8-20-92
Vol. 57 No. 162
Pages 37683-37868

Federal Register

Thursday
August 20, 1992

Briefing on How To Use the Federal Register
For information on a briefing in Atlanta, GA, see announcement on the inside cover of this issue.

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THE FEDERAL REGISTER
WHAT IT IS AND HOW TO USE IT

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

WHO: The Office of the Federal Register.

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

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

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

ATLANTA, GA

WHEN: September 17, at 9:00 a.m.
WHERE: Centers for Disease Control
1600 Clinton Rd., NE.
Auditorium A
Atlanta, GA (Parking available)
RESERVATIONS: [404–639–3528 (Atlanta area)]
1–800–347–1997 (outside Atlanta area)

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 91-174-2]

Mexican Fruit Fly; Addition of Regulated Area in Los Angeles, CA

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: We are affirming without change an interim rule that amended the Mexican fruit fly regulations. The interim rule quarantined the State of California and designated a portion of Los Angeles County as a regulated area, and listed American Samoa, the Northern Mariana Islands, and the parts of Louisiana not previously listed, as areas into or through which the movement of regulated articles is restricted. The action was necessary to prevent the spread of the Mexican fruit fly to noninfested areas of the United States and to impose certain restrictions on the movement of regulated articles from regulated areas in California and Texas, into or through American Samoa, the Northern Mariana Islands, and the parts of Louisiana not previously listed.

The interim rule also amended the Mexican fruit fly regulations by adding two alternative treatments to the list of approved treatments that may be used to qualify regulated articles for interstate movement with a certificate.

EFFECTIVE DATE: September 21, 1992.

FOR FURTHER INFORMATION CONTACT: Mr. Mike B. Stefan, Operations Officer, Domestic and Emergency Operations, PPQ, APHIS, USDA, room 640, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8247.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule effective December 31, 1991, and published in the **Federal Register** on January 7, 1992 (57 FR 519-522, Docket No. 91-174), we amended the Mexican fruit fly regulations in 7 CFR 301.64 by (1) quarantining the State of California and designating as a regulated area a portion of Los Angeles County; (2) listing American Samoa, the Northern Mariana Islands, and the portion of the State of Louisiana not previously listed, as areas into or through which the movement of regulated articles is restricted; and (3) adding two alternative treatments, one for premises and one for grapefruit and oranges, to the list of approved treatments that may be used to qualify regulated articles for interstate movement with a certificate.

Comments on the interim rule were required to be received on or before March 9, 1992. We did not receive any comments. The facts presented in the interim rule still provide a basis for the rule.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this action, the Office of the Management and Budget has waived the review process required by Executive Order 12291.

The rule restricts the interstate movement of regulated articles from a portion of Los Angeles County in California. Within the regulated area there are approximately 376 small entities that may be affected by this rule. These include 150 fruit/produce markets, 38 nurseries, 180 mobile vendors, 6 flea markets, and 2 processors. There are no growers in the regulated area who would be affected. These 376 entities comprise less than one percent of the total number of similar entities operating in the State of California. Most of the sales for these entities involve local intrastate movements. Also, many of these entities sell other items in addition to the regulated articles so that the effect, if any, of the rule on these entities appears to be minimal. The effect on those few entities that do move regulated articles interstate will be minimized by the availability of various treatments that, in most cases, will allow these small entities to move regulated articles interstate with very little additional cost.

The rule added American Samoa, the Northern Mariana Islands, and additional parts of Louisiana not previously listed to the list of areas into or through which the movement of regulated articles is restricted.

Based on a review of available records, there appears to be very little movement of regulated articles from regulated areas in California and Texas directly to American Samoa and the Northern Mariana Islands. We have determined that American Samoa and the Northern Mariana Islands do not provide a substantial market for regulated articles from regulated areas in California and Texas.

Available records also indicate that most shipments of citrus fruit or other regulated articles from regulated areas in Texas, into the portion of Louisiana previously not listed, are channeled there by brokers in New Orleans, Louisiana. New Orleans is within the area of Louisiana that has been listed as an area into or through which the movement of regulated articles is restricted. Therefore, all regulated articles shipped from regulated areas in Texas into this city have been accompanied by a certificate. The certificate indicates that the regulated articles have been inspected by an Animal and Plant Health Inspection Service (APHIS) inspector and determined to be free of Mexican fruit fly, or have been treated under the direction of an APHIS inspector in accordance with § 301.64-10 of the regulations.

Further, the rule allows entities to continue shipping regulated articles from regulated areas in California and Texas to American Samoa, all parts of

Louisiana, and the Northern Mariana Islands provided certain conditions—ranging from inspection to treatment—are met.

The addition of two alternative treatments to the list of approved treatments is unlikely to affect the amount of regulated articles that are moved to restricted areas from regulated areas in Texas, since most citrus and other regulated articles moved interstate by these entities are certified for such movement without the need for treatment. (The regulations in § 301.64–5 state, in part, that a regulated article may be moved interstate, with a certificate, if an inspector determines that the regulated article is free from the Mexican fruit fly, or if the inspector determines that the premises of origin is free from the Mexican fruit fly and the regulated article has not been exposed to the Mexican fruit fly. Treatment, therefore, becomes necessary only if the above conditions cannot be met.)

A cold treatment is currently available for regulated articles. Two additional treatments simply provide more treatment options during these instances in which treatment is required.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12778

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule:

(1) Preempts all State and local laws and regulations that are in conflict with this rule;

(2) Has not retroactive effect; and

(3) Does not require administrative proceedings before parties may file suit in court challenging its provisions.

Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*)

List of Subjects in 7 CFR Part 301

Agricultural commodities, Mexican fruit fly, Plant diseases, Plant pests, Plant (agriculture), Quarantine, Reporting and recordkeeping requirements, Transportation.

PART 301—DOMESTIC QUARANTINE NOTICES

Accordingly, we are adopting as a final rule, without change, the interim rule amending 7 CFR 301.64 *et seq.*, that was published at 57 FR 519–522 on January 7, 1992.

Authority: 7 U.S.C. 150bb, 150dd, 150ee, 150ff; 161, 162, and 164–167; 7 CFR 2.17, 2.51, and 371.2(c).

Done in Washington, DC, this 17th day of August 1992.

Robert Melland,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 92–19915 Filed 8–19–92; 8:45 am]

BILLING CODE 3410-34-M

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7 CFR Part 354

[Docket No. 92–004]

Commuted Traveltime Periods

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations concerning overtime services provided by employees of Plant Protection and Quarantine (PPQ) by adding commuted traveltime allowances for travel between various locations in Maine and Texas. Commuted traveltime allowances are the periods of time required for PPQ employees to travel from their dispatch points and return there from the places where they perform Sunday, holiday, or other overtime duty. The Government charges a fee for certain overtime services provided by PPQ employees and, under certain circumstances, the fee may include the cost of commuted traveltime. This action is necessary to inform the public of commuted traveltime for these locations.

EFFECTIVE DATE: August 20, 1992.

FOR FURTHER INFORMATION CONTACT: George H. McFadden, Jr., Director, Resource Management Support, PPQ, APHIS, USDA, room 458, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–7764.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 7 CFR, chapter III, and 9 CFR, chapter I, subchapter D, require inspection, laboratory testing, certification, or quarantine of certain plants, plant products, animals and animal byproducts, or other commodities intended for importation into, or exportation from, the United States. When these services must be provided by an employee of PPQ on a Sunday or holiday, or at any other time outside the PPQ employee's regular duty hours, the Government charges a fee for the services in accordance with 7 CFR part 354. Under circumstances described in § 354.1(a)(2), this fee may include the cost of commuted traveltime. Section 354.2 contains administrative instructions prescribing commuted traveltime allowances, which reflect, as nearly as practicable, the periods of time required for PPQ employees to travel from their dispatch points and return there from the places where they perform Sunday, holiday, or other overtime duty.

We are amending § 354.2 of the regulations by adding commuted traveltime allowances for travel between various locations in Maine and Texas. The amendments are set forth in the rule portion of this document. This action is necessary to inform the public of the commuted traveltime between the dispatch and service locations.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The number of requests for overtime services of a PPQ employee at the locations affected by our rule represents an insignificant portion of the total number of requests for these services in the United States.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Effective Date

The commuted traveltime allowances appropriate for employees performing services at ports of entry, and the features of the reimbursement plan for

recovering the cost of furnishing port of entry services, depend upon facts within the knowledge of the Department of Agriculture. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to the administrative procedure provisions in 5 U.S.C. 553, we find upon good cause that prior notice and other public procedure with respect to this rule are impracticable and unnecessary; we also find good cause for making this rule effective less than 30 days after publication of this document in the **Federal Register.**

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12778

This rule concerns the overtime services provided by employees of PPQ and the traveltime allowances for travel between various locations in Maine and Texas. All State and local laws and regulations that are in conflict with this rule are preempted. No retroactive effect is to be given to this rule. This rule does not require administrative proceedings before parties may file suit in court.

Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 354

Agricultural commodities, Exports, Government employees, Imports, Plants (Agriculture), Quarantine, Transportation.

Accordingly, 7 CFR part 354 is amended as follows:

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS; AND USER FEES

1. The authority citation for part 354 continues to read as follows:

Authority: 7 U.S.C. 2260, 21 U.S.C. 136 and 136a; 49 U.S.C. 1741; 7 CFR 2.17, 2.51, and 371.2(c).

2. Section 354.2 is amended by adding in the table, in alphabetical order, the information as shown below:

§ 354.2 Administrative instructions prescribing commuted traveltime.

* * * * *

COMMUTED TRAVELTIME ALLOWANCES

[In hours]

Location covered	Served form	Metropolitan area	
		Within	Outside
Add:			
*	*	*	*
Maine:			
*	*	*	*
Portland	Manchester, NH.		6
*	*	*	*
Texas:			
*	*	*	*
Columbia	Laredo		2
*	*	*	*

Done in Washington, DC, this 17th day of August 1992.

Robert Melland,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 92-19916 Filed 8-19-92; 8:45 am]

BILLING CODE 3410-34-M

Commodity Credit Corporation

7 CFR Part 1435

RIN 0560-AC88

Sugar

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: On April 10, 1992, the Commodity Credit Corporation (CCC) issued an interim rule to the regulations with respect to the Sugar Price Support Program which is conducted by the CCC in accordance with section 206 of the Agricultural Act of 1949, as amended (the 1949 Act). The interim rule implemented changes made by section 111 of the Food, Agriculture, Conservation, and Trade Act Amendments of 1991 (the 1991 Act). The interim rule amended the provisions that provide for changes with respect to security interests obtained by CCC and that sugarcane shall also be available for supplementary nonrecourse loans as required by the 1991 Act. This rule adopts as final the interim rule published on April 10, 1992.

EFFECTIVE DATES: August 20, 1992.

FOR FURTHER INFORMATION CONTACT: David Wolf, Program Specialist, Cotton, Grain, and Rice Price Support Division (CGRD), Agricultural Stabilization and Conservation Service (ASCS), United States Department of Agriculture (USDA), P.O. Box 2415, Washington, DC 20013-2415, telephone 202-720-4704.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Secretary's Memorandum No. 1512-1 and it has been determined to be "nonmajor" because these program provisions will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State or local governments, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the federal assistance program, as found in the catalogue of Federal Domestic Assistance, to which this final rule applies are Commodity Loans and Purchases-10.051.

It has been determined that the Regulatory Flexibility Act is not applicable because the CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rule making with respect to the subject matter of this rule.

It has been determined by an environmental evaluation that the program will have no significant impact on the quality of the human environment.

This program is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. See the notice related to 7 CFR part 3015, subpart V, and 48 FR 29115 (June 24, 1983).

This final rule has been reviewed in accordance with Executive Order 12778. The provisions of this final rule are not retroactive and preempt State laws. Before any judicial action may be brought regarding the provisions of this final rule all administrative appeal remedies at 7 CFR part 780 must be exhausted.

Public reporting burden for the information collections contained in this regulation with respect to the sugar price support program is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The information collections have previously been cleared by OMB, and

assigned number 0560–0087 and 0560–0093.

Background

An interim rule was published in the **Federal Register** on April 10, 1992, at 57 FR 12410 which amended 7 CFR part 1435 to provide for administering CCC sugar price support programs.

The interim rule amended § 1435.6(e)(1) to include sugarcane by providing that notwithstanding any other provision of this part, in areas where CCC determines that sugar beets and sugarcane normally are harvested during July, August, and September, processors may obtain a loan with respect to sugar from such production and if such loan is repaid by September 30, request a supplemental loan in accordance with § 1435.6(e)(2). Formerly, sugarcane was not included in the above provision.

The interim rule amended § 1435.9(c) to provide that security interests obtained by CCC as a result of the execution of security agreements by the processors of sugarcane and sugar beets shall be superior to all statutory and common law liens on raw cane sugar and refined beet sugar in favor of the producers of sugarcane and sugar beets and all prior recorded and unrecorded liens on crops of sugarcane and sugar beets from which the sugar was derived. Formerly, in accordance with § 1435.9(c)(2)(i), processors were required to obtain lien waivers unless an opinion was obtained from the State's Attorney General in accordance with § 1435.9(c)(2)(ii).

The rule amended § 1435.12(d) to clarify that if there are any liens or encumbrances on sugar pledged as collateral for a price support loan, waivers that fully protect the interests of CCC must still be obtained even though the liens or encumbrances are satisfied from the loan proceeds.

The interim rule provided for a 30-day public comment period which ended on May 11, 1992. No comments were received during the comment period.

Accordingly, under the authority of 7 U.S.C. 1421, 1423, 1446g; 15 U.S.C. 714b and 714c, the interim rule amending 7 CFR part 1435 which was published at 57 FR 12410 on April 10, 1992, is adopted as a final rule without change.

Signed August 14, 1992, in Washington, DC.

John A. Stevenson,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 92–19797 Filed 8–19–92; 8:45 am]

BILLING CODE 3410–05–M

Animal and Plant Health Inspection Service

9 CFR Part 77

[Docket No. 92–101–1]

Tuberculosis in Cattle and Bison; State Designations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: We are amending the tuberculosis regulations concerning the interstate movement of cattle and bison by lowering the designation of Pennsylvania from an accredited-free State to a modified accredited State. We have determined that Pennsylvania no longer meets the criteria for designation as an accredited-free State but meets the criteria for designation as a modified accredited State. This change is necessary to prevent the spread of tuberculosis in cattle and bison.

DATES: Interim rule effective August 20, 1992. Consideration will be given only to comments received on or before October 19, 1992.

ADDRESSES: To help ensure that your written comments are considered, send an original and three copies to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD, 20782. Please state that your comments refer to Docket No. 92–101–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. Ronald A. Stenseng, Cattle Diseases and Surveillance Staff, VS, APHIS, USDA, room 729, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782; 301–436–8715.

SUPPLEMENTARY INFORMATION:

Background

Bovine tuberculosis is the contagious, infectious, and communicable disease caused by *Mycobacterium bovis*. The tuberculosis regulations contained in 9 CFR part 77 (referred to below as the regulations) regulate the interstate movement of cattle and bison because of tuberculosis. Cattle or bison not known to be affected with or exposed to tuberculosis are eligible for interstate movement without restriction if those cattle or bison are moved from jurisdictions designated as accredited-free States or modified accredited States. The regulations restrict the interstate movement of cattle or bison not known to be affected with or exposed to tuberculosis if those cattle or bison are moved from jurisdictions designated as nonmodified accredited States.

The status of a State is based on its freedom from evidence of tuberculosis, the effectiveness of the State's tuberculosis eradication program, and the degree of the State's compliance with the standards contained in a document captioned "Uniform Methods and Rules—Bovine Tuberculosis Eradication," which has been made part of the regulations via incorporation by reference.

An accredited-free State, as defined in § 77.1 of the regulations, is a State that has had no findings of tuberculosis in any cattle or bison in the State for at least 5 years. The State must also comply with all the provisions of the "Uniform Methods and Rules—Bovine Tuberculosis Eradication" regarding accredited-free States. If tuberculosis is detected in any cattle or bison in the State, the State's accredited-free status is suspended; detection of tuberculosis in two or more herds in the State within 48 months will result in the revocation of the State's accredited-free status.

Before publication of this interim rule, Pennsylvania was designated in § 77.1 of the regulations as an accredited-free State. However, because tuberculosis has recently been confirmed in two herds within the State, the Administrator has determined that Pennsylvania no longer meets the criteria for designation as an accredited-free State, but instead meets the criteria for designation as a modified accredited State. Therefore, we are amending the regulations by removing Pennsylvania from the list of accredited-free States in § 77.1 and adding it to the list of modified accredited States in that section.

Immediate Action

Robert Melland, Administrator of the Animal and Plant Health Inspection Service, has determined that there is good cause for publishing this interim rule without prior opportunity for public comment. It is necessary to change the regulations so that they accurately reflect the current tuberculosis status of Pennsylvania as a modified accredited State. This will provide prospective cattle and bison buyers with accurate and up-to-date information.

Because prior notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest under these conditions, there is good cause under 5

U.S.C. 553 to make it effective upon publication in the **Federal Register**. We will consider comments that are received within 60 days of publication of this interim rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**, including a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this action, the Office of Management and Budget has waived the review process required by Executive Order 12291.

Pennsylvania has approximately 38,000 herds containing 1.86 million cattle and bison. The marketability of cattle and bison from Pennsylvania may be affected by this change in the State's status because some prospective cattle and bison buyers prefer to buy cattle and bison from accredited-free States. However, it has been our experience that lowering a State's designation from accredited-free to modified accredited status does not significantly affect interstate sales of cattle and bison. Consequently, we have determined that this action will not have a significant effect on marketing patterns in Pennsylvania and will therefore not have a significant effect on those persons affected by this action.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12778

This interim rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule:

(1) Preempts all State and local laws and regulations that are in conflict with this rule;

(2) Has no retroactive effect; and

(3) Does not require administrative proceedings before parties may file suit in court challenging its provisions.

Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 77

Animal diseases, Bison, Cattle, Reporting and recordkeeping requirements, Transportation, Tuberculosis.

Accordingly, we are amending 9 CFR part 77 as follows:

PART 77—TUBERCULOSIS

1. The authority citation for part 77 continues to read as follows:

Authority: 21 U.S.C. 11, 114, 114a, 115–117, 120, 121, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

§ 77.1 [Amended]

2. In § 77.1, the definition for "Accredited-free state," paragraph (2) is amended by removing "Pennsylvania,".

3. In § 77.1, the definition for "Modified accredited state," paragraph (2) is amended by adding "Pennsylvania," immediately after "Oklahoma,".

Done in Washington, DC, this 12th day of August 1992.

Robert Melland,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 92–19767 Filed 8–19–92; 8:45 am]

BILLING CODE 3410–34–M

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9 CFR Part 78

[Docket No. 92–105–1]

Brucellosis in Cattle; State and Area Classifications

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: We are amending the brucellosis regulations concerning the interstate movement of cattle by changing the classification of Illinois and Indiana from Class A to Class Free. We have determined that Illinois and Indiana now meet the standards for Class Free status. This action relieves certain restrictions on the interstate movement of cattle from both States.

DATES: Interim rule effective August 20, 1992. Consideration will be given only to comments received on or before October 19, 1992.

ADDRESSES: To help ensure that your written comments are considered, send an original and three copies to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 92–105–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC. between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. Michael J. Gilsdorf, Senior Staff Veterinarian, Cattle Diseases and Surveillance Staff, VS, APHIS, USDA, room 729, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–4918.

SUPPLEMENTARY INFORMATION:

Background

Brucellosis is a contagious disease affecting animals and man, caused by bacteria of the genus *Brucella*.

The brucellosis regulations contained in 9 CFR part 78 (referred to below as the regulations) provide a system for classifying States or portions of States according to the rate of *Brucella* infection present, and the general effectiveness of a brucellosis control and eradication program. The classifications are Class Free, Class A, Class B, and Class C. States or areas that do not meet the minimum standards for Class C are required to be placed under Federal quarantine.

The brucellosis Class Free classification is based on a finding of no known brucellosis in cattle for the 12 months preceding classification as Class Free. The Class C classification is for States or areas with the highest rate of brucellosis. Class B and Class A fall between these two extremes. Restrictions on moving cattle interstate become less stringent as a State approaches or achieves Class Free status.

The standards for the different classifications of States or areas entail maintaining:

(1) A cattle herd infection rate not to exceed a stated level during 12 consecutive months;

(2) A rate of infection in the cattle population (based on the percentage of brucellosis reactors found in the Market Cattle Identification (MCI) program—a program of testing at stockyards, farms, ranches, and slaughter establishments) not to exceed a stated level;

(3) A surveillance system that includes testing of dairy herds, participation of all slaughtering establishments in the MCI program, identification and monitoring of herds at high risk of infection (including herds adjacent to infected herds and herds from which infected animals have been sold or received), and having an individual herd plan in effect within a stated number of days after the herd owner is notified of the finding of brucellosis in a herd he or she owns; and

(4) Minimum procedural standards for administering the program.

Before the effective date of this interim rule, Illinois and Indiana were classified as Class A States because of their herd infection rates and their MCI rector prevalence rates.

To attain and maintain Class Free status, a State or area must:

(1) Remain free from field strain *Brucella abortus* infection for 12 consecutive months or longer;

(2) Maintain for 12 consecutive months an MCI reactor prevalence rate not to exceed one reactor per 2,000 cattle tested (0.050 percent); and

(3) Have an approved individual herd plan in effect within 25 days of locating the source herd or recipient herd.

After reviewing the brucellosis program records for these States, we have concluded that the States of Illinois and Indiana meet the standards for Class Free status. Therefore, we are removing Illinois and Indiana from the list of Class A States in § 74.41(b) and adding them to the list of Class Free States in § 78.41(a). This action relieves certain restrictions on moving cattle interstate from these States.

Immediate Action

Robert Melland, Administrator of the Animal and Plant Health Inspection Service, has determined that there is good cause to publish this interim rule without prior opportunity or public comment. Immediate action is warranted to remove unnecessary restrictions on the interstate movement of cattle from Illinois and Indiana.

Since prior notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest under these conditions, there is good cause under 5 U.S.C. 553 to make it effective upon signature. We will consider comments that are received within 60 days of publication of this interim rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**. It will include discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this action, the Office of Management and Budget has waived the review process required by Executive Order 12291.

Cattle moved interstate are moved for slaughter, for use as breeding stock, or for feeding. Changing the status of Illinois and Indiana from Class A to Class Free will promote economic growth by reducing certain testing and other requirements governing the interstate movement of cattle from these States. Testing requirements for cattle moved interstate for immediate slaughter or to quarantined feedlots are not affected by this change. Cattle from certified brucellosis-free herds moving interstate are not affected by this change.

The groups affected by this action will be herd owners in Illinois and Indiana, as well as buyers and importers of cattle from these States.

There are an estimated 66,000 herds in Illinois and Indiana that could potentially be affected by this rule change. We estimate that 98 percent of these herds are owned by small entities. If the total cost of testing were distributed equally among all herds in Illinois and Indiana, this change in classification would save less than $13 per herd. Therefore, we believe that changing the brucellosis status for Illinois and Indiana would not have a significant economic impact on the small entities affected by this interim rule.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12778

This interim rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule:

(1) Preempts all State and local laws and regulations that are in conflict with this rule;

(2) Has no retroactive effect; and

(3) Does not require administrative proceedings before parties may file suit in court challenging its provisions.

Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 78

Animal diseases, Brucellosis, Cattle, Hogs, Quarantine, Transportation.

Accordingly, 9 CFR part 78 is amended as follows:

PART 78—BRUCELLOSIS

1. The authority citation for part 78 continues to read follows:

Authority: 21 U.S.C. 111–114a–1, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

§ 78.41 [Amended]

2. Paragraph (a) of § 78.41 is amended by adding "Illinois, Indiana," immediately after "Idaho,".

3. Paragraph (b) of § 78.41 is amended by removing "Illinois, Indiana,".

Done in Washington, DC, this 17th day of August 1992.

Robert Melland,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 92–19917 Filed 8–19–92; 8:45 am]

BILLING CODE 3410–34–M

9 CFR Part 91

[Docket No. 92-035-2]

Ports Designated for Exportation of Animals; Minneapolis/St. Paul, MN

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the "Inspection and Handling of Livestock for Exportation" regulations by adding the Cannon Export Center to the list of export inspection facilities for the Minneapolis/St. Paul International Airport. We have determined that the Cannon Export Center meets the requirements of the regulations for inclusion in the list of export inspection facilities. This action adds an inspection facility through which animals may be processed for export.

EFFECTIVE DATE: September 21, 1992.

FOR FURTHER INFORMATION CONTACT: Dr. Andrea Morgan, Senior Staff Veterinarian, Import-Export Animals Staff, VS, APHIS, USDA, room 764, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8383.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 91, "Inspection and Handling of Livestock for Exportation" (referred to below as the regulations), prescribe conditions for exporting animals from the United States. In § 91.14(a) of the regulations is a list of ports that have export inspection facilities that meet the requirements of § 91.14(c). Those requirements include specified standards concerning materials, size, inspection implements, cleaning and disinfection, feed and water, access, testing and treatment, location, disposal of animal wastes, lighting, and office and rest room facilities.

In a document published in the **Federal Register** on June 1, 1992 (57 FR 23066-23067, Docket No. 92-035), we proposed to amend § 91.14(a) of the regulations by adding the Cannon Export Center to the list of export inspection facilities for the Minneapolis/St. Paul International Airport.

We solicited comments on the proposed rule for a 30-day period ending July 1, 1992. We did not receive any comments. Therefore, based on the rationale set forth in the proposed rule, we are adopting the provisions of the proposed rule as a final rule without change.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This final rule adds the Cannon Export Center to the list of animal export inspection facilities for the Minneapolis/St. Paul International Airport, which will facilitate the export of animals from this part of the United States. We believe that the addition of the facility will have little or no economic impact on animal exporters, the majority of which are small businesses, because it will not increase or significantly decrease the cost of doing business. The primary impact on these animal exporters will be the increased convenience of having two animal export inspection facilities from which to choose.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12778

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule:

(1) Preempts all State and local laws and regulations that are in conflict with this rule;

(2) Has no retroactive effect; and

(3) Does not require administrative proceedings before parties may file suit in court challenging its provisions.

Paperwork Reduction Act

This final rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 91

Animal diseases, Animal welfare, Exports, Humane animal handling, Livestock and livestock products, Transportation.

Accordingly, 9 CFR Part 91 is amended as follows:

PART 91—INSPECTION AND HANDLING OF LIVESTOCK FOR EXPORTATION

1. The authority citation for part 91 continues to read as follows:

Authority: 21 U.S.C. 105, 112, 113, 114a, 120, 121, 134b, 134f, 612, 613, 614, 618; 46 U.S.C. 466a, 466b; 49 U.S.C. 1509(d); 7 CFR 2.17, 2.51, and 371.2(d).

2. In § 91.14, a new paragraph (a)(7)(i)(B) is added to read as follows:

§ 91.14 Ports of embarkation and export inspection facilities.

(a) * * *

(7) * * *

(i) * * *

(B) Cannon Export Center, 2870 Rochester Blvd., Cannon Falls, MN 55009, (507) 263-3064.

* * * * *

Done in Washington, DC, this 12th day of August 1992.

Robert Melland,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 92-19766 Filed 8-19-92; 8:45 am]

BILLING CODE 3410-34-M

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9 CFR Part 92

[Docket No. 92-036-2]

Ports Designated for the Importation of Horses; Santa Teresa, NM

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the animal importation regulations by adding Santa Teresa, NM, to the list of Mexican border ports of entry for horses. This action will facilitate the importation of horses from Mexico by making an additional port of entry available.

EFFECTIVE DATE: September 21, 1992.

FOR FURTHER INFORMATION CONTACT: Dr. Karen A. James, Senior Staff Veterinarian, Import-Export Animals Staff, VS, APHIS, USDA, room 765, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8170.

SUPPLEMENTARY INFORMATION:

Background

The animal importation regulations (contained in 9 CFR part 92 and referred to below as the regulations), among other things, list ports that have inspection and quarantine facilities for animals and animal products offered for entry into the United States.

On May 22, 1992, we published in the **Federal Register** (57 FR 21754–21755, Docket No. 92–036) a proposal to amend § 92.303 of the regulations by adding Santa Teresa, NM, to the list of Mexican border ports of entry for horses. Sections 92.323 and 92.324 of the regulations provide that all horses offered for entry from Mexico shall be imported through ports that are equipped with facilities necessary for proper inspection and quarantine. We have determined that Santa Teresa, NM, has the facilities required for designation as a port of entry for horses.

Our proposal invited the submission of written comments, which were required to be received on or before June 22, 1992. We received no comments. Therefore, based on the rationale set forth in the proposal, we are adopting the proposal as a final rule.

Executive Order 12291 and Regulatory Flexibility Act

This rule has been reviewed in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

El Paso, TX, is the only Mexican border port of entry for horses between the approved ports at Columbus, NM, and Presidio, TX. The inspection facilities at El Paso are not adequate for large numbers of horses. The U.S. and Mexican horse industries and the Mexican Ministry of Agriculture have expressed the need for an alternative port of entry to more easily accommodate large shipments of horses. Santa Teresa, NM, which is less than 10 miles from El Paso, TX, is already operating as a border port of entry for ruminants and has the inspection facilities necessary to operate as a border port of entry for horses. Therefore, the opening of Santa Teresa, NM, as a border port for horses will be easily implemented and will benefit the U.S. and Mexican horse industries by providing additional facilities for the importation of horses from Mexico. This action is necessary for the purposes of convenience only, and it is not expected to result in an increased number of horses being imported from Mexico.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12778

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are in conflict with this rule; (2) Has no retroactive effect; and (3) Does not require administrative proceedings before parties may file suit in court challenging its provisions.

Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR part 92

Animal diseases, Animal welfare, Imports, Humane animal handling, Livestock and livestock products, Mexico, Transportation.

Accordingly, 9 CFR part 92 is amended as follows:

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

1. The authority citation for part 92 continues to read as follows:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 134a, 134b, 134c, 134d, 134f and 135; 31 U.S.C. 9701; 7 CFR 2.17, 2.51, and 371.2(d).

§ 92.303 [Amended]

2. In § 92.303, paragraph (c) is amended by removing the word "and" immediately before "Columbus" and by adding "and Santa Teresa," immediately before the words "New Mexico".

Done in Washington, DC, this 12th day of August 1992.

Robert Melland,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 92–19765 Filed 8–19–92; 8:45 am]

BILLING CODE 3410–34–M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

Small Business Size Regulations; Size Policy Board

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: The Small Business Administration (SBA) hereby amends its regulation governing the composition and responsibilities of its Size Policy Board. This final rule reorganizes the membership of the Size Policy Board and places the Board under direct authority of the Administrator and Deputy Administrator. Further, the rule establishes a Technical Size Advisory Board to address technical issues related to size policy.

DATES: This rule is effective August 20, 1992.

FOR FURTHER INFORMATION CONTACT: Gary M. Jackson, Director, Size Standards Staff, (202) 205–6618.

SUPPLEMENTARY INFORMATION: The SBA Size Policy Board considers and makes recommendations relating to improvements in SBA regulations, procedures and directives concerning size matters. Most importantly, the SBA Size Policy Board is responsible for reviewing and approving final determinations to increase the size standard for a particular industry. As such, SBA believes that this Board should be comprised of the senior policy makers within the Agency. This reorganization is meant to achieve this goal by reorganizing the membership of the Board to include the Administrator; Deputy Administrator; Chief of Staff; and each of the three Associate Deputy Administrators. Further, this regulation establishes a Size Technical Advisory Board to analyze and discuss technical issues related to size policy and make recommendations to the SBA Size Policy Board.

Due to the fact that this final rule governs matters of Agency organization, management, and personnel and makes no substantive change to the current regulation, SBA is not required to determine if this rule constitutes a major rule for purposes of Executive Order 12291, to determine if it has a significant economic impact on a substantial number of small entities pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, or to do a Federalism Assessment pursuant to Executive Order 12612. For purposes of the Paperwork Reduction Act, 44 U.S.C. ch. 35, SBA certifies that this rule will not impose any new reporting or recordkeeping requirements. Finally, for purposes of Executive Order 12778, SBA certifies that this rule is drafted, to the extent practicable, in accordance with the standards set forth in Section 2 of that Order.

SBA is publishing this rule governing Agency organization, procedure, and practice without prior notice and opportunity for public comment pursuant to authority contained in the Administrative Procedure Act, 5 U.S.C. 553(b)(A)

List of Subjects in 13 CFR Part 121

Administrative practice and procedure, Government procurement, Grant programs—business, Loan programs—business, Small Business.

For the reasons set forth above, subpart A of part 121 of title 13, Code of Federal Regulations, is amended as follows:

PART 121—[AMENDED]

1. The Authority citation for part 121 continues to read as follows:

Authority: 15 U.S.C. 632(a), 634(b)(6), 637(a), and 644(c).

2. Section 121.303, *The Size Policy Board,* is revised to read as follows:

§ 121.303 The Size Policy Board.

(a)(1) The SBA Size Policy Board considers and makes recommendations relating to improvements in SBA regulations, procedures, and policy concerning size matters, including size standards. Further, the SBA Size Policy Board is responsible for providing policy direction to the Technical Size Advisory Board and the Size Standards Staff.

(2) The members of the SBA Size Policy Board are:

(i) Administrator, Chair;

(ii) Deputy Administrator, Vice Chair;

(iii) Chief of Staff;

(iv) Associate Deputy Administrator for Business Development;

(v) Associate Deputy Administrator for Management and Administration;

(vi) Associate Deputy Administrator for Finance, Investment, and Procurement;

(vii) Assistant Administrator for Congressional and Legislative Affairs, non-voting; and

(viii) Assistant Administrator for Public Communications, non-voting.

(b)(1) The SBA Technical Size Advisory Board analyzes and discusses technical issues related to size considerations and finalizes recommendations relating to size matters for the SBA Size Policy Board.

(2) The members of the SBA Technical Size Advisory Board are:

(i) Deputy Administrator, Chair;

(ii) Deputy Associate Deputy Administrator for Business Development;

(iii) Deputy Associate Deputy Administrator for Finance, Investment, and Procurement;

(iv) Associate Administrator for Procurement Assistance;

(v) Associate Administrator for Minority Small Business and Capital Ownership Development;

(vi) Assistant Administrator for Financial Assistance;

(vii) Director, Size Standards Staff, non-voting; and

(viii) General Counsel, non-voting.

Dated: August 14, 1992.

Patricia Saiki,

Administrator,

[FR Doc. 92–19949 Filed 8–19–92; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 87–ANE–05; Amendment 39–8241, AD 92–10–07]

Airworthiness Directives; Rolls-Royce plc Viper Mk. 521, Mk. 522, and Mk. 601 Model Turbojet Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Rolls-Royce (R–R) Viper turbojet engines, that establishes reduced low cycle fatigue (LCF) retirement lives for stage 5 and 6 high pressure compressor (HPC) rotor disks. This amendment is prompted by field reports of small cracks in the root radii of the stage 5 and 6 HPC rotor disks. The actions specified by this AD are intended to prevent LCF HPC rotor disk failure, and subsequent engine failure.

EFFECTIVE DATE: September 21, 1992.

ADDRESSES: The service information referenced in this AD may be obtained from Rolls-Royce plc, Technical Publications Department, P.O. Box 17, Parkside, Coventry, England CV1 2LZ. This information may be examined at the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, Massachusetts.

FOR FURTHER INFORMATION CONTACT: Diane Cook, Engine Certification Office, ANE–140, Engine and Propeller Directorate, Aircraft Certification Service, FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803–5299, telephone (617) 273–7082; fax (617) 270–2412.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to Rolls-Royce plc (R–R) Viper turbojet engines was published in the **Federal Register** on August 22, 1989 (54 FR 34786). That action proposed to establish reduced low cycle fatigue (LCF) retirement lives for stage 5 and 6 high pressure compressor (HPC) rotor disks.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal. However, since publication of the proposal, the FAA has determined that additional engines will be affected by this AD. Therefore, the economic paragraph has been changed to reflect the increase in the number of affected engines. After careful review of the available data, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes described previously.

There are approximately 152 engines installed on aircraft of U.S. registry that will be affected by this AD. The FAA estimates that the cost of reducing the life limit on the stage 5 and 6 HPC rotor disk will be approximately $2,300 per disk. This estimate is based on prorating the cost of a new disk over the reduced life limit as compared to the current life limit. There are two disks per engine. No additional labor costs are included in this economic evaluation as the labor cost incurred at the reduced life limit would be incurred at the original life limit. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $699,200.

The regulations adopted herein will not have substantial direct effects on the

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

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

A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. App. 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:

AD 92-19-07 Rolls-Royce plc: Amendment 39-8241. Docket No. 87-ANE-05.

Applicability: Rolls-Royce plc (R-R) Viper Mk. 521, Mk. 522, and Mk. 601 turbojet engines installed on but not limited to Hawker-Siddeley HS125 and HS125-600 aircraft.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of high pressure compressor (HPC) rotor disks, and subsequent engine failure, accomplish the following:

(a) Remove from service HPC stage 5 and 6 rotor disks with the following part numbers: Viper MK. 521:V.20492, V.20494, V.27430, V.27433, V.39638, V.39639, V.39642, V.39643, V.39677, V.39678, V.39681, V.39682, V.42057, V.42059, V.46180, V.46181, V46182, V.46204, V.46205, and V.46206; Viper Mk. 522: V.20492, V.20494, V.27430, V.27433, V.39638, V.39639, V.39642, V.39643, V.39677, V.39678, V.39681, V.39682, V.42057, V.42059, V.46180, V.46181, V.46182, V.46204, V.46205, and V.46206; Viper Mk 601: V.42057, V.42059, V.44768, V.44769, V.44760, V.44761, V.46182, and V.46206, and replace with a serviceable part as follows:

(1) HPC stage 5 and 6 rotor disks that have accumulated 12,500 or more cycles since new on the effective date of this AD, within the next 100 cycles in service.

(2) HPC stage 5 and 6 rotor disks that have accumulated less than 12,500 cycles since new on the effective date of this AD, at or prior to accumulating 12,600 cycles since new.

Note: Further information pertaining to disk life limits can be obtained in the following: Chapter 5 of the R-R Viper Mk. 521, Mk. 522, and Mk. 601 Maintenance and Shop Manuals, R-R plc Service Bulletin (SB) No. 72-A154 for Viper Mk. 601, and No. 72-A372 for Viper Mk. 521 and Viper Mk. 522 engines.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office, FAA, Engine and Propeller Directorate. The request should be forwarded through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Engine Certification Office.

Note: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Engine Certification Office.

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

(d) This amendment becomes effective on September 21, 1992.

Issued in Burlington, Massachusetts, on July 23, 1992.

Diane S. Romanosky,

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

[FR Doc. 92-19843 Filed 8-19-92; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 19, 113, and 144

[T.D. 92-81]

RIN 1515-AA22

Duty-Free Stores

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to designate duty-free stores as a new class of Customs bonded warehouse, to establish procedures for the administration of these facilities, and to incorporate duty-free store operating procedures into the regulations. These changes are necessary to implement section 1908 of the Omnibus Trade and Competitiveness Act of 1988.

EFFECTIVE DATE: October 19, 1992.

FOR FURTHER INFORMATION CONTACT: Mike Brengle, Office of Cargo Enforcement and Facilitation, (202-566-8151).

SUPPLEMENTARY INFORMATION:

Background

Duty-free stores are Customs bonded warehouses operating under special procedures whereby merchandise is offered for sale to departing travelers without payment of Customs duties and taxes, on condition that the merchandise will be exported by and with them from the United States. The stores were first established in the late 1950's at airports in the United States and on land borders with Mexico and Canada. At present, there are approximately 125 duty-free stores operating throughout the United States, 43 of which are on the Canadian border, 33 at the Mexican border, and 49 at U.S. international airports.

Duty-free stores have been administered since their inception through U.S. Customs administrative directives, rather than through any specific law or regulation. Customs drafted regulations for the administration of duty-free stores in 1984. However, the draft regulations were never published as a notice of proposed rulemaking, because Congress inserted a provision in Public Law 98-473 (Continuing Appropriations for Fiscal year 1985) prohibiting the use of Customs funds made available by that Act or any other Act to propose or promulgate any rules or regulations relating to duty-free stores until Congress legislated in the matter. This provision was deemed by Customs to constitute a continuing prohibition in subsequent Customs appropriations until it was specifically terminated. 51 FR 24535.

Congress did not legislate concerning duty-free stores until enactment of section 1908 of the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100-418; August 23, 1988). Section 1908 amended section 555(b) of the Tariff Act of 1930 (19 U.S.C. 1555(b)) to authorize the establishment and operation of duty-free stores in accordance with the provisions of that law and such regulations as the Secretary of the Treasury may prescribe.

Accordingly, to carry out the provisions of 19 U.S.C. 1555(b) and to regulate seaport duty-free stores which are included within the meaning of "border stores" under section 1555(b)(8)(B), Customs published a notice in the **Federal Register** (56 FR 22833) on May 17, 1991, soliciting public comment on proposed amendments to the Customs Regulations, which would designate duty-free stores as a new class of Customs bonded warehouse, and establish procedures for the administration and operation of these facilities. By notice published in the **Federal Register** on July 23, 1991 (56 FR 33733) a number of typographical errors appearing in the original notice were corrected, and the public comment period was extended to August 15, 1991.

Thirteen commenters responded to the notice of proposed rulemaking. A description, together with Customs analysis, of the comments they made is set forth below.

Analysis of Comments

Comment: Four commenters expressed concern that there was no age requirement for the purchase of duty-free alcoholic beverages. These commenters believed that language should be added to the proposed regulations expressly prohibiting sales to persons under the age of twenty-one, since the potential is there for possible reimportation into the United States.

Response: Customs already enforces State age requirements regarding alcoholic beverages upon importation into the United States. Customs believes that this is sufficient to prevent minors from reimporting alcoholic beverages that may have been purchased in a duty-free store, which is the essential concern of the commenters. State age requirements do not extend to alcohol sales in the duty-free store itself, which are intended for export only. Customs observes, though, that duty-free store owners seem generally willing to voluntarily adopt age limits in conjunction with localities where that issue is of significant concern.

Comment: One commenter noted that there were no procedures to protect the duty-free store owner from possible penalties or from being closed down. They asked that language be added to the proposed regulations making Customs subject to the Administrative Procedure Act (APA), as concerns duty-free stores.

Response: Customs is already subject to the requirements of the APA in this connection. Specifically, § 19.3 (e) and (f), Customs Regulations (19 CFR 19.3 (e) and (f)), contain procedures to be followed for suspending or terminating operations of a duty-free store. Duty-free store owners are, of course, not immune from assessment of appropriate penalties for violations of the law.

Comment: A number of commenters stated, with respect to proposed § 19.6(d)(2), that the requirement for withdrawals under blanket permit having to be filed on Customs Form (CF) 7506 or 7505 was time-consuming and paper intensive. Another concern expressed was that the Blanket Permit Summary required that all goods be accounted for by their HTSUS (Harmonized Tariff Schedule of the United States) number. These commenters generally felt that identification in the summary of the product together with its quantity would be adequate for Customs purposes.

Response: Customs does not believe that any change is necessary. The regulations require that an application for approval for a Blanket Permit to Withdraw be done on a CF 7506 and CF 7505. Sections 19.6(d)(3) and 144.37(h)(2) state that withdrawals under a Blanket Permit to Withdraw shall be made on the sales ticket, and that sales tickets shall serve as the equivalent of the supplementary withdrawal. The CF 7506 or CF 7505 is only required for posting the final disposition of all merchandise covered by the permit. The Summary Blanket Permit is usually overprinted on a copy of the approved Application for Blanket permit to Withdraw, with no requirement to re-list the HTSUS number.

Comment: Two commenters suggested that the blanket permit for destruction in proposed § 19.11(h) be changed from $100 per entry to 5 percent of the value of the entry up to a ceiling of $1,000.

Response: Since blanket permits are intended to cover small quantities of merchandise, Customs finds a limit of $100 per entry sufficient.

Comment: Three commenters stated that proposed § 19.12(a)(2) should be changed to require the filing of documents two days after close of sales ticket reconciliation, provided reconciliation occurs once a week.

Response: Requiring that permit file folders be kept up to date by filing all pertinent receipts, reports, requests, withdrawals, and blanket permit summaries within two business days after the event occurs is an existing and longstanding policy for bonded warehouses, which Customs believes should not be changed.

Comment: Three commenters disagreed with proposed § 19.12(a)(3), regarding thefts, shortages and overages, which required that duties be paid within 10 working days after discovery. These commenters advocated a 30-day payment period due to the large number of items that are in inventories, as well as the length of time needed to reconcile and prepare entry documents for any shortages or overages discovered.

Response: Section 19.12(a)(3) states that the district director may allow the consolidation of duties and taxes applicable to multiple shortages into one payment, which effectively gives the district director the authority to extend this period. Customs thus does not believe that the proposed change is needed.

Comment: It was also recommended in connection with the proposed revision of § 19.12 that the warehouse proprietor should have a brief period within which to verify minor (nonextraordinary) discrepancies, before having to report them to Customs.

Response: As currently required under § 19.12(a)(3), nonextraordinary shortages (less than 1% of the value of the merchandise in an entry) do not have to be reported to the district director; however, any detected overage must be immediately brought to the attention of the district director. Customs has concluded that no change to this existing portion of § 19.12(a)(3) is warranted.

Comment: It was urged, with respect to proposed § 19.35(b), that delivery to an adjacent port of entry be allowed, if it were within 25 statute miles from a subject port.

Response: Customs does not believe any change is needed. Section 19.35(b) provides for the establishment of a duty-free store within the same port of entry from which a purchaser departs, or within 25 statute miles from the exit point through which the purchaser departs the Customs territory. Therefore, provided the district director approves the delivery procedures, the delivery could be made to an adjacent port of entry.

Comment: A number of commenters asked, with regard to proposed § 19.36(a), whether commercial sales were allowed when merchandise approached the five-year statutory limit for storage.

Response: Section 19.36(a) states that withdrawals, other than for delivery to persons for export, may be made provided they are through separate withdrawals, and are approved by the district director.

Comment: One commenter proposed that a procedure be included in proposed § 19.36(b), whereby Customs would render prompt, nonbinding guidance on changes in the proprietor's warehouse procedures. It was thought

that such informal guidance would not require action by the district director, and would not constitute approval of the procedure, but that it would alert the operator to any special Customs concerns, and permit appropriate modifications.

Response: Customs believes that this would cause an unnecessary duplication of review. Further, although the commenter asserted that changes were required on short notice, it is questionable that changes would be needed without advance planning.

Comment: It was requested that mitigating guidelines be established in proposed § 19.36(b) for relief from penalties when a change in procedure had been submitted to Customs, and Customs failed to respond within a reasonable period, or when Customs affirmatively accepted the new procedure.

Response: A duty-free store is required to follow written procedures which will reasonably assure exportation of conditionally duty-free merchandise purchased therein, and liquidated damages under bond may be assessed for failing to do so. The mitigation of such damages would be handled under the general provisions of part 172, Customs Regulations (19 CFR part 172), and determined based on the particular circumstances of each case. Customs does not believe that special mitigation guidelines for duty-free stores in this specific context are necessary or practical.

Comment: Some commenters voiced opposition to proposed § 19.36(d), insofar as it required that items or types of merchandise that were noted in a "pattern" of reimportation be inconspicuously marked. These commenters recommended that if the failure to assure export in such cases could be traced to one proprietor, only that proprietor should be required to mark the subject merchandise.

Response: This procedure is not intended to require that all warehouse proprietors mark the "patterned merchandise", but rather to require the store identified as having the problem to mark the subject merchandise. Section 19.36(d) is changed to reflect this.

Comment: It was also asserted that the marking requirement of proposed § 19.36(e) dealing with duty-paid and domestic merchandise was burdensome and contrary to law.

Response: Section 1555(b)(3)(D) (19 U.S.C. 1555(b)(3)(D)) generally prohibits a requirement for marking of individual items of merchandise in order "to indicate that the items were sold by a duty-free sales enterprise." Section 19.36(e), however, does not require marking for the purpose of indicating that items are sold by a duty-free store; rather, it requires marking of domestic and duty-paid merchandise. In keeping with the intent of 19 U.S.C. 1555(b)(5), Customs finds that this marking requirement will ensure compliance with recordkeeping responsibilities and permit Customs to audit such compliance.

Comment: Several commenters believed the requirement in proposed § 19.36(e) that duty-paid and domestic goods cannot be fungible with conditionally duty-free goods in a bonded sales area exceeded Customs statutory authority. These commenters argued that this proposed section would restrict the ability of a duty-free store to sell domestic and duty-paid merchandise, and found no basis for this restriction in the statute.

Response: Customs is sympathetic to the concerns expressed by these commenters. The law clearly allows duty-free store operators to store duty-paid and domestic merchandise at a duty-free store, even if the merchandise is fungible with conditionally duty-free merchandise. Storage of such merchandise, duty-paid or domestic, at a bonded warehouse facility, other than a duty-free store, is, however, prohibited.

To remedy the concerns expressed, the second sentence of § 19.36(e) is changed by deleting the phrase "and which are not fungible with conditionally duty-free merchandise".

Comment: One commenter indicated that there was a conflict between proposed §§ 19.36(f) and 19.39(c), in that the former required that duty-free goods be delivered only to purchasers with tickets for departure, and the latter stated that delivery was allowed to scheduled, chartered or "for-hire" airlines. It was understood that some chartered and for-hire airlines do not issue tickets to passengers.

Response: Customs agrees that a change in language is warranted here, for purposes of clarification. As a result, § 19.36(f) is changed in pertinent part to provide that other proof of impending departure may be used for passengers on chartered or for-hire flights where no tickets are issued.

Comment: A unique situation was also said to exist, in relation to proposed § 19.36(f), with respect to private nonchartered aircraft, in that no departure documents are presented to Customs. The duty-free enterprise must rely on either affirmative statements by the purchaser, or delivering goods directly to the aircraft and witnessing the take-off. The commenters noting this situation questioned whether this constituted "reasonable assurance" of exportation, as noted in proposed § 19.36(b). If not, they suggested that only purchases over a specified dollar amount of $200 be backed up with proof of export by the proprietor.

Response: Customs believes no change is necessary here. Although the law does not define what types of aircraft are included, the intent of the law is to ensure that the goods are exported. Therefore, by providing that merchandise may only be sold and delivered to purchasers displaying valid tickets or other proof of impending departure in the case of chartered or for-hire flights where no tickets are issued, § 19.36(f) effectively excludes private aircraft operations.

Comment: Certain commenters viewed as unduly restrictive the requirement in proposed § 19.37(a) that goods in a crib be limited to a two-week supply, these commenters asserting that an inventory item may not be depleted in the course of two weeks.

Response: Section 19.37(a) is intended to provide that the quantity of goods in the crib at any given time be limited to an amount estimated to be a two-week supply. The district director, upon request, may, of course, permit a lesser or greater quantity. To clarify this matter, § 19.37(a) is changed accordingly.

Comment: Another area of concern voiced with respect to crib operations was the requirement that storage in the crib be by entry number instead of by brand.

Response: Section 19.37(b) provides that conditionally duty-free merchandise shall be delivered to or removed from a crib for return to the storage area under the provisions of § 144.34(a), Customs Regulations (19 CFR 144.34(a)), or under a local control system approved by the district director. A system may be approved by the district director in his discretion, which does not require storage by entry number.

Comment: One commenter requested that proposed § 19.37(d) be changed to allow proprietors to maintain records at a central administrative office as part of an automated tracking system, instead of at the duty-free store.

Response: Customs agrees that maintaining records for a five-year period at the duty-free store could become cumbersome. To remedy this, § 19.36(g) is changed to allow for record retention at the duty-free store or at another location approved by the district director, provided that the proprietor assures that Customs has ready access to those records and that they are stored in such a manner as to keep transactions of multiple facilities

separated. Sections 19.37(d) and 19.39(d) are appropriately amended to conform with this.

Comment: One commenter recommended, with respect to proposed § 19.38, that spot checks be avoided during peak sales periods; that the proprietor be afforded the opportunity to resolve discrepancies before a spot check is conducted; that demands for stock status reports be made in advance so that activity could be frozen before counts were conducted; and that audits take into account the retail nature of duty-free operations.

Response: Customs officers are responsible for conducting unannounced spot checks of storage areas, cribs, and other secure areas where duty-free store merchandise is deposited, and of selected duty-free store transactions. Customs tries to make such spot checks as nondisruptive as possible. Unlike audits, for which advance notice is provided, unannounced spot checks are needed for enforcement. Amending this provision along the lines recommended would thus be contrary to this purpose.

Comment: One commenter asked that the language in proposed § 19.39(a) be changed to be consistent with that in proposed § 19.35(d), which referred to the "exit point".

Response: Customs believes it is unnecessary to repeat the definition of an "exit point" in § 19.39(a). However, a cross reference to § 19.35(d) in this regard is added to § 19.39(a) for the sake of clarity.

Comment: A number of commenters opposed the reference to "an authorized representative of the supervising independent party", appearing in proposed § 19.39 (a)(2) and (b)(2), stating that Customs had no authority to delegate supervision of delivery of merchandise for export to a private, third party.

Response: Customs concurs that this wording is incorrect and it is deleted from § 19.39 (a)(2) and (b)(2).

Comment: It was suggested that proposed § 19.39(b)(1) be changed to read that "for purposes of this section, beyond the exit point includes the actual gangway of a ship, in the sole discretion of the district director."

Response: Customs is unable to adopt this suggestion. The gangway of a ship is not a Customs-secured area. However, for additional clarity, a cross reference to § 19.35(d) defining an "exit point" is added to § 19.39(b)(1).

Comment: One commenter suggested that the language appearing in proposed § 19.39(c)(2) regarding the delivery of export merchandise to the passenger might properly belong in proposed § 19.39(c)(3) which concerned delivery to the aircraft. Specifically in this connection, two commenters viewed the requirements for certificates of lading in proposed § 19.39(c)(2) as impractical, overly detailed and time-consuming.

Response: Although § 19.39(c)(2) deals with delivery to the passenger, rather than the aircraft, Customs finds that the requirement for a certificate of lading executed by an authorized airline official is essential to reasonably ensure that the passenger has taken the merchandise aboard the aircraft for export.

Comment: Four commenters recommended that Customs include a specific definition for "reasonable assurance of export", as the concept is employed in proposed § 19.39(c)(2). It was urged that the definition exclude any failure to export that resulted from the purchaser's negligence, misstatements or fraud, provided that the proprietor had followed proper procedures.

Response: Customs does not believe that it is necessary to specifically define this term because § 19.39(c)(2) in effect allows a duty-free store operator and the district director to work our, on a case-by-case basis, the particular location where the merchandise may be turned over to the passenger, so as to reasonably assure export in a given circumstance.

Comment: Various commenters requested that the language in proposed § 19.39(c)(3) which provides for aircraft delivery by a licensed cartman for lading "directly on the aircraft", be changed to "within the aircraft on which the purchaser will depart for carriage as passenger baggage", as stated in 19 U.S.C. 1555(b)(3)(F)(i)(III).

Response: Section 19.39(c)(3) is one of five procedures established for the method of delivery to airport locations. The intent of these provisions is to ensure that merchandise from duty-free stores is exported, and Customs has concluded that the provision in question adequately accomplishes this goal, and that it is within the definition of the statute. Specifically in this connection, Customs interprets the phrase "on the aircraft" to mean the same as "within the aircraft".

Comment: These commenters also regarded as practically impossible the requirement in proposed § 19.39(c)(3) that a lading manifest be prepared, which would include entry numbers or unique identifiers, in some cases hundreds of them. They suggested that only the sales receipt number be required.

Response: Section 19.39(c)(3) deals with merchandise sold to passengers, which is delivered by a licensed cartman for lading directly on the aircraft, where the aircraft is departing directly for foreign. Customs concludes that a lading manifest would not be necessary in such circumstances, inasmuch as the merchandise is not placed in containers sealed with Customs seals. Therefore, § 19.39(c)(3) is changed by removing the requirement for a lading manifest.

Comment: Two commenters advocated use of the motor vehicle license plate, instead of the purchaser's name and address, in proposed § 144.37(h)(2)(v), so that the purchaser could be more readily identified by U.S. or Canadian Customs, in the event a problem were to arise.

Response: Customs believes that the use of the license plate, instead of the name and address of the purchaser appearing on the sales receipt, would not be a more efficient means of identifying purchasers of duty-free store merchandise. The license plate would identify the vehicle, not necessarily the purchaser.

Comment: One commenter requested, with respect to proposed § 144.37(h)(2), that the total number of items of the same type be listed together, rather than be listed separately. This commenter was of the understanding that, of two bottles of bourbon, for example, each would have to be listed separately.

Response: Section 144.37(h)(2)(iii) calls for reporting the aggregate quantity of goods of a particular type which are sold, and does not require the same type item to be listed separately.

Comment: Several commenters wanted relief from the perceived requirement in proposed § 144.37(h)(3) for separating each individual item from the sales ticket register and filing it separately against the withdrawal and entry. They expressly asked in this regard for permit filing in any manner determined by the proprietor, as long as the underlying documents could be produced for Customs on request.

Response: Section 144.37(h)(3)(v) does not require separate listing of the same item; it only requires that the total quantity of a given item sold be reported. These commenters appear to be under the impression that there is a separate register for each item rather than a sales register for each entry covering merchandise entering the duty-free store. The sales ticket register or similar accounting record is an inventory control for monitoring balances.

Comment: A recommendation was made, in relation to proposed § 144.37(h)(3), to save the sales ticket register for five years, and not the sales

tickets. An alternative suggestion was to retain the sales tickets and file them by date and invoice number sequence. To this latter end, it was thought that filing the sales tickets by warehouse entry number would be very difficult and time-consuming, especially in the case of multiple sales, which would mean copying each sales ticket numerous times.

Response: Section 144.37(h)(3) calls for a "sales ticket register or similar accounting record", provided the required information is shown on the document. The proprietor is given the leeway to keep all sales tickets in a separate file in lieu of placing a copy of the sales tickets in each permit file folder, which, additionally, is the purpose of maintaining a sales register for each entry.

Conclusion

After careful consideration of the comments received and further review of the matter, it has been determined that the amendments with the modifications discussed above should be adopted. In addition, the following editorial changes are made: changing the heading for § 19.39 to "Delivery for exportation"; changing the second sentence of § 19.35(d) to read in part, "by passing through a U.S. Customs inspection facility"; adding "with no intermediate stops in the U.S.", at the end of § 19.36(f); deleting § 19.39(c)(6); changing the second sentence of § 19.39(a)(2), (b)(2), and (c)(2), respectively, to read in part, "in accordance with established guidelines as required by § 19.36(b)"; adding in § 19.39(c)(4)(i), after "stopover privileges", the words "in the United States"; and deleting the last two sentences of § 19.39(f) as repetitious of the requirements in § 19.36(b); rephrasing § 113.63(c)(5) to make it parallel with § 113.63(c)(1–4).

