South Carolina; Northeast Florida; Cape Canaveral, Apalachicola, Tampa Bay, Cedar Key, Florida; Vermillion Bay, Louisiana; Southwest Louisiana; Matagorda Bay, Texas; Puerto Rico; Virgin Islands; and Hawaii.

Type of Respondents: Individuals or households.

Estimate of Total Annual Reporting and Recordkeeping Burden: 1,020 Hours.

Number of Respondents: 6,000.

Estimated Average Burden Hours per Response: 10 minutes.

Frequency of Response: One-Time.

Copies of the above information collection request and supporting documentation can be obtained by calling or writing the FEMA Clearance Officer, Linda Borror, (202) 646–2624, 500 C Street, SW., Washington, DC 20472.

Direct comments regarding the burden estimate or any aspect of this information collection, including suggestions for reducing this burden, to: The FEMA Clearance Officer at the above address; and to Gary Waxman, (202) 395–7340, Office of Management and Budget, 3235 New Executive Office Building, Washington, DC 20503 within four weeks of this notice.

Dated: November 20, 1991.

Wesley C. Moore,

Director, Office of Administrative Support.

[FR Doc. 91–29462 Filed 12–9–91; 8:45 am]

BILLING CODE 6718–01–M

[FEMA–921–DR]

Maine; Amendment to a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Maine (FEMA–921–DR), dated November 7, 1991, and related determinations.

DATED: November 18, 1991.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3614.

NOTICE: The notice of a major disaster for the State of Maine, dated November 7, 1991, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of November 7, 1991:

Cumberland County for Individual Assistance and Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Richard W. Krimm,

Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 91–29463 Filed 12–9–91; 8:45 am]

BILLING CODE 6718–02–M

[FEMA–921–DR]

Maine; Amendment to a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Maine (FEMA–921–DR), dated November 7, 1991, and related determinations.

DATED: November 27, 1991.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

NOTICE: The notice of a major disaster for the State of Maine, dated November 7, 1991, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of November 7, 1991:

The counties of Knox, Lincoln, and Sagadahoc for Individual Assistance only.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Richard W. Krimm,

Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 91–29465 Filed 12–9–91; 8:45 am]

BILLING CODE 6718–02–M

FEDERAL MARITIME COMMISSION

Security for the Protection of the Public Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89–777 (46 U.S.C. 817(e)) and the Federal Maritime Commission's implementing regulations at 46 CFR part 540, as amended:

Hanseatic Tours Reisendienst GmbH and Renaissance Cruises, Inc., 1800 Eller Drive, suite 300, Fort Lauderdale, Florida 33335–0307.

Vessel: Hanseatic Renaissance V).

Dated: December 5, 1991.

Joseph C. Polking,

Secretary.

[FR Doc. 91–29486 Filed 12–9–91; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

December 4, 1991.

BACKGROUND: Notice is hereby given of the submission of a proposed information collection to the Office of Management and Budget (OMB) for its

review and approval under the Paperwork Reduction Act (title 44 U.S.C. chapter 35) and under OMB regulations on Controlling Paperwork Burdens on the Public (5 CFR part 1320). Details on the proposed information collection are provided below.

DATES: Comments on this proposed information collection are welcome and should be submitted on or before January 10, 1992.

ADDRESSES: Comments should be sent both to the agency clearance officer and to the OMB desk officer, as follows.

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).

FOR FURTHER INFORMATION CONTACT: Henry S. Terrell, Senior Economist (202–452–3785), Division of International Finance, and Martha C. Bethea, Deputy Associate Director (202–452–3181), Division of Research and Statistics.

Request for OMB approval for the following new supplement to be added to the Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks (EFIEC 002; OMB No. 7100–0032):

Report title: Report of Assets and Liabilities of a Non-U.S. Branch That is Managed or Controlled by a U.S. Branch or Agency of a Foreign (Non-U.S.) Bank.

Agency form number: EFIEC 002S.

OMB Docket number: 7100–0032.

Frequency: Quarterly.

Reporters: U.S. branches and agencies of foreign banks.

Annual reporting hours: 6,000.

Estimated average hours per response: 6.

Number of respondents: 250.

Small businesses are not affected.

The proposed information collection would be mandatory (12 U.S.C. 3105(b)(2); 12 U.S.C. 1817(a); and 12 U.S.C. 3102(b)) and would be given confidential treatment.

SUMMARY: On a quarterly basis, all U.S. branches and agencies of foreign banks are required to file detailed schedules of their assets and liabilities in the form of a condition report and a variety of supporting schedules (FIEF 002). The report is collected and processed by the Federal Reserve on behalf of all three federal bank regulatory agencies. The Federal Financial Institutions Examination Council (FIEC), on behalf of the Board of Governors of the Federal Reserve System, proposes the addition of a supplement to the quarterly FIEC 002 report. The new supplement (FIEC 002S) would collect information on assets and liabilities of any non-U.S. branch that is managed or controlled by a U.S. branch or agency of a foreign bank. Managed or controlled means that the majority of the responsibility for business decisions or the responsibility for recordkeeping for that foreign branch resides at the U.S. branch or agency.

A separate supplement would be completed for each applicable foreign branch. The supplements would be filed quarterly along with the U.S. branch or agency's FIEC 002.

The supplement would be implemented as of March 1992. A listing of the proposed data items is provided as attachment 1; draft instructions are provided as attachment 2.

SUPPLEMENTARY INFORMATION: For a number of years foreign banks have conducted a large banking business at branches domiciled in offshore centers, primarily in the Cayman Islands and the Bahamas. For a fee, foreign banks are able to use these offshore branches to conduct a banking business free of any U.S. reserve requirements, FDIC premiums, or statistical reporting requirements. While nominally domiciled in these offshore centers, these branches are often largely run out of the banks' U.S. agency or branch office, with a separate set of books but often with overlapping management responsibilities. The transactions of these offshore branches are often largely with U.S. residents. Therefore, the situation exists where a large amount of banking business is being conducted in the United States with U.S. residents for which no statistical reporting is available. The same statistical problem does not exist for offshore branches of U.S. banks because several statistical reports are collected covering their operations in these centers.

Relatively little is known about the magnitude of the activities of non-U.S. banks in these centers. The negligible physical presence of banking personnel makes it difficult for local authorities to communicate with the banks if there were any questions about any data that might be collected. Since multinational banks are now supervised in large measure on a consolidated basis, foreign authorities have had limited interest in data covering only the positions of individual branches of their banks for supervisory purposes.

The current situation where foreign bank activities, including large and potentially volatile transactions with U.S. residents, escape statistical reporting is not acceptable for several reasons. Better data are needed: (1) To monitor deposit and credit transactions of U.S. residents; (2) for monitoring the impact of policy changes such as the cut in reserve requirements last December; (3) for analyzing structural issues concerning foreign bank activity in U.S. markets; (4) for understanding flows of banking funds and indebtedness of developing countries in connection with data collected by the International Monetary Fund (IMF) and the Bank for International Settlements (BIS) that are used in economic analysis; and (5) to provide information that will assist in the supervision of U.S. offices of foreign banks, which often are managed jointly with these branches.

For these reasons the Federal Reserve proposes that a schedule along the lines of the one shown in the attachment be added as soon as possible to the FFIEC 002 "Call Report" for U.S. agencies and branches of foreign banks. The schedule proposed would offer detail on transactions with U.S. residents and with residents of the banks' home country. In most cases these data should cover a large proportion of their total activities since many of the non-G–10 bank branches have heavy exposures to their home countries and G–10 banks are dealing largely with U.S. customers. The data would improve U.S. deposit and credit data and data on international indebtedness, and would be of assistance to U.S. bank supervisors in determining the extent of assets managed and controlled by the U.S. agency or branch of the foreign bank. In theory a foreign bank with an offshore branch and no U.S. presence would escape reporting. In practice this omission is likely to be relatively minor because each of the fifty largest non-U.S. banks in the world operates at least one agency or branch in the United States.

The FFIEC 002 itself would assist in developing a reporting panel for the schedule because it collects information on the agencies' and branches' due to and due from their related Caribbean branches. Any entry in either cell as a minimum would signal a related branch in the Caribbean, and would indicate a need to complete the proposed schedule. About half of the nearly 600 U.S. agencies and branches reported some transactions with their related branches in the Caribbean, with total gross claims on related Caribbean branches of $80.1 billion and gross liabilities to Caribbean branches of $100.7 billion, suggesting a large panel of banks would have to

complete the new schedule. U.S. agencies and branches reporting transactions with related Caribbean branches had total assets of about $450 billion.

Description of Information Collection

The supplement covers all of the foreign branch's assets and liabilities, regardless of the currency in which they are payable. The supplement also covers transactions with all entities, both related and nonrelated, regardless of location. All due from/due to relationships with related institutions, both depository and nondepository, would be reported on a gross basis—that is, without neeting due-from and due-to items against each other. This reporting treatment of due to/due from transactions with related institutions parallels the treatment called for in Schedule M of the FFIEC 002, Due From/Due to Related Institutions in the U.S. and in Foreign Countries.

Both the assets and the liabilities sections of the proposed supplement call for detail by location and type of the other party to the transaction and by whether the transaction is denominated in U.S. or non-U.S. currency. In addition, for claims on U.S. addressees (other than related depository institutions) denominated in U.S. dollars, detail on type of claim is required. In general, the definitions of the specific types of claims (that is, portfolio items) called for, and their reporting treatment, correspond to the FFIEC 002 definitions of those items.

Further detail on transactions with U.S. addressees denominated in U.S. dollars also is called for in a Memoranda section.

All items would be reported in U.S. dollars. Transactions denominated in other currencies would be converted to U.S. dollars under currency translation procedures used for the FFIEC 002.

The supplement would be completed as of the close of business of the last calendar day of the quarter (March, June, September, and December) and submitted to the Federal Reserve Bank along with the managing U.S. branch or agency's FFIEC 002 under the filing schedule and procedures stipulated for that report. (The Federal Reserve serves as the collection agent for the FFIEC 002. The report is submitted to the Federal Reserve Bank in whose district the reporting U.S. branch or agency is located.)

Legal Status

This report is required by law (12 U.S.C. 3105(b)(2); 12 U.S.C. 1817(a); and 12 U.S.C. 3102(b)). The data will be given confidential treatment.

Board of Governors of the Federal Reserve System, December 4, 1991.

William W. Wiles,

Secretary of the Board.

Supplement—Report of Assets and Liabilities

Non-U.S. Branch Licensed in

(Country)

ASSETS

1. Claims on U.S.-domiciled offices of related depository institutions denominated in U.S. dollars
2. Claims on all other U.S. addresses (including related nondepository institutions) denominated in U.S. dollars:
   a. Balances due from nonrelated depository institutions:
   (1) With remaining maturities of one day or under continuing contract ("overnight")
   (2) All other maturities ("term")
   b. Securities:
   (1) U.S. Treasury securities and U.S. Government agency and corporation obligations
   (2) All other securities
   c. Loans:
   (1) Loans secured by real estate
   (2) Loans to nonrelated depository institutions in the United States
   (3) Commercial and industrial loans
   (4) All other loans
   (5) Less: Any unearned income on loans reflected in Items 2.c(1) through 2.c(4) above
   (6) Total loans, net of unearned income (sum of Items 2.c(1) through 2.c(4) minus Item 2.c(5)
   d. All other claims
   e. Total claims on U.S. addresses other than related depository institutions, denominated in U.S. dollars (sum of Items 2.a, 2.b, 2.c(6), and 2.d)
3. Claims on all U.S. addresses denominated in currencies other than U.S. dollars
4. Claims on home-country addressees denominated in any currency:
   a. Related depository institutions
   b. Nonrelated depository institutions
   c. Home-country government and official institutions (including home-country central bank)
   d. All other home-country addressees
5. Claims on all other non-U.S. addressees denominated in any currency
6. All other assets
7. Total assets (sum of Items 1, 2.e, 3, 4, 5, and 6)

Non-U.S. Branch Licensed in

(Country)

LIABILITIES

8. Liabilities to U.S.-domiciled offices of related depository institutions denominated in U.S. dollars
9. Liabilities to all other U.S. addressees (including related nondepository institutions) denominated in U.S. dollars:
   a. Liabilities to nonrelated depository institutions in the U.S.:
   (1) With remaining maturities of one day or under continuing contract ("overnight")
   (2) All other maturities ("term")
   b. Liabilities to all other U.S. addressees denominated in U.S. dollars
   (1) With remaining maturities of one day or under continuing contract ("overnight")
   (2) All other maturities ("term")
10. Liabilities to all U.S. addressees denominated in currencies other than U.S. dollars
11. Liabilities to home-country addressees denominated in any currency:
   a. Related depository institutions
   b. Nonrelated depository institutions
   c. Home-country government and official institutions (including home-country central bank)
   d. All other home-country addressees
12. Liabilities to all other non-U.S. addressees denominated in any currency
13. All other liabilities
14. Total liabilities (sum of Items 8 through 13)

Non-U.S. Branch Licensed in

(Country)

MEMORANDA—Transactions with U.S. addressees denominated in U.S. dollars

1. Amount included in Items 1 and 2.d above for U.S. Government securities purchased under agreements to resell:
   a. With original maturities of one day or under continuing contract
   b. All other maturities
2. Amount included in Items 8 and 9 above for U.S. Government securities sold under agreements to repurchase:
   a. With depository institutions in the U.S. (related and nonrelated) (included in Items 8 and 9.a above):
   (1) With original maturities of one day or under continuing contract ("overnight")
   (2) All other maturities ("term")
   b. With all other U.S. addressees (included in Item 9.b above):
   (1) With original maturities of one day or under continuing contract ("overnight")
   (2) All other maturities ("term")
3. Amount included in Item 9.b above for negotiable certificates of deposit issued by the reporting foreign branch:
   a. Held in custody by the reporting foreign branch or by the managing U.S. branch or agency
   b. All other
4. Amount included in Item 9.b above for deposits that are guaranteed payable in the U.S. or for which the depositor is guaranteed payment by a U.S. office:
   a. With original maturities of one day or under continuing contract ("overnight")
   b. All other maturities ("term")

REPORT OF ASSETS AND LIABILITIES OF A NON-U.S. BRANCH THAT IS MANAGED OR CONTROLLED BY A U.S. BRANCH OR AGENCY OF A FOREIGN (NON-U.S.) BANK

I. General Instructions

Who Must Report

The Supplement must be completed by any U.S. branch or agency of a foreign (non-U.S.) bank that manages or controls a banking branch of its parent bank that is licensed outside the 50 states of the United States or the District

of Columbia (hereafter referred to as a "foreign branch"). Managed or controlled means that the majority of the responsibility for business decisions or the responsibility for recordkeeping for that "foreign branch" resides at the U.S. branch or agency. (One example of a need to report would be if the Chief Operating Officer or Chief Executive Officer for both the U.S. branch or agency and the "foreign branch" are the same person.)

A separate Supplement must be completed for each applicable foreign branch. No consolidation of statements for multiple branches is permitted.

Supplements shall be filed with the U.S. branch or agency's FFIEC 002. Please refer to the FFIEC 002 General Instructions, Where and When to Submit the Report.

Scope of the Supplement

The Supplement covers all of the foreign branch's assets and liabilities, regardless of the currency in which they are payable. The Supplement also covers transactions with all entities, both related and nonrelated, regardless of their location.

All due from/due to relationships with related institutions (both depository and nondepository) are to be reported on a gross basis—i.e., without netting due-from and due-to items against each other. This reporting treatment of due to/due from transactions with related institutions parallels the treatment called for the Schedule M of the FFIEC 002, Due From/Due to Related Institutions in the U.S. and in Foreign Countries. That is, the gross due from and gross due to items to be reported will include all claims between the foreign branch and any related institutions (whether depository or nondepository) arising in connection with:

(1) Deposits of any kind.

(2) Loans and borrowings of any kind.

(3) Overdrafts, federal funds and repurchase and resale agreements.

(4) Claims resulting from clearing activities, foreign exchange transactions, bankers acceptance transactions, and other activities.

(5) Capital flows and contributions.

(6) Gross unremitted profits and any accounting or regulatory allocation entered on the books of the reporting foreign branch that ultimately affect unremitted profits such as statutory or regulatory capital requirements, reserve accounts, and allowance for possible loan losses.

(7) Any other transactions or entries resulting in claims between the reporting foreign branch and its head office and other related institutions.

Report Date

Reports are to be prepared as of the close of business on the last calendar day of the quarter (March, June, September, and December).

How to Report

Currency Translation

For some line items the report distinguishes between transactions denominated in U.S. dollars and transactions denominated in other currencies. However, all items shall be reported in U.S. dollars. Transactions or balances denominated in currencies other than the U.S. dollar shall be converted to U.S. dollar equivalents prior to their incorporation in the report.

If an asset or liability may be paid optionally in either U.S. dollars or in another currency, report that transaction as denominated in U.S. dollars.

Rounding

See the entry for "Rounding" in the General Instructions for preparation of the FFIEC 002.

Negative Entries

Negative entries are not permitted for any item.

Total Assets Must Equal Total Liabilities

In order to report on this form, exchange rates are used to convert non-U.S. currency values into equivalent U.S. dollar values. Changes in those exchange rates may create unrealized gains or unrealized losses. If such a gain or loss is not reflected in, for example, an equity or unremitted profit account on the foreign branch's own books, there will be a discrepancy between total assets and total liabilities on this report unless an adjustment is made. In such cases, the foreign branch's liabilities to its parent bank, which would be included in Item 11.a, should be increased to reflect unrealized gains and should be reduced to reflect unrealized losses.

General Definitions

Related and Nonrelated Institutions

In certain line items, the Supplement distinguishes between transactions of the reporting foreign branch with *related* and *nonrelated* depository institutions. For purposes of the Supplement, the definition of "related depository institution" corresponds to that used for the FFIEC 002 itself. Please refer to the entry for "Related Institutions" in the Glossary section of the FFIEC 002 instructions and to the reporting instructions for Schedule M of that report.

U.S. and Non-U.S. Addressees (Domicile)

The Supplement also distinguishes between transactions of the reporting foreign branch with U.S. addressees and non-U.S. addressees. For related institutions (whether depository or nondepository), the definitions of U.S. and non-U.S. addressees (domicile) correspond to those used for Schedule M of the FFIEC 002. That is, "U.S. addressees" encompasses offices domiciled in the 50 states of the United States and the District of Columbia. "Non-U.S. addressees" encompasses offices domiciled in a foreign country, in Puerto Rico, or in a U.S. territory or possession. For additional information, see the detailed instructions for preparation of Schedule M.

For nonrelated parties, the definitions of U.S. and non-U.S. addressees correspond to those used in the FFIEC 002 for determining the domicile of customers of the respondent. That is, "U.S. addressees" encompasses residents of the 50 states of the United States, the District of Columbia, Puerto Rico, and U.S. territories and possessions. "Non-U.S. addressees" encompasses residents of any foreign country. For additional information, see the entry for "Domicile" in the Glossary section of the FFIEC 002 instructions.

Transactions with International Banking Facilities (IBFs), whether related or nonrelated, are regarded as transactions with U.S. addressees.

Maturities

Several items call for a maturity breakdown between those transactions with maturities of one day or under continuing contract ("overnight") and those transactions with all other maturities ("term").

One-day transactions are those that are (1) made on one business day and maturing on the next business day. (2) made on Friday to mature on Monday, or (3) made on the last business day prior to a holiday (for either or both parties to the transaction) that mature on the first business day after the transaction.

A continuing contract is a contract or agreement that remains in effect for more than one business day but has no specified maturity and that does not require advance notice of either party to terminate. Such contracts may also be known as rollovers or as open-end agreements.

All other maturities. This maturity category encompasses transactions maturing in more than one business day that are not under continuing contract.

II. Line Item Instructions

Both the assets and liabilities sections of the Supplement call for detail by location and type of the other party to the transaction and by whether the transaction is denominated in U.S. or non-U.S. currency.

In addition, for claims on U.S. addresses (other than related depository institutions) denominated in U.S. dollars, detail on type of claim is required. In general, the definitions of the specific types of claims (i.e., portfolio items) called for, and their reporting treatment, correspond to the FFIEC 002 definitions of those items. As appropriate, references to specific FFIEC 002 line items are provided.

ASSETS

Item No.	Captions and instructions
1	*Claims on U.S.-domiciled offices of related depository institutions denominated in U.S. dollars.* Report, on a gross basis, all claims on U.S.-domiciled offices of related depository institutions (including their IBFs), as defined for Schedule M, Column A, Items 1.a and 1.b, that are denominated in U.S. dollars. Please refer to the instructions for Schedule M and to the entries in the General Definitions section of this Supplement for "Related and Nonrelated Institutions" and "U.S. and Non-U.S. Addressees." As noted, U.S.-domiciled offices of related depository institutions are those offices located in the 50 states of the U.S. and the District of Columbia.
2	*Claims on all other U.S. addressees (including related nondepository institutions) denominated in U.S. dollars.* As noted in the General Definitions section above, for related nondepository institutions, "U.S. addressees" encompasses institutions domiciled in the 50 states of the United States and the District of Columbia. For all nonrelated entities (both depository and nondepository), "U.S. addressees" encompasses residents of the 50 states of the United States, the District of Columbia, Puerto Rico, and U.S. territories and possessions.
2.a	*Balances due from nonrelated depository institutions in the U.S.* Report by *remaining* maturity in the appropriate category below all balances due from nonrelated depository institutions domiciled in the U.S., as defined for Schedule A, Item 3, that are denominated in U.S. dollars. For definitions of the maturity categories called for below, see the entry for "Maturities" in the General Definitions section above.
2.a(1)	*With remaining maturities of one day or under continuing contract ("overnight").*
2.a(2)	*All other maturities ("term").*
2.b	*Securities.* Include in this item all securities, as defined for Schedule RAL, Items 1.b and 1.c., that are issued by U.S. addressees and denominated in U.S. dollars. Please note that as stated in those definitions, securities purchased under agreements to resell are not reported as securities. For purposes of this Supplement, such transactions shall be included in Item 2.d below.
2.b(1)	*U.S. Treasury securities and U.S. Government agency and corporation obligations.* Report those securities as defined for Schedule RAL, Items 1.b(1) and 1.b(2), that are denominated in U.S. dollars.
2.b(2)	*All other securities.* Report all other bonds, notes, debentures, and corporate stock (including securities of state and local governments in the U.S.), as defined for Schedule RAL, Item 1.c, that are issued by U.S. addressees and denominated in U.S. dollars.
2.c	*Loans.* Report in the appropriate subitem below the aggregate book value of all U.S. dollar-denominated loans (and leases) to U.S. addressees (other than related depository institutions), before deduction of any allowance for loan losses (which is to be reported in Item 4.a or 11.a) but net of any specific reserves. Each subitem should be reported net of (1) unearned income (to the extent possible) and (2) deposits accumulated for the payment of personal loans (hypothecated deposits). For additional general information on loans, please refer to the general instructions for FFIEC 002 Schedule C, Loans. References to specific line items in Schedule C are provided for each subitem below.
2.c(1)	*Loans secured by real estate.* Report all loans secured by real estate, as defined for Schedule C, Item 1, that are made to U.S. addressees (other than related depository institutions) and denominated in U.S. dollars. (Also see the Glossary entry in the FFIEC 002 instructions for "Loans Secured by Real Estate.")
2.c(2)	*Loans to nonrelated depository institutions in the U.S.* Report all loans to nonrelated depository institutions in the U.S., as defined for Schedule C, Items 2.a and 2.b, that are denominated in U.S. dollars.
2.c(3)	*Commercial and industrial loans.* Report all commercial and industrial loans to U.S. addressees, as defined for Schedule C, Item 4.a., that are denominated in U.S. dollars.
2.c(4)	*All other loans.* Report all other loans to U.S. addressees (other than related depository institutions) denominated in U.S. dollars that cannot properly be reported in one of the preceding loan items, including such loans that are called for in the following items on Schedule C of the FFIEC 002: ● Item 3, Loans to other financial institutions. ● Item 5.a, Acceptances of other U.S. banks. ● Item 7, Loans for purchasing or carrying securities (secured and unsecured). ● Item 8, All other loans (including obligations other than securities of state and local governments in the U.S.; loans to individuals; and lease financing receivables (net of unearned income)).
2.c(5)	*Less: Any unearned income on loans reflected in Items 2.c(1)-2.c(4) above.* As noted earlier, to the extent possible, the preferred treatment is to report the specific loan categories net of unearned income. A reporting institution should enter here unearned income only to the extent that it is included in (i.e., not deducted from) the and various loan items (Items 2.c(1) and through 2.c(4)) above. If a respondent reports each loan item above net of unearned income, enter a zero or the word "none" for Item 2.c(5).
2.c(6)	*Total loans, net of unearned income.* Report the sum of Items 2.c(1) through 2.c(4) minus Item 2.c(5).
2.d	*Other claims.* Report any remaining U.S. dollar-denominated claims on U.S. addressees (other than related depository institutions) that cannot properly be reported in Items 2.a through 2.c above, such as: ● Federal funds sold and securities purchased under agreements to resell, as defined for Schedule RAL, Item 1.d, that are transacted with U.S. addressees and denominated in U.S. dollars. ● Customers liability to the reporting foreign branch on acceptances outstanding—to U.S. addressees, as defined for Schedule RAL, Item 1.f(1), denominated in U.S. dollars. ● Any other claims, as defined for Schedule RAL, Item 1.g, on U.S. addressees denominated in U.S. dollars. Exclude cash items in process of collection and unposted debits. All cash items in process of collection and unposted debits shall be reported in Item 6 below, *All other assets.*
2.e	*Total claims on U.S. addressees other than related depository institutions, denominated in U.S. dollars.* Report the sum of Items 2.a, 2.b, 2.c(6), and 2.d above.
3	*Claims on all U.S. addressees denominated in currencies other than U.S. dollars.* Report, on a gross basis, all claims on all U.S. addressees (including U.S.-domiciled offices of all related institutions, both depository and nondepository) that are not denominated in U.S. dollars. Please refer to the entry for "Related Institutions" in the Glossary section of the FFIEC 002 instructions and to the entries in the General Definitions section of this Supplement for "Related and Nonrelated Institutions" and "U.S. and Non-U.S. Addressees." As noted, for related institutions (both depository and nondepository), U.S. addressees are those entities domiciled in the 50 states of the United States and the District of Columbia. For nonrelated entities, U.S. addressees are those parties domiciled in the 50 states of the United States, the District of Columbia, Puerto Rico, and U.S. territories and possessions.
4	*Claims on home-country addressees denominated in any currency.* Report in the appropriate subitem all claims (on a gross basis), regardless of the currency in which they are payable, on addressees of the home country of the reporting foreign branch's parent bank.
4.a	*Related depository institutions.* Report all claims on related depository institutions, as defined for Schedule M, Items 2.a, 2.b, and 2.c., that are domiciled in the home country of the reporting foreign branch's parent bank.
4.b	*Nonrelated depository institutions.* Report all claims on nonrelated depository institutions that are domiciled in the home country of the reporting foreign branch's parent bank.

ASSETS—Continued

Item No.	Captions and instructions
4.c	*Home-country government and official institutions (including home-country central bank).* Report all claims on those governments and official institutions, as defined in the entry for "Foreign Governments and Official Institutions" in the Glossary section of the FFIEC 002 instructions, that are domiciled in the home country of the reporting foreign branch's parent bank.
4.d	*All other home-country addressees.* Report all claims on any remaining home-country addressees that cannot properly be reported in Items 4.a., 4.b., or 4.c above.
5	*Claims on all other non-U.S. addressees, denominated in any currency.* Report all claims on all other non-U.S. addressees (i.e., other than the home country of the foreign branch's parent bank), regardless of the currency in which they are payable.
6	*All other assets.* Report all other assets that cannot properly be reported in Items 1 through 5 above. Also include all cash items in process of collection and unposted debits, which are excluded from Items 1 through 5 above.
7	*Total assets (gross).* Report the sum of Items 1, 2.e, 3, 4, 5, and 6.

LIABILITIES

Item No.	Captions and instructions
8	*Liabilities to U.S.-domiciled offices of related depository institutions denominated in U.S. dollars.* Report, on a gross basis, all liabilities to U.S.-domiciled offices of related depository institutions, as defined for Schedule M, Column B, Items 1.a and 1.b, that are denominated in U.S dollars. Please refer to the instructions for Schedule M and to the entries in the General Definitions section of this supplement for "Related and Nonrelated Institutions" and U.S. and Non-U.S. Addressees." As noted, U.S. and Non-U.S. Addressees." As noted, U.S.-domiciled offices of related depository institutions are those offices located in the 50 states of the United States and the District of Columbia.
9	*Liabilities to all other U.S. addressees (including related nondepository institutions) denominated in U.S. dollars.* As noted earlier, for related nondepository institutions, "U.S. addressees" encompasses institutions domiciled in the 50 states of the United States and the District of Columbia. For nonrelated entities (both depository and nondepository), "U.S. addressees" encompasses residents of the 50 states of the United States, the District of Columbia, Puerto Rico, and U.S. territories and possessions.
9.a	*Liabilities to nonrelated depository institutions in the U.S.* Report by remaining maturity in the appropriate category below all liabilities (gross) to nonrelated depository institutions in the U.S. that are denominated in U.S. dollars. For definitions of the maturity categories called for below, see the entry for "Maturities" in the General Definitions section above.
9.a(1)	*With remaining maturities of one day or under continuing contract ("overnight").*
9.a(2)	*All other maturities ("term").*
9.b	*Liabilities to all other U.S. addressees denominated in U.S. dollars.* Report by remaining maturity in the appropriate category below all liabilities (gross) to all other U.S. addressees (including related nondepository institutions), that are denominated in U.S. dollars. For definitions of the maturity categories called for below, see the entry for "Maturities" in the *General Definitions* section above.
9.b(1)	*With remaining maturities of one day or under continuing contract ("overnight").*
9.b(2)	*All other maturities ("term").*
10	*Liabilities to all U.S. addressees denominated in currencies other than U.S. dollars.* Report, on a gross basis, all liabilities to all U.S. addressees (including U.S.-domiciled offices of all related institutions, both depository and nondepository) that are not denominated in U.S. dollars. Please refer to the entry for "Related Institutions" in the Glossary section of the FFIEC 002 instructions and to the entries in the General Definitions section of this Supplement for "Related and Nonrelated Institutions" and "U.S. and Non-U.S. addressees." As noted, for related institutions (both depository and nondepository), U.S. addressees are those entities domiciled in the 50 states of the United States and the District of Columbia. For nonrelated entities, U.S. addressees are those entities domiciled in the 50 states of the United States, the District of Columbia, Puerto Rico, and U.S. territories and possessions.
11	*Liabilities to home-country addressees denominated in any currency.* Report in the appropriate subitem all liabilities (on a gross basis), regardless of the currency in which they are payable, to addressees of the home country of the reporting foreign branch's parent bank.
11.a	*Related depository institutions.* Report all liabilities to related depository institutions, as defined for Schedule M, Items 2.a, 2.b, and 2.c, that are located in the home country of the reporting foreign branch's parent bank.
11.b	*Nonrelated depository institutions.* Report all liabilities to nonrelated depository institutions that are domiciled in the home country of the reporting foreign branch's parent bank.
11.c	*Home-country government and official institutions (including home-country central bank).* Report all liabilities to those governments and official institutions, as defined in the entry for "Foreign Governments and Official Institutions" in the Glossary section of the FFIEC 002 instructions, that are located in the home country of the reporting foreign branch's parent bank.
11.d	*All other home-country addressees.* Report all liabilities to any remaining home-country addressees that cannot properly be reported in Items 11.a, 11.b, or 11.c above.
12	*Liabilities to all other non-U.S. addressees denominated in any currency.* Report all liabilities to all other non-U.S. addressees (i.e., other than the home country of the reporting foreign branch's parent bank), regarding of the currency in which they are payable.
13	*All other liabilities.* Report all other liabilities that cannot properly be reported in Items 8 through 12 above.
14	*Total liabilities.* Report the sum of Items 8 through 13 above.

MEMORANDA.—TRANSACTIONS WITH U.S. ADDRESSEES DENOMINATED IN U.S. DOLLARS

Item No.	Captions and Instructions
1, 2	Items 1 and 2 below call for information on resale and repurchase agreements on U.S. Government securities transacted with U.S. addressees and denominated in U.S. dollars, which are included in certain asset and liability items above. For additional information on security repurchase and resale agreements, see the entry for "Repurchase/Resale Agreements" in the Glossary section of the FFIEC 002 instructions. U.S. Government securities include U.S. Treasury securities and U.S. Government agency and corporation obligations. For a partial listing of the U.S. Government agencies and corporations whose obligations are to be included, see the instructions for Schedule RAL, Item 1.b(2). For definitions of the maturity categories called for under Items 1 and 2 below, see the entry for "Maturities" in the General Definitions section above.
1	*Amount included in Items 1 and 2.d above for U.S. Government securities purchased under agreements to resell.* Report by original maturity in the appropriate category below all resale agreements involving U.S. Government securities (including U.S. Treasury securities and obligations of U.S. Government agencies and corporations) transacted with U.S. addressees and denominated in U.S. dollars.
1.a	*With original maturities of one business day or under continuing contract ("overnight").*
1.b	*All other maturities ("term").*

MEMORANDA.—TRANSACTIONS WITH U.S. ADDRESSEES DENOMINATED IN U.S. DOLLARS—Continued

Item No.	Captions and Instructions
2	*Amount included in Items 8 and 9 above for U.S. Government securities sold under agreements to repurchase.* Report by original maturity in the appropriate category below all repurchase agreements involving U.S. Government securities (including U.S. Treasury securities and obligations of U.S. Government agencies and corporations) denominated in U.S. dollars.
2.a	*Transacted with depository institutions in the U.S. (related and nonrelated) (included in Items 8 and 9.a above).*
2.a(1)	*With original maturities of one day or under continuing contract ("overnight").*
2.a(2)	*All other maturities ("term").*
2.b	*Transacted with all other U.S. addressees (included in Item 9.b above).*
2.b(1)	*With original maturities of one day or under continuing contract ("overnight").*
2.b(2)	*All other maturities ("term").*
3	*Amount included in Item 9.b above for negotiable certificates of deposit issued by the reporting foreign branch.* Report in the appropriate subitem below all negotiable certificates of deposit denominated in U.S. dollars that were issued to U.S. addressees other than depository institutions (related or unrelated).
3.a	*Held in custody by the reporting foreign branch or by the managing U.S. branch or agency.*
3.b	*All other.*
4	*Amount included in Item 9.b above for deposits that are guaranteed payable in the U.S. or for which the depositor is guaranteed payment by a U.S. office.* Report by original maturity in the appropriate category below all deposits, as defined for Schedule E, denominated in U.S. dollars that were issued to U.S. addressees other than depository institutions (related or nonrelated) and that are payable in the U.S. or for which the depositor is guaranteed payment by a U.S. office. For definitions of the maturity categories called for below, see the entry for "Maturities" in the General Definitions section above.
4.a	*With original maturities of one day or under continuing contract ("overnight").*
4.b	*All other maturities.*

[FR Doc. 91–29439 Filed 12–9–91; 8:45 am]

BILLING CODE 6210–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

National Institute of Mental Health; Meetings

Pursuant to Public Law 92–463, notice is hereby given of the meetings of the advisory committees of the National Institute of Mental Health for January 1992.

The Advisory Panel on Alzheimer's Disease will be discussing draft material for the panel's fourth annual report, a supplemental report on ethnic cultural issues in Alzheimer's disease, and other business before the Advisory Panel.

The meeting of the Advisory Committee of the Task Force on Homelessness and Severe Mental Illness will include discussion of issues relevant to the homeless mentally ill population. This meeting will be open, however, due to security requirements it will be necessary to register intent to attend with the contact person.

Summaries of the meetings and rosters of committee members may be obtained from: Ms. Joanna L. Kieffer, NIMH Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration, Parklawn Building, room 9–105, 5600 Fishers Lane, Rockville, MD 20857 (telephone: 301–443–4333).

Substantive program information may be obtained from the contacts whose names, room numbers, and telephone numbers are listed below.

Committee Name: Advisory Panel on Alzheimer's Disease.

Meeting Date: January 7–8, 1992.

Place: Terrace Room, Ritz Carlton Hotel, 2100 Massachusetts Avenue, NW., Washington, DC 20008.

Open: January 7, 9 a.m.–5 p.m., January 8, 9 a.m.–3 p.m.

Contact: George Niederehe, room 7–103 Parklawn Building, telephone (301) 443–1185.

Committee Name: Advisory Committee of the Task Force on Homelessness and Severe Mental Illness.

Meeting Date: January 15, 1992.

Place: Stonehenge, room 615f, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201.

Open: January 15, 9 a.m.–5 p.m.

Contact: Jane Steinberg, Ph.D., room 11C–05, Parklawn Building, Telephone (301) 443–0000.

Dated: December 4, 1991.

Peggy W. Cockrill,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 91–29451 Filed 12–9–91; 8:45 am]

BILLING CODE 4160–20–M

Centers for Disease Control

Injury Research Grant Review Committee: Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control (CDC) announces the following committee meeting.

Name: Injury Research Grant Review Committee (IRGRC).

Times and Dates: 7 p.m.–9:30 p.m., January 12, 1992. 8 a.m.–5 p.m., January 13, 1992. 8 a.m.–1:30 p.m., January 14, 1992.

Place: Terrace Garden Inn-Buckhead, 3405 Lenox Road, NE., Atlanta, Georgia 30326.

Status: Open 7 p.m.–9:30 p.m., January 12, 1992. Closed January 13–14, 1992.

Purpose: This committee is charged with advising the Secretary of Health and Human Services, the Assistant Secretary for Health, and the Director, CDC, regarding the scientific merit and technical feasibility of grant applications relating to the support of injury control research and demonstration projects and injury prevention research centers.

Matters To Be Discussed: Agenda items for the meeting will include announcements, discussion of review procedures, future meeting dates, and review of grant applications. Beginning at 8 a.m., January 13, through 1:30 p.m., January 14, the Committee will conduct its review of grant applications. This portion of the meeting will be closed to the public in accordance with provisions set forth in sections 552b(c) (4) and (6), title 5 U.S.C., and the Determination of the Director, CDC, pursuant to Public Law 92–463.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Richard W. Sattin, M.D., Executive Secretary, IRGRC, Division of Injury Control, National Center for Environmental health and Injury Control, CDC, 1600 Clifton Road, NE., Mailstop F36, Atlanta, Georgia 30333, telephone 404/488–4265 or FTS 236–4265.

Dated: December 4, 1991.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 91–29453 Filed 12–9–91; 8:45 am]

BILLING CODE 4160–18–M

Food and Drug Administration

[Docket No. 91N-0382]

Community Blood Bank of Southern New Jersey, Inc.; Revocation of U.S. License No. 440

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: Food and Drug Administration (FDA) is announcing the revocation of the establishment license (U.S. License No. 440) and the product licenses issued to the Community Blood Bank of Southern New Jersey, Inc., for the manufacture of Plasma, Red Blood Cells, and Whole Blood. In a letter dated February 25, 1991, the firm requested that its establishment and product licenses be revoked and thereby waived its opportunity for a hearing.

DATES: The revocation of the above product and establishment licenses (U.S. License No. 440) became effective April 9, 1991.

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

SUPPLEMENTARY INFORMATION: On February 25, 1991, the Community Blood Bank of Southern New Jersey, Inc., voluntarily returned its establishment license (U.S. License No. 440) and product licenses to FDA. At that time, FDA was initiating proceedings to revoke the establishment and product licenses issued to the Community Blood Bank of Southern New Jersey, Inc., for the manufacture of Plasma Red Blood Cells, and Whole Blood. The Community Blood Bank of Southern New Jersey, Inc., was operating and doing business at 208 Kresson Rd., Cherry Hill, NJ 08034.

FDA inspected the Community Blood Bank of Southern New Jersey, Inc., between December 18, 1990, and February 5, 1991. This inspection was the last of three successive inspections revealing significant deviations from the applicable regulations. These deviations included, but were not limited to, the following: (1) Distribution of blood products that tested repeatably reactive for antibody to human immunod efficiency virus type 1 (21 CFR 610.45(c)); (2) failure to keep accurate records to identify unsuitable donors (21 CFR 606.160(e)); (3) failure to maintain adequate written standard operating procedures so that personnel have available all steps to be followed in the collection, processing, storage, and distribution of blood and blood components (21 CFR 606.100(b)); (4) failure to perform daily quality control checks of the blood bag trip scales (21 CFR 606.60(b); and (5) failure to perform periodic quality control on platelets and blood grouping sera (21 CFR 606.65(c) and 640.25(b)). FDA had provided the firm with ample opportunity to bring their standard operating procedures into compliance with current regulations, but the firm failed in this effort.

These deviations were viewed by the agency as serious and indicative of the firm's history of noncompliance with applicable regulations. FDA was initiating proceedings to revoke the product and establishment (U.S. License No. 440) licenses, when the Community Blood Bank of Southern New Jersey, Inc., requested that its license be revoked and thereby waived its opportunity for a hearing. The agency granted the licensee's request by letter to the firm dated April 9, 1991, which revoked the establishment license (U.S. License No. 440) and the product licenses for the manufacture of Plasma, Red Blood Cells, and Whole Blood.