Regulatory Flexibility Act

For the reasons set forth in the preamble, and pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is certified that the amendments will not have a significant economic impact on a substantial number of small entities. Accordingly, the amendments are not subject to the regulatory analysis requirements of 5 U.S.C. 603 and 604.

Executive Order 12291

This document does not meet the criteria for a "major rule" as specified in E.O. 12291. Accordingly, a regulatory impact analysis is not required.

Paperwork Reduction Act

The collection of information contained in this final regulation has been approved by the Office of Management and Budget (OMB) under 1515–0121, Establishment of Bonded Warehouses. Duty-free stores have long existed as a type of Customs bonded warehouse under established administrative practice. This final regulation will specifically include duty-free stores in the Customs Regulations as a separate class of bonded warehouse, and does not change the information collection burden with respect thereto.

The collection of information in this final regulation is in §§ 19.2, 19.6, 19.11, 19.12, 19.36, 19.37, 19.38, 19.39 and 144.37. This information is necessary to assure the exportation of merchandise from duty-free stores, and to otherwise implement the requirements of law and protect the revenue. Comments concerning the accuracy of the existing burden estimate and suggestions for reducing this burden should be directed to the Office of Management and Budget, Attention: Desk officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies to the U.S. Customs Service at the address previously specified.

Drafting Information

The principal author of this document was Russell Berger, Regulations and Disclosure Law Branch, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects

19 CFR Part 19

Customs duties and inspection, Imports, Exports, Warehouses.

19 CFR Part 113

Customs bonds.

19 CFR Part 144

Custom duties and inspection, Imports, Warehouses.

Amendments to the Regulations

For the reasons set forth in the preamble, parts 19, 113, and 144, Customs Regulations (19 CFR parts 19, 113, and 144) are amended as set forth below.

PART 19—CUSTOMS WAREHOUSES, CONTAINER STATIONS AND CONTROL OF MERCHANDISE THEREIN

1. The authority citation for part 19 is revised to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 66, 1202 (General Note 8, Harmonized Tariff Schedule of the United States), 1624;

Section 19.1 also issued under 19 U.S.C. 1311, 1312, 1555, 1556, 1557, 1560, 1561, 1562;

Section 19.6 also issued under 19 U.S.C. 1555;

Section 19.7 also issued under 19 U.S.C. 1555, 1556;

Section 19.11 also issued under 19 U.S.C. 1556, 1562;

Section 19.15 also issued under 19 U.S.C. 1311;

Sections 19.17–19.25 also issued under 19 U.S.C. 1312;

Sections 19.35–19.39 also issued under 19 U.S.C. 1555;

Section 19.40(a) also issued under 19 U.S.C. 1450, 1499, 1623;

Sections 19.41–19.43 also issued under 19 U.S.C. 1499;

Section 19.44 also issued under 19 U.S.C. 1448;

Section 19.45 also issued under 19 U.S.C. 1551, 1565;

Section 19.48 also issued under 19 U.S.C. 1499, 1623;

Section 19.49 also issued under 19 U.S.C. 1484.

2. Section 19.1 is amended by adding a new paragraph (a)(9) to read as follows:

§ 19.1 Classes of customs warehouses.

(a) * * *

(9) *Class 9.* Bonded warehouse, known as "duty-free stores", used for selling, for use outside the Customs territory, conditionally duty-free merchandise owned or sold by the proprietor and delivered from the Class 9 warehouse to an airport or other exit point for exportation by, or on behalf of, individuals departing from the Customs territory for destinations other than foreign trade zones. Pursuant to 19 U.S.C. 1555(b)(8)(C), "Customs territory", for purposes of duty-free stores, means the Customs territory of the U.S. as defined in § 101.1(e) of this chapter, and foreign trade zones (see part 146 of this chapter).

* * * * *

3. Section 19.2 is amended by removing the paragraph designations for paragraphs (b)(1), (2), and (3); by adding a phrase at the end of the introductory text of paragraph (b) and adding new paragraphs (1), (2), (3), and (4); by revising paragraph (c), and by removing and reserving paragraph (d), as follows:

§ 19.2 Applications to bond; annual fee.

* * * * *

(b) * * * If the application is for a Class 9 warehouse (duty-free store), the applicant shall furnish the following documents:

(1) A map showing the location of the facilities to be bonded in respect to the port of entry and distances to all exit

points of purchasers of conditionally duty-free merchandise;

(2) A description of the store's procedures to provide reasonable assurance that conditionally duty-free merchandise sold therein will be exported;

(3) If an airport duty-free store, a description of the store's procedures for restricting sales of conditionally duty-free merchandise to personal-use quantities; and

(4) A statement by an authorized official of the appropriate state, local or other governmental authority administering the exit point facility that the applicant duty-free store is authorized to deliver conditionally duty-free merchandise to purchasers at or through that exit point facility. A separate statement shall be required for each governments authority having jurisdiction over exit point facilities through which the duty-free store intends to deliver merchandise to purchasers. If the merchandise will be delivered through an exit point which is not under the jurisdiction of a governmental authority, the applicant will provide a statement to that effect.

(c) On approval of the application to bond a warehouse of any class, except class 1, a bond shall be executed on Customs Form 301, containing the bond conditions set forth in § 113.63 of this chapter.

(d) [Reserved]

* * * * *

4. Section 19.3 is amended by adding a new paragraph (e)(9) as follows:

§ 19.3 Bonded warehouse; alterations; relocations; suspensions; discontinuance.

* * * * *

(e) * * *

(9) The proprietor of a Class 9 warehouse is or has been unable to provide reasonable assurance that conditionally duty-free merchandise is or was exported in compliance with the regulations of this part.

* * * * *

§ 19.5 [Removed]

5. Section 19.5 is removed and reserved.

6. Section 19.6 is amended by revising the section heading and paragraph (d) to read as follows:

§ 19.6 Deposits, withdrawals, blanket permits to withdraw and sealing requirements.

* * * * *

(d) *Blanket permits to withdraw*—(1) *General.* Blanket permits may be used to withdraw merchandise in small quantities from bonded warehouses for:

(i) Delivery to individuals departing directly from the Customs territory for exportation under the sales ticket procedure of § 144.37(h) of this chapter (Class 9 warehouses only);

(ii) Aircraft or vessel supplies under section 309 or 317, Tariff Act of 1930, as amended (19 U.S.C. 1309, 1317); or

(iii) The personal or official use of personnel of foreign governments and international organizations set forth in subpart I, part 148 of this chapter; or

(iv) A combination of the foregoing. Blanket permits to withdraw may be used only for delivery at the port where withdrawn and not for transportation in bond to another port. Blanket permits to withdraw may not be used for delivery to a location for retention or splitting of shipments under the provisions of § 18.24 of this chapter. A withdrawer who desires a blanket permit shall state in capital letters on the warehouse entry, or on the warehouse entry/entry summary when used as an entry, that "Some or all of the merchandise will be withdrawn under blanket permit per section 19.6(d), C.R." Customs acceptance of the entry will constitute approval of the blanket permit. A copy of the entry will be delivered to the proprietor, whereupon merchandise may be withdrawn under the terms of the blanket permit. The permit may be revoked by the district director in favor of individual applications and permits if the permit is found to be used for other purposes, or if necessary to protect the revenue or properly enforce any law or regulation Customs is charged with administering. Merchandise covered by an entry for which a blanket permit was issued may be withdrawn for purposes other than those specified in this paragraph if a withdrawal is properly filed as required in subpart D, part 144, of this chapter.

(2) *Withdrawals under blanket permit.* Withdrawals may be made under blanket permit without any further Customs approval, and shall be documented by placing a copy of the withdrawal document in the proprietor's permit file folder. Each withdrawal shall be filed on Customs Form 7506 or 7505, as appropriate, and shall be consecutively numbered, prefixed with the letter "B". The withdrawal shall specify the quantity and value of each type of merchandise to be withdrawn. Each copy shall bear the summary statement described in § 144.32(a) of this chapter, reflecting the balance of merchandise covered by the warehouse entry. Any joint discrepancy report of the proprietor and the bonded carrier, licensed cartman or lighterman, or weigher, gauger, or measurer for a supplementary withdrawal shall be made on the copy and reported to the district director as provided in paragraph (b)(1) of this section. A copy of the withdrawal shall be retained in the records of the proprietor as provided in § 19.12(a)(2) of this part. Merchandise shall not be removed from the warehouse prior to the preparation of the supplementary withdrawal. If merchandise is so removed, the proprietor shall be subject to liquidated damages as if it were removed without Customs permit.

(3) *Withdrawals under blanket permit from duty-free stores.* Withdrawals under blanket permit from duty-free stores shall be made on the sales ticket described in § 144.37(h) of this chapter. The sales ticket need not contain the summary statement described in § 144.32(a) of this chapter, since the information required is included in the sales ticket register. The sales ticket shall be serially numbered as provided in § 144.37(h)(2) of this chapter.

(4) *Blanket permit summary.* When all of the merchandise covered by an entry on which a blanket permit to withdraw was issued has been withdrawn, including withdrawals made for purposes other than duty-free store delivery, vessel or aircraft supply, or diplomatic use, the proprietor shall prepare a report on a copy of Customs Form 7506, or a form on the letterhead of the proprietor, which provides an account of the disposition of the merchandise covered by the blanket permit. The form shall bear the words "BLANKET PERMIT SUMMARY" in capital letters conspicuously printed or stamped in the top margin. On the form, the proprietor shall certify that the merchandise listed thereunder was withdrawn in compliance with § 19.6(d), and shall account for all of the merchandise withdrawn under blanket permit by HTSUS (Harmonized Tariff Schedule of the United States) number, HTSUS quantity (where applicable) and value. If applicable, the account shall separately list and identify merchandise withdrawn for

(i) Duty-free store exportation,

(ii) Vessel or aircraft supply use, and

(iii) Personal or official use of persons and organizations set forth in subpart I, part 148, of this chapter. If all of the merchandise was withdrawn under the sales ticket procedure of § 144.37(h) of this chapter, the sales ticket register may be substituted for the blanket permit summary. The form will be placed in the permit file folder and treated as provided in § 19.12(a) of this part.

* * * * *

7. Section 19.11 is amended by revising the first sentence of paragraph (c), revising paragraph (d), and by adding a new paragraph (h), to read as follows:

§ 19.11 Manipulation in bonded warehouses and elsewhere.

* * * * *

(c) Warehouse proprietors shall not allow manipulation of any merchandise without a prior permit issued by the district director, except as provided in paragraph (h) of this section. * * *

(d) The application to manipulate, which shall be filed on Customs Form 3499 with the district director having jurisdiction of the warehouse or other designated place of manipulation, shall describe the contemplated manipulation in sufficient detail to enable the district director to determine whether the imported merchandise is to be cleaned, sorted, repacked, or otherwise changed in condition, but not manufactured, within the meaning of section 562, Tariff Act of 1930, as amended. If the district director is satisfied that the merchandise is to be so manipulated, he may issue a permit on Customs Form 3499, making any necessary modification in such form. The district director may approve a blanket application to manipulate on Customs Form 3499, for a period of up to one year, for a continuous or a repetitive manipulation. The warehouse proprietor must maintain a running record of manipulations performed under a blanket application, indicating the quantities before and after each manipulation. The record must show what took place at each manipulation describing marks and numbers of packages, location within the facility, quantities, and description of goods before and after manipulation. The district director is authorized to revoke a blanket approval to manipulate and require the proprietor to file individual applications if necessary to protect the revenue, administer any law or regulation, or both. Manipulation resulting in a change in condition of the merchandise, which will make it subject to a lower rate of duty or free of duty upon withdrawal for consumption, is not precluded by the provisions of such section 562.

* * * * *

(h) Merchandise which has been entered for warehouse and placed in Class 9 warehouse (duty-free store) may be unpacked into saleable units without a prior permit issued by the district director. The district director may issue a blanket permit to a duty-free store for up to one year permitting the destruction of merchandise covered by any entry and found upon receipt to be nonsaleable, if the merchandise to be destroyed is valued at less than $100 per entry, in its undamaged condition. Such permit may be revoked in favor of a permit for each entry whenever necessary to assure proper destruction and protection of the revenue. The proprietor shall maintain a record of unpacking merchandise into saleable units and destruction of nonsaleable merchandise in its inventory and accounting records.

8. Section 19.12 is amended by revising paragraph (a)(2), adding two sentences to the end of paragraph (a)(3), by revising paragraph (a)(4), and by adding a new paragraph (a)(8), to read as follows:

§ 19.12 Warehouse recordkeeping, storage and security requirements.

(a) * * *

(2) *Maintain permit file folders.* Permit file folders shall be maintained and kept up to date by filing all receipts, damage or shortage reports, manipulation requests, withdrawals, removals, and blanket permit summaries within two business days after the event occurs.

(3) *Theft, shortage, overage or damage.* * * * The applicable duties and taxes on thefts and shortages so reported shall be paid by the responsible party to Customs within 10 working days after discovery. The district director may allow the consolidation of duties and taxes applicable to multiple shortages into one payment.

(4) *Review of permit file folder.* When the final withdrawal of merchandise relating to a specific warehouse entry, general order or seizure occurs, the warehouse proprietor shall:

(i) Review the permit file folder to ensure that all necessary documentation is in the file folder accounting for the merchandise covered by the entry,

(ii) Notify Customs of any merchandise covered by the warehouse entry, general order or seizure which has not been withdrawn or removed, and

(iii) File the permit file folder with Customs within 30 business days after final withdrawal.

* * * * *

(8) *Automated operating and inventory control systems.* The district director may authorize the implementation by a proprietor of automated data processing systems for operating and inventory control purposes if they are in support of Customs procedural requirements and do not adversely affect Customs supervision and control of warehouse activities and transactions.

* * * * *

9. Part 19, Customs Regulations, is amended by adding after § 19.34, a new undesignated centerhead entitled "Duty-Free Stores", and new §§ 19.35, 19.36, 19.37, 19.38, and 19.39, to read as follows:

Duty-Free Stores

§ 19.35 Establishment of duty-free stores (Class 9 warehouses).

(a) *General.* A class 9 warehouse (duty-free store) may be established for exportation of conditionally duty-free merchandise by individuals departing the Customs territory, inclusive of foreign trade zones, by aircraft, vessel, or departing directly by vehicle or on foot to a contiguous country. Such articles must accompany the individual on his person or in the same aircraft, vessel, or vehicle in which the individual departs. "Conditionally duty-free merchandise" means merchandise sold by a duty-free store on which duties and/or internal revenue taxes (where applicable) have not been paid. Except insofar as the provisions of this section and §§ 19.36–19.39 are more specific, the procedures for bonded warehouses apply to duty-free stores (Class 9 warehouses).

(b) *Location.* A class 9 warehouse may be established or located only (1) within the same port of entry from which a purchaser of duty-free store merchandise departs the Customs territory, or (2) within 25 statute miles from the exit point through which the purchaser of duty-free store merchandise departs the Customs territory.

(c) *Integrated locations.* A Class 9 warehouse with multiple noncontiguous sales and crib locations (see § 19.37(a) of this part) containing conditionally duty-free merchandise will be treated by Customs as one location if:

(1) The proprietor can provide Customs upon demand with the proper on-hand balance of each inventory item in each storage location, sales room, crib, mobile crib, delivery cart, or other conveyance or noncontiguous location; and

(2) The recordkeeping system is centralized up to the point where a sale is made so as to automatically reduce the sale quantity by location from centralized inventory.

(d) *Exit point.* The exit point referred to in paragraph (b) of this section means an area in close proximity to an actual exit for departing from the Customs territory, including the gate holding area

in the case of an airport, but only if there is reasonable assurance that conditionally duty-free merchandise delivered in the gate holding area will be exported from the Customs territory. The exit point in the case of a land border or seaport duty-free store is the point at which a departing individual has no practical alternative to continuing on to a foreign country or to returning to Customs territory by passing through a U.S. Customs inspection facility. The district director's decision as to what constitutes the exit point or reasonable assurance of exportation in a given situation is final.

(e) *Notice to customers.* Class 9 warehouse proprietors shall display in prominent places where they will be noticed and read by customers signs which state clearly that any conditionally duty-free merchandise purchased from the store:

(1) Has not been subjected to any U.S. Federal duty or tax;

(2) If brought back to the United States must be declared and is subject to U.S. Federal duty and tax without personal exemption; and

(3) Is subject to the customs laws and regulations, including possible duties and taxes, of any foreign country to which it is taken.

(f) *Security of sales rooms and cribs.* The physical and procedural security requirements of § 19.12(b)(3) of this part shall be applied by the district director so as to accommodate the movement of purchasers and prospective purchasers of conditionally duty-free merchandise contained in duty-free sales rooms and cribs.

(g) *Approval of governmental authority.* If a state or local or other governmental authority, incident to its jurisdiction over any airport, seaport, or other exit point facility, requires that a concession or other form of approval be obtained from that authority with respect to the operation of a duty-free store under which merchandise is delivered to or through such facility for exportation, merchandise incident to such operation may not be withdrawn for exportation and transferred to or through such facility unless the operator of the duty-free store demonstrates to the district director that the concession or approval required for the enterprise has been obtained.

§ 19.36 Requirements for duty-free store operations.

(a) *Withdrawals.* Merchandise withdrawn under the sales ticket procedure in § 144.37(h) of this chapter may be delivered only to individuals departing from the Customs territory for exportation or to persons and organizations for use as specified in subpart I, part 148, of this chapter. Withdrawals of other kinds may be made from Class 9 warehouses, but only through separate withdrawals (or withdrawals under blanket permit for vessel or aircraft supplies) under an approved permit of the district director as provided in § 144.39 of this chapter.

(b) *Procedures required.* Each duty-free store shall establish, maintain, and follow written procedures to provide reasonable assurance to the district director that conditionally duty-free merchandise purchased therein will be exported from the Customs territory. A copy of any change in the procedure will be provided to the district director before it is implemented. However, receipt by Customs of the procedures of any change thereto shall not be construed as approval by Customs of the procedures. The district director is responsible for ensuring that each enterprise has established guidelines with Customs and is complying with those guidelines, giving assurance that proper supervision exists when delivery is made to the purchaser at or before the exit point. The district director may at any time require any change in the procedures deemed necessary for assurance of exportation.

(c) *Personal-use restrictions.* Any duty-free store which delivers conditionally duty-free merchandise to purchasers at an airport exit point shall establish, maintain, and enforce written restrictions on the sale of conditionally duty-free merchandise to any one individual to personal-use quantities. Personal-use quantities means quantities that are only suitable for uses other than resale, and includes reasonable quantities for household or family consumption as well as for gifts to others. Proprietors will not knowingly sell or deliver conditionally duty-free merchandise in any quantity to any individual for the purpose of resale. A copy of the restrictions and of any change thereto shall be provided to the district director prior to implementation. However, receipt of the written restrictions by Customs shall not be construed as approval by Customs of the restrictions. The district director may require any change in the restrictions deemed necessary to conform to the personal-use quantity restriction of this section.

(d) *Reimported merchandise.* Merchandise purchased in a duty-free store is not eligible for exemption from duty, or tax where applicable, under chapter 98, subchapter IV, Harmonized Tariff Schedule, if it is brought back to the United States after exportation. To enforce this restriction, the district director may require the proprietor to mark or otherwise place a distinguishing identifier on individual items of merchandise to indicate the items were sold in a U.S. duty-free store, if a pattern is disclosed in which such items are being brought back to the United States without declaration. A pattern of undeclared reimportations means a number of instances over a period of time and not isolated instances of unrelated violations. Any such marking required by the district director will be inconspicuous to the purchaser and will not detract from the value of the merchandise. The marking requirement will be limited to the items or types of merchandise noted in the pattern, and will not be extended to all merchandise of the responsible store proprietor unless all or most items are part of the pattern.

(e) *Merchandise eligible for warehousing.* Only conditionally duty-free merchandise may be placed in a bonded storage area of a Class 9 warehouse. However, domestic merchandise and merchandise which was previously entered or withdrawn for consumption, may be brought into the bonded sales or crib area of a Class 9 warehouse for display and sale, and in the case of a crib, for delivery to purchasers. However, such merchandise must be marked "DUTY-PAID" or "U.S. ORIGIN", or with similar markings, as applicable, for easy distinction by Customs officers and purchasers of conditionally duty-free merchandise from other merchandise in the sales or crib area.

(f) *Sale of merchandise.* Conditionally duty-free merchandise for exportation at airport or seaport exit points may be sold and delivered only to purchasers who display valid tickets, or in the case of chartered or for-hire flights that have not issued tickets, other proof of impending departure from the Customs territory, and to crewmembers who have been engaged for a flight or voyage departing directly from the Customs territory with no intermediate stops in the U.S.

(g) *Inventory procedure.* Duty-free store proprietors shall maintain, at the duty-free store or at another location approved by the district director, a current inventory separately for each storage area, crib, and sales area containing conditionally duty-free merchandise by warehouse entry, or by unique identifier where permitted by the district director. Proprietors shall assure that Customs has ready access to those records, and that the records are stored in such a way as to keep transactions of multiple facilities separated. The

inventory shall be reconcilable with the accounting and inventory records and the permit file folder requirements of § 19.12(a) (1) and (2), of this part. Proprietors are subject also to the recordkeeping requirements of other paragraphs of § 19.12, as well as those of §§ 19.6(d), 19.37(d), 19.39(d) of this part, and 144.37(h)(3) of this chapter.

§ 19.37 Crib operations.

(a) *Crib.* A *crib* means a bonded area, separate from the storage area of a Class 9 warehouse, for the retention of a small supply of articles for delivery to persons departing from the United States. It shall be located beyond the exit point, unless exception has been made under § 19.39 (a) and (b) of this part. The crib may be a permanent location or a mobile facility which is periodically moved to a location beyond the exit point. The quantity of goods in the crib shall be limited to an amount estimated to be a two weeks' supply. However, the district director may, upon request, permit a lesser or greater quantity as he deems necessary for the protection of the revenue and proper administration of U.S. laws and regulations, or he may order the return to the storage area of goods remaining unsold.

(b) *Delivery and removal of merchandise.* Conditionally duty-free merchandise shall be delivered to the crib, or removed from the crib for return to the storage area, under the procedures in subpart D, part 125, and § 144.34(a), of this chapter, or under a local control system approved by the district director wherein any discrepancy found in the merchandise will be treated as if it occurred in the bonded warehouse. If delivery is made by licensed cartman, cartage vehicles shall be conspicuously marked as provided in § 112.27 of this chapter.

(c) *Delivery vehicles.* Vehicles, including mobile cribs, containing conditionally duty-free merchandise for delivery to or from a crib shall carry a listing of the articles contained therein. The proprietor shall provide, upon request by Customs, a transfer document sufficient to account for each movement of inventory among its locations. The merchandise in the vehicles shall be subject to inspection by Customs.

(d) *Retention of records.* Class 9 warehouse proprietors shall maintain records of conditionally duty-free merchandise transported beyond the exit point and returned therefrom, and Customs permits for such movements, for not less than 5 years after exportation of the articles. Such records need not be placed in permit file folders but must be filed by date of movement, destination site and warehouse entry number or by unique identifier where permitted by the district director (see § 19.36(g)).

§ 19.38 Supervision of exportation.

(a) *Sales ticket withdrawals.* Conditionally duty-free merchandise withdrawn under the sales ticket procedure for exportation shall be exported only under Customs supervision as provided in this section and § 19.39 of this part. General Customs supervision shall be exercised as provided in § 19.4 of this part and § 161.1 of this chapter, and may consist of spot checks of exportation transactions, examination of articles being exported, and audits of the proprietor's records.

(b) *Supervision of ATF bonded exports.* Customs officers may conduct general supervision of exportations of cigarettes and cigars from ATF export bonded warehouses (see 27 CFR part 290) in conjunction with exportation from duty-free stores.

§ 19.39 Delivery for exportation.

(a) *Delivery to land border locations—(1) Land border locations. Land border location* means an exit point (see § 19.35(d)) from which individuals depart to a contiguous country by vehicle or on foot by bridge, tunnel, highway, walkway, or by ferry across a boundary lake or river, but not including departure to a contiguous country by air or sea. Deliveries from a duty-free store for exportation from such locations shall be made to the purchaser only beyond the exit point, except as specified in paragraph (a)(2) of this section.

(2) *Delivery at or before exit point.* Delivery of such merchandise may be made at or before the exit point of any location approved by Customs as of August 23, 1988. In such cases, delivery shall be done under the physical supervision of a Customs officer, or in accordance with established guidelines as required by § 19.36(b) of this part. The officer shall sign the sales ticket certifying exportation and return it to the proprietor for retention in the files. The district director may also require that the warehouse proprietor have the person receiving the article sign the same copy to certify receipt.

(b) *Delivery to seaport locations—(1) Seaport location. Seaport location* means an exit point (see § 19.35(d)) from which conditionally duty-free merchandise is delivered to departing individuals for exportation by vessel of more than 5 net tons which is departing directly from the Customs territory to touch and trade in a foreign country. Deliveries for exportation from such locations may be made only beyond the exit point, except as specified in paragraph (b)(2) of this section.

(2) *Delivery at or before exit point.* Delivery of such merchandise may be made at or before the exit point in the case of any locations approved by Customs as of August 23, 1988. In such cases, delivery shall be done under the physical supervision of a Customs officer, or in accordance with established guidelines as required by § 19.36(b) of this part. The officer shall sign the sales ticket certifying exportation and return it to the proprietor for retention in the files. The district director may also require that the warehouse proprietor have the person receiving the article sign the same copy to certify receipt.

(c) *Delivery to airport locations. Airport location* means an exit point from which conditionally duty-free merchandise is delivered to departing individuals for exportation on a scheduled, chartered, or "for-hire" airline. Delivery of conditionally duty-free merchandise to be exported from such locations may be made by one of the following five procedures:

(1) *Delivery in sterile area.* A sterile area is an area that is within the airport and to which access is restricted to those passengers departing from Customs territory. In such cases, delivery will be made directly to the purchaser (or a family member or companion travelling with the purchaser) for carrying aboard the aircraft. This method of delivery is not authorized if there is any mixture in the sterile area of individuals arriving from a foreign country, or individuals arriving or departing on a domestic flight, with individuals departing for foreign;

(2) *Passenger delivery.* Merchandise may be delivered by the cartman or duty-free store operator to the purchaser (or a family member or companion travelling with the purchaser) at or beyond the exit point for the flight. The district director may require the exit point to be delimited by marking of its boundaries, or require proper supervision in accordance with established guidelines as required by § 19.36(b) of this part, if needed for reasonable assurance that conditionally duty-free merchandise will be exported with the purchaser or a family member or companion. A certificate of lading shall be prepared by the proprietor for each shipment of conditionally duty-free merchandise and executed by an authorized airline official, certifying that the merchandise has been laden on a

particular aircraft for exportation. After execution, the certificate will be returned to the duty-free store proprietor for filing. The certificate shall include the following information: Warehouse entry number (or unique identifier, if permitted by the district director); aircraft departure date; airline flight number; and total quantity delivered to the flight;

(3) *Aircraft delivery.* The merchandise will be delivered by a licensed cartman for lading directly on the aircraft. The airline will release the merchandise to the purchaser when the aircraft has departed for its foreign destination;

(4) *Unit-load delivery.* Merchandise may be sold to passengers departing from the United States at a prior port of boarding on flights proceeding to a foreign destination which are required to clear with intermediate stops in the United States, provided that all of the following conditions are met:

(i) Sales may be made only to passengers holding a through ticket on the same flight, with no stopover privileges in the United States, to a foreign destination;

(ii) Merchandise shall be placed in a container sealed with Customs seals. The sealed container(s) may be placed in the baggage compartment or on the passenger deck of the aircraft. Containers stowed in baggage compartments may, with Customs permission, be transferred to the passenger deck at an intermediate or final stop in the United States. The seal numbers shall be placed on the face of the aircraft general declaration;

(iii) A lading manifest list, in duplicate, of conditionally duty-free merchandise sold to passengers aboard the particular flight will be prepared by the proprietor. An authorized airline representative will sign for receipt, with one copy to be retained by the airline for presentation to Customs as requested at the intermediate or final port, and the duplicate copy to be returned to and retained by the proprietor for record purposes;

(iv) The seals shall not be broken nor shall any of the purchases be delivered until the aircraft is secured for departure to its foreign destination at the last port. In the event that the seals are broken before that time, or the merchandise is not exported for any reason and not returned to Customs custody, demand shall be made against the importation and entry bond of the importer of record;

(5) *Cancelled or aborted flights or "no show" purchasers.* If the proprietor has made a good faith effort to effect delivery for exportation through one of the methods specified in paragraphs (c)(1) through (4) of this section, but is unable to do so for reasons beyond the proprietor's control, the proprietor may deliver the conditionally duty-free merchandise by any other method deemed reasonable by the district director. Written procedures for delivery for exportation, specifying responsibilities for any discrepancies which might occur, shall be established by the proprietor and provided to the district director. The district director may require any change in procedure deemed necessary to assure exportation under specific circumstances.

(d) *Lading manifest lists; certificate of exportation.* The proprietor shall retain copies of lading manifest lists and certificates of lading for exportation in its files for not less than 5 years after exportation by warehouse entry number or by unique identifier where permitted by the district director (see § 19.36(g)).

(e) *Delivery method.* Delivery of conditionally duty-free merchandise to persons for exportation will be made by licensed cartmen under the procedures in subpart D, part 125, and § 144.34(a), of this chapter, or under a local control system approved by the district director wherein any discrepancy found in the merchandise will be treated as if it occurred in the bonded warehouse.

(f) *Return of merchandise to stock.* Whenever merchandise is withdrawn under the sales ticket procedure of § 144.37(h) of this chapter, but is undeliverable or is rejected by the purchaser, the merchandise may be returned to the duty-free store and the records, including the sales ticket and sales ticket register, amended to reflect the quantity returned to stock.

PART 113—CUSTOMS BONDS

1. The authority citation for part 113 continues to read as follows:

Authority: 19 U.S.C. 66, 1623, 1624. Subpart E also issued under 19 U.S.C. 1484, 1551, 1565.

2. Section 113.63 is amended by adding a new paragraph (c)(5) as follows:

§ 113.63 Basic custodial bond conditions.

* * * * *

(c) *Disposition of merchandise.* * * *

(5) In the case of Class 9 warehouses, to provide reasonable assurance of exportation of merchandise withdrawn under the sales ticket procedure of § 144.37(h) of this chapter.

* * * * *

PART 144—WAREHOUSE AND REWAREHOUSE ENTRIES AND WITHDRAWALS

1. The authority citation for part 144 continues to read as follows:

Authority: 19 U.S.C. 66, 1484, 1557, 1559, 1624.

Section 144.3 also issued under 19 U.S.C. 1563;

Section 144.33 also issued under 19 U.S.C. 1562;

Section 144.37 also issued under 19 U.S.C. 1555, 1562.

2. Section 144.37 is amended by adding a new paragraph (h) to read as follows:

§ 144.37 Withdrawal for exporation.

* * * * *

(h) *Class 9 warehouse withdrawals for exportation—(1) Applicability of sales ticket procedure.* Merchandise in a Class 9 warehouse (duty-free store) may be withdrawn for any of the purposes set forth in this subpart. However, only conditionally duty-free merchandise in a Class 9 warehouse intended for exportation or for delivery to persons and organizations set forth in subpart I, part 148, of this chapter, will be eligible for withdrawal under the sales ticket procedure specified in this paragraph.

(2) *Sales ticket content and handling.* Sales ticket withdrawals shall be made only under a blanket permit to withdraw (see § 19.6(d) of this chapter) and the sales ticket shall serve as the equivalent of the supplementary withdrawal. A sales ticket is an invoice of the proprietor's design which will include:

(i) Serial number and date of preparation of each ticket;

(ii) Warehouse entry number or specific identifier, if approved by the district director;

(iii) Quantity of goods sold;

(iv) Brief description of the articles including the size of bottles;

(v) The full name, address, and signature of the purchaser. However, the district director may waive the address and signature requirement (but not the name requirement) for alcoholic beverages in quantities of 4 liters or less and cigarettes in quantities of 3 cartons or less; and

(vi) A statement on the original copy (purchaser's copy) of the effect that goods purchased in a duty-free store will be subject to duty and/or tax without personal exemption if returned to the United States. At the time of purchase, the sales ticket, in triplicate, shall be made out in the name of the purchaser. One copy shall be retained by the proprietor. A permit file copy will be attached to the parcel containing the articles, and the original given to the

purchaser. Additional copies may be retained by the proprietor.

(3) *Sales ticket register.* In addition to the records required in § 19.12(a) of this chapter, Class 9 warehouse proprietors shall maintain a sales ticket register or similar accounting record for each warehouse entry. The sales ticket register of the proprietor shall include the following information:

(i) Warehouse entry number;
(ii) Specific identifier, if applicable;
(iii) Sales ticket date and number;
(iv) Description;
(v) Quantity; and
(vi) Current balance.

As each warehouse entry is closed out, the warehouse proprietor shall verify the sales ticket register total with the amount withdrawn so as to account for all merchandise so withdrawal and certify on the register that all the goods have been exported or sold to qualifying persons and organizations under part 148 of this chapter. The sales ticket register shall be included in the permit file folder with or in lieu of the blanket permit summary, as provided in § 19.6(d)(4) of this chapter. A copy of all sales tickets shall be retained by the proprietor for not less than 5 years after the date of the last sales ticket in the entry. In lieu of placing a copy of sales tickets in each permit file folder, the warehouse proprietor may keep all sales tickets in a separate file in numerical sequence by warehouse entry number.

Carol Hallett,
Commissioner of Customs.
Approved: August 13, 1992.
Peter K. Nunez,
Assistant Secretary of the Treasury.
[FR Doc. 92–19831 Filed 8–19–92; 8:45 am]
BILLING CODE 4820–02–M

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19 CFR Part 145

[T.D. 92–80]

Importation of Lottery Material From Canada

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to reflect a provision of the United States-Canada Free-Trade Agreement Implementation Act of 1988 to allow for the importation of certain lottery matter printed in Canada for use in connection with a lottery conducted in the U.S.

EFFECTIVE DATE: January 1, 1992.

FOR FURTHER INFORMATION CONTACT: William Wagner, Office of Trade Operations (202) 566–7090.

SUPPLEMENTARY INFORMATION:

Background

Section 305 of the Tariff Act of 1930, as amended (19 U.S.C. 1305), generally provides that the importation into the United States of certain articles deemed to be immoral, including lottery material from all countries, is prohibited. This statutory exclusion provision is reflected in section 145.51(a)(5) of the Customs Regulations (19 CFR 145.51(a)(5)), which broadly described this subject matter as "Lottery matter."

On January 2, 1988, the United States and Canada entered into a bilateral reciprocal free trade area agreement called the United States-Canada Free-Trade Agreement (CFTA). The CFTA became law on September 28, 1988, pursuant to the United States-Canada Free-Trade Agreement Implementation Act of 1988 (the "Act"), Public Law 100–449, 102 Stat. 1851. Section 206 of the Act provides that, effective January 1, 1993, section 305(a) of the Tariff Act of 1930 (19 U.S.C. 1305(a)) is amended to provide that this section shall not apply to any lottery ticket, printed paper that may be used as a lottery ticket, or advertisement of any lottery, that is printed in Canada for use in connection with a lottery conducted in the U.S.

This document amends 19 CFR 145.51 to conform to 19 U.S.C. 1305, so that, effective January 1, 1993, this section will not prohibit the importation of certain lottery matter printed in Canada for use in connection with a lottery conducted in the United States.

Inapplicability of Public Notice and Comment Requirements, The Regulatory Flexibility Act, and Executive Order 12291

Because this amendment merely reflects a statutory requirement that confers a benefit upon the public and implements the CFTA, pursuant to 5 U.S.C. 553(a)(1) and (b)(B), notice and public procedure thereon are not required. Since this document is not subject to the notice and public procedure requirements of 5 U.S.C. 553, it is not subject to provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this amendment implements a foreign affairs function of the United States, it is not subject to E.O. 12291; therefore, a regulatory impact analysis is not required.

Drafting Information

The principal author of this document was Gregory R. Vilders, Regulations and Disclosure Law Branch.

List of Subjects in 19 CFR Part 145

Customs duties and inspection, Imports, Postal service.

Amendment to the Regulations

Accordingly, for the reason stated above, part 145, Customs Regulations (19 CFR part 145), is amended as set forth below.

PART 145—MAIL IMPORTATIONS

1. The authority citation for part 145 continues to read in part as follows:

Authority: 19 U.S.C. 66, 1202 (General Note 8, Harmonized Tariff Schedule of the United States), 1624.

* * * * *

Section 145.51 also issued under 19 U.S.C. 1305;

* * * * *

2. In § 145.51, paragraph (a)(5) is revised to read as follows:

§ 145.51 Articles prohibited by section 305, Tariff Act of 1930.

(a) * * *

* * * * *

(5) Lottery matter, except any lottery ticket, printed paper that may be used as a lottery ticket, or advertisement of any lottery, that is printed in Canada for use in connection with a lottery conducted in the United States.

* * * * *

Dated: July 24, 1992.
Carol Hallett,
Commissioner of Customs.
Approved: August 13, 1992.
Nancy L. Worthington,
Acting Assistant Secretary of the Treasury.
[FR Doc. 92–19830 Filed 8–19–92; 8:45 am]
BILLING CODE 4820–02–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 934

North Dakota Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule, approval of amendment.

SUMMARY: OSM is announcing its decision to approve, with certain exceptions, a proposed amendment to the North Dakota permanent regulatory program (hereinafter referred to as the North Dakota program), as administered by the Public Service Commission (PSC)

and Industrial Commission (IC) of North Dakota, under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment (Amendment XV) pertains to coal exploration, the extraction of coal incidental to the extraction of other minerals, termination of jurisdiction, blasting schedules, and the duties of registered land surveyors. The amendment is intended to revise the North Dakota program to incorporate additional flexibility afforded by revised Federal regulations and to be consistent with SMCRA and the Federal regulations.

EFFECTIVE DATE: August 20, 1992.

FOR FURTHER INFORMATION CONTACT: Guy Padgett, Director, Casper Field Office, Telephone (307) 261–5776.

SUPPLEMENTARY INFORMATION:

I. Background on the North Dakota Program

On December 15, 1980, the Secretary of the Interior conditionally approved the North Dakota program as administered by PSC and IC. Information regarding the general background on the North Dakota program, including the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval, can be found in the December 15, 1980, **Federal Register** (45 FR 82246). Actions concerning program amendments taken subsequent to the approval of the North Dakota program are found at 30 CFR 934.12, 934.13, 934.15, 934.16, and 934.30.

II. Submission of Proposed Amendment

By letter dated June 12, 1991 (Administrative Record No. ND–M–01), North Dakota submitted a proposed amendment to its regulatory program pursuant to SMCRA. The proposed amendment consists of revisions to the North Dakota Century Code (NDCC) and to the North Dakota Administrative Code (NDAC). North Dakota submitted the proposed amendment to provide additional flexibility to its program and to respond to OSM's 30 CFR 732.17(c) notifications of November 17, 1989, and February 7, 1990 (Administrative Record Nos. ND–J–1 and ND–K–1, respectively), that informed North Dakota of changes necessary to maintain its program in a form as stringent as SMCRA and no less effective than the Federal regulations that implement SMCRA.

The sections of the program that North Dakota proposes for substantive addition or emendation are: NDCC 38–12.1 (Exploration data); NDAC 43–02–01 (Coal exploration); NDCC 38–14.1 (Surface mining and reclamation operations); NDAC 69–05.2 (Termination of jurisdiction).

The Director announced receipt of the proposed amendment in the June 28, 1991, **Federal Register** (56 FR 29606), and in the same notice opened the public comment period and provided for a public hearing on its substantive adequacy (Administrative Record No. ND–M–10). The public comment period closed on July 29, 1991. Following a review of the North Dakota amendment, OSM notified the State on August 30, 1991, of concerns it had with two provisions in the proposed amendment (Administrative Record No. ND–M–12). In a letter dated September 11, 1991, (Administrative Record No. ND–M–13) North Dakota responded by submitting new language for the proposed amendment to address the concerns raised by OSM. OSM published a notice in the September 23, 1991, **Federal Register** (56 FR 47929) announcing receipt of new language for the proposed amendment and invited public comment on its adequacy (Administrative Record No. ND–M–14). The public comment period ended October 8, 1991.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and § 732.17, are the Director's findings for the proposed amendment submitted by North Dakota on June 12, 1990.

1. Provisions Not Discussed

North Dakota has proposed revisions to its code that contain language substantively the same as corresponding Federal program or concern nonsubstantive wording changes.

The Director, therefore, finds that these proposed revisions are no less stringent than the Federal program requirements and is approving the proposed revisions. These revisions are as follows: NDCC 38–14.1–24.13.a, blasting schedule notice provisions [section 515(b)(15) of SMCRA] and NDCC 38–14.1–30.3, administrative review of commission rulings—formal hearings [section 518 of SMCRA].

2. NDCC 38–12.1–03–2.b., Definition of "Coal Exploration" and NDCC 38–12.1–05–2.d., Exploration Data

North Dakota proposes at NDCC 38–12.1–03–2.b to delete the phrase "which substantially disturb the natural land surface and which are", as it relates to environmental data gathering activities, from the definition of "coal exploration." North Dakota also proposes to add a requirement to the definition that environmental data gathering activities located on lands designated unsuitable for mining must meet the provisions of sections 38–12.1–04 and 38–12.1–05.

At NDCC 38–12.1–05–2, North Dakota proposes to add paragraph "d" that states that a permit is not required "for environmental data gathering activities that do not substantially disturb the land, unless the environmental data gathering activities are located on land designated unsuitable for mining under section 38–14.1–05."

On July 15, 1985, (*In Re: Permanent Surface Mining Regulation Litigation*, 620 F. Supp. 1519 (D.D.C. 1985)) the District Court of the District of Columbia remanded 30 CFR 772.11(a), notice requirements for exploration removing 250 tons of coal or less, because it required a notice of intention to explore only for those operations which may substantially disturb the natural land surface. In response to this court decision, OSM revised its rules to require that prior notice of all intended coal exploration activities be provided to the regulatory authority regardless of the extent of disturbance planned (53 FR 52949, December 29, 1988).

OSM notified North Dakota in a 732 notification dated November 17, 1989, (Administrative Record No. ND–J–1) of the State's need to amend its rules so that the State regulatory authority, and not the operator, would be in the position of determining what constituted substantial disturbance to the natural land surface. In addition, OSM informed North Dakota that it lacked a counterpart rule to the Federal regulation at 30 CFR 772.12(a) that requires an exploration permit for all exploration activities conducted on lands designated as unsuitable for mining. OSM informed the State that it would need to require an exploration permit for lands designated unsuitable for mining to be no less effective than the Federal regulation. These proposed provisions accomplish both needs. Therefore, the Director finds NDCC 38–12.1–03–2.b and NDCC 38–12.1–05–2.d to be no less effective than the Federal regulations at 30 CFR 701.5, 772.11 and 772.12(a) and is approving them.

3. NDCC 38–14.1–02–33, Definition of "Surface Coal Mining Operations"

North Dakota proposes to amend NDCC 38–14.1–02–33 by omitting the exemption for coal extraction incidental to the extraction of other minerals from the definition of "surface coal mining operations." Specifically, the phrase "the extraction of coal incidental to the extraction of other minerals where coal does not exceed sixteen and two thirds per centum of the tonnage of minerals

removed for purposes of commercial use or sale" is proposed to be deleted.

On December 20, 1989 (54 FR 52092), OSM promulgated Federal regulations at 30 CFR part 702 concerning the exemption for coal extraction incidental to the extraction of other minerals removed for purposes of commercial use or sale, as set forth in the definition of "surface coal mining operations" at section 701(28) of SMCRA. These new rules established criteria and procedures for use in determining whether an operation qualified initially and on a continuing basis for the exemption. OSM notified North Dakota in the February 7, 1990, 732 notification (Administrative Record No. ND–K–1) that the State was required to modify its program to include, among other things, exemption criteria, application and reporting requirements.

North Dakota has responded by deleting the exemption entirely. The option to allow for an exemption for incidental coal extraction is discretionary with the State regulatory authority. The option not to allow for incidental coal extraction renders the North Dakota program more stringent than the Federal program. Pursuant to section 505(b) of SMCRA, any provision of State law or regulation which provides for more stringent land use and environmental controls and regulations of surface coal mining and reclamation operations than the Federal provisions shall not be construed as inconsistent with the Act. Therefore, the Director finds that the proposed deletion of the incidental coal exemption is not inconsistent with SMCRA and he is approving the proposed revision to NDCC 38–14.1–02–33.

4. NDAC 43–02–01–18.1, Notice of Environmental Data Gathering Activities

North Dakota proposes to add NDAC 43–02–01–18.1 which states that a notice of all planned environmental data gathering activities must be provided to the state geologist. This proposed rule outlines what information the notice must include. This proposed rule continues by stating that notice is not required for fish and wildlife surveys, premine land use determinations, vegetation surveys, collection of climatological data, topographical surveys, and walk-through cultural resource surveys. Notice is also not required for environmental data gathering activities on lands designated as unsuitable for mining, however, an exploration permit from the state geologist is required on such lands.

The Federal regulation at 30 CFR 772.11(a) requires that any person who intends to conduct coal exploration provide a written notice of intent to explore. 30 CFR 772.11(b) outlines what the notice shall include. 30 CFR 772.11(a) also states that exploration which will take place on lands designated as unsuitable for surface coal mining operations shall be subject to the permitting requirements under 30 CFR 772.12.

OSM, on September 8, 1983, amended its coal exploration rules at 30 CFR 772.11 to delete the requirement that notices of intent be filed in situations where no substantial disturbance is planned (48 FR 40622, 40625–40626). On July 15, 1985, the U.S. District Court for the District of Columbia remanded this rule to the Secretary for failing to adequately explain the departure from the previous rule and address concerns raised by commenters [*In re: Permanent Surface Mining Regulation Litigation*, 620 F. Supp. 1519, 1579–1580 (D.D.C. 1985)]. In promulgating a revised rule on December 29, 1988, OSM noted that it had "considered the practical problems raised by the remanded rule, namely, that for the regulatory authority to determine which proposed coal exploration operations may substantially disturb the natural land surface, it must be informed of all proposed exploration" (53 FR 52942, 52943). Accordingly, the revised Federal rule requires that all parties intending to conduct coal exploration first notify the regulatory authority regardless of the extent of disturbance planned. Subsequently, OSM sent a 732 notification to all appropriate State regulatory authorities requiring compliance with the revised Federal regulation.

North Dakota proposes this new rule in response to OSM's 732 notification dated November 17, 1989 (Administrative Record No. ND–J–1,) which required that North Dakota require prior notice of all intended coal exploration activities regardless of the extent of disturbance planned. North Dakota was also instructed to require an exploration permit for all exploration activities on lands designated unsuitable for mining in order to protect the values for which they were designated. Although the North Dakota proposal is slightly less inclusive than the Federal regulations, OSM recognizes that the type of environmental data gathering activities that North Dakota proposes to exempt from the notice requirements (i.e. fish and wildlife surveys, premine land use determinations, vegetation surveys, collection of climatological data, topographical surveys, and walk-through cultural resource survey) are activities that don't create any disturbance to the natural land surface and/or can be conducted by contacting other Federal and State agencies. OSM believes that North Dakota adequately addresses the concerns of the commenters referenced in the court decision and is based on the same rationale as that used by OSM to develop its revised rules. That is, that the regulatory authority, and not the operator, should be in the position of making a determination of whether an operation substantially disturbs the natural land surface. Under the proposal all environmental data gathering activities that may cause any disturbance (not just substantial disturbance) of the natural land surface would be subject to the State exploration notice requirements. The proposal thus requires that the regulatory authority, not the operator, determine whether any planned disturbance is likely to be substantial and hence subject to the performance standards at 43–02–01–20.

North Dakota has met the conditions of the 732 notification regarding notice and permit requirements. The Director finds the proposed rule at NDAC 43–02–01–18.1 to be no less effective than the Federal regulations at 30 CFR 772.11 and is approving it.

5. NDAC 43–02–01–20, Performance Standards for Coal Exploration

North Dakota proposes to revise NDAC 43–02–01–20 to include the requirement that lands designated unsuitable for mining are subject to all coal exploration performance standards. Specifically, North Dakota adds the phrase "and on lands designated unsuitable for mining under North Dakota Century Code section 38–14.1–05" to the introductory paragraph of this section that outlines the performance standards. The Federal regulation 30 CFR 772.12(d)(2)(i) requires that exploration and reclamation on lands designated as unsuitable for surface mining shall be conducted in accordance with 30 CFR part 815, permanent program performance standards—coal exploration.

North Dakota also proposes to revise NDAC 43–02–01–20(3)(c)(2) by providing a cross-refernce to the performance standards for roads in NDAC Chapter 69–05.2–24. Therefore, any new or existing road built or used for exploration will be required to comply with those performance standards. The counterpart Federal regulation at 30 CFR 815.15(b) states that all roads used for coal exploration shall comply with the applicable provisions of 30 CFR 816.150

(b) through (f), § 816.180, and § 816.181, the performance standards for roads, utility installations, and support facilities, respectively.

North Dakota proposes these revisions in response to OSM's 732.17 notification dated November 17, 1989 (Administrative Record No. ND–J–1), which required that North Dakota apply their coal exploration performance standards to lands designated as unsuitable for surface mining and that all existing roads significantly disturbed by exploration activities (not just newly constructed roads) meet the requirements of NDAC 69–05.2–24.

North Dakota has met the conditions of the 732 notification regarding lands designated as unsuitable for mining and roads used for exploration. The Director finds the proposed rules at NDAC 43–02–01–20 and NDAC 43–02–01–20(3)(c)(2) to be no less effective than the Federal regulations at 30 CFR 772.12(d)(2)(i) and 30 CFR 815.15(b) and is approving them.

6. NDAC 69–05.2–01–01.3 and .4, Termination of Jurisdiction

North Dakota proposes to add NDAC 69–05.2–01–01.3 and .4 regarding termination of jurisdiction that is substantively identical to the corresponding Federal regulations at 30 CFR 700.11(d). The U.S. District Court for the District of Columbia found that the Federal regulations at 30 CFR 700.11(d) were contrary to sections 521(a)(1) and (a)(2) of SMCRA (*National Wildlife Federation* v. *Lujan*, 31 ERC 2034 (D.D.C. 1990). More specifically, the court interpreted sections 521(a)(1) and (a)(2) as imposing an on-going duty upon the Secretary of the Interior to correct violations of SMCRA. Accordingly, the court remanded the Federal regulations at 30 CFR 700.11(d) to the Secretary to be withdrawn or revised.

In response to the court's decision, OSM suspended the above Federal regulation on June 3, 1991 (56 FR 25036). This decision was appealed and the suspended rule was upheld by the U.S. Court of Appeals for the District of Columbia Circuit in *National Wildlife Federation* v. *Lujan*, 950 F.2d 765 (D.C. Cir. 1991). The reinstatement of this rule was published in the Federal Register on April 10, 1992, and was effective on May 11, 1992 (57 FR 12461, 12463).

North Dakota's rules at NDAC 69–05.2–01–01.3 and .4, as proposed, are substantively the same as the reinstated Federal rule. The Director therefore finds North Dakota's proposed rules to be no less effective than the Federal rule at 30 CFR 700.11(d) and is approving them.

7. NDAC 69–05.2–09–06.2., Permit applications—Operation Plans—Transportation Facilities, and NDAC 69–05.2–24–03.1, Performance Standards—Roads—Design and Construction of Primary Roads

North Dakota proposes at NDAC 69–05.2–09–06.2 to allow qualified registered land surveyors who satisfy NDCC section 43–19.1–29(5), are certified, and have experience in the design and construction of roads, to prepare the plans and drawings of each primary road. North Dakota also proposes at NDAC 69–05.2–24–03.1 to allow land surveyors as qualified above to also certify reports regarding the construction or reconstruction of primary roads.

The Federal regulations at 30 CFR 780.37 and 30 CFR 816.151 allow registered land surveyors to perform these preparation and certification tasks if such tasks are authorized by the registration practices of the individual States.

OSM has reviewed the North Dakota statute governing the registration of engineers and land surveyors and notes that at chapter 43–19.1–02.7, "land surveying" is defined by North Dakota to mean:

> * * * any service comprising the determination of the location of land boundaries and land boundary corners; incidental topography; the preparation of maps showing the shape and area of tracts of land and their subdivision into smaller tracts; the preparation of maps showing the layouts of roads, streets, and rights of way of same to give access to smaller tracts; and the preparation of official plats or maps of said land thereof within this state.

In regard to roads, registered land surveyors are authorized to perform "the preparation of maps showing the layouts of roads, streets, and rights of way of same to give access to smaller tracts" North Dakota's statute does not specifically authorize registered land surveyors to perform other road design work.

North Dakota proposes that the exemption clause at NDCC section 43–19.1–29(5) provides the proper authority for land surveyors to perform engineering services. That clause states:

> This chapter shall not be construed to prevent or affect:
>
> 5. The practice of engineering and land surveying by any person regularly employed to perform engineering services solely for his employer or for a subsidiary or affiliated corporation of his employer, providing the engineering performed is in connection with the property, products or services of his employer.

It is not clear if the phrase "* * * perform engineering services solely for his employer * * *" would allow the certification of plans to be accepted by the regulatory authority since such certification is a requirement of the regulatory authority and not the employer.

Therefore, given the absence of direct statutory language, and the absence of sufficient information in the record supporting the State's interpretation that the statute governing registration of land surveyors (NDCC 43–19.1) authorizes land surveyors to prepare the plans and drawings of primary roads and to certify reports regarding the construction or reconstruction of primary roads, the Director finds North Dakota's proposed NDAC 69–05.2–09–06.2 and NDAC 69–05.2–24–03.1 to be less effective than the Federal regulation at 30 CFR 779.37(b) and 30 CFR 816.151(a) to the extent that they allow registered land surveyors to prepare and certify permit application materials that they are not specifically authorized to do under North Dakota state law. The Director is therefore not approving in proposed NDAC 69–05.2–24–03.1 and NDAC 69–05.2–24–03.1 the phrase ", * * * or a qualified registered land surveyor who satisfies NDCC section 43–19.1–29(5), * * *," and is requiring North Dakota to revise the rules to remove that phrase.

IV. Summary and Disposition of Comments

Public Comments

The Director solicited public comment on the proposed amendment and provided opportunity for a public hearing. No comments were received, and the scheduled public hearing was not held because no one requested an opportunity to provide testimony.

Agency Comments

Pursuant to section 503(b) of SMCRA and the implementing regulations at 30 CFR 732.17(h)(11), OSM solicited comments from various Federal agencies with an actual or potential interest in the North Dakota program.

By letter dated July 9, 1991 (Administrative Record No. ND–M–7), the North Dakota State University Extension Service responded that it had no comment.

By letter dated July 19, 1991 (Administrative Record No. ND–M–8), the Bureau of Mines responded that it had no comment.

By letter dated July 23, 1991 (Administrative Record No. ND–M–9), the Fish and Wildlife Service responded that it had no substantive comments.

By letter dated July 30, 1991 (Administrative Record No. ND–M–11),

the Mine Safety and Health Administration responded that it had no comment.

By letter dated August 1, 1991 (Administrative Record No. ND–M–16), the U.S. Army Corps of Engineers responded that it found the proposed amendment to be satisfactory.

State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP) Comments

As required by 30 CFR 732.17(h)(4), OSM provided the proposed amendment to the SHPO and the ACHP for comment. No response was received from either agency.

Environmental Protection Agency (EPA) Concurrence

Under 30 CFR 732.17(h)(11), the Director is required to obtain the written concurrence of the Administrator of the EPA with respect to any provisions of a State program amendment that relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*).

North Dakota did not propose in this amendment any revisions to its program that relate to air or water quality standards. However, EPA's Regional and Headquarters offices were afforded opportunity to comment on this amendment. By letter dated January 21, 1992, EPA's Headquarters office responded that it concurred with the proposed revision (Administrative Record No. ND–M–17).

V. Director's Decision

Based on the above findings, the Director is approving the proposed amendment submitted by North Dakota on June 12, 1991, with subsequent resubmittal on September 11, 1991, with the exception of NDAC 69–05.2–09–06.2, Permit applications—operation plans—transportation facilities, and NDAC 69–05.2–24–03.1, Performance standards—roads—design and construction of primary roads, as discussed in finding No. 7. This approval is given with the provision that the rules be fully promulgated in identical form to the rules submitted to and reviewed by OSM and the public.

The Federal regulations at 30 CFR part 934 which codify all decisions concerning the North Dakota program are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to bring their programs into conformity with the Federal standards without undue delay. Consistency between State and Federal standards is required by SMCRA.

Effect of Director's Decision

Section 503 of SMCRA provides that a State may not exercise jurisdiction under SMCRA unless the State program is approved by the Secretary of the Interior. Federal regulations at 30 CFR 732.17(a) require that any alteration of an approved State program must be submitted to OSM for review as a program amendment. The Federal regulations at 30 CFR 732.17(g) prohibit any unilateral changes to approved State programs. Thus, any changes to the State program are not enforceable by the State as part of the approved State program until approved by the Director. In the oversight of the North Dakota program, the Director will recognize only statutes, regulations, and other materials approved by the Director, together with any consistent implementing policies, directives and other materials, and will require the enforcement by North Dakota of only such provisions.

VI. Procedural Determinations

National Environmental Policy Act

Pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

Executive Order No. 12291 and the Regulatory Flexibility Act

On July 12, 1984, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions related to approval or conditional approval of State regulatory programs. Therefore, preparation of a regulatory impact analysis and OMB regulatory review is not required.

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Hence, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumption for the counterpart Federal regulations.

Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under section 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, § 732.15, and § 732.17(h)(10), decisions on proposed state regulatory programs and program amendments submitted by the State must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the requirements of 30 CFR parts 730, 731, and 732 have been met.

Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under the Paperwork Reduction Act 44 U.S.C. 3507 *et seq.*

List of Subjects in 30 CFR Part 934

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 1, 1992.

Raymond L. Lowrie,

Assistant Director, Western Support Center.

For the reasons set out in the preamble, title 30, chapter VII, subchapter T, the Code of Federal Regulations is amended as set forth below.

PART 934—NORTH DAKOTA

1. The authority citation for part 934 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 934.10 is amended by removing paragraph (c) and revising paragraph (b) to read as follows:

* * * * *

(b) Office of Surface Mining, 100 East "B" Street, Casper, Wyoming 82601–1918, telephone: (307) 261–5824.

3. Section 934.15 is amended by adding paragraph (o) as follows:

§ 934.15 Approval of regulatory program amendments.

* * * * *

(o) With the exceptions of the North Dakota Administrative Code (NDAC) 69–05.2–09–06.2 and NDAC 69–05.2–24–

03.1 regarding the authorization of land surveyors, the following provisions of the North Dakota Century Code (NDCC) and NDAC, as submitted on June 12, 1991 are approved effective August 20, 1992.