FDA has placed copies of the letters dated February. 25, 1991, and April 9, 1991, on file under the docket number found in brackets in the heading of this document in the Dockets Management Branch (HFA-305), Food and Drug Administration, room 1-23, 12420 Parklawn Dr., Rockville, MD 20857. These documents are available for public examination in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Accordingly, under 21 CFR 12.38 and under section 351 of the Public Health Service Act (42 U.S.C. 262) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Biologics Evaluation and Research (21 CFR 5. 68), the establishment license (U.S. License No. 440) and the product licenses issued to the Community Blood Bank of Southern New Jersey, Inc., were revoked effective April 9, 1991.

This notice is issued and published under 21 CFR 601.8 and the redelegation at 21 CFR 5.67.

Dated: December 2, 1991.

Janet Woodcock,

Acting Director, Center for Biolgics Evaluation and Research.

[FR Doc. 91-29450 Filed 12-9-91; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 91N-0383]

New York Plasma, Inc.; Revocation of U.S. License No. 970

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the revocation of the establishment license (U.S. License No. 970) and the product license issued to New York Plasma, Inc., for the manufacture of Source Plasma. In a letter dated January 21, 1991, the firm requested that its establishment and product licenses be revoked and thereby waived an opportunity for a hearing on the matter.

DATES: The revocation of the above establishment license and product licenses became effective March 25, 1991.

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

SUPPLEMENTARY INFORMATION: New York Plasma, Inc., returned its establishment license (U.S. License No. 970) and product license in a letter to the Buffalo District Office of FDA, dated January 21, 1991. At the time that the licenses were returned, the Center for Biologics Evaluation and Research had initiated the administrative process to revoke the establishment and product licenses issued to New York Plasma, Inc., for the manufacture of Source Plasma. New York Plasma, Inc., was operating and doing business at 927 Main St., Buffalo, NY 14203. The current mailing address for New York Plasma, Inc., is 440 North Beach St., Daytona Beach, FL 32114.

FDA inspected New York Plasma, Inc., from July 16 through August 2, 1990. This inspection was prompted by the report of an error involving the infusion of the wrong red blood cells into a donor undergoing plasmapheresis. The investigation documented that wrong cell infusions occurred on two occasions; May 12, 1989, and July 13, 1990. The investigation determined that the errors were due to significant deviations from the applicable biologics regulations, including the failure to properly follow a donor identification system designed to identify and relate each donor to his or her blood and its components, as specified in 21 CFR 640.65(b)(3). On a third occasion, a donor experienced a post-transfusion reaction which may have been

associated with receipt of another donor's red blood cells. These three events all occurred in a 14-month period between May, 1989, and July 13, 1990.

In addition, FDA documented that New York Plasma, Inc., failed to maintain adequate records of the two wrong cell infusion incidents and the serious donor reaction, in violation of 21 CFR 640.72(d), which requires that the donor's record contain a full explanation of the reaction, including the measures taken to assist the donor and the outcome of the incident. FDA also documented violations of the regulations requiring the maintenance of records of transfusion reaction reports and complaints, errors and accidents, and records of adverse reactions (21 CFR 606.160(b)(6), 606.160(b)(7)(iii), and 606.170(a)).

Section 640.62 (21 CFR 640.62) of the additional standards for Source Plasma requires that a qualified licensed physician shall be on the premises when red blood cells are being returned to the donor. The FDA investigation determined that at the time of the wrong cell infusion on May 12, 1989, there was no physician on the premises, nor was there documentation that the donor was evaluated by a physician prior to release. The investigation further determined that the firm's personnel failed to recognize the classic symptoms of a hemolytic transfusion reaction during the July 13, 1990, reaction and attempted to conceal the circumstances surrounding the incident by entering incorrect information into two donor record files.

Based on these findings, FDA determined that New York Plasma, Inc., was operating out of compliance with Federal regulations. Because the deviations from the regulations represented serious and continuing violations and included an attempt to conceal that errors occurred, FDA concluded that willfulness existed. The agency issued a letter to New York Plasma, Inc., dated February 12, 1991, detailing the violations noted above, and providing notice of FDA's intent to revoke the firm's establishment and product licenses for the manufacture of Source Plasma and to offer an opportunity for a hearing on the proposed revocation. New York Plasma, Inc., submitted its establishment and product licenses to FDA in a letter dated January 21, 1991. The firm's letter had not reached FDA headquarters until after the agency's February 12, 1991, letter was mailed. Therefore, at the time that the agency had issued its letter, FDA was unaware that the firm had voluntarily requested that its license be revoked, thereby waiving its opportunity for a hearing.

FDA has placed copies of the letters dated January 21, 1991, and February 12, 1991, on file under the docket number found in brackets in the heading of this document in the Dockets Management Branch (HFA–305), Food and Drug Administration, room 1–23, 12420 Parklawn Dr., Rockville, MD 20857. These documents are available for public examination in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Accordingly, under 21 CFR 601.5 and under section 351 of the Public Health Service Act (42 U.S.C. 262) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director and Deputy Director, Center for Biologics Evaluation and Research, under 21 CFR 5.68(a), the establishment license (U.S. License No. 970) and the product license issued to New York Plasma. Inc., for the manufacture of Source Plasma, were revoked effective March 25, 1991.

This notice is issued and published under 21 CFR 601.8 and the redelegation at 21 CFR 5.67.

Dated: December 2, 1991.

Janet Woodcock,

Acting Director, Center for Biologics Evaluation and Research.

[FR Doc. 91–29449 Filed 12–9–91; 8:45 am]

BILLING CODE 4160–01–M

National Institutes of Health

Extension of Time for Submitting Applications for a License: Potential Vaccines for Group B and Group C Meningococci and E. Coli K1

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice of extension of time.

SUMMARY: In the October, 1991 Federal Register, the National Institutes of Health announced its desire to license a method for producing a potential vaccine against group B and C meningitis and infections caused by E. Coli K1, such as neonatal meningitis and upper urinary tract infections. Due to the strong public health interest in rapid commercial development of this potential vaccine, NIH requested that all applications for a license to this technology be filed within 90 days of the October 3, 1991 Federal Register notice. Several companies have requested an extension of the deadline for filing an application. Therefore, NIH will extend the deadline for submitting an application for a license for an additional forty-five (45) days. Interested companies must now submit their applications for licenses to this invention by March 16, 1992.

ADDRESSES: License applications or inquiries should be directed to: Mr. Mark Hankins, J.D., Technology Licensing Specialist, Office of Technology Transfer, National Institutes of Health, Building 31, room B1C36, Bethesda, MD 20892 (telephone: (301) 496–0750).

Dated: November 29, 1991.

S.L. Shotwell,

Acting Director, Office of Technology Transfer.

[FR Doc. 91–29458 Filed 12–9–91; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N–91–3124; FR 2851–N–3]

Statutorily Mandated Designation of Qualified Census Tracts and Difficult Development Areas for Section 42 of the Internal Revenue Code of 1986

AGENCY: Office of the Secretary, HUD.

ACTION: Notice; clarification.

SUMMARY: This document amends and clarifies the effective dates for a HUD notice published under the same title on September 16, 1991 (56 FR 46826).

FOR FURTHER INFORMATION CONTACT: Harold J. Gross, Senior Tax Attorney, Office of the General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 708–3260. A telecommunications device for deaf persons (TDD) is available at (202) 708–9300. (These are not toll-free telephone numbers.)

SUPPLEMENTARY INFORMATION: On September 16, 1991, the Department of Housing and Urban Department published a notice (56 FR 46826) designating Qualified Census Tracts and Difficult Development Areas under section 42 of the Internal Revenue Code of 1986. This document clarifies the previously published notice by establishing effective dates for these designations.

The list of Qualified Census Tracts published on September 16, 1991, is effective 30 days following its publication, and therefore is effective for allocations of credit made on or after October 16, 1991. In the case of a building described in Code section 42(h)(4)(B), the list is effective if the

bonds are issued and the building is placed in service on or after October 16, 1991.

The list of Difficult Development Areas published on September 16, 1991, is effective on January 1, 1992, and therefore is effective for allocations of credit made on or after January 1, 1992. In the case of a building described in Code section 42(h)(4)(B), the list is effective if the bonds are issued and the building is placed in service after 1991. (Note that if bonds for the building are issued or the building is placed in service after 1991, low-income housing credit will not be available for the building unless section 42(o) is amended to extend the credit.

Dated: December 2, 1991.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 91-29455 Filed 12-9-91; 8:45 am]

BILLING CODE 4210-32-M

INTERSTATE COMMERCE COMMISSION

Availability of Environmental Assessments

Pursuant to 42 U.S.C. 4332 the Commission will prepare and make available environmental assessments for the proceedings listed below. Dates environmental assessments are available are 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) 927-6212 or (202) 927-6211.

Comments on the following assessment are due 30 days after the date of availability.

Docket AB-347 (Sub-No. 1X), Florida West Coast Railroad Company—Abandonment in Gilchrist and Levy Counties, Florida, EA available 11/25/91.

Docket AB-6 (Sub-No. 335X), Burlington Northern Railroad Company—Abandonment—in Klickitat County, Washington, EA available 11/25/91.

Docket AB-6 (Sub-No. 337X), Burlington Northern Railroad Company Abandonment between Sterley and Lubbock, in Floyd, Hall and Lubbock Counties, Texas, EA available 11/26/91.

Docket AB-6 (Sub-No. 338X), Burlington Northern Railroad Company Abandonment between Childress and Wellington, Collingsworth and Childress Counties, Texas, EA available 11/26/91.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 91-29481 Filed 12-9-91; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Bureau of Prisons

Modification to List of Bureau of Prisons Institutions

AGENCY: Bureau of Prisons, Justice.

ACTION: Notice.

SUMMARY: In this document, the Bureau of Prisons is publishing a consolidated listing of its institutions. In this listing, the Federal Correctional Institution at Lexington, Kentucky, is redesignated as a Federal Medical Center.

ADDRESSES: Office of General Counsel, Bureau of Prisons, 320 First Street NW., HOLC room 754, Washington, DC 20534.

FOR FURTHER INFORMATION CONTACT: Roy Nanovic, (202) 307-3062.

SUPPLEMENTARY INFORMATION: Attorney General Order No. 646-76 (41 FR 14805), as amended, classifies and lists the various Bureau of Prisons institutions. Attorney General Order No. 960-81, Reorganization Regulations, published in the **Federal Register**, October 27, 1981 (at 46 FR 52339 et seq.) delegated to the Director, Bureau of Prisons, in 28 CFR 0.96(r), the authority to establish and designate Bureau of Prisons institutions. The last listing of the Bureau's institutions was published in the **Federal Register** on November 21, 1990 (55 FR 48803) and amended on May 21, 1991 (56 FR 23481).

This notice is not a rule within the meaning of the Administrative Procedure Act, 5 U.S.C. 551(4), the Regulatory Flexibility Act, 5 U.S.C. 601(2), or Executive Order No. 12291, Sec. 1(a).

By virtue of the authority vested in the Attorney General in 18 U.S.C. 3621, 4001, 4003, 4042, 4081, and 4082 (repealed in part October 12, 1984) and delegated to the Director, Bureau of Prisons by 28 CFR 0.96(r), it is hereby ordered as follows:

The following institutions are established and designated as places of confinement for the detention of persons held under authority of any Act of Congress, and for persons charged with or convicted of offenses against the United States or otherwise placed in the custody of the Attorney General of the United States.

A. The Bureau of Prisons institutions at the following locations are designated as U.S. Penitentiaries:

(1) Atlanta, Georgia;
(2) Leavenworth, Kansas;
(3) Lewisburg, Pennsylvania;
(4) Lompoc, California;
(5) Marion, Illinois; and
(6) Terre Haute, Indiana.

B. The Bureau of Prisons institutions at the following locations are designated as Federal Correctional Institutions:

(1) Ashland, Kentucky;
(2) Bastrop, Texas;
(3) Big Spring, Texas;
(4) Butner, North Carolina;
(5) Danbury, Connecticut;
(6) El Reno, Oklahoma;
(7) Englewood, Colorado;
(8) Fairton, New Jersey;
(9) Fort Worth, Texas;
(10) Jesup, Georgia;
(11) La Tuna, Texas;
(12) Loretto, Pennsylvania;
(13) Lompoc, California;
(14) Marianna, Florida;
(15) McKean, Pennsylvania;
(16) Memphis, Tennessee;
(17) Milan, Michigan;
(18) Morgantown, West Virginia;
(19) Oakdale, Louisville (formerly Oakdale I);
(20) Otisville, New York;
(21) Oxford, Wisconsin;
(22) Petersburg, Virginia;
(23) Phoenix, Arizona;
(24) Pleasanton, California;
(25) Ray Brook, New York;
(26) Safford, Arizona;
(27) Sandstone, Minnesota;
(28) Schuylkill, Pennsylvania;
(29) Seagoville, Texas;
(30) Sheridan, Oregon;
(31) Talladega, Alabama;
(32) Tallahassee, Florida;
(33) Terminal Island, California;
(34) Texarkana, Texas;
(35) Three Rivers, Texas; and
(36) Tucson, Arizona.

C. The Bureau of Prisons institutions at the following locations are designated as Federal Prison Camps:

(1) Alderson, West Virginia;
(2) Allenwood, Pennsylvania;
(3) Boron, California;
(4) Bryan, Texas;
(5) Duluth, Minnesota;
(6) Eglin Air Force Base, Florida;
(7) Ft. Bliss, El Paso, Texas;
(8) Homestead Air Force Base, Homestead, Florida;
(9) Maxwell Air Force Base/Gunter Air Force Station, Montgomery, Alabama;
(10) Millington, Tennessee;
(11) Nellis Air Force Base, Las Vegas, Nevada;
(12) Saufley Field, Pensacola, Florida;

(13) Seymour-Johnson Air Force Base, North Carolina;

(14) Tyndall Air Force Base, Panama City, Florida; and

(15) Yankton, South Dakota.

D. The Bureau of Prisons institutions at the following locations are designated as Metropolitan Correctional Centers:

(1) Chicago, Illinois;

(2) Miami, Florida;

(3) New York, New York; and

(4) San Diego, California.

E. The Bureau of Prisons institution at Springfield, Missouri is designated as the U.S. Medical Center for Federal Prisoners.

F. The Bureau of Prisons institutions at the following locations are designated as Federal Medical Centers:

(1) Carville, Louisiana;

(2) Lexington, Kentucky; and

(3) Rochester, Minnesota.

G. The Bureau of Prisons institution at Oakdale, Louisiana (formerly Oakdale II) is designated as a Federal Detention Center.

H. The Bureau of Prisons institution at Los Angeles, California is designated as the Metropolitan Detention Center.

Dated: December 4, 1991.

J. Michael Quinlan,

Director, Federal Bureau of Prisons.

[FR Doc. 91-29466 Filed 12-9-91; 8:45 am]

BILLING CODE 4410-05-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Renewal of Advisory Committee Charter

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice of renewal of advisory committee charter.

SUMMARY: After consultation with the General Services Administration, the Department of Labor is renewing the charter for the Mine Safety and Health Administration's Advisory Committee on the Use of Air in the Belt Entry to Ventilate the Production (Face) Area at Underground Coal Mines and Related Provisions for a period of one year.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, room 631, Arlington, Virginia 2203; phone (703) 235-1910.

SUPPLEMENTARY INFORMATION: Notice is given that, after consultation with the General Services Administration, Department of Labor is renewing the Charter of the Advisory Committee on the Use of Air in the Belt Entry to Ventilate the Production (Face) Area at Underground Coal Mines and Related Provisions for a period of one year. The charter was to expire on December 12, 1991. This action is necessary and in the public interest.

The Committee will provide recommendations for proposed standards on the use of air in the belt entry to ventilate the production area at underground coal mines. The Committee consists of nine members and includes two representatives from labor, and two representatives of the coal mining industry. The Committee's statutorily mandated majority is composed of five individuals who have no economic interests in the coal or other mining industry and who are not operators, miners or officers or employees of the Federal government or any State or local government. The Committee's charter will be filed under the Federal Advisory Committee Act fifteen days from the date of publication.

Dated: December 5, 1991.

Lynn Martin,

Secretary of Labor.

[FR Doc. 91-29472 Filed 12-9-91; 8:45 am]

BILLING CODE 4510-43-M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration, Office of Records Administration.

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Records schedules identify records of sufficient value to warrant preservation in the National Archives of the United States. Scheduels also authorize agencies after a specified period to dispose of records lacking administrative, legal, research, or other value. Notice is published for records schedules that (1) propose the destruction of records not previously authorized for disposal, or (2) reduce the retention period for records already authorized for disposal. NARA invites public comments on such schedules, as required by 44 U.S.C. 3303a(a).

DATES: Request for copies must be received in writing on or before January 24, 1992. Once the appraisal of the records is completed, NARA will send a copy of the schedule. The requester will be given 30 days to submit comments.

ADDRESSES: Address requests for single copies of schedules identified in this notice to the Records Appraisal and Disposition Division (NIR), National Archives and Records Administration, Washington, DC 20408. Requesters must cite the control number assigned to each schedule when requesting a copy. The control number appears in parentheses immediately after the name of the requesting agency.

SUPPLEMENTARY INFORMATION: Each year U.S. Government agencies create billions of records on paper, film, magnetic tape, and other media. In order to control this accumulation, agency records managers prepare records schedules specifying when the agency no longer needs the records and what happens to the records after this period. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. These comprehensive schedules provide for the eventual transfer to the National Archives of historically valuable records and authorize the disposal of all other records. Most schedules, however, cover records of only one office or program or a few series of records, and many are updates of previously approved schedules. Such schedules also may include records that are designated for permanent retention.

Destruction of records requires the approval of the Archivist of the United States. This approval is granted after a thorough study of the records that takes into account their administrative use by the agency of origin, the rights and interests of the Government and of private persons directly affected by the Government's activities, and historical or other value.

This public notice identifies the Federal agencies and their subdivisions requesting disposition authority, includes the control number assigned to each schedule, and briefly describes the records proposed for disposal. The records schedule contains additional information about the records and their disposition. Further information about the disposition process will be furnished to each requester.

Schedules Pending

1. Department of the Air Force, United States Air Force Academy (N1-AFU-92-1). Cadet disenrollment files.

2. Department of the Air Force, United States Air Force Academy (N1-AFU-92-

2). Academic Review Committee administrative records.

3. Department of the Air Force, United States Air Force Academy (N1–AFU–92–2). Military training records.

4. Department of the Air Force, United States Air Force Academy (N1–AFU–92–4). Academic training records.

5. Department of the Air Force (N1–AFU–92–5). Medical treatment work orders.

6. Department of the Air Force (N1–AFU–92–6). Administrative records relating to test accountability.

7. Department of the Air Force (N1–AFU–92–7). Environmental planning permits on waste water discharge and related records.

8. Department of the Air Force (N1–AFU–92–8). Telephone bills at overseas installations.

9. Department of the Air Force (N1–AFU–92–9). Administrative records relating to environmental compatibility of land use.

10. Department of the Air Force (N1–AFU–92–10). Reserve Force levels administrative records.

11. Department of the Air Force (N1–AFU–92–12). Short-term records of closing bases.

12. Defense Logistics Agency (N1–361–92–1). Routine and facilitative records relating to supply operations.

13. Department of Commerce, International Trade Administration (N1–151–91–3). Revisions to Office of Organization and Management Support comprehensive records schedule.

14. Department of Health and Human Services, Office of the Secretary (N1–468–92–2). Discrimination case files and age discrimination mediation referrals.

15. Department of Health and Human Services, Office of the Secretary (N1–468–92–3). Records relating to investigation of Baby Doe cases.

16. Department of the Interior, U.S. Geological Survey (N1–57–91–2). Hard copy long period seismograms.

17. Department of the Interior, U.S. Geological Survey (N1–57–92–1). Technical review files.

18. Department of Justice, Immigration and Naturalization Service (N1–85–91–6). Forms used in the creation of identification cards.

19. Department of Justice, U.S. Marshals Service (N1–118–91–2). Criminal warrant files.

20. Department of Labor (N1–174–91–1). Chronological files of the Office of the Solicitor, 1957–67; contract application files, 1936–65; field meeting files of the Special Assistant to the Secretary, 1947–48; budget records, 1940–59.

21. National Archives and Records Administration (N2–26–91–1). Disposable court martial and visitor registers segregated from Coast Guard records accessioned by the National Archives.

22. Department of State, Legal Adviser (N1–59–91–1). Routine, facilitative, and duplicative records.

23. Department of State, Office of Foreign Missions (N1–59–92–1). Routine and facilitative records.

24. Department of State, Berlin Document Center (N1–84–92–1). Routine, facilitative, and duplicative records.

25. Tennessee Valley Authority, Resource Development (N1–142–90–20). Office of Planning and Budget correspondence files that lack sufficient value to warrant retention by the National Archives.

26. Tennessee Valley Authority, Power Business Operations (N1–142–91–4). Training videotapes and research and development project files that do not warrant retention by the National Archives.

27. Tennessee Valley Authority, Office of the Inspector General (N1–142–91–11). Administrative correspondence.

28. Department of the Treasury, Financial Management Service (N1–425–91–1). Revisions to comprehensive records schedule.

Dated: November 27, 1991.

Claudine J. Weiher,

Acting Archivist of the United States.

[FR Doc. 91–29422 Filed 12–9–91; 8:45 am]

BILLING CODE 7515–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

International Cultural Forum; Meeting

Friday, December 13 at 8:30 o'clock in the morning has been designated by the President's Committee on the Arts and the Humanities for an international cultural forum, *Shaping the New World Order: International Cultural Opportunities and the Private Sector,* a one-day program designed to enlighten funders about preparing the United States for the demands of world cultural leadership. Distinguished speakers will be representing the Cabinet and top business and cultural institutions. This forum is sponsored by the President's Committee on the Arts and the Humanities and the Institute of International Education.

The President's Committee on the Arts and the Humanities was created by executive order of the President of the United States on June 15, 1982. Its mission is to increase private support for the arts and the humanities.

Please call 202–682–5409 if you would like to attend, as space is extremely limited.

Dated: December 6, 1991.

Yvonne M. Sabine,

Director, Council & Panel Operations, National Endowment for the Arts.

[FR Doc. 91–29602 Filed 12–6–91; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL SCIENCE FOUNDATION

International Programs Review Panel Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: International Programs Review Panel.

Date and time: December 20, 1991; 9:30 a.m. to 3:30 p.m.

Place: 1110 Vermont Avenue, NW., room 500–D, Washington, DC 20550.

Type of meeting: Closed.

Contact person: William Blanpied, Program Manager, 1110 Vermont Avenue, NW., Washington, DC 20550, Telephone: (202) 357–5749.

Purpose of meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: Review and evaluate proposals for the International Institute for Applied 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 within exemptions 4 and 6 of 5 U.S.C. 552 b. (c) (4) and (6) the Government in the Sunshine Act.

Dated: December 4, 1991.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 91–29420 Filed 12–9–91; 8:45 am]

BILLING CODE 7555–01–M

Membership of National Science Foundation's Senior Executive Service Performance Review Boards

AGENCY: National Science Foundation.

ACTION: Announcement of Membership of the National Science Foundation's Senior Executive Service Performance Review Boards.

SUMMARY: This announcement of the membership of the National Science Foundation's Senior Executive Service Performance Review Boards is made in compliance with 5 U.S.C. 4314(c)(4).

ADDRESSES: Comments should be addressed to Director, Division of Human Resource Management, National Science Foundation, room 208, 1800 G Street, NW., Washington, DC 20550.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Bransford at the above address or (202) 357–7857.

SUPPLEMENTARY INFORMATION: The membership of the National Science Foundation's Senior Executive Service Performance Review Boards is amended, effective November 17, 1991.

Permanent Membership

Frederick M. Bernthal, Deputy Director, Chairperson Constance K. McLindon, Director, Office of Information and Resource Management, Executive Secretary.

Rotating membership of the Performance Review Boards remains unchanged from the notice contained in 56 FR 54591, October 22, 1991.

Dated: December 4, 1991.

Margaret L. Windus,

Director, Division of Human Resource Management.

[FR Doc. 91–29421 Filed 12–9–91; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–213]

Connecticut Yankee Atomic Power Co.; Environmental Assessment and Finding of no Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of exemptions from various requirements of 10 CFR part 50, appendix J to the Connecticut Yankee Atomic Power Company (CYAPCO or the licensee) for the Haddam Neck Plant, located at the licensee's site in Middlesex County, Connecticut.

Environmental Assessment

The proposed action would grant exemptions from various penetrations from 10 CFR part 50, appendix J from various requirements of section III.C., Type C tests. The proposed action is in accordance with the licensee's request for exemptions dated April 28, and September 8, 1989 and amended on October 19, 1990.

The Need for the Proposed Action

One of the conditions of all operating licenses for water-cooled power reactors, as specified in 10 CFR 50.54(o), is that primary reactor containments shall meet the containment leakage test requirements set forth in 10 CFR part 50, appendix J. In particular, CYAPCO seeks to exempt one penetration from the requirements of III.C., Type C tests, and also seeks to exempt three penetrations from the requirements of the III.C.1, Test method.

The licensee seeks the requested exemptions for certain penetrations because performance of the Type C tests as required by appendix J would require modifications to the penetrations or replacement of the valves.

Environmental Impacts of the Proposed Action

The staff has reviewed the proposed exemptions and has concluded that the exemptions from various requirements of 10 CFR part 50, appendix J. Section III.C. Type C tests for penetrations P–3, P–4, and P–80 will not compromise containment integrity. This conclusion is based, in general, on compensatory measures taken by licensee to verify leakage, the periodic containment integrated leak rate test and the design or function of the valves which provide some compensatory measures to assure leak tightness of the valve.

Thus, radiological releases will not differ from those determined previously and the proposed exemptions do not otherwise affect facility radiological effluent or occupational exposures. With regard to potential nonradiological impacts, the proposed exemptions do not affect plant nonradiological effluents and have no other environmental impact. Therefore, the Commission concludes there are no measurable radiological or nonradiological environmental impacts associated with the proposed exemptions.

Alternatives to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed exemptions, any alternatives with equal or greater environmental impact need not be evaluated. The principal alternative to the exemptions would be to deny the exemptions requested. Such action would not enhance the protection of the environment.

Alternative Use of Resources

This action does not involve the use of resources not considered previously in the Final Environmental Statement for Haddam Neck.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of no Significant Impact

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed exemptions.

For further details with respect to this proposed action, see the licensee's letters dated April 28, and September 8, 1989 and October 19, 1990. These letters are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room located at the Russell Library, 123 Broad Street, Middletown, Connecticut 06547.

Dated at Rockville, Maryland this 3rd day of December 1991.

For the Nuclear Regulatory Commission.

John F. Stolz,

Director, Project Directorate I–4, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 91–29469 Filed 12–9–91; 8:45 am]

BILLING CODE 7590–01–M

State of Maine: Staff Assessment of Proposed Agreement Between the Nuclear Regulatory Commission and the State of Maine

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of proposed agreement with the State of Maine.

SUMMARY: The U.S. Nuclear Regulatory Commission is publishing for public comment the NRC staff assessment of a proposed agreement received from the Governor of the State of Maine for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended. Comments are requested on the public health and safety aspects of the proposal.

Exemptions from the Commission's regulatory authority, which would implement this proposed agreement, have been published in the **Federal Register** and codified as part 150 of the Commission's regulations in title 10 of the Code of Federal Regulations.

DATES: Comments must be received on or before January 2, 1992.

ADDRESSES: Submit comments to the Chief, Regulatory Publications Branch, Division of Freedom of Information and

Publications Services, Office of Administration, Washington, DC 20555. Comments may also be delivered to 7920 Norfolk Avenue, Bethesda, Maryland from 7:30 a.m. to 4:15 p.m. Monday through Friday. Copies of comments received by NRC may be examined at the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC. A copy of the proposed agreement, program narrative, including the referenced appendices, applicable State legislation and Maine regulations, is available for public inspection in the NRC's Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC, telephone: (202) 634–3273.

FOR FURTHER INFORMATION CONTACT: Kathleen N. Schneider, State Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone: 301–492–0320.

SUPPLEMENTARY INFORMATION: Assessment of Proposed Maine Program to Regulate Certain Radioactive Materials pursuant to section 274 of the Atomic Energy Act of 1954, as amended (the Act).

The Commission has received a proposal from the Governor of Maine for the State to enter into an agreement with the NRC whereby the NRC would relinquish and the State would assume certain regulatory authority pursuant to section 274 of the Act.

Section 274e of the Act requires that the terms of the proposed agreement be published for public comment once each week for four consecutive weeks. Accordingly, this notice will be published four times in the **Federal Register**.

I. Background

A. Section 274 of the Act provides a mechanism whereby the NRC may transfer to the States certain regulatory authority over agreement materials[1] when a State desires to assume this authority and the Governor certifies that the State has an adequate regulatory program, and when the Commission finds that the State's program is compatible with that of the NRC and is adequate to protect the public health and safety. Section 274g directs the Commission to cooperate with the States in the formulation of standards for protection against radiation hazards to assure that State and Commission programs for radiation protection will be coordinated and compatible. Further, section 274j provides that the Commission shall periodically review such agreements and actions taken by the States under the agreements to ensure compliance with the provisions of this section.

B. In a letter dated March 5, 1990, Governor John P. McKernan, Jr. of the State of Maine requested that the Commission enter into an agreement with the State pursuant to section 274 of the Act. The Governor certified that the State of Maine has a program for control of radiation hazards which is adequate to protect the public health and safety with respect to the materials within the State covered by the proposed agreement, and that the State of Maine desires to assume regulatory responsibility for such materials. The text of the proposed agreement is shown in appendix A to this document.

The specific authority requested is for (1) byproduct material as defined in section 11e.(1) of the Act, (2) source material, and (3) special nuclear material in quantities not sufficient to form a critical mass. The State does not wish to assume authority over (1) land disposal of source, byproduct and special nuclear material received from other persons; and (2) Uranium recovery activities (byproduct material as defined in section 11e.(2)). The State, however, reserves the right to apply at a future date to NRC for an amended agreement to assume authority in these areas. The nine articles of the proposed agreement—

Lists the materials covered by the agreement.

Lists the Commission's continued authority and responsibility for certain activities.

Allows for future amendment of the agreement.

Allows for certain regulatory changes by the Commission.

References the continued authority of the Commission for common defense and security for safeguard purposes.

Pledges the best efforts of the Commission and the State to achieve coordinated and compatible programs.

Recognizes reciprocity of licenses issued by the respective agencies.

Sets forth criteria for termination or suspension of the agreement.

Specifies the effective date of the agreement.

C. Maine Radiation Protection Act, sections 671 through 690, the enabling statute for the Maine Department of Human Services, authorizes the Department to issue licenses to, and perform inspections of, users of radioactive materials under the proposed agreement and otherwise carry out a total radiation control program. Maine regulations for radiation protection were adopted on January 1, 1986, with revisions dated January 1, 1988 and December 1, 1990, under authority of the enabling statute and provide standards, licensing, inspection, enforcement and administrative procedures for agreement and non-agreement materials. In addition, editorial revisions recommended by NRC are presently under consideration in Maine and are expected to be finalized in November 1991. Pursuant to Maine's regulations, section C.19, the regulations will apply to agreement materials on the effective date of the agreement. In addition to the material covered under the proposed agreement, the regulations provide for the State to license and inspect users of naturally-occurring and accelerator-radioactive materials.

D. The NRC staff assessment finds the proposed Maine program will provide adequately for public health and safety.

II. NRC Staff Assessment of the Proposed Maine Program for Control of Agreement Materials

Reference: Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreement.[2]

Objectives

1. Protection

A State regulatory program shall be designed to protect the health and safety of the people against radiation hazards.

Based upon the analysis of the State's proposed regulatory program, the staff believes the Maine proposed regulatory program for agreement materials is adequately designed to protect the health and safety of the public against radiation hazards.

Reference: Maine Program Statement, Application for Agreement State Status.

Radiation Protection Standards

2. Standards

The State regulatory program shall adopt a set of standards for protection against radiation which shall apply to byproduct, source and special nuclear materials in quantities not sufficient to form a critical mass.

Statutory authority to formulate and promulgate rules for controlling exposure to sources of radiation is contained in the enabling statute. In accordance with that authority, the

[1] A. Byproduct materials as defined in 11e.(1);
B. Byproduct materials as defined in 11e.(2);
C. Source materials; and
D. Special nuclear materials in quantities not sufficient to form a critical mass.

[2] NRC Statement of Policy published in the **Federal Register** January 23, 1981 (46 FR 7540–7546), a correction was published July 16, 1981 (46 FR 36969) and a revision of Criterion 9 published in the **Federal Register** July 21, 1983 (48 FR 33376).

State adopted radiation control regulations on January 1, 1986, and with revisions dated January 1, 1988, and December 1, 1990, which include radiation protection standards which would apply to byproduct, source and special nuclear materials in quantities not sufficient to form a critical mass upon the effective date of an agreement between the State and the Commission pursuant to Section 274b of the Atomic Energy Act of 1954, as amended. In addition, editorial revisions recommended by NRC are presently under consideration by the State and are expected to be finalized in November 1991.

Reference: State of Maine Rules Relating to Radiation Protection Parts A, B, C, D, E, G, J, K, L, Letter dated October 15, 1991.

3. Uniformity in Radiation Standards

It is important to strive for uniformity in technical definitions and terminology, particularly as related to such things as units of measurement and radiation dose. There shall be uniformity on maximum permissible doses and levels of radiation and concentrations of radioactivity, as fixed by 10 CFR part 20 of the NRC regulations based on officially approved radiation protection guides.

Technical definitions and terminology contained in the Maine Radiation Control Regulations including those related to units of measurement and radiation doses are uniform with those contained in 10 CFR part 20.

Reference: State of Maine Rules Relating to Radiation Protection Sections A.2, D.2, E.3, G.2, K.3, L.2.

4. Total Occupational Radiation Exposure

The regulatory authority shall consider the total occupational radiation exposure of individuals, including that from sources which are not regulated by it.

The Maine regulations cover all sources of radiation within the State's jurisdiction and provide for consideration of the total radiation exposure of individuals from all sources of radiation in the possession of a licensee or registrant.

Reference: State of Maine Rules Relating to Radiation Protection Sections D.2 to D.7.

5. Surveys, Monitoring

Appropriate surveys and personnel monitoring under the close supervision of technically competent people are essential in achieving radiological protection and shall be made in determining compliance with safety regulations.

The Maine requirements for surveys to evaluate potential exposures from sources of radiation and the personnel monitoring requirements are uniform with those contained in 10 CFR part 20.

References: State of Maine Rules Relating to Radiation Protection sections D.9, D.10 and D.15.

6. Labels, Signs, Symbols

It is desirable to achieve uniformity in labels, signs, and symbols, and the posting thereof. However, it is essential that there be uniformity in labels, signs, and symbols affixed to radioactive products which are transferred from person to person.

The prescribed radiation labels, signs and symbols are uniform with those contained in 10 CFR parts 20, 30 thru 32 and 34. The Maine posting requirements are also uniform with those of 10 CFR part 20.

References: State of Maine Rules Relating to Radiation Protection sections C.6.E, C.6.F, C.11.D, D.11 and D.12.

7. Instruction

Persons working in or frequenting restricted areas shall be instructed with respect to the health risks associated with exposure to radioactive materials and in precautions to minimize exposure. Workers shall have the right to request regulatory authority inspections as per 10 CFR 19.16 and to be represented during inspections as specified in 10 CFR 19.14.

The Maine regulations contain requirements for instructions and notices to workers that are uniform with those of 10 CFR part 19.

Reference: State of Maine Rules Relating to Radiation Protection section J.

8. Storage

Licensed radioactive material in storage shall be secured against unauthorized removal.

The Maine regulations contain a requirement for security of stored radioactive material.

Reference: State of Maine Rules Relating to Radiation Protection section D.14.

9. Radioactive Waste Disposal

(a) Waste disposal by material users. The standards for the disposal of radioactive materials into the air, water and sewer, and burial in the soil shall be in accordance with 10 CFR part 20. Holders of radioactive material desiring to release or dispose of quantities or concentrations of radioactive materials in excess of prescribed limits shall be required to obtain special permission from the appropriate regulatory authority.

Requirements for transfer of waste for the purpose of ultimate disposal at a land disposal facility (waste transfer and manifest system) shall be in accordance with 10 CFR part 20.

The waste disposal standards shall include a waste classification scheme and provisions for waste form, applicable to waste generators, that is equivalent to that contained in 10 CFR part 61.

(b) Land Disposal of waste received from other persons. The State shall promulgate regulations containing licensing requirements for land disposal of radioactive waste received from other persons which are compatible with the applicable technical definitions, performance objectives, technical requirements and applicable supporting sections set forth in 10 CFR part 61. Adequate financial arrangements (under terms established by regulation) shall be required of each waste disposal site licensee to ensure sufficient funds for decontamination, closure and stabilization of a disposal site. In addition, Agreement State financial arrangements for long-term monitoring and maintenance of a specific site must be reviewed and approved by the Commission prior to relieving the site operator of licensed responsibility (section 151(a)(2), Pub. L. 97–425).

The Maine regulations contain provisions relating to the disposal of radioactive materials into the air, water and sewer and burial in soil which are essentially uniform with those of 10 CFR part 20. Waste transfer and manifest system requirements for transfer of waste for ultimate disposal at a land disposal facility are included in the Maine regulations. The waste disposal requirements include a waste classification scheme and provisions for waste form equivalent to that in 10 CFR part 61.

Maine does not plan on seeking authority for the regulation of land disposal of source, byproduct and special nuclear material received from other persons.

References: State of Maine Rules Relating to Radiation Protection sections D.7, and D.16 to D.26.

10. Regulations Governing Shipment of Radioactive Materials

The State shall to the extent of its jurisdiction promulgate regulations applicable to the shipment of radioactive materials, such regulations to be compatible with those established by the U.S. Department of Transportation and other agencies of the United States whose jurisdiction over interstate shipment of such materials

necessarily continues. State regulations regarding transportation of radioactive materials must be compatible with 10 CFR part 71.

The Maine regulations are uniform with those contained in NRC regulations 10 CFR part 71.

References: State of Maine Rules Relating to Radiation Protection section L.

11. Records and Reports

The State regulatory program shall require that holders and users of radioactive materials (a) maintain records covering personnel radiation exposures, radiation surveys, and disposals of materials; (b) keep records of the receipt and transfer of the materials; (c) report significant incidents involving the materials, as prescribed by the regulatory authority; (d) make available upon request of a former employee a report of the employee's exposure to radiation; (e) at request of an employee advise the employee of his or her annual radiation exposure; and (f) inform each employee in writing when the employee has received radiation exposure in excess of the prescribed limits.

The Maine regulations require the following records and reports of the licensees and registrants:

(a) Records covering personnel radiation exposures, radiation surveys, and disposals of materials.
(b) Records of receipt and transfer of materials.
(c) Reports concerning incidents involving radioactive materials.
(d) Reports to former employees of their radiation exposure.
(e) Reports to employees of their annual radiation exposure.
(f) Reports to employees of radiation exposure in excess of prescribed limits.

Reference: State of Maine Rules Relating to Radiation Protection sections A.4, D.27, D.29, D. 30, and J.4.

12. Additional Requirements and Exemptions

Consistent with the overall criteria here enumerated and to accommodate special cases and circumstances, the State regulatory authority shall be authorized in individual cases to impose additional requirements to protect health and safety, or to grant necessary exemptions which will not jeopardize health and safety.

The Maine Radiation Control Program is authorized to impose upon any licensee or registrant by rule, regulation, or order such requirements in addition to those established in the regulations as it deems appropriate or necessary to minimize danger to public health and safety or property.

Reference: State of Maine Rules Relating to Radiation Protection section A.7.

The Department may also grant such exemptions from the requirements of the regulations as it determines are authorized by law and will not result in undue hazard to public health and safety or property.

Reference: State of Maine Rules Relating to Radiation Protection section A.3.

Prior Evaluation of Uses of Radioactive Materials

13. Prior Evaluation of Hazards and Uses, Exceptions

In the present state of knowledge, it is necessary in regulating the possession and use of byproduct, source and special nuclear materials that the State regulatory authority require the submission of information on, and evaluation of, the potential hazards and the capability of the user or possessor prior to his receipt of the materials. This criterion is subject to certain exceptions and to continuing reappraisal as knowledge and experience in the atomic energy field increase. Frequently there are, and increasingly in the future there may be, categories of materials and uses as to which there is sufficient knowledge to permit possession and use without prior evaluation of the hazards and the capability of the possessor and user. These categories fall into two groups—those materials and uses which may be completely exempt from regulatory controls, and those materials and uses in which sanctions for misuse are maintained without pre-evaluation of the individual possession or use. In authorizing research and development or other activities involving multiple uses of radioactive materials, where an institution has people with extensive training and experience, the State regulatory authority may wish to provide a means for authorizing broad use of materials without evaluating each specific use.