NDCC 38–12.1–03–2.b., Definition of "Coal Exploration;" NDCC 38–12.1–05–2.d., Exploration data; NDCC 38–14.1–02–33.a., Definition of "Surface coal mining operations; NDCC 38.14.1–24.13.a., Blasting schedule notice; NDCC 38–14.1–30.3.c., d., e., f., g(1), and g(2), Administrative review of commission rulings—formal hearings; NDAC 43–02–01–18.1, Notice of environmental data gathering activities; NDAC 43–02–01–20, Performance standards for coal exploration; NDAC 69–05.2–01–01–3, Termination of jurisdiction.

[FR Doc. 92–19706 Filed 8–19–92; 8:45 am]
BILLING CODE 4310–05–M

30 CFR Part 934

North Dakota Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule, approval of amendment.

SUMMARY: OSM is announcing its decision to approve a proposed amendment to the North Dakota permanent regulatory program (hereinafter referred to as the North Dakota program), as administered by the Public Service Commission (PSC) and Industrial Commission (IC) of North Dakota, under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment pertains to improvidently issued permits, permit term, permit application requirements, soil resources information, permit revisions, protection of fish and wildlife resources, and topsoil removal; the proposed amendment also contains numerous minor editorial revisions. The amendment is intended to revise the North Dakota program to be consistent with SMCRA and corresponding Federal standards and to improve operational efficiency.

EFFECTIVE DATE: August 20, 1992.

FOR FURTHER INFORMATION CONTACT: Guy Padgett, Telephone: (307) 261–5776.

SUPPLEMENTARY INFORMATION:

I. Background on the North Dakota Program

On December 15, 1980, the Secretary of the Interior conditionally approved the North Dakota program as administered by PSC and IC. Information regarding the general background on the North Dakota program, including the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval, can be found in the December 15, 1980, **Federal Register** (45 FR 82246). Actions concerning program amendments taken subsequent to the approval of the North Dakota program are found at 30 CFR 934.12, §§ 934.13, 934.15, 934.16, and 934.30.

II. Submission of Proposed Amendment

By letter dated November 19, 1991 (Administrative Record No. ND–O–01), North Dakota submitted a proposed amendment to its regulatory program pursuant to SMCRA. North Dakota submitted the proposed amendment to the North Dakota Administrative Code (NDAC) in part in response to OSM's 30 CFR Part 732.17 notification of May 11, 1989 (Administrative Record No. ND–O–02), and in part on its own initiative to improve its program.

The NDAC Chapters/sections North Dakota proposes for substantive revision are NDAC 69–05.2–05–08–10 (Permit area—soil resources information), NDAC 69–05.2–11–01 (Review of approved permits), and NDAC 69–05.2–15–02 (Removal of suitable plant growth material). In addition, North Dakota proposes to add a new chapter at NDAC 69–05.2–32 to govern improvidently issued permits. Minor editorial changes are also proposed in these and additional sections.

The Director announced receipt of the proposed amendment in the December 13, 1991, **Federal Register** (56 FR 65034), and in the same notice opened the public comment period and provided opportunity for a public hearing on its substantive adequacy (Administrative Record No. ND–O–08). The public comment period closed on January 13, 1992. No public hearing was held since none was requested. Following a review of the North Dakota amendment, OSM notified the State on February 21, 1992, of a suggested modification to one provision in the proposed amendment (Administrative Record No. ND–O–12). In a letter dated March 3, 1992, (Administrative Record No. ND–O–14) North Dakota responded by requesting further information regarding OSM's February 21, 1992, notification. OSM responded to North Dakota's request in a letter dated March 25, 1992, (Administrative Record No. ND–O–15). In a letter dated April 16, 1992, (Administrative Record No. ND–O–16), North Dakota responded to OSM's March 25, 1992, letter stating that it elected not to revise the language in the proposed amendment.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and § 732.17, are the Director's findings on the proposed amendment submitted by North Dakota on November 19, 1991.

1. Provisions Not Discussed

North Dakota has proposed revisions to its code that contain minor editorial changes. The Director finds that these editorial changes do not render North Dakota's regulations to be less effective than the corresponding Federal regulations and is approving them. These proposed changes are located at: NDAC 69–05.2–05–08, Permit applications—permit term; NDAC 69–05.2–08–01, Permit applications—permit area—environmental resources information; NDAC 69–05.2–08–02, Permit applications—permit area—general map requirements; NDAC 69–05.2–08–08, Permit applications—permit area—vegetation and land use information; NDAC 69–05.2–08–12, Permit applications—permit area—topographic data requirements; NDAC 69–05.2–09–04, Permit applications—operation plans—blasting; NDAC 69–05.2–09–09, Permit applications—operation plans—surface water management—ponds, impoundments, banks, dams, embankments, and diversions; NDAC 69–05.2–09–10, Permit applications—operation plans—surface mining near underground mining; NDAC 69–05.2–09–11, Permit applications—reclamation plans—general requirements; NDAC 69–05.2–09–14, Permit applications—reclamation plans—disposal of initial pit spoil and other excess spoil; NDAC 69–05.2–09–17, Permit applications—operation and reclamation plans—fish and wildlife resources; NDAC 69–05.2–10–02, Permit applications—informal conferences; NDAC 69–05.2–11–02, permit revisions; NDAC 69–05.2–12–01, Performance bond—general requirements; NDAC 69–05.2–12–05, Performance bond—self bond of permit applicant; NDAC 69–05.2–12–06, Performance bond—replacement of bonds; NDAC 69–05.2–12–07, Performance bond—determination of bond amount; NDAC 69–05.2–12–08, Performance bond—adjustment of amount; NDAC 69–05.2–12–11, Release of performance bond—criteria for bond release; NDAC 69–05.2–12–12, Release of performance bond—bond release application; NDAC 69–05.2–12–14, Release of performance bond—commission inspection—time of release rules; NDAC 69–05.2–12–16, Forfeiture of performance bond—

procedures; NDAC 69–05.2–13–06, Performance standards—general requirements—avoidance of underground mine areas; NDAC 69–05.2–13–08, Performance standards—general requirements—protection of fish, wildlife, and related environmental values; NDAC 69–05.2–14–01, Performance standards—casing and sealing of drilled holes—temporary rules; NDAC 69–05.2–16–06, Performance standards—hydrologic balance—diversion of overland flow; NDAC 69–05.2–16–12, Performance standards—hydrologic balance—permanent and temporary impoundments; NDAC 69–05.2–16–04, Performance standards—hydrologic balance—water quality standards and effluent limitations; NDAC 69–05.2–22–07, Performance standards—revegation—standards for success; NDAC 69–05.2–25–03, Performance standards—alluvial valley floors—monitoring and NDAC 69–05.2–25–04, Performance standards—alluvial valley floors—protection of farming and water supplies.

2. NDAC 69–05.2–08–10.1.a., Soils Resource Information

North Dakota proposes to amend its regulation by eliminating from its definition of suitable plant growth material for topdressing (topsoil) the standard for a free lime percentage and by reducing the standard for organic matter percentage from "one and one-half or more" to "one or more." Specifically, North Dakota currently requires:

1. The map must be at 1:4,800 scale and show:

a. The location and the vertical and lateral (areal) extent of the suitable plant growth material (topsoil) within the permit area that is considered best for topdressing the area to be reclaimed. Suitable plant growth material considered best for topdressing is based upon an electrical conductivity of less than two millimhos per centimeter (EC $\times 10^3$), a sodium absorption ratio of less than four (exchangeable sodium percentage of less than five), a free lime percentage (calcium carbonate equivalent) of less than ten on medium to fine textured soil, and an organic matter percentage of one and one-half or more (unless this organic matter percentage is not available within the permit area). The topsoil is normally made up of the dark colored surface horizon materials.

North Dakota proposes to delete the second and third sentences and replace them with the following sentence:

Suitable plant growth material considered best for topdressing is the non-calcareous surface horizon material that is dark-colored due to organic staining, has an electrical conductivity of less than two millimhos per centimeter (EC $\times 10^3$), a sodium absorption ratio of less than four (exchangeable sodium percentage of less than five) and an organic matter percentage of one or more.

The Federal regulations at 30 CFR 779.20 that require soil resource information and 30 CFR 816.22 that provide performance standards for topsoil and subsoil do not require the specific information as required by North Dakota above. However, OSM approved North Dakota's definition for suitable plant growth material in the original program approval notice published December 15, 1980 (45 FR 82214).

North Dakota proposes to change the standard for free lime (calcium carbonate) percentage from a specific value (less than ten percent on medium to fine textured soil) to a more general phrase, "noncalcareous surface horizon material that is dark-colored due to organic staining." While North Dakota has not defined what is meant by the term "noncalcareous", the SCS defines "calcareous" as material "containing sufficient free calcium carbonate or calcium-magnesium carbonate to effervesce visibly when treated with cold 0.1 N HCL." Noncalcareous material, therefore, would not effervesce visibly when treated with cold 0.1 N HCL. The SCS, in classifying the soils in North Dakota, describe soils with greater than 5 percent calcium carbonate as calcareous. This would appear to make North Dakota's proposed rule no less effective than what currently exists. North Dakota stated in its amendment package that it wanted to simplify field identification. The test for noncalcareous/calcareous material as defined by the SCS is a simple field test. Therefore, OSM approves of North Dakota adopting the term "noncalcareous" as it is defined by the SCS.

Research on North Dakota soils has shown that the advantages of organic matter (increased flocculation, good structure, etc.) are found in soils with an organic matter percentage of one percent. Therefore, lowering the organic matter percentage from 1.5 percent or more to 1.0 percent or more will potentially allow more material to be salvaged as suitable plant growth material without adversely affecting revegetation success.

Therefore, the Director finds that the changes proposed at NDAC 69–05.2–08–10.1.a are no less effective than the Federal program requirements and is approving them.

3. NDAC 69–05.2–11–01.5, Review of Approved Permits

North Dakota proposes to amend its rules by adding a subsection 5. that would require "The commission will review under chapter 69–05.2–32 any permit it has reason to believe was improvidently issued." This proposed language cross-references the proposed new chapter NDAC 69–05.2–32 that set forth requirements for the review of improvidently issued permits. The Federal regulation counterpart to the North Dakota rules at 69–0.2–11–01 can be found at 30 CFR 774.11; regulatory authority review of permits. However, the specific requirement to review a permit that the regulatory authority has reason to believe was improvidently issued is found at 30 CFR 773.20.

North Dakota's proposed cross-reference ensures that all permits believed to be improvidently issued will be reviewed appropriately. Therefore, the Director finds the proposed amendment at NDAC 69–05.2–11–01.5 to be no less effective than the Federal regulations at 30 CFR 773.20 and is approving it.

4. NDAC 69–05.2–15–02, Performance Standards—Suitable Plant Growth Material—Removal

North Dakota proposed to amend its rule at NDAC 69–05.2–15–02 that specify the suitable plant growth materials to be removed and saved by removing the language "[t]he removal and segregation of subsoil from an area must not begin until the topsoil removal operation for that area has been completed and approved by the commission" and replacing the removed language with "The topsoil removal operation for an area must be completed and approved by the commission before subsoil removal begins or before any other disturbances occur in that area." The Federal counterpart regulation at 30 CFR 816.22(a)(1) simply states that "All topsoil shall be removed as a separate layer from the area to be disturbed, and segregated."

North Dakota proposes this change to clearly show that all mining-related activities must not begin in the topsoil removal area until the commission has approved the topsoil removal operation. The existing language was limited to subsoil removal and segregation and did not cover "other disturbances." The Director finds that the North Dakota proposed rule at NDAC 69–05.2–12–02 will provide for more efficient administration of its program and will not render it any less effective than the Federal regulation requirements at 30

CFR 816.22(a)(1). Therefore, the Director is approving this proposed amendment.

5. NDAC 69-05.2-32, Improvidently Issued Permits

North Dakota proposes to add a new chapter NDAC 69-05.2-32 that provides general procedures for the review of improvidently issued permits. This amendment is in response to item C of OSM's 30 CFR 732.17 notification of May 11, 1989 (Administrative Record No. ND-O-02), and provides North Dakota with rules that are counterpart to 30 CFR 773.20 and 773.21. The proposed language at NDAC 69-05.2-32-01, NDAC 69-05.2-32-02, and NDAC 69-05.2-32-3 is substantively the same as the language found at 30 CFR 773.20 and 773.21. Therefore, the Director finds the proposed rules in Chapter NDAC 69-05.2-32, with the exception of NDAC 69-05.2-32-01.1.b discussed below, to be no less effective than the Federal regulations at 30 CFR 773.20 and 773.21 and is approving them.

(a) Presumption That a Notice of Violation is Being Abated

The proposed language at NDAC 69-05.2-32.01.1.b is substantively similar to the Federal provisions at 30 CFR 773.20(b)(ii). However, the Secretary of the Interior, in the matter of *National Wildlife Federation* v. *Lujan*, Civ. Nos. 88-3117, et seq. (Consolidated) (D.D.C. filed October 27, 1988), has expressed his intention to reconsider the issue of whether, in the absence of a failure-to abate cessation order, the regulatory authority may presume that a notice of violation has been or is being corrected, as set forth in the Federal rule (Memorandum of Points and Authorities In Support of the Federal Defendants' Cross-Motion For Summary Judgment and In Opposition to Plantiffs' Motions For Summary Judgment, pp. 89-90). Therefore, pending final resolution of the reconsideration currently being pursued by the Secretary regarding the Federal rule at 30 CFR 773.20(b)(ii), the Director defers action on proposed NDAC 69-05.2-32-01.1.b and North Dakota cannot invoke this portion of its proposed amendment.

(b) Violation Review Criteria

The proposed language at NDAC 69-05.2-32.01.1 through 32.01.3 is substantively similar to the corresponding Federal regulation requirements at 30 CFR 773.20(b)(1) through (b)(3). In an issue letter dated February 21, 1992, OSM suggested that the State resubmit this proposed rule change to include specific violations review criteria. These violations review criteria govern how specific unabated violations, delinquent penalties and fees and ownership and control relationships will be used in determining whether an improvidently issued permit exists. The preamble to the April 28, 1989, Federal rulemaking action (54 FR 18438, 18440-18441) noted that the Federal regulations are written in general terms and suggested that the State regulatory programs include state-specific violations review criteria. In its March 3, 1992, and April 16, 1992, letters, (Administrative Record Nos. ND-0-14 and ND-0-16), North Dakota responded that there was no Federal requirement for the State to submit these violations review criteria and that it did not foresee the need for developing such criteria. OSM acknowledges this situation and will approve the amendment. However, OSM will review, in oversight, North Dakota's activity under this rule to insure that determinations as to whether permits were improvidently issued are made consistent with North Dakota's standards in effect at the time of permit issuance. Accordingly, the Director finds the proposed rules at NDAC 69-05.2-32.01.1 through 32.01.3 are no less effective than the Federal regulations at 30 CFR 773.20(b)(1) through (b)(3).

IV. Summary and Disposition of Comments

Public Comments

The Director solicited public comment on the proposed amendment and provided opportunity for a public hearing. No comments were received, and the scheduled public hearing was not held because no one requested an opportunity to provide testimony.

Agency Comments

Pursuant to Section 503(b) of SMCRA and the implementing regulations at 30 CFR 732.17(h)(11), OSM solicited comments from various Federal agencies with an actual or potential interest in the North Dakota program.

By letter dated January 2, 1992, (Administrative Record No. ND-0-09) the U.S. Army Corps of Engineers responded that it had no comment.

By letter dated January 8, 1992, (Administrative Record No. ND-0-13) the Fish and Wildlife Service responded that it had no comment.

By letter dated January 17, 1992, (Administrative Record No. ND-0-10) the Soil Conservation Service responded that it had no comment.

By letter dated February 6, 1992 (Administrative Record No. ND-0-11), the Mine Safety and Health Administration (MSHA) responded that the amendment did not appear to conflict with any current MSHA regulations.

State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP) Comments

As required by 30 CFR 732.17(h)(4), OSM provided the proposed amendment to the SHPO and the ACHP for comment. No response was received from either agency.

Environmental Protection Agency (EPA) Concurrence

Under 30 CFR 732.17(h)(11), the Director is required to obtain the written concurrence of the Administrator of the EPA with respect to any provisions of a State program amendment that relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et. seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*).

North Dakota did not propose in this amendment any revisions to its program that relate to air or water quality standards. However, EPA's Regional and Headquarters offices were afforded opportunity to comment on this amendment. No response was received from either EPA's Region VIII or Headquarters office.

V. Director's Decision

Based on the above findings, the Director is approving the proposed amendment submitted by North Dakota on November 19, 1991, with the exception of NDAC 69-05.2-32-01.1.6 on which the Director is deferring action as discussed in FInding 5. This approval is given with the provision that the rules be fully promulgated in identical form to the rules submitted to and reviewed by OSM and the public.

The Federal regulations at 30 CFR 934 which codify all decisions concerning the North Dakota program are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to bring their programs into conformity with the Federal standards without undue delay. Consistency between State and Federal standards is required by SMCRA.

VI. Procedural Determinations

National Environmental Policy Act

Pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking

Executive Order No. 12291 and the Regulatory Flexibility Act

On July 12, 1984, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions related to approval or conditional approval of State regulatory programs. Therefore, preparation of a regulatory impact analysis and OMB regulatory review is not required.

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) The State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Hence, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumption for the counterpart Federal regulations.

Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under section 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, § 732.15, and § 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the State must be solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal Regulations and whether the requirements of 30 CFR Parts 730, 731, and 732 have been met.

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under 44 U.S.C. 3507.

List of Subjects in 30 CFR part 934

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 1, 1992.

Raymond L. Lowrie,

Assistant Director, Western Support Center.

For the reasons set out in the preamble, title 30, chapter VII, subchapter T, the Code of Federal Regulations is amended as set forth below.

1. The authority citation for part 934 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

PART 934—NORTH DAKOTA

2. Section 934.15 is amended by adding paragraph (p) as follows:

§ 934.15 Approval of regulatory program amendments.

* * * * *

(p) The following amendments to the North Dakota permanent regulatory program, as submitted on November 19, 1991, with the exception noted below, are approved effective August 20, 1992.

NDAC 69–05.2–05–08, Permit applicaitons—permit term; NDAC 69–05.2–08–01, Permit applicaitons—permit area; NDAC 69–05.2–08–02, Permit applications—permit area—general map requirements; NDAC 69–05.2–08, Permit applications—permit area—vegetation and land use information; NDAC 69–05.2–08–10.1a, Soils resource information; NDAC 69–05.2–08–12, Permit applications—permit area—topographic data requirements; NDAC 69–05.2–09–04, Permit applications—operation plans—blasting; NDAC 69–05.2–09–09, Permit applications—operation plans—surface water management—ponds, impoundments, banks, dams, embankments, and diversions; NDAC 69–05.2–09–10, Permit applications—operation plans—surface mining near underground mining; NDAC 69–05.2–09–11, Permit applications—reclamation plans—general requirements; NDAC 69–05.2–09–14, Permit applications—reclamation plans—disposal of initial pit spoil and other excess spoil; NDAC 69–05.2–09–17, Permit applications—operation and reclamation plans—fish and wildlife resources; NDAC 69–05.2–10–02, Permit applications—informal conferences; NDAC 69–05.2–11–01.5, Review of approved permits; NDAC 69–05.2–11–02, Permit revisions; NDAC 69–05.2–12–01, Performance bond—general requirements; NDAC 69–05.2–12–05, Performance bond—self-bond of permit applicant; NDAC 69–05.2–12–06, Performance bond—replacement of bonds; NDAC 69–05.2–12–07, Performance bond—determination of bond amount; NDAC 69–05.2–12–08, Performance bond—adjustment of amount; NDAC 69–05.2–12–11, Release of performance bond—criteria for bond release; NDAC 69–05.2–12–12, Release of performance bond—bond release application; NDAC 69–05.2–12–14, Release of performance bond—commission inspection—time of release; NDAC 69–05.2–12–16, Forfeiture of performance bond—procedures; NDAC 69–05.2–13–06, Performance standards—general requirements—avoidance of underground mine areas; NDAC 69–05.2–13–08, Performance standards—general requirements—protection of fish, wildlife, and related environmental values; NDAC 69–05.2–14–01, Performance standards—casing and sealing of drilled holes—temporary; NDAC 69–05.2–15–02, Performance standards—suitable plant growth material—removal; NDAC 69–05.2–16–04, Performance standards—hydrologic balance—water quality standards and effluent limitations; NDAC 69–05.2–16–06, Performance standards—hydrologic balance—diversion of overland flow; and NDAC 69–05.2–16–12, Performance standards—hydrologic balance—permanent and temporary impoundments; NDAC 69–05.2–22–07, Performance standards—revegetation—standards for success; NDAC 69–05.2–25–03, Performance standards—alluvial valley floors—monitoring; NDAC 69–05.2–25–04, Performance standards—alluvial valley floors—protection of farming and water supplies; and Chapter 69–05.2–32, Improvidently issued permits; except the Director is deferring a decision on NDAC 69–05.2–32–01.1.b that allows for the presumption that a notice of violation is being abated.

[FR Doc. 92–19709 Filed 8–19–92; 8:45 am]

BILLING CODE 4510–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD8–92–22]

Special Local Regulations: Morgan City, LA Blessing of the Fleet and Fireworks

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: Special local regulations are being adopted for the Gulf Intracoastal Waterway Morgan City to Port Allen Alternate Route (Berwick Bay on the Lower Atchafalaya River) between the Southern Pacific Railroad Bridge, MM 0.3 ICW MC/PA Alternate Route and Conrad's Point, MM 1.5 ICW MC/PA Alternate Route. The regulations are needed to protect participating and observing vessels during the Blessing of the Fleet Ceremony and fireworks display. The regulations are needed to provide for safety of life on navigable waters during the event.

EFFECTIVE DATE: These regulations become effective at 9 a.m. on September 6, 1992 and terminate at 11 p.m. on September 6, 1992 unless sooner terminated by the Captain of the Port.

FOR FURTHER INFORMATION CONTACT: LT Pittman at (504) 385–2936 Ext 120.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for these regulations and good

cause exists for making them effective in less than 30 days from the date of publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed.

Drafting Information

The drafters of this regulation are LT W.M. Pittman, project officer and LT J.A. Wilson, project attorney, Eighth Coast Guard District Legal Office.

Discussion of Regulation

On September 6, 1992 between 9 a.m. and 12:30 p.m., a parade of vessels will be held in conjunction with the annual Blessing of the Fleet in Morgan City. The parade will take place within a small section of the Gulf Intracoastal Waterway Morgan City to Port Allen Alternate Route (Berwick Bay on the Lower Atchafalaya River) from the Southern Pacific Railroad vertical lift bridge, Mile Marker 0.3 ICW MC/PA Alternate Route to Conrad's Point, Mile Marker 1.5 ICW MC/PA Alternate Route. There will also be a fireworks display at the same location on September 6, 1992 between 9 p.m. and 11 p.m. Due to the large number of vessels expected to participate, normal commercial traffic through this area will be suspended during the parade and the fireworks display. Traffic flow will be controlled by the Coast Guard Patrol Commander and designated patrol vessels.

Federalism

This proposed action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Regulation

In consideration of the foregoing, part 100 of title 33, Code of Federal Regulations, is amended as follows:

PART 100—[AMENDED]

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A temporary § 100.35–T0822 is added to read as follows:

§ 100.35–T0822 Morgan City, LA Blessing of the Fleet and Fireworks.

(a) *Regulated Area.* Gulf Intracoastal Waterway Morgan City to Port Allen Alternate Route (Lower Atchafalaya River), extending from the Southern Pacific Railroad Bridge, Mile Marker 0.3 to Conrad's Point, Mile Marker 1.5.

(b) *Special Local Regulations.* (1) Between the hours of 9 a.m. and 12:30 p.m., and again between the hours of 9 p.m. and 11 p.m. on September 6, 1992, the regulated area will be closed to all commercial traffic except participants and those vessels authorized by the Coast Guard Patrol Commander. Coast Guard vessels will be present to direct marine traffic and to establish spectator boundaries.

(c) *Effective date:* These regulations become effective at 9 a.m. on September 6, 1992 and terminate at 11 p.m. on September 6, 1992.

Dated: August 17, 1992.

J.C. Card,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 92–19933 Filed 8–19–92; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 117

[CGD13 92–02]

Drawbridge Operation Regulations; Columbia River, Washington

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing specific regulations to govern operation of the Union Pacific railroad bridge (Kalan Bridge) across the Columbia River, mile 323.4, near Kennewick, Washington. Currently the bridge is operated under provisions of title 33 Code of Federal Regulations, part 117, General Requirements, which require that drawbridges open promptly and fully for the passage of vessels when a request to open is given. In actual practice, the drawspan of the Kalan Bridge is maintained in the open to navigation position without a drawtender in attendance and is closed only for the passage of trains or for maintenance. This change establishes specific operating regulations to relieve the present confusion that exists among bridge operators and waterway users regarding proper operation of the bridge.

EFFECTIVE DATE: This rule is effective on September 21, 1992.

FOR FURTHER INFORMATION CONTACT: John E. Mikesell, Chief, Bridge Section, Aids to Navigation and Waterways Management Branch, (telephone: (206) 553–5864).

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of this notice are: John E. Mikesell, project officer, and Lieutenant Laticia J. Argenti, project attorney.

Regulatory History

On April 17, 1992, the Coast Guard published a Proposed Rule in the **Federal Register** (57 FR 13686) concerning operation of the Kalan Bridge. The Commander, Thirteenth Coast Guard District also published the proposal as a Public Notice dated April 30, 1992. Interested parties were given until June 1, 1992, to submit comments on the proposed rule. No comments were received.

Background and Purpose

In 1985, at the request of the Union Pacific Railroad Company, the Coast Guard allowed Union Pacific to operate the Kalan Bridge in a semi-automated mode. It was agreed that a regulation change was not necessary, provided the bridge would open promptly and fully for the passage of vessels when a request to open was given. Experience has shown that the interests of navigation and of the bridge owner would be better served by establishing a regulation to formalize operating procedures.

The drawspan of the Kalan Bridge is maintained in the fully open to navigation position with no drawtender in attendance. The drawspan is lowered only for the passage of trains or for maintenance. In the semi-automated mode, the draw is remotely operated from operating stations located at either end of the bridge. The bridge is equipped with a radar beacon (RACON) located at the center of the drawspan, which responds only when the span is in the fully open position. The bridge is also equipped with an audible alarm system, directional display panels and strobe warning lights.

Regulatory Evaluation

These regulations are considered to be non-major under Executive Order 12291 and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. This conclusions based on the fact that these regulations would not significantly change the current operation of the bridge, but would provide an increased level of safety, in

that detailed operating procedures would be published. They are not expected to have any substantial effect on commercial navigation or on any business that depends on waterborne transportation for successful operations.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*), the Coast Guard must consider whether proposed rules will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). Because this final rule imposes no new requirements on small businesses and will result in economic benefit to the owner of the bridge, the Coast guard does not expect that these regulations will not have a significant economic impact on a substantial number of small entities.

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this regulation does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

This rulemaking has been thoroughly reviewed and determined by the Coast Guard to be categorically excluded from further environmental documentation under the authority of 40 CFR 1507.3 and in accordance with paragraph 2.B.2.g.(5) of Commandant Instruction M16475.1B. A copy of the Categorical Exclusion Determination statement has been prepared and placed in the rulemaking docket.

Collection of Information

This rule contains no collection of information requirement under the Paperwork Reduction Act (44 U.S.C. 3501, *et seq.*).

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g).

2. Section 117.1035 is revised to read as follows:

§ 117.1035 Columbia River.

(a) The term *drawtender*, as used in this section means the operator of the drawspan, whether that person may be a train crew member, maintenance person, or an officially designated drawtender.

(b) The draw of the semi-automated Union Pacific railroad bridge (Kalan Bridge), mile 323.4, near Kennewick, Washington, is normally maintained in the fully open position with no drawtender in attendance. A radar beacon (RACON) is located at the center of the drawspan. The RACON operates only when the drawspan is fully open, by responding with the Morse letter "K" to X-band radar signals. When necessary to close the drawspan for the passage of a train or for maintenance, a drawtender shall be dispatched to operate the draw from either of the remote control stations located at the ends of the bridge. Operation of the bridge shall be as follows:

(1) The drawtender shall broadcast a radio message over Channel 16–VHF to all vessels in the vicinity that the Kalan Bridge will be closing in two minutes. If after two minutes no response is received, the drawtender shall broadcast a message over Channel 13–VHF that the Kalan Bridge is closing. Both messages shall be broadcast twice.

(2) Prior to activating the closing sequence the drawtender shall visually inspect the waterway for marine traffic approaching the bridge. The closing sequence shall not be activated until after marine traffic has cleared the bridge.

(3) When the closing sequence is activated, the following functions occur automatically: The RACON is deactivated, red strobe lights on the lift towers and on the channel piers start flashing, a downward pointing arrow consisting of amber colored lights is displayed from the center of the drawspan and a recorded message is broadcast over Channel 13–VHF advising that the Kalan Bridge is closed to river traffic. The radio message is repeated every five minutes, the red lights continue to flash and the downward pointing arrow is displayed, until the lift span returns to the up and locked position. At the end of the ten minutes, a horn sounds for 30 seconds, the span begins closing and the centerspan navigation lights turn from green to red. The horn sounds for 30 seconds at 10 minute intervals, until the lift span returns to the up and locked position.

(4) If for any reason during the closing sequence a danger is posed to marine traffic, the closing sequence shall be stopped and the bridge reopened until the threat of danger has passed.

(5) If the bridge is to be temporarily closed for maintenance or for purposes other than the passage of a train, the drawtender shall continually monitor Channels 13 and 16 for calls from approaching vessels, and respond to inquiries from vessels about the closure.

(6) After a train has cleared the bridge, the following functions occur automatically: The drawspan returns to the fully open and locked position, the RACON is reactivated, the arrow display and the red strobe lights are extinguished, the red centerspan navigation lights return to green and a recorded message is broadcast over Channel 13–VHF that the Kalan Bridge is open for marine traffic.

(7) Bridge status information may be obtained by calling the commercial telephone number posted at the drawspan of the bridge.

(c) The draw of the Burlington Northern railroad bridge at mile 328.0, between Pasco and Kennewick, shall open on signal from 8 a.m. to 4 p.m. At all other times the draw shall open on signal if at least 2 hour's notice is given through the General Yardmaster, Pasco, Washington.

Dated: August 7, 1992.

J.E. Vorbach,

Rear Admiral, U.S. Coast Guard, Commander, 13th Coast Guard District.

[FR Doc. 92–19932 Filed 8–19–92; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 36

Decrease in Maximum Permissible Interest Rates on Guaranteed Manufactured Home Loans, Home and Condominium Loans, and Home Improvement Loans

AGENCY: Department of Veterans Affairs.

ACTION: Final regulations.

SUMMARY: The Department of Veterans Affairs (VA) is decreasing the maximum interest rates on guaranteed manufactured home unit loans, lot loans and combination manufactured home unit and lot loans. In addition, the maximum interest rates applicable to fixed payment and graduated payment

home and condominium loans, and to home improvement and energy conservation loans are also decreased. These decreases in interest rates are possible because of recent improvements in the availability of funds in various credit markets. The decrease in the interest rates will allow eligible veterans to obtain loans at a lower monthly cost.

EFFECTIVE DATE: August 12, 1992.

FOR FURTHER INFORMATION CONTACT: Mrs. Judy Caden, Loan Guaranty Service (264), Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 233–3042.

SUPPLEMENTARY INFORMATION: The Secretary is required by section 3712(f), title 38, United States Code, to establish maximum interest rates for manufactured home loans guaranteed by VA as he/she finds the manufactured home loan capital markets demand. Recent market indicators—including the prime rate, the general decrease in interest rates charged on conventional manufactured home loans, and the decrease of other short-term and long-term interest rates—have shown that the manufactured home capital markets have improved. It is now possible to decrease the interest rates on manufactured home unit loans, lot loans, and combination manufactured home unit and lot loans while still assuring an adequate supply of funds from lenders and investors to make these types of VA loans.

The Secretary is also required by section 3703(c), title 38, United States Code, to establish maximum interest rates for home and condominium loans, including graduated payment mortgage loans, and loans for home improvement purposes. Market indicators similarly favor reductions in the maximum interest rates for these types of loans. These lower interest rates should assist more veterans in the purchase of homes and condominiums or to obtain improvement loans because of the decrease in the monthly loan payments for principal and interest.

Regulatory Flexibility Act/Executive Order 12291

For the reasons discussed in the May 7, 1981 **Federal Register**, (46 FR 25443), it has previously been determined that final regulations of this type which change the maximum interest rates for loans guaranteed, insured, or made pursuant to chapter 37 of title 38, United States Code, are not subject to the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601–612.

These regulatory amendments have also been reviewed under the provisions of Executive Order 12291. VA finds that they are not "major rules" as defined in that Order. The existing process of informal consultation among representatives within the Executive Office of the President, OMB, VA and the Department of Housing and Urban Development has been determined to be adequate to satisfy the intent of this Executive order for this category of regulations. This alternative consultation process permits timely rate adjustments with minimal risk of premature disclosure. In summary, this consultation process will fulfill the intent of the Executive order while still permitting compliance with statutory responsibilities for timely rate adjustments and a stable flow of mortgage credit at rates consistent with the market.

These final regulations come within exceptions to the general VA policy of prior publication of proposed rules as contained in 38 CFR 1.12. The publication of notice of a regulatory change in the VA maximum interest rates for VA guaranteed, insured or direct loans would deny veterans the benefit of lower interest rates pending the final rule publication date which would necessarily be more than 30 days after publication in proposed form. Accordingly, it has been determined that publication of proposed regulations prior to publication of final regulations is impracticable, unnecessary, and contrary to the public interest.

(Catalog of Federal Domestic Assistance Program numbers, 64.118, 64.114, and 64.119)

These regulations are adopted under the authority granted to the Secretary by sections 510(c), 3703(c)(1), 3711(d)(1) and 3712 (f) and (g) of title 38, United States Code.

These decreases are accomplished by amending §§ 36.4212(a) (1), (2), and (3), and 36.4311 (a), (b), and (c) and 36.4503(a), title 38, Code of Federal Regulations.

List of Subjects in 38 CFR Part 36

Condominiums, Handicapped, Housing, Loan programs—housing and community development, Manufactured Homes, Veterans.

Approved: August 12, 1992.

Anthony J. Principi,

Deputy Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 36 is amended as set forth below:

PART 36—LOAN GUARANTY

1. The authority citation for §§ 36.4201 through 36.4287 is revised to read as follows:

Authority: Sections 36.4201 through 36.4287 issued under 38 U.S.C. 510, 1812.

§ 36.4212 [Amended]

2. In § 36.4212, remove the date "July 6, 1992", wherever it appears, and add, in its place, the date "August 12, 1992".

3. In § 36.4212, paragraph (a)(1), remove the number "10½", wherever it appears, and add, in its place, the number "10"; in paragraphs (a)(2) and (a)(3), remove the number "10", wherever it appears, and add, in its place, the number "9½".

4. The authority citation for §§ 36.4300 through 36.4375 is revised to read as follows:

Authority: Sections 36.4300 through 36.4375 issued under 38 U.S.C. 510.

§ 36.4311 [Amended]

5. In § 36.4311, remove the date "July 6, 1992", wherever it appears, and add, in its place, the date "August 12, 1992".

6. In § 36.4311, paragraph (a), remove the number "8", wherever it appears, and add, in its place, the number "7½"; in paragraph (b), remove the number "8¼", wherever it appears, and add, in its place, the number "7¾"; in paragraph (c), remove the number "9½", wherever it appears, and add, in its place, the number "9".

7. The authority citation for §§ 36.4500 through 36.4600 is revised to read as follows:

Authority: Sections 36.4500 to 36.4600 issued under 38 U.S.C. 510.

§ 36.4503 [Amended]

8. In § 36.4503, paragraph (a), remove the number "8" and "9½", wherever they appear, and add in their place, the numbers "7½" and "9", respectively.

[FR Doc. 92–19845 Filed 8–19–92; 8:45 am]

BILLING CODE 8320–01–M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101–14

[FPMR Amendment C–7]

Removal of Regulations Pertaining to the National Defense Stockpile Program

AGENCY: General Services Administration (GSA).

ACTION: Final rule.

SUMMARY: General Services Administration is removing from its

regulations certain provisions relating to strategic and critical or other raw and basic materials required for the National Defense Stockpile. These provisions have been superseded by a revision to the Defense Federal Acquisition Regulations (DFAR) effective December 1, 1991.

EFFECTIVE DATE: August 20, 1992.

FOR FURTHER INFORMATION CONTACT: Marvin L. Steffen, Controller, Federal Property Resources Service, GSA (202) 501–0204.

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purpose of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs; has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Part 101–14

Government property management, National Defense Stockpile, Strategic and critical materials.

[PART 101–14—REMOVED AND RESERVED]

Accordingly, under the authority of Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), Part 101–14 is removed and reserved.

Dated: July 29, 1992.

Richard G. Austin,

Administrator of General Services.

[FR Doc. 92–19747 Filed 8–19–92; 8:45 am]

BILLING CODE 6820–96–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA–7546]

Suspension of Community Eligibility

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If FEMA receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

EFFECTIVE DATES: The effective date of each community's suspension is the third date ("Susp.") listed in the fourth column of the following tables.

ADDRESSES: If you wish to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP serving contractor.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, 500 C Street SW., room 417, Washington, DC 20472, (202) 646–2717.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the National Flood Insurance Program, 42 U.S.C. 4001 *et seq.*, unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59 *et seq.* Accordingly, the communities will be suspended on the effective date in the fourth column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM if one has been published, is indicated in the fifth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Administrator finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications have been made, this final rule may take effect within less than 30 days.

National Environmental Policy Act

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

Regulatory Flexibility Act

This rule will not have a significant economic impact on a substantial number of small entities in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 et seq.

Regulatory Impact Analysis

This rule is not a major rule under Executive Order 12291, Federal Regulation, February 17, 1981, 3 CFR, 1981 Comp., p. 127. No regulatory impact analysis has been prepared.

Paperwork Reduction Act

This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 et. seq.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp. p. 252.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp., p. 309.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

1. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 64.6 [Amended]

2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date of authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain federal assistance no longer available in special flood hazard areas
Regular Conversions				
Region I:				
Maine; Buckfield, town of, Oxford County	230090	Aug. 5, 1975, Emerg.; Nov. 1, 1985, Reg.; Sept. 3, 1992, Susp.	Sept. 3, 1992	Sept. 3, 1992.
Region II:				
New York; Pittsford, town of, Monroe County	360429	May 4, 1973, Emerg.; Sept. 29, 1978, Reg.; Sept. 3, 1992, Susp.	do	Do.
Region III:				
Pennsylvania; Mercersburg, borough of, Franklin County.	420471	Aug. 6, 1975, Emerg.; Mar. 1, 1986, Reg.; Sept. 3, 1992, Susp.	do	Do.
Region IV:				
Florida; Sarasota County, unincorporated areas	125144	July 10, 1970, Emerg.; July 30, 1971, Reg.; Sept. 3, 1992, Susp.	do	Do.
Tennessee:				
Tennessee; White Pine, town of, Jefferson County.	470332	Jan. 13, 1978, Emerg.; Sept. 1, 1987, Reg.; Sept. 3, 1992, Susp.	do	Do.
Region V:				
Wisconsin; Sheboygan County, unincorporated areas.	550424	Apr. 4, 1973, Emerg.; July 17, 1978, Reg.; Sept. 3, 1992, Susp.	do	Do.
Region III:				
Pennsylvania; Butler, township of, Schuylkill County.	421999	Sept. 15, 1975, Emerg.; Nov. 16, 1990, Reg.; Aug. 3, 1992 Susp.	Aug. 3, 1992	Sept. 17, 1992.
Region VI:				
Texas; Corpus Christi, city of, Nueces County	485464	June 19, 1970, Emerg.; July 23, 1971, Reg.; Sept. 17, 1992,.	Susp	Sept. 17, 1992.
Louisiana; St. Charles Parish, unincorporated areas.	220160	Feb. 8, 1974, Emerg.; May 2, 1983, Reg.; Sept. 17, 1992, Susp.	June 16, 1992	Do.
Minimal Conversions				
Region VII:				
Nebraska; Rogers, village of, Colfax County	315497	Nov. 30, 1990, Emerg.; Sept. 17, 1992, Reg.; Sept. 17, 1992, Susp.	Sept. 17, 1992	Do.

Code for reading third column: Emerg.-Emergency; Reg.-Regular; Susp.-Suspension.

[Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance"]

Issued: August 17, 1992.

C.M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 92-19902 Filed 8-19-92; 8:45 am]

BILLING CODE 6718-21-M

44 CFR Part 65

[Docket No. FEMA-7049]

Changes in Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the base (100-year) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base (100-year) flood elevations for new buildings and their contents.

DATES: These modified base flood elevations are currently in effect on the dates listed in the table and revise the Flood Insurance Rate Map(s) (FIRMs) in effect prior to this determination for each listed community.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Administrator reconsider the changes. The modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: William R. Locke, Chief, Risk Studies Division, Federal Insurance Administration, 500 C Street SW., Washington, DC 20472, (202) 646-2754.

SUPPLEMENTARY INFORMATION: The modified base (100-year) flood elevations are not listed for each community in this interim rule.

However, the address of the Chief Executive Officer of the community where the modified base flood elevation determinations are available for inspection is provided.

Any request for reconsideration must be based upon knowledge of changed conditions, or upon new scientific or technical data.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program.

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

National Environmental Policy Act

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

Regulatory Flexibility Act

This rule will not have a significant economic impact on a substantial number of small entities in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 et seq.

Regulatory Impact Analysis

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

Executive Order 12612, Federalism

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

Executive Order 12778, Civil Justice Reform

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

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
California:					
San Bernardino	City of Loma Linda	Aug. 20, 1992, Aug. 27, 1992, *San Bernardino County Sun.*	The Honorable Robert Christman, Mayor, City of Loma Linda, 25541 Barton Road, Loma Linda, California 92354.	July 16, 1992	065042
Florida:					
Pinellas	City of Gulfport	Aug. 6, 1992, Aug. 13, 1992, *St. Petersburg Times.*	Mr. Robert E. Lee, manager of the city of Gulfport, Pinellas County, 2401 53rd Street South, Gulfport, Florida 33707.	July 27, 1992	125108 C
Georgia:					
Chatham	Unincorporated areas	July 24, 1992, July 31, 1992, *Savannah Morning News.*	Mr. Robert L. McCorkle, chairman of the board of Chatham County Commissioners, P.O. Box 8161, Savannah, Georgia 31412.	July 17, 1992	130030 C
Kansas:					
Johnson	City of Shawnee	July 8, 1992, July 15, 1992, *Journal Herald.*	The Honorable Robert Best, mayor, city of Shawnee, 11110 Johnson Drive, Shawnee, Kansas 66203.	July 10, 1992	200177
Maine:					
Hancock	Town of Southwest Harbor.	July 2, 1992, July 9, 1992	Mr. Kenneth Minier, manager of the town of Southwest Harbor, P.O. Box 745, Southwest Harbor, Maine 04679.	June 17, 1992	230293 B
Pennsylvania:					
York	Township of Dover	Aug. 12, 1992, Aug. 19, 1992, *York Dispatch.*	Mr. James Euclide, chairman of the township of Dover Board of Supervisors, York County, 2480 West Canal Road, Dover, Pennsylvania 17315.	July 27, 1992	420920 B
Pennsylvania					
Lycoming	Township of Fairfield	Aug. 5, 1992, Aug. 12, 1992, *Williamsport Sun-Gazette.*	Mr. Robert A. Wein, chairman of the Fairfield township of supervisors, Lycoming County, R.D. No. 1, Box 464, Montoursville, Pennsylvania 17754.	July 27, 1992	420972 B
Texas:					
Tarrant	City of Arlington	July 29, 1992, Aug. 5, 1992, *Fort Worth Star Telegram.*	The Honorable Richard Greene, mayor, city of Arlington, P.O. Box 231, Arlington, Texas 76004-0231.	June 26, 1992	485454
Dallas	City of Irving	July 16, 1992, July 23, 1992, *Irving News.*	The Honorable Roy F. Brown, mayor, city of Irving, City Hall, P.O. Box 152288, Irving, Texas 75015.	June 24, 1992	480180

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance")

Issued: August 5, 1992.

C.M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 92-19901 Filed 8-19-92; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 65

Changes in Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA

ACTION: Final rule.

SUMMARY: Modified base (100-year) flood elevations are finalized for the communities listed below. These modified elevations will be used to calculate flood insurance premium rates for new buildings and their contents.

EFFECTIVE DATES: The effective dates for these modified base flood elevations are indicated on the following table and revise the Flood Insurance Rate Map(s) (FIRMs) in effect for each listed community prior to this date.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: William R. Locke, Chief, Risk Studies Division, Federal Insurance Administration, 500 C Street SW., Washington, DC 20472, (202) 646-2754.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of modified base flood elevations for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Administrator has resolved any appeals resulting from this notification.

The modified base (100-year) flood elevations are not listed for each community in this notice. However, this rule includes the address of the Chief Executive Officer of the community where the modified base flood elevation determinations are available for inspection.

The modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program.

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements.

The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities.

These modified base flood elevations shall be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for second layer coverage on existing buildings and their contents.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

National Environmental Policy Act

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

Regulatory Flexibility Act

This rule will not have a significant economic impact on a substantial number of small entities in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 et seq.

Regulatory Impact Analysis

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

Executive Order 12612, Federalism

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

Executive Order 12778, Civil Justice Reform

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

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Alaska:					
Anchorage Division	Municipality of Anchorage (Docket No. 7041).	Feb. 21, 1992, Feb. 28, 1992, *Anchorage Daily News.*	The Honorable Tom Fink, mayor, municipality of Anchorage, P.O. Box 196650, Anchorage, Alaska 99519.	Jan. 31, 1992	020005
California:					
Larimer	City of Fort Collins (Docket No. 7043).	May 1, 1992, May 8, 1992, *The Coloradoan.*	The Honorable Susan Kirkpatrick, mayor, city of Fort Collins, P.O. Box 580, Fort Collins, Colorado 80522.	Apr. 20, 1992	080102
Placer	City of Rocklin (Docket No. 7043).	Apr. 10, 1992, Apr. 17, 1992, *Press-Tribune.*	The Honorable Peter Hill, mayor, city of Rocklin, City Hall, 3970 Rocklin Road, Rocklin, California 95677.	Mar. 26, 1992	060242
San Joaquin	Unincorporated areas (Docket No. 7043).	Apr. 23, 1992, Apr. 30, 1992 *The Stockton Record.*	The Honorable Edward Simas, chairman, San Joaquin County, Board of Supervisors, 222 East Weber Avenue, Room 701, Stockton, California 95202.	Apr. 23, 1992	060299

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Illinois:					
DuPage and Cook (FEMA docket No. 7043).	Village of Burr Ridge	Mar. 6, 1992, Mar. 13, 1992, *Burr Ridge Doings.*	The Honorable William Zucek, president of the village of Burr Ridge, 7660 County Line Road, Burr Ridge, Illinois 60521.	Feb. 27, 1992	170071 B
Massachusetts:					
Essex (FEMA docket No. 7041).	Town of Rockport	Jan. 15, 1992, Jan. 22, 1992, *Gloucester Daily Times.*	Ms. Priscilla Garlick, chairperson of the town of Rockport Board of Selectmen, Essex County, Town Office Building, P.O. Box 329, Rockport, Massachusetts 01966.	Jan. 8, 1992	250100 B
Michigan:					
Macomb (FEMA docket No. 7043).	Township of Macomb	Mar. 13, 1992, Mar. 20, 1992, *The Macomb Daily.*	Mr. John D. Brennan, Macomb Township Supervisor, 19925 23 Mile Road, Mount Clemens, Michigan 48044.	Mar. 2, 1992	260445 B
Nevada:					
Clark	City of Boulder City (Docket No. 7043).	May 7, 1992, May 14, 1992, *Boulder City News.*	The Honorable Eric Lundgaard, mayor, city of Boulder City, 401 California Avenue, Boulder City, Nevada 89005.	Apr. 20, 1992	320004
North Carolina:					
Durham (FEMA docket No. 7043).	City of Durham	Mar. 30, 1992, Apr. 6, 1992, *Durham Morning Herald.*	The Honorable Harry E. Rodenheizer, Jr., mayor of the city of Durham, 101 City Hall Plaza, Durham, North Carolina 27701.	Mar. 23, 1992	370086 D
Pennsylvania:					
Centre (FEMA docket No. 7043).	Township of Ferguson	Apr. 16, 1992, Apr. 23, 1992, *Centre Daily Times.*	Mr. Mark Kunkle, manager for the township of Ferguson, 3147 Research Drive, State College, Pennsylvania 16801.	Mar. 20, 1992	420260 C
Texas:					
Travis (FEMA docket No. 7038).	City of Austin	*Austin American-Statesman,* Oct. 25, 1991, Nov. 1, 1991.	The Honorable Bruce Todd, mayor of the city of Austin Travis County, P.O. Box 1088, Austin, Texas 78767.	Oct. 18, 1991	480624 C
El Paso (FEMA docket No. 7041).	City of El Paso	Jan. 21, 1992, Jan. 28, 1992, *El Paso Times.*	The Honorable William S. Tilney, mayor of the city of El Paso, El Paso County, Two Civic Center Plaza, El Paso, Texas 79961-1196.	Jan. 8, 1992	480214 B
Harris (FEMA docket No. 7041).	Unincorporated areas	Jan. 10, 1992, Jan. 17, 1992, *Houston Chronicle.*	The Honorable Jon Lindsay, Harris County Judge, Harris County Administration Building, 1001 Preston, Suite 911, Houston, Texas 77002.	Dec. 26, 1991	480287 G
Harris (FEMA docket No. 7041).	Unincorporated areas	Feb. 5, 1992, Feb. 12, 1992, *Houston Chronicle.*	The Honorable Jon Lindsay, Harris County Judge, Harris County Administration Building, 1001 Preston, Suite 911, Houston, Texas 77002.	Jan. 28, 1992	480287 G
Wisconsin:					
St. Croix (docket No. FEMA-7044).	Village of Baldwin	Apr. 22, 1992, Apr. 29, 1992, *Baldwin Bulletin.*	The Honorable Rollie Rieck, village president, Village of Baldwin, 1090 10th Avenue, Baldwin, Wisconsin 54002.	Apr. 6, 1992	550380

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance")

Issued: August 5, 1992.

C.M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 92-19906 Filed 8-19-92; 8:45 am]

BILLING CODE 6718-OB-M

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: Base (100-year) flood elevations and modified base (100-year) flood elevations are made final for the communities listed below.

The (100-year) flood elevations and modified base flood elevations are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATES: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base flood elevations and modified base flood elevations for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated on the table below.

ADDRESSES: The final base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: William R. Locke, Chief, Risk Studies Division, Federal Insurance Administration, 500 C Street, SW., Washington DC. 20472, (202) 646-2754.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA or Agency) gives notice of the final determinations of base flood elevations and modified base flood elevations for each community listed. The proposed base flood elevations and proposed modified base flood elevations were published in newspapers of local circulation and an opportunity for the community or individuals to appeal the proposed determinations to or through the community was provided for a period of ninety (90) days. The proposed base flood elevations and proposed modified base flood elevations were also published in the **Federal Register**.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67.

The Agency has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

National Environmental Policy Act

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

Regulatory Flexibility Act

This rule will not have a significant economic impact on a substantial number of small entities in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 et seq.

Regulatory Impact Analysis

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

Executive Order 12612, Federalism

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

Executive Order 12778, Civil Justice Reform

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

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and Flood Insurance Rate Map available at the address cited below for each community.

The base flood elevations and modified base flood elevations are made final in the communities listed below. Elevations at selected locations in each community are shown.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements. Accordingly, 44 CFR part 67 is amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read.