Prior to the issuance of a specific license for the use of radioactive materials, the Maine Radiation Control Program will require the submission of information on, and will make an evaluation of, the potential hazards of such uses, and the capability of the applicant.

References: State of Maine Rules Relating to Radiation Protection sections C.7 and C.17 and the Maine Program Statement.

Provision is made for the issuance of general licenses for byproduct, source and special nuclear materials in situations where prior evaluation of the licensee's qualifications, facilities, equipment and procedures is not required. The regulations grant general licenses under the same circumstances as those under which general licenses are granted in the Commission's regulations.

References: State of Maine Rules Relating to Radiation Protection sections C.5 and C.6.

The Maine regulations contain provisions for exempting of certain source and other radioactive materials and devices containing radioactive materials. These exemptions, for materials covered by the agreement, are the same as those granted by NRC regulations.

References: State of Maine Rules Relating to Radiation Protection sections C.2 and C.3.

14. Evaluation Criteria

In evaluating a proposal to use radioactive materials, the regulatory authority shall determine the adequacy of the applicant's facilities and safety equipment, his training and experience in the use of the materials for the purpose requested, and his proposed administrative controls. States should develop guidance documents for use by license applicants. This guidance should be consistent with NRC licensing and regulatory guides for various categories of licensed activities.

In evaluating a proposal to use agreement materials, the Maine Radiation Control Program will determine that:

(1) The applicant is qualified by reason of training and experience to use the material in question for the purpose requested in accordance with the regulations in such a manner as to minimize danger to public health and safety or property;
(2) The applicant's proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property; and
(3) The issuance of the license will not be inimical to the health and safety of the public.

Other special requirements for the issuance of specific licenses are contained in the regulations.

References: State of Maine Rules Relating to Radiation Protection sections C.8 to C.11 and the Maine Program Statement.

15. Human Use

The use of radioactive materials and radiation on or in humans shall not be permitted except by properly qualified persons (normally licensed physicians) possessing prescribed minimum experience in the use of radioisotopes or radiation.

The Maine regulations require that the use of radioactive materials (including sealed sources) on or in humans shall be by a physician having substantial experience in the handling and administration of radioactive material and, where applicable, the clinical management of radioactive patients.

Reference: State of Maine Rules Relating to Radiation Protection sections G.66 to G.76.

Inspection

16. Purpose, Frequency

The possession and use of radioactive materials shall be subject to inspection by the regulatory authority and shall be subject to the performance of tests, as required by the regulatory authority. Inspection and testing is conducted to determine and to assist in obtaining compliance with regulatory requirements. Frequency of inspection shall be related directly to the amount and kind of material and type of operation licensed, and it shall be adequate to insure compliance.

Maine materials licensees will be subject to inspection by Radiation Control Program, Division of Health Engineering, the Department of Human Services. Upon instruction from the Department, licensees shall perform or permit the Department to perform any reasonable test and survey the Department considers appropriate or necessary. The frequency of inspections is dependent upon the type and scope of the licensed activities and will be at least as frequent as inspections of similar licensees by NRC. Generally, inspections will be unannounced.

References: State of Maine Rules Relating to Radiation Protection Sections A.5, A.6, A.7 and J.5.A; Maine Program Statement.

17. Inspections Compulsory

Licensees shall be under obligation by law to provide access to inspectors.

Maine regulations state that licensees shall afford the Department, at all reasonable times, opportunity to inspect sources of radiation and the premises and facilities wherein such sources of radiation are used or stored.

Reference: State of Maine Rules Relating to Radiation Protection Section A.5.

18. Notification of Results of Inspection

Licensees are entitled to be advised of the results of inspections and to notice as to whether or not they are in compliance.

Following Radiation Control Program inspections, each licensee will be notified in writing of the results of the inspection. The letters and written notices indicate if the licensee is in compliance and if not, list the areas of noncompliance.

Reference: Maine Program Statement.

Enforcement

19. Enforcement

Possession and use of radioactive materials should be amenable to enforcement through legal sanctions, and the regulatory authority shall be equipped or assisted by law with the necessary powers for prompt enforcement. This may include, as appropriate, administrative remedies looking toward issuance of orders requiring affirmative action or suspension or revocation of the right to possess and use materials, and the impounding of materials; the obtaining of injunctive relief; and the imposing of civil or criminal penalties.

The Maine Radiation Control Program is equipped with the necessary powers for prompt enforcement of the regulations. Where conditions exist that create a clear presence of a hazard to the public health that requires immediate action to protect human health and safety, Maine may issue orders to reduce, discontinue or eliminate such conditions. The Radiation Control Program actions may also include impounding of radioactive material, imposition of a civil penalty, revocation of a license, and requesting the State Attorney General to seek injunctions and convictions for criminal violations.

References: State of Maine Rules Relating to Radiation Protection sections A.7, A.8, A.9, Part B and C.22; Maine Radiation Protection Act sections 688 and 690; Maine Program Statement.

Personnel

20. Qualifications of Regulatory and Inspection Personnel

The regulatory agency shall be staffed with sufficient trained personnel. Prior evaluation of applications for licenses or authorizations and inspection of licensees must be conducted by persons possessing the training and experience relevant to the type and level of radioactivity in the proposed use to be evaluated and inspected. This requires competency to evaluate various potential radiological hazards associated with the many uses of radioactive material and includes concentrations of radioactive materials in air and water, conditions of shielding, the making of radiation measurements, knowledge of radiation instruments—their selection, use, and calibration—laboratory design, contamination control, other general principles and practices of radiation protection, and use of management controls in assuring adherence to safety procedures. In order to evaluate some complex cases, the State regulatory staff may need to be supplemented by consultants or other State agencies with expertise in geology, hydrology, water quality, radiobiology, and engineering disciplines.

To perform the functions involved in evaluation and inspection, it is desirable that there be personnel educated and trained in the physical and/or life sciences, including biology, chemistry, physics and engineering, and that the personnel have had training and experience in radiation protection. For example, the person who will be responsible for the actual performance of evaluation and inspection of all of the various uses of byproduct, source and special nuclear material which might come to the regulatory body should have substantial training and extensive experience in the field of radiation protection. It is desirable that such a person have a bachelor's degree or equivalent in the physical or life sciences, and specific training in radiation protection.

It is recognized that there will also be persons performing a more limited function in evaluation and inspection. These persons will perform the day-to-day work of the regulatory program and deal with both routine situations as well as some which will be out of the ordinary. These persons should have a bachelor's degree or equivalent in the physical or life sciences, training in health physics, and approximately two years of actual work experience in the field of radiation protection.

The foregoing are considered desirable qualifications for the staff who will be responsible for the actual performance of evaluation and inspection. In addition, there will probably be trainees associated with the regulatory program who will have an academic background in the physical or life sciences as well as varying amounts of specific training in radiation protection but little or not actual work experience in this field. The background and specific training of these persons will indicate to some extent their potential role in the regulatory program. These trainees, of course, could be used initially to evaluate and inspect those applications of radioactive materials which are considered routine or more standardized from the radiation safety standpoint, for example, inspection of industrial gauges, small research programs, and diagnostic medical programs. As they gain experience and competence in the field, trainees could be used progressively to deal with the

more complex or difficult types of radioactive material applications. It is desirable that such trainees have a bachelor's degree or equivalent in the physical or life sciences and specific training in radiation protection. In determining the requirement for academic training of individuals in all of the foregoing categories proper consideration should be given to equivalent competency which has been gained by appropriate technical and radiation protection experience.

It is recognized that radioactive materials and their uses are so varied that the evaluation and inspection functions will require skills and experience in the different disciplines which will not always reside in one person. The regulatory authority should have the composite of such skills either in its employ or as its command, not only for routine functions, but also for emergency cases.

(a) *Number of personnel.* There are approximately 110 NRC specific licenses in the State of Maine. Under the proposed agreement, the State would assume responsibility for about 105 of these licenses. The Division of Health Engineering is currently staffed with 8 professional persons.

Donald Hoxie—Director, Division of Health Engineering. Responsible for the overall supervision of four Statewide regulatory programs, including the Radiological Health Program.

Wallace Hinckley—Assistant Director of Health Engineering. Responsible as Assistant Director for the overall supervision of four Statewide regulatory programs, including the Radiation Control Program.

Wellington Clough Toppan, Jr.—Manager, Radiation Control Program. Responsible for overall supervision of the Radiation Control Program, which regulates x-ray equipment and radionuclide users and conducts environmental monitoring of nuclear power facilities.

Robert Schell—Nuclear Engineering Specialist, Radiation Control Program. Responsible for environmental surveillance of and emergency planning for Maine Yankee Atomic Power Company.

David Breau—Sanitary Engineer II, Drinking Water Program. Responsible for review and approval of engineering plans for water treatment facilities. Backup staff available to the Radiation Control Program.

Linda A. Plausquellic—Radiation Specialist, Radiation Control Program. Performs compliance inspections and registration for x-ray machines. Assists in radioactive materials licensing program.

Jay Carl Hyland—Health Physicist, Radiological Health Program. Responsible for radioactive materials licensing and inspection program.

Cheryl Baker—Chemist II. Responsible for implementation of all radiological testing.

(b) *Training.* The academic and specialized short course training for those persons involved in the administration, licensing and inspection of radiation control program is shown below:

Donald C. Hoxie—B.S. Chemical Engineering, University of Maine, M.S. Radiological Health, Rutgers University.

U.S. Public Health Service, Basic Radiological Health. Two week course in 1960.

Oak Ridge Associated Universities, Health Physics Course. A 10-week course ending May 1961.

Brookhaven National Laboratory, Health Physics Training. A 4-week course ending September 1966.

Conference of Radiation Control Program Directors, Training for Radiation Therapy Inspections. November 3–25, 1984.

Conference of Radiation Control Program Directors, Training for Radon Control. November 28–29, 1986.

Wallace W. Hinckley—B.S., Civil Engineering, University of Maine.

University of Oklahoma, NIOSH Course. Safety and Health. January 8 to March 30, 1973.

Federal and Emergency Management Agency. Radiological Emergency Response Planning. 1974 and 1978.

Federal Emergency Management Agency. Basic Radiological Defense Officers Course. Course I, March 7, 1975. Course II, March 14, 1975.

Harvard University, Basic Radiation Protection. April 4–8, 1977.

Harvard University, Environmental Surveillance. May 16–20, 1977.

Harvard University, Planning for Nuclear Emergencies. June 13–17, 1977.

U.S. Nuclear Regulatory Commission, Oak Ridge Associated Universities, Health Physics and Radiation Protection. A 5-week course ending April 14, 1978.

Federal Emergency Management Agency, Radiological Emergency Response Course. August 19–29, 1980.

Federal Emergency Management Agency, Radiological Accident Assessment Course. February 2–6, 1981.

Wellington Clough Toppan, Jr.—B.S., Civil Engineering, Norwich University, M.S., Environmental Engineering, Clarkson College of Technology, M.P.A., Public Administration, University of Maine at Orono.

Federal Emergency Management Agency, Radiological Emergency Response Planning. May 18–22, 1981.

Federal Emergency Management Agency, Basic Radiological Defense Officers. September 8–11, 1981.

Federal Emergency Management Agency, Radiological Accident Assessment. August 23–27, 1982.

New England Radiological Health Committee, Radiological Laboratory Workshop I. April 24–25, 1984.

Federal Emergency Management Agency, Radiological Emergency Response. September 12–21, 1984.

Conference of Radiation Control Program Directors, Training for Radiation Therapy Inspections. October 23–25, 1984.

U.S. Nuclear Regulatory Commission, Health Physics and Radiation Protection. February 3 to March 8, 1985.

New England Radiological Health Committee, Radiological Laboratory Workshop II. April 30 to May 2, 1985.

U.S. Nuclear Regulatory Commission, Introduction to Licensing Practices and Procedures. September 23–27, 1985.

Conference of Radiation Control Program Directors, Health Issues of Non Ionizing Radiation. October 29–30, 1985.

U.S. Environmental Protection, Indoor Radon Workshop. January 21–23, 1986.

U.S. Nuclear Regulatory Commission, Medical Uses of Radionuclides. March 15–20, 1987.

U.S. Nuclear Regulatory Commission, Pressurized Water Reactor Technology. April 28 to May 1, 1987.

U.S. Nuclear Regulatory Commission, Nuclear Transportation Course. August 17–21, 1987.

Southern Maine Vocational Technical School, Radon Mitigation Course. April 12–14, 1988.

Robert J. Schell—B.S., Bioengineering, University of Illinois.

United States Air Force Course, Bioenvironmental Engineering. March 18 to June 21, 1985.

Federal Emergency Management Agency, Radiological Emergency Response. October 16–26, 1985.

U.S. Nuclear Regulatory Commission, Introduction to Health Physics. February 10 to March 14, 1986.

Federal Emergency Management Agency, Radiological Response Planning. June 2–6, 1986.

Federal Emergency Management Agency, Radiological Accident Assessment. July 14–18, 1986.

University of Massachusetts Medical Center, Medical X-Ray Inspection, August 19–22, 1986.
U.S. Nuclear Regulatory Commission, Medical Uses of Radionuclides. September 8–12, 1986.
U.S. Nuclear Regulatory Commission, PWR Technology. February 23–27, 1987.
U.S. Nuclear Regulatory Commission, CE Technology June 1–12, 1987.
U.S. Nuclear Regulatory Commission, Inspection Procedures. June 5–10, 1988.
U.S. Nuclear Regulatory Commission, Safety Aspects of Industrial Radiography. August 1–5, 1991.
Federal Emergency Management Agency, Advanced Radiological Accident Assessment. January 23–27, 1989.

David P. Breau—B.S., Civil Engineering, University of Maine at Orono.

Federal Emergency Management Agency, Basic Radiological Defense Officers Course. September 8–11, 1981.
Federal Emergency Management Agency, Nuclear Power Plant Offsite Accident Assessment Course. May 13–17, 1985.
U.S. Nuclear Regulatory Commission, Reactor Theory Operations and Emergency Planning. June 18–21, 1985.
Federal Emergency Management Agency, X-Ray Training. October 16–17, 1985.
Conference of Radiation Control Program Directors, Health Issues of Non Ionizing Radiation. October 29–30, 1985.
Federal Emergency Management Agency, Radiological Emergency Response Course. August 20–29, 1986.
U.S. Nuclear Regulatory Commission, Medical Use of Radionuclides. September 8–12, 1986.
U.S. Nuclear Regulatory Commission, Inspection Procedures Course. September 15–19, 1986.
U.S. Nuclear Regulatory Commission, Health Physics and Radiation Protection. July 20 to August 21, 1987.
U.S. Nuclear Regulatory Commission, Licensing and Practices and Procedures. September 21–25, 1987.

Linda A. Plusquellic—Maine Central Institute, The John Hopkins Hospital School of Radiologic Technology, University of Maine, working toward B.S., Public Administration.

New England Radiological Health Committee, Radon's Impact on State Radiation Control Programs. October 28–29, 1986.
U.S. Department of Health and Human Resources, Medical X-Ray Protection, March 23–27, 1987.
U.S. Department of Health and Human Resources, Basic Course for Investigators: Diagnostic X-Ray. April 27 to May 7, 1987.
Federal Emergency Management Agency, Radiological Emergency Response Course. September 9–18, 1987.
U.S. Nuclear Regulatory Commission, Inspection Procedures Course. September 25–29, 1989.
U.S. Nuclear Regulatory Commission, Medical Uses of Radionuclides. March 18–22, 1991.

Jay Carl Hyland—B.S., Engineering Physics, University of Maine, Orono.

Maine Emergency Management Agency, Fundamentals Course for Radiological Monitors. November 30 to December 1, 1988.
U.S. Nuclear Regulatory Commission, Medical Uses of Radionuclides. March 27–31, 1989.
Federal Emergency Management Agency, Radiological Accident Assessment. May 22–26, 1989.
U.S. Nuclear Regulatory Commission, Inspection Procedures Course. June 19–23, 1989.
U.S. Nuclear Regulatory Commission, Health Physics and Radiation Protection. July 10 to August 11, 1989.
U.S. Nuclear Regulatory Commission, Nuclear Transportation. August 14-18, 1989.
Federal Emergency Management Agency, Radiological Emergency Response Course. August 23 to September 1, 1989.
U.S. Nuclear Regulatory Commission, Special Topics Workshop. November 27 to December 1, 1989.
U.S. Nuclear Regulatory Commission, Licensing Practices and Procedures. June 11–15, 1990.
U.S. Nuclear Regulatory Commission, Special Topics Workshop. August 27–29, 1990.
U.S. Nuclear Regulatory Commission, Safety Aspects of Industrial Radiography. September 24–28, 1990.

Cheryl Baker—B.S., Chemistry University of Maine, Orono.

U.S. Nuclear Regulatory Commission, Radiochemistry. February 9–13, 1981.
Public Health Laboratory, Radiation Safety in the Laboratory. July 28, 1983.
Federal Emergency Management Agency, Radiological Accident Assessment. March 5–9, 1984.
New England Radiological Health Committee, Radiological Laboratory Workshop. April 24–25, 1984.
Oak Ridge Associated Universities, Health Physics and Radiation Protection. July 9 to August 10, 1984.
New England Radiological Health Committee, Radiation Therapy Inspections. October 23–25, 1984.
New England Radiological Health Committee, Radiological Laboratory Workshop. April 30 to May 2, 1985.
New England Radiological Health Committee, Non Ionizing Radiation. October 29–30, 1985.
New England Radiological Health Committee, Radon's Impact on State Programs. October 28–29, 1986.
New England Radiological Health Committee, Radiological Laboratory Workshop. May 5–7, 1987.

Reference: Maine Program Statement.

21. Conditions Applicable to Special Nuclear Material, Source Material and Tritium

Nothing in the State's regulatory program shall interfere with the duties imposed on the holder of the materials by the NRC, for example, the duty to report to the NRC, on NRC prescribed forms (1) transfers of special nuclear material, source material and tritium and (2) periodic inventory data.

The State's regulations do not prohibit or interfere with the duties imposed by the NRC on holders of special nuclear material owned by the U.S. Department of Energy or licensed by NRC, such as the responsibility of licensees to supply to the NRC reports of transfer and inventory.

Reference: State of Maine Rules Relating to Radiation Protection section A.1.

22. Special Nuclear Material Defined

Special nuclear material, in quantities not sufficient to form a critical mass, for present purposes means uranium enriched in the isotope U-235 in quantities not exceeding 350 grams of contained U-235; uranium 233 in quantities not exceeding 200 grams: Plutonium in quantities not exceeding 200 grams; or any combination of them in accordance with the following formula: For each kind of special nuclear material, determine the ratio between the quantity of that special nuclear material and the quantity specified above for the same kind of special nuclear material. The sum of such ratios for all of the kinds of special nuclear material in combination should not exceed "1" (i.e., unity). For example, the following quantities in combination would not exceed the limitation and are within the formula, as follows:

$$\frac{175 \text{ (grams contained U-235)}}{350} + \frac{50 \text{ (grams U-233)}}{200} + \frac{50 \text{ (grams Pu)}}{200} = 1$$

(This definition is subject to change by future Commission rule or regulation.)

The definition of special nuclear material is quantities not sufficient to form a critical mass, as contained in the Maine regulations, is uniform with the definition in 10 CFR part 150.

Reference: State of Maine Rules Relating to Radiation Protection section A.2.A(62), Definition of Special Nuclear Material in Quantities Not Sufficient to Form a Critical Mass.

Administration

23. Fair and Impartial Administration

State practices for assuring the fair and impartial administration of regulatory law, including provision for public participation where appropriate, should be incorporated in procedures for:

(a) Formulation of rules of general applicability;

(b) Approving or denying applications for licenses or authorization to possess and use radioactive materials, and

(c) Taking disciplinary actions against licensees.

The Maine statute and regulations provide for administrative and judicial review of actions taken by the Division of Health Engineering which includes the Maine Radiation Control Program.

Reference: Maine Administrative Procedure Act, State of Maine Rules Relating to Radiation Protection sections A.9, A.11, C.22, and J.

24. State Agency Designation

The State should indicate which agency or agencies will have authority for carrying on the program and should provide the NRC with a summary of that legal authority. There should be assurances against duplicate regulation and licensing by State and local authorities, and it may be desirable that there be a single or central regulatory authority.

The Maine Department of Human Services in which the Maine Radiation Control Program is located has been designated as the State's radiation control agency.

References: Maine Radiation Protection Act, sections 674.1 and 686.