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.11 [Amended]

2. The tables published under the authority of § 67.11 are amended as follows:

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
ALABAMA	
Anniston (City), Calhoun County (FEMA Docket No. 7042)	
Cave Creek:	
At mouth	*655
Just downstream of Tar and Gravel Road	*671
Cane Creek:	
About 3,900 feet downstream of Norfolk Southern railway	*655
Just upstream of State Highway 21	*692
Golden Springs Branch:	
Just upstream of Norfolk Southern railway	*629
About 2,650 feet upstream of Shamrock Road	*958
Boiling Springs Branch:	
About 1,500 feet downstream of Golden Springs Road	*659
Just downstream of Spring Valley Road	*696
Snow Creek:	
About 650 feet downstream of confluence of Hobson Creek	*630
Just downstream of Duncan Avenue	*724
DeArmanville Branch:	
About 500 feet downstream of Highway 78	*628
About 400 feet upstream of Choccolocco Road	*833
Hobson Creek:	
At mouth	*632
About 1,600 feet upstream of McPherson Street	*700
Maps available for inspection at the City of Anniston, Anniston, Alabama.	
Calhoun County (Unincorporated Areas) (FEMA Docket No. 7042)	
Cane Creek:	
Just downstream of Unnamed Road	*587
Just downstream of 15th Street	*737
Just upstream of 15th Street	*742
About 1400 feet upstream of Rock Hollow Road	*822
Lenlock Branch:	
At mouth	*645
Just downstream of 49th Street	*698
Remount Creek:	
At mouth	*707
Just downstream of unnamed road	*817
South Branch (Cane Creek):	
At mouth	*728
Just downstream of 21st Street	*757
Just upstream of 21st Street	*762
Just downstream of Rock Hollow Road	*846
Ingram Creek:	
At mouth	*785
Just downstream of Rock Hollow Road	*812
Coldwater Creek:	
At county boundary	*582
About 3850 feet upstream of Lynne Drive	*691
Choccolocco Creek:	
About 3600 feet downstream of U.S. Highway 21	*595
About 2000 feet upstream of Downings Mill Road	*656
Snow Creek:	
About 1300 feet downstream of U.S. Highway 431 (downstream crossing)	*619
About 400 feet upstream of U.S. Highway 431 (upstream crossing)	*630
Golden Springs Branch:	
Just upstream of U.S. Highway 78	*622
About 3250 feet upstream of Greenbriar Drive	*690
Boiling Springs Branch:	
Just upstream of Norfolk Southern Railway	*642
About 770 feet upstream of Miller Lane	*659
DeArmanville Branch:	
About 450 feet downstream of Interstate 20	*623
About 375 feet upstream of Choccolocco Road	*832
Maps available for inspection at the Calhoun County EMA, 25 West 11th Street, Anniston, Alabama.	
Oxford (City), Calhoun and Talladega Counties (FEMA Docket No. 7042)	
Choccolocco Creek:	
Just downstream of State Highway 21	*598
About 1.0 mile upstream of Boiling Springs Road	*623
Boiling Springs Branch:	
At mouth	*617
Just downstream of Private Drive	*622
Just upstream of U.S. Highway 78	*632
DeArmanville Branch:	
At mouth	*621
Just upstream of Interstate 20	*627
Park Creek:	
Just upstream of mouth	*651
Just upstream of McPherson Street	*662
Snow Creek:	
At mouth	*608
Just downstream of confluence of Hobson Creek	*632
Golden Springs Branch:	
At mouth	*609
Just downstream of Norfolk Southern railway	*523
Just upstream of Norfolk Southern railway	*631
Coldwater Creek:	
Just upstream of county boundary	*582
Just upstream of Abandoned Railroad	*590
Maps available for inspection at the City of Oxford, Oxford, Alabama.	
ARIZONA	
Navajo County (unincorporated areas) (FEMA Docket No. 7042)	
Little Colorado River:	
At the north section line of Sections 4 and 5 in Township 19 north	*4,828
At Prosperity Avenue extended	*4,850
Just downstream of Interstate Highway 40	*4,856
Just downstream of of U.S. Highway 66	*4,858
Approximately 50 feet downstream of Atchison Topeka & Santa Fe Railroad, at the extreme south corporation limits of the City of Winslow	*4,859
Ruby Wash:	
Approximately 4,200 feet downstream of McHood Road	*4,828
Approximately 100 feet upstream of North Park Drive	*4,831
Approximately 320 feet downstream of North Park Drive just north of Winslow	*4,834
Show Low Creek:	
Approximately 1.57 miles upstream of U.S. Higway 60 bridge	*6,347
Just upstream of Jaques Dam	*6,577
Approximately 10,800 feet upstream of Jaques Dam	*6,607
Oklahoma Flat Draw:	
Approximately 8,400 feet downstream of Zane Grey Boulevard	*6,489
At northern most loop of Zane Grey Boulevard	*6,545
Just upstream of State Route 260	*6,596
Approximately 220 feet upstream of Crooks Trail	*6,602
Maps are available for review at the Navajo County Engineering Department, County Complex, South Highway 77, Holbrook, Arizona.	
Pima County (Unincorporated Areas), (FEMA Docket No. 7042)	
Santa Cruz River:	
Approximately 4,400 feet downstream of Pinal-Pima County Line	*1,866
At Pinal-Pima County Line	*1,875
Just upstream of Trico Road	*1,909
Approximately 100 feet upstream of Trico-Marana Road	*1,937
Approximately 6,400 feet downstream of Sanders Road	*1,964
Approximately 2,800 feet upstream of Sanders Road	*1,985
Approximately 11,000 feet upstream of Sanders Road	*2,012
Approximately 10,000 feet downstream of Avra Valley Road	*2,037
At Avra Valley Road	*2,069
Approximately 100 feet upstream of Cortaro Road (relocated)	*2,143
At Ina Road	*2,168
At the confluence of Canada Del Oro	*2,190
Approximately 2,100 feet upstream of Sunset Road	*2,221
Approximately 3,300 feet upstream of Valencia Road	*2,470

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Approximately 4,500 feet upstream of Valencia Road	*2,472
Approximately 5,700 feet downstream of San Xavier Road	*2,475
Just upstream of Interstate 19 Northbound	*2,501
Canada Del Oro:	
Approximately 175 feet downstream of Magee Road	*2,292
Approximately 1,000 feet upstream of Magee Road	*2,302
Approximately 2,100 feet downstream of La Cholla Boulevard	*2,346
Approximately 375 feet downstream of La Cholla Boulevard	*2,360
Approximately 375 feet upstream of La Cholla Boulevard	*2,369
Approximately 50 feet downstream of Overton Road	*2,386
Pima Wash:	
Approximately 2,800 feet upstream of Ina Road	*2,743
Approximately 4,600 feet upstream of Ina Road	*2,813
Approximately 6,400 feet upstream of Ina Road	*2,883
Approximately 8,200 feet upstream of Ina Road (at Coronado National Forest Boundary)	*2,969
Rillito Creek:	
At La Cholla Boulevard	*2,257
Just downstream of Flowing Wells Road	*2,278
Approximately 1,100 feet downstream of North Oracle Road (U.S. Highway 80, 89)	*2,294
Approximately 2,600 feet upstream of North First Avenue	*2,327
Approximately 250 feet upstream of Dodge Boulevard	*2,383
Just downstream of Swan Road	*2,406
At the confluence with Pantano Wash and Tanque Verde Creek	*2,431
Sabino Creek:	
At the confluence with Tanque Verde Creek	*2,492
Approximately 0.82 mile above the confluence with Tanque Verde Creek	*2,510
Approximately 1.57 miles above the confluence with Tanque Verde Creek	*2,525
Tanque Verde Creek:	
At the confluence with Rillito Creek and Pantano Wash	*2,431
Approximately 50 feet upstream of North Craycroft Road	*2,433
Approximately 0.6 mile (3,175 feet) upstream of North Craycroft Road	*2,444
Approximately 0.36 mile (1,900 feet) downstream of the confluence with Ventana Canyon Wash	*2,457
Maps are available for review at the Pima County Department of Transportation and Flood Control District, Public Works Building, 201 North Stone Avenue, Tucson, Arizona.	
Winslow (City), Navajo County (FEMA Docket No. 7042)	
Little Colorado River:	
In line with a projection of Maple Street and Oak Road past the levees	*4,852
Approximately 400 feet upstream of Highway 66	*4,859
Ruby Wash:	
Approximately 500 feet downstream of North Park Drive	*4,834
Just downstream of North Drive	*4,839
Just downstream of Interstate 40 westbound	*4,843
At the intersection of Cherry Street and Colorado Avenue	#1
Maps are available for review at City Hall, 21 Williamson Avenue, Winslow, Arizona.	
CALIFORNIA	
Modoc County (Unincorporated Areas) (FEMA Docket No. 7042)	
Ash Creek:	
Approximately 750 feet downstream of Ash Street	*4,198
At Ash Street	*4,199
Approximately 1,100 feet upstream of Main Street	*4,203
Butte Creek:	
Approximately 1,500 feet downstream of Main Street	*4,199
Just upstream of Main Street	*4,204
Approximately 680 feet upstream of Main Street	*4,206
Dry Creek:	
Just downstream of McDowell Street	*4,199
At Main Street	*4,200
Approximately 500 feet upstream of Adin Street	*4,204
Maps are available for review at the Modoc County Department of Public Works, 202 West Fourth Street, Alturas, California.	
Shasta County (Unincorporated Areas) (FEMA Docket No. 7042)	
Cottonwood Creek:	
Approximately 300 feet downstream of Main Street	*407
Just upstream of Interstate Highway 5	*410
At the confluence of South Fork Cottonwood Creek	*435
Approximately 6,400 feet upstream of the confluence of South Fork Cottonwood Creek	*444
Maps are available for review at the Department of Public Works, 1855 Placer Street, Redding, California.	
Tehama County (Unincorporated Areas) (FEMA Docket No. 7042)	
Dibble Creek:	
Just upstream of McCoy Road	*327
At Westgate Road extended	*403
Just upstream of State Highway 36	*452
Approximately 800 feet upstream of the road leading to Brickyard Creek	*487
Cottonwood Creek:	
Approximately 300 feet downstream of Main Street	*407
Just upstream of Interstate Highway 5	*410
Just upstream of Southern Pacific Railroad	*411
Approximately 6,400 feet upstream of the confluence of South Fork Cottonwood Creek	*444
South Fork Cottonwood Creek:	
At the confluence with Cottonwood Creek	*435
Just upstream of Evergreen Road	*446
Approximately 7,430 feet upstream of Evergreen Road	*460
Hooker Creek:	
At the confluence with Cottonwood Creek	*422
At Draper Road	*429
Approximately 100 feet downstream of Bowman Road	*443
Approximately 800 feet upstream of Bowman Road	*447
Maps are available for review at the Building Department Office, County Courthouse Annex, 633 Washington Street, Red Bluff, California.	
CONNECTICUT	
Madison (Town), New Haven County (FEMA Docket No. 7040)	
Hammonasset River (upper reach):	
Upstream side of State Route 80	*214
Approximately 2,000 feet upstream of State Route 79	*315
Neck River:	
Upstream side of Goulds Pond Dam	*77
Approximately 1,450 feet upstream of Bradley Corners Road	*230
Iron Stream:	
At State Route 80	*97
At Race Hill Road	*217
Maps available for inspection at the Madison Town Clerk's Office, 8 Meetinghouse Lane, Madison, Connecticut.	
FLORIDA	
Clay County (Unincorporated Areas) (FEMA Docket No. 7039)	
Black Creek:	
At mouth	*5
At confluence with North Fork and South Fork Black Creek	*15
Grog Creek:	
At mouth	*14
About 2750 feet upstream of Blanding Boulevard	*22
Bradley Creek:	
At mouth	*8
About 400 feet downstream of trail road	*45
Just upstream of trail road	*52
Just downstream of State Road 218	*74
Just upstream of State Road 218	*80
Dillaberry Branch:	
At mouth	*17
Just downstream of State route 218	*79
Polander Branch:	
At mouth	*18
Just downstream of County Highway 218	*25
About 350 feet upstream of County Highway 218	*32
Big Branch:	
At mouth	*24
Just downstream of County Highway 218	*75
Just upstream of County Highway 218	*84
Duckwater Branch:	
At mouth	*48
Just downstream of County Highway 218	*74
Just upstream of County Highway 218	*80
Mill Creek:	
At mouth	*22
Just upstream of Calendula Avenue	*48
Peters Creek:	
At mouth	*5
Just downstream of Farm Road	*8
Ortega River:	
Just upstream of Interstate 295	*7
About 2000 feet upstream of confluence of Tributary No. 1	*11
Governors Creek:	
At mouth	*5
About 1300 feet downstream of State Road 16	*6
Clarkes Creek:	
At mouth	*5
About 2650 feet downstream of County Highway 209	*6
Double Branch:	
At mouth	*14
About 4000 feet upstream of mouth	*14
Bull Creek:	
At mouth	*22
About 4550 feet upstream of County Highway 215	*50
South Prong Double Branch:	
At mouth	*32
About 1.1 miles upstream of Branan Field road	*60
North Fork Black Creek:	
At mouth	*15
Just downstream of North Road	*91
North Fork Black Creek Tributary No. 2:	
At mouth	*17
Just downstream of Long Bay Road	*57
North Fork Black Creek Tributary No. 1:	
At mouth	*16
About 600 feet upstream of County Highway 220	*16
Swimming Pen Creek:	
Entire reach	*5
St. Johns River:	
Within community	*5
St. Johns River Tributary No. 1:	
At mouth	*5
Just upstream of U.S. Route 17	*7
St. Johns River Tributary No. 2:	
At mouth	*5
Just downstream of County Highway 209	*6
St. Johns River Tributary No. 3:	
Entire reach	*5
South Fork Black Creek:	
At mouth	*15
About 2500 feet upstream of State Road 218	*15
Peters Branch:	
At mouth	*5
Just downstream of U.S. Route 17	*10
Little Black Creek:	
At mouth	*9
About 1900 feet downstream of Cheswick Oak Avenue	*34
Little Black Creek Tributary No. 1:	
At mouth	*14
About 7000 feet upstream of Branan Field Road	*41
Little Black Creek Tributary No. 2:	

Source of flooding and location	#Depth in feet above ground. ²Elevation in feet (NGVD)
At mouth	*14
About 3000 feet above mouth	*14
Lake Opal:	
Along shoreline	*124
Loch Lomond:	
Along shoreline	*108
North Lake Asbury:	
Along shoreline	*28
South Lake Ashbury:	
Along shoreline	*48
Lake Lark:	
Along shoreline	*41
Lake Ryan:	
Along shoreline	*52
Crystal Lake:	
Along shoreline	*114
Blue Pond:	
Along shoreline	*176
Little Lake Geneva:	
Along shoreline	*100
Deer Springs Lake:	
Along shoreline	*111
Lake Lure:	
Along shoreline	*100
Lake Hutchinson:	
Along shoreline	*109
Silver Sand Lake:	
Along shoreline	*96
Allen Pond:	
Along shoreline	*95
Oldfield Pond:	
Along shoreline	*103
Bundy Lake:	
Along shoreline	*83
Pebble Lake:	
Along shoreline	*109
Lake Lily:	
Along shoreline	*113
Maps available for inspection at the Clay County Building and Zoning Department, Green Cove Springs, Florida.	
GEORGIA	
Cobb County (Unincorporated Areas) (FEMA Docket No. 7042)	
Butler Creek:	
About 0.7 mile downstream of Pine Mountain Road	*971
Just downstream of Pine Mountain Road	*994
Maps available for inspection at the Cobb County Development and Inspection Department, 100 Cherokee Street, Marietta, Georgia.	
College Park (City), Fulton and Clayton Counties (FEMA Docket No. 7042)	
Sullivan Creek:	
Just downstream of West Fayetteville Road	*920
Just upstream of West Fayetteville Road	*930
Just downstream of Sullivan Road	*931
Just upstream of Sullivan Road	*943
About 400 feet downstream of Interstate 85	*943
About 400 feet upstream of Interstate 85	*955
Just upstream of Best Road	*966
Just downstream of downstream crossing of Embassy Drive	*971
Just upstream of downstream crossing of Embassy Drive	*984
Just upstream of crossing of Embassy Drive	*991
Just upstream of Edison Road	*994
Maps available for inspection at the City of College Park, Inspection and Engineering Department, 3667 Main Street, College Park, Georgia.	
Kennesaw (City), Cobb County (FEMA Docket No. 7042)	
Butler Creek:	
About 0.6 mile downstream of Pine Mountain Road	*974
Just downstream of Pine Mountain Road	*994
Just upstream of Pine Mountain Road	*997
Maps available for inspection at the City Hall, Building Inspector's Office, 2529 J.O. Stephenson Avenue, Kennesaw, Georgia.	
McCaysville (City), Fannin County (FEMA Docket No. 7040)	
Toccoa River:	
About 630 feet downstream of Grand Street	*1460
About 625 feet upstream of CSX railroad	*1468
Fightingtown Creek:	
About 1690 feet downstream of West Tennessee Avenue	*1459
About 900 feet upstream of West Tennessee Avenue	*1463
Maps available for inspection at the City Hall, Tennessee Avenue, Highway 5, McCaysville, Georgia.	
ILLINOIS	
Aroma Park (Village), Kankakee County (FEMA Docket No. 7042)	
Kankakee River:	
Within community	*613
Iroquois River:	
Within community	*613
Maps available for inspection at the Village Hall, 118 West Front Street, Aroma Park, Illinois.	
Kankakee (City), Kankakee County (FEMA Docket No. 7042)	
Kankakee River:	
About 1.6 miles downstream of Conrail	*597
About 1.0 mile upstream of confluence of Baker Creek	*612
Soldier Creek:	
About 650 feet downstream of Brookmont Boulevard	*627
About 0.82 mile upstream of Kinzie Avenue	*631
Maps available for inspection at the City Hall, Indiana Avenue at Oak, Kankakee, Illinois.	
Kankakee Country (Unincorporated Areas) (FEMA Docket No. 7042)	
Kankakee River:	
At County Route 20	*555
At State boundary	*631
Iroquois River:	
At mouth	*613
About 3.60 miles upstream of mouth	*613
Soldier Creek:	
About 3,000 feet downstream of Interstate 57	*629
About 2,100 feet upstream of footbridge	*637
Maps available for inspection at the Kankakee County Planning Department, Room 200, Kankakee, Illinois.	
Momence (City), Kankakee County (FEMA Docket No. 7042)	
Kankakee River:	
About 0.52 mile downstream of Dixie Highway	*620
About 400 feet upstream of Union Pacific Railroad	*623
North Channel:	
Just upstream of spillway	*620
About 650 feet upstream of Union Pacific Railroad	*623
Maps available for inspection at the City Hall, 123 West River Street, Momence, Illinois.	
Sun River Terrace (Village), Kankakee County (FEMA Docket No. 7042)	
Kankakee River:	
Within community	*617
Maps available for inspection at the Village Hall, Route 6, P.O. St. Anne, Illinois.	
INDIANA	
Warrick County (Unincorporated Areas) (FEMA Docket No. 7042)	
Bluegrass Creek:	
Just upstream of Heckel Road	*385
About 3,000 feet upstream of North 800 Road	*410
Pigeon Creek:	
Just upstream of Interstate 164	*385
About 1.6 miles downstream of West 1025 Road	*386
Maps available for inspection at the Warrick County Planning Commission, Boonville, Indiana.	
MICHIGAN	
Alpena (Township), Alpena County (FEMA Docket No. 7042)	
Shallowing flooding from Lake Huron (Thunder Bay):	
About 3,400 feet north of intersection of Cranberry Creek Road and U.S. 23, and 100 feet east of U.S. 23	#1
About 230 feet east of intersection of Cranberry Creek Road and U.S. 23	#2
Lake Huron (Thunder Bay):	
Along Thunder Bay shoreline from about 6,800 feet north of intersection of Cranberry Creek Road and U.S. 23, down to southernmost township limit	*588
About 2,000 feet east of intersection of Island Drive and U.S. 23, on Island Drive	*584
Maps available for inspection at the Township Hall, Building Inspector's Office, Alpena, Michigan.	
Greenbush (Township), Alcona County (FEMA Docket No. 7042)	
Lake Huron:	
Along entire shoreline from northernmost township limit down to southernmost township limit	*585
Shallow flooding (from Lake Huron):	
Between 100 feet and 150 feet east of U.S. Highway 23, about 4,000 feet south of intersection of Huron-Cedar Road and U.S. Highway 23	#1
Maps available for inspection at the Township of Greenbush, 3731 South U.S. 23, Greenbush, Michigan.	
Pinconning (Township), Bay County (FEMA Docket No. 7042)	
Pinconning River:	
At mouth	*586
About 2,100 feet downstream of Pinconning Road	*586
Saginaw Bay:	
Along shoreline of Lapan Road	*586
Along shoreline just north of Town Line Road	*588
Maps available for inspection at the Township Hall, 1751 East Cody-Espey Road, Pinconning, Michigan.	
Sims (Township), Arenac County (FEMA Docket No. 7042)	
Lake Huron Saginaw Bay:	
About 270 feet due east of intersection of Michigan Avenue and Tonkey Road	*588
Along Saginaw Bay shoreline from intersection of Michigan Avenue and Tonkey Road, to about 500 feet southwest of mouth of Dewitt Drain at Saginaw Bay	*585
Shallow Flooding from Lake Huron/Saginaw Bay:	
About 300 feet south of intersection of Nancy Street and Michigan Avenue	#2
Maps available for inspection at the Township of Sims, 650 Tonkey Road, Au-Gres, Michigan.	
MISSISSIPPI	
Fulton (City), Itawamba County (FEMA Docket No. 7042)	
Tennessee-Tombigbee Waterway:	
About 3,500 feet downstream of U.S. Highway 78	*252
Just downstream of Lock C	*253
Just upstream of Lock C	*270
About 1.6 miles upstream of Main Street	*271
Maps available for inspection at the City Hall, 213 West Wiygul Street, Fulton, Mississippi.	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Terry (Town), Hinds County (FEMA Docket No. 7042)	
Rhodes Creek:	
Just downstream of Illinois Central Railroad	*265
Just downstream of East Frontage Road	*275
Maps available for inspection at the Town Hall, Terry, Mississippi.	
MISSOURI	
Cottleville (Village), St. Charles County (FEMA Docket No. 7042)	
Crooked Creek:	
At mouth	*476
About 2,800 feet upstream of mouth	*479
Dardenne Creek:	
About 900 feet downstream of St. Peters Cottleville Road	*469
About 1.85 miles upstream of 4th Street	*481
Maps available for inspection at the Village Hall, 5339 5th Street, St. Charles, Missouri.	
Dardenne Prairie (village), St. Charles County (FEMA Docket No. 7042)	
Tributary No. 15:	
Just upstream of Post Road	*560
Schote Creek:	
About 0.5 mile downstream of County Highway K	*484
Just downstream of U.S. Highway 40	*527
Tributary No. 13:	
At mouth	*485
About 800 feet upstream of McCluer Road	*509
West Branch Tributary B:	
About 0.75 mile upstream of County Highway K	*511
About 1.63 miles upstream of County Highway K	*548
Dardenne Creek:	
About 1,600 feet upstream of County Highway K	*484
Just downstream of Henning Road	*491
Maps available for inspection at the Village Hall, 2140 Bates Road, O'Fallon, Missouri.	
O'Fallon (city), St. Charles County (FEMA Docket No. 7042)	
East Branch Tributary B:	
About 0.64 mile upstream of mouth	*483
Just Downstream of County Highway N	*487
Tributary No. 15:	
At mouth	*496
Just downstream of Post Road	*552
Schote Creek:	
About 350 feet upstream of mouth	*482
Just downstream of U.S. Highway 40	*527
Tributary No. 13:	
About 500 feet upstream of McCluer Road	*508
About 1,700 feet upstream of McCluer Road	*516
West Branch Tributary B:	
Just downstream of County Highway K	*495
About 1.42 miles above County Highway K	*538
Belleau Creek:	
Just upstream from State Highway 79	*454
Just downstream of Norfolk Southern Railway	*463
Just upstream of Norfolk Southern Railway	*469
About 0.82 mile above Plackmeier Drive	*550
Peruque Creek:	
About 1,250 feet downstream of State Highway 79	*444
Just downstream of Interstate 70	*491
Mississippi River:	
Within community	*444
Dardenne Creek:	
About 1.1 miles upstream of County Highway K	*480
Just upstream of U.S. Highway 40	*502
Maps available for inspection at the City Hall, 138 South Main Street, O'Fallon, Missouri.	
St. Charles County (unincorporated areas) (FEMA Docket No. 7042)	
Missouri River:	
At mouth	*436
At upstream county boundary	*486
Femme Osage Creek:	
At mouth	*473
At County Highway T	*660
Little Dardenne Creek:	
At mouth	*553
Just downstream of Morrison Lane	*694
Sams Creek:	
About 0.37 mile downstream of Point Prairie Road	582
At county boundary	*740
McCoy Creek Tributary:	
About 700 feet upstream of mouth	*500
Just upstream of Point Prairie Road	*548
McCoy Creek:	
Just upstream of Point Prairie Road	*507
Dry Branch:	
About 0.43 mile downstream of U.S. Highway 61	*468
Just downstream of U.S. Highway 61	*473
Just upstream of U.S. Highway 61	*482
Just downstream of Point Prairie Road	*588
Just upstream of Point Prairie Road	*592
Cunningham Branch:	
At mouth	*538
About 1.87 miles upstream of Schwede Road	*622
Kraut Run:	
At mouth	*505
Just downstream of dam	*505
Just upstream of dam	*518
Just downstream of County Highway DD	*566
Peruque Creek:	
About 1,500 feet downstream of State Highway 79	*444
Just downstream of Church Street	*535
Big Creek:	
At mouth	*456
At upstream county boundary	*479
Culvre Creek:	
At mouth	*445
Just downstream of confluence of Big Creek	*456
Schote Creek:	
At mouth	*482
Just downstream of U.S. Highway 40	*525
Tributary No. 15:	
About 0.4 mile upstream of mouth	*496
About 0.8 mile upstream of mouth	*503
Tributary No. 13:	
At mouth	*485
About 1,250 feet downstream of McCluer Road	*498
West Branch Tributary B:	
At mouth	*490
About 1.05 miles upstream of County Highway K	*524
Belleau Creek:	
Just upstream of State Highway 79	*454
Just downstream of Norfolk Southern Railway	*463
Just upstream of Norfolk Southern Railway	*469
about 0.54 mile upstream of Plackmeier Drive	539
St. Paul Tributary:	
At mouth	*444
About 1,000 feet downstream of St. Paul Road	482
Tributary No. 7:	
At mouth	*482
About 2,450 feet upstream of mouth	*489
Baltic Creek:	
Just upstream of mouth	*472
About 1,000 feet upstream of Private Road	*494
Tributary No. 9:	
At mouth	*479
About 1,900 feet upstream of Gutermuth Road	*495
Crooked Creek:	
About 1,200 feet upstream of mouth	*477
About 2,000 feet upstream of O'Fallon Road	*492
East Branch Tributary B:	
At mouth	*481
Just upstream of County Highway K	*516
Tributary A:	
Just upstream of mouth	*470
About 300 feet upstream of Starlight Drive	*533
Tributary No. 4:	
At mouth	*470
About 550 feet upstream of Woodstream Drive	*505
Tributary No. 3:	
At mouth	*470
About 0.73 mile upstream of St. Peters Road	*503
Tributary No. 2:	
At mouth	*465
About 1,750 feet upstream of Private Drive	*474
Tributary No. 1:	
At mouth	*461
Above 0.74 mile above mouth	*461
Whites Branch Tributary:	
At mouth	*461
About 1.36 miles upstream of mouth	*476
Whites Branch:	
At mouth	*452
Just downstream of County Highway Y	*505
Just upstream of County Highway Y	*510
Spencer Creek:	
At mouth	*443
About 950 feet upstream of Mill Wood Drive	*526
Duckett Creek:	
At mouth	*461
Just upstream of Brightwood Drive	*478
Cole Creek:	
At mouth	*443
About 1,400 feet downstream of Graystone Drive (downstream crossing)	*504
Sandfort Creek:	
At mouth	*443
Just downstream of West Clay Road	*471
Taylor Branch:	
At mouth	*458
About 0.60 mile upstream of South River Road	*458
Crystal Spring Creek:	
At mouth	*456
About 0.39 mile upstream of mouth	*464
Mississippi River:	
Just downstream of confluence of Missouri River	*436
At upstream county boundary	*445
Dardenne Creek:	
Just upstream of Norfolk Southern Railway	*447
At western county boundary	*755
Maps available for inspection at the County Administrative Building, 205 North Second Street, Room 305, St. Charles, Missouri.	
St. Charles (city), St. Charles County (FEMA Docket No. 7042)	
Sandfort Creek:	
About 2,600 feet downstream of Ehlman Road	*443
Just downstream of Interstate 70	*472
West Sandfort Creek:	
At mouth	*451
About 1,400 feet upstream of Harry S. Truman Road	*467
Cole Creek:	
Just upstream of Interstate 70	*468
Just downstream of Muegge Road	*529
Maps available for inspection at the City Hall, 200 North Second Street, St. Charles, Missouri.	
St. Paul (village), St. Charles County (FEMA Docket No. 7042)	
Peruque Creek:	
About 1,000 feet downstream of Bunker Drive	*460
About 1.1 miles upstream of Hoff Road	*474
St. Paul Tributary:	
Just upstream of Old Highway 79	*451
Just downstream of St. Paul Road	*491
Mississippi River:	
Within community	*444
Maps available for inspection at the Village Hall, St. Paul, Missouri.	
St. Peters (city), St. Charles County (FEMA Docket No. 7042)	
Baltic Creek:	
Just upstream of Central School Road	*473
Just downstream of State Highway 94	*477
At confluence of Tributary No. 7	*483
East Branch Dardenne Creek:	
At mouth	*462
Just downstream of Oakhill Lane	*489
Just upstream of Oakhill Lane	*495
Just downstream of Jane Drive	*495
Just upstream of Jane Drive	*502
Just downstream of Willott Road	*505
Tributary A:	
Just upstream of Central School Road	*478
Just upstream of State Highway 94	*483
Tributary No. 4:	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
About 550 feet upstream of Woodstream Drive	*505
About 850 feet upstream of Woodstream Drive	*505#
Tributary No. 7:	
About 1,100 feet upstream of mouth	*483
About 2,100 feet upstream of mouth	*488
Belleau Creek:	
About 1,400 feet upstream of Interstate 70	*478
About 1,200 feet downstream of Belleau Creek Road	*478
Dardenne Creek:	
Just downstream of Mexico Road	*461
About 2,900 feet upstream of St. Peters Cottleville Road	*469
Maps available for inspection at the City Hall, One St. Peters Center Boulevard, St. Peters, Missouri.	
Weldon Spring (city), St. Charles County (FEMA Docket No. 7042)	
Crooked Creek:	
About 2,000 feet upstream of O'Fallon Fork Road	*491
About 2,700 feet upstream of O'Fallon Fork Road	*493
Tributary No. 9:	
About 1,900 feet upstream of Gutermuth Road	*495
About 2,900 feet upstream of Gutermuth Road	*498
Missouri River:	
About 1.9 miles downstream of U.S. Highways 61 and 40	*466
Just downstream of U.S. Highway 40	*467
Maps available for inspection at the City Hall, 5863 Lafayette Drive, Weldon Spring, Missouri.	
Wentzville (city), St. Charles County (FEMA Docket No. 7042)	
Sams Creek:	
About 0.37 mile downstream of Point Prairie Road	*582
About 0.3 mile downstream of Point Prairie Road	*586
Dry Branch:	
About 1,950 feet upstream of U.S. Highway 61	*482
About 1,800 feet upstream of U.S. Highway 61	*575
Maps available for inspection at the City Hall, 310 West Pearce, Wentzville, Missouri.	
NEVADA	
Douglas County (unincorporated areas) (FEMA Docket No. 7042)	
Airport Wash:	
Approximately 5,000 feet upstream of East Valley Road	*4,950
At the divergence of Airport Wall overflow	*4,970
Approximately 10,000 feet upstream of East Valley Road	*5,022
Airport Wash Overflow:	
Approximately 3,500 feet upstream of Allerman Canal Reservoir	*4,878
Approximately 7,700 feet upstream of Allerman Canal Reservoir, at an unnamed road	*4,944
Approximately 8,600 feet upstream of Allerman Canal Reservoir	*4,958
Bobwhite Wash:	
At the confluence with Juniper Road Wash	*5,117
At Bobwhite Road	*5,132
Buckeye Creek:	
Approximately 1,900 feet upstream of Lower Old Virginia Canal Road	*4,760
At Orchard Road	*4,805
At Allerman Canal	*4,853
At Stockyard Road	*4,917
Approximately 8,500 feet upstream of Stockyard Road	*4,995
Calle Hermosa Wash:	
At the confluence with Juniper Road Wash	*4,877
At Coyote Road	*4,911
Approximately 1,000 feet upstream of Coyote Road Crossing	*4,925
Aproximately 250 feet upstream of Calle Hermosa	*5,065
Cody Wash:	
At Mart Lane	#1
Approximately 1,400 feet downstream of Homestead Lane	*5,140
Approximately 4,600 feet upstream of Homestead Lane	*5,242
Fish Springs Creek:	
At the confluence with Pine Nut Creek Tributary	#3
Approximately 1,500 feet upstream of confluence with Pine Nut Creek Tributary	#2
Approximately 2,000 feet upstream of confluence with Pine Nut Creek Tributary	*5,192
Approximately 200 feet east of unnamed north-south road ½ mile east of Windmill Road	*5,216
Genoa Canyon Creek:	
At the intersection of Genoa Street and Carson Street	#1
Juniper Road Wash:	
At the confluence with Buckeye Creek	*4,876
At Juniper Road	*4,938
At the confluence of Bobwhite Wash	*5,117
Just upstream of Carlson Drive	*5,141
Approximately 3,400 feet upstream of Carlson Drive	*5,189
Mott Canyon Creek:	
At State Highway 19	#1
Pine Nut Creek:	
Approximately 1,200 feet downstream of Mel Drive	*5,030
At Mel Drive	*5,050
Just upstream of Creek Drive	*5,122
Approximately 3,500 feet upstream of Jacobsen Lane, at an unnamed road	*5,193
Approximately 10,200 feet upstream of Jacobsen Lane	*5,306
Pine Nut Creek Tributary:	
At the confluence with Pine Nut Creek	*5,070
Just upstream of Creek Drive	*5,123
Just upstream of Windmill Road	*5,155
At Shena Terrace	*5,185
Approximately 1,900 feet upstream of Shena Terrace	*5,215
Pine Nut Road Wash:	
At East Valley Road	*4,916
At the confluence of Helman Drive Wash	*4,952
Approximately 7,000 feet upstream of Pine Nut Drive	*5,088
Schoolhouse Canyon Creek:	
Approximately 1,000 feet upstream of Jacks Valley Road	#1
Shena Terrace Wash:	
At the confluence with Pine Nut Creek Tributary	*5,176
Approximately 1,500 feet upstream of the confluence with Pine Nut Creek Tributary	*5,198
Sierra Canyon Creek:	
At Centennial Drive	#1
Smelter Creek:	
At U.S. Highway 395	*4,909
Approximately 2,400 feet upstream of U.S. Highway 395, at an unnamed road	*4,926
Approximately 3,200 feet downstream of Mustang Lane, at an unnamed road	*4,944
At Mustang Lane	*4,973
Approximately 5,400 feet upstream of Mustang Lane	*5,051
Stutler Canyon Creek:	
Approximately 1,000 feet downstream of the canyon mouth, at an unnamed road	#1
Sunrise Pass Wash:	
Approximately 1,150 feet upstream of Fremont Street at an unnamed road	*4,896
Approximately 350 feet upstream of Pole Line Road	*4,985
Maps available for review at the Douglas County Public Works Department, 1615 Eighth Street, Minden, Nevada.	
Lyon County (unincorporated area) (FEMA Docket No. 7042)	
Carson River:	
Approximately 3,900 feet west of the intersection of Route 2B and Section Line 35/36 in Township 17 North, Range 22 East	*4,281
Approximately 1,000 feet south and 700 feet east of the intersection of River Boat Road and Route 79	*4,296
Approximately 900 feet north of the intersection of Section Line 12/7 and Section Line 12/13 in Township 16 North, Range 21 East	*4,314
Approximately 5,700 feet south of the intersection of U.S. Highway 50 and Section Line 12/13 in Township 16 North, Range 21 East	*4,332
Just downstream of Main Street	*4,354
Eldorado Canyon:	
At Ricci Lane	*4,360
Just upstream of the Randall Ditch crossing	*4,378
Approximately 2,250 feet upstream of the Randall Ditch crossing	*4,396
Approximately 3,750 feet upstream of the Randall Ditch crossing	*4,447
Approximately 6,150 feet upstream of the Randall Ditch crossing	*4,487
Unnamed Wash at Silver Springs:	
Just upstream of the South Pacific Railroad	*4,166
At Tonopah Street	*4,170
Just upstream of U.S. Alternate Highway 95	*4,184
Approximately 6,000 feet upstream of U.S. Alternate Highway 95	*4,219
Bybee Lane Basin:	
At the intersection of Bybee Lane and Tamagni Road	#1
At the intersection of Bybee Lane and Ogden Lane	#1
Approximately 2,000 feet east of the intersection of Bonanza Street and Prospect Street	#3
Carson Hill Basin:	
Approximately 1,000 feet north of the intersection of Section Lines 18/19 and 13/18 in Township 14 North, Range 25 East	#1
Mason Pass Basin:	
At the intersection of Sunset Hills Drive and Arden Drive	#1
Approximately 5,000 feet north of the intersection of Sunset Hills Drive and Arden Drive	#1
Approximately 2,500 feet west and 600 feet north of the intersection of Sunset Hills Drive and Arden Drive	#2
Sixmile Canyon Basin:	
At intersection of River Boat Road and U.S. Route 50	#1
Approximately 4,500 feet west of the intersection of Route 79 and River Boat Road	#2
Approximately 1 mile west of the intersection of Route 79 and River Boat Road	#3
Maps are available for review at the Planning and Zoning Department, 31 South Main Street, Yerington, Nevada.	
Storey County (unincorporated areas) (FEMA Docket No. 7042)	
Truckee River:	
Approximately 1,100 feet downstream of Mustang Ranch Road No. 1	*4,326
At State Highway 45	*4,357
Approximately 3,100 feet upstream of State Highway 45	*4,362
Long Valley Creek:	
At confluence with Truckee River	*4,352
Just upstream of Peri Ranch Road	*4,368
Just upstream of Lockwood Disposal Area Road	*4,476
At State Highway 45	*4,550
Maps are available for review at the Building Official's Office, 110 Toll Road, Gold Hill, Virginia City, Nevada.	
NEW JERSEY	
Stow Creek (township), Cumberland County (FEMA docket No. 7042)	
Delaware Bay: Stow Creek and adjoining estuaries	*9
Maps available for inspection at the home of Mr. Bill Jess, Stow Creek Housing and Zoning Officer, R.D. 3, Bridgeton, New Jersey.	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
NEW YORK	
Busti (town), Chautauqua County (FEMA docket No. 7042)	
Goose Creek:	
Approximately .5 mile downstream of State Route 322	*1,329
Approximately 700 feet upstream of State Route 322	*1,334
Snake Creek:	
Approximately .3 mile downstream of County Route 32 (Hunt Road)	*1,332
Approximately 40 feet upstream of County Route 45 (Southwestern Road)	*1,450
Tributary to Chautauqua Lake:	
At State Route 474	*1,311
Approximately 20 feet upstream Gleason Road	*1,343
Tributary to Stillwater Creek:	
Approximately 40 feet downstream of South Main Street extension	*1,314
Approximately 20 feet upstream of Forest Avenue extension	*1,358
Maps available for inspection at the Busti Town Hall, 121 Chautauqua Avenue, Lakewood, New York.	
Colesville (town), Broome County (FEMA docket No. 7042)	
Susquenhanna River:	
Approximately 1,200 feet downstream of the Ouaguaga Bridge	*931
Approximately 0.4 mile upstream of Nineveh Bridge	*964
Maps available for inspection at the Colesville Town Hall, Welton, Street Harpersville, New York.	
Elizabethtown (town), Essex County (FEMA docket No. 7042)	
Barton Brook:	
At confluence with Bouquet River	*533
Approximately 400 feet upstream of U.S. Route 9	*549
The Branch:	
At confluence with Barton Brook	*549
Approximately 0.5 miles upstream of State Route 9N	*817
Bouquet River:	
At Lee Bridge Road	*409
Approximately 0.65 mile upstream of Simonds Hill Road	*593
Maps available for inspection at the Elizabethtown Town Hall, Court Street, Elizabethtown, New York.	
Wurtsboro (village), Sullivan County (FEMA Docket No. 7042)	
Basherkill:	
Approximately 1 mile downstream of the confluence of Willsey Brook	*514
Approximately 0.7 mile upstream of State Route 17	*522
Willsey Brook:	
At corporate limits	*516
Approximately 600 feet upstream of Willsey Valley Loop	*718
Willsey Brook Tributary 1:	
At confluence with Willsey Brook	*598
Approximately 520 feet upstream of County Route 172	*705
Maps available for inspection at the Wurtsboro Village Hall, Pennsylvania Avenue and Sullivan Street, Wurtsboro, New York.	
NORTH CAROLINA	
Mecklenburg County (unincorporated areas) (FEMA docket No. 7042)	
Six Mile Creek:	
At county boundary	*570
About 3,100 feet upstream of Tilley Morris Road	*668
Flat Branch:	
At mouth	*584
About 2,800 feet upstream of Tom Short Road	*628
Clems Branch:	
At county boundary	*564
Just downstream of Lancaster Highway	*584
Stowe Branch:	
About 400 feet upstream of mouth	*571
About 0.7 mile upstream of mouth	*588
Beaverdam Creek:	
Just upstream of mouth	*569
About 1.36 miles upstream of Dixie River Road	*620
Beaverdam Creek Tributary:	
At mouth	*579
About 1.09 miles upstream of mouth	*605
Little Paw Creek:	
About 3,000 feet upstream of mouth	*573
Just downstream of Mount Olive Church Road	*587
Just upstream of Mount Olive Church Road	*593
Above 2,300 feet upstream of Mount Olive Church Road	*613
Catawba River Tributary No. 1:	
About 1,100 feet upstream of mouth	*569
Just downstream of Moores Chapel Road	*573
Just upstream of Moores Chapel Road	*580
About 0.6 mile upstream of Moores Chapel Road	*592
Long Creek:	
About 2,200 feet downstream of State Road 16	*645
Just downstream of Interstate 77	*727
Just upstream of Interstate 77	*736
Just downstream of Lakeview Drive	*738
Just upstream of Lakeview Drive	*743
About 2,550 feet upstream of U.S. Route 21	*756
Gutter Branch:	
At mouth	*653
About 0.85 mile upstream of Oakdale Road	*720
McIntyre Creek:	
At mouth	*663
About 750 feet upstream of Lawn Meadow Drive	*746
Dixon Branch:	
At mouth	*711
About 1,650 feet upstream of confluence of Dixon Branch Tributary	*734
Dixon Branch Tributary:	
At mouth	*727
Just downstream of Interstate 77	*735
Just upstream of Interstate 77	*747
About 1,200 feet upstream of U.S. Route 21	*751
Catawba River Tributary No. 2:	
About 2,250 feet upstream of mouth	*578
Just downstream of Harwood Drive	*602
Just upstream of Harwood Drive	*610
About 0.74 mile upstream of Harwood Drive	*636
Gar Creek:	
About 1.38 miles downstream of Beattes Ford Road	*652
Just downstream of Beattes Ford Road	*670
Just upstream of Beattes Ford Road	*676
About 1,150 feet upstream of Kearns Road	*712
McDowell Creek:	
About 1.04 miles upstream of mouth	*657
Just downstream of Westmorland Road	*723
Just upstream of Westmorland Road	*733
Just upstream of Interstate 77	*743
McDowell Creek Tributary No. 1:	
At mouth	*663
About 0.79 mile upstream of mouth	*675
McDowell Creek Tributary No. 2:	
At mouth	*663
About 2,700 feet upstream of mouth	*669
Torrence Creek:	
At mouth	*671
Just downstream of Mount Holly-Huntersville Road	*716
Just upstream of Mount Holly-Huntersville Road	*726
About 2,500 feet upstream of Interstate 77	*730
Torrence Creek Tributary No. 1:	
At mouth	*675
About 800 feet upstream of U.S. Route 21	*725
Torrence Creek Tributary No. 2:	
At mouth	*679
Just downstream of Mount Gilead Road	*685
Just upstream of Mount Gilead Road	*692
Just downstream of Interstate 77	*708
Caldwell Station Creek:	
About 1,350 feet upstream of mouth	*703
Just downstream of Interstate 77	*709
Just upstream of Interstate 77	*722
Catawba River Tributary No. 3:	
About 0.83 mile upstream of mouth	*653
Just downstream of Cashion Road	*688
Stevens Creek:	
About 450 feet upstream of mouth	*625
About 1.23 miles upstream of Thompson Road	*680
Goose Creek:	
About 250 feet upstream of county boundary	*625
Just downstream of Country Woods Lane	*633
Just upstream of Country Woods Lane	*638
Just downstream of Lawyers Road	*639
Just upstream of Lawyers Road	*649
About 1.10 miles upstream of Lawyers Road	*676
Stevens Creek Tributary:	
At mouth	*643
Just downstream of Thompson Road	*648
Just upstream of Thompson Road	*654
About 2,370 feet upstream of Thompson Road	*663
Duck Creek:	
At county boundary	*574
About 7.31 miles upstream of mouth	*606
Clear Creek:	
At county boundary	*536
About 0.62 miles upstream of Bartlett Road	*646
Sherman Branch:	
At mouth	*673
Just downstream of Cabarrus Road	*581
Just upstream of Cabarrus Road	*586
About 2,600 feet upstream of Cabarrus Road	*612
Clear Creek Tributary:	
At mouth	*621
Just downstream of Truelight Church Road	*667
Just upstream of Truelight Church Road	*672
About 2,050 feet upstream of Truelight Church Road	*691
Caldwell Creek:	
About 7.62 miles upstream of mouth	*625
About 8.43 miles upstream of mouth	*663
McKee Creek:	
At county boundary	*603
Just downstream of Cedarbrook Drive	*664
Reedy Creek:	
At county boundary	*603
About 2,800 feet downstream of Hood Road	*625
Reedy Creek Tributary No. 1:	
At county boundary	*625
About 1,600 feet upstream of county boundary	*631
Back Creek:	
At county boundary	*615
Just downstream of Back Creek Church Road	*652
Just upstream of Back Creek Church Road	*657
Just downstream of W.T. Harris Boulevard	*694
Just upstream of W.T. Harris Boulevard	*701
About 2,450 feet upstream of W.T. Harris Boulevard	*709
Back Creek Tributary:	
At mouth	*617
About 2.1 miles upstream of mouth	*693
Rocky River Tributary:	
At county boundary	*605
Just downstream of Interstate 85	*608
Just upstream of Interstate 85	*620
Clarke Creek:	
About 1,400 feet downstream of confluence of Ramah Creek	*624
About 4,450 feet downstream of Asbury Chapel Road	*637
North Prong Clarke Creek:	
About 4,450 feet downstream of Asbury Chapel Road	*637
Just downstream of Asbury Chapel Road	*650
Just upstream of Asbury Chapel Road	*658
About 2,900 feet upstream of Ramah Church Road	*692
South Prong Clarke Creek:	
At mouth	*637
About 1.50 miles upstream of Asbury Chapel Road	*684
Cane Creek:	
At mouth	*651
About 2.0 miles upstream of mouth	702
Clarke Creek Tributary:	
At county boundary	*631
Just downstream of Street Avenue	*680
Just upstream of Street Avenue	*689
About 3,400 feet upstream of Street Avenue	*700
Ramah Creek:	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
At mouth	*624
About 1.0 miles upstream of Black Belt Road	*706
Ferrelltown Creek:	
At mouth	*636
About 1.36 miles upstream of mouth	*670
Rocky River:	
About 1.25 miles downstream of East Rocky River Road	*649
About 2.20 miles upstream of East Rocky River Road	*683
West Branch Rocky River:	
At mouth	*649
About 900 feet upstream of Grey Road	*686
South Prong West Branch Rocky River:	
At mouth	*655
About 1.69 miles upstream of Davidson Concord Road	*703
South Prong West Branch Tributary:	
At mouth	*677
About 0.81 mile upstream of mouth	*702
West Branch Rocky River Tributary:	
At mouth	*678
About 1.15 miles upstream of mouth	*703
Maps available for inspection at the Mecklenburg County Engineering Department, Charlotte, North Carolina.	
Wilkesboro (Town), Wilkes County (FEMA Docket No. 7042)	
Yadkin River:	
At confluence of Cub Creek	*962
About 1.3 miles upstream of U.S. Highway 421	*972
Maps available for inspection at the City Hall, Wilkesboro, North Carolina.	
NORTH DAKOTA	
Emerado (City), Grand Forks County (FEMA Docket No. 7040)	
Hazen Brook Overflow:	
At the eastern corporate limits, approximately 100 feet upstream of County Highway No. 3	*901
Just upstream of East Hancock Avenue	*903
Just upstream of West Court Drive	*907
Hazen Brook:	
At the Burlington Northern Railroad Crossing of Hazen Brook	*901
Maps are available for review at City Hall, 101 Old Ham Street, City of Emerado, North Dakota.	
OHIO	
Avon (City), Lorain County (FEMA Docket No. 7042)	
Mills Creek:	
At mouth	*691
Just downstream of Mills Road	*703
Schwartz Ditch:	
At mouth	*689
About 2450 feet upstream of Williams Court	*696
French Creek:	
Just downstream of State Route 83	*686
Just downstream of Mills Road	*695
Maps available for inspection at the City Hall, 36774 Detroit Road, Avon, Ohio.	
SOUTH CAROLINA	
Rock Hill (City), York County (FEMA Docket No. 7042)	
Little Dutchman Creek:	
About 500 feet upstream of confluence of Big Dutchman Creek	*523
About 1400 feet upstream of India Hook Road	*540
Little Dutchman Creek Tributary 1:	
At mouth	*526
Just downstream of Celanese Road	*530
Manchester Creek:	
At mouth	*502
At confluence of Manchester Creek Tributary 3	*571
Manchester Creek Tributary 1:	
At confluence of Manchester Creek	*516
About 950 feet upstream of Dave Lyle Boulevard	*530
Manchester Creek Tributary 2:	
Just upstream of U.S. Route 21 Bypass	*569
Just downstream of Norfolk Southern Railway	*583
Just upstream of Norfolk Southern Railway	*610
About 1400 feet upstream of Ivy Street	*610
Manchester Creek Tributary 3:	
At confluence of Manchester Creek	*571
About 0.49 mile upstream of Lakeshore Parkway	*605
Big Dutchman Creek:	
Just upstream of Mt. Gallant Road	*518
About 0.59 mile upstream of Mt. Gallant Road	*523
Tools Fork Creek:	
About 2.42 miles upstream of mouth	*558
About 2.99 miles upstream of mouth	*563
Wildcat Creek:	
About 700 feet downstream of Ogden Road	*533
About 0.79 miles upstream of Ogden Road	*537
Maps available for inspection at the City Hall, Rock Hill, South Carolina.	
York County (Unincorporated Areas) (FEMA Docket No. 7042)	
Steele Creek:	
At mouth	*515
At state boundary	*571
Blankmanship Branch:	
At mouth	*552
Just downstream of Interstate 77	*554
Just upstream of Interstate 77	*566
Just downstream of Gravel Road	*609
Just upstream of Gravel Road	*616
At state boundary	*617
Jackson Branch:	
At mouth	*543
About 1000 feet upstream of mouth	*543
Manchester Creek:	
At mouth	*502
About 1700 feet upstream of Garrison Road	*568
Manchester Creek Tributary 1:	
About 1000 feet downstream of Wildwood Drive	*530
About 1450 feet upstream of Evelyn Street	*548
Manchester Creek Tributary 2:	
At confluence with Manchester Creek	*566
About 1250 feet upstream of confluence of Manchester Creek	*568
Big Dutchman Creek:	
Just downstream of Mt. Gallant Road	*518
Just downstream of Museum Road	*572
Little Dutchman Creek:	
At confluence of Big Dutchman Creek	*523
Just downstream of State Route 161	*555
Little Dutchman Creek Tributary 4:	
At confluence of Little Dutchman Creek	*555
Just downstream of private drive (about 1000 feet downstream of Twin Lakes Road)	*559
Just upstream of private drive (about 1000 feet downstream of Twin Lakes Road)	*565
Just downstream of Twin Lakes Road	*565
Maps available for inspection at the York County Planning Department, 1070 Heckle Boulevard, Rock Hill, South Carolina.	
TENNESSEE	
Copperhill (City), Polk County (FEMA Docket No. 7042)	
Ocoee River:	
About 2700 feet downstream of concrete weir	*1455
About 3100 feet upstream of wooden weir	*1462
Fightingtown Creek:	
At mouth	*1457
About 1950 feet upstream of mouth	*1460
Maps available for inspection at the City Hall, Copperhill, Tennessee.	
Decherd (Town), Franklin County (FEMA Docket No. 7040)	
Dry Creek:	
At mouth	*898
Just downstream of U.S. Highway 41A	*946
Maps available for inspection at the Town Hall, Decherd, Tennessee.	
Dyersburg (City), Dyer County (FEMA Docket No. 7042)	
North Fork Forked Deer River:	
About 1.4 miles downstream of U.S. Highway 51 Bypass	*271
Just upstream of Illinois Central Railroad	*276
Maps available for inspection at the City of Dyersburg, Building Department, Dyersburg, Tennessee.	
Jellico (City), Campbell County (FEMA Docket No. 7042)	
Elk Creek:	
Approximately .38 mile upstream of Southern Railway	*972
Approximately 1.7 miles upstream of corporate limits	*976
Maps available for inspection at the City Hall, Jellico, Tennessee.	
Lebanon (City), Wilson County (FEMA Docket No. 7042)	
Cedar Creek:	
Just upstream of North Posey Hill Road	*542
At confluence of South Creek	*571
South Fork:	
Just downstream of Interstate 40	*577
Sinking Creek:	
At mouth	*514
Just downstream of Ragland Depot Bridges	*536
Just upstream of Ragland Depot Bridges	*543
Just downstream of Interstate 40	*571
Maps available for inspection at the City Engineer's Office, Lebanon, Tennessee.	
TEXAS	
Arlington (city), Tarrant County (FEMA Docket No. 7027)	
Rush Creek: Approximately 150 feet west of Loch Chalet Court	*491
Hurricane Creek:	
At confluence with West Fork Trinity River	*474
Approximately 100 feet downstream of Missouri-Kansas-Texas Railroad	*479
Walnut Creek 3:	
At Holland-Watson-Britton Road	*544
Approximately 2,700 feet downstream of Holland-Watson-Britton Road	*539
Johnson Creek:	
Approximately 800 feet downstream of Mayfield Road	*638
Approximately 70 feet upstream of High Point Road	*657
North Fork Fish Creek:	
At Arlington Webb Britton Road	*566
Approximately 100 feet downstream of South Collins Street	*615
Village Creek:	
Approximately 20 feet upstream of Randol Mill Road	*486
Approximately 500 feet upstream of Randol Mill Road	*486
Stream FC-1:	
Approximately 250 feet downstream of New York Avenue	*557
Approximately 1.0 mile upstream of New York Avenue	*584
Stream BB-1:	
Approximately 0.80 mile upstream of the confluence with Bowman Branch	*600
Approximately 0.85 mile upstream of the confluence with Bowman Branch	*602
Rush Creek:	
Approximately 2,200 feet downstream of Green Oaks Boulevard	*580
Approximately 1,100 feet downstream of Green Oaks Boulevard	*582
Maps available for inspection at the City Hall, 101 West Abram Street, Arlington, Texas.	
Bedford (city), Tarrant County (FEMA Docket No. 7027)	
Stream SB-1:	
Approximately 175 feet upstream of confluence with Sulphur Branch	*520

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Approximately 50 feet downstream of Circle Lane	*551
Maps available for inspection at the City Hall, 2000 Forest Ridge, Bedford, Texas.	
Benbrook (city), Tarrant County (FEMA Docket No. 7027)	
Clear Fork Trinity River:	
Approximately 0.47 mile upstream of Southwest Boulevard	*610
Approximately 0.66 mile upstream of Interstate Route 20	*614
Walnut Creek 2:	
Approximately 1,200 feet downstream of Union Pacific Railroad	*649
Approximately 500 feet downstream of confluence of Boaz Creek	*662
Benbrook Lake: For the entire shoreline within the community	*715
Willow Bend Creek:	
Approximately 240 feet downstream of Meadow Side Drive	*638
At upstream side of Chapin Road	*716
Maps available for inspection at the Department of Community Development, 911 Winscott Road, Benbrook, Texas.	
Blue Mound (city), Tarrant County (FEMA Docket No. 7027)	
Little Fossil Creek:	
At downstream corporate limits	*651
At upstream corporate limits	*665
Maps available for inspection at the City Hall, 1600 Bell Avenue, Blue Mound, Texas.	
Cleburne (city), Johnson County (FEMA Docket No. 7040)	
Unnamed Stream:	
Approximately 800 feet upstream of confluence with east Branch Buffalo Creek	*718
Approximately 110 feet downstream of West Henderson Street	*813
Maps available for inspection at the Cleburne City Hall, 302 West Henderson, Cleburne, Texas.	
Dalworthington Gardens (city), Tarrant County (FEMA Docket No. 7027)	
Rush Creek:	
Approximately 450 feet downstream of Indian Trail	*541
At upstream corporate limits	*556
Ryan's Branch:	
At confluence with Rush Creek	*546
Approximately 480 feet upstream of confluence with Rush Creek	*546
Maps available for inspection at the City Hall, 2600 Roosevelt Drive, Arlington, Texas.	
Edgecliff Village (town), Tarrant County (FEMA Docket No. 7027)	
Edgecliff Branch:	
Approximately 500 feet downstream of Atchison Topeka and Santa Fe Railway	*706
Approximately 60 feet upstream of Atchison Topeka and Santa Fe Railway	*710
Stream EB-1:	
Approximately 600 feet downstream of Crowley Road	*700
Approximately 400 feet upstream of Crowley Road	*708
Maps available for inspection at the City Hall, 1605 Edgecliff Road, Edgecliff Village, Texas.	
Euless (city), Tarrant County (FEMA Docket No. 7027)	
West Branch Hurricane Creek:	
Approximately 400 feet upstream of confluence with Hurricane Creek	*522
Approximately 1,700 feet upstream of West Parkway Road	*536
Hurricane Creek:	
At Tibbets Drive	*536
At upstream corporate limits	*536
Maps available for inspection at the City Hall, 201 N. Ector Drive, Euless, Texas.	
Everman (city), Tarrant County (FEMA Docket No. 7027)	
Chambers Creek:	
Approximately 0.6 mile downstream of downstream crossing of Enon Avenue	*609
Approximately 1,780 feet downstream of the downstream crossing of Enon Avenue	*614
Maps available for inspection at the City Hall, 212 North Race, Everman, Texas.	
Forest Hill (city), Tarrant County (FEMA Docket No. 7027)	
South Creek:	
Approximately 2,000 feet upstream of the confluence with Village Creek	*579
Approximately 200 feet downstream of Stonewall Drive	*634
North Fork of South Creek:	
At confluence with South Creek	*621
Approximately 80 feet upstream of Wichita Street	*652
North Branch of North Fork of South Creek:	
At confluence with North Fork of South Creek	*636
Approximately 90 feet upstream of Wichita Street	*651
North Branch of North Fork of South Creek Split Flow:	
At confluence with North Fork of South Creek	*624
At divergence from North Branch of North Fork of South Creek	*645
Maps available for inspection at the City Hall, 6800 Forest Hill Drive, Forest Hill, Texas.	
Forth Worth (city), Tarrant County (FEMA Docket No. 7027)	
West Fork Cement Creek:	
Approximately 0.5 mile downstream of Longhorn Road	*699
At Longhorn Road	*718
Stream MSC-1A:	
At downstream side of Bankhead Highway	*729
Approximately 425 feet upstream of Chamita Lane	*754
South Marys Creek:	
Approximately 2,450 feet upstream of Diamond Bar Trail	*741
Approximately 1,025 feet upstream of Lost Creek Boulevard	*771
North Fork Chambers Creek:	
Approximately 200 feet upstream of Wichita Street	*655
Approximately 1,825 feet upstream of Oak Grove Road	*687
Farmers Branch:	
At downstream corporate limits	*600
At the intersection of the westernmost runway on Carswell Air Force Base and the southern corporate limits	*634
Stream SC-7:	
Upstream side of McCart Avenue Bridge	*779
Approximately 280 feet upstream of Risinger Road	*802
Stream SC-7A:	
At confluence with Stream SC-7	*788
At Columbus Trail	*804
Sump No. 14W: At intersection of Shamrock Avenue and Foch Street	*539
Sump No. 15W: At intersection of Rupert Street and Shamrock Avenue	*539
Sump No. 16W: Approximately 600 feet northeast of intersection of State Route 199 and St. Louis Southwestern Railroad	*538
Sump No. 25C: Approximately 400 feet north of intersection of Woodnard Avenue and White Settlement Road	*538
Big Bear Creek:	
Approximately 280 feet downstream of the County boundary	*478
Approximately 850 feet upstream of the County boundary	*484
Sycamore Creek:	
Approximately 450 feet upstream of Union Pacific Railroad	*620
Approximately 1,650 feet upstream of Oak Grove Road	634
Stream VC-4:	
At the downstream corporate limits	*613
At the upstream corporate limits	*614
Little Fossil Creek:	
Approximately 200 feet downstream of the upstream corporate limits	*650
At the upstream corporate limits	*651
Live Oak Creek:	
Approximately 0.5 mile downstream of the upstream corporate limits	*655
At the upstream corporate limits	*670
Whites Branch:	
At downstream corporate limits	*584
Approximately 0.7 mile upstream of the confluence of Stream WB-1	*665
Stream WB-1	
Approximately 50 feet upstream of confluence with Whites Branch	*650
Approximately 550 feet upstream of the confluence	*652
Stream VC(A)-1:	
At the confluence with Village Creek	*478
At Wilma Lane	*478
South Fork Chambers Creek:	
Approximately 500 feet downstream of Christopher Street	*661
Approximately 1,000 feet upstream of Oak Grove Road	*684
Village Creek:	
Approximately 20 feet upstream of Randol Mill Road	*486
Approximately 50 feet upstream of Randol Mill Road	*486
At North Service Road of Interstate 820	*564
At South Service Road of Interstate 820	*564
Approximately 1,360 feet downstream of confluence of Elm Branch	*594
Approximately 800 feet downstream of confluence of Elm Branch	*595
Approximately 0.88 mile upstream of County Route 1064	*659
Approximately 2.2 miles upstream of County Route 1064	*671
Steam WF-11:	
At downstream side of Shoreview Drive	*602
Approximately 550 feet upstream of Shoreview Drive	*614
South Creek:	
Approximately 1,950 feet upstream of confluence with Village Creek	*579
At the Fort Worth/Forest Hill corporate limits	*585
Edgecliff Branch:	
Approximately 1,900 feet upstream of Missouri-Kansas-Texas Railroad	*669
Approximately 680 feet downstream of confluence of Stream EB-1	*675
Little Fossil Creek:	
At confluence with Big Fossil Creek	*502
Downstream side of Missouri-Kansas-Texas Railroad	*504
Stream HEN-1:	
At confluence with Henrietta Creek	*664
Approximately 1,350 feet upstream of confluence	*665
Henrietta Creek:	
Approximately 350 feet downstream of Interstate Route 35W northbound	*646
At Harmon Road	*663
Old Buffalo Creek:	
Approximately 100 feet downstream of Keller Haslet Road	*646
Approximately 400 feet upstream of Interstate Route 35W	*647
Buffalo Creek:	
At confluence with Henrietta Creek	*652
At Keller Haslet Road	*652
West Fork Trinity River:	
Approximately 0.9 mile upstream of County boundary	*458
At Great Southwest Railroad Spur	*461
Big Fossil Creek:	
At its confluence with West Fork Trinity River	*500

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Approximately 600 feet downstream of confluence of Stream BFC-3	*632
Stream BFC-1:	
At its confluence with Big Fossil Creek	*579
Approximately 50 feet downstream of North Beach Street	*579
Stream VC-4A:	
Approximately 280 feet upstream of Kennedale-Newhope Road	*624
Approximately 560 feet upstream of Kennedale-Newhope Road	*625
Lake Worth: Within Carswell Air Force Base	*600
West Fork Trinity on Carswell AFB:	
At Fort Worth/Westworth Village corporate limits	*558
Upstream side of Meandering Road	*561
South Fork of North Branch of Deer Creek:	
Approximately 100 feet downstream of the downstream corporate limits	*773
Approximately 300 feet upstream of the upstream corporate limits	*778
Willow Bend Creek:	
At upstream side of Chapin Road	*716
Approximately 1,500 feet upstream of Chapin Road	*731
Boyd Branch:	
Approximately 1,300 feet downstream of Trinity Boulevard	*497
At upstream side of Pipeline Road	*514
Stream HB-1:	
Approximately 165 feet upstream of the confluence with Howards Branch	*564
Approximately 100 feet upstream of North Bellaire Drive	*605
Clear Fork Trinity River:	
Approximately 2,400 feet upstream of Southwest Boulevard	*609
Approximately 0.6 mile downstream of confluence of Stream CF-6	*611
Stream VC-2A:	
Approximately 200 feet upstream of the confluence with Stream VC-2	*581
At a point approximately 120 feet upstream of Martin Street (north)	*603
Maps available for inspection at the Department of Transportation and Public Works, 1000 Throckmorton Street, Fort Worth, Texas.	