25. Existing NRC Licenses and Pending Applications

In effecting the discontinuance of jurisdiction, appropriate arrangements will be made by NRC and the State to ensure that there will be no interference with or interruption of licensed activities or the processing of licensing applications, by reason of the transfer. For example, one approach might be that the State, in assuming jurisdiction, could recognize and continue in effect, for an appropriate period of time under State law, existing NRC licenses, including licenses for which timely applications for renewal have been filed, except where good cause warrants the earlier reexamination or termination of the license.

Maine regulations have provisions for NRC licensees to possess a like license issued under the Maine regulations and the Maine Act. These licenses will expire either 90 days after the receipt from the Agency of a notice of expiration of such license or on the date of expiration specified in the NRC license, whichever is earlier.

Reference: State of Maine Rules Relating to Radiation Protection section C.19.

26. Relations With Federal Government and Other States

There should be an interchange of Federal and State information and assistance in connection with the issuance of regulations and licenses or authorizations, inspection of licensees, reporting of incidents and violations, and training and education problems.

The proposed agreement declares that the State will use its best efforts to cooperate with the NRC and the other Agreement States in the formulation of standards and regulatory programs for the protection against the hazards of radiation and to assure that the State's program will continue to be compatible with the Commission's program for the regulation of like materials.

Reference: Proposed Agreement between the State and Maine and the Nuclear Regulatory Commission, article VI.

27. Coverage, Amendments, Reciprocity

The proposed Maine agreement provides for the assumption of regulatory authority over the following categories of materials within the State:

(a) Byproduct material, as defined by section 11e.(1) of the Atomic Energy Act, as amended.

(b) Source materials.

(c) Special nuclear materials in quantities not sufficient to form a critical mass.

Reference: Proposed Agreement, Article I.

Provision has been made by Maine for the reciprocal recognition of licenses to permit activities within Maine of persons licensed by other jurisdictions. This reciprocity is like that granted under 10 CFR part 150.

Reference: State of Maine Rules Relating to Radiation Protection section 3.X.

28. NRC and Department of Energy Contractors

The State's regulations provide that certain NRC and DOE contractors or subcontractors are exempt from the State's requirements for licensing and registration of sources of radiation which such persons receive, possess, use, transfer, or acquire.

Reference: State of Maine Rules Relating to Radiation Protection section A.3.B.

III. Staff Conclusion

Section 274d of the Atomic Energy Act of 1954, as amended, states:

The Commission shall enter into an agreement under subsection b of this section with any State if:

(1) The governor of the State certifies that the State has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by the proposed agreement, and that the State desires to assume regulatory responsibility for such materials; and

(2) The Commission finds that the State program is in accordance with the requirements of subsection o. and in all other respects compatible with the Commission's program for the regulation of such materials, and that the State program is adequate to protect the public health and safety with respect to the materials covered by the proposed amendment.

The staff has concluded that the State of Maine meets the requirements of section 274 of the Act. The State's statutes, regulations, personnel, licensing, inspection and administrative procedures are compatible with those of the Commission and adequate to protect the public health and safety with respect to the materials covered by the proposed agreement. Since the State is not seeking authority over uranium milling activities, subsection o. is not applicable to the proposed Maine agreement.

Dated at Rockville, Maryland, this 22nd day of November 1991.

For the U.S. Nuclear Regulatory Commission.

Carlton Kammerer,

Director, Office of State Programs.

Appendix A—Agreement Between the United States Nuclear Regulatory Commission and the State of Maine for Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended

Whereas, The United States Nuclear Regulatory Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials as defined in sections 11e. (1) and (2) of the Act, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and,

Whereas, The Governor of the State of Maine is authorized under Maine Revised Statutes Annotated section 284 to enter into this Agreement with the Commission; and,

Whereas, The Governor of the State of Maine certified on March 5, 1990, that the State of Maine (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public and health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and,

Whereas, The State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and,

Whereas, The Commission and the State recognize the desirability of reciprocal recognition of licenses and exemptions from licensing of those materials subject to this Agreement; and

Whereas, This Agreement is entered into pursuant to the provisions of the Act, as amended;

Now therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

Article I

Subject to the exceptions provided in Articles II, IV, and V, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials as defined in section 11e.(1) of the Act;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

Article II

This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission;

E. The land disposal of source, byproduct and special nuclear material received from other persons; and,

F. The extraction or concentration of source material from source material ore and the management and disposal of the resulting byproduct material.

Article III

This Agreement may be amended, upon application by the State and approval by the Commission, to include the additional area(s) specified in Article II, paragraph E or F, whereby the State can exert regulatory control over the materials stated herein.

Article IV

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

Article V

This agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

Article VI

The Commission will use its best efforts to cooperate with the State and other Agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other Agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

Article VII

The Commission and the State agree that it is desirable to provide reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any Agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

Article VIII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend all or part of this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that (1) such termination or suspension is required to protect the public health and safety, or (2) the State has not complied with one or more of the requirements of section 274 of the Act. The Commission may also, pursuant to section 274j of the Act, temporarily suspend all or part of this Agreement if, in the judgment of the Commission, an emergency situation exists requiring immediate action to protect public health and safety and the State has failed to take necessary steps. The Commission shall periodically review this Agreement and actions taken by the State under this Agreement to ensure compliance with section 274 of the Act.

Article IX

This Agreement shall become effective on _____, and shall remain in effect unless and until such time as it is terminated pursuant to Article VIII.

Done at August, Maine, in triplicate, this _____, 1991.

For the U.S. Nuclear Regulatory Commission.

Ivan Selin, Chairman

For the State of Maine.

John R. McKernan, Jr., Governor

[FR Doc. 91-29468 Filed 12-9-91; 8:45 am]

BILLING CODE 7590-01-M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

AGENCY: Railroad Retirement Board.

ACTION: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the Railroad Retirement Board has submitted the following proposal(s) for the collection

of information to the Office of Management and Budget for review and approval.

SUMMARY OF PROPOSAL(S):

(1) *Collection title:* Application for Hospital Insurance Benefits.

(2) *Form(s) submitted:* AA–6, AA–7, and AA–8.

(3) *OMB Number:* 3220–0082.

(4) *Expiration date of current OMB clearance:* Three years from date of OMB approval.

(5) *Type of request:* Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection.

(6) *Frequency of response:* On occasion.

(7) *Respondents:* Individuals or households.

(8) *Estimated annual number of respondents:* 575.

(9) *Total annual responses:* 575.

(10) *Average time per response:* .13217 hours.

(11) *Total annual reporting hours:* 76.

(12) *Collection description:* The Railroad Retirement Board administers the Medicare program for persons covered by the railroad retirement system. The collection obtains information about non-retired employees and survivor applicants needed for enrollment in the plan.

ADDITIONAL INFORMATION OR COMMENTS: Copies of the proposed forms and supporting documents can be obtained from Dennis Eagan, the agency clearance officer (312–751–4693). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Laura Oliven (202–395–7316), Office of Management and Budget, room 3002, New Executive Office Building, Washington, DC 20503.

Dennis Eagan,

Clearance Officer.

[FR Doc. 91–29467 Filed 12–9–91; 8:45 am]

BILLING CODE 7905–01–M

Agency Forms Submitted for OMB Review

AGENCY: Railroad Retirement Board.

ACTION: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the Railroad Retirement Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Proposal(s)

(1) *Collection title:* Earnings Information Request.

(2) *Form(s) submitted:* G–19–F.

(3) *OMB Number:* New Collection.

(4) *Expiration date of current OMB clearance:* Three years from date of OMB approval.

(5) *Type of request:* New Collection.

(6) *Frequency of response:* On occasion.

(7) *Respondents:* Indviduals or households.

(8) *Estimated annual number of respondents:* 1,000.

(9) *Total annual responses:* 1,000.

(10) *Average time per response:* .133 hours.

(11) *Total annual reporting hours:* 133.

(12) *Collection description:* Under section 2 of the Railroad Retirement Act, an annuity is not payable or is reduced for any month(s) in which the beneficiary works for a railroad or earns more than prescribed amounts. The collection obtains earnings information not previously or erroneously reported by a beneficiary.

Additional Information or Comments

Copies of the proposed forms and supporting documents can be obtained from Dennis Eagan, the agency clearance officer (312–751–4693). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Laura Oliven (202–395–7316), Office of Management and Budget, room 3002, New Executive Office Building, Washington, DC 20503.

Dennis Eagan,

Clearance Officer.

[FR Doc. 91–29423 Filed 12–9–91; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–30025; File No. SR–CBOE–91–42]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Inc., Relating to Reduced Transaction Charges for Certain Index Option Spread Transactions

December 3, 1991.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on November 5, 1991, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the CBOE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes to extend, through December 31, 1991, a pilot program [1] which provides a 50% rebate on transaction and trade match fees for Standard & Poor's 500 Index option ("SPX") customers whose "box" [2] trades total 500 or more contracts for the four sides of the trade. The text of the proposed rule change is available at the Office of the Secretary, CBOE and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CBOE has prepared summaries, set forth in section (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

(1) Purpose

The CBOE proposes to extend, through December 31, 1991, a pilot program which provides a 50% rebate on transaction and trade match fees for SPX customers whose "box" [3] trades

[1] The program was approved by the Commission on a three-month pilot basis, effective from July 1 1991, through September 30, 1991. See Securities Exchange Act Release No. 29482 (July 24, 1991), 56 FR 36180 (order approving File No. SR–CBOE–91–27) ("Pilot Approval Order").

[2] On November 27, 1991, the CBOE amended its filing to define a "box spread" as a four-sided SPX option spread composed of (i) a long call and short put at one strike price and (ii) a short call and long put at a different strike price, where all four positions expire in the same month. See File No. SR–CBOE–91–42, Amendment No. 1.

[3] See *supra* note 2 for the CBOE's definition of "box" spread.

total 500 or more contracts for the four sides of the trade. The rebate is available to member firms that provide the Exchange with documents evidencing transactions that meet the standards of the pilot program.

(2) Basis

The Exchange believes that the proposed rule change is consistent with section 6(b) of the Act, in general, and furthers the objectives of section 6(b)(4), in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among its members and those persons associated with its members.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The CBOE does not believe that the proposed rule change will impose any inappropriate burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change establishes or changes a due, fee or other charge imposed by the Exchange, it has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of rule 19b–4 thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC, 20549. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to the file number in the caption above and should be submitted by January 2, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91–29427 Filed 12–9–91; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Inc.

December 4, 1991.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder for unlisted trading privileges in the following securities:

Greyhound Lines, Inc.
Common Stock, $.01 Par Value (File No. 7–7649).
General Kinetics Incorporated
Common Stock, $.25 Par Value (File No. 7–7650).
Jundt Growth Fund, Inc.
Common Stock, $.01 Par Value (File No. 7–7651).
Nuveen New York Quality Municipal Fund, Inc.
Common Stock, $.01 Par Value (File No. 7–7652).
Public Storage Properties XIX, Inc.
Common Stock Series A, $.01 Par Value (File No. 7–7653).
Seligman Quality Municipal Fund, Inc.
Common Stock, $.01 Par Value (File No. 7–7654).
Veterinary Centers of America, Inc.
Warrants to Purchase Common Stock (File No. 7–7655).
Van Kampen Merritt Florida Quality Municipal Trust
Common Shares of Beneficial Interest, $.01 Par Value (File No. 7–7656).
Van Kampen Merritt California Quality Municipal Trust
Common Shares of Beneficial Interest, $.01 Par Value (File No. 7–7657).
Van Kempen Merritt New York Quality Municipal Trust
Common Shares of Beneficial Interest, $.01 Par Value (File No. 7–7658).
Van Kampen Merritt Ohio Quality Municipal Trust
Common Shares of Beneficial Interest, $.01 Par Value (File No. 7–7659).
Attwoods Plc
Rights to Subscribe to American Depositary Receipts (File No. 7–7660).
Acme-Cleveland Corporation (Holding Company)
Common Stock, $1.00 Par Value (File No. 7–7661).
Amdura Corporation
Common Stock, $1.00 Par Value (File No. 7–7662).
Customedix Corp.
Common Stock, $.01 Par Value (File No. 7–7663).
ETZ Lavud Limited
Class A Common Stock, $.17 Par Value (File No. 7–7664).
ETZ Lavud Limited
Class A Common Stock, $.17 Par Value (File No. 7–7665).
International Corona Corporation
Common Stock, No Par Value (File No. 7–7666).
Munsingwear, Inc.
Common Stock, $1.00 Par Value (File No. 7–7667.

These securities are listed and registered on one or more other national securities exchange and is reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before December 26, 1991, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approved the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 91–29426 Filed 12–9–91; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Aviation Proceedings; Agreements Filed During the Week Ended November 29, 1991

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 421 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: 47864.

Date filed: November 25, 1991.

Parties: Members of the International Air Transport Association.

Subject: Resolution 024F—Finland.

Proposed Effective Date: Upon all necessary government approvals.

Docket Number: 47865.

Date filed: November 25, 1991.

Parties: Members of the International Air Transport Association.

Subject: TC12 MV/P0332 dated November 4, 1991, Mail Vote 519 (TC12–TC123 N. Atlantic USA Add-on Amounts).

Proposed Effective Date: April 1, 1992.

Docket Number: 47869.

Date filed: November 27, 1991.

Parties: Members of the International Air Transport Association.

Subject: TC12 Reso/P 1375 dated November 25, 1991, Expedited North Atlantic-Africa Resolutions, R–1—002C, R–2—002G, R–3—002I.

Proposed Effective Date: January 1, 1992.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 91–29435 Filed 12–9–91; 8:45 am]

BILLING CODE 4910–62–M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended November 29, 1991

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits where filed under subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tenative order, or in appropriate cases a final order without further proceedings.

Docket Number: 47886.

Date filed: November 25, 1991.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: December 23, 1991.

Description: Application of Northeast Express Regional Airlines, pursuant to section 401 of the Act and subpart Q of the Regulations applies for a certificate of public convenience and necessity for scheduled and charter interstate and overseas air transportation of persons, property and mail within the United States.

Docket Number: 47870.

Date filed: November 29, 1991.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: December 27, 1991.

Description: Joint Application of United Air Lines, Inc. and Pan American World Airways, Inc., pursuant to section 401(h) of the Act and subpart Q of the Regulations requests approval of the transfer to United of Pan Am's certificate authority to operate between Los Angeles, California, and Mexico City, Mexico, including the authority to serve points beyond Mexico City in Central and South America.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 91–29434 Filed 12–9–91; 8:45 am]

BILLING CODE 4910–62–M

Maritime Administration

Approval of Applicant as Trustee

Notice if hereby given that Security Pacific National Trust Company (New York), with offices at 2 Rector Street, 9th Floor, New York, New York 10006, has been approved as Trustee pursuant to Public Law 100–710 and 46 CFR part 221.

Dated: December 5, 1991.

By Order of the Maritime Administrator.

James E. Saari,

Secretary.

[FR Doc. 91–29473 Filed 12–9–91; 8:45 am]

BILLING CODE 4910–81–M

Urban Mass Transportation Administration

UMTA Sections 3 and 9 Grant Obligations

AGENCY: Urban Mass Transportation Administration (UMTA), DOT.

ACTION: Notice.

SUMMARY: The Department of Transportation and Related Agencies Appropriations Act, 1991, Public Law 101–516, signed into law by President George Bush on November 5, 1990, contained a provision requiring the Urban Mass Transportation Administration to publish an announcement in the **Federal Register** every 30 days of grants obligated pursuant to sections 3 and 9 of the Urban Mass Transportation Act of 1964, as amended. The statute requires that the announcement include the grant number, the grant amount, and the transit property receiving each grant. This notice provides the information as required by statute.

FOR FURTHER INFORMATION CONTACT: Janet Lynn Sahaj, Chief, Resource Management Division, Office of Capital and Formula Assistance, Department of Transportation, Urban Mass Transportation Administration, Office of Grants Management, 400 Seventh Street, SW., room 9301, Washington, DC 20590, (202) 366–2053.

SUPPLEMENTARY INFORMATION: The Section 3 program was established by the Urban Mass Transportation Act of 1964 to provide capital assistance to eligible recipients in urban areas. Funding for this program is distributed on a discretionary basis. The Section 9 formula program was established by the Surface Transportation Assistance Act of 1982. Funds appropriated to this program are allocated on a formula basis to provide capital and operating assistance in urbanized areas. Pursuant to the statute UMTA reports the following grant information:

SECTION 3 GRANTS

Transit property	Grant number	Grant amount	Obligation date
North Slope Borough, Alaska	AK–03–0014–00	$2,950,628	09/30/91
City and Borough of Juneau, Alaska	AK–03–0015–00	780,000	09/30/91
Arkansas State Highway and Transportation Department, Arkansas	AR–03–0006–00	4,842,030	09/30/91
California State DOT (Caltrans) Division of Mass Transportation, San Jose, CA	CA–03–0328–01	5,479,998	09/30/91
Los Angeles County Transportation Commission, Los Angeles-Long Beach, CA	CA–03–0341–01	149,250,000	09/30/91
City & County of San Francisco, Public Utilities Commission, San Francisco-Oakland, CA	CA–03–0358–00	22,519,998	09/30/91
Santa Cruz Metropolitan Transit District, Santa Cruz, CA	CA–03–0365–00	3,198,636	09/30/91
Regional Transportation District, Denver, CO	CO–03–0043–01	33,385,500	09/30/91
Connecticut Department of Transportation, Connecticut	CT–03–0080–00	22,699,995	09/26/91
Connecticut Department of Transportation, Connecticut	CT–03–0081–00	362,700	09/30/91
Connecticut Department of Transportation, Connecticut	CT–03–0082–00	117,120	09/30/91
Florida Department of Transportation, Florida	FL–03–0108–00	525,000	09/30/91

SECTION 3 GRANTS—Continued

Transit property	Grant number	Grant amount	Obligation date
Jacksonville Transportation Authority, Jacksonville, FL	FL-03-0109-00	28,810,224	09/27/91
City of Tallahassee—Tallahassee Transit Authority, Tallahassee, FL	FL-03-0111-00	1,333,735	09/30/91
Orange-Seminole-Osceola Transportation Authority, Orlando, FL	FL-03-0115-00	49,998	09/30/91
Escambia Co Bd of Commissioners, Pensacola, FL	FL-03-0117-00	956,812	09/30/91
Metropolitan Atlanta Rapid Transit Authority, Atlanta, GA	GA-03-0036-00	30,192,000	09/30/91
City of Chicago, Chicago, IL-Northwestern, IN	IL-03-0150-01	661,998	09/30/91
Commuter Rail Division of the Regional Transportation Authority, Chicago, IL-Northwestern IN	IL-03-0156-00	23,677,125	09/30/91
Chicago Transit Authority Chicago, IL-Northwestern, IN	IL-03-0159-00	6,519,132	09/30/91
State of Illinois Department of Transportation, Chicago, IL-Northwestern IN	IL-03-0160-00	4,500,000	09/30/91
Chicago Transit Authority Chicago, IL-Northwestern, IN	IL-03-0161-00	15,528,150	09/30/91
Massachusetts Bay Transportation Authority, Boston, MA	MA-03-0175-00	159,999	09/30/91
Massachusetts Bay Transportation Authority, Boston, MA	MA-03-0178-00	31,999,998	09/27/91
State Railroad Administration, Baltimore, MD	MD-03-0053-00	8,625,000	09/30/91
City of Detroit Department of Transportation, Detroit, MI	MI-03-0120-00	8,247,312	09/30/91
Suburban Mobility Authority for Regional Transportation, Detroit, MI	MI-03-0122-00	147,060	09/30/91
Bi-State Development Agency, St. Louis, MO-IL	MO-03-0027-02	55,700,000	09/23/91
Bi-State Development Agency, St. Louis, MO-IL	MO-03-0032-00	4,000,500	09/23/91
Missouri Highway and Department Transportation, Missouri	MO-03-0034-00	785,000	09/30/91
Mississippi Dept. of Economics & Community Development, Mississippi	MS-03-0008-00	4,920,000	09/30/91
North Carolina Department of Transportation, North Carolina	NC-03-0026-00	6,000,000	09/30/91
New Jersey Transit Corporation, Northeastern NJ-New York, NY	NJ-03-0084-00	2,329,560	09/23/91
New Jersey Transit Corporation, Northeastern NJ-New York, NY	NJ-03-0085-00	25,999,998	09/23/91
New Mexico State Highway and Transportation Department, New Mexico	NM-03-0008-01	946,401	09/30/91
New Mexico State Highway and Transportation Department, New Mexico	NM-03-0009-00	250,002	09/30/91
City of Albuquerque, Albuquerque, NM	NM-03-0011-00	1,350,000	09/30/91
Oneida County, Utica-Rome, NY	NY-03-0269-00	1,613,448	09/30/91
Tompkins County, Elmira, NY	NY-03-0271-00	3,150,000	09/30/91
Ohio Dept. of Transportation, Ohio	OH-03-0109-00	1,637,250	09/27/91
Tri-County Metropolitan Transportation District of Oregon, Portland, OR-WA	OR-03-0035-02	2,715,889	09/17/91
Tri-County Metropolitan Transportation District of Oregon, Portland, OR-WA	OR-03-0041-00	18,500,000	09/26/91
Southeastern Pennsylvania Transportation Authority, Philadelphia, PA-NJ	PA-03-0207-00	6,982,500	09/30/91
Southeastern Pennsylvania Transportation Authority, Philadelphia, PA-NJ	PA-03-0209-02	52,500,000	09/23/91
Southeastern Pennsylvania Transportation Authority, Philadelphia, PA-NJ	PA-03-0212-00	15,000,000	09/23/91
Area Transportation Authority of North Central Pennsylvania, Johnsonburg, PA	PA-03-0217-00	1,252,350	09/23/91
Berks Area Reading Transportation Authority, Reading, PA	PA-03-0223-00	131,250	09/30/91
Tennessee Department of Transportation, Tennessee	TN-03-0026-00	10,549,998	09/30/91
Fort Worth Transportation Authority, Dallas-Ft. Worth, TX	TX-03-0137-00	3,294,750	09/30/91
Brazos Valley Community Action Agency, Bryan-College Station, TX	TX-03-0138-00	501,183	09/20/91
Utah Transit Authority, Salt Lake City, UT	UT-03-0016-00	6,600,000	09/30/91
County of Fairfax, Washington, DC-VA	VA-03-0040-01	11,100,000	09/27/91
Ben Franklin Transit, Richland-Kennewick, WA	WA-03-0072-00	394,875	09/30/91
Wisconsin Dept. of Transportation/Bureau of Transit, Wisconsin	WI-03-0050-00	5,795,136	09/26/91

SECTION 9 GRANTS

Transit property	Grant number	Grant amount	Obligation date
Tuscaloosa County Parking and Transit Authority, Tuscaloosa, AL	AL-90-X056-01	$217,474	09/30/91
Birmingham-Jefferson County Transit Authority, Birmingham, AL	AL-90-X057-01	160,000	09/30/91
City of Huntsville, Huntsville, AL	AL-90-X058-00	913,000	09/30/91
Mobile Transit Authority, Mobile, AL	AL-90-X059-00	1,845,203	09/30/91
Alabama Highway Department, Alabama	AL-90-X060-00	981,504	09/30/91
Alabama Highway Department, Alabama	AL-90-X061-00	35,500	09/30/91
City of Napa, Napa, CA	CA-90-X419-01	57,600	09/30/91
City & County of San Francisco, Public Utilities Commission, San Francisco-Oakland, CA	CA-90-X422-00	21,632,760	09/30/91
Sacramento Regional Transit District, Sacramento, CA	CA-90-X427-00	6,118,478	09/28/91
Monterey County, Seaside-Monterey, CA	CA-90-X441-00	96,000	09/30/91
County of Los Angeles, Department of Public Works, Lancaster, CA	CA-90-X453-00	450,148	09/30/91
South Coast Area Transit Oxnard-Ventura-Thousand Oaks, CA	CA-90-X454-00	1,469,370	09/30/91
City of Santa Maria Area Transit, Santa Maria, CA	CA-90-X455-00	1,287,135	09/30/91
City of Merced, Merced, CA	CA-90-X456-00	355,714	09/30/91
City of Merced, Merced, CA	CA-90-X456-01	64,286	09/30/91
San Diego Association of Governments, San Diego, CA	CA-90-X458-00	700,000	09/30/91
City of Laguna Beach, Los Angeles-Long Beach, CA	CO-90-X459-00	206,000	09/30/91
Mesa County, Grand Junction, CO	CO-90-X060-01	70,143	09/30/91
City of Colorado Springs, Colorado Springs, CO	CO-90-X062-00	2,608,481	09/30/91
Housatonic Area Regional Transit District, Danbury, CT-NY	CT-90-X191-00	1,042,207	09/30/91
Connecticut Department of Transportation, CT	CT-90-X192-00	4,085,600	09/30/91
Palm Beach Co Bd of Commissioners—Palm Beach Co. Transit Authority, West Palm Beach, FL	FL-90-X166-01	1,664,000	09/30/91
Manatee County Board of County Commissioners, Sarasota-Bradenton, FL	FL-90-X175-00	747,085	09/30/91
Pasco County Board of County Commissioners, St. Petersburg, FL	FL-90-X176-00	302,027	09/30/91
Orange-Seminole-Osceola Transportation Authority, Orlando, FL	FL-90-X177-00	1,048,000	09/30/91
Pinellas Suncoast Transit Authority, St. Petersburg, FL	FL-90-X178-00	5,340,619	09/30/91
Panama City Metropolitan Planning Organization, Panama City, FL	FL-90-X179-00	193,600	09/30/91
Atlanta Regional Commission, Atlanta, GA	GA-90-X055-01	25,000	09/30/91
Georgia Dept. of Transportation—Office of Intermodal Programs, Georgia	GA-90-X066-00	3,595,839	09/30/91

SECTION 9 GRANTS—Continued

Transit property	Grant number	Grant amount	Obligation date
City and County of Honolulu, Honolulu, HI	HI-90-X008-00	15,334,935	09/30/91
City of Davenport—Department of Municipal Transportation, Davenport-Rock Island-Moline, IA-IL	IA-90-X127-00	1,528,280	09/30/91
City of Decatur, Decatur, IL	IL-90-X152-01	40,048	09/26/91
City of Danville, Danville, IL	IL-90-X166-00	28,000	09/30/91
City of Kankakee, Kankakee, IL	IL-90-X181-00	21,900	09/30/91
Greater Peoria Mass Transit District, Peoria, IL	IL-90-X182-00	1,436,060	09/30/91
Champaign-Urbana Mass Transit District, Champaign-Urbana, IL	IL-90-X183-00	1,020,336	09/30/91
Chicago Transit Authority, Chicago, IL-Northwestern, IN	IL-90-X185-00	32,009,273	09/30/91
City of Danville, Danville, IL	IL-90-X186-00	320,200	09/30/91
Muncie Public Transortation Corporation, Muncie, IN	IN-90-X150-01	199,652	09/30/91
Northwestern Indiana Regional Planning Commission, Chicago, IL-Northwestern, IN	IN-90-X154-01	98,489	09/30/91
Evansville Urban Transit Study, Evansville, IN-KY	IN-90-X156-00	1,223,537	09/30/91
Michiana Area Council of Governments, South Bend, IN-MI	IN-90-X157-00	476,216	09/30/91
Wichita Metropolitan Transit Authority, Wichita, KS	KS-90-X046-01	159,180	09/27/91
Topeka Metropolitan Transit Authority, Topeka, KS	KS-90-X049-01	53,853	09/20/91
Lawrence-Douglas County Planning Commission, Lawrence, KS	KS-90-X051-00	80,000	09/30/91
City of Ashland, Huntington-Ashland, WVA-KY-OH	KY-90-X045-00	288,419	09/26/91
City of Ashland, Huntington-Ash, KY-OH-WVA	KY-90-X053-00	323,716	09/26/91
Transit Authority of Northern Kentucky, Cincinnati, OH-KY	KY-90-X054-01	902,432	09/30/91
City of Alexandria, Alexandria, LA	LA-90-X121-00	730,684	09/30/91
Louisiana Department of Transportation & Development, Louisiana	LA-90-X122-00	671,841	09/30/91
City of Shreveport, Shreveport, LA	LA-90-X123-00	2,111,594	09/30/91
Greater Attleboro-Taunton Regional Transit Authority, Providence-Pawtucket-Warwick, RI-MA	MA-90-X111-00	2,136,000	09/30/91
Merrimack Valley Regional Transit Authority, Lawrence-Haverhill, MA-NH	MA-90-X125-00	282,000	09/30/91
Berkshire County Regional Planning Commission, Pittsfield, MA	MA-90-X126-00	20,000	09/30/91
Mass Transit Administration, Baltimore, MD	MD-90-X044-02	2,665,612	09/30/91
Mass Transit Administration, Baltimore, MD	MD-90-X045-00	1,713,306	09/30/91
Maine Department of Transportation, Maine	ME-90-X058-00	77,938	09/30/91
Lewiston-Auburn Transit Committee, Lewiston-Auburn, ME	ME-90-X059-00	11,950	09/30/91
Grand Rapids Area Transit Authority, Grand Rapids, MI	MI-90-X125-01	29,797	09/30/91
Twin Cities Area Transportation Authority, Benton Harbor, MI	MI-90-X127-01	52,498	09/25/91
City of Detroit Department of Transportation, Detroit, MI	MI-90-X128-02	1,023,965	09/30/91
Twin Cities Area Transportation Authority, Benton Harbor, MI	MI-90-X137-01	3,685	09/25/91
Grand Rapids Area Transit Authority, Grand Rapids, MI	MI-90-X138-01	608,333	09/30/91
City of Detroit Department of Transportation, Detroit, MI	MI-90-X139-00	16,683,000	09/30/91
City of Niles, South Bend, IN-MI	MI-90-X149-00	171,885	09/30/91
Bi-State Development Agency, St. Louis, MO-IL	MO-90-X073-01	100,000	09/27/91
City of St. Joseph, St. Joseph, MO-KS	MO-90-X078-00	494,877	09/30/91
City of Jackson—Mayor's Office of Development Assistance, Jackson, MS	MS-90-X038-00	2,327,750	09/30/91
Mississippi Coast Transportation Authority, Biloxi-Gulfport, MS	MS-90-X039-00	920,000	09/30/91
City of Billings, Billings, MT	MT-90-X031-00	506,166	09/30/91
City of Greensboro, Greensboro, NC	NC-90-X125-00	1,009,406	09/30/91
City of Gastonia, Gastonia, NC	NC-90-X126-00	288,212	09/25/91
Guilford County, Greensboro, NC	NC-90-X127-00	297,052	09/30/91
City of Winston-Salem, Winston-Salem, NC	NC-90-X128-00	1,476,450	09/30/91
City of Raleigh, Raleigh, NC	NC-90-X129-00	83,925	09/25/91
Town of Chapel Hill, Durham, NC	NC-90-X130-00	1,346,358	09/25/91
City of Fayetteville, Fayetteville, NC	NC-90-X131-00	1,043,376	09/25/91
City of Wilmington, Wilmington, NC	NC-90-X132-00	416,316	09/25/91
City of Durham, Durham, NC	NC-90-X133-00	1,407,700	09/25/91
City of Bismarck, Bismarck-Mandan, ND	ND-90-X025-00	335,150	09/30/91
Omaha Metro Area Transit, Omaha, NE-IA	NE-90-X028-01	1,307,331	09/20/91
Cooperative Alliance for Seacoast Transportation, Portsmouth-Dover-Rochester, NH-ME	NH-90-X025-00	404,005	09/30/91
Manchester Transit Authority, Manchester, NH	NH-90-X026-00	621,850	09/30/91
City of Nashua, Nashua, NH	NH-90-X027-00	142,123	09/30/91
City of Santa Fe, Santa Fe, NM	NM-90-X030-01	3,822	09/24/91
City of Albuquerque, Albuquerque, NM	NM-90-X032-00	2,080,367	09/30/91
City of Rome, V.I.P. Transportation, Utica-Rome, NY	NY-90-X211-00	139,543	09/26/91
Westchester County Department of Transportation, New York, NY-Northeastern NJ	NY-90-X212-00	17,166,352	09/27/91
Laketran, Cleveland, OH	OH-90-X153-00	882,401	09/30/91
Ohio Dept. of Transportation, Ohio	OH-90-X154-00	6,676,472	09/30/91
Enid Public Transportation Authority, Enid, OK	OK-90-X038-00	315,300	09/30/91
Luzerne County Transportation Authority, Scranton-Wilkes Barre, PA	PA-90-X198-01	26,796	09/27/91
Lehigh and Northampton Transportation Authority, Allentown-Bethlehem-Easton, PA-NJ	PA-90-X212-01	161,800	09/26/91
Centre Area Transportation Authority, State College, PA	PA-90-X219-00	51,128	09/30/91
York County Transportation Authority, York, PA	PA-90-X220-00	113,680	09/30/91
Cumberland-Dauphin-Harrisburg Transit Authority, Harrisburg, PA	PA-90-X222-00	169,004	09/30/91
Commonwealth of Puerto Rico—Department of Transp. and Public Works, San Juan, PR	PR-90-X011-06	2,023,200	09/30/91
Municipality of Camuy, Arecibo, PR	PR-90-X062-00	110,000	09/30/91
Municipality of Canovanas, San Juan, PR	PR-90-X063-00	150,000	09/30/91
Municipality of Camuy, Arecibo, PR	PR-90-X064-00	800,000	09/30/91
Municipality of Gurabo, Caguas, PR	PR-90-X065-00	346,032	09/30/91
Rhode Island Department of Transportation, Providence-Pawtucket-Warwick, RI-MA	RI-90-X015-03	28,030	09/30/91
Aiken County, Augusta, GA-SC	SC-90-X045-01	2,000	09/30/91
Greenville Transit Authority, Greenville, SC	SC-90-X046-00	886,650	09/30/91
City of Kingsport, Kingsport, TN-VA	TN-90-X095-00	73,934	09/30/91
Dallas Area Rapid Transit, Dallas-Ft. Worth, TX	TX-90-X175-01	2,717,842	09/18/91
Dallas Area Rapid Transit, Dallas-Ft. Worth, TX	TX-90-X193-00	29,554,168	09/30/91
City of Grand Prairie, Dallas-Ft. Worth, TX	TX-90-X216-00	156,453	09/30/91

SECTION 9 GRANTS—Continued

Transit property	Grant number	Grant amount	Obligation date
City of Arlington, Dallas-Ft. Worth, TX	TX-90-X217-00	713,445	09/30/91
Texoma Council of Governments, Sherman-Denison, TX	TX-90-X220-00	300,372	09/30/91
City of Abilene, Abilene, TX	TX-90-X222-00	1,054,592	09/30/91
Permian Basin Regional Planning Commission, Midland, TX	TX-90-X223-00	40,000	09/30/91
City of Lubbock, Lubbock, TX	TX-90-X224-00	3,759,880	09/30/91
City of Port Arthur, Port Arthur, TX	TX-90-X226-00	495,000	09/30/91
City of Wichita Falls, Wichita Falls, TX	TX-90-X227-00	449,200	09/30/91
City of Laredo, Laredo, TX	TX-90-X229-00	2,325,600	09/30/91
City of Brownsville, Brownsville, TX	TX-90-X230-00	1,166,400	09/30/91
City of Petersburg, Petersburg-Colonial Heights, VA	VA-90-X087-00	267,167	09/25/91
City of Bristol, Bristol, VA-TN	VA-90-X088-00	78,031	09/30/91
City of Longview, Longview, WA-OR	WA-90-X121-00	224,984	09/30/91
Ben Franklin Transit, Richland-Kennewick, WA	WA-90-X122-00	1,146,000	09/30/91
City of Yakima, Yakima, WA	WA-90-X123-00	1,000,000	09/30/91
Milwaukee County Transit System, Milwaukee, WI	WI-90-X145-01	750,000	09/30/91
Waukesha County, Milwaukee, WI	WI-90-X149-00	295,296	09/30/91
City of Racine, Racine, WI	WI-90-X150-00	857,080	09/30/91
City of Lacrosse Planning Department (LAPC), La Crosse, WI-MN	WI-90-X151-00	487,777	09/30/91
City of Wausau, Wausau, WI	WI-90-X153-00	324,851	09/30/91
City of Eau Claire System, Eau Claire, WI	WI-90-X154-00	349,140	09/30/91
Eastern Ohio/Ohio Valley Regional Transp. Authority, Wheeling, WV-OH	WV-90-X045-00	863,581	09/27/91
City of Casper, Casper, WY	WY-90-X010-00	376,907	09/30/91

Issued on December 3, 1991.

Brian W. Clymer,

Administrator.

[FR Doc. 91-29437 Filed 12-9-91; 8:45 am]

BILLING CODE 4910-57-M

Sunshine Act Meetings

Federal Register
Vol. 56, No. 237
Tuesday, December 10, 1991

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Regular Meeting

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the forthcoming regular meeting of the Farm Credit Administration Board (Board).

DATE AND TIME: The regular meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on December 12, 1991, from 10:00 a.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Curtis Anderson, Secretary to the Farm Credit Administration Board, (703) 883–4003, TDD (703) 883–4444.

ADDRESS: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board will be open to the public (limited space available), and parts of this meeting will be closed to the public. The matters to be considered at the meeting are:

Open Session

A. Approval of Minutes

B. New Business

1. Regulations:

a. Amendments to Nondiscrimination in Lending (Proposed).

b. Regulatory Changes Required by the 1990 Farm Bill on Marketing and Processing Loans and Insurance Service (Final).

Closed Session*

A. New Business

1. Enforcement Actions

Dated: December 5, 1991.

Curtis M. Anderson,

Secretary, Farm Credit Administration Board.

[FR Doc. 91–29587 Filed 12–6–91; 2:43 pm]

BILLING CODE 6705–01–M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 56 FR 61286, December 2, 1991.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 4:00 p.m., Thursday, December 5, 1991.

CHANGES IN THE MEETING: Addition of the following closed item(s) to the meeting:

Proposed 1992 Federal Reserve Bank salary structure adjustment.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: December 5, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91–29624 Filed 12–6–91; 2:43 pm]

BILLING CODE 6210–01–M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 12:00 noon., Monday, December 16, 1991.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed 1992 Federal Reserve Board officer salary structure and merit program.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: December 6, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91–29625 Filed 12–6–91; 2:43 pm]

BILLING CODE 6210–01–M

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

TIME AND DATE: 10:00 a.m., December 16, 1991.

PLACE: 5th Floor, Conference Room, 805 Fifteenth Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of the minutes of the November 18, 1991, Board meeting.
2. Thrift Savings Plan activity report by the Executive Director.
3. Review of KPMG Peat Marwick audit report entitled "Pension and Welfare Benefits Administration Review of Access Controls and Security Over the Thrift Savings Plan Computerized Resources at the U.S. Department of Agriculture, Office of Finance and Management, National Finance Center."

CONTACT PERSON FOR MORE INFORMATION: Tom Trabucco, Director, Office of External Affairs, (202) 523–5660.

Dated; December 5, 1991.

Francis X. Cavanaugh,

Executive Director, Federal Retirement Thrift Investment Board.

[FR Doc. 91–29557 Filed 12–5–91; 4:41 am]

BILLING CODE 6760–01–M

UNITED STATES INTERNATIONAL TRADE COMMISSION

[USITC SE–91–37]

TIME AND DATE: December 18, 1991 at 10:30 a.m.

PLACE: Room 101, 500 E Street S.W., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda of future meetings
2. Minutes
3. Ratification List
4. Petitions and complaints:
   Certain Translucent Ceramic Orthodontic Brackets (Docket Number 1661)
5. Inv. No. 731–TA–539 (Preliminary) (Uranium from the U.S.S.R.)—briefing and vote.
6. Any items left over from previous agenda

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 205–2000.

Dated: December 5, 1991.

Kenneth R. Mason,

Secretary.

[FR Doc. 91–29594 Filed 12–6–91; 2:35 pm]

BILLING CODE 7020–02–M

UNITED STATES POSTAL SERVICE BOARD OF GOVERNORS

Notice of Vote to Close Meeting

At its meeting on December 2, 1991, the Board of Governors of the United States Postal Service voted unanimously to close to public observation its meeting scheduled for January 6, 1992, in Washington, D.C. The members will

*Session closed to the public—exempt pursuant to 5 U.S.C. 552b(c)(8) and (9).

consider the Postal Rate Commission's November 22, 1991, Opinion and Recommended Decision Approving Stipulation and Agreement in Docket No. MC91–2.

The meeting is expected to be attended by the following persons: Governors Alvarado, Daniels, del Junco, Griesemer, Mackie, Nevin, Pace, Setrakian and Winters; Postmaster General Frank, Deputy Postmaster General Coughlin, Secretary to the Board Harris, and General Counsel Hughes.

The Board determined that pursuant to section 552b(c)(3) Title 5, United States Code, and section 7.3(c) of Title 39, Code of Federal Regulations, this portion of the meeting is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. 552b(b)) because it is likely to disclose information in connection with proceedings under Chapter 36 of Title 39, United States Code (having to do with postal ratemaking, mail classification and changes in postal services), which is specifically exempted from disclosure by section 410(c)(4) of Title 39, United States Code.