Grapevine (city), Tarrant County (FEMA Docket No. 7027)

West Jones Branch:	
Approximately 900 feet downstream of Roanoke Dove Drive	*564
At upstream corporate limits	*564
Grapevine Lake: Entire shoreline within the community	*564
Tributary Little Bear 1:	
At Grapevine/Colleyville corporate limits	*572
Approximately 100 feet upstream of the Grapevine/Colleyville corporate limits	*573
Farris Branch:	
Approximately 0.4 mile downstream of Dove Loop Road	*564
Approximately 700 feet upstream of Wall Street	*639
Farris Branch East:	
At confluence with Farris Branch	*586
Approximately 1,150 feet upstream of Wall Street	*622
Tributary BB-5:	
Approximately 100 feet upstream of Creekwood Drive	*564
Approximately 0.8 mile upstream of Creekwood Drive	*583
Big Bear Creek:	
At downstream side of State Route 121 West Frontage Road	*548
Approximately 0.7 mile upstream of State Route 121 West Frontage Road	*552
Maps available for inspection at the Department of Public Works, 307 West Dallas Road, Grapevine, Texas.	

Haltom City (city), Tarrant County (FEMA Docket No. 7027)

Big Fossil Creek:	
Downstream side of Missouri-Kansas-Texas Railroad	*506
Approximately 250 feet downstream of upstream corporate limits	*575
Stream BFC-6:	
At Haltom City/North Richland Hills corporate limits	*549
Approximately 1,000 feet upstream of Diamond Oaks Drive	*568
Tributary C:	
At confluence with Little Fossil Creek	*556
Approximately 400 feet upstream of St. Louis Southwestern Railway	*604
Mackey Creek Diversion South:	
At confluence with Big Fossil Creek	*512
Approximately 30 feet upstream of Broadway Avenue	*517
Little Fossil Creek:	
Approximately 1,450 feet upstream of confluence with Big Fossil Creek	*502
At upstream corporate limits	*560
Little Fossil Creek Split Flow:	
Approximately 150 feet upstream of confluence with Big Fossil Creek	*506
At divergence from little Fossil Creek	*511
Mackey Creek:	
At confluence with Big Fossil Creek	*510
Approximately 175 feet downstream of Drebeen Drive	*519
Tributary B:	
At confluence with Big Fossil Creek	*548
Approximately 1,500 feet upstream of Union Pacific Railroad	*603
Whites Branch:	
At confluence with Big Fossil Creek	*565
At upstream corporate limits	*577
Singing Hills Creek:	
At confluence with Big Fossil Creek	*548
Approximately 400 feet downstream of Interstate Route 820	*548
East Branch Tributary C:	
At confluence with Tributary C	*590
Approximately 450 feet upstream of the confluence	*591
Stream BFC-7:	
At confluence with Big Fossil Creek	*537
Approximately 380 feet upstream of confluence with Big Fossil Creek	*537
Maps available for inspection at the City Hall, 5024 Broadway Avenue, Haltom City, Texas.	

Haslet (city), Tarrant County (FEMA Docket No. 7027)

Henrietta Creek:	
Approximately 1,000 feet upstream of Heritage Parkway	*652
Approximately 750 feet downstream of confluence of Stream HEN-2	*682
Stream HEN-1:	
At confluence with Henrietta Creek	*664
Approximately 1,350 feet upstream of confluence	*666
Old Buffalo Creek:	
Approximately 400 feet upstream of I35W	*647
At diversion from Buffalo Creek	*656
Buffalo Creek:	
At Keller-Haslet Road	*652
Approximately 250 feet upstream of diversion of Old Buffalo Creek	*657
Maps available for inspection at the City Hall, 105 Main Street, Haslet, Texas.	

Hurst (city), Tarrant County (FEMA Docket No. 7027)

Calloway Branch:	
Approximately 525 feet downstream of Arcadia Street	*533
At Hurst/Richland Hills corporate limits	*548
Shallow Flooding Area: Near Valley View Branch downstream Area of State Route 121	#2
Walker Branch:	
At downstream corporate limits	*512
Approximately 100 feet upstream of downstream corporate limits	*513
Mesquite Branch:	
At confluence with Lorean Branch	*592
At Precinct Line Road	*595
Lorean Branch:	
Approximately 450 feet downstream of State Route 26	*585
Approximately 950 feet upstream of confluence of Mesquite Branch	*595
Maps available for inspection at the City Hall, 1505 Precinct Line Road, Hurst, Texas.	

Kennedale (city), Tarrant County (FEMA Docket No. 7027)

Kee Branch:	
At upstream side of Kennedale-Sublett Road	*639
Approximately 50 feet upstream of Swiney Hiett Road	*655
Maps available for inspection at the City Hall, 209 North New Hope Road, Kennedale, Texas.	

Mansfield (city), Tarrant, Johnson, and Ellis Counties (FEMA Docket No. 7027)

Stream BB-1:	
Downstream corporate limits (approximately .85 mile upstream of the confluence with Bowman Branch)	*602
Approximately 500 feet upstream of downstream corporate limits (approximately .94 mile upstream of the confluence with Bowman Branch)	*605
Low Branch:	
Approximately 2,000 feet downstream of Holland-Watson-Britton-Road	*538
At confluence with Lake Joe Pool	*538
Lake Joe Pool: Shoreline within the City of Mansfield	*538
Maps available for inspection at the Department of Zoning and Planning, City Hall, 1305 East Broad Street, Mansfield, Texas.	

Midland (city), Midland County (FEMA Docket No. 7042)

Jal Draw:	
Approximately 100 feet south of the intersection of Neely Avenue and North A Street	*2,780
Approximately 700 feet northeast of the intersection of Winfield Road and North L Street	*2,786
In the vicinity of Hill Park between North F and North G Streets	*2,786
At Marinor Court	*2,802
In the vicinity of Cowden Park between Maberry and Ward Streets	*2,806
Maps available for inspection at the Midland City Hall, 300 North Loraine, Midland, Texas.	

Midland County (unincorporated areas) (FEMA Docket No. 7042)

Midland Draw:	
Approximately 4.73 miles upstream of Mockingbird Lane	*2,831
Approximately 5.08 miles upstream of Mockingbird Lane	*2,833
Maps available for inspection at the Midland County Engineer's Office, 2145 East Highway 80, Midland, Texas.	

North Richland Hills (city), Tarrant County (FEMA Docket No. 7027)

Big Fossil Creek:	
Upstream side of Broadway Avenue	*514
Downstream side of St. Louis Southwestern Railroad	*541
Mackey Creek Diversion North:	
At confluence with Big Fossil Creek	*515
Approximately 70 feet upstream of Richland Plaza Drive	*517
Stream BFC-7:	
Approximately 40 feet upstream of confluence with Big Fossil Creek	*537
Approximately 1,130 feet upstream of confluence with Big Fossil Creek	*537
Stream WKB-1:	
Approximately 800 feet downstream of Cardinal Lane	*616

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Approximately 500 feet upstream of Cardinal Lane	*626
Stream CB-1:	
At confluence with Calloway Branch	*602
Approximately 50 feet upstream of the confluence	*602
Mesquite Branch:	
At Precinct Line Road	*595
Upstream side of Precinct Line Road	*596
Singing Hills Creek:	
Approximately 1,200 feet downstream of Interstate Route 820	*548
Approximately 100 feet downstream of Interstate Route 820	*548
Stream CB-2:	
Approximately 720 feet downstream of Hightower Drive	*636
Approximately 290 feet upstream of Starnes Road	*680
Maps available for inspection at the City Hall, 7301 N.E. Loop 820, North Richland Hills, Texas.	
Port Aransas (city), Nueces County (FEMA Docket No. 7042)	
Gulf of Mexico:	
At Dolphin Lane	*11
Entire Shoreline	*13
Corpus Christi Bay:	
At intersection of Seventh Street and Avenue I	*9
Approximately 400 feet east of intersection of Access Road No. 1 and State Route 53	*10
Maps available for inspection at the Port Aransas City Hall, 710 West Avenue Way, Port Aransas, Texas.	
Richland Hills (city), Tarrant County (FEMA Docket No. 7027)	
Big Fossil Creek:	
Approximately 250 feet downstream of State Route 121	*506
At downstream side of State Route 183	*511
Stream BFC-5:	
At confluence with Big Fossil Creek	*507
Approximately 180 feet upstream of Latham Drive	*533
Calloway Branch:	
At Hurst/Richland Hills corporate limits	*548
Approximately 550 feet upstream of Hurst/Richland Hills corporate limits	*550
Little Fossil Creke Split Flow:	
At confluence with Big Fossil Creek	*506
Approximately 150 feet upstream of confluence	*506
Maps available for inspection at the City Hall, 3200 Diana Drive, Richland Hills, Texas.	
River Oaks (city), Tarrant County (FEMA Docket No. 7027)	
Stream WF-5:	
Approximately 40 feet downstream of Long Avenue	*585
Approximately 40 feet upstream of Long Avenue	*588
Maps available for inspection at the City Hall, 4900 River Oaks Boulevard, Fort Worth, Texas.	
Saginaw (city), Tarrant County (FEMA Docket No. 7027)	
Little Fossil Creek:	
At Blue Mound Road	*671
Approximately 1,000 feet upstream of Atchison Topeka and Santa Fe Railway	*729
Maps available for inspection at the City Hall, 333 W. McLaroy, Saginaw, Texas.	
Southlake (city), Tarrant County (FEMA Docket No. 7027)	
Dove Creek:	
Approximately 80 feet upstream of Meadowmere Park Road	*564
Approximately 1,650 feet downstream of East Dove Street	*564
Tributary BB-9:	
At Union Church Road	*622
Approximately 1,700 feet upstream of Union Church Road	*629
Grapevine Lake: Flooding affecting community	*564
West Jones Branch:	
At Roanoke Dove Drive	*564
Approximately 150 feet downstream of Shady Lane	*572
Kirkwood Branch:	
At the most downstream corporate limits	*564
Approximately 100 feet downstream of the northbound lane of State Route 114	*580
South Fork Kirkwood Branch:	
At the confluence with Kirkwood Branch	*564
Approximately 50 feet downstream of Dove Street	*606
Maps available for inspection at the Southlake Public Works Department, 667 North Carroll Avenue, Southlake, Texas.	
Tarrant County (unincorporated areas) (FEMA Docket No. 7027)	
Live Oak Creek:	
At Fort Worth-Tarrant County boundary	*670
At upstream side of unnamed road approximately 0.8 mile downstream of White Settlement Road	*725
Cement Creek Reservoir: Within county	*691
Bowman Branch:	
At Arlington-Webb-Britton Road	*538
At Arlington corporate limits	*541
West Jones Branch:	
Approximately 480 feet upstream of Roanoke Dove Drive	*564
Approximately 30 feet downstream of Shady Lane	*573
Boyd Branch:	
Approximately 2,000 feet downstream of Missouri-Kansas-Texas Railroad	*474
Approximately 100 feet downstream of Missouri-Kansas-Texas Railroad	*486
Village Creek:	
Approximately 0.88 mile upstream, of County Route 1064	*659
Approximately 2.17 miles upstream of County Route 1064	*671
West Fork Cement Creek: At the Tarrant County/City of Fort Worth boundary	*699
Old Buffalo Creek:	
Approximately 600 feet upstream of confluence with Henrietta Creek	*643
Approximately 100 feet downstream of Keller Haslet Road	*646
Buffalo Creek:	
Approximately 250 feet upstream of diversion of Old Buffalo Creek	*657
Approximately 350 feet upstream of diversion of Old Buffalo Creek	*657
Chambers Creek:	
Approximately 100 feet upstream of confluence with Village Creek	*581
Approximately 0.5 mile upstream of confluence with Village Creek	*585
Whites Branch: Approximately 2,080 feet upstream of Watauga-Smithfield Road	*587
Lake Joe Pool: Entire shoreline within community	*538
Stream VC-5:	
Approximately 950 feet upstream of confluence with Village Creek	*604
Approximately 0.58 mile upstream of confluence with Village Creek	*605
Henrietta Creek:	
Approximately 600 feet upstream of confluence of Old Buffalo Creek	*644
Approximately 750 feet downstream of confluence of Stream HEN-2	*682
South Marys Creek:	
Approximately 0.54 mile upstream of Diamond Bar Trail	*745
Approximately 0.58 mile upstream of Diamond Bar Trail	*748
Maps available for inspection at the Tarrant County Administrative Building, 100 East Weatherford Street, Public Works Department, Fort Worth, Texas.	
Watauga (city), Tarrant County (FEMA Docket No. 7027)	
Whites Branch:	
At downstream corporate limits	*577
Approximately 1,200 feet upstream of upstream corporate limits	*588
Maps available for inspection at the City Hall, Public Works Department, 7101 Whitley Road, Watauga, Texas.	
WASHINGTON	
Lind (town), Adams County (FEMA Docket No. 7042)	
Lind Coulee:	
Western Corporate Limit of Lind	*1,342
Just upstream of Neilson Avenue	*1,353
Just upstream of Van Morter Avenue	*1,363
Approximately 1,800 feet downstream of the eastern corporate limit along the Burlington Northern Railroad	*1,371
Wahl Road Drainage:	
At the Burlington Northern Railroad	*1,363
Just upstream of Third Street	*1,370
Approximately 800 feet upstream of Third Street	*1,384
Maps are available for review at City Hall, Main Street, Lind, Washington.	
Snohomish County (unincorporated areas) (FEMA Docket No. 7042)	
Scriber Creek:	
Approximately 1,900 feet upstream of Poplar Way	*317
Approximately 3,100 feet upstream of Poplar Way	*323
At 44th Avenue West	*325
Swamp Creek:	
Approximately 100 feet downstream of Lockwood Road	*85
Just upstream of Locust Way, County Bridge No. 504	145
Just downstream of Larch Way	*244
Just upstream of Filbert Road	*306
Approximately 300 feet downstream of Interstate Highway 5 eastbound	*342
Maps are available for review at the County Administration Building, Planning Department, 3000 Rockefeller, Everett, Washington.	
Spokane County (unincorporated areas) (FEMA Docket No. 7040)	
Spokane River:	
At the eastern corporate limit of the City of Spokane and approximately 1.5 miles downstream of Argone Road	*1,913
Just upstream of Trent Road	*1,930
At Sullivan Road	*1,955
At Barker Road	*1,991
Just upstream of Harvard Road	*2,012
Approximately 700 feet downstream of Interstate Highway 90	*2,037
Forker Draw:	
Approximately 400 feet north of Progress Road	*2,070
At Forker Road Bridge	*2,103
Approximately 900 feet downstream of Bigelow Gulch Road	*2,310
Chester Creek:	
At the intersection of Dishman Road and Second Avenue	*1,984
At 24th Avenue	*1,994
At the intersection of 28th Avenue and Raymond Avenue	*1,999
Just downstream of Bowdish Road	*2,005
At the intersection of Madison Road and 43rd Avenue	*2,009
Just upstream of Mohawk Road	*2,042
Just downstream of the most southern Farm Road	*2,061
Liberty Lake:	
At the intersection of Liberty Lake Road and Sprague Avenue	*2,051
Approximately 2,000 feet south of the intersection of Sprague Avenue and Clubhouse	*2,053

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps are available for review at the Spokane County Board of Commissioners, West 1116 Broadway Avenue, Spokane, Washington.	
WEST VIRGINIA	
Ranson (city), Jefferson County (FEMA Docket No. 7042)	
Evitts Run:	
At confluence of Tributary 1	*495
At the upstream corporate limits	*498
Tributary 1:	
At confluence with Evitts Run	*495
At downstream side of culvert of Norfolk and Western Railway	*497
Maps available for inspection at the Ranson City Hall, 312 South Mildred Street, Ranson, West Virginia 25438.	
WYOMING	
Sundance (town), Crook County (FEMA Docket No. 7042)	
Sundance Creek:	
Approximately 450 feet upstream of Washington Memorial Park Reservoir	*4,711
At North Sixth Street	*4,730
Just upstream of Third Street	*4,758
South Fork Sundance Creek:	
At the confluence with North Fork Sundance Creek	*4,758
Just upstream of North West Street	*4,771
Approximately 300 feet upstream of Boxelder Street	*4,791
North Fork Sundance Creek:	
At the confluence with South Fork Sundance Creek	*4,758
Approximately 700 feet upstream of North West Street	*4,804
Maps are available for review at City Hall, 213 Main Street, Sundance, Wyoming.	

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance")

Issued: August 5, 1992

C.M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 92-19907 Filed 8-19-92; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 61

[CC Docket Nos. 89-79, 87-313, FCC 92-325]

Creation of Access Charge Subelements for Open Network Architecture and Policy and Rules Concerning Rates for Dominant Carriers

AGENCY: Federal Communications Commission [FCC].

ACTION: Final rule.

SUMMARY: This order addresses petitions seeking reconsideration of those portions of the Part 69/ONA Order concerning the new services test of the local exchange carrier (LEC) price cap rules. The Commission clarifies and modifies the cost support required to tariff new services offered by price cap LECs. First, in cases where a LEC develops a lower-cost version of an existing service, the Commission clarifies that the LEC may price that new service at any level below the price of the existing service. Second, the Commission modifies its rules so that they no longer require LECs to satisfy the net revenue test as part of the cost showing for new services. The Commission also denies, in all other respects, the petitions for reconsideration of the Part 69/ONA Order to the extent that they address the price cap new services test generally.

EFFECTIVE DATE: November 18, 1992.

FOR FURTHER INFORMATION CONTACT: Mark S. Nadel, Common Carrier Bureau (202) 632-6363.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

Public reporting burden for the collections of information is estimated to average 258.11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of the collections of information, including suggestions for reducing the burden, to the Federal Communications Commission, Information Resources Branch, room 416, Paperwork Reduction Project (3060-0298), Washington, DC 20554 and to the Office of Management and Budget, Paperwork Reduction Project (3060-0298), Washington, DC 20503.

Background

CC Docket 89-79: Notice of Proposed Rulemaking, Amendments of part 69 of the Commission's Rules Relating to the Creation of Access Charge Subelements for Open Network Architecture, CC Docket 89-79. *Adopted:* March 30, 1989. *Released:* May 9, 1989. 54 FR 20873 (May 15, 1989). By the Commission. Report and Order & Order on Further Reconsideration & Supplemental Notice of Proposed Rulemaking, Amendment of part 69 of the Commission's Rules Relating to the Creation of Access Charge Subelements for Open Network Architecture; Policy and Rules Concerning Rates for Dominant Carriers, CC Docket Nos. 89-79 and 87-313; FCC 91-186. *Adopted:* June 13, 1991. *Released:* July 11, 1991. 56 FR 33879 (July 24, 1991). By the Commission.

CC Docket No. 87-313: Notice of Proposed Rulemaking. Policy and Rules Concerning Rates for Dominant Carriers, CC Docket No. 87-313. *Adopted:* August 4, 1987. *Released:* August 21, 1987. 52 FR 33962 (Sept. 9, 1987). By the Commission. Further Notice of Proposed Rulemaking, CC Docket No. 87-313. *Adopted:* May 12, 1988. *Released:* May 23, 1988. 53 FR 22356 (June 15, 1988). By the Commission. Supplemental Notice of Proposed Rulemaking, CC Docket No. 87-313. *Adopted:* March 8, 1990. *Released:* March 12, 1990. 55 FR 12526 (Apr. 4, 1990). By the Commission. Second Report and Order, CC Docket No. 87-313. *Adopted:* September 19, 1990. *Released:* October 4, 1990. 55 FR 42375 (Oct. 19, 1990. By the Commission. Commissioner Duggan concurring in part and dissenting in part and issuing a separate statement. Order on Reconsideration, CC Docket No. 87-313, *Adopted:* April 9, 1991. *Released:* April 17, 1991. 56 FR 21612 (May 10, 1991). By the Commission. Report and Order & Order on Further Reconsideration & Supplemental Notice of Proposed Rulemaking, Amendment of part 69 of the Commission's Rules Relating to the Creation of Access Charge Subelements for Open Network Architecture; Policy and Rules Concerning Rates for Dominant Carriers, CC Docket Nos. 89-79 and 87-313; FCC 91-186. *Adopted:* June 13, 1991. *Released:* July 11, 1991. 56 FR 33879 (July 24, 1991). By the Commission. Memorandum Opinion and Order, Policy and Rules Concerning Rates for Dominant Carriers, CC Docket No. 87-313; FCC 91-344. *Adopted:* October 29, 1991. *Released:* December 20, 1991. 57 FR 3133 (Jan. 28, 1992). By the Commission.

Summary of Memorandum Opinion & Order on Second Further Reconsideration

This is a summary of the Commission's Memorandum Opinion & Order on Second Further Reconsideration in Amendments of Part 69 of the Commission's Rules Relating to the Creation of Access Charge Subelements for Open Network Architecture, CC Docket No. 89-79 and Order on Further Reconsideration in Policy and Rules Concerning Rates for Dominant Carriers, CC Docket No. 87-313; FCC 92-325, *Adopted:* July 16, 1992 and *Released:* August 6 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M St., NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy

contractor, Downtown Copy Center, (202) 452–1422, 1114 21st St., NW., Washington, DC 20036.

The Commission has clarified and modified the cost support required to tariff new services offered by price cap local exchange carriers (LECs) in order to encourage LECs to develop improved versions of existing services.

First, in cases where a LEC develops a lower-cost version of an existing service, the Commission clarified that the LEC may price the new service at any level below the price of the existing service. Second, the Commission modified the rules so that LECs are no longer required to satisfy the net revenue test as part of the cost showing for new services.

The order grants, in part, requests by various petitioners for reconsideration of those portions of the Part 69/Open network Architecture (ONA) Order concerning the new services test of the LEC price cap rules.

The price cap rules established a special set of requirements for the introduction of "new services." The LEC Price Cap Order defined new services as services that add to the range of options already available to customers. A new service may include a new technology or functional capability. Initially, the primary constraint placed on the price of a new service was that it satisfy net revenue test. The test, adopted in the AT&T price cap decision, was designed to establish a lower bound on new service prices, thus ensuring that AT&T did not set predatory prices. On reconsideration, the Commission recognized that LECs generally enjoy greater market power than AT&T or other interexchange carriers and added an upper bound to the new services test. The interim rule, adopted in the LEC Price Cap Reconsideration Order, limited LECs to prices justified by the pre-price cap cost support rules—a fully distributed cost showing.

The Part 69/ONA Order retained an upper bound on the prices of new services but liberalized the new services test. Granting partial reconsideration of the Order, the Commission concluded that its LEC price cap new services test provided an adequate check on both unreasonably high and predatorily low prices, and encouraged vigorous development of new and innovative services. The Commission concluded that flexible pricing of new services with lower direct costs than the services they displace will further strengthen LEC incentives to innovate. Also, the Commission concluded its decision to eliminate the net revenue test requirement from the new services test will make the new services test less burdensome for LECs. The Commission denied, in all other respects, the petitions for reconsideration in this proceeding to the extent that they address the price caps new services test.

List of Subjects in 47 CFR Part 61

Communications common carriers, Reporting and recordkeeping requirements, Telephone.

Federal Communications Commission.

William F. Caton,

Assistant Secretary.

Amendments to the Code of Federal Regulations

Title 47 of the CFR, part 61 is amended as follows:

PART 61—TARIFFS

1. The authority citation for part 61 continues to read as follows:

Authority: Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 203, 48 Stat. 1070; 47 U.S.C. 203.

2. Section 61.49 is amended by revising paragraph (g)(1) to read as follows:

§ 61.49 Supporting information to be submitted with letters of transmittal for tariffs of carriers subject to price cap regulation.

(g)(1) Each tariff filing by a dominant interexchange carrier, as specified by Commission order, that introduces a new service that will later be included in a basket must be accompanied by cost data sufficient to establish that the new service, and each unbundled element thereof, will generate a net revenue increase—measured against revenues generated from all services subject to price cap regulation, and calculated based upon present value—within the lesser of a 24-month period after an annual price cap tariff including the new service takes effect, or 36 months from the date the new service becomes effective. Each carrier making such a tariff filing must, at the time the new service is incorporated into the price cap index, submit data sufficient to make the API and PCI calculations required by §§ 61.46(b) and 61.44(c) of this part, and, as necessary, to make the SBI calculations provided in § 61.47 (b) or (c) of this part.

* * * * *

[FR Doc. 92–19782 Filed 8–19–92; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 90

[PR Docket No. 92–17; FCC 92–342]

Loading Requirements for 900 MHz Trunked Stations in the Specialized Mobile Radio Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has adopted a Report and Order granting Specialized Mobile Radio licensees in the 896–901/935–940 MHz band limited relief from the loading requirements imposed upon them. The deadline for loading such systems is extended by granting all qualified licensees that have not met applicable loading deadlines within the five years permitted for this purpose a two-year license renewal at the end of their initial license period.

EFFECTIVE DATE: September 21, 1992.

FOR FURTHER INFORMATION CONTACT: Myra G. Kovey, (202) 632–6497, Private Radio Bureau.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, PR Docket No. 92–17, FCC 92–342, adopted July 22, 1992, and released August 4, 1992. The full text of this Report and Order is available for inspection and copying during normal business hours in the FCC Dockets Branch, room 230, 1919 M Street, NW., Washington, DC. The complete text may be purchased from the Commission's copy contractor, Downtown Copy Center, 1990 M Street, NW., Washington, DC 20036, telephone (202) 452–1422.

Summary of Report and Order

1. When the Commission began licensing trunked Specialized Mobile Radio stations in the 900 MHz band, it accepted applications only within 46 designated filing areas encompassing the 50 top markets in the country. In a Notice of Proposed Rule Making released February 18, 1992, (57 FR 6570, February 26, 1992) the Commission questioned whether this multi-phase licensing scheme had placed 900 MHz licensees at a competitive disadvantage to Specialized Mobile Radio licensees in the 800 MHz band, by making it difficult to develop the types of wide-area and regional systems characteristics of current 800 MHz offerings. The Commission proposed the limited relief of granting 900 MHz Specialized Mobile Radio licensees that did not meet applicable loading requirements within the five years allocated for this purpose a two-year renewal at the end of their

initial license period. Licensees would be relieved from loading requirements until the expiration of this period.

2. The Report and Order adopted this proposal with one change. Where the proposal limited relief to systems licensed on or before June 30, 1989, the Report and Order extended relief to all 900 MHz Specialized Mobile radio licensees. The Commission declined to extend relief to licensees in the 900 MHz Industrial/Land Transportation pool, finding that they had not been subject to the unique licensing scheme adopted for 900 MHz Specialized Mobile Radio Service licensees. the Commission also found a request for intercategory sharing of 900 MHz between the Specialized Mobile Radio and Business and Industrial/Transportation pools beyond the scope of the proceeding.

Final Regulatory Flexibility Analysis

Need and Purpose of This Action

This Report and Order provides limited relief for 900 MHz SMR licensees who have been disadvantaged by our multi-phase licensing scheme for their frequencies. This scheme has limited the licensees' ability to design and market systems competitive with other SMR offerings. This action provides additional time to load the systems, in recognition of these difficulties.

Summary of the Issues Raised

No comments addressed our Initial Regulatory Flexibility Analysis.

Significant Alternatives Considered

There were no significant alternatives considered.

List of Subjects in 47 CFR Part 90

Private land mobile radio services, Radio.

Amendatory Text

PART 90—[AMENDED]

1. The authority citation for part 90 continues to read as follows:

Authority: Sections 4, 303, 332, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, and 332, unless otherwise noted.

2. Section 90.631 is amended by revising paragraph (b), and by adding a new paragraph (i), to read as follows:

§ 90.631 Trunked systems loading, construction, and authorization requirements.

* * * * *

(b) Each applicant for a trunked system shall certify that a minimum of 70 mobiles for each channel authorized will be placed in operation within five years of the initial license grant. Except as provided in paragraph (i) of this section, if at the end of five years a trunked system is not loaded to the prescribed levels and all channels in the licensee's category are assigned in the system's geographic area, authorization for channels not loaded to 100 mobiles per channel cancels automatically. If a trunked system has channels for more than one category, General Category channels are the first channels considered to cancel automatically. All licensees who are authorized initially before June 1, 1993, and are within their original license term or are within the term of a two-year authorization granted in accordance with paragraph (i) of this section are subject to this condition. A licensee that has authorized channels cancelled due to failure to meet the above loading requirements will not be authorized to obtain additional channels to expand that same system for a period of six months from the date of cancellation.

* * * * *

(i) For SMRS category trunked systems licensed in the 896–901/935–940 MHz band, if at the end of the initial five-year license term the licensee of such a trunked system has not satisfied the loading requirements of paragraph (b) of this section, the licensee requesting renewal of its license will be granted a renewal for only a two-year period. Regardless of the date of grant of the two-year renewal, the licensee will be required to comply fully with the minimum requirements set forth in paragraph (b) of this section at the end of the two-year renewal term.

Federal Communications Commission.

William F. Caton,

Assistant Secretary.

[FR Doc. 92–19784 Filed 8–19–92; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration (NOAA)

50 CFR Part 675

[Docket No. 911172–2021]

Groundfish of the Bering Sea and Aleutian Islands Area

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

ACTION: Prohibition of retention.

SUMMARY: NMFS is prohibiting retention of pollock by the offshore component in the Bearing Sea subarea (BS) of the Bearing Sea and Aleutian Islands Management Area (BSAI) and is requiring that incidental catches of pollock be treated in the same manner as prohibited species and discarded at sea with a minimum of injury. This action is necessary because the apportionment of total allowable catch (TAC) for pollock assigned to the offshore component in the BS has been reached.

EFFECTIVE DATE: Effective 12 noon, Alaska local time (A.l.t.), August 17, 1992, through 12 midnight, A.l.t., December 31, 1992.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, Resource Management Specialist, Fisheries Management Division, NMFS, 907/586–7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by the Secretary of Commerce according to the Fishery Management Plan for the Groundfish Fishery of the BSAI (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 675.

The current allowance of pollock TAC to the offshore component in the BS is 433,892 metric tons (57 FR 32925, July 24, 1992).

The Director of the Alaska Region, NMFS, has determined, in accordance with § 675.20(a)(9), that the offshore allowance of the TAC for pollock in the BS has been reached. Therefore, NMFS is requiring that the offshore component treat pollock as a prohibited species. In accordance with § 675.20(c), NMFS is prohibiting retention of pollock by the offshore component in the BS effective from 12 noon, A.l.t., August 17, 1992, through 12 midnight, A.l.t., December 31, 1992.

Classification

This action is taken under 50 CFR 675.20 and is in compliance with E.O. 12291.

List of Subjects in 50 CFR Part 675

Fisheries, Reporting and recordkeeping requirements.

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

Dated: August 17, 1992.

Richard H. Schaefer,

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

[FR Doc. 92–19969 Filed 8–17–92; 3:55 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 57, No. 162
Thursday, August 20, 1992

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Parts 300 and 319

[Docket No. 91-160-1]

Importation of Cherimoyas From Chile

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We propose to amend the fruits and vegetables regulations to allow the importation of cherimoyas from certain provinces of Chile, subject to APHIS inspection and completion of either an APHIS prescribed methyl bromide treatment or an APHIS prescribed soapy water and wax treatment. We believe this action is warranted because there appears to be no significant pest risk associated with the importation of cherimoyas from Chile under these circumstances. This action would relieve restrictions on the importation of cherimoyas from Chile without presenting a significant risk of introducing injurious insects into the United States.

DATES: Consideration will be given only to comments received on or before September 21, 1992.

ADDRESSES: To help ensure that your written comments are considered, send an original and three copies to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket Number 91-160-1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue, SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Peter M. Grosser, Senior Operations Officer, Port Operations, PPQ, APHIS, USDA, room 632, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-6799.

SUPPLEMENTARY INFORMATION:

Background

The Fruits and Vegetables regulations, contained in 7 CFR 319.56 *et seq.* (referred to below as the regulations), prohibit or restrict the importation of fruits and vegetables into the United States to prevent the introduction and dissemination of injurious insects that are new to or not widely distributed within and throughout the United States.

Currently, the regulations do not provide for the importation of cherimoyas from Chile. Larger than a grapefruit and thin-skinned, the cherimoya (*Annona cherimola*) tastes like a blend of papaya, pineapple, and banana. Both the Chile false red mite of grapes (*Brevipalpus chilensis*) and the Mediterranean fruit fly (Medfly) are known to attack cherimoyas in Chile. These are considered potentially destructive pests by the Animal and Plant Health Inspection Service (APHIS), and neither pest is present in the United States. These pests would not be readily detectable by inspection. The plant protection service of Chile (Servicio Agricola Y Ganadero (SAG)) has requested that we consider allowing the importation of cherimoyas from Chile. We are proposing to allow cherimoyas from Chile to be imported into the United States only if certain conditions are met to prevent the introduction of these pests. These conditions are discussed below.

Treatment

We propose to require treatment, under the supervision of an APHIS inspector, either in Chile or in the United States, of cherimoyas from Chile for the Chile false red mite of grapes in accordance with one of the following two approved treatments:

(1) Fumigation With Methyl Bromide

Research done by the Chileans and evaluated by APHIS demonstrates that fumigation with methyl bromide is effective on cherimoyas against the Chile false red mite of grapes. Fumigation of cherimoyas with methyl bromide in accordance with the procedures described below has been approved by the Environmental Protection Agency.

The required treatment would be fumigation with methyl bromide at normal atmospheric pressure in an APHIS-approved fumigation chamber or under a tarpaulin in accordance with the following schedule. The required treatment period would be 2 hours.

Temperature (°F.)	Dosage—pounds of methyl bromide per 1,000 cu. ft.
80–89 (inclusive)	1½
70–79 (inclusive)	2
60–69 (inclusive)	2½
50–59 (inclusive)	3

(2) Treatment With Soapy Water and Wax

Research done by the Chileans and evaluated by the Agricultural Research Service (ARS) of USDA and APHIS demonstrates that a soapy water and wax treatment is also effective on cherimoyas against the Chile false red mite of grapes. Procedures for a soapy water and wax treatment for cherimoyas from Chile have been approved by ARS and APHIS. The required treatment would be immersion of the fruit in a soapy water bath consisting of one part soap solution (such as Deterfrut) to 3,000 parts water for a minimum of 20 seconds, followed by a pressure shower rinse to remove soapy excess, and then followed by immersion for a minimum of 20 seconds in an undiluted wax coating (such as Johnson Was Primafresh 31 Kosher fruit coating).

Medfly-Free Provinces

There is currently no approved treatment for Medfly that can be used on cherimoyas. Therefore, we propose to limit importation of cherimoyas from Chile to cherimoyas grown in provinces of Chile that are free from the Mediterranean fruit fly. These provinces include all provinces in Chile except Arica, Iquique, and Parinacota (see § 319.56-2(j) of the regulations).

Ports of Entry

We propose to allow importation of cherimoyas from Chile only through ports staffed by an APHIS inspector.

APHIS Inspection

Pest risk analyses conducted by APHIS have determined that any other injurious insects that might be carried by the cherimoyas would be readily detectable by an inspector. Cherimoyas from Chile would be subject to inspection under the direction of an APHIS inspector, either in Chile or at the port of arrival in the United States. Imported cherimoyas inspected in Chile may be subject to reinspection at the port of arrival as provided for in § 319.56–6 of the regulations.

Trust Fund Agreement

We propose that the importation of cherimoyas that are treated or inspected in Chile be contingent upon the plant protection service of chile (Servicio Agricola Y Ganadero (SAG)) entering into a trust fund agreement with APHIS. This agreement would require SAG to pay in advance of each shipping season all costs that APHIS estimates it will incur in providing inspection services in Chile during that shipping season. These costs would include administrative expenses and all other salaries (including overtime and the federal share of employee benefits), travel expenses (including per diem expenses), and other incidental expenses incurred by the inspectors in performing these services. The agreement would require SAG to deposit a certified or cashier's check with APHIS for the amount of these costs, as estimated by APHIS. If the deposit is not sufficient to meet all costs incurred by APHIS, the agreement would further require SAG to deposit with APHIS a certified or cashier's check for the amount of the remaining costs, as determined by APHIS, before any more cherimoyas would be treated or inspected in Chile. After a final audit at the conclusion of each shipping season, any overpayment of funds would be returned to SAG or held on account until needed, at SAG's option.

Requiring the payment of costs in advance is necessary to help defray the costs to APHIS of providing inspection services in Chile.

Department not Responsible for Damage

The proposed regulations would explain that the Department of Agriculture is not responsible for any damage that might be sustained by the cherimoyas as a result of the prescribed treatment.

PPQ Treatment Manual

We propose to add the fumigation and the soapy water and wax treatments for cherimoyas from Chile to the Plant Protection and Quarantine Treatment Manual, which is incorporated into the regulations by reference at 7 CFR 300.1.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this proposed rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this proposed rule, if adopted, would have an effect on the economy of less than $100 million; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and would not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This proposed rule, if adopted, would allow the importation into the United States of cherimoyas from certain provinces of Chile, subject to APHIS inspection and completion of either an APHIS prescribed methyl bromide treatment or an APHIS prescribed soapy water and wax treatment. We estimate that approximately 200,000 10-lb flats valued at $6 million could be exported from Chile to the United States during the initial season.

In the United States, cherimoyas are grown almost entirely in southern California. About 100 cherimoya producers, half of whom market their fruits and half of whom produce a small quantity for home consumption, produce approximately 1.5 million lbs of fruit per year on about 300 acres. Producers receive approximately $2.00 to $2.50 per lb for the marketed fruits, which weigh between 4 oz and 2.5 lb. In 1990, only 179 acres were harvested, due to a freeze, for a total income for producers of approximately $2 million.

Besides southern California, Hawaii produces and consumes a small quantity of the fruits. There are no official statistics regarding the amount of Hawaii's production or its value.

The season for cherimoyas grown in the United States begins in mid-November and ends in May or June. The growing/shipping season for cherimoyas in Chile is September through November. The mature fruits are picked as they become ripe and must reach consumers within 2 weeks of harvest as they are perishable. If cherimoyas were allowed to be imported from Chile, they would be marketed in the United States shortly before and at the very beginning of the California cherimoya season.

The short-term impact on U.S. producers and consumers would depend on the marketing strategy pursued by the Chilean importers. If large quantities of fruits were imported at once, prices could fall slightly for domestic growers, packers, and consumers. If importers were to test the U.S. market by first shipping moderate quantities, then the impact on prices would be even less severe. In any event, the decline in prices would not be long-lasting, because:

(1) The supply of imports would overlap by a month at most with domestically-produced fruits; and

(2) Cherimoyas cannot be stored for an extended length of time.

The longer term impact for U.S. producers and packers would be beneficial. Imports would bring cherimoyas on the U.S. market 2 months ahead of the domestic season, thereby engendering increased demand. This increased demand could result in increased prices for the producers when the U.S. crop reaches the market.

Another consideration is the impact that cherimoya imports might have for other U.S. crops. Substitute fruits whose markets might be affected by the importation of cherimoya would likely be other exotic species, such as sugar apples and atemoyas (a cherimoya-sugar apple hybrid). Sugar apples and atemoyas, grown in Florida and Hawaii, are in season from August to November, which would coincide with the period of cherimoya importation from Chile. However, the sugar apple and atemoya markets are small, and consumption is almost entirely within the two States. In Florida, for example, areas planted in sugar apples and atemoyas are less than 1,200 acres for each crop. The combined production of the two fruits in 1990 was under 100,000 lb, with an average price paid growers in 1991 of $2.00 to $2.50 per lb.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12778

This proposed rule would allow cherimoyas to be imported into the United States from certain provinces of Chile. If this proposed rule is adopted, State and local laws, regulations, and policies regarding cherimoyas imported under this rule would be preempted while the fruit is in foreign commerce. Fresh cherimoyas are generally imported for immediate distribution and sale to the consuming public, and would remain in foreign commerce until sold to the ultimate consumer. If this proposed rule is adopted, no retroactive effect will be given to this rule, and this rule will not require administrative proceedings before parties may file suit in court.

Paperwork Reduction Act

This proposed rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects

7 CFR Part 300

Incorporation by reference, Plant pests and diseases, Quarantine.

7 CFR Part 319

Agricultural commodities, Fruit, Imports, Plant pests and diseases, Plants (Agriculture), Quarantine, Transportation.

Accordingly, 7 CFR parts 300 and 319 would be amended as follows:

PART 300—INCORPORATION BY REFERENCE

1. The authority citation for part 300 would continue to read as follows:

Authority: 7 U.S.C. 150ee, 161.

2. In § 300.1, paragraph (a) would be revised to read as follows:

§ 300.1 Materials incorporated by reference.

(a) The Plant Protection and Quarantine Treatment Manual, which was reprinted May 1985, and includes all revisions through _____, has been approved for incorporation by reference in 7 CFR chapter III by the Director of the Office of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

* * * * *

PART 319—FOREIGN QUARANTINE NOTICES

3. The authority citation for part 319 would continue to read as follows:

Authority: 7 U.S.C. 150dd, 150ee, 150ff, 151–167; 7 CFR 2.17, 2.51, and 371.2(c), unless otherwise noted.

4. In Subpart—Fruits and Vegetables, a new § 319.56–2x would be added to read as follows:

§ 319.56–2x Administrative instructions governing the entry of cherimoyas from Chile.

Cherimoyas may be imported into the United States from Chile only under the following conditions:

(a) *Treatment.* The cherimoyas must be treated, under the supervision of an inspector, either in Chile or in the United States, for the Chile false red mite of grapes (*Brevipalpus chilensis*) in accordance with one of the following procedures:

(1) *Fumigation.* The cherimoyas must be fumigated with methyl bromide at normal atmospheric pressure. The fumigation must be done in a fumigation chamber that has been approved for that purpose by the Animal and Plant Health Inspection Service, or under tarpaulins, according to the schedule below. The treatment period must be 2 hours.

Temperature (° F.)	Dosage—pounds of methyl bromide per 1,000 cu. ft.
80–89 (inclusive)	1½
70–79 (inclusive)	2
60–69 (inclusive)	2½
50–59 (inclusive)	3

(2) *Soapy water and wax.* The cherimoyas must be immersed in a soapy water bath consisting of 1 part soap solution (such as Deterfrut) to 3,000 parts water for a minimum of 20 seconds, followed by a pressure shower rinse to remove soapy excess, and then followed by immersion for a minimum of 20 seconds in an undiluted wax coating (such as Johnson Wax Primafresh 31 Kosher fruit coating).

(b) *APHIS inspection.* Cherimoyas from Chile are subject to inspection under the direction of an inspector, either in Chile or at the port of arrival in the United States. Imported cherimoyas inspected in Chile may be subject to reinspection at the port of arrival as provided for in § 319.56–6.

(c) *Trust fund agreement.* Cherimoyas that are treated or inspected in Chile may be imported into the United States only if the plant protection service of Chile (Servicio Agricola Y Ganadero, referred to in this section as SAG) has entered into a trust fund agreement with APHIS. This agreement requires SAG to pay in advance of each shipping season all costs that APHIS estimates it will incur in providing inspection services in Chile during that shipping season. These costs include administrative expenses and all salaries (including overtime and the Federal share of employee benefits), travel expenses (including per diem expenses), and other incidental expenses incurred by APHIS in performing these services. The agreement requires SAG to deposit a certified or cashier's check with APHIS for the amount of these costs, as estimated by APHIS. If the deposit is not sufficient to meet all costs incurred by APHIS, the agreement further requires SAG to deposit with APHIS a certified or cashier's check for the amount of the remaining costs, as determined by APHIS, before any more cherimoyas will be treated or inspected in Chile. After a final audit at the conclusion of each shipping season, any overpayment of funds would be returned to SAG, or held on account until needed, at SAG's option.

(d) *Costs for services in the United States.* All costs of treatment and required safeguards and supervision, other than the services of the supervising inspector during regularly assigned hours of duty and at the usual place of duty, shall be borne by the owner of the fruits of a representative of the owner.

(e) *Limitation of origin.* The cherimoyas must have been grown in a province of Chile that is free from the Mediterranean fruit fly (see § 319.56–2(j)).

(f) *Ports of entry.* Cherimoyas from Chile may be imported through all ports staffed by an inspector.[1]

(g) *Department not responsible for damage.* The treatments prescribed in paragraph (a) of this section are judged from experimental tests to be safe for use with cherimoyas from Chile. However, the Department assumes no responsibility for any damage sustained through or in the course of such treatment or by compliance with requirements under paragraph (a) of this section.

Done in Washington, DC, this 17th day of August 1992.

Robert Melland,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 92–19914 Filed 8–19–92; 8:45 am]

BILLING CODE 3410–34–M

[1] Information concerning ports staffed by inspectors may be obtained by contacting the Administrator, c/o Port Operations, PPQ, APHIS, USDA, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

7 CFR Part 319

[Docket No. 92-096-1]

Ports of Entry for Certain Plants and Plant Products

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the regulations concerning foreign quarantine notices by allowing certain plants and plant products to be imported through a plant inspection station at the Orlando International Airport in Orlando, Florida. Currently, the only designated plant inspection station in Florida is located in Miami. The addition of the Orlando plant inspection station would ease the workload borne by the existing station and facilitate the importation of certain plants and plant products.

DATES: Consideration will be given only to comments received on or before September 21, 1992.

ADDRESSES: To help ensure that your written comments are considered, send an original and three copies to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket Number 92-096-1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Mr. James F. Fons, Senior Operations Officer, Port Operations, PPQ, APHIS, USDA, room 637, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8295.

SUPPLEMENTARY INFORMATION:

Background

The restrictions contained in "Foreign Quarantine Notices, Subpart—Nursery Stock, Plants, Roots, Bulbs, Seeds, and Other Plant Products" (7 CFR 319.37 through 319.37-14), referred to below as "the regulations," prevent certain tree, plant, and fruit diseases, injurious insect pests, and other plant pests from being introduced into the United States by prohibiting or restricting the importation of certain articles from foreign countries or localities. These prohibited and restricted articles are listed in § 319.37-2 and § 319.37-3 of the regulations.

Before some restricted articles may be imported into the United States, a written permit must be issued by the Plant Protection and Quarantine Programs of the Animal and Plant Health Inspection Service (APHIS). Other restricted articles do not require a permit. Permits are required for some restricted articles because the articles appear to present a substantial risk of carrying plant pests or diseases at the time of importation. Section 319.37-3(a) of the regulations lists the categories of restricted articles that require a written permit for importation.

Section 319.37-14(b) of the regulations contains a list of the approved ports of entry through which restricted articles may be imported into the United States. Restricted articles that do not require a permit may be imported through any of the approved ports of entry; restricted articles that do require a permit, because of their greater plant pest and disease risk, may be imported only through ports equipped with special inspection and treatment facilities. These ports, known as plant inspection stations, are indicated on the list by an asterisk.

We are proposing to amend the regulations by adding Orlando, Florida, to the list of ports of entry in § 319.37-14(b). Because the port possesses the special inspection and treatment facilities needed to process restricted articles that are imported under a written permit, the Orlando site, located at the Orlando International Airport, would also be designated a plant inspection station. Florida currently has 10 ports of entry, but only one of those ports—Miami—is a plant inspection station. Allowing certain plants and plant products to be imported through a plant inspection station at the Orlando International Airport would ease the workload borne by the Miami plant inspection station and facilitate the importation of those plants and plant products. Additionally, the Orlando facility would be more convenient than the Miami facility for importers in northern Florida.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this proposed rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this proposed rule, if adopted, would have an effect on the economy of less than $100 million; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and would not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The addition of a plant inspection station in Orlando, Florida, would facilitate the importation of certain plants and plant products into the United States. We believe the addition of this facility would have a positive, albeit limited, economic impact. The volume of traffic currently handled by the plant inspection station in Miami indicates that a second plant inspection station in Florida would be utilized by importers. We have no way of knowing exactly how many of them would use the Orlando facility, but we estimate that it would be 20 or more commercial importers, with many of them being small entities. Those commercial importers based in the northern Florida area would realize at least a small savings in transportation costs as a result of the opening of the Orlando facility. The primary impact on the importers, however, would be the increased convenience of having a second plant inspection station in Florida.

Under these circumstances, the Administrator of APHIS has determined that this action would not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12778

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. If this proposed rule is adopted:

(1) All State and local laws, regulations, or policies that are inconsistent with this rule will be preempted;

(2) No retroactive effect will be given to this rule; and

(3) It will not require administrative proceedings before parties may file suit in court challenging its provisions.

Paperwork Reduction Act

This proposed rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 319

Agricultural commodities, Imports, Nursery stock, Plant diseases and pests, Plants (Agriculture), Quarantine, Transportation.

Accordingly, we propose to amend 7 CFR part 319 as follows:

PART 319—FOREIGN QUARANTINE NOTICES

1. The authority citation for part 319 would continue to read as follows:

Authority: 7 U.S.C. 150dd, 150ee, 150ff, 151–167; 7 CFR 2.17, 2.51, and 371.2(c), unless otherwise noted.

2. In § 391.37–14(b), the entry for Florida would be amended by adding, immediately after the entry for Miami, and entry to read as follows:

§ 319.37–14 Ports of entry.

* * * * *

(b) * * *

List of Ports of Entry

* * * * *

Florida

* * * * *

Orlando

Orlando Plant Inspection Station, 9317 Tradeport Drive, Orlando, FL 32827.

* * * * *

Done in Washington, DC, this 12th day of August 1992.

Robert Melland,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 92–18768 Filed 8–19–92; 8:45 am]

BILLING CODE 3410–34–M

Farmers Home Administration

7 CFR Part 1942

Community Facility Loans; Correction

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule; correction.

SUMMARY: The Farmers Home Administration (FmHA) corrects a proposed rule published July 16, 1992 (57 FR 31462). In the proposed rule, a Catalog of Federal Domestic Assistance number for the Water and Waste Disposal program was inadvertently omitted in the section of the preamble which discusses the programs affected by the proposed rule. This action is taken to correct this oversight. The intended effect is to make the proposed rule read as intended.

DATES: Comments on the proposed rule must be received on or before August 17, 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, 14th and Independence Avenue SW., Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Joyce Brooks, Program Management Branch, Community Facilities Division, RDA, USDA, room 6304–S, Washington, DC 20250, telephone (202) 720–1490.

SUPPLEMENTARY INFORMATION: In the proposed rule a Catalog of Federal Domestic Assistance number for the Water and Waste Disposal program was inadvertently omitted in the section of the preamble which discusses the programs affected by the proposed rule.

Accordingly, the proposed rule published July 16, 1992 (57 FR 31462) is corrected as follows:

On page 31462, in the third column under PROGRAM AFFECTED, the first sentence should be hanged to read "The Community Facility and Water and Waste Disposal programs are listed in the Catalog of Federal Domestic Assistance as Community Facilities Loans and Water and Waste Disposal Systems for Rural Communities under 10.423 and 10.418 respectively."

La Verne Ausman,

Administrator, Farmers Home Adiminstration.

Dated: August 10, 1992.

Mary Ann Baron,

Acting Administrator, Rural Development Administration.

[FR Doc. 92–19773 Filed 8–19–92; 8:45 am]

BILLING CODE 3410–07–M

Animal and Plant Health Inspection Service

9 CFR Part 51

[Docket No. 87–100–2]

Federal Indemnity Payments for Brucellosis Reactor Cattle and Bison

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule; withdrawal.

SUMMARY: We are withdrawing a proposed rule concerning the phasing out of Federal indemnity payments to the owners of brucellosis reactor cattle and bison. We are taking this action after considering the comments we received following the proposed rule's publication. Those comments led us to conclude that reducing indemnity payments would have a detrimental effect on our efforts to eradicate brucellosis in the United States. By withdrawing the proposed rule, we leave in effect the current rates of indemnity for reactor cattle and bison destroyed because of brucellosis.

DATES: Withdrawal of proposed rule effective August 20, 1992.

FOR FURTHER INFORMATION CONTACT: Dr. John D. Kopec, Senior Staff Veterinarian, Cattle Diseases and Surveillance Staff, VS, APHIS, USDA, room 729, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–6188.

SUPPLEMENTARY INFORMATION: The regulations in 9 CFR Part 51, "Animals Destroyed Because of Brucellosis" (referred to below as "the regulations"), provide, in part, for the payment of Federal indemnity to the owners of cattle or bison that are destroyed as brucellosis reactors.

On February 1, 1988, we published a proposed rule in the **Federal Register** (53 FR 2759–2760, Docket No. 87–100) to end the payment of Federal indemnity after Fiscal Year 1989. We proposed to end the payments after a 20 percent reduction in indemnity amounts in Fiscal Year 1988 and another 20 percent reduction in Fiscal Year 1989. We considered the indemnity payments, which originated as an incentive to encourage participation in our brucellosis eradication efforts, to no longer be necessary in light of market conditions that placed only slaughter value on brucellosis reactors. We felt that because the owners of brucellosis reactors were likely to have the animals destroyed anyway, there was no reason to offer them an incentive to do so. The Federal funds used to pay indemnity for brucellosis reactors could then be directed to other aspects of the brucellosis eradication program.

Our proposal was supported by statistics available at the time that showed that the number of animals destroyed because they were brucellosis reactors had dropped each year since 1981, with the rate of decline fluctuating between 11 and 20 percent. This decline had been the case in all States, including those that had discontinued Federal indemnity payments, which gave us reason to believe that the success of the national brucellosis eradication program did not depend on compensating owners who destroyed brucellosis reactor cattle or bison.

We solicited comments on the proposed rule for a 60-day period ending on April 1, 1988, and received 20 letters of comment by the closing date. The letters came from 7 livestock/dairy industry groups, 6 State and national

farm groups, 4 State departments of agriculture, a veterinary medical association, a private citizen, and a member of the U.S. House of Representatives. The commenters unanimously disapproved of the proposed rule. Fourteen of the commenters expressly requested that we discard the proposal and continue paying indemnity. Most of the commenters were of the opinion that the national brucellosis eradication program's demonstrated success would be negated if the payment of indemnity were to be prematurely terminated. Each of the four State departments of agriculture, along with one of the national farm groups, made it known that the withdrawal of Federal funds would make it difficult, if not impossible, for States to continue their own brucellosis indemnity programs. Other commenters mentioned the financial strain that the loss of indemnity payments would put on the dairy and beef industries.

After considering all the comments, we concluded that our proposal to phase out indemnity payments for brucellosis reactor cattle and bison would have a detrimental effect on our efforts to eradicate brucellosis in the United States. Therefore, we are withdrawing the proposed rule.

The current rates of indemnity for brucellosis reactor cattle and bison contained in 9 CFR 51.3(a)(1) remain in effect.

Authority: 21 U.S.C. 111–113, 114, 114a, 114a–1, 120, 121, 125, 134b; 7 CFR 2.17, 2.51, and 3.71.2(d).

Done in Washington, DC, this 17th day of August 1992.

Robert Melland

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 92–19913 Filed 8–19–92; 8:45 am]

BILLING CODE 3410–34–M

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9 CFR Part 92

[Docket No. 86–101–2]

Importation of Birds

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Withdrawal of proposed rule.

SUMMARY: We are withdrawing a proposed rule that would have allowed birds originating in the United States, and the offspring of those birds, to be imported from an approved breeding facility without quarantine in the United States. We believe that adoption of the proposal would create an unacceptable risk of the introduction of communicable diseases of poultry into the United States.

FOR FURTHER INFORMATION CONTACT: Dr. Keith Hand, Senior Staff Veterinarian, Import-Export Animals Staff, VS, APHIS, Room 768, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–5097.

SUPPLEMENTARY INFORMATION: The regulations in 9 CFR part 92 (referred to below as the regulations) include provisions concerning the importation of birds into the United States. Section 92.106 requires, with certain exceptions, that each lot of pet birds, commercial birds, zoological birds, and research birds imported from any part of the world be entered at certain ports and be quarantined either at a United States Department of Agriculture quarantine facility or at a privately operated quarantine facility approved by the Administrator of the Animal and Plant Health Inspection Service. The quarantine requirements were established to help ensure that birds imported into the United States are free from exotic Newcastle disease, forms of avian influenza lethal to poultry, and other communicable diseases of poultry. In a document published in the **Federal Register** December 6, 1988 (53 FR 49185–49193, Docket No. 86–101), we proposed to amend the regulations by establishing provisions to allow birds originating in the United States from an approved closed breeding facility, without quarantine in the United States. In this document we are withdrawing that proposal.

In the proposal, we invited written comments on its provisions, to be postmarked or received on or before February 6, 1989. We received approximately 700 comments. Two commenters supported the proposed rule as written. One commenter supported it with changes. The remainder of the commenters either opposed the proposal or expressed reservations concerning it.

The comments in opposition to the proposal raised many issues, including that of the supervision that would be provided at a closed breeding facility. It was intended that APHIS personnel would make periodic visits to the closed breeding facility. Additionally, the proposed rule provided for a salaried veterinarian of the national veterinary services of the country in which the facility is located to perform certain functions as needed, and otherwise to inspect the facility at least once each calendar week. Many of the commenters stated that potential difficulties in carrying out adequate monitoring would create an unacceptable risk of the introduction of disease into the facility. A number of commenters also stated that it would be difficult or impossible to enforce the proposed provision that employees in the facility have no contact with birds outside the facility for at least 3 days before entering the facility.

We have determined that these concerns have merit and that they provide a basis for withdrawing the proposal.

Authority: 7 U.S.C. 1622; 19 U.S.C. 102–105, 111, 134a,134b, 134c, 134d, 134f, and 135; 31 U.S.C. 9701; 7 CFR 2.17, 2.51, and 371.2(d).

Done in Washington DC, this 17th day of August 1992.

Robert Melland,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 92–19912 Filed 8–19–92; 8:45 am]

BILLING CODE 3410–34–M

NUCLEAR REGULATORY COMMISSION

10 CFR Chapter I

Issuance of Quarterly Report on the Regulatory Agenda

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance of Regulatory Agenda.

SUMMARY: The Nuclear Regulatory Commission (NRC) has issued the NRC Regulatory Agenda for the second quarter, April through June, of 1992. This agenda provides the public with information about NRC's rulemaking activities. The Regulatory Agenda is a quarterly compilation of all rules on which the NRC has recently completed action, or has proposed action, or is considering action, and of all petitions for rulemaking that the NRC has received that are pending disposition. Issuance of this publication is consistent with Section 610 of the Regulatory Flexibility Act.

ADDRESSES: A copy of this report, designated NRC Regulatory Agenda (NUREG–0936) Vol. 11, No. 2, is available for inspection, and copying for a fee, at the Nuclear Regulatory Commission's Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC.

In addition, the U.S. Government Printing Office (GPO) sells the NRC Regulatory Agenda. To purchase it, a customer may call (202) 512–2303 or (202) 512–2249 or write to the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, DC 20013–7082.

FOR FURTHER INFORMATION CONTACT: Michael T. Lesar, Chief, Rules Review Section, Rules and Directives Review Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone: (301) 492–7758, toll-free number (800) 368–5642.

Dated at Bethesda, Maryland, this 5th day of August 1992.

For the Nuclear Regulatory Commission.

David L. Meyer,

Chief, Rules and Directives Review Branch, Division of Freedom of Information and Publications Services, Office of Administration.

[FR Doc. 92–19880 Filed 8–19–92; 8:45 am]

BILLING CODE 7590–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92–CE–14–AD]

Airworthiness Directives; SOCATA Groupe AEROSPATIALE TBM 700 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: This document withdraws a notice of proposed rulemaking (NPRM) that would have been applicable to certain SOCATA Groupe AEROSPATIALE TBM 700 airplanes. The proposed action would have required the installation of a static discharger on the left hand anti-ice windshield. Since issuance of the NPRM, the Federal Aviation Administration (FAA) has determined that electrostatic discharge will not lead to a cracked or broken windshield and, therefore will not result in cabin decompression. The outer layer of the windshield is not load carrying and it is possible to repair any holes formed as a result of electrostatic discharge. Accordingly, the proposed rule is withdrawn.

FOR FURTHER INFORMATION CONTACT: Mr. Raymond A. Stoer, Program Officer, Brussels Aircraft Certification Office, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B–1000 Brussels, Belgium; Telephone (322) 513.38.30; Facsimile (322) 230.68.99; or Mr. William J. Timberlake, Project Officer, Small Airplane Directorate, Airplane Certification Service, FAA, 601 E. 12th Street, Kansas City, Missouri 64106; Telephone (816) 426–6932; Facsimile (816) 426–2169.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an AD that would be applicable to SOCATA Groupe AEROSPATIALE TBM 700 airplanes was published in the **Federal Register** on March 3, 1992 (57 FR 7562). The action proposed to require the installation of a static discharger on the left hand anti-ice windshield in accordance with the instructions in Socata Technical Instruction OPT 70K004, dated November 1991.

Interested persons have been afforded an opportunity to participate in the making of this amendment. One comment was received on the proposed rule from the manufacturer, SOCATA.

SOCATA states that the proposed rule is not necessary because the outer layer of the windshield is not load carrying and it is possible to repair any holes formed as a result of electrostatic discharge. The FAA concurs and has determined that electrostatic discharge will not lead to a cracked or broken windshield and, therefore will not result in cabin decompression. Accordingly, the proposed rule is withdrawn.

Withdrawal of this NPRM constitutes only such action, and does not preclude the agency from issuing another notice in the future, nor does it commit the agency to any course of action in the future.

Since this action only withdraws an NPRM, it is neither a proposed nor a final rule and therefore, is not covered under Executive Order 12291, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation Safety, Safety

The Withdrawal

Accordingly, the notice of proposed rulemaking, Docket No. 92–CE–14–AD, published in the **Federal Register** on March 3, 1992 (57 FR 7562), is withdrawn.

Issued in Kansas City, Missouri, on August 14, 1992.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92–19863 Filed 8–19–92; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 182 and 184

[Docket No. 80N–0218]

Citric Acid and Certain Citrate Derivatives; Affirmation of GRAS Status as Direct Human Food Ingredients

AGENCY: Food and Drug Administration, HHS.

ACTION: Tentative final rule.

SUMMARY: The Food and Drug Administration (FDA) is tentatively affirming citric acid, dibasic ammonium citrate, calcium citrate, potassium citrate, sodium citrate, isopropyl citrate, stearyl citrate, and triethyl citrate as generally recognized as safe (GRAS) for use as direct human food ingredients. The safety of these ingredients has been evaluated under the comprehensive safety review conducted by the agency.

DATES: Written comments by October 19, 1992.

ADDRESSES: Submit written comments to the Dockets Management (HFA–305), Branch Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Patricia A. Hansen, Center for Food Safety and Applied Nutrition (HFF–333), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–254–9523.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 7, 1983 (48 FR 834), FDA published a proposal to affirm that citric acid, dibasic ammonium citrate, calcium citrate, potassium citrate, sodium citrate, isopropyl citrate, stearyl citrate, and triethyl citrate are GRAS for use as direct human food ingredients. The proposal was published in accordance with the announced FDA review of the safety of GRAS and prior-sanctioned food ingredients.

In accordance with § 170.35 (21 CFR 170.35), copies of the scientific literature review and the report of the Select Committee on GRAS Substances (the Select Committee) on citric acid and these citrate derivatives have been made available for public review in the Dockets Management Branch (address above). Copies of these documents are also available for purchase from the

National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Rd., Springfield, VA 22161.

In addition to proposing to affirm the GRAS status of citric acid and these particular citrate derivatives, FDA gave public notice that it was unaware of any prior-sanctioned food ingredient uses for these substances other than for the proposed conditions of use. Persons asserting additional or extended uses in accordance with approvals granted by the U.S. Department of Agriculture or FDA before September 6, 1958, were given notice to submit proof of those sanctions so that the safety of any such prior-sanctioned uses could be determined. That notice was also an opportunity to have prior-sanctioned uses of these ingredients recognized by issuance of an appropriate regulation under Part 181—Prior-Sanctioned Food Ingredients (21 CFR part 181) or affirmed as GRAS under part 184 or 186 (21 CFR part 184 or 186), as appropriate. FDA also gave notice that failure to submit proof of an applicable prior sanction in response to the proposal would constitute a waiver of the right to assert that sanction at any future time.

No reports of prior-sanctioned uses for citric acid, dibasic ammonium citrate, calcium citrate, potassium citrate, sodium citrate, isopropyl citrate, stearyl citrate, or triethyl citrate were submitted in response to the proposal. Therefore, in accordance with the proposal, any right to assert a prior sanction for use of these ingredients under conditions different from those set forth in this rule or in part 181 has been waived.

The agency is publishing a tentative final rule before proceeding to final action because a significant period of time has elapsed since the publication of the proposal. In addition, this will allow for comment on several provisions that were not part of the proposal.

I. Response to Comments

Four letters, each containing one or more comments, were received in response to the agency's proposal on citric acid and the above citrates. A summary of the comments and the agency's responses are as follows:

1. One comment suggested changes in the description of the methods of manufacture for ammonium citrate (dibasic), calcium citrate, potassium citrate, and sodium citrate. The comment indicated that citric acid is only partially neutralized with ammonia in the manufacture of ammonium citrate (dibasic) and that calcium carbonate, potassium carbonate, and sodium carbonate, as well as their respective hydroxides, are used in the production of calcium, potassium, and sodium citrates.

The agency has reviewed this comment and agrees that the requested changes in the methods of manufacture for these ingredients are appropriate. Therefore, the agency is tentatively revising § 184.1140(a) (ammonium citrate (dibasic)), § 184.1195(a) (calcium citrate), § 184.1625(a) (potassium citrate), and § 184.1751(a) (sodium citrate) to incorporate the suggested changes.

2. Three comments reported additional direct food uses or potential food uses for ammonium citrate (dibasic), isopropyl citrate, stearyl citrate, and triethyl citrate and requested inclusion of these uses in the final rule.

One comment reported the additional use of triethyl citrate as a flavoring agent in breakfast cereals, confections and frostings, and in gravies and sauces. Another comment indicated the potential use in soft drinks of: Ammonium citrate (dibasic) as a pH control agent and as a flavor enhancer; isopropyl citrate as a solvent (vehicle) for flavors and as a sequestrant; and stearyl citrate as an antioxidant, emulsifier, and surface-active agent. Yet another comment reported the use of isopropyl citrate and stearyl citrate as sequestrants in margarine and requested that the regulations for these ingredients be expanded to affirm these citrates as GRAS for this use in all fats and oils (including margarine).

In its safety review, the Select Committee had concluded that no evidence in the available information on these citrate derivatives demonstrates, or suggests reasonable grounds to suspect, a hazard to the public at levels that are now current or might reasonably be expected in the future. In the proposal, the agency stated that it had undertaken its own review of the available information on these citrate derivatives and concurred with the conclusion of the Select Committee. The agency has considered the requested additional uses of these ingredients and finds that the additional amounts consumed would not be large enough to change that conclusion and that sufficient safety data exist to affirm the uses as GRAS when the ingredients are used in accordance with current good manufacturing practice. The agency also concludes that the ingredients will perform the technical effects specified.

Therefore, the agency is tentatively revising § 184.1140(c)(1) (ammonium citrate (dibasic)), § 184.1386(c)(1) (isopropyl citrate), and § 184.1851(c)(1) (stearyl citrate) to include the requested uses of these ingredients. With respect to the requested additional uses of triethyl citrate, the agency advises that while such use is appropriate, it is no longer including in § 184.1911(c)(2) a list of all the food categories in which it is used or its use was requested. The agency finds that inclusion of all of these food categories would result in a regulation for triethyl citrate that would be unnecessarily long regarding its description of food applications. The agency also concludes that a large margin of safety exists for current and reasonably expected future uses of this ingredient in food. The agency is retaining, however, the technical effects that were evaluated to provide some information on the scope of the safety review of this ingredient.

3. One comment noted a discrepancy in the proposed regulation for ammonium citrate (dibasic) in § 184.1140(b) (21 CFR 184.1140(b)) where it was indicated that specifications are being developed for isopropyl citrate. The comment noted that reference should be made to the development of specifications for ammonium citrate (dibasic) in this case.

The agency agrees that an error was made in the proposed regulation for ammonium citrate (dibasic). The inadvertent reference to developing food-grade specifications for isopropyl citrate is incorrect. Therefore, the agency is tentatively modifying § 184.1140(b) to reflect the correct term, ammonium citrate (dibasic).

4. One comment suggested that the technical effect listed in the proposal for stearyl citrate should be changed from antioxidant to sequestrant. The comment stated that stearyl citrate does not function directly as an antioxidant but it sequesters metal ions that otherwise would catalyze the oxidation of fats and oils.

The agency agrees that stearyl citrate prevents the oxidation of fats and oils (including margarine) by sequestering metal ions. Therefore, the agency is tentatively revising § 184.1851(c)(1) by adding sequestrant, as defined in § 170.3(o)(26) (21 CFR 170.3(o)(26)), to the list of technical effects for stearyl citrate. The agency is incorporating a similar change in § 184.1386(c)(1) for isopropyl citrate because both ingredients are used for the same technical effect in margarine and because it is contemplated that they will be used for the same technical functions in other fats and oils.

5. One comment noted that although the preamble to the proposal mentioned the prior-sanctioned uses of monoisopropyl citrate, triethyl citrate, and mono-, di-, and tristearyl citrate as plasticizers for food packaging in

§ 181.27 (21 CFR 181.27), the preamble did not mention acetyl tributyl citrate or acetyl triethyl citrate, which are also listed as prior-sanctioned plasticizers in the same regulation. The comment asked if this omission was intentional, and, if so, objected to this omission and requested that acetyl tributyl citrate and acetyl triethyl citrate be affirmed as prior-sanctioned plasticizers for food-contact materials under § 181.27.

Acetyl tributyl citrate and acetyl triethyl citrate were not mentioned in the proposal because the agency was not proposing to affirm these particular citrate derivatives as GRAS for direct use in human food. The use of monoisopropyl citrate, triethyl citrate, and mono-, di-, and tristearyl citrate as prior-sanctioned plasticizers was mentioned as background information in the preamble to the proposal only because these citrates were among those whose GRAS status for direct food use had been under evaluation and was being affirmed. Accordingly, the agency is not making the requested modification because it is outside the scope of this rulemaking proceeding.

II. Other Actions

In the proposal, FDA had defined isopropyl citrate as "The mono-, di-, and triisopropyl esters of citric acid or any mixture of these esters." Stearyl citrate was defined similarly. However, the agency has found no evidence that mono-, di-, or triisopropyl citrate is commercially available as the single chemical entity; rather, isopropyl citrate is a mixture of the mono-, di-, and triisopropyl esters of citric acid. Similarly, the commercially available form of stearyl citrate is a mixture of the mono-, di-, and tristearyl esters of citric acid. These commercially available mixtures were the substances evaluated in the safety reviews by both the Select Committee and FDA. Therefore, the agency is tentatively revising the definition of isopropyl citrate in § 184.1386(a) to read: "Isopropyl citrate is a mixture of the mono-, di-, and triisopropyl esters of citric acid." The agency is also tentatively revising the definition of stearyl citrate in § 184.1851(a) to read: "Stearyl citrate is a mixture of the mono-, di-, and tristearyl esters of citric acid." Because the wording of the definitions of these two citric acid derivatives in this tentative final rule is different from that which was set forth in the proposal, the agency is inviting comments on this specific modification. Although the definition of isopropyl citrate has been modified, the agency is still not proposing a separate GRAS affirmation regulation for monoisopropyl citrate and is proposing to remove the listing for this ingredient in § 182.6511 (21 CFR 182.6511). Again, this is because the agency has found no evidence that monoisopropyl citrate is commercially available as the single chemical entity, or that it is currently used directly in human food. The regulatory changes for monoisopropyl citrate in this tentative final rule correspond to those in the original proposal, although the underlying reasoning is slightly different.

In the proposal, the agency required that citric acid meet the specifications of the Food Chemicals Codex, 3d ed. (1981). Since the publication of the proposal, the Committee on Food Chemicals Codex of the National Academy of Sciences (the NAS Committee) has amended its specifications for citric acid. These changes have been published in the third supplement to the Food Chemicals Codex, 3d ed. (1991), p. 107. Among the nonsubstantive changes in the third supplement is a change in the units associated with the limits on metal levels from parts per million (ppm) to milligrams per kilogram (mg/kg). The substantive changes include: Reductions in the maximum allowable levels for arsenic and heavy metals (as lead), from 3 ppm to 1 mg/kg (1 ppm) and from 10 ppm to 5 mg/kg (5 ppm), respectively; a modification of the test for arsenic; and inclusion of a maximum allowable lead level of 0.5 mg/kg (0.5 ppm), accompanied by a test method for lead (p. 168), neither of which was included in the previous specification monograph. The agency is tentatively incorporating these changes in the specifications for citric acid in § 184.1033(b). Because the specifications for citric acid in this tentative final rule (arsenic/heavy metals/lead limits and relevant test methods) are different from those set forth in the proposal, the agency is inviting comments on this specific modification.

The agency announced in the **Federal Register** of November 22, 1991 (56 FR 58910), an opportunity for public comment on a proposed revision of the Food Chemicals Codex specifications for triethyl citrate (refractive index) to be published in the fourth edition. The agency is not considering that proposed revision of triethyl citrate specifications with this rule. The adoption of revised specifications from the proposed fourth edition of the Food Chemicals Codex would be the subject of a separate notice of proposed rulemaking, with opportunity for public comment.

In the proposal, FDA stated that it would work with the NAS Committee to develop acceptable specifications for ammonium citrate (dibasic), isopropyl citrate, and stearyl citrate used as direct human food ingredients and would incorporate those specifications into the regulation when they are developed. To date, however, work on the specifications is still incomplete. Therefore, the agency advises that until the specifications are developed, ammonium citrate (dibasic), isopropyl citrate, and stearyl citrate for direct food uses must comply with the descriptions in §§ 184.1140(b), 184.1386(b), and 184.1851(b), respectively, and be of food-grade purity (21 CFR 170.30(h)(1) and 182.1(b)(3)).

Other minor editorial changes have been made to clarify further the intent of the regulations set forth below.

III. Scope of the Tentative Final Rule

FDA is amending the current regulations by removing 21 CFR 182.1033, 182.1195, 182.1625, 182.1751, 182.1911, 182.6033, 182.6195, 182.6386, 182.6511, 182.6625, 182.6751, 182.6851, and 182.8195. The agency is adding 21 CFR 184.1033, 184.1140, 184.1195, 184.1386, 184.1625, 184.1751, 184.1851, and 184.1911.

IV. Environmental Impact

The agency has previously considered the environmental effects of this rule as announced in the proposed rule and published in the **Federal Register** of January 7, 1983 (48 FR 834). No new information or comments have been received that would affect the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

V. Economic Impact

FDA has examined the economic implications of this rule affirming the GRAS status of citric acid and certain citrate derivatives as food ingredients, as required by Executive Orders 12291 and the Regulatory Flexibility Act (Pub. L. 96–354). The agency finds that this tentative final rule is not a major rule as defined by Executive Order 12291. Because no current activity is prohibited by this rule, the agency finds that the compliance cost to firms is zero. Because no increase in the health risks faced by consumers will result from this rule, the total costs are also zero. Potential benefits include the wider use of citric acid and the stipulated citrate derivatives because of reduced uncertainty regarding their GRAS status and the preservation of resources by eliminating the need to prepare further petitions to affirm the GRAS status of

these substances. In accordance with the Regulatory Flexibility Act, FDA has also determined that this rule will not have a significant adverse impact on a substantial number of small businesses. There is no substantial federalism issue which would require an analysis under Executive Order 12612.

VI. Comments

Interested persons may, on or before October 19, 1992, submit to the Dockets Management Branch (address above) written comments regarding the following aspects of this tentative final rule:

(1) The inclusion of the changes published in the third supplement to the Food Chemicals Codex, 3d ed., to the specifications for citric acid in § 184.1033(b); and (2) the revised description of isopropyl citrate in § 184.1386(a) and of stearyl citrate in § 184.1851(a).

Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects

21 CFR part 182

Food ingredients, Food packaging, Spices and flavorings.

21 CFR part 184

Food ingredients, Incorporation by reference.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, it is proposed that 21 CFR parts 182 and 184 be amended as follows:

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

1. The authority citation for 21 CFR part 182 continues to read as follows:

Authority: Secs. 201, 402, 409, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 371).

2. Section 182.1033 *Citric acid*, § 182.1195 *Calcium citrate*, § 182.1625 *Potassium citrate*, § 182.1751 *Sodium citrate*, § 182.1911 *Triethyl citrate*, § 182.6033 *Citric acid*, § 182.6195 *Calcium citrate*, § 182.6386 *Isopropyl citrate*, § 182.6511 *Monoisopropyl citrate*, § 182.6625 *Potassium citrate*, § 182.6751 *Sodium citrate*, § 182.6851 *Stearyl citrate*, and § 182.8195 *Calcium citrate* are removed.

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

3. The authority citation for 21 CFR part 184 continues to read as follows:

Authority: Secs. 201, 402, 409, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 371).

4. New § 184.1033 is added to subpart B to read as follows:

§ 184.1033 Citric acid.

(a) Citric acid ($C_6H_8O_7$, CAS Reg. No. 77–92–9) is the compound 2-hydroxy-1,2,3-propanetricarboxylic acid. It is a naturally occurring constituent of plant and animal tissues. It occurs as colorless crystals or a white powder and may be anhydrous or contain one mole of water per mole of citric acid. Citric acid may be produced by recovery from sources such as lemon or pineapple juice; by mycological fermentation using Candida spp., described in §§ 173.160 and 173.165 of this chapter; and by the solvent extraction process described in § 173.280 of this chapter for the recovery of citric acid from Aspergillus niger fermentation liquor.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 3d ed. (1981), pp. 86–87, and its third supplement (publication date: March 1992), p. 107, which are incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or available for inspection at the Office of the Federal Register, 800 North Capitol St. NW., suite 700, Washington, DC.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitations other than current good manufacturing practice.

(d) Prior sanctions for this ingredient different from the uses established in this section do not exist or have been waived.

5. New § 184.1140 is added to subpart B to read as follows:

§ 184.1140 Ammonium citrate, dibasic.

(a) Ammonium citrate, dibasic ($(NH_4)_2HC_6H_5O_7$, CAS Reg. No. 3012–65–5) is the diammonium salt of citric acid. It is prepared by partially neutralizing citric acid with ammonia.

(b) The Food and Drug Administration, in cooperation with the National Academy of Sciences, is developing food-grade specifications for ammonium citrate (dibasic). In the interim, this ingredient must be of a purity suitable for its intended use.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe (GRAS) as a direct human food ingredient is based upon the following current good manufacturing practice conditions of use:

(1) The ingredient is used as a flavor enhancer as defined in § 170.3(o)(11) of this chapter and as a pH control agent as defined in § 170.3(o)(23) of this chapter.

(2) The ingredient is used in nonalcoholic beverages as defined in § 170.3(n)(3) of this chapter and in cheeses as defined in § 170.3(n)(5) of this chapter at levels not to exceed current good manufacturing practice.

(d) Prior sanctions for this ingredient different from those uses established in this section, or different from those set forth in part 181 of this chapter, do not exist or have been waived.

6. New § 184.1195 is added to subpart B to read as follows:

§ 184.1195 Calcium citrate.

(a) Calcium citrate ($Ca_3(C_6H_5O_7)_2.4H_2O$, CAS Reg. No. 813–94–5) is the calcium salt of citric acid. It is prepared by neutralizing citric acid with calcium hydroxide or calcium carbonate. It occurs as a fine white, odorless powder and usually contains four moles of water per mole of calcium citrate.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 3d ed. (1981), pp. 49–50, which is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or available for inspection at the Office of the Federal Register, 800 North Capitol St. NW., suite 700, Washington, DC.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe (GRAS) as a direct human food ingredient is based upon the following current good manufacturing practice conditions of use:

(1) The ingredient is used as an emulsifier and emulsifier salt as defined in § 170.3(o)(8) of this chapter; a firming agent as defined in § 170.3(o)(10) of this chapter; and a nutrient supplement as defined in § 170.3(o)(20) of this chapter.

(2) The ingredient is used in the following foods at levels not to exceed current good manufacturing practice: Cheeses as defined in § 170.3(n)(5) of

this chapter; fats and oils as defined in § 170.3(n)(12) of this chapter; gelatins and puddings as defined in § 170.3(n)(22) of this chapter; jams and jellies as defined in § 170.3(n)(28) of this chapter; and processed vegetables and vegetable juices as defined in § 170.3(n)(36) of this chapter. Calcium citrate may also be used in infant formula in accordance with section 412(g) of the Federal Food, Drug, and Cosmetic Act (the act) or with regulations promulgated under section 412(a)(2) of the act.

(d) Prior sanctions for this ingredient different from the uses established in this section do not exist or have been waived.

7. New § 184.1386 is added to subpart B to read as follows:

§ 184.1386 Isopropyl citrate.

(a) Isopropyl citrate is a mixture of the mono-, di-, and triisopropyl esters of citric acid. It is prepared by esterifying citric acid with isopropanol.

(b) The Food and Drug Administration, in cooperation with the National Academy of Sciences, is developing food-grade specifications for isopropyl citrate. In the interim, this ingredient must be of a purity suitable for its intended use.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe (GRAS) as a direct human food ingredient is based upon the following current good manufacturing practice conditions of use:

(1) The ingredient is used as an antioxidant as defined in § 170.3(o)(3) of this chapter; a sequestrant as defined in § 170.3(o)(26) of this chapter; and a solvent and vehicle as defined in § 170.3(o)(27) of this chapter.

(2) The ingredient is used in margarine in accordance with § 166.110 of this chapter; in nonalcoholic beverages as defined in § 170.3(n)(3) of this chapter; and in fats and oils as defined in § 170.3(n)(12) of this chapter at levels not to exceed current good manufacturing practice.

(d) Prior sanctions for this ingredient different from the uses established in this section, or different from those set forth in part 181 of this chapter, do not exist or have been waived.

8. New § 184.1625 is added to subpart B to read as follows:

§ 184.1625 Potassium citrate.

(a) Potassium citrate ($C_6H_5K_3O_7.H_2O$, CAS Reg. No. 006100–05–6) is the potassium salt of citric acid. It is prepared by neutralizing citric acid with potassium hydroxide or potassium carbonate. It occurs as transparent crystals or a white granular powder, is odorless and deliquescent, and contains one mole of water per mole of potassium citrate.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 3d ed. (1981), p. 242, which is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or available for inspection at the Office of the Federal Register, 800 North Capitol St. NW., suite 700, Washington, DC.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice.

(d) Prior sanctions for this ingredient different from the uses established in this section, or different from those set forth in part 181 of this chapter, do not exist or have been waived.

9. New § 184.1751 is added to subpart B to read as follows:

§ 184.1751 Sodium citrate.

(a) Sodium citrate ($C_6H_5Na_3O_7.2H_2O$, CAS Reg. No. 68–04–2) is the sodium salt of citric acid. It is prepared by neutralizing citric acid with sodium hydroxide or sodium carbonate. The product occurs as colorless crystals or a white crystalline powder. It may be prepared in an anhydrous state or may contain two moles of water per mole of sodium citrate.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 3d ed. (1981), pp. 283–284, which is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or available for inspection at the Office of the Federal Register, 800 North Capitol St. NW., suite 700, Washington, DC.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice.

(d) Prior sanctions for this ingredient different from the uses established in this section, or different from those set forth in part 181 of this chapter, do not exist or have been waived.

10. New § 184.1851 is added to subpart B to read as follows:

§ 184.1851 Stearyl citrate.

(a) Stearyl citrate is a mixture of the mono-, di-, and tristearyl esters of citric acid. It is prepared by esterifying citric acid with stearyl alcohol.

(b) The Food and Drug Administration, in cooperation with the National Academy of Sciences, is developing food-grade specifications for stearyl citrate. In the interim, this ingredient must be of a purity suitable for its intended use.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe (GRAS) as a direct human food ingredient is used upon the following current good manufacturing practice conditions of use:

(1) The ingredient is used as an antioxidant as defined in § 170.3(o)(3) of this chapter; an emulsifier and emulsifier salt as defined in § 170.3(o)(8) of this chapter; a sequestrant as defined in § 170.3(o)(26) of this chapter; and a surface-active agent as defined in § 170.3(o)(29) of this chapter.

(2) The ingredient is used in margarine in accordance with § 166.110 of this chapter; in nonalcoholic beverages as defined in § 170.3(n)(3) of this chapter; and in fats and oils as defined in § 170.3(n)(12) of this chapter at levels not to exceed current good manufacturing practice.

(d) Prior sanctions for this ingredient different from the uses established in this section, or different from those set forth in part 181 of this chapter, do not exist or have been waived.

11. New § 184.1911 is added to subpart B to read as follows:

§ 184.1911 Triethyl citrate.

(a) Triethyl citrate ($C_{12}H_{20}O_7$, CAS Reg. No. 77–93–0) is the triethyl ester of citric acid. It is prepared by esterifying citric acid with ethyl alcohol and occurs as an odorless, practically colorless, oily liquid.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 3d ed. (1981), p. 339, which is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or available for inspection at the Office of the Federal Register, 800 North Capitol St. NW., suite 700, Washington, DC.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe (GRAS) as a direct human food ingredient is based upon the

following current good manufacturing practice conditions of use:

(1) The ingredient is used as a flavoring agent as defined in § 170.3(o)(12) of this chapter; a solvent and vehicle as defined in § 170.3(o)(27) of this chapter; and a surface-active agent as defined in § 170.3(o)(29) of this chapter.

(2) The ingredient is used in foods at levels not to exceed current good manufacturing practice.

(d) Prior sanctions for this ingredient different from the uses established in this section, or different from those set forth in part 181 of this chapter, do not exist or have been waived.

Dated: August 3, 1992.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 92-19804 Filed 8-19-92; 8:45 am]

BILLING CODE 4160-01-F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OAQPS No. CA-12-16-5546; FRL-4196-8]

Approval and Promulgation of Implementation Plans, California State Implementation Plan Revision; Santa Barbara County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: EPA is proposing to approve revisions to the California State Implementation Plan (SIP) adopted by the Santa Barbara County Air Pollution Control District (SBCAPCD) on November 13, 1990. The California Air Resources Board submitted these revisions to EPA on April 5, 1991. The revisions concern SBCAPCD's Rule 330, Surface Coating of Metal Parts and Products, which regulates metal surface coating operations. EPA has evaluated this rule and is proposing to approve it under section 110(k)(3) as meeting the requirements of section 110(a) and part D of the Clean Air Act, as amended in 1990 (CAA or the Act).

DATES: Comments must be received on or before September 21, 1992.

ADDRESSES: Comments may be mailed to: Daniel Meer, Southern California, Arizona Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Copies of the rule revisions and EPA's evaluation report of the rule are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rule revisions are also available for inspection at the following locations:

California Air Resources Board, Stationary Source Division, Rule Evaluation, 1219 K Street, Sacramento, CA 95814.

Santa Barbara County Air Pollution Control District, 26 Castilian Drive B-23, Goleta, CA 93117.

FOR FURTHER INFORMATION CONTACT: Christine Vineyard, Southern California, Arizona Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1195, Fax: (415) 744-1076.

SUPPLEMENTARY INFORMATION:

Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in 1977 (1977 CAA), that includes Santa Barbara County. 43 FR 8964; 40 CFR 81.305. Because the Santa Barbara area was unable to meet the statutory attainment date of December 31,1982, California requested, and EPA approved, an extension of the attainment date to December 31, 1987. 40 CFR 52.238. On May 26, 1988, EPA notified the Governor of California that the above district's portion of the California State Implementation Plan (SIP) was inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call). On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Pubic Law 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q. In amended section 182(a)(2)(A) of the CAA, Congress statutorily adopted the requirement that nonattainment areas fix their deficient reasonably available control technology (RACT) rules for ozone and established a deadline of May 15, 1991 for states to submit corrections of those deficiencies.

Section 182(a)(2)(A) applies to areas designated as nonattainment prior to enactment of the amendments and classified as marginal or above as of the date of enactment. It requires such areas to adopt and correct RACT rules pursuant to pre-amended section 172(b) as interpreted in pre-amended guidance.[1] EPA's SIP-Call used that guidance to indicate the necessary corrections for specific nonattainment areas. Santa Barbara County is classified as moderate.[2] Therefore, this area is subject to the RACT fix-up requirement and the May 15, 1991 deadline.

The State of California submitted many revised RACT rules for incorporation into its SIP on April 5, 1991, including the rule being acted on in this notice. This notice addresses EPA's proposed action for SBCAPCD's Rule 330, Surface Coating of Metal Parts and Products. This submitted rule was found to be complete on May 21, 1991 pursuant to EPA's completeness criteria adopted on February 16, 1990 (55 FR 5830) and set forth in 40 CFR part 51 appendix V[3] and is being proposed for approval into the SIP.

Rule 330 regulates the emission of volatile organic compounds (VOCs) from metal surface coating operations. VOCs contributed to the production of ground level ozone and smog. The rule was adopted as part of SBCAPCD's efforts to achieve the National Ambient Air Quality Standard (NAAQS) for ozone and in response to EPA's SIP-Call and the section 182(a)(2)(A) CAA requirement. The following is EPA's evaluation and proposed action for this rule.

EPA Evaluation and Proposed Action

In determining the approvability of a VOC rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and part D of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). The EPA interpretation of these requirements, which forms the basis for today's action, appears in the various EPA policy guidance documents listed in footnote 1. Among those provisions is the requirement that a VOC rule must, at a minimum, provide for the implementation of RACT for stationary sources of VOC emissions. This requirement was carried forth from the pre-amended Act.

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[1] Among other things, the pre-amendment guidance consists of those portions of the proposed Post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to appendix D of November 24, 1987 **Federal Register** Notice" (Blue Book) (notice of availability was published in the **Federal Register** on May 25, 1988), and the existing control technique guidelines (CTGs).

[2] Santa Barbara County Air Pollution Control District was redesignated nonattainment and classified by operation of law pursuant to sections 107(d) and 181(a) upon the date of enactment of the CAA. See 55 FR 56694 (November 6, 1991).

[3] EPA has since adopted completeness criteria pursuant to section 110(k)(1)(A) of the CAA. See 56 FR 42216 (August 26, 1991).

For the purpose of assisting state and local agencies in developing RACT rules, EPA prepared a series of Control Technique Guideline (CTG) documents. The CTGs are based on the underlying requirements of the Act and specify the presumptive norms for what is RACT for specific source categories. Under the CAA, Congress ratified EPA's use of these documents, as well as other Agency policy, for requiring States to "fix-up" their RACT rules. See section 182(a)(2)(A). The CTG applicable to SBCAPCD's Rule 330 is entitled, "Control of Volatile Organic Emissions from Existing Stationary Sources (Volume VI: Surface Coating of Miscellaneous Metal Parts and Products)", EPA–450/2–78–015. Further interpretations of EPA policy are found in the Blue Book, referred to in footnote 1. In general, these guidance documents have been set forth to ensure that VOC rules are fully enforceable and strengthen or maintain the SIP.

SBCAPCD's Rule 330, Surface Coating of Metal Parts and Products, includes the following significant changes from the current SIP approved rule:

- An applicability statement was added for clarity;
- Several new definitions were added to clarify and strengthen the Rule;
- Revision of application equipment requirements to specify application methods and to allow other methods capable of achieving at least 65% transfer efficiency;
- Addition of an add-on control equipment provision to aid in compliance;
- Addition of closed container requirements to minimize pollutant emissions;
- Addition of labeling requirements to improve the enforceability of the Rule;
- Specification of recordkeeping requirements for coatings and solvents;
- Specification of test methods for determining the VOC, water and exempt solvent content of coatings;
- Addition of new Exemptions for coating operations covered by other Rules;
- Revision of compliance schedule to allow sources previously exempt time to become compliant;
- Language modifications and rule reorganization that improve clarity.

EPA has evaluated the submitted rule and has determined that it is consistent with the CAA, EPA regulations, and EPA policy. Therefore, SBCAPCD's Rule 330 is being proposed for approval under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and part D.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Regulatory Process

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under sections 110 and Part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the federal SIP-approval does not impose any new requirements, it does not have a significant impact on any small entities affected. Moreover, due to the nature of the federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state actions. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and Table 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years. EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Hydrocarbons, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401–7671q.

Dated: August 7, 1992.

John Wise,

Acting Regional Administrator.

[FR Doc. 92–19741 Filed 8–19–92; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 80

[AMS–FRL–4196–5]

Regulation of Fuels and Fuel Additives: Standards for Reformulated Gasoline and Conventional Gasoline

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public workshop.

SUMMARY: This notice announces the time and place for a public workshop intended to help develop EPA's complex emissions model for reformulated gasoline.

DATES: The public workshop will be held on August 25, 1992. It will start at 9 a.m. and will continue as long as necessary to complete the agenda.

ADDRESSES: The public workshop will be held at the Ramada Inn near the Detroit Metropolitan Airport. The address of the hotel is 8270 Wickham Road, Romulus, Michigan and the telephone number is (313) 729–6300. Interested parties may submit written comments (in duplicate if possible) to Public Docket No. A–92–12, at: Air Docket Section (LE–131), U.S. Environmental Protection Agency, Attention: Docket No. A–92–12, First Floor, Waterside Mall, rm. M–1500, 401 M Street, SW, Washington, DC 20460.

Materials related to this rulemaking, including documents distributed at earlier workshops, have been placed in Dockets A–91–02 and A–92–12 by EPA. These dockets are located at the above address and may be inspected between 8:30 a.m. and noon and between 1:30 p.m. and 3:30 p.m., Monday through Friday. EPA may charge a reasonable fee for copying docket materials.

FOR FURTHER INFORMATION CONTACT: Ms. Joann Jackson Stephens, Fuel Studies and Standards Branch, Regulation Development and Support Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105. Telephone: (313) 668–4276.

SUPPLEMENTARY INFORMATION:

Background

Section 211(k) of the Clean Air Act, as amended, requires that EPA promulgate regulations establishing the requirements for a reformulated gasoline

program. The reformulated gasoline program has been developed in part through a process known as negotiated rulemaking. The agreement provided refiners with two modeling options for determining whether fuels meet the reformulated gasoline requirements. The first modeling option is the simple model which would be used to certify reformulated gasoline during 1995 and 1996. (See 57 FR 13416 (April 16, 1992) for a comprehensive review). Under the terms of the agreement, EPA is to develop a more sophisticated model (the complex model) which can be used in 1995 and will be required for use beginning in 1997 through a rulemaking to be completed by March 1, 1993. EPA is holding a series of workshops to expedite the development and promulgation of a rule establishing a complex emission model for the reformulated gasoline program.

All workshops in the series will be open to the public. The first such workshop was held in Ann Arbor, Michigan, on Wednesday, January 22 and Thursday, January 23; the second such workshop was held in Ann Arbor, Michigan, on Tuesday, February 18. The third such workshop was held in Ann Arbor, Michigan, on Tuesday, April 28. The purpose of the workshops and supplementary information regarding the workshops can be found in 57 FR 2068 (January 17, 1992), 57 FR 5409 (February 14, 1992) and 57 FR 10323 (March 25, 1992).

Public Workshop

The August workshop is the fourth in this series of public workshops. It will include the following topics:

—*Review of complex model iteration:* EPA will review the latest iteration of its complex model for exhaust emissions. The agency will present for public review and comment the equations and analysis methodology used. In addition, EPA will describe the next steps in the analysis process for complex model exhaust emissions.

—*Review of complex model for non-exhaust emissions:* The agency will present its latest complex model equations and analysis methodology for non-exhaust emissions.

Other presentations regarding complex model exhaust emissions models, analysis methodology and proposed next steps are encouraged. Those interested in making such presentations should notify Joann Jackson Stephens at (313) 668–4276 of such intent at least three days before the workshop. Interested speakers should also provide an estimate of the time required for the presentation of the testimony and any need for audio/visual equipment. Questions will be taken after each presentation.

Public Participation

EPA strongly encourages full public participation in the development and assessment of information that will be used in developing the proposed complex model. This workshop will help determine the methods used by the Agency in developing the proposed complex model and the content of the proposed complex model itself, and EPA welcomes public input regarding the proposed rule and the methods most appropriate for use in developing the model.

EPA suggests that enough copies of the material for presentation be brought to the workshop for distribution to the audience. EPA anticipates attendance of 70 to 100 people. In addition, it will be helpful for EPA to receive an advance copy of any material for presentation before the scheduled workshop date so as to allow EPA staff to give such material full consideration.

Mr. Richard Rykowski, Chief for the Fuel Studies and Standards Branch in the Regulation and Support Division of EPA's Office of Mobile Sources will chair the workshop. The workshop will be conducted informally, and technical rules of evidence will not apply.

Dated: August 12, 1992.

Michael Shapiro,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 92–19740 Filed 8–19–92; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 52c

RIN 0905–AD47

Minority Biomedical Research Support Program

AGENCY: Public Health Service, HHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: These proposed regulations would revise the existing regulations which govern the administration of Minority Biomedical Research Support Program (grants), to update the authority citation and other applicable HHS regulations and policies currently cited, change the title of a regulatory part to match the current name of the program, and make several minor language changes.

DATES: Comments on the proposed regulations must be received in writing on or before October 19, 1992.

ADDRESSES: Comments should be sent in writing to: Mr. John J. Migliore, NIH Regulations Officer, National Institutes of Health, Building 31, room 3B11, 9000 Rockville Pike, Bethesda, Maryland, 20892.

FOR FURTHER INFORMATION CONTACT: Mr. John J. Migliore, telephone (301) 496–4606 (this is not a toll free number).

SUPPLEMENTARY INFORMATION: The current regulations in 42 CFR part 52c entitled Minority Biomedical Support Program govern the administration of grants awarded pursuant to section 301(a)(3) of the Public Health Service (PHS) Act (42 U.S.C. 241(a)(3)) to increase the numbers of ethnic minority faculty, students, and investigators engaged in biomedical research, and to broaden the opportunities for participation in biomedical research of ethnic minority faculty, students, and investigators, by providing general support for biomedical research at eligible institutions. The proposed rule would revise these regulations to incorporate required changes in the authority citation and other HHS regulations and policies currently cited, change the title of part 52c to match the name of the program, and revise the definition of "ethnic minorities" in § 52c.2 to correspond to the current operational definition used in administering the program.

Regulatory Impact and Regulatory Flexibility Analyses

Executive Order No. 12291

The Secretary has reviewed the proposed rule under the requirements of Executive Order No. 12291 (Federal Regulation) and has determined that it is not a major rule as defined in section 1(b) of the Executive Order and, therefore, does not require a regulatory impact analysis.

Regulatory Flexibility Act

The Secretary has reviewed the proposed rule under the requirements of the Regulatory Flexibility Act of 1980 (5 U.S.C. chapter 6) and has determined that it would not have a significant economic impact on a substantial number of small entities and, therefore, does not require a regulatory flexibility analysis.

Paperwork Reduction Act

Section 52c.4 of this proposed rule contains information collection requirements which are subject to OMB approval under the Paperwork

Reduction Act of 1980 (44 U.S.C. chapter 35). The information collection requirements were approved by OMB in September 1991 under OMB Approval No. 0925–0001, which expires in June 1994. The applications (Form PHS 398 Application for Public Health Service Grant and PHS 2590 Application for Continuation of Public Health Service Grant) used in the information collections specified in § 52c.4 and the burden hours associated with the application requirements in these regulations are included in the approval of the applications under OMB Approval No. 0925–0001.

Catalogue of Federal Domestic Assistance

The Catalogue of Federal Domestic Assistance numbered program affected by the proposed regulations is: 93.375.

List of Subjects in 42 CFR Part 52c

Biomedical research, Grant programs—health, Minority biomedical research support.

It is proposed to amend subchapter D of chapter 1 of title 42 of the Code of Federal Regulations by amending part 52c as set forth below.

Dated: March 17, 1992.

James O. Mason,

Assistant Secretary for Health.

Approved: May 22, 1992.

Louis W. Sullivan,

Secretary.

PART 52c—MINORITY BIOMEDICAL RESEARCH SUPPORT PROGRAM

1. The authority citation for part 52c would be revised to read as follows:

Authority: 42 U.S.C. 216, 241(a)(3).

2. The title of part 52c would be revised to read as set forth above.

3. Section 52c.1 would be revised to read as follows:

§ 52c.1 Applicability.

The regulations in this part apply to grants (under the Minority Biomedical Research Support Program) awarded in accordance with section 301(a)(3) of the Public Health Service (PHS) Act (42 U.S.C. 241(a)(3)) to increase the numbers of ethnic minority faculty, students, and investigators engaged in biomedical research, and to broaden the opportunities for participation in biomedical research of ethnic minority faculty, students, and investigators, by providing general support of biomedical research programs at eligible institutions.

4. Section 52c.2 would be revised to read as follows:

§ 52c.2 Definitions.

As used in this part:

Act means the Public Health Service Act, as amended (42 U.S.C. 201 et seq.).

Ethnic minorities includes but is not limited to such groups as Black Americans, Hispanic Americans, Asian/Pacific Islanders, and American Indians/Native Alaskans (Native Americans).

HHS means the Department of Health and Human Services.

Nonprofit as applied to any institution means an institution which is a corporation or association no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual.

Program director means a single individual, designated in the grant application, who is scientifically trained and has research experience, and who is responsible for the overall execution of the program supported under this part at the grantee institution.

Secretary means the Secretary of Health and Human Services and any other officer or employee of the Department of Health and Human Services to whom the authority involved has been delegated.

5. Paragraph (b) of § 52c.3 would be revised to read as follows:

§ 52c.3 Eligibility.

* * * * *

(b) Located in a State, the District of Columbia, Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, or the successor States of the Trust Territory of the Pacific Islands (the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau).

6. Section 52c.4 would be amended by revising paragraph (c) and adding a phrase following paragraph (d) to read as follows:

§ 52c.4 Application.

* * * * *

(c) Each application shall contain a narrative description of the institution's biomedical research and biomedical research training capability; the nature and purpose of the proposed biomedical research program; the manner in which the institution intends to conduct the program in conformity with this part; and the value of the program to the overall mission and objectives of the institution. The application shall also set forth the proposed project period (not to exceed five years), a detailed budget for the first budget period and the anticipated total needs for each of the succeeding budget periods of the requested project period, a justification for the amount of grant funds requested, the names and qualifications of the program director and the directors of the individual projects or elements within the program, the total facilities and resources that will be available (including where necessary collaborative arrangements with other institutions), and such other pertinent information as the Secretary may require.

(d) * * *

(Approved under OMB Control Number 0925–0001)

7. Paragraph (a)(1) of § 52c.5 would be revised to read as follows:

§ 52c.5 Grant awards.

(a) * * *

(1) The benefits that can be expected to accrue to the national effort in biomedical research and in increasing the pool of biomedical researchers;

* * * * *

8. Section 52c.7 would be revised to read as follows:

§ 52c.7 Other HHS regulations that apply.

Several other regulations and policies apply to grants under this part. These include, but are not necessarily limited to:

37 CFR part 401—Rights to inventions made by nonprofit organizations and small business firms under government grants, contracts, and cooperative agreements.

42 CFR part 50, subpart A—Responsibilities of PHS awardee and applicant institutions for dealing with and reporting possible misconduct in science.

42 CFR part 50, Subpart D—Public Health Service grant appeals procedures.

45 CFR part 16—Procedures of the Departmental Grant Appeals Board.

45 CFR part 46—Protection of human subjects.

45 CFR part 74—Administration of grants.

45 CFR part 75—Informal grant appeals procedures.

45 CFR part 76—Governmentwide debarment and suspension (nonprocurement) and governmentwide requirements for drug-free workplace (grants).

45 CFR part 80—Nondiscrimination under programs receiving Federal assistance through the Department of Health and Human Services—Effectuation of title VI of the Civil Rights Act of 1964.

45 CFR part 81—Practice and procedure for hearings under part 80 of this title.

45 CFR part 84—Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from Federal financial assistance.

45 CFR part 86—Nondiscrimination on the basis of sex in education programs and activities receiving or benefiting from Federal financial assistance.

45 CFR part 91—Nondiscrimination on the basis of age in HHS programs and activities receiving Federal financial assistance.

45 CFR part 92—Uniform administrative requirements for grants and cooperative agreements to State and local governments.

45 CFR part 93—New restrictions on lobbying.

51 FR 16958, or successor—NIH Guidelines for Research Involving Recombinant DNA Molecules.

Public Health Service Policy on Humane Care and Use of Laboratory Animals, Office for Protection from Research Risks, NIH (Revised September 1986), or successor.

[FR Doc. 92–19722 Filed 8–19–92; 8:45 am]

BILLING CODE 4140–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–7048]

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed base (100-year) flood elevations and proposed base flood elevation modifications for the communities listed below. The base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: The proposed base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: William R. Locke, Chief, Risk Studies Division, Federal Insurance Administration, 500 C Street, SW., Washington, DC 20472, (202) 646–2754.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA or Agency) gives notice of the proposed determinations of base (100-year) flood elevations and modified base flood elevations for each community listed, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These base flood and modified base flood elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents.

National Environmental Policy Act.

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

Regulatory Flexibility Act

This rule will not have a significant economic impact on a substantial number of small entities in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 et seq.

Regulatory Impact Analysis

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

Executive Order 12612, Federalism

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

Executive Order 12778, Civil Justice Reform

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

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

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

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.4 [Amended]

2. Section 67.4 is proposed to be amended as follows:

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
MAINE	
Perry (Town), Washington County	
Boyden Lake: Entire shoreline within community	*79
Atlantic Ocean	
Sipp Bay: At Burby Road extended	*15
Passamaquoddy Bay: At northern corporate limits	*25
Maps available for inspection at the Perry Town Office, Municipal Building, Route 1, Perry, Maine.	
Send comments to Mr. Richard Gove, First Selectman for the Town of Perry, Washington County, Box 190, Old Eastport Road, Perry, Maine 04667.	
NEW HAMPSHIRE	
Atkinson (Town), Rockingham County	
Hog Hill Brook:	
Just upstream of Haverhill Road	*137
Just upstream of Island Pond Road	*189
Byrant Brook:	
Approximately 620 feet upstream of the confluence with Little River	*47
Approximately 30 feet upstream of East Road	*82
Island Pond: Entire shoreline within community	*207
Maps available for inspection at the Atkinson Town Hall, 21 Academy Avenue, Atkinson, New Hampshire.	
Send comments to Mr. Robert Morse, Chairman of the Town of Atkinson Board of Selectmen. Rockingham County, Atkinson Town Hall. 21 Academy Avenue, Atkinson, New Hampshire 03811.	

§ 67.4 [Amended]

3. The tables published under the authority of § 67.4 are proposed to be amended as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
Alabama	City of Auburn, Lee County.	Moore's Mill Creek	Just upstream of Ogletree Road	*503	*512
			Just downstream of Lake Wilmore Dam	*507	*513
			Just upstream of Lake Wilmore Dam	*529	*527
			Just downstream of Moore's Mill Road	None	*559

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
Maps available for inspection at the Planning Department, 171 North Ross Street, Auburn, Alabama. Send comments to The Honorable Doug Watson, City Manager, City of Auburn, P.O. Box 511, Auburn, Alabama 36831-0511.					
Alabama	Muscle Shoals, City Colbert County.	Sinkhole 4	Approximately 3,200 feet northeast of the intersection of Avalon Avenue and Wilson Dam Highway.	*510	*505
		Sinkhole 4A	On east side of Wilson Dam Highway, approximately 350 feet north of Carr Avenue.	None	*516
		Sinkhole 4B	On west side of Wilson Dam Highway, approximately 350 feet north of Carr Avenue.	None	*511
		Sinkhole 5	Area surrounded by 4th Avenue, Edwards Avenue, Firestone Avenue, and Popular Street.	*508	*506
		Sinkhole 6	Area surrounded by Moss Avenue, Broadway, Ford Avenue, and John R. Street.	*507	*506
		Sinkhole 7	Area bounded by Woodward Avenue, Pasadena Avenue, Gusmus Avenue, and Highland Avenue.	*499	*497
			Area bounded by Michigan Avenue, Avalon Avenue, and Woodward Avenue on the north, south, and east, respectively.	*499	*497
		Sinkhole 9	Area approximately 500 feet southwest of intersection of Lenz Street and Sixth Street.	*512	*510
		Sinkhole 12	Area surrounded by Brighton Avenue, Woodward Avenue, Hill Avenue.	None	*498
		Sinkhole 14	Area extending from the western corporate limits to the vicinity of George Wallace Road southeast along the southwest side of the Southern Railroad to a point approximately 200 feet Southeast of Mason Street.	*489	*491
Maps available for inspection at the City of Muscle Shoals Building Department, 1000 East Avalon Avenue, Muscle Shoals, Alabama. Send comments to The Honorable Charles D. Lawler, Mayor of the City of Muscle Shoals, Colbert County, P.O. Box 2624, Muscle Shoals, Alabama 35662.					
Arkansas	City of Paris, Logan County.	Short Mountain Creek Tributary.	Approximately 1,600 feet upstream of the confluence with Short Mountain Creek.	None	*380
			Just upstream of Walnut Street	None	*400
			At Maple Street	None	*408
			At Cherry Street	None	*424
			Approximately 2,000 feet upstream of Cherry Street.	None	*431
Maps are available for review at City Hall, 100 North Express, Paris, Arkansas. Send comments to The Honorable Charles Ford, Mayor, City of Paris, P.O. Box 271, Paris, Arkansas 78225.					
California	City of Marina, Monterey County.	Infiltration Pond	Just east of the intersection of Dunes Drive and Dunes Court.	*None	*16
			Approximately 500 feet northeast of the intersection of Abdy Way and Cardoza Avenue.	*None	*11
			Approximately 900 feet northeast of the intersection of Abdy Way and Cardoza Avenue, just east of Abdy Way.	*None	*20
			Approximately 1,000 feet northeast of the intersection of Abdy Way and Cardoza Avenue, just east of Abdy Way.	*None	*25
			Approximately 500 feet southeast of the intersection of Del Monte Boulevard and Cosky Drive.	*None	*60
			Approximately 300 feet northeast of the intersection of Cosky Drive and Michael Drive.	*None	*26
			Approximately 1,000 feet south of the intersection of State Highway 1 and Reservation Road, just east of State Highway 1.	*None	*8
			Just west of the intersection of Beach Road and Reservation Road.	*None	*9
			Just north of the intersection of Beach Road and Reservation Road.	*None	*7
			Just east of the intersection of Beach Road and Reservation Road.	*None	*7
			Approximately 800 feet southwest of the intersection of Beach Road and DeForest Road, along the DeForest Road.	*None	*54
			At the intersection of Lake Road and Seaside Avenue.	*None	*13
			Just southeast of the intersection of Beach Road and Seaside Avenue.	*None	*8
			Approximately 1,000 feet northwest of Lake Road and Messinger Drive.	*None	*5
			At the northwest corner of the intersection of Lake Road and Messinger Drive.	*None	*8

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
			Just east of the intersection of Hillcrest Avenue and Berney Drive.	*None	*73
			Approximately 500 feet southwest of the intersection of Reindollar Avenue and King Circle, just west of King Circle.	*None	*90
			Approximately 1,000 feet southwest of the intersection of Reindollar Avenue and Ellen Court.	*None	*73
			At the intersection of Sunset Avenue and Cypress Avenue.	*None	*30
		Natural Depression	Approximately 500 feet north of the intersection of Del Monte Boulevard and Cosky Drive, just west of Del Monte Boulevard.	*None	*37
			Approximately 1,000 feet southwest of the intersection of Marina Drive and Palm Avenue, along Marina Drive.	*None	*25
			Just east of the intersection of Reindollar Avenue and Del Monte Boulevard.	*None	*34
Maps are available for review at City Hall, 211 Hillcrest Avenue, Marina, California.					
Send comments to The Honorable Edith Johnsen, Mayor, City of Marina, 211 Hillcrest Avenue, Marina, California 93933.					
California	City of Moreno Valley, Riverside County.	Heacock Street Channel and Perris Valley Storm Drain.	Perris Valley Storm Drain Lateral "B", approximately 1,700 feet upstream of the confluence with Perris Valley Storm Drain.	None	*1,458
			The intersection of Indian Street and Nandina Avenue.	None	*1,473
			The Indian Street crossing with Perris Valley Storm Drain.	None	*1,478
			The intersection of Iris Avenue and Heacock Street.	None	*1,502
			Approximately 1,800 feet upstream of Iris Avenue.	None	*1,509
Maps are available for review at City Hall, 23119 Cottonwood Avenue, Building "B", Moreno Valley, California.					
Send comments to The Honorable Richard Stewart, Mayor, City of Moreno Valley, P.O. Box 1440, Moreno Valley, California 92556.					
California	City of San Marcos, San Diego County.	San Marcos Creek	Just upstream of Discovery Street	*516	*515
			Approximately 1,020 feet upstream of Discovery Street.	*518	*516
			Just downstream of Via Vera Cruz	*534	*530
			Just downstream of Echo Lane	*553	*548
			Just upstream of State Highway 78	*562	*561
			Approximately 1,240 feet upstream of Twin Oaks Valley Road.	*574	*571
			Approximately 280 feet upstream of Valpreda Road.	*589	*585
			Approximately 240 feet upstream of the Atchison, Topeka, and Santa Fe Railroad.	*596	*592
			Just downstream of the Woodland Parkway box culvert.	*627	*621
		San Marcos Creek, Highway 78 Split Flow.	At the convergence with San Marcos Creek	*537	*534
			Approximately 400 feet downstream of State Highway 78.	*551	*549
			At the divergence from San Marcos Creek	*562	*561
			Along via Vera Cruz, approximately 500 feet north of the intersection with San Marcos Boulevard.	*None	#1
		Twin Oaks Valley Creek	At the confluence with San Marcos Creek	*565	*566
			Approximately 1,100 feet upstream of Mission Road.	*582	*580
			Approximately 3,300 feet upstream of Mission Road.	*602	*596
			At the unnamed road south of Delray Drive	*640	*637
			Approximately 50 feet downstream of La Cienagro Road.	*675	*670
			Just downstream of Olive Drive	*697	*697
			Just downstream of the Walnut Creek Park entrance.	None	*702
			At Mulberry Drive	None	*715
		Las Posas Creek	500 feet upstream of Linda Vista Drive	None	#1
			750 feet downstream of Grand Avenue	None	*#3
			Just upstream of Grand Avenue	None	*543
			Approximately 80 feet downstream of Descanso Avenue.	None	*550
			Approximately 850 feet upstream of Mission Road.	None	*569

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
Maps are available for review at the Department of Developmental Service, 570 Rancheros Drive, Suite 101, San Marcos, California. Send comments to The Honorable Lee b. Thibadeau, Mayor, City of San Marcos, City Hall, 105 West Richmar Avenue, San Marcos, California 92069-1699.					
Connecticut	Berlin, town Harford County.	Hatchery Brook	Approximately 700 feet downstream of Four Rod Road.	None	*47
			Upstream side of Orchard Road	*None	*158
		Crooked Brook	At confluence with Belcher Brook	*54	*50
			Approximately 50 feet upstream of CONRAIL bridge.	None	*81
		Belcher Brook	Approximately 900 feet downstream of Norton Road.	*47	*46
			At upstream corporate limits	None	*152
		Spruce Brook	Approximately 1,900 feet upstream of the confluence with Mattabesset River.	*30	*31
			Approximately 100 feet upstream of Spruce Brook Road.	None	*124
		Willow Brook	Approximately 50 feet downstream of Demino Road.	*43	*44
			At the upstream corporate limits	*74	*75
		Stocking Brook	Approximately 50 feet upstream of confluence with Mattabessett River.	None	*168
			Upstream side of Percival Park Road	None	*398
		John Hall Brook	At confluence with Stocking Brook	None	182
			Approximately 0.5 mile upstream of the most upstream crossing of Edgewood Road.	None	*335
Maps available for inspection at the Engineering Department, Berlin Town Hall, 240 Kensington Road, Berlin, Connecticut. Send comments to The Honorable Robert J. Peters, Mayor of the Town of Berlin, Hartford County, 240 Kensington Road, Berlin, Connecticut 06037.					
Georgia	City of Manchester, Meriwether and Talbot Counties.	Unnamed tributary to Pigeon Creek.	About 720 feet upstream of mouth	None	*744
			Just upstream of Hill Street	None	*793
		Pigeon Creek	About 1,700 feet downstream of Unnamed Tributary to Pigeon Creek.	None	*741
			Just downstream of Pigeon Creek Road	None	*764
			Just upstream of Pigeon Creek Road	None	*769
			About 2,900 feet upstream of Goody's Road	None	*812
Maps available for inspection at the City Hall, Building Inspection & Codes Enforcement Office, Manchester, Georgia. Send comments to The Honorable Philip T. Rudderman, Mayor, City of Manchester, City Hall, P.O. Box 366, Manchester, Georgia 31816.					
Idaho	City of Boise, Ada County.	Stuart	At the interaction of Hill Road and Stuart Gulch Road.	#4	#1
			At the northermost intersection of Shasta Street and North 36th Street.	#1	#1
		Crane Gulch	At the intersection of Dora Street and North 16th Street.	#2	#1
			At the intersection of Good Street and North 17th Street.	#2	#1
		Hulls Gulch	At the intersection of Heron Street and North 9th Street.	#3	#1
		Cottonwood Creek	Approximately 1,200 feet north of the intersection of Mountain Cove Road and Reserve Street.	#5	#1
			Approximately 500 feet north of the intersection of Reserve Street and Avenue H.	None	#1
			At the intersection of Krall Street and Avenue C.	#2	#1
Maps are available for review at the Public Works Department, City of Boise, City Hall, 150 North Capitol Boulevard, 4th Floor, Boise, Idaho. Send comments to The Honorable Dirk A. Kempthorne, Mayor, city of Boise, City Hall, 150 North Capitol Boulevard, Boise, Idaho 83701.					
Kansas	City of Pittsburg, Crawford County.	East Pork Taylor Branch	About 1,820 feet downstream of 4th Street	None	*899
			Just downstream of Southeast Kansas Railroad, about 750 feet downstream of 27th Street.	None	*919
			Just upstream of Southeast Kansas Railroad, about 750 feet downstream of 27th Street.	None	*925
			Just downstream of Atkinson Road	None	*930
Maps are available for inspection at the City Hall, 201 West 4th Street, Pittsburg, Kansas. Send comments to The Honorable John O'Connor, Mayor, City of Pittsburg, City Hall, 201 West 4th Street, Pittsburg, Kansas 66762.					
Kentucky	Unincorporated Areas of Jefferson County.	Ohio River	Just upstream of confluence of Salt River	*443	*443
			About 3.3 miles upstream of Harroos Creek	*453	*453
		Upper Mill Creek	About 400 feet downstream of Wilkie Road	*439	*437
			Just downstream of Rockford Lane	*442	*443

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
		Big Run Diversion	At mouth	*446	*437
			Just upstream of St. Andrews Church Road	*482	*487
		Slate Run	At confluence with Pond Creek	None	*454
			Just downstream of St. Anthonys Church Road	None	*469
		Pond Creek	Just upstream of levee	*444	*441
			About 1,700 feet upstream of New Cut Road	*457	*457
		Ponder Creek	At mouth	*444	*442
			Just downstream of Stonestreet Road	*468	*469
			Just upstream of Stonestreet Road	*473	*475
			Just downstream of Paralee Lane	None	*487
		Stephan Ditch	At mouth	*444	*443
			About 400 feet upstream of Maryman Road	*447	*449
		Valley Creek	At mouth	*444	*433
			Just downstream of Greenwood Road	None	*448
		Lower Mill Creek	Just upstream of Lower River Road	*444	*430
			Just downstream of Terry Road	*446	*437
		Upper Garrison Ditch	At mouth	*445	*437
			About 200 feet upstream of Cane Run Road	*446	*442
		Lower Garrison Ditch	At mouth	*446	*436
			About 200 feet up :ream of Illinois Central Railroad.	*446	*442
		Big Run Creek	At mouth	*442	*443
			About 1150 feet upstream of Lower Hunters Trace.	*442	*450
		Bee Lick Creek	At mouth	*456	*456
			Just downstream of Mitchell Hill Road	None	*479
		Little Bee Lick Creek	At mouth	None	*464
			About 350 feet upstream of Charlene Drive	None	*490
		Wilson Creek	At mouth	*458	*458
			About 3500 feet upstream of Farmers Lane	None	*479
		Northern Ditch	At mouth	*457	*457
			Just downstream of Old Shepherdsville Road	*475	*478
		Southern Ditch	At mouth	*457	*457
			Just downstream of Michael Ray Drive	None	*562
			Just upstream of Michael Ray Drive	None	*570
			About 1200 feet upstream of Michael Ray Drive.	None	*584
		Roberson Run	At mouth	*474	*474
			About 1300 feet upstream of Judge Boulevard	None	*520
		Fern Creek	At mouth	*479	*478
			Just downstream of Fegenbush Lane	*491	*497
		Filson Fork	At mouth	None	*471
			About 200 feet downstream of Preston Highway.	None	*488
			Just upstream of Preston Highway	None	*496
			Just downstream of Sheperdsville Road	None	*546
		Fishpool Creek	At mouth	*463	*464
			Just downstream of Charleswood Road	None	*557
			Just upstream of Charleswood Road	None	*562
			Just downstream of Cooper Chapel Road	None	*579
		Cooper Chapel Brook	At mouth	None	*490
			Just downstream of Chapel Hill Road	None	*525
			Just upstream of Chapel Hill Road	None	*535
			About 4000 feet upstream of Chapel Hill Road	None	*570
		Manslick Branch	At mouth	None	*482
			About 1400 feet upstream of Glen Rose Road	None	*538
		Mud Creek	At mouth	*461	*461
			About 1400 feet upstream of Blue Lick Road	None	*492
		Greasy Ditch	At mouth	*459	*460
			Just upstream of Poplar Level Road	*466	*468
		South Fork Beargrass Creek	Just upstream of Bashford Manor Lane	*473	*474
			About 3200 feet upstream of Huntsinger Lane	*537	*534
		Beuchel Branch	At mouth	*475	*475
			About 1500 feet upstream of Buechel Bank Road.	*489	*498
		East Branch Boxwood Ditch	At mouth	*440	*440
			Just downstream of Cane Run Road	*444	*443
		Cane Run Ditch	About 1000 feet downstream of Teaneck Lane	*440	*439
			Just downstream of Camp Ground Road	*444	*440
		Lynnview Ditch	Just upstream of Martin Avenue	*441	*440
			About 2000 feet upstream of Hartlage Road	*449	*449
		Black Pond Creek	At mouth	*444	*443
			Just upstream of Lower Hunters Trace	None	*447

Maps available for inspection at the Metropolitan Sewer District Office, 400 South 6th Street, Louisville, Kentucky.