The Board has determined further that pursuant to section 552(c)(10) of Title 5, United States Code, and § 7.3(j) of title 39, Code of Federal Regulations, the discussion is exempt because it is likely to specifically concern participation of the Postal Service in a civil action or proceeding involving a determination on the record after opportunity for a hearing. The Board further determined that the public interest does not require that the Board's discussion of the matter be open to the public.

In accordance with section 552b(f)(1) of title 5, United States Code, and § 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the meeting may properly be closed to public observation pursuant to section 552b(c)(3) and (10) of title 5, United States Code; section 410(c)(4) of title 39 United States Code; and § 7.3 (c) and (j) of title 39, Code of Federal Regulations.

Requests for information about the meeting should be addressed to the Secretary of the Board, David F. Harris, at (202) 268–4800.

David F. Harris,

Secretary.

[FR Doc. 91–29572 Filed 12–6–91; 2:33 pm]

BILLING CODE 7710–12–M

Corrections

Federal Register
Vol. 56, No. 237
Tuesday, December 10, 1991

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

International Trade Administration

Applications for Duty-Free Entry of Scientific Instruments

Correction

In notice document 91-28709, beginning on page 60971, in the issue of Friday, November 29, 1991, make the following correction:

On page 60972, in the first column, in the third full paragraph, in the second line, "October 3" should read "October 31".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 91F-0358]

W.R. Grace & Co.; Filing of Food Additive Petition

Correction

In notice document 91-23525 appearing on page 49485 in the issue of Monday, September 30, 1991, in the first column, in the last paragraph, in the second line, "section" should read "action" and in the last line, "CFR 35.40(c)." should read "CFR 25.40(c).".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT-930-4214-10; MTM 80092]

Notice of Proposed Withdrawal and Public Meeting; Montana

Correction

In notice document 91-25108 beginning on page 52281 in the issue of Friday, October 18, 1991, make the following corrections:

1. On page 52281, in the third column, in the land description, under "Sec. 18," in the next line, "E½W¼," should read "E½SW¼,".

2. On page 52282, in the first column, under " Sec. 33," in the first line, "SE¼,SW½," should read SE¼SW¼,".

3. On the same page, in the second column:

a. Under "Sec. 4," the next line should read, "N½SE¼;"

b. Under "Sec. 10," in the first line, "S½NE¼," should read "S½NW¼,".

c. Under "Sec. 33," in the first line, after "W½NE¼," insert "W½,".

d. Under "Sec. 22," in the first line, after "N½SW¼" insert a comma.

e. Under "Sec. 34," in the first line, "SE¼SW¼." should read "SE¼SE¼;".

f. Under "Sec. 35," in the first line, after the first "E½" insert a comma.

g. Under "Sec. 1," the next line should read "and SW¼SE¼;".

h. Under "Sec. 9," in the first line, after "N½" insert a comma.

4. On the same page, in the third column:

a. Under "Sec. 14," in the second line, after the first "N½" insert a comma.

b. "Secs. 12 to 28, inclusive;" was ommited and should appear before "Sec. 29,".

c. Under "Sec. 31," in the second line, "E½W ½," should read "E½W½,".

5. On page 52283, in the first column, under "Sec. 23," in the first line, "SW½", should read "SW¼".

6. On the same page, in the second column, in the seventh line from the bottom, "Secs. 17, to 21," should read "Secs. 17 to 21,".

BILLING CODE 1505-01-D

DEPARTMENT OF JUSTICE

Executive Office of Immigration Review

28 CFR Part 68

[Order No. 1534-91]

Rules of Practice and Procedure for Administrative Hearings Before Administrative Law Judges in Cases Involving Allegations of Unlawful Employment of Aliens and Unfair Immigration-Related Employment Practices

Correction

In rule document 91-23514, beginning on page 50049, in the issue of Thursday, October 3, 1991, make the following correction:

On page 50051, in the third column, in the third full paragraph, in the seventh line, "274(e)(7)" should read "274A(e)(7)".

BILLING CODE 1505-01-D

federal register

Tuesday
December 10, 1991

Part II

Department of Education

Nondiscrimination in Federally Assisted Programs; Title VI of the Civil Rights Act of 1964; Proposed Policy Guidance; Notice

DEPARTMENT OF EDUCATION

Nondisrimination in Federally Assisted Programs; Title VI of the Civil Rights Act of 1964; Proposed Policy Guidance

AGENCY: Department of Education.

ACTION: Notice of proposed policy guidance, request for comment.

SUMMARY: The Department of Education issues proposed policy guidance on title VI of the Civil Rights Act of 1964 and its implementing regulations. The proposed policy guidance discusses the applicability of the statute's and regulations' nondiscrimination requirement to student financial aid that is awarded, at least in part, on the basis of race or national origin. The Department solicits from all interested parties written comments on the proposed policy guidance.

DATES: Written comments should be sent to the Department of Education on or before March 9, 1992.

ADDRESSES: Written comments should be sent to Assistant Secretary Michael Williams, Office for Civil Rights, U.S. Department of Education, 330 C Street, SW., Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Jeanette Lim, Office for Civil Rights, Telephone (202) 732–1635 (TDD: (202) 732–1663).

SUPPLEMENTARY INFORMATION: The Department's most recent data (1989) indicate that about 5.5 million of America's 13 million college students receive scholarships or loans to help pay the cost of their education. According to the American Council on Education, approximately 3.5 percent—about 45,000—of all minority students at four-year colleges receive "race-exclusive scholarships", that is, scholarships for which students of only a designated race or national origin may compete. ACE reports that colleges most often offer race-exclusive scholarships in order to increase the diversity of their student populations.

The purpose of this proposed guidance is to answer the following question: Under what circumstances may colleges offer such race-exclusive scholarships, or other scholarships designed to create diversity, without violating federal law, specifically, title VI of the Civil Rights Act of 1964, which states: "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance"?

Since its founding in 1980, the U.S. Department of Education has received fewer than a dozen complaints or inquiries that have addressed the permissibility of race-exclusive scholarships. The Department's few statements have been inconsistent. There has never been a full policy review and clear set of principles announced upon which colleges might rely in planning and administering student aid programs in which race or national origin may be a factor.

The U.S. Department of Education has now conducted such a review of policy, beginning with its request for public comment published in the **Federal Register** on May 30, 1991. It has conducted this review because Congress has given the Department two assignments which, when race-exclusive scholarships are involved, sometimes seem to compete: (1) To promote scholarship and loan programs that help disadvantaged Americans afford college, and (2) to enforce laws that say that colleges receiving federal funds may not discriminate based upon race, color or national origin.

Today the Department is publishing for comment in the **Federal Register** a set of principles that constitute the proposed conclusion of this review. These principles are designed to assist colleges that may wish to use scholarships, among other reasons, for the purpose of increasing the diversity of intellectual experiences available within a student population without running afoul of the anti-discrimination provisions of Title VI.

After a 90 day period for comment, the Department will publish its set of final principles and then use these in reviewing all complaints of discrimination concerning race-exclusive college financial aid. The Department will also offer technical advice to those colleges that may wish to adjust their financial aid programs based upon these principles.

The Department does not want any student now attending college on a race-exclusive scholarship to lose that scholarship as a result of the formulation of these principles. Therefore, where these principles require the adjustment of any college financial aid program, there will be a four-year transition period during which the Department will work with colleges to bring them into compliance without harming any student under scholarship.

Principles

1. Race-Neutral Aid for Disadvantaged Students

Colleges may make awards to disadvantaged students without regard to race, even if that means that such awards go disproportionately to minority students.

(Note: For purposes of these principles *college* means any postsecondary institution, and *scholarship* means any financial aid, including loans and graduate fellowship programs.)

A *disadvantaged* student is one who, despite facing significant obstacles, has prepared himself or herself for a college education. These may be students from low income families. For example, almost one of two full-time undergraduate students has a federal grant or loan, virtually all of which are based upon financial need. These may be students from school districts with high drop-out rates, or students from single-parent families or from families in which few or no members have attended college. None of these or other race-neutral ways of identifying and providing aid to disadvantaged students would present title VI discrimination problems.

2. Scholarships to Create Diversity

A college may consider race as one factor among several when awarding scholarships designed to help create the kind of campus educational environment that results from having a student population with a variety of experiences, opinions, backgrounds, and cultures.

America is unique because it has forged one nation from many people of a remarkable number of different backgrounds. Many colleges seek to create on campus an intellectual environment that reflects that diversity. A college should have substantial discretion to weigh many factors—including race—in its efforts to attract and retain a student population of many different experiences, opinions, backgrounds, and cultures—provided that race is not, in effect, a condition of eligibility for the scholarship.

The Department's title VI regulations permit a college to seek such diversity. The title VI regulations permit a recipient to take this type of voluntary affirmative action to overcome the effects of conditions that have resulted in limited participation by persons of a particular race or national origin. 34 CFR 100.3(b)(6)(ii). The Department reviewed these regulatory provisions following the Supreme Court's decision in *Regents of the University of California* v. *Bakke,*

438 U.S.C. 765 (1978), and determined that no changes in the regulations were required.

3. Race-Exclusive Aid to Remedy Discrimination

A college may award race-exclusive scholarships when that is necessary to overcome past discrimination.

The implementing regulations for Title VI requires a recipient of Federal financial assistance that has been found in violation of the regulations not only to end its discriminatory practices, but also to take affirmative action to overcome the effects of past discrimination. 34 CFR 100.3(b)(6)(i). A finding of past discrimination may be made by a court or by an administrative agency—such as the Department's Office for Civil Rights. It may be made by a state or local legislative body, as long as the legislature has a strong basis in evidence identifying discrimination within its jurisdiction for which such remedial action is required.

4. Federal Race-Exclusive Scholarships

Congress wrote title VI, and Congress (within the limits of the U.S. Constitution) may create exceptions to title VI.

Therefore, to the extent federal race-exclusive scholarships—for example, the Patricia Roberts Harris Fellowship program, which helps minorities pursue graduate and professional studies—seem to conflict with title VI, the Department will consider Congress' specific legislative action to create an exception to the more general provisions of title VI.

5. Privately funded Race-Exclusive Scholarships that do not Limit Aid Opportunities for Other Students

A college may administer private donor race-exclusive scholarships (a scholarship where the private donor restricts eligibility to students of designated races or national origins) where that aid does not limit the amount, type or terms of financial aid available to any student.

Thus, where a college determines to offer a financial aid package to a student that is permissible on a need basis, or under a program to create diversity, the school may use the private race-exclusive scholarship to fund that package. Accordingly, so long as the college's award of such financial aid is permissible under the principles outlined in categories one through four above, the college may use race-exclusive scholarships funded by private donors to fund that award.

The Department has outlined these permissible circumstances to create more certainty in an area where competing responsibilities have created some uncertainty.

Aside from the circumstances contained in these principles, for a college receiving Federal funds to establish scholarships for which students of only a designated race or national origin may compete would appear to violate Federal anti-discrimination laws. Congress prohibited such financial aid by the terms of title VI of the Civil Rights Act of 1964: "No person in the United States shall on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

Solicitation of Comments

Interested persons are invited to submit written comments, views, and recommendations regarding the proposed policy guidance. All comments will be available for public inspection during and after the comment period in room 5000, 330 C Street, SW., Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Monday through Friday of each week, except Federal holidays.

Program Authority: 42 U.S.C. 2000d.

Dated: December 4, 1991.

Lamar Alexander,

Secretary.

[FR Doc. 91-29482 Filed 12-9-91; 8:45 am]

BILLING CODE 4000-01-M

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H.J. Res. 201/Pub. L. 102-189

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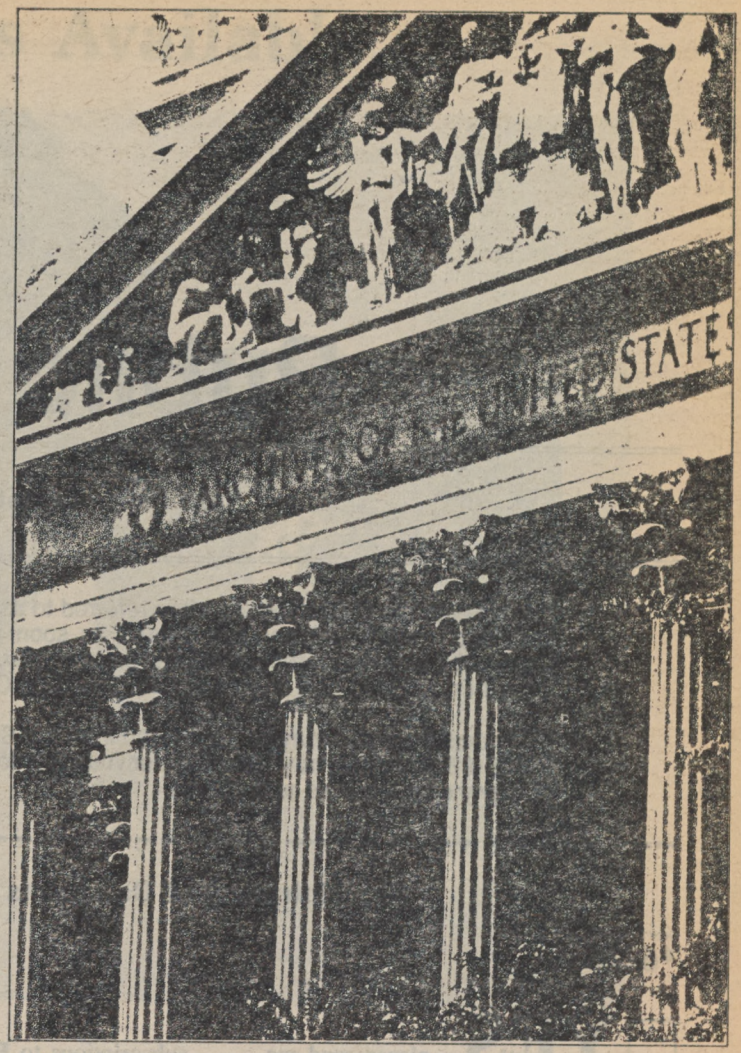

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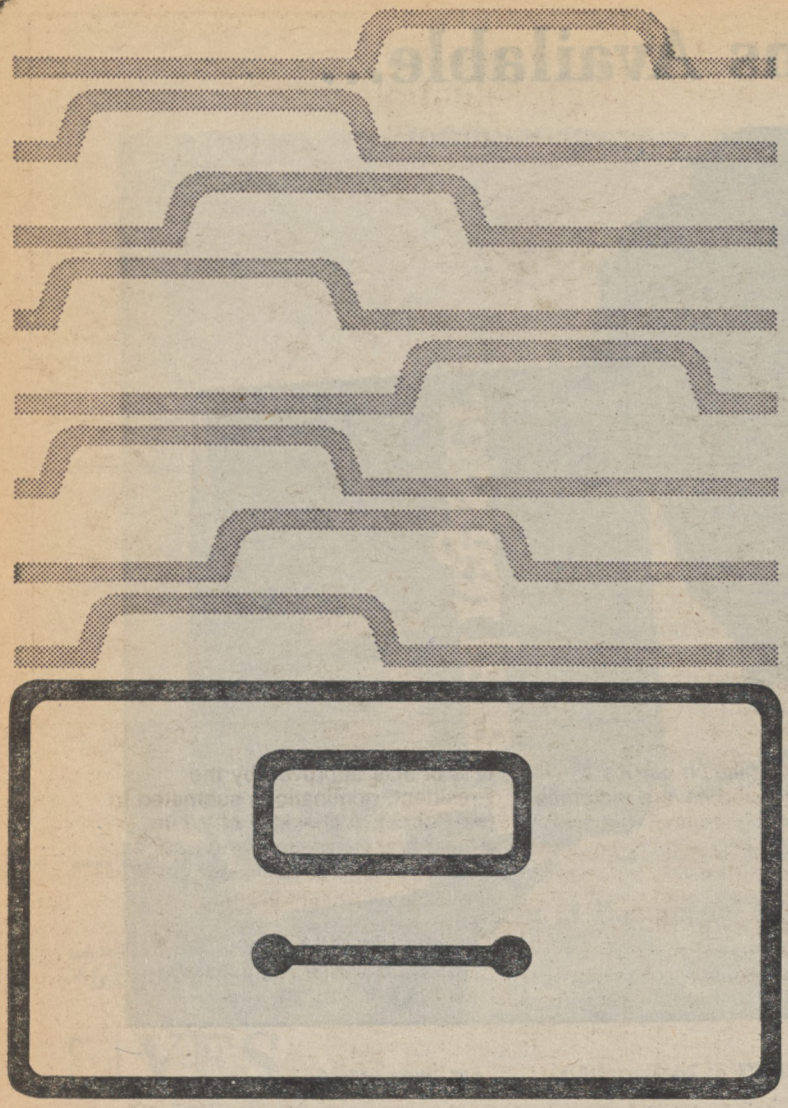

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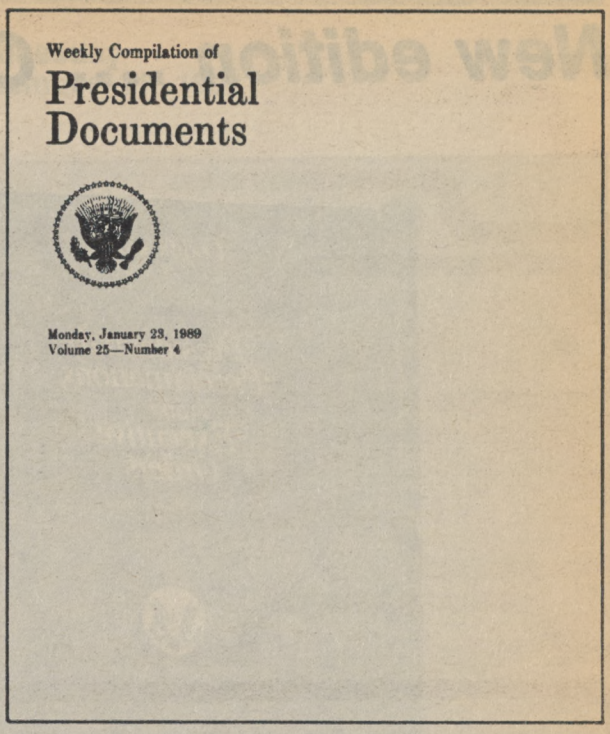

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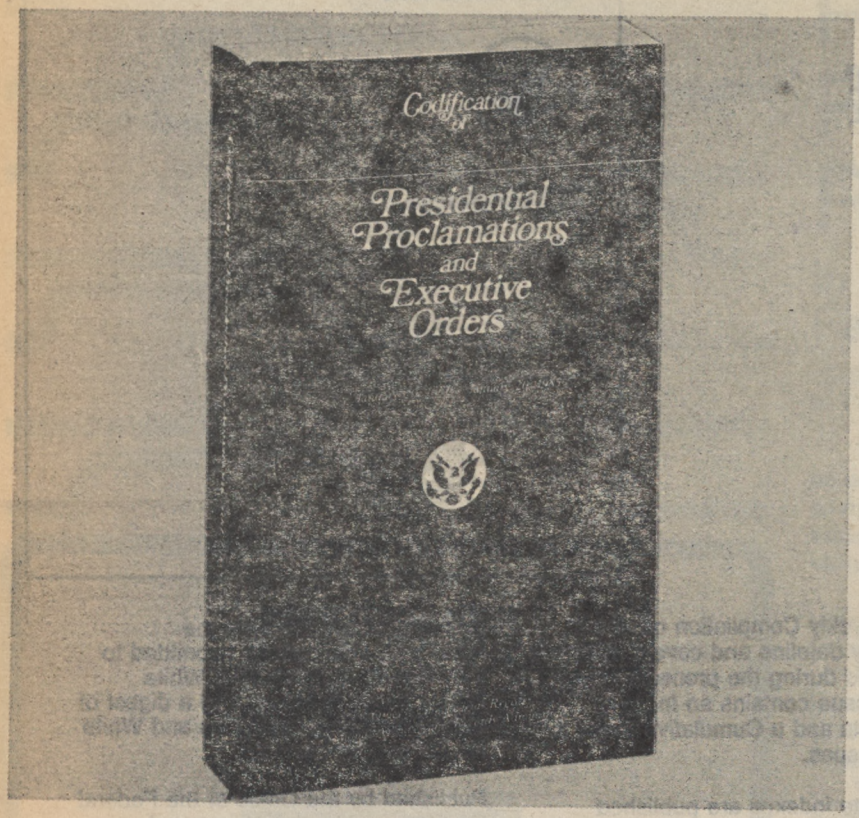

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