Send comments to The Honorable David L. Armstrong, Judge Executive, Jefferson County, Jefferson County Courthouse, Louisville, Kentucky 40202.

Kentucky	City of Louisville, Jefferson County.	Greasy Ditch	About 275 feet downstream of Fern Valley Road.	*461	*460

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
		South Fork Beargrass Creek	About 1000 feet upstream of Fern Valley Road	*462	*461
			At mouth	*447	*448
			About 1375 feet upstream of Breckenridge Lane.	*516	*513

Maps available for inspection at the Metropolitan Sewer District Office, 400 South 6th Street, Louisville, Kentucky.

Send comments to the Honorable Jerry Abramson, Mayor, City of Louisville, 601 West Jefferson Street, Louisville, Kentucky 40202.

Kentucky	City of Shively, Jefferson County.	Upper Mill Creek	About 640 feet upstream of Wilkie Road	*439	*439
			About 1300 feet upstream of Memorial Gardens Road.	None	*453
		Lynnview Ditch	At mouth	*440	*440
			Just upstream of Farnsley Road	None	*449
		Boxwood Ditch	At mouth	*440	*439
			Just downstream of Rockford Lane	*440	*440
		City Park Ditch	At mouth	*446	*452
			About 800 feet upstream of Hardesty Avenue	None	*452
		Heatherwood Ditch	Just downstream of Interstate 264	*448	*448
			About 1000 feet upstream of Crums Lane	*449	*448

Maps available for inspection at the Metropolitan Sewer District Office, 400 South 6th Street, Louisville, Kentucky.

Send comments to The Honorable William O'Daniel, Mayor, City of Shively, P.O. Box 16007, Shively, Kentucky 40256.

Maine	Dover-Foxcroft, Town Piscataquis County.	Piscataquis River	Approximately 3,000 feet downstream of corporate limits.	*299	*301
			At upstream corporate limits	*364	*367
		Fox Brook	At confluence with Piscataquis River	None	*318
			Approximately 50 feet upstream of upstream side of State Route 7.	None	*391
		Dunham Brook	Approximately 200 feet upstream from confluence with Piscataquis River.	*345	*346
			Approximately 25 feet upstream of upstream side of Forest Street.	*370	*370
		Davee Brook	Approximately 160 feet upstream from confluence with Dunham Brook.	*349	*348
		East Branch Davee Brook	Approximately 190 feet upstream of upstream side of State Route 153.	*375	*374
		Brann's Mill Pond Outlet	At upstream side of Brann's Mill Pond Dam	*443	*440
			At confluence of Brann's Mill Pond	*444	*443
		Sebec Lake	Entire shoreline within community	None	*329
		Garland Pond	Entire shoreline within community	None	*567
		Brann's Mill	Entire shoreline within community	*444	*443

Maps available for inspection at Dover-Foxcroft Town Office, 34 E. Main Street, Dover-Foxcroft, Maine.

Send comments to Ms. Elaine Heath, First Selectwoman for the Town of Dover-Foxcroft, Piscataquis County, 34 E. Main Street, Dover-Foxcroft, Maine 04426.

Maine	Sangerville, Town Piscataquis County.	Piscataquis River	At downstream corporate limits	*358	360
			At upstream corporate limits	*388	*391
		Black Stream	At confluence with Piscataquis River	None	*376
			Approximately 200 feet upstream of Black Stream Road.	None	*400
		Carlton Stream	At confluence with Piscataquis River	*383	*386
			At upstream side of Manhanock Pond Dam	*449	*450
		French Mills Brook	Just downstream of Frenchs Mill Road	None	*402
			At upstream side of Center Pond Dam	None	*505
		Hanson Brook	At downstream corporate limits	None	*482
			Upstream side of Fire Lane 2	None	*544
		Alder Brook	Downstream side of Frenchs Mill Road	None	*436
			Upstream side of South Sangerville Road	None	*511
		Manhanock Pond	Entire shoreline within community	*449	*450
		Center Pond	Entire shoreline within community	*506	*505

Maps available for inspection at the Sangerville Town Office, P.O. Box 188, Sangerville, Maine.

Send comments to Mr. Jim Catlin, Sangerville Town Manager, Piscataquis County, P.O. Box 188, Sangerville, Maine 04479.

Maine	Sebec, Town Piscataquis County.	Piscataquis River	At downstream corporate limits (confluence with Meadow Brook).	None	*294
			Approximately 2.1 miles upstream of upstream corporate limits.	None	*307
		Sebec River	At downstream corporate limits	None	*293
			Just upstream of Sebec Lake Dam at Sebec Lake.	None	*329
		Meadow Brook	Confluence with Piscataquis River	None	*294
			About 90 feet upstream of culvert at State Routes 6 and 16.	*468	*474
		Garland Pond	Entire shoreline within community	None	*567
		Sebec Lake	Entire shoreline within community	None	*329

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
			Maps available for inspection at Sebec Town Hall, Sebec Village, Maine.		
			Send comments to Mrs. Ruth Nason, First Selectwoman for the Town of Sebec, Piscataquis County, Sebec Town Hall, Sebec Village, Maine 04481.		
Michigan	City of Evart, Osceola County.	Twin Creek	At mouth	None	*992
			About 1,950 feet upstream of Fifth Street	None	*1,012
		Muskegon River	At Main Street	None	*992
			About 2,000 feet upstream of Main Street	None	*993
			Maps available for inspection at the City Manager's Office, City Hall, 101 North Main Street, Evart, Michigan.		
			Send comments to The Honorable Frederick "Bud" Fleming, Mayor, City of Evart, City Hall, 101 North Main Street, Evart, Michigan 49631.		
Michigan	City of Novi, Oakland County.	Walled Lake Branch	About 800 feet upstream of CSX railroad	None	*812
			Just downstream of Flint Street	*899	*900
			Just upstream of Flint Street	*901	*908
			About 1.44 miles upstream of Twelve Mile Road.	*933	*933
		Thornton Creek	At mouth	None	*826
			Just downstream of Nine Mile Road	*903	*902
			Just upstream of Nine Mile Road	*907	*907
			Just downstream of Ten Mile Road	*960	*961
		Chapman Creek	At mouth	*857	*858
			Just downstream of Novi Road	*887	*888
			Just upstream of Novi Road	*893	*893
		Ingersol Creek	At mouth	*838	*839
			Just downstream of Grand River Avenue	*853	*853
			Just upstream of Grand River Avenue	*858	*858
			Just downstream of Interstate 96 ramp	*860	*861
		Munro Creek	At mouth	*888	*889
			Just downstream of Taft Road	*929	*929
		Shaw Creek	At mouth	*932	*932
			About 1.1 miles upstream of mouth	None	*943
		Leavenworth Creek	At mouth	*897	*898
			About 2,300 feet upstream of mouth	*908	*907
		Bishop Creek	At mouth	*842	*842
			Just downstream of dam	None	*897
		Tributary C	At mouth	None	*953
			About 2,000 feet upstream of mouth	*955	*955
		Novi-Lyon Drain	Just upstream of Napier Road	None	*949
			About 3,500 feet upstream of Napier Road	*953	*953
		Thornton Creek Diversion	At mouth	*822	*823
			At divergence from Thornton Creek	*831	*830
			Maps available for inspection at the Building Department, Civic Center, 45175 West Ten Mile Road, Novi, Michigan.		
			Send comments to The Honorable Mathew Quinn, Mayor, City of Novi, Civic Center, 45175 West Ten Mile Road, Novi, Michigan 48375–3024.		
Mississippi	City of Flowood, Rankin County.	Pearl River	Just upstream of Highway 80	*273	*274
			About 3.05 miles upstream of State Highway 25.	*281	*284
		Hog Creek	At mouth	*281	*282
			Just upstream of Cooper Road	None	*308
		Pearl River Tributary [3]	Within community	*281	*282
		Hog Creek Tributary	At mouth	None	*312
			About 900 feet upstream of Unnamed Road	None	*327
			Maps available for inspection at the City Hall, 1st and Oak Street, Flowood, Mississippi.		
			Send comments to The Honorable Gary L. Rhoads, Mayor, City of Flowood, City Hall, P.O. Box 5536, Flowood, Mississippi 39208.		
Missouri	City of Berkeley, St. Louis County.	Maline Creek	Just upstream of North Hanley Road	*516	515
			Just upstream of Interstate 70	*526	520
			About 1320 feet upstream of Rolling Drive	*528	527
			Maps available for inspection at the City Manager's Office, 6140 N. Hanley Road, Berkeley, Missouri.		
			Send comments to the Honorable William Miller, Mayor, City of Berkeley, 6140 N. Hanley Road, Berkeley, Missouri 63134.		
Missouri	City of Cool Valley, St. Louis County.	Ball Creek	About 450 feet downstream of Florissant Road	*501	*500
			Just downstream of Florissant Road	*502	502
			Maps available for inspection at the City Clerk's Office, City Hall, 100 Signal Hill Drive, Cool Valley, Missouri.		
			Send comments to the Honorable Hershell Brooks, Mayor, City of Cool Valley, City Hall, 100 Signal Hill Drive, Cool Valley, Missouri 63121.		
New York	Bainbridge, Village Chenango County.	Susquehanna River	At downstream corporate limits	None	*980
			At upstream corporate limits	None	*982

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
Maps available for inspection at the Bainbridge Village Offices, 33 West Main Street, Bainbridge, New York. Send comments to the Honorable John L. Hyzer, Mayor, City of the Village of Bainbridge, Chenango County, Village Offices, 33 West Main Street, Bainbridge, New York 13733.					
New York	Clarence, Town Erie County.	Ransom Creek	Downstream corporate limits at Transit Road	*584	*585
			Downstream of Conner Road	*602	*603
		Tonawanda Creek	Downstream corporate limits at State Route 78	None	*584
			Upstream corporate limits	None	*594
		Black Creek	Downstream corporate limits	None	*585
			At Goodrich Road	None	*591
		Gott Creek		None	*591
			At downstream corporate limits at Transit Road	*591	*592
			Just downstream of Clarence Center Road	*595	*594
Maps available for inspection at the Clarence Town Building Department, 6185 Goodrich Road, Clarence Center, New York. Send comments to Mr. Irving W. Grenzebach, Jr., Clarence Town Supervisor, Erie County, Town Hall, 1 Town Place, Clarence, New York 14031.					
New York	Greece, Town Monroe County.	Round Pond Creek	Approximately 475 feet downstream of Doe Run Drive.	*429	*428
			At upstream side of Straub Road	*446	*443
		East Branch Larkin Creek	At confluence with Larkin Creek	*376	*377
			Approximately 90 feet downstream of U.S. Route 104 (Ridge Road).	*417	*416
Maps available for inspection at the Town Hall, Town Engineer's Office, 2505 West Ridge Road, Rochester, New York. Send comments to Mr. Roger Boily, Supervisor of the town of Greece, 2505 West Ridge Road, Rochester, New York 14626.					
New York	Southold, Town	Atlantic Ocean Block Island Sound.	Approximately .6 mile east northeast of Plum Gut Harbor.	None	*9
		Long Island Sound	Northern shoreline of Plum Island	None	*15
Maps available for inspection at the Southold Town Hall, Building Department, 53095 Main Road, Southold, New York. Send comments to Mr. Scott L. Harris, Supervisor of the Town of Southold, Suffolk County, P.O. Box 1179, Southold, New York.					
North Carolina	Town of Fair Bluff, Columbus County.	Lumber River	About 1.7 miles downstream of State Road 904.	None	*63
			About 2.1 miles upstream of State Road 904	None	*67
		Barden Bay	Along entire shoreline	None	*65
Maps available for inspection at the Town Hall, Fair Bluff, North Carolina. Send comments to The honorable James G. McNeil, Mayor, Town of Fair Bluff, Town Hall, P.O. Box 157, Fair Bluff, North Carolina 28439.					
Pennsylvania	Muncy, Borough Lycoming County.	West Branch Susquehanna River.	Approximately 550 feet upstream of State Route 405.	*505	*504
			Approximately 100 feet upstream of State Route 405.	*505	*504
		Glade Run	At confluence with W. Branch Susquehanna River.	*505	*504
			At downstream side of Penn Street	*506	*505
Maps available for inspection at the Muncy Town Office, 14 North Washington Street, Muncy, Pennsylvania. Send comments to Mr. Ralph F. Dunn, President, Muncy Borough Council, Lycoming County, 14 North Washington Street, Muncy, Pennsylvania 17756.					
Texas	Carrollton, City Dallas, Denton, and Collin Counties.	Stream 6D-5	Approximately 300 feet upstream of the confluence with Hutton Branch.	*495	*494
			Approximately 50 feet downstream of Carmel Drive.	*518	*519
		Elm Fork of Trinity River	Just downstream of Beltline Road	*441	*440
			Approximately 200 feet upstream of the confluence of Denton Creek.	*445	*446
Maps available for inspection at the City Engineering Department, 1945 Jackson Road, Carrollton, Texas. Send comments to The Honorable Milburn R. Gravely, Mayor of the City of Carrollton, Dallas, Denton, and Collin Counties, 1945 Jackson Road, Carrollton, Texas 75011-0535.					
Texas	San Angelo, City Tom Green County	Concho River	At State Route 306	*1,794	*1,796
			Approximately 700 feet downstream of Bell Street.	*1,803	*1,802
		East Angelo Draw	At confluence with Concho River At 50th Street.	*1,800	*1,801
		South Concho River	Approximately .4 mile upstream of confluence with Concho and North Concho Rivers.	*1,806	*1,805
			At upstream corporate limits	None	*1,880
		Stream RA-2	At confluence with Red Arroyo	None	*1,898
			At FM 2288	None	*1,950
		Red Arroyo	Approximately 200 feet upstream of the confluence with South Concho River.	*1,808	*1,807

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
			Approximately 100 feet upstream of FM 2288	None	*1,947
		South Fork Red Arroyo	Approximately 800 feet upstream of College Hills Boulevard.	*1,871	*1,870
			Approximately 1,600 feet upstream Oak Grove	None	*1,909
		West branch South Fork Red Arroyo.	At confluence with South Fork Red Arroyo	*1,890	*1,891
			Approximately 600 feet upstream of Southland Boulevard.	None	*1,915
		Red Arroyo Diversion	Approximately 280 feet downstream of E. Avenue L.	*1,814	*1,815
			At the divergence from Red Arroyo (approximately 80 feet upstream of E. Avenue L).	*1,815	*1,816
		Goodfellow Draw	At confluence with Concho River	*1,796	*1,798
			Approximately 80 feet upstream of Paint Rock Road (west bound).	None	*1,839
		Middle Concho River	At confluence with South Concho River	None	*1,873
			At corporate limits	None	*1,880
		North Concho River	Approximately 1,500 feet upstream of confluence with South Concho and Concho Rivers.	*1,805	*1,804
			Approximately .75 mile upstream of 29th Street	*1,854	*1,853
		Sulfur Draw	Approximately 560 feet upstream of confluence with North Concho River.	None	*1,822
			Approximately 90 feet upstream of S. Madison Street.	None	*1,850
		Brentwood Park	At confluence with North Concho River#	None	*1,838
			Approximately 50 feet upstream of North Howard Street.	None	*1,872
		Lake Creek	Approximately .3 mile downstream of Cactus Lane.	None	*1,916
			Approximately 600 feet upstream of Cactus Lane.	None	*1,920

Maps available for inspection at the San Angelo City Hall, 72 College Street, San Angelo, Texas.

Send comments to The Honorable Don Butts, Major of the City of San Angelo, P.O. Box 1751, 72 College Street, San Angelo, Texas 76903.

Virginia	Augusta County Unincorporated Areas.	Folly Mills Creek	Approximately 550 feet downstream of the most downstream crossing of State Route 693.	None	*1,560
			Approximately 1,000 feet upstream of the most upstream crossing of State Route 693.	None	*1,590

Maps available for inspection at the Augusta County Government Center, Community Development Office, Lee Highway, Verona, Virginia.

Send comments to Mr. Patrick Coffield, Augusta County Administrator, P.O. Box 590, Verona, Virginia 24482.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance")

Issued: August 5, 1992.

C.M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 92-19908 Filed 8-19-92; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 15

[GEN Docket No. 90-413; FCC 92-289]

Authorization of Central Processing Units and Power Supplies Used in Personal Computers

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This further proposal responds to petitions for reconsideration of the first report and order in GEN Docket No. 87-389, 54 FR 17710 (April 25, 1989), filed by the International Business Machines Corporation and the Computer and Business Equipment Manufacturers Association, requesting the Commission to require circuit boards containing the central processing unit (CPU) used in personal computers and other digital devices to comply with the Commission's standards and equipment authorization procedures. Based on the responses to the notice of proposed rule making issued earlier in this proceeding, 55 FR 39663, September 28, 1990, the Commission is revising its initial proposal for addressing this matter. This action will facilitate the introduction of modular personal computer designs, allowing major components, such as the CPU board and power supply, to be selected by the purchaser.

DATES: Comments must be submitted on or before October 21, and reply comments on or before November 13, 1992.

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

FOR FURTHER INFORMATION CONTACT: John A. Reed, Office of Engineering and Technology, (202) 653-7313.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's further notice of proposed rule making in GEN Docket No. 90-413, adopted July 1, 1992.

The complete test of this further notice of proposed rule making is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC, and also may be purchased from the Commission's copy contractor, Downtown Copy Center, at (202) 452-1422, 1990 M Street, NW., suite 640, Washington, DC 20036.

Paperwork Reduction

The following collection of information contained in this proposed

rule has been submitted to the Office of Management and Budget for review under section 3504(h) of the Paperwork Reduction Act (44 U.S.C. 3504(h) of the Paperwork Reduction Act (44 U.S.C. 3504(h)). Copies of this submission may be purchased from the Commission's copy contractor, Downtown Copy Center, at (202) 452–1422, 1990 M Street NW., suite 640, Washington, DC 20036. Persons wishing to comment on this collection of information should direct their comments to Jonas Neihardt, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395–4814. A copy of any comments filed with the Office of Management and Budget should also be sent to the following address at the Commission: Federal Communications Commission, Office of Managing Director, Paperwork Reduction Project, Washington, DC 20554. For further information contact Judy Boley, Federal Communications Commission, (202) 632–7513.

OMB Number: 3060–0057.

Title: Application for Equipment Authorization.

Form Number: FCC Form 731.

Action: Revised collection.

Respondents: Businesses or other for-profit.

Frequency of Responses: On occasion reporting.

Estimated annual burden: 8,900 responses; 24 hour average burden per response; 213,600 hours total annual burden.

Needs and uses: Present Commission rules require approval of equipment regulated under certain part 15 and 18 rules sections (see item 27 of SF–83) prior to marketing, based on a showing of compliance to technical standards established in the Rules for each device operated under the applicable Rule part. Rules governing certain equipment operating in the licensed services also require equipment authorization as established in the procedural Rules in part 2. Such a showing of compliance aids in controlling potential interference to radio communications, and the data gathered, as is necessary, may be used for investigating complaints of harmful interference. Revision of this collection is required in order to incorporate proposed amendments to parts 2 and 15 of the Rules that would require that equipment authorization regulations, including demonstration of compliance with technical standards, apply to all CPU boards and power supplies used in personal computers. The information gathered will be used by the Commission to determine compliance of the proposed equipment with the Commission's Rules. Following authorization of the equipment for marketing, the information may be used to determine that the operation of the equipment is consistent with the information supplied at the time of grant, and that the equipment marketed complies with the terms of the equipment authorization. The information collected is essential to controlling potential interference to radio communications.

OMB Number: 3060–0329.

Title: Equipment Authorization—Verification.

Form Number: N/A.

Action: Revised collection.

Respondents: Businesses or other for-profit.

Frequency of Responses: On occasion reporting.

Estimated annual burden: 85,825 recordkeepers; 18 hours average burden per recordkeeper; 104,850 hours total annual burden.

Needs and uses: Commission rules require verification of compliance to established technical standards for certain part 15 and part 18 devices. Technical data is gathered and retained by the equipment manufacturer in order to verify compliance for each device operated under the applicable Rule part. Testing and required verification aids in controlling potential interference to radio communications. The data gathered as is necessary, may be used for investigating complaints of harmful interference, or for verifying the manufacturer's compliance with the Rules. Revision of this collection is required in order to incorporate proposed amendments to parts 2 and 15 of the Rules to better accommodate the introduction of modular personal computer designs. Specifically, the new rules would require verification of proposed combinations of certified central processing unit (CPU) boards and power supplies used in computer systems for which a manufacturer has obtained previous certification. The information may be used to determine that the equipment marketed complies with the applicable Commission Rules, and that the operation of the equipment is consistent with the initially documented test results. The information collected is essential to controlling potential interference to radio communications.

Summary of the Further Notice of Proposed Rule Making

1. In the further notice of proposed rule making in this proceeding, the Commission proposes to amend parts 2 and 15 of its rules to reduce the number of certification applications that a manufacturer must submit for its line of modular computer systems. The rules would require that all central processing unit (CPU) boards and power supplies designed to be used in personal computers and marketed to the general public to be authorized under its certification procedure. Under this proposal, manufacturers of modular computer systems would be allowed to interchange CPU boards and power supplies within computer systems without having to obtain a separate grant of certification for every combination of components provided: the CPU boards and power supplies are separately certified; the CPU boards and power supplies are used in computer systems for which the manufacturer has obtained certification; and, the manufacturer verifies that the resulting combinations continue to comply with the standards. The party manufacturing the computer systems would continue to be responsible for ensuring that the resulting systems comply with the standards.

2. Proposed definition of a CPU board: A circuit board that contains a microprocessor, or frequency determining circuitry for the microprocessor, the primary function of which is to execute user-provided programming, but not including: (1) a circuit board that contains only a microprocessor intended to operate under the primary control or instruction of a microprocessor external to such a circuit board; or, (2) a circuit board that is a dedicated controller for a storage or input/output device. We also propose to change the definition of a peripheral device to delete the reference to control cards from the list of examples.

3. Marking and importation of non-certified CPU boards and power supplies: We propose to continue our policy of permitting non-certified digital devices, including CPU boards and power supplies, to be sold to other manufacturers for further fabrication, under which the final manufacturer is responsible for testing and obtaining certification. We also propose to restrict the sale of non-certified CPU boards and power supplies to manufacturers that have been issued a grant of certification for a personal computer that uses the CPU board or power supply being marketed; however, limited quantities of non-certified CPU boards and power supplies may be sold to computer system manufacturers for testing, evaluation or product development before system certification is obtained. Further, we propose to require that when non-certified CPU boards and power supplies are imported the consignee must be the holder of the grant of certification for the personal

computer into which these components are to be installed.

4. Labelling: Certified CPU boards and power supplies must be labelled with an FCC Identifier consistent with the normal certification requirements. In order to facilitate identification of installed components without opening the enclosure, we also propose that these products be supplied with a separate, stick-on label containing the FCC Identifier and identifying the type of product. This separate label would be placed on the computer's enclosure after installation of the CPU board or power supply.

5. Transition provisions: We propose that all digital devices manufactured, imported or marketed on or after six months from the date final regulations are published in the Federal Register must comply with the rules adopted in this proceeding. However, we also propose to grandfather computers that have already been certified by the Commission as well as to permit computers to continue to be certified as a system based on the specific combination of CPU board, power supply and enclosure used in their construction.

6. Changes in the microprocessor or frequency determining circuitry: We propose to amend part 2 of the rules to permit changes to the basic frequency-determining circuitry in digital devices as a Class II permissive change. This would allow a grantee to replace the frequency-determining circuitry in a CPU board or any other digital device without having to obtain a new grant of certification.

7. Alternative proposal: The Commission recognizes that the above proposal does not provide complete freedom to mix components currently provided for peripheral devices. Thus, comments are also sought on an alternative proposal whereby CPU boards would be tested both in a typical configuration and without an enclosure. When testing without an enclosure, only radiated emissions would be measured and the CPU board would be connected only to the power supply without the addition of peripheral devices. If the oscillator and microprocessor circuits are contained on separate circuit boards, both boards, typical of the combinations that would normally be employed, would be used in the tests. The power supply would be tested in a typical configuration. In order to avoid problems identifying the responsible party for a computer system assembled from a certified CPU board and power supply under this alternative proposal, we also propose that the assembler obtain a grant of notification for each specific combination of CPU board, power supply and enclosure, but we would eliminate the requirement under notification to test the resulting personal computer system.

Initial Regulatory Flexibility Analysis

8. As required by section 603 of the Regulatory Flexibility Act, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the expected impact on small entities of the proposals suggested in this document. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the further notice, but they must have a separate and distinct heading designating them as responses to the Initial Regulatory Flexibility Analysis. The Secretary shall send a copy of this Further Notice of Proposed Rule Making, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act. Public Law No. 96–354, 94 Stat. 1164, 5 U.S.C. section 601 *et seq.* (1981).

Reason for Action

This rule making proceeding is initiated to obtain comment regarding whether and how the Commission should regulate subassemblies to personal computers.

Objectives

The Commission seeks to determine the standards, test procedures, and equipment authorization requirements that should be applied to CPU boards and power supplies used in personal computers in order:

(1) To reduce the potential for interference to radio services by improving our ability to ensure that personal computers comply with our standards;

(2) To reduce regulatory burdens on computer manufacturers; and

(3) To remove impediments to flexible system design and construction techniques for personal computers.

Legal Basis

The proposed action is authorized under sections 4(i), 301, 302, 303(e), 303(f), 303(r), 304 and 307 of the Communications Act of 1934, as amended, 47 U.S.C. sections 154(i), 301, 302, 303(e), 303(f), 303(r), 304 and 307.

Reporting, Recordkeeping and Other Compliance Requirements

CPU boards and power supplies designed for use in personal computers, which were not previously subject to our rules, are proposed to be included under our standards and authorization requirements. In addition, we propose to permit a manufacturer with a product line of certified personal computers to interchange CPU boards and power supplies provided it has obtained certification for those CPU boards and power supplies and verifies the resulting equipment combination. The impact of the requirements on CPU boards and power supplies will be substantially reduced by permitting use of the verification procedure for computers that are assembled by manufacturers from their previously-authorized CPU boards and power supplies. Thus, we do not expect any significant increase or decrease in the overall recordkeeping requirements.

Federal Rules Which Overlap, Duplicate or Conflict With These Rules

None.

Description, Potential Impact and Number of Small Entities Involved

The actions proposed in this proceeding will increase the number and type of digital components subject to our standards, testing and equipment authorization requirements. On this basis alone, the workload and filing requirements may increase, both to large and small entities. However, as these changes to the rules will obviate the need for some manufacturers to obtain certification for every possible configuration of personal computer systems produced in its product line, it is possible that the overall workload will remain unchanged. Still, some small entities that manufacture only CPU boards or power supplies may find that they are now subject to our standards whereas under the current rules their devices were not regulated. We estimate there are 50–75 manufacturers of CPU boards and a similar number of manufacturers of power supplies.

Any Significant Alternatives Minimizing the Impact on Small Entities Consistent With Stated Objectives

As an alternative to requiring all personal computers to be certified or verified, we propose to apply a more specific testing procedure to CPU boards. Further, if a personal computer is constructed from certified components and is marketed, the assembler would be required to obtain a grant of notification from the Commission for that specific product configuration. However, no additional testing would be required to obtain the grant of notification, resulting in a significant

decrease in the overall workload required for manufacturers and system assemblers.

List of Subjects

47 CFR Part 2

Imports, Reporting and recordkeeping requirements.

47 CFR Part 15

Computer technology, Labeling, Reporting and recordkeeping requirements.

Federal Communications Commission.

William F. Caton,

Assistant Secretary.

[FR Doc. 92-19783 Filed 8-19-92; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 97

[PR Docket No. 92-167; FCC 92-346]

Special Temporary Licensing Procedure for Visiting Foreign Amateur Operators

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to amend the amateur service rules to provide a convenient licensing procedure for foreign amateur operators visiting in the United States for a short time. The proposed rules are necessary so that foreign amateur operators from countries that do not have a reciprocal license agreement with the United States, or who do not have time to obtain a Commission-issued license, would have an alternative procedure to obtain authority for operation of their amateur stations while in the United States. The proposed rules would benefit foreign tourists and meeting attendees, and enhance international goodwill.

DATES: Comments are due on or before October 26, 1992. Reply comments are due on or before November 30, 1992.

FOR FURTHER INFORMATION CONTACT: Maurice J. DuPont, Federal Communications Commission, Private Radio Bureau, Washington, DC 20554, (202) 632-4964.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's notice of proposed rule making, adopted July 24, 1992, and released August 6, 1992. The complete text of this Commission action, including the proposed rule amendments, is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 239), 1919 M Street, NW., Washington, DC. The complete text of this notice of proposed rule making, including the proposed rule amendments, may also be purchased from the Commission's copy contractor, Downtown Copy Center (DCC), (202) 452-1422, 1990 M Street, NW., suite 640, Washington, DC 20036. DCC's FAX number is (202) 296-3780.

Summary of Notice of Proposed Rule Making.

1. Currently, a foreign amateur operator can operate an amateur station in the United States by obtaining an FCC-issued license or a reciprocal permit. Many foreign amateur operators are ineligible for a reciprocal permit because there is no reciprocal agreement between our government and theirs. Further, time constraints often prevent them from obtaining an FCC license.

2. The objective of this proposal is to devise a convenient and efficient procedure whereby a foreign amateur operator on a brief visit to the United States can operate an amateur station. A single, consecutive 60-day period of authorization should meet the needs of most visitors. The most efficient means of authorizing operation by foreign visitors is found in the volunteer-examiner coordinator (VEC) system.

3. Volunteer examiners (VEs) would examine the foreign operator's amateur service license, review identification credentials, and determine the extent of the operating privileges. The VEs would also administer a twenty-question examination on Commission rules. If the foreign operator qualifies, the VEs would make certain record entries and issue a Certificate of Successful Completion of Examination (CSCE). The CSCE would be proof of the foreign operator's conditional license authorizing operation in the United States. The operating privileges in the United States for foreign visitors would be the same as those authorized by their own governments. They could not, however, exceed the privileges for the Amateur Extra Class. If the temporary visiting foreign amateur operator also holds an FCC-issued operator/primary station license, only the privileges of that license apply.

4. General comments on the proposal are invited. Also, government agencies and the amateur community are invited to submit specific comments concerning potential national security implications.

5. The proposed rules are set forth at the end of this document.

6. This is a non-restricted notice and comment rule making proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in Commission rules. See generally 47 CFR 1.1202, 1.1203, and 1.1206(a).

7. In accordance with Section 605(b) of the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that the proposed rule would not, if promulgated, have a significant economic impact on a substantial number of small business entities because the amateur stations of temporary visiting foreign amateur operators would not be authorized to transmit any communications the purpose of which is to facilitate the business or commercial affairs of any party. See 47 CFR 97.113(a).

8. The proposal contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980, 44 U.S.C. 3501-3520, and found to contain no new or modified form, information collection and/or record retention requirements, and will not increase or decrease burden hours imposed on the public.

9. This notice of proposed rule making and the proposed rule amendments are issued under the authority of sections 4(f)(4)(J), 301, 303(1)(1), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(f)(4)(J), 301, 303(l)(1) and (r).

10. A copy of this notice of proposed rule making will be forwarded to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 97

Aliens, Examinations, Radio, Volunteers.

Federal Communications Commission.

William F. Caton,

Assistant Secretary.

Proposed Rules

Part 97 of chapter I of title 47 of the Code of Federal Regulations is proposed to be amended as follows:

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

Authority citation: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. 151-155, 301-609, unless otherwise noted.

2. Section 97.5 is amended by adding a new paragraph (f) to read as follows:

§ 97.5 Station license required.

* * * * *

(f) The amateur station of a person licensed as a temporary visiting foreign amateur operator is authorized to transmit from a geographic location within 50 km of the Earth's surface where the amateur service is regulated by the FCC.

3. Section 97.7 is amended by adding a new paragraph (d) to read as follows:

§ 97.7 Control operator required.

* * * * *

(d) A CSCE indicating the holder passed examination Element 5 within the previous 365 days and is licensed as a temporary visiting foreign amateur operator.

4. Section 97.107 is amended by revising paragraph (c), redesignating it as paragraph (d), and by adding a new paragraph (c) to read as follows:

§ 97.107 Alien control operator privileges.

* * * * *

(c) The privileges available to a control operator licensed as a temporary visiting foreign amateur operator are:

(1) The operating terms and conditions of the amateur service license issued by the operator's government;

(2) The applicable provisions of the FCC Rules, but not to exceed the control operator privileges of an FCC-issued Amateur Extra Class operator license; or

(3) None, if the temporary visiting foreign amateur operator also holds an PCC-issued operator/primary station license, in which case the privileges of the FCC-issued license apply.

(d) At any time, the FCC may, in its discretion, modify, suspend, or cancel the amateur service privileges within or over any area where radio services are regulated by the FCC of any Canadian amateur service licensee, alien reciprocal permittee, or temporary visiting foreign amateur operator.

5. Section 97.119 is amended by revising paragraph (f) to read as follows:

§ 97.119 Station identification

* * * * *

(f) When the station is transmitting under the authority of a reciprocal permit for alien amateur licensee, or under the authority of § 97.5(f) pertaining to a temporary visiting foreign amateur operator, an indicator consisting of the appropriate letter-numeral designating the station location must be included before the call sign is issued to the station by the licensing country. When the station is transmitting under the authority of an amateur service license issued by the Government of Canada, a station location indicator must be included after the call sign. At least once during each intercommunication, the identification announcement must include the geographical location as nearly as possible by city and state, commonwealth or possession.

6. Section 97.503 is amended by adding a new paragraph (b)(6) to read as follows:

§ 97.503 Element standards.

* * * * *

(b) * * *

(6) Element 5: 20 questions concerning the FCC rules for the amateur radio services as related to the privileges of a temporary visiting foreign amateur operator. The minimum passing score is 18 questions answered correctly.

* * * * *

7. Section 97.527 is amended by revising paragraph (a) to read as follows:

§ 97.527 Reimbursement for expenses.

(a) VEs and VECs may be reimbursed by examinees for out-of-pocket expenses incurred in preparing, processing, administering, or coordinating an examination for a Technician, General, Advanced, or Amateur Extra Class operator license, and for an examination for licensing as a temporary visiting foreign amateur operator.

* * * * *

8. A new § 97.529 is added to read as follows:

§ 97.529 Licensing of a temporary visiting foreign amateur operator.

A person may be licensed as a temporary foreign amateur operator for a single, consecutive period, not to exceed 60 days, under the following procedure:

(a) The person must pass an Element 5 examination administered at an examination session coordinated by a VEC.

(b) Element 5 must be administered by 3 administering VEs, each of whom must hold an Amateur Extra Class operator license.

(c) The administering VEs must issue a CSCE for a single, consecutive period, showing the starting and ending dates during the 365 days following its issuance, to an examinee who scores a passing grade on examination Element 5 and who:

(1) Is not a citizen of the United States;

(2) Holds an amateur service license issued to the examinee by a foreign country other than Canada;

(3) Does not hold an amateur service license issued by any United States Government agency;

(4) Is a citizen of the same country that issued the amateur service license.

(d) Within 10 days of the administration of a successful Element 5 examination, the administering VEs must submit to the coordinating VEC:

(1) The examinee's name;

(2) The examinee's station call sign;

(3) The control operator privileges authorized to the examinee by the foreign license held;

(4) The addresses in the United States where the examinee may be contracted during the period as a licensed temporary visiting foreign amateur operator; and

(5) The starting and ending dates for the examinee's single, consecutive period as a licensed temporary visiting foreign amateur operator.

(e) Upon request, the coordinating VEC must periodically submit the information received from the administering VEs to the FCC.

[FR Doc. 92-19788 Filed 8-19-92; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF VETERANS AFFAIRS

48 CFR Parts 803 and 852

RIN-2900-AF68

VA Acquisition Regulation: Improper Business Practices and Personal Conflicts of Interest

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: The Department of Veterans Affairs is amending the VA Acquisition Regulation (VAAR) to establish a requirement for the posting of the VA Inspector General (IG) Waste, Fraud, and Abuse Hotline poster in contractor facilities. This amendment will establish a mechanism for contractor employees to report instances of waste, fraud, or mismanagement to the Government. Additionally, the requirements pertaining to the Procurement Integrity Act are being deleted to eliminate coverage that is redundant or in conflict with coverage contained in the Federal Acquisition Regulation.

DATES: Comments must be received by September 21, 1992. All comments received will be available for public inspection until September 29, 1992. This amendment is proposed to be effective on the date of publication of the final rule.

ADDRESSES: Comments should be sent to the Secretary of Veterans Affairs (271A), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420. All written comments received will be available for public inspection only in the Veterans Service Unit, room 170 of the above address,

between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays) until September 29, 1992.

FOR FURTHER INFORMATION CONTACT: Sherry Patton, Acquisition Policy Division (95A), Office of Acquisition and Materiel Management, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 233-5001.

SUPPLEMENTARY INFORMATION:

I. Background

In an effort to stimulate contractors to establish internal reporting mechanisms or programs that will encourage their employees to report instances of fraud or mismanagement, VA is adding a contract requirement for contractors to display the VA Inspector General (IG) Hotline Poster. The poster will provide a telephone number for contractor employees to report instances of waste, fraud, or mismanagement to VA. The requirement will apply to contractors who do not have a system already established for reporting improper business practices.

As a result of the changes enacted in the Office of Federal Procurement Policy Act (41 U.S.C. 423), as amended by section 814 of the FY 90/91 National Defense Authorization Act, Public Law 101-189, VA's regulatory coverage pertaining to Procurement Integrity Act is redundant and in conflict with the coverage contained in the Federal Acquisition Regulation. To eliminate the contradictory and redundant guidance, VA's coverage is being deleted.

II. Executive Order 12291

Pursuant to the memorandum from the Director, Office of Management and Budget, to the Administrator, Office of Information and Regulatory Affairs, dated December 13, 1984, this rule is exempt from sections 3 and 4 of Executive Order 12291, Federal Regulation.

III. Regulatory Flexibility Act (RFA)

The proposed rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601(2). Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected VA Acquisition Regulation subpart will also be considered in accordance with section 610 of the Act.

IV. Paperwork Reduction Act

This amendment does not impose any additional reporting or recordkeeping requirements on the public which require the approval of the Office of Management and Budget under 44 U.S.C. 3501 et. seq.

List of Subjects in 48 CFR Parts 803 and 852

Government procurement.

Approved: August 11, 1992.

Edward J. Derwinski,

Secretary of Veterans Affairs.

For the reasons set forth in the preamble, it is proposed that 48 CFR parts 803 and 852 be amended as set forth below:

PART 803—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

1. The authority citation for part 803 is revised to read as follows:

Authority: 38 U.S.C. 501 and 40 U.S.C. 486(c).

Subpart 803.1—Safeguards

803.104 [Removed]

2. Section 803.104 is removed.

3. Subpart 803.70, consisting of sections 803.7000, 803,7001, and 803.70002, is added to read as follows:

Subpart 803.70—Contractor Responsibility to Avoid Improper Business Practices

803.7000 Policy.

It is the Department of Veterans Affairs (VA) policy to contract with companies that conduct business with the highest degree of integrity and honesty. To demonstrate this commitment to integrity and honesty, contractors should have standards of conduct and internal control systems that are designed to promote such standards, to facilitate the timely discovery and disclosure of improper conduct in connection with Government contracts, and to assure that corrective measures are promptly instituted and carried out. For example, a contractor's system of management controls should provide for—

(a) A written code of business ethics and standards of conduct and an ethics training program for all employees;

(b) A mechanism, such as a hotline, by which employees may report suspected instances of improper conduct, and instructions that encourage employees to make such reports;

(c) Disciplinary action for improper conduct;

(d) Periodic reviews of company business practices, procedures, policies, and internal controls for compliance with standards of conduct and the special requirements of Government contracting;

(e) Internal and/or external audits as appropriate;

(f) Timely reporting to appropriate Government officials of any suspected or possible violations of law in connection with Government contracts or any other irregularities in connection with such contracts; and

(g) Full cooperation with any Government agencies responsible for either investigation or corrective actions.

803.7001 Display of VA Hotline Poster.

Contractors who are awarded a VA contract of—

(a) $500,000 or more for supplies or services, or

(b) $3 million or more for construction, and who have not established an internal reporting mechanism and program, as described in 803.7000(b), shall be required to display prominently in common work areas within business segments performing work under VA contracts, the VA Hotline poster prepared by the VA Office of Inspector General.

803.7002 Contract Clause.

The contracting officer shall insert the clause at 852.203-71, Display of VA Hotline Poster, in solicitations and contracts expected to equal or exceed the dollar thresholds established in 803.7001.

PART 852—[AMENDED]

4. The authority citation for part 852 is revised to read as follows:

Authority: 38 U.S.C. 501 and 40 U.S.C. 486(c).

5. Section 852.203-71 is added to read as follows:

Subpart 852.2—Texts of Provisions and Clauses

852.203-71 Display of VA Hotline Poster.

As prescribed in 803.7002, insert the following clause:

Display of VA Hotline Poster

(a) Except as provided in paragraph (c) below, the Contractor shall display prominently in common work areas within business segments performing work under VA contracts, VA Hotline posters prepared by the VA Office of the Inspector General.

(b) VA Hotline posters may be obtained from the VA Office of Inspector General (53E), P.O. Box 34647, Washington, DC 20043-4647.

(c) The Contractor need not comply with paragraph (a) above, if the Contractor has established a mechanism, such as a hotline, by which employees may report suspected

instances of improper conduct, and instructions that encourage employees to make such reports.

(End of Clause)

[FR Doc. 92–19844 Filed 8–19–92; 8:45 am]

BILLING CODE 8320–01–M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1003, 1160, 1162, and 1166

[Ex Parte No. 55 (Sub-No. 86)]

Revision of Licensing Application Forms and Corresponding Regulations

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Commission is proposing to revise its standard licensing application form and corresponding regulations concerning application procedures. The proposal is to replace the comprehensive licensing application form (Form OP–1) currently in use with a series of six transportation mode-specific forms.

The proposal is an effort to simplify further the licensing application process, drawing upon the agency's recent experience under the comprehensive licensing form and corresponding regulations adopted 2 years ago. The proposed Form OP–1 Series also incorporates the recent revisions to the Commission's safety fitness policy adopted in Safety Fitness Policy, 8 I.C.C.2d 123 (1991), petition to reopen denied (not printed), served December 26, 1991, 56 FR 67002 (December 27, 1991).

DATES: Comments are due September 21, 1992.

ADDRESSES: Send comments (an original and 10 copies), referring to Ex Parte No. 55 (Sub-No. 86), to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Suzanne Higgins O'Malley (202) 927–5610 or Richard B. Felder (202) 927–5610. (TDD for hearing impaired: (202) 927–5721).

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To obtain a copy of the full decision, write to, call, or pick up in person from the Office of the Secretary, room 2215, Interstate Commerce Commission, Washington, DC. Telephone: (202) 927–7428. [Assistance for the hearing impaired is available through TDD services (202) 927–5721.]

Environmental and Energy Considerations

We preliminary conclude that the proposed action will not significantly affect either the quality of the human environment or the conservation of energy resources. We specifically invite parties to comment on these issues.

Initial Regulatory Flexibility Analysis

Pursuant to 5 U.S.C. 603, the Commission is required to examine specifically the impact of a proposed action on small business and small organizations. We preliminarily conclude that this proposal will have a positive impact on such entities.

The proposed replacement forms and corresponding revised regulations will reduce significantly the time required of applicants and their representatives in reviewing filing instructions and preparing licensing requests. At the same time, the Form OP–1 Series proposed here will ensure that all information essential to the application review process continues to be captured on the application forms—indeed in a more efficient and useful manner.

The benefits of streamlining the Commission's application review process will flow directly to small applicants for motor and water carrier, property broker, and household goods freight forwarder authority in the form of expedited action on licensing requests. With simplified application forms and accompanying instructions, licensing requests should be properly formulated initially. This will substantially reduce the need for revision by Commission staff or corrective assistance through informal contacts with applicants. It is likely that small applicants increasingly will be able to prepare and oversee the processing of their own applications. This will permit all applicants to commit a greater proportion of their resources to developing their operations and enhancing service once authority is granted.

The proposal to substitute separate forms for the comprehensive Form OP-1 now in use may result in incremental increases in the burden hours associated with application filings and higher filing fees for those applicants that simultaneously seek multiple types of operating authority. We emphasize, however, that such potential increases will affect only the distinct minority of small entities that compound their licensing requests and that previously would have been able to procure such authority by filing a single application and fee.[1] In any event, for those few small entities that will confront multiple application filings under the proposed licensing approach, we further emphasize that any increased burden in time or financial commitment will be incremental and will be greatly outweighed by the overall savings that reasonably can be ascribed to this proposal.

We, therefore, conclude that the proposed rules will have a positive impact upon a substantial number of small carrier applicants, as well as upon applicants generally. This proposal will not impose additional reporting, recordkeeping, or compliance requirements upon small entities; nor will the rules proposed here duplicate, overlap, or conflict with any existing Federal Rule.

Because the overall simplification goals of this proposal speak directly to the potential impact on small businesses, we particularly invite the comments of interested parties on this matter.

Initial Paperwork Reduction Analysis

This notice of proposed rulemaking will be submitted to the Office of Management and Budget (OMB) for review under section 3504(h) of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35). The estimated 2 to 3 burden hours required to complete the forms in the proposed OP–1 Series [2] represent a significant reduction over the 4 burden hours estimate applicable to the current Form OP–1. The reduced time period required to complete the form is attributable primarily to the simplified response format proposed and to the increasingly self-contained nature of the application and instruction packages.

The annual reporting burden ascribed to Form OP–1 in the current OMB inventory is 64,000 hours, based on an estimate of 4 burden hours per filing and an estimated 16,000 OP–1 filings per year. Under the revised licensing approach proposed here we estimate that the composite annual reporting burden associated with application filings in the OP–1 Series could be

[1] As noted subsequently in the "Initial Paperwork Reduction Analysis," the vast majority of composite licensing requests involve joint filings of motor property contract and common carrier authority. The proposed revisions to the licensing process would not in any way alter the composite approach permitted for such filings, as the Form OP-1 (T) embraces both contract and common motor property carrier authority.

[2] We have estimated that 3 burden hours will be required to complete each OP–1(T), OP–1(P), and OP–1(W) form and 2 burden hours to complete each of the remaining forms in the proposed OP–1 Series.

reduced significantly to approximately 46,000 hours. This estimate is based on our expectation that licensing application filings will remain at levels relatively constant with those recorded in fiscal year 1991, and that the filing categories associated with the service modes of the various proposed OP–1 Series forms (and their respective burden hours) will be as follows:

Type of form (burden hours per filing)	Number of annual filings	Total burden hours
Form OP–1(T) (3 burden hours).	12,000 filings	36,000 hours.
Form OP–1(TF) (2 burden hours).	68 filings	136 hours.
Form OP–1(P) (3 burden hours).	822 filings	2,466 hours.
Form OP–1(B) (2 burden hours).	3,300 filings	6,600 hours.
Form OP–1(FF) (2 burden hours).	130 filings	260 hours.
Form OP–1(W) (3 burden hours).	16 filings	48 hours.
Total	16,336 filings	45,510 hours.

The burden hours currently noted in the OMB inventory for Form OP–1 are not discounted by any amount to reflect those filings that embrace more than one type of authority. The Commission, moreover, does not maintain statistics that would permit such a determination. Accordingly, it is not possible to project accurately what effect, if any, the proposed change from the unified OP–1 form will have on the total burden hours registered by those applicants who seek multiple types of authority in a single filing. We are confident, however, that the proposed approach that would require multiple licensing forms from such applicants will in no way result in more than incremental increases in their burden hours—certainly not sufficient in number to detract from the overall savings computed above.

The vast majority of composite licensing filings are submitted by applicants seeking to obtain motor property contract and common carrier authority. Under the revised licensing approach proposed here, such service requests can continue to be filed together on Form OP–1(T) and, thus, applicants in this category will reap full advantage of the burden hour savings expected from that revised form. To the extent that other multiple service filings will require submission of separate application forms under the revised licensing scheme proposed here (for example, motor property carrier and property broker authority), we nonetheless expect that the cumulative burden hours represented by such filings will not exceed the 4 burden hours currently ascribed to Form OP–1 filings. That is, applicants completing multiple forms in the proposed OP–1 Series will respond more easily to similar information requests appearing on additional forms. This should produce at most an incremental burden hours increase over that associated with the first form completed. In any event, as previously noted, we do not anticipate that applicants for multiple service modes will be burdened by duplicative or overlapping information requests on the proposed forms to an extent that will detract from the overall efficiencies associated with the proposed licensing revisions.

The estimated burden hours include time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The information collection requirements contained in this proposal will be submitted to OMB for review under the Paperwork Reduction Act of 1980 and 5 CFR Part 1320. Comments concerning the paperwork burden and burden hour estimates in this proposal may be directed to OMB and the Commission, respectively, by addressing them to:

Office of Management and Budget, Office of Information and Regulatory Affairs, Attn: Ed Clark, Desk Officer, (Forms–3120–0047) Washington, DC 20503, and
Interstate Commerce Commission, Forms Clearance Officer, Room 1312, Washington, DC 20423.

List of Subjects

49 CFR Part 1003

Brokers, Freight forwarders, Insurance, Motor carriers, Securities, Surety bonds.

49 CFR Part 1160

Administrative practice and procedure, Brokers, Buses, Freight forwarders, Motor carriers.

49 CFR Part 1162

Administrative practice and procedure, Motor carriers.

49 CFR Part 1166

Administrative practice and procedure.

Decided: August 11, 1992.

By the Commission, Chairman Philbin, Vice Chairman McDonald, Commissioners Simmons, Phillips, and Emmett. Commissioner Emmett commented with a separate expression.

Sidney L. Strickland, Jr.

Secretary.

For the reasons set forth in the preamble, title 49, chapter X, parts 1003, 1160, 1162, and 1166 of the Code of Federal Regulations are proposed to be amended as follows:

PART 1003—LIST OF FORMS

1. The authority citation for part 1003 continues to read as follows:

Authority: 5 U.S.C. 551(a), 5 U.S.C. 553(1)(c), 49 U.S.C. 10321.

2. In § 1003.2 the entry for OP–1 (Effective 6/1/90) is proposed to be removed and entries for OP–1(T), OP–1(TF), OP–1(P), OP–1(B), OP–1(FF), and OP–1(W) are added in its place to read as follows:

§ 1003.2 Motor and water carrier, broker, and household goods freight forwarder forms.

* * * * *

OP–1(T) (Effective_____).
Interstate Commerce Commission Application for Motor Property Carrier Authority.
Cross Reference: 49 CFR parts 1160 and 1162.

OP–1(TF) (Effective_____).
Interstate Commerce Commission Application for Motor Property Carrier "Fitness Only" Authority.
Cross Reference: 49 CFR part 1160.

OP–1(P) (Effective_____).
Interstate Commerce Commission Application for Motor Passenger Carrier Authority.
Cross Reference: 49 CFR parts 1160 and 1162.

OP–1(B) (Effective_____).
Interstate Commerce Commission Application for Motor Property Broker Authority.
Cross Reference: 49 CFR part 1160.

OP–1(FF) (Effective_____).
Interstate Commerce Commission Application for Household Goods Freight Forwarder Authority.
Cross Reference: 49 CFR part 1160.

OP–1(W) (Effective_____).
Interstate Commerce Commission Application for Water Carrier Authority.
Cross Reference: 49 CFR part 1160, 1162, and 1166.

* * * * *

PART 1160—RULES GOVERNING APPLICATIONS FOR OPERATING AUTHORITY

3. The authority citation for part 1160 continues to read as follows:

Authority: 49 U.S.C. 10101, 10305, 10321, 10921, 10922, 10923, 10924, 10928, and 11102; 5 U.S.C. 553 and 559; 16 U.S.C. 1456.

4. The "Note" at the conclusion of § 1160.1 is proposed to be revised to read as follows:

§ 1160.1 Applications governed by these rules.

* * * * *

Note: Applications for emergency temporary and temporary motor carrier and water carrier authority are filed on Forms OP–1(T) or OP–1(P) and OP–1(W), respectively. Rules governing these applications are set forth at 49 CFR part 1162 and 49 CFR part 1163.

5. Section 1160.3 is proposed to be revised to read as follows:

§ 1160.3 Starting the application process: Form OP–1.

(a) All applicants for operating authority shall use the appropriate licensing application form from the Form OP–1 Series as follows:

OP–1(T)—Motor Property Carrier Authority.
OP–1(TF)—Motor Property Carrier "Fitness Only" Authority.
OP–1(P)—Motor Passenger Carrier Authority.
OP–1(B)—Motor Property Broker Authority.
OP–1(FF)—Household Goods Freight Forwarder Authority.
OP–1(W)—Water Carrier Authority.

(b) Obtain the forms at Commission regional and field offices or call the Office of the Secretary at (202) 927–7428. Additional information concerning the application process and required submissions is available from the Office of Public Assistance at (202) 927–7597.

§ 1160.9 [Amended]

6. In § 1160.9, the telephone number "(202) 275–1721" is proposed to be revised to read "(202) 927–5721".

§§ 1160.14–1160.18 [Removed]

7. Sections 1160.14 through 1160.18 are proposed to be removed and all references to those sections are also proposed to be removed.

8. In § 1160.65 paragraphs (b) through (d) are redesignated as paragraphs (c) through (e), the heading of the section and paragraph (a) are revised and a new paragraph (b) is added to read as follows:

§ 1160.65 Concurrent filings and consolidation of applications.

(a) Requests for licensing authority by a single applicant on any number of forms in the OP–1 Series, filed concurrently (and submitted in the same envelope), to the extent feasible, will be processed by the Commission in a coordinated manner. Filing fees as set forth at 49 CFR part 1002 must accompany each application. If an applicant files as part of the same application package multiple requests for permanent authority on various forms in the OP–1 Series, the applicant may submit a single payment for the *sum of the applicable fees.*

(b) Applicants may request consolidation of applications not concurrently filed under the terms of paragraph (a) of this section. The request shall be made upon filing the applications sought to be consolidated. Requests for consolidation shall be made in writing to the Office of the Secretary, Legal Unit, and shall reference the filing date and, if known, docket numbers of the proceedings.

* * * * *

PART 1162—TEMPORARY AUTHORITY (TA) AND EMERGENCY TEMPORARY AUTHORITY (ETA) PROCEDURES UNDER 49 U.S.C. 10928

9. The authority citation for part 1162 continues to read as follows:

Authority: 49 U.S.C. 10321 and 10928; 5 U.S.C. 559.

10. In § 1162.2, paragraph (b)(1), the "Note" at the conclusion of paragraph (b)(2), and paragraphs (c) and (d) are proposed to be revised to read as follows:

§ 1162.2 Filing of applications.

* * * * *

(b) * * *

(1) Applicants for TA and/or ETA shall file the appropriate licensing application form in the OP–1 Series in accordance with the instructions accompanying that form. The envelope containing the form shall be clearly marked "ETA Application" and/or "TA Application."

(2) * * *

Note: Applicants for TA and/or ETA who simultaneously have filed for corresponding permanent authority on the same form in the OP–1 Series must submit the original and one copy of the form to Commission Headquarters for processing the permanent licensing request and must submit two (2) copies of the form to the appropriate Regional Office for processing the temporary authority request.

* * * * *

(c) *Filing fees.* A filing fee as designated at 49 CFR 1002.2 shall accompany each TA and ETA application. Method of payment options are set forth on the fees schedule that accompanies the appropriate form in the OP–1 Series.

Note: TA and ETA applicants who concurrently have filed for corresponding permanent operating authority on the same form in the OP–1 Series must submit the TA and/or ETA filing fee(s) to the Regional Office processing such applications.

(d) **Supporting statements.** Each application shall be accompanied by "Certificate(s) of Support" designed to establish an immediate need for service which cannot be met by existing carriers. Such supporting evidence should follow the format and contain all the information prescribed on the "Certificate of Support" portion of the appropriate form in the OP–1 Series.

* * * * *

§ 1162.2 [Amended]

11. In § 1162.2(e)(4)(ii) remove the words "form OCCA–95" and add in their place the words "the appropriate form in the OP–1 Series".

PART 1166—EXTENSION OF OPERATIONS BY WATER COMMON CARRIER

12. The authority citation for part 1166 continues to read as follows:

Authority: 49 U.S.C. 10321 and 10922; 5 U.S.C. 559.

§ 1166.3 [Amended]

13. In § 1166.3(c) remove the words "form OP–1" and add in their place the words "Form OP–1(W)".

[FR Doc. 92–19924 Filed 8–19–92; 8:45 am]
BILLING CODE 7035–01–M

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49 CFR Part 1039

[Ex Parte No. 346 (Sub-No. 27)]

Rail General Exemption Authority; Transportation Equipment

AGENCY: Interstate Commerce Commission.

ACTION: Proposed rule; narrowing of scope of proposed exemption; change of comment due date.

SUMMARY: By decision served July 9, 1992 (57 FR 30709, July 10, 1992), the Commission sought public comment by August 10, 1992, on whether to exempt from regulation the rail transportation of transportation equipment. By notice served August 4, 1992 (57 FR 34890, August 7, 1992), the comment due date was extended to November 9, 1992. The Commission is now vacating and setting aside the notice served August 4, 1992, and is changing the comment due date to September 21, 1992. The Commission is also narrowing the scope of the proposed exemption from the rail transportation of transportation equipment (STCC 37) to the rail transportation of motor vehicles (STCC 37 11) and motor vehicle parts or accessories (STCC 37 14).

DATES: Comments must be submitted by September 21, 1992.

ADDRESSES: Send an original and 10 copies of comments referring to Ex Parte No. 346 (Sub-No. 27) to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 927–5660 (TDD for hearing impaired: (202) 927–5721).

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To receive a copy of the full decision, write to, call, or pick up in person from: Office of the Secretary, room 2215, Interstate Commerce Commission, Washington, DC 20423. Telephone: (202) 927–7428. (Assistance for the hearing impaired is available through TDD services (202) 927–5721.)

List of Subjects in 49 CFR Part 1039

Agricultural commodities, Intermodal transportation, Manufactured commodities, Railroads.

Decided: August 13, 1992.

By the Commission, Chairman Philbin, Vice Chairman McDonald, Commissioners Simmons, Phillips, and Emmett.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92–19923 Filed 8–19–92; 8:45 am]

BILLING CODE 7035–01–M

Notices

Federal Register
Vol. 57, No. 162
Thursday, August 20, 1992

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

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

August 14, 1992.

The Department of Agriculture has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extension, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection;

(2) Title of the information collection;

(3) Form number(s), if applicable;

(4) How often the information is requested;

(5) Who will be required or asked to report;

(6) An estimate of the number of responses;

(7) An estimate of the total number of hours needed to provide the information;

(8) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, room 404–W Admin. Bldg., Washington, DC 20250, (202) 690–2118.

Revision

• *Agricultural Stabilization and Conservation Service*

7 CFR 1421—Standards for Approval of Warehouses for Grain, Rice, Dry Edible Beans and Seed
CCC–20, 24, 25, 26, and associated forms.
Recordkeeping; Annually
Business or other for-profit; 19,634 responses; 848,375 hours
Lynn Howe (202) 720–5785

Extension

• *Food and Nutrition Service*

Integrated Quality Control Review Schedule
FNS–380–1
Recordkeeping; On occasion
Individuals or households; State or local governments; 63,419 responses; 64,916 hours
Karen Peko (703) 305–2471

• *Forest Service*

Disposal of Mineral Materials (36 CFR 228 subpart C)
FS–2800–9, R1–FS–2850–1
On occasion; Annually
Individuals or households; State or local governments; Businesses or other for-profit; Small businesses or organizations; 3,510 responses; 8,850 hours
Steve Marshall (202) 205–1246

Reinstatement

• *Animal and Plant Health Inspection Service*

Field Investigation (READI)
VS Form 12–27 and A, B
On occasion
Farms; Businesses or other for-profit; Small business or organizations; 300 responses; 300 hours
Dr. Maurice A. Mixson (301) 436–8073

Larry K. Roberson,

Deputy Departmental Clearance Officer.

[FR Doc. 92–19841 Filed 8–19–92; 8:45 am]

BILLING CODE 3410–01–M

Food and Nutrition Service

WIC Farmers' Market Nutrition Program (FMNP)

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice of Departmental intent to implement the new WIC Farmers' Market Nutrition Program (FMNP).

SUMMARY: In accordance with the mandates of Public Law 102–314 enacted July 2, 1992, the Department announces the establishment of the Farmers' Market Nutrition Program (FMNP). The FMNP is designed to provide resources to women, infants and children who are nutritionally at risk, in the form of fresh nutritious unprepared foods (such as fruits and vegetables) from farmers' market, to expand the awareness and use of farmers' markets, and to increase sales at such markets. To facilitate the implementation of this new program, information packages will make available to State agencies and other interested parties upon request from the Supplemental Food Programs Division of the Food and Nutrition Service (FNS) Headquarters. Questions regarding the FMNP also should be directed to FNS Headquarters; however, State plans should be submitted to the appropriate FNS Regional Office for approval. Regulations for the FMNP will be codified in the Code of Federal Regulations as 7 CFR part 248.

DATES: State plans describing in detail how the State intends to operate and administer the FMNP in Fiscal Year 1993 must be submitted to the appropriate FNS Regional Office no later than October 15, 1992.

ADDRESSES: States interested in implementing a Farmers' Market Nutrition Program should write to Barbara Hallman, Acting Director, Supplemental Food Programs Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, room 540, Alexandria, Virginia 22302, (703) 305–2746 to request an information package. Such requests should be clearly labeled "WIC Farmers' Market Nutrition Program.".

FOR FURTHER INFORMATION CONTACT: Debra R. Whitford, Supplemental Food Programs Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, room 542, Alexandria, Virginia 22302, (703) 305–2730.

SUPPLEMENTARY INFORMATION:

Classification

Executive Order 12291

This Notice has been reviewed and has been classified not major. This Notice will not have an annual effect on the economy of $100 million or more, nor will it cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions.

Executive Order 12372

The Special Supplemental Food Program for Women, Infants and Children (WIC) is listed in the Catalog of Federal Domestic Assistance

Programs under 10.557. For the reasons set forth in the Final rule related Notice to 7 CFR part 3015, subpart V (48 FR 29114, June 24, 1983), this Program is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials.

Paperwork Reduction Act

The Notice imposes no new reporting or recordkeeping provisions that are subject to OMB review in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Background

Demonstration Projects

Section 501 of the Hunger Prevention Act of 1988 (Pub. L. 100–435, enacted on September 19, 1988), added a new subsection (m) to section 17 of the Child Nutrition Act (CNA) (42 U.S.C. 1786(m)) which authorized up to 10 Farmers' Market Coupon Demonstration Projects for a 3-year period. The purpose of the projects was twofold: (1) To provide fresh nutritious unprepared foods (such as fruits and vegetables from farmers' markets to persons at nutritional risk, and (2) to expand the awareness and use of farmers' markets.

Under the authority of Public Law 100–435, participants in the Special Supplemental Food Program for Women, Infants and Children (WIC) in certain areas of Connecticut, Iowa, Maryland, Massachusetts, Michigan, New York, Pennsylvania, Texas, Vermont, and Washington were provided with coupons that could be redeemed at authorized farmers' markets for fresh, nutritious, unprepared foods. The 10 sites were selected through a competitive grant application process which was based primarily on criteria set forth in the law as well as additional criteria developed by the Department to ensure accountability and to maximize benefits for farmers and recipients.

Basic features of the initial demonstration projects included:

(1) Only persons currently participating in the WIC Program (excluding infants 4 months of age or younger) were eligible for Federal benefits under the projects.

(2) The annual value of the Federal share of the benefit could not be less than $10 or more than $20.

(3) The State grantee was required to provide matching funds for the demonstration project in an amount equal to not less than 30 percent of the total cost of the demonstration project. The match could be satisfied by contributions to similar projects operating in the State.

(4) State grantees were allowed to use up to 12 percent of project funds for administration.

Public Law 100–435 (section 17(m)(9)(A) of the CNA) also mandated an evaluation of the Farmers' Market Coupon Demonstration Project, which was conducted in two phases. Phase One examined the general management and accountability of the projects during their first season in 1989, and indicated that the projects were generally well-run, particularly in the areas of accountability, benefit delivery, and overall project management. Phase Two of the evaluation process assessed the impact of the projects and their effectiveness in accomplishing the legislative goals. Surveys were also completed to measure the food consumption and purchasing patterns of WIC farmers' market coupon recipients and sales and food purchases at participating farmers' markets as compared to appropriate control groups. Findings from Phase Two indicated that the project had a modest positive effect on farmers' incomes, and on the consumption of fruits and vegetables by women participating in the WIC Program. The results of both phases of the evaluation were submitted in a report to Congress in April 1991.

Establishment of the WIC Farmers' Market Nutrition Program

Based largely on the success of the Farmers' Market Coupon Demonstration Projects, Public Law 102–314 has now authorized the WIC Farmers' Market Nutrition Program (FMNP) as an independent program by amending section 17(m) of the CNA. Amended section 17(m)(1) instructs the Secretary to award grants to States that submit State plans that are approved for the establishment or maintenance of programs designed to provide recipients of assistance through the WIC Program, or those who are on a waiting list to receive WIC benefits, with coupons that may be exchanged for fresh, nutritious, unprepared foods at farmers' markets. Pursuant to section 17(m)(2), the chief executive officer of the State or Indian Tribal Organization (i.e., the Governor or Principal Chief) shall designate the appropriate State agency or agencies to administer the program in conjunction with the appropriate nonprofit organizations, and shall ensure coordination of the program among the appropriate agencies and organizations.

Basic Provisions of the New Program

The newly created Farmers' Market Nutrition Program is very similar to the Demonstration Projects which have now been in operation for 4 years. For example, the annual Federal value of the coupons issued to FMNP participants is still restricted to not less than $10 and not more than $20 per participant, and each State agency administering the FMNP must provide matching funds in an amount equal to not less than 30 percent of the total cost of the program's operation and administration. However, four significant differences are also included in the authorizing legislation:

(1) Persons who are on a waiting list for WIC Program participation, as well as current WIC participants, may receive FMNP coupons;

(2) The State agency cap for administrative funds to operate the FMNP has been increased to 15 percent of the total amount of Program funds;

(3) During the first year for which a State receives assistance under the FMNP, a State shall be permitted to use not more than 2 percent of the total program funds for administration of the FMNP in addition to the 15 percent already established; the Secretary may permit a State to use not more than an additional 2 percent during subsequent years upon a showing by the State of financial need; and

(4) A State agency may use not more than 5 percent of its current year funds during a subsequent fiscal year or to cover expenses incurred during the prior fiscal year.

Finally, section 17(m)(6)(A) effectively grandfathers in the State agencies that have operated Farmers' Market Coupon Demonstration Projects, by stipulating that each State which received Federal funding in a fiscal year ending before October 1, 1991 (i.e. before Fiscal Year 1992) shall receive benefits under the new FMNP, provided that the State continues to comply with the requirements established by Public Law 102–314, as determined by the Secretary. Section 17(m)(6)(B) mandates that, if sufficient funds are appropriated by Congress, no State shall receive less Federal funds than it did in the most recent fiscal year in which it received assistance, as long as the State continues to provide the requisite matching funds. Once funds have been set aside to satisfy this requirement, section 17(m)(6)(G) requires the balance that remains shall be allocated as follows:

(1) An amount equal to 45 to 55 percent shall be made available to States participating in the Program that wish to serve additional participants, and whose State plan to do so is approved by the Department. If this amount is greater than that necessary to satisfy approved expansion requests from current State agencies, the

unallocated amount shall be made available to State agencies that have not participated in the Program in the prior fiscal year, and whose State plans have been approved by the Department.

(2) An amount equal to 45 to 55 percent shall be made available to States that have not participated in the Program in the prior fiscal year, and whose State plans have been approved by the Department. If this amount is greater than that necessary to satisfy the approved State plans for new State agencies, the unallocated amount shall be applied toward satisfying any unmet need of States that desire to serve additional recipients, and whose State plans have been approved by the Department.

(3) In any fiscal year, any funds that remain unallocated after satisfying the requirements of (1) and (2) shall be reallocated in the following fiscal year in accordance with procedures established in section 17(m)(10)(B)(ii). Subject to requirements of section 17(m)(6) described above, the Secretary is instructed in section 17(m)(4) to establish a formula for determining amounts to be awarded to each State with an approved plan according to the number of recipients proposed to participate as specified in the State plan. In determining the amount to be awarded to new States, the Secretary is further instructed to rank the State plans using the criteria set forth in section 17(m)(6)(F). The legislation clearly states that the Department must take into consideration the minimum amount needed to fund each approved State plan, and need not award grants to each State that submits an approved State plan.

State Plan Provisions

Section 17(m)(6)(D)(i) requires each State that desires to receive a FMNP grant to submit a State plan for each fiscal year in order to be approved by the Department. Section (m)(6)(D)(ii) requires each State plan submitted to an FNS Regional Office to contain the following:

(1) The estimated cost of the Program;

(2) The estimated number of individuals to be served by the Program;

(3) A description of the State's plan for complying with the requirements of section 17(m)(5);

(4) The criteria developed by the State with respect to authorization of producers (i.e., farmers) to participate in the Program. Such criteria shall require any authorized producer to sell fresh nutritious unprepared foods (such as fruits and vegetables) to participants, in exchange for coupons distributed under the Program;

State Plan Evaluation Criteria

As noted in the DATES section of this Notice, all State plans for the Fiscal Year 1993 FMNP must be submitted by October 15, 1992. Plans must be submitted by all States wishing to participate in the Fiscal Year 1993 FMNP, including those States which have previously participated in the Farmers' Market Coupon Demonstration Project. Once all of the State plans submitted by October 15, 1992, and approved by the appropriate FNS Regional Offices have been received by FNS Headquarters, the Department will rank them in order of priority.

Section 17(m)(6)(E) requires the Secretary to establish objective criteria for the approval and ranking of State plans. In addition, certain criteria and considerations for approving and ranking State plans are set forth in the law itself. Because of the short timeframe between enactment of the law and the due date for Fiscal Year 1993 State plans, the Department has decided not to add any additional ranking criteria for Fiscal Year 1993. Applicants will only be required to address the legislatively-mandated State plan criteria for Fiscal Year 1993. Therefore, as specified in section 17(m)(6)(F), in ranking approved Fiscal Year 1993 State plans for the FMNP, the Department will:

(1) Favorably consider a State's proper experience with the FMNP, the Farmers' Market Coupon Demonstration Project, or similar programs;

(2) Favorably consider a State's operation of a similar program with State or local funds that can present data concerning the value of the program;

(3) Require that if a State receiving funds under the FMNP applies the Federal grant to a similar program operated in the previous fiscal year with State or local funds, the State shall not reduce the amount of such State or local funds previously made available after receiving Federal funds under the FMNP;

(4) Give precedence to State plans that would serve areas in the State having—

(a) The highest concentration of eligible persons;

(b) The greatest access to farmers' markets;

(c) A broad geographical area;

(d) The greatest number of recipients in the broadest geographical area within the State; and

(5) Take into consideration the amount of funds available and the minimum amount needed by each applicant State to operate the FMNP successfully.

Timeframes for Announcing New FMNP Sites

As indicated above, State plans for Fiscal Year 1993 must be submitted to the appropriate FNS Regional Office no later than October 15, 1992. The FNS Regional Office will review the plans and advise each State agency of its approval within 30 days of receipt. Technical assistance shall be provided by the appropriate FNS Regional Office to any State whose plan is not approvable upon receipt, within this 30-day period.

All approved State plans will then be forwarded to the Supplemental Food Programs Division of FNS in Alexandria, Virginia, where they will be evaluated against the specified criteria and ranked in order of excellence. The Department anticipates announcing any new FMNP State agencies no later than January 1, 1993. Contingent upon the availability of funds and after awarding grants to States that participated in the Farmers' Market Coupon Demonstration Project, the Department will award grants to new States, starting with the State agency at the top of the list and working downward until all available funds have been allocated.

Priority ranking will not be carried over from previous years, i.e., an unfunded State at the top of the list when all available funds are allocated in a given fiscal year does not automatically stay at the top of the list for the next year.

Beginning with the Fiscal Year 1994 FMNP, participating State agencies will only be required to submit amendments to their State plans as systems or procedures are modified.

Training

The Department anticipates providing training for all participating State agencies as soon as possible after the new State agencies are announced. Technical assistance will be available on the ongoing, as-needed basis from the Supplemental Food Programs Division as well as the FNS Regional Offices. As indicated previously in this Notice, questions regarding the FMNP should be directed to Barbara Hallman or Debra Whitford in the Supplemental Food Programs Division, FNS, at (703) 305–2730.

FNS Regional Offices

State agencies and other interested parties should contact the appropriate FNS Regional Office as listed below:

Northeast Region. Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, Vermont. U.S. Department of Agriculture, FNS, Northeast Region, 10 Causeway Street, Boston, Massachusetts 02222–1068.

Mid-Atlantic Region. Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, West Virginia. U.S. Department of Agriculture, FNS, Mid-Atlantic Region, Mercer Corporate Park, CN–02150, Trenton, New Jersey 08650.

Southeast Region. Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee. U.S. Department of Agriculture, FNS, Southeast Region, 77 Forsyth Street, SW., suite 112, Atlanta, Georgia 30303.

Midwest Region. Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin. U.S. Department of Agriculture, FNS, Midwest Region, 77 West Jackson Boulevard, 20th floor, Chicago, Illinois 60604–3507.

Southwest Region. Arkansas, Louisiana, New Mexico, Oklahoma, Texas. U.S. Department of Agriculture, FNS, Southwest Region, 1100 Commerce Street, room 5–C–30, Dallas, Texas 75242.

Mountain Plains Region. Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, Wyoming. U.S. Department of Agriculture, FNS, Mountain Plains Region, 1244 Speer Boulevard, suite 903, Denver, Colorado 80204.

Western Region. Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, Trust Territory of the Pacific Islands, the Northern Mariana Islands, Washington. U.S. Department of Agriculture, FNS, Western Region, 550 Kearny Street, room 400, San Francisco, California 94108.

Interested Indian Tribal Organizations and other Indian State agencies should contact the Regional Office responsible for the geographic State agency where they are located, as listed above, except that the Navajo Nation in its entirety is covered by the Western Regional Office.

Dated: August 13, 1992.

Betty Jo Nelsen,

Administrator.

[FR Doc. 92–19805 Filed 8–19–92; 8:45 am]

BILLING CODE 3410–30–M

Forest Service

Williams Fork Gravity Water System Proposal

AGENCY: Forest Service, USDA.

ACTION: Notice of availability.

SUMMARY: Pursuant to 42 U.S.C. 4321 *et seq.*, the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR parts 1500–1508, and Forest Service Manual 1950.3(3), notice is hereby given that the Record of Decision for the Williams Fork Gravity Water System Proposal is available.

EFFECTIVE DATE: This decision was effective June 19, 1992.

FOR FURTHER INFORMATION CONTACT: Questions about the decision should be addressed to Mike Retzlaff, Routt National Forest, 29587 West U.S. 40, suite 20, Steamboat Springs, CO 80487, (303) 879–1722.

SUPPLEMENTARY INFORMATION: The proposed Williams Fork Gravity Water System is located in Grand County, Colorado within the Routt National Forest. The Denver Board of Water Commissioners has developed extensive water collection system facilities to transport water from the headwaters of the Colorado, the Eagle, and the Arkansas Rivers systems into the South Platte River system to provide for the growing industrial and domestic use demands within the Denver Metropolitan Area. As a small part of this collection system, a gravity-flow trans-mountain water diversion system was built in the upper basin of the Williams Fork River drainage in the late 1930's.

During the 1970's, Forest Service environmental analyses confirmed high quality environmental values in the Williams Fork River drainage. Forest Service personnel also determined that approximately 2 miles of road work had been added to the gravity system. This addition had been constructed between Steelman Creek and Webb Creek off the 1924 right-of-way. A lengthy lawsuit confirmed that trespass and revealed others, but determined that although the right-of-way was then part of the National Forest System, the Bureau of Land Management in the Department of Interior was the agency with jurisdiction to amend the right-of-way.

In April 1986, the Denver Board of Water Commissioners asked the Bureau of Land Management to amend the right-of-way and asked the Forest Service for permission to occupy such lands as would be necessary to construct the extension. In addition, the Board asked for authorization to complete construction of its system. Such authorization would allow the Board to extend its gravity system onto additional National Forest System lands. The Board had also applied for an authorization to construct the Two Forks Dam and Reservoir. The environmental analyses of the effects of several future water diversion projects, including the Two Forks Dam proposal and the expansion of the Williams Fork gravity system, was documented in the Metropolitan Denver Water Supply Final Environmental Impact Statement, which was released in March 1988.

The Record of Decision pertains only to the Williams Fork portion of the proposals from the Denver Board of Water Commissioners and is in response only to the Board's request for an extension of the gravity water diversion facility already located in the upper basin of the Williams Fork River. With this decision, the Denver Board of Water Commissioners, and others, may begin the process of developing a more efficient water collection system in the Williams Fork area without significantly impacting the environment.

Dated: August 11, 1992.

John Morrison, Jr.,

Acting Regional Forester.

[FR Doc. 92–19858 Filed 8–19–92; 8:45 am]

BILLING CODE 3410–11–M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Idaho Advisory Committee

Notice if hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that the Idaho Advisory Committee to the Commission will convene at 1 p.m. and adjourn at 4 p.m. on September 10, 1992, at the Guadalupe Center, 630 Falls Avenue, Twin Falls, Idaho 83303. The purpose of the meeting is to plan activities and programming for the coming year.

Persons desiring additional information, or planning a presentation to the Committee, should contact Advisory Committee Chairperson, Gladys Esquibel or Philip Montez, Director of the Western Regional Office (213) 894–3437, (TDD 213/894–0508). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the regional office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, August 13, 1992.

Carol-Lee Hurley,

Chief, Regional Coordination Unit.

[FR Doc. 92–19857 Filed 8–19–92; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Electronics Technical Advisory Committee; Closed Meeting

A meeting of the Electronics Technical Advisory Committee will be held September 3, 1992 at 9 a.m., in the Herbert C. Hoover Building, room 1617M–2, 14th Street and Constitution Avenue, NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis with respect to technical questions which affect the level of export controls applicable to electronics and related equipment or technology.

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

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 5, 1991, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C. 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10 (a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

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

Dated: August 13, 1992.

Betty A. Ferrell,

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

[FR Doc. 92–19853 Filed 8–19–92; 8:45 am]

BILLING CODE 3510–DT–M

Foreign-Trade Zones Board

[Order No. 592]

Resolution and Order Approving the Application of the Community Development Foundation, Findlay, OH

Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the Community Development Foundation, Findlay, Ohio, grantee of Foreign-Trade Zone 151, filed with the Foreign-Trade Zones Board (the Board) on May 28, 1991, requesting special-purpose subzone status at the freezer manufacturing plant of W.C. Wood Company, Inc., in Ottawa (Putnam County), Ohio, adjacent to the Toledo Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

The approval is subject to the FTZ Act and the FTZ Board's regulations (as revised, 56 FR 50790–50808, 10–8–91), including § 400.28. The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Grant of Authority for Subzone Status—W.C. Wood Company, Inc., Ottawa (Putnam County), Ohio

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment * * * of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a–81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized to grant to corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Board's regulations (15 CFR part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved;

Whereas, the Community Development Foundation, Findlay, Ohio, Grantee of Foreign-Trade Zone No. 151, has made application (filed 5–28–91, FTZ Docket 31–91, 56 FR 26795, 6–11–91) to the Board for authority to establish a special-purpose subzone at the freezer manufacturing plant of W.C. Wood Company, Inc., in Ottawa (Putnam County), Ohio;

Whereas, notice of said application has been given in the **Federal Register** and public comment has been invited; and,

Whereas, the Board has found that the requirements of the Act and the Board's regulations are satisfied and that approval of the application is in the public interest;

Now, therefore, the Board hereby authorizes the establishment of a subzone (Subzone 151B) at the W.C. Wood Company, Inc., plant in Ottawa (Putnam County), Ohio, adjacent to the Toledo Customs port of entry, at the location described in the application, subject to the FTZ Act and the Board's regulations (as revised, 56 FR 50790–50808, 10–8–91), including § 400.28.

Signed at Washington, DC, this 10th day of August, 1992, pursuant to Order of the Board.

Alan M. Dunn,

Assistant Secretary of Commerce for Import Administration, Chairman, Committee of Alternates, Foreign-Trade Zones Board.

Attest:

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 92–19827 Filed 8–19–92; 8:45 am]

BILLING CODE 3510–DS–M

[Order No. 591]

Resolution and Order Approving the Application of the South Carolina State Ports Authority for Special-Purpose Subzone Status at the Haarmann and Reimer Corp. Plant (Flavor and Fragrance Chemicals Processing Plant) Goose Creek, SC

Proceedings of the Foreign-Trade Zones Board, Washington, DC

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the South Carolina State Ports Authority, grantee of FTZ 21, filed with the Foreign-Trade Zones Board (the Board) on August 14, 1990, requesting special-purpose subzone status at the flavor and fragrance chemicals plant of Haarmann & Reimer Corporation in Goose Creek, South Carolina (Charleston area), the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the FTZ Board's regulations would be satisfied, and that the proposal would be in the public interest if approval is limited to activity relating to the manufacture of the products specifically listed in the **Federal Register** notice announcing the filing of the application and inviting public comment (55 FR 35160, 8/28/90), approves the application, subject to the foregoing condition.

Approval is subject to the FTZ Act and the FTZ Board's regulations (as revised, 56 FR 50790-50808, 10/8/91), including Section 400.28. The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Grant of Authority for Subzone Status; Haarmann and Reimer Corp.

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment * * * of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a–81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized to grant to corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Board's regulations (15 CFR part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved;

Whereas, the South Carolina State Ports Authority, grantee of FTZ 21, has made application (filed 8–14–90, FTZ Docket 34–90, 55 FR 35160, 8–28–90) to the Board for authority to establish a subzone at the flavor and fragrance chemicals processing plant of Haarmann and Reimer Corporation, Goose Creek, South Carolina within the Charleston port of entry area;

Whereas, notice of said application has been given in the **Federal Register** and public comment has been invited; and,

Whereas, the Board has found that the requirements of the Act and the Board's regulations would be satisfied, and that approval of the application would be in the public interest if approval were limited to the specific activity announced in the **Federal Register** notice on the application (55 FR 35160, 8/28/90);

Now, therefore, the Board hereby authorizes the establishment of a subzone (Subzone 21B) at the Haarmann and Reimer Corporation plant in Goose Creek, South Carolina, at the location described in the application, for manufacture of the products specifically listed in the application and announced in the **Federal Register** notice referred to above, subject to the Act and the Board's Regulations (as revised, 56 FR 50790–50808, 10/8/91), including Section 400.28.

Signed at Washington, DC, this 10th day of August, 1992, pursuant to Order of the Board.

Alan M. Dunn,

Assistant Secretary of Commerce for Import Administration, Chairman, Committee of Alternates Foreign-Trade Zones Board.

Attest:

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 92–19826 Filed 8–19–92; 8:45 am]

BILLING CODE 3510–DS–M

International Trade Administration

[A–507–502]

In-Shell Pistachios From Iran; Determination Not To Revoke Antidumping Duty Order

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

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

SUMMARY: The Department of Commerce is notifying the public of its determination not to revoke the antidumping duty order on In-Shell Pistachios from Iran.

EFFECTIVE DATE: August 20, 1992.

FOR FURTHER INFORMATION CONTACT: Robert Marenick, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 377–5253.

SUPPLEMENTARY INFORMATION: The Department of Commerce (the Department) may revoke an antidumping duty order, pursuant to § 353.25(d)(4) of the Department's regulations, if no interested party has requested an administrative review for four consecutive annual anniversary months and no interested party objects to the revocation or requests an administrative review by the last day of the fifth annual anniversary month (19 CFR 353.25(d)(4) (1992)). We had not received a request to conduct an administrative review of the antidumping duty order on in-shell pistachios from Iran (51 FR 25922, July 17, 1986) for the last four consecutive annual anniversary months. Therefore, pursuant to the Department's regulations, on July 2, 1992, we published in the **Federal Register** a notice of intent to revoke the antidumping duty order (57 FR 29470) and served written notice of the intent to revoke to each interested party on the Department's service list.

On July 22, 1992, the California Pistachio Commission and the Western Pistachio Association (originally the California Pistachio Association), the petitioners in the original action, objected to our intent to revoke this order. Therefore, because an interested party objects to the revocation, we no longer intend to revoke this antidumping duty order.

Dated: August 12, 1992.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 92–19939 Filed 8–19–92; 8:45 am]

BILLING CODE 3510–DS–M

[A–588–818]

Antidumping Duty Order: Personal Word Processors From Japan; Amendment

AGENCY: Import Administration, International Trade Administration, Commerce.

EFFECTIVE DATE: August 20, 1992.

FOR FURTHER INFORMATION CONTACT: Stephanie L. Hager, Office of Countervailing Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, (202) 377–5055.

Background

On July 9, 1991, the Department of Commerce ("the Department") published a notice in the **Federal Register** of its final determination of sales at less than fair value with respect to personal word processors from Japan (56 FR 31101, July 9, 1991). In this notice, the Department stated that the imported merchandise under investigation constituted a single class or kind of merchandise.

In its final injury determination of August 19, 1991, the International Trade Commission ("ITC") found that the merchandise produced in the United States which is like the imported merchandise under investigation constitutes two like products: (1) Personal word processors and (2) office typing systems. The ITC determined that there was material injury to the United States industry which produces personal word processors, but did not find material injury with respect to office typing systems.

On August 18, 1991, the Department published an antidumping duty order on personal word processors from Japan (56 FR 42593). As a result of the ITC's final determination, the Department excluded imports of office typing systems from the scope of the order.

Subsequently, the Department determined that it was appropriate to clarify this portion of the scope of the order. In consideration of pending litigation concerning its less than fair value determination, the Department sought permission of the Court of International Trade ("CIT") to amend the order. On February 3, 1992, the CIT granted this request. On March 13, 1992, the Department forwarded a draft amendment to the order to all interested parties. See the "Interested Party Comments" section of this notice.

Amendment of Order

In the "Scope of Order" section of the August 28, 1991 antidumping duty order, following the sentence "Office typing systems are specifically excluded from the scope of the investigation by virtue of the ITC determining that there is no injury with respect to that like product", the following language should be added.

Office typing systems are defined as personal word processors and major finished units thereof (as defined in this antidumping duty order) that also: (1) have a print speed of 20 characters per second or more; (2) have a print line width of 11.5 inches or more; and (3) offer the user proportionally spaced printing as a standard option.

As identified by the ITC, examples of currently-produced office typing systems include the following: IBM Wheelwriter Model 50 and Model 70; Xerox 62 Series Model 6225 and Model 6240; Canon AP830, AP830–II, AP830–III, AP850, AP850–II, and AP850–III; Swintec 2000 Typing System; Brother 2050/D and 2050/DS; Matsushita KX–E4500 and KX–E7500. See appendix D at pp. B–30 through B–31 to the ITC's Final Report in this investigation (Personal Word Processors from Japan, Inv. No. 731–TA–483 (Final), USITC Pub. No. 2411 (August 1991) ("ITC Final Determination")).

The ITC's definition of office typing systems included a criterion for weight in addition to the three criteria listed above. We have determined not to include weight in our definition of office typing systems because we do not find that it provides a consistent or clearly distinguishable criterion in all cases for determining whether a personal word processor is an office typing system. Information on the record indicates that the weights for office typing systems very substantially. Moreover, based on our experience in administering the antidumping duty order on portable electric typewriters ("PETS") from Japan, where we were called upon to distinguish office typewriters from PETs, weight is not always a useful criterion. As was the case in PETS, improvements in technology are likely to make office typing increasing lighter. Therefore, a criterion based on weight could easily become outdated.

Interested Party Comments

Comment 1

According to Smith Corona Corporation ("Smith Corona"), the Department's criteria for defining an office typing system are unduly broad. Smith Corona suggests using scope language which states that the factors used to describe an office typing system should only create a presumption that a given machine is outside the order, rebuttable by evidence of use, customer expectations, channels of distribution and advertising of the model.

DOC Position

We do not agree with Smith Corona that the definition of office typing systems is unduly broad or that it should specifically incorporate the criteria enunciated in the Department's regulations. Contrary to Smith Corona's assertion, our definition neither diminishes nor supersedes the Department's criteria but, rather, is an embodiment of them. See 19 CFR 353.29. It isolates three discrete and identifiable characteristics for distinguishing office typing systems from personal word processors designed for home or consumer use. These distinguishing characteristics are among the very factors which would be accorded significant weight in an analysis under the statute.

The Department's definition, moreover, provides the clearest and most practicable means of consistently distinguishing between personal word processors and office typing systems. With this definition, U.S. Customs can readily identify shipments of office typing systems and properly exclude them from the order. Were Smith Corona's proposed language to be included, U.S. Customs would be seriously hindered from making this determination at the border.

Comment 2

Smith Corona recommends that the Department use weight (*i.e.*, 35 pounds) as a criterion for defining an office typing system. Smith Corona maintains that weight is an important indicator distinguishing consumer personal word processors from the heavier office typing systems. According to Smith Corona, most of the word processors now marketed weigh less than 35 pounds, with some weighing under 30 pounds. Furthermore, Smith Corona argues that it is not likely that, in the future, office typing systems will become lighter as they are, by definition, heavy-duty machines with features that add greater weight to the machine.

Finally, Smith Corona argues that weight has traditionally been treated as an essential physical characteristic in establishing portability for purposes of determining the class or kind of merchandise encompassed by a related product, PETs (see Portable Electric Typewriters From Japan, (52 FR 1504, January 14, 1987). Smith Corona maintains that, although portability *per se* is not essential to determining whether merchandise falls within the class or kind of personal word processors, weight is nonetheless relevant for assessing durability and end use. Therefore, according to Smith Corona, weight is a meaningful criterion for distinguishing covered personal word processors from the excluded office typing systems.

Kyushu Matsushita Electric Co., Ltd., Matsushita Electric Industrial Co., Ltd, and Matsushita Electric Corporation of America (collectively, "Matsushita"), as well as Nakajima All Co., Ltd., argue that weight should not be included as a criterion for determining whether a particular machine is an office typing system. According to Matsushita, technological developments clearly point towards the use of stronger, lighter-weight plastic or other alloy frames as a replacement for the heavier steel frames now used in producing office typing systems. Furthermore, Matsushita states that the Department has recognized that the weight of office typing systems varies significantly and, hence, is far less important than other factors in determining whether a model is an office typing system. Matsushita contends that establishing a "weight" criterion could in fact result in the inclusion of models which really are office typing systems within the scope of the antidumping duty order.

DOC Position

We disagree with Smith Corona's assertion that weight should be included as a criterion. As noted above, we do not consider weight to be a consistently valid indicator for distinguishing personal word processors from office typing systems. We do not dispute that office typing systems, by design, are more durable and "heavy duty" than other personal word processors. The criteria included in the Department's definition, which focus on the machines' printing capacity, reflect this fact. As stated by the ITC in its final determination, "[t]he primary physical differences between office typing machines and other word processors are found in the printer mechanism." ITC Final Determination at A–9. By isolating specific physical characteristics that only a more rugged office typing system would be expected to include, the Department's definition delineates precisely between the uses of a personal word processor intended primarily for home use and those of a machine intended for use in the office.

Unlike the criteria listed in the Department's definition, however, weight has less of a direct effect on the functions, capacity and ultimate use of the machine or, consequently, on the expectations of the consumer. Smith Corona correctly notes in its comments

that the Department does not consider "portability" to be a defining characteristic for personal word processors, whether designed for home or office use. See 56 FR at 42594; ITC Final Determination at 8–11. We do not agree with Smith Corona that weight is necessarily relevant to durability and end use. Although at present the weight of most if not all office typing systems may exceed 35 pounds, current technological trends and the Department's past experience with PETs clearly indicate that this is not likely to remain the case in the future. Matsushita is correct in stressing that, as the industry incorporates lighter-weight materials and other innovations into their manufacturing process, the actual weight of office typing systems should decrease, while the durability and workload capacity of the machines can reasonably be expected to remain constant. Thus, as technology advances, the respective weights of personal word processors designed for home and office uses will converge, while the actual functions and intended uses probably will not.

Comment 3

Smith Corona and Brother Industries, Ltd., Brother International Corporation, and Brother Industries (USA) (collectively, "Brother") argue that print speed is not an appropriate criterion because, with technological development, it can easily become outdated. Both parties argue that personal word processors already exceed the limit of 20 characters per second ("cps"). Smith Corona is concerned that by slightly increasing print speed from common word processor spends of 12–18 cps, a foreign manufacturer or importer could remove a personal word processor from the antidumping duty order.

Matsushita contends that the printer referred to by Smith Corona as having a print speed exceeding 20 cps is a dot matrix printer. Matsushita argues that the dot matrix printer is not acceptable as a printer for an office typing system because it does not produce fully formed characters (which are required in an office environment), as does a daisy wheel printer. According to Matsushita, the 20 cps print speed criterion is a bright-line criterion for the fully formed character printer that is necessarily used with office typing systems.

DOC Position

We have continued to include print speed of 20 cps or more as one criterion. As with the other criteria in the Department's definition, the greater print speed offered by office typing systems provides a consistent indicator for distinguishing them from other personal word processors. The stronger, more durable frames required for the high speed printing of fully formed characters is currently only available on machines designed for heavier, more versatile office use. All of the office typing systems investigated by the ITC included printers with print speeds in excess of 20 cps, whereas none of the consumer personal word processor printers did so. See ITC Final Determination at appendix D. Unlike the situation with weight, moreover, it has not yet been demonstrated that technological developments will bring the print speed of personal word processors closer to that of office typing systems within the near future. We agree with Matsushita that Smith Corona exaggerates the extent to which consumer personal word processors have already approached this limit. The single example offered by Smith Corona—its own personal word processor model 220 with an optional print speed of 48 cps—actually uses a dot matrix printer.

Comment 4

According to Smith Corona, most office typing systems currently use a 9 inch diagonal cathode ray tube ("CRT") display monitor, whereas many personal word processors use a liquid crystal display ("LCD") monitor. Thus, Smith Corona maintains, the type and size of display is a useful guideline for defining an office typing system.

DOC Position

We have not included the size or type of the video display monitor as a necessary characteristic for an office typing system. We determine that whether most office typing systems presently use a particular size and type of display monitor is not a sufficiently important distinction to justify including display size and type in the definition. Throughout the investigation, neither the Department nor the ITC specified a particular display type or exact size in order for a machine to qualify as a personal word processor, either for consumer or office use. See 56 FR at 42594; ITC Final Determination at 13–16. Nor did the petitioner or the other parties do so. Instead, for purposes of distinguishing *all* personal word processors from PETs, both agencies did include the existence of some type of display monitor of between 8–24 lines as a necessary criterion. ITC Final Determination at 8–16; 56 FR at 42594. Smith Corona has submitted no new information to alter our conclusion in this respect.

Comment 5

Brother argues that proportionally-spaced printing should not be used as a criterion for defining office typing systems. According to Brother, similar to print speed, the use of proportionally-spaced printing as a criterion could easily become outdated. Furthermore, Brother contends that numerous models currently being marketed as office typewriters have no proportionally-spaced printing.

DOC Position

We have continued to include proportionally-spaced printing as a criterion for defining an office typing system. As with print speed, the proportionally-spaced printing featured on office typing systems, along with the other criteria listed by the Department, provides clear and consistent guidelines for distinguishing office typing systems from other personal word processors. Proportionally-spaced printing is a feature characteristic of all of the office typing systems examined by the ITC and, unlike weight, does not vary substantially. See ITC Final Determination at appendix D. Furthermore, although Brother states that proportionally-spaced printing is currently not offered on some office typewriters, Brother offers no evidence that use of proportionally-spaced printing as a criterion will blur the distinction between personal word processors and office typing systems.

This notice constitutes an amended antidumping duty order with respect to personal word processors from Japan, pursuant to section 736(a) of the Tariff Act of 1930, as amended. Interested parties may contact the Central Records Unit, room B–099 of the Main Commerce Building, for copies of an updated list of antidumping duty orders currently in effect.

Dated: August 13, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92–19938 Filed 8–19–92; 8:45 am]

BILLING CODE 3510–DS–M

[C–614–503]

Lamb Meat From New Zealand; 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 June 19, 1992, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on lamb meat from New Zealand (57 FR 27437). We have now completed that review and determine the total bounty or grant to be 0.20 percent *ad valorem* for all firms during the period April 1, 1990 through March 31, 1991. In accordance with 19 CFR 355.7, any rate less than 0.50 percent *ad valorem* is *de minimis*.

EFFECTIVE DATE: August 20, 1992.

FOR FURTHER INFORMATION CONTACT: Gayle Longest or Kelly Parkhill, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–2786.

SUPPLEMENTARY INFORMATION:

Background

On June 19, 1992, the Department of Commerce (the Department) published in the **Federal Register** (57 FR 27435) the preliminary results of its administrative review of the countervailing duty order on lamb meat from New Zealand (50 FR 37708; September 17, 1985). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of Review

Imports covered by this review are shipments of lamb meat, other than prepared, preserved or processed, from New Zealand. This merchandise is currently classifiable under items 0204.10.0000, 0204.22.2000, 0204.23.2000, 0204.30.0000, 0204.42.2000 and 0204.43.2000 of the Harmonized Tariff Schedule (HTS). The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers the period April 1, 1990 through March 31, 1991 and two programs: (1) Export Market Development Taxation Incentive (EMDTI) and (2) Livestock Incentive Scheme (LIS).

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received no comments.

Final Results of Review

As a result of our review, we determine the total bounty or grant to be 0.20 percent *ad valorem* for all firms during the period April 1, 1990 through March 31, 1991. In accordance with 19 CFR 355.7, any rate less than 0.50 percent *ad valorem* is *de minimis*.

Therefore, the Department will instruct the Customs Service to liquidate, without regard to countervailing duties, all shipments of this merchandise exported on or after April 1, 1990 and on or before March 31, 1991.

The Department will instruct the Customs Service to collect cash deposits of estimated countervailing duties of zero percent of the f.o.b. invoice price on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. 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: August 13, 1992.

Alan M. Dunn,

Assistant Secretary, for Import Administration.

[FR Doc. 92–19940 Filed 8–19–92; 8:45 am]

BILLING CODE 3510–DS–M

Minority Business Development Agency

Business Development Center Applications: Orlando, FL

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: In accordance with Executive Order 11625, the U.S. Department of Commerce's Minority Business Development Agency (MBDA) is soliciting competitive applications under its Minority Business Development Center (MBDC) program to operate an MBDC for approximately a 3-year period, subject to Agency priorities, recipient performance, and the availability of funds. The cost of performance for the first budget period (12 months) is $169,125 in Federal funds and a minimum of $29,846 in non-Federal (cost-sharing) contributions. This federal amount includes $4,125 for an annual audit. Cost-sharing contributions may be in the form of cash contributions, client fees, in-kind contributions or combinations thereof. The period of performance will be from January 1, 1993 to December 31, 1993. The MBDC will operate in the Orlando, Florida geographic service area.

The award number for this MBDC will be 04–10–93002–01.

The funding instrument for MBDC will be a cooperative agreement. Competition is open to individuals, non-profit and for-profit organizations, State and local governments, American Indian tribes and educational institutions.

The MBDC program is designed to provide business development services to the minority business community for the establishment and operation of viable minority businesses. To this end, MBDA funds organizations that can identify and coordinate public and private sector resources on behalf of minority individuals and firms; offer a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority businesses.

Applications will be evaluated initially by regional staff on the following criteria: The experience and capabilities of the firm and its staff in addressing the needs of the business community in general and, specifically, the special needs of minority businesses, individuals and organizations (50 points); the resources available to the firm in providing business development services (10 points); the firm's approach (techniques and methodologies) to performing the work requirements included in the application (20 points); and the firm's estimated cost for providing such assistance (20 points). An application must receive at least 70% of the points assigned to any one evaluation criteria category to be considered programmatically acceptable and responsive. The selection of an application for further processing by MBDA will be made by the Director based on a determination of the application most likely to further the purpose of the MBDC program. The application will then be forwarded to the Department for final processing and approval, if appropriate. The Director will consider past performance of the applicant on previous Federal awards.

MBDCs shall be required to contribute at least 15% of the total project cost through non-Federal contributions. To assist them in this effort, MBDCs may charge client fees for management and technical assistance (M&TA) rendered. Based on a standard rate of $50 per hour, MBDCs will charge client fees at 20% of the total cost for firms with gross sales of $500,000 or less, and 35% of the total cost for firms with gross sales of over $500,000. False information on the application can be grounds for denying or terminating funding.

MBDCs performing satisfactorily may continue to operate after the initial

competitive year for up to 2 additional budget periods. MBDCs with year-to-date "commendable" and "excellent" performance ratings may continue to be funded for up to 3 or 4 additional budget periods, respectively. Under no circumstances shall an MBDC be funded for more than 5 consecutive budget periods without competition. Periodic reviews culminating in year-to-date quantitative and qualitative evaluations will be conducted to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's performance, the availability of funds and Agency priorities.

Awards under this program shall be subject to all Federal and Departmental regulations, policies, and procedures applicable to Federal assistance awards.

In accordance with OMB Circular A–129 "Managing Federal Credit Programs," applicants who have an outstanding account receivable with the Federal Government may not be considered for funding until these debts have been paid or arrangements, satisfactory to the Department of Commerce, are made to pay the debt.

Applicants are subject to Governmental Debarment and Suspension (Nonprocurement) requirements as stated in 15 CFR part 26.

The Departmental Grants Officer may terminate any grant/cooperative agreement in whole or in part at any time before the date of completion whenever it is determined that the MBDC has failed to comply with the conditions of the grant/cooperative agreement. Examples of some of the conditions which can cause termination are failure to meet cost-sharing requirements; unsatisfactory performance of MBDC work requirements; and reporting inaccurate or inflated claims of client assistance or client certification. Such inaccurate or inflated claims may be deemed illegal and punishable by law.

Notification must be provided that all non-profit and for-profit applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of or is presently facing, criminal charges such as fraud, theft, perjury, or other matters which significantly reflect on the applicant's management honesty or financial integrity.

On November 18, 1988, Congress enacted the Drug-Free Workplace Act of 1988 (Pub. L. 100–690, Title V, Subtitle D). The statute requires contractors and grantees of Federal agencies to certify that they will provide a drug-free workplace. Pursuant to these requirements, the applicable certification form must be completed by each applicant as a pre-condition for receiving Federal grant or cooperative agreement awards.

15 CFR, part 28, is applicable and prohibits recipients of Federal contracts, grants, and cooperative agreements from using appropriated funds for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a specific contract, grant or cooperative agreement. Form CD–511, "Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying" and, when applicable, the SF–LLL, "Disclosure of Lobbying Activities," are required.

CLOSING DATE: The closing date for submitting an application is September 22, 1992. Applications must be postmarked on or before September 22, 1992. Proposals will be reviewed by the Atlanta Regional Office. The mailing address for submission of RFA responses is: U.S. Department of Commerce, Atlanta Regional Office, Minority Business Development Agency, 401 West Peachtree Street NW., suite 1715, Atlanta, Georgia 30308–3516.

A pre-application conference to assist all interested applicants will be held on September 3, 1992, 9 a.m. at the following address: U.S. Department of Commerce, Minority Business Development Agency, 401 West Peachtree Street NW., room 1715, Atlanta, Georgia 30308.

SUPPLEMENTARY INFORMATION:

Anticipated processing time of this award is 120 days. Executive Order 12372, "Intergovernmental Review of Federal Programs," is not applicable to this program. To order a Request for Application (RFA) and to receive additional information, contact: Carlton L. Eccles, Regional Director of the Atlanta Regional Office on (404) 730–3300 or U.S. Department of Commerce, Minority Business Development Agency, 401 West Peachtree Street NW., room 1715, Atlanta, Georgia 30308.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance)

Dated: August 14, 1992.

Carlton L. Eccles,

Regional Director, Atlanta Regional Office.

[FR Doc. 92–19892 Filed 8–19–92; 8:45 am]

BILLING CODE 3510–21–M

National Oceanic and Atmospheric Administration

Coral and Coral Reef Resources of Puerto Rico and the U.S. Virgin Islands

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

ACTION: Notice of scoping meetings and notice of intent to prepare an environmental impact statement (EIS) and request for comments.

SUMMARY: NMFS announces its intention to prepare, in cooperation with the Caribbean Fishery Management Council (CFMC), an EIS to assess the potential effects of activities, that may impact coral and coral reef resources in waters around Puerto Rico and the U.S. Virgin Islands. The CFMC is considering developing a fishery management plan to protect corals and associated invertebrates from overexploitation and damage from pollution and physical abuse.

In addition, the CFMC announces a public process for determining the scope of issues to be addressed and for identifying the significant issues related to instituting management of coral and coral reef resources. The intent of this notice is to alert the interested public of scoping meetings, the beginning of a scoping process, and to provide an opportunity for public participation. This action is necessary to comply with Federal environmental documentation requirements.

DATES: Scoping comments are invited through September 30, 1992. The CFMC will accept testimony at the meeting that will be held September 23–25, 1992, in Christianstead, St. Croix, U.S. Virgin Islands, and the opportunity will also be provided for testimony at the following scheduled meetings:

Puerto Rico

August 17, 1992—7 p.m., El Arrecife Rest., G St., No. 4 Bo. Playa, Salinas, P.R.

August 18, 1992—7 p.m., Travelodge Hotel, Road 187, Isla Verde, San Juan, P.R.

August 19, 1992—7 p.m., El Mesón Criollo, Road 937, Las Croabas, Fajardo, P.R.

August 20, 1992—7 p.m., Acra de Oro Rest., Playa Húcares Naguabo, P.R.

August 24, 1992—7 p.m., Centro Comunal, La Parguera, Lajas, P.R.

August 25, 1992—10:30 a.m., Asociación Pescadores Villa del Ojo, Aguadilla, P.R.

U.S. Virgin Islands

September 1, 1992—7 p.m., Conference Room, Legislature Building, St. Thomas

September 2, 1992—7 p.m., Conference Room, Legislature Bldg., St. Croix

ADDRESSES: Scoping comments and requests for additional information on meeting times and locations should be addressed to Mr. Miguel Rolón, Executive Director, Caribbean Fishery Management Council, suite 1108, Banco de Ponce Building, Hato Rey, Puerto Rico 00918–2577; Phone (809) 766–5928.

FOR FURTHER INFORMATION CONTACT: Mr. Miguel Rolón (see **ADDRESSES**).

SUPPLEMENTARY INFORMATION:

Background

At a meeting on June 27–28, 1991, the CFMC agreed that a fishery management plan was needed to protect and conserve dwindling coral and coral reef resources. Information was presented to the CFMC at this meeting, as well as succeeding meetings, that indicated extensive damage to coral reefs from anchoring, diving activities, collecting of live rock, corals and associated invertebrates for the marine aquarium trade, from sedimentation from upland runoff, pollution from the discharge of sewage and petroleum products into coastal waters, and the use of chemicals and drugs to harvest reef-inhabiting organisms. Harvesting of coral and coral reef organisms has recently intensified as a result of increased restrictions in other countries, improved air transportation facilities for exporting the products, and increased demand for tropical aquarium species.

Actions and Possible Alternatives Under Consideration

The CFMC is considering the development of a management plan to regulate the uncontrolled harvest of corals, live rock, and associated invertebrates; to reduce the discharge of marine pollutants; and to prevent physical damage to coral and coral reef resources. Some of the major management options being considered would:

(1) Prohibit the harvest of sea fans/gorgonians, octocorals, and live rock;

(2) Reduce terrigenous sediment input from upland sources into coastal waters;

(3) Prohibit the harvest of and restore damaged stony corals;

(4) Eliminate the discharge of untreated sewage and petroleum products into coastal waters;

(5) Prohibit the use of chemicals and explosives to harvest corals and associated invertebrates;

(6) Limit harvest of marine aquarium invertebrates to hand-held dip nets and slurp guns;

(7) Reduce coral damage caused by anchoring;

(8) Require a permit to collect organisms in the coral management unit; and

(9) Require records and reports from collectors, dealers, and exporters.

Some of these proposed actions would require multi-agency cooperation.

Scoping Process

All persons that may be affected or that are otherwise interested in the proposed actions are invited to participate in determining the scope and significant issues to be analyzed in the EIS by submitting written comments (see **ADDRESSES**). Scoping consists of the range of actions, alternatives, and impacts to be considered in the EIS. Actions include those that may be closely related, cumulative, or similar. Alternatives include the "no-action" alternative and other reasonable courses of action. Impacts may be direct, indirect, or cumulative. The scoping process also will identify and eliminate from detailed study issues that are not significant or that have been covered in prior environmental review.

Timing of the Analysis and Tentative Decisionmaking Schedule

After receiving public comment at their September meeting, the CFMC is scheduled to identify alternatives for analysis and to develop a timetable for preparing the fishery management plan and EIS. The exact time schedule will depend on the range of the identified alternatives.

Dated: August 17, 1992.

Richard H. Schaefer,

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

[FR Doc. 92–19970 Filed 8–17–92; 8:45 am]

BILLING CODE 3510–22–M

Marine Mammals; Permits

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

ACTION: Issuance of Permit; NMFS, Southwest Fisheries Science Center (P772#61).

On June 11, 1992, notice was published in the **Federal Register** (57 FR 24779) that an application had been filed by the Southwest Fisheries Science Center, National Marine Fisheries Service, P.O. Box 271, La Jolla, California 92038–0271 for a permit to import skin samples taken from ten Amazon River dolphins, *Inia geoffrensis*, in Venezuela for purposes of scientific research. These samples will be used in genetic analyses with the objective of obtaining information on the genetic variability in natural *Inia* populations in the Orinoco River and its tributaries.

Notice is hereby given that on August 11, 1992, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and NMFS regulations at 50 CFR part 216, the National Marine Fisheries Service issued a permit for the above importation subject to certain conditions set forth therein.

Issuance of this permit is based on a finding that the proposed importation is consistent with the purposes and policy of the Marine Mammal Protection Act. The Service has determined that this research satisfies the issuance criteria for scientific research permits. The importation is required to further a *bona fide* scientific purpose and does not involve unnecessary duplication of research. No lethal taking is authorized.

The Permit, application and supplementary materials are available for review in the following offices by appointment:

Office of Protected Resources, National Marine Fisheries Service, 1335 East West Highway, room 7324, Silver Spring, MD 20910, (301/713–2289); and

Director, Southwest Region, National Marine Fisheries Service, 501 West Ocean Boulevard, suite 4200, Long Beach, CA 90802, (310/980–4016).

Dated: August 11, 1992.

Charles Karnella,

Deputy Director, Office of Protected Resources.

[FR Doc. 92–19867 Filed 8–19–92; 8:45 am]

BILLING CODE 3510–22–M

National Technical Information Service

Government-Owned Inventions; Notice of Availability for Licensing

The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

Licensing information may be obtained by writing to: National Technical Information Service, Center

for Utilization of Federal Technology—Patent Licensing, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151 or by telephoning (703) 487–4732. All patent applications may be purchased, specifying the serial number listed below, by writing NTIS, 5285 Port Royal Road, Springfield, Virginia 22161 or by telephoning the NTIS Sales Desk at (703) 487–4650. Issued patents may be obtained from the Commissioner of Patents, U.S. Patent and Trademark Office, Washington, DC 20231.

Please cite the number and title of inventions of interest.

Douglas J. Campion,

Acting Director, Office of Federal Patent Licensing.

Department of Health and Human Services

7–315,911—(U.S. 5,124,351) Method for the Treatment of Cancer by Use of the Cooper Complex of S-(Methylthio)-DL-Homocysteine.

7–373,863—(U.S. 5,116,867) D-Propranolol as a Selective Adenosine Antagonist.

7–398,564—(U.S. 5,123,378) Grooming and/or Foraging Apparatus for Reduction of Stress in Caged Animals.

7–435,022—rRNA Specific Oligonucleotides.

7–585,792—(U.S. 5,120,720) Preparation of Lipophile: Hydroxypropylcyclodextrin Complexes By a Methods Using Co-Solubilizers.

7–749,240—(U.S. 5,117,854) Stopcock Holder.

Department of Interior

7–555,211—(U.S. 5,119,877) Explosion Suppression System.

7–637,580—(U.S. 5,121,829) Method and Apparatus for Reducing Cleaning Blade Wear.

7–645,430—(U.S. 5,121,365) Cutting Sound Enhancement System for Mining Machines.

7–657,627—(U.S. 5,121,344) Method of Locating Underground Mine Fires.

7–685,115—(U.S. 5,123,710) Impact Assisted Segmented Cutterhead.

Department of Agriculture

7–308,219—(U.S. 5,122,471) Cloned Genes Coding for Avian Coccidiosis Antigens Which Induce a Cell-Mediated Immune Response and Method of Producing the Same.

7–519,197—(U.S. 5,122,188) Vegetable Oil-Based Printing Ink.

7–670,602—Diagnostic Assay for Bacteria Based on Fragment Amplification Using Insertion Sequence Location.

7–843,333—Starch and Poly (Ethylene-Co-Acrylic Acid) Pastes and Gels, and Method for Their Making.

7–877,507—A Biological Pesticide Derived from Nicotiana Plants.

[FR Doc. 92–19856 Filed 8–19–92; 8:45 am]

BILLING CODE 3510–04–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in the Philippines

August 14, 1992.

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

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

EFFECTIVE DATE: August 21, 1992.

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) 927–6713. 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 for 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 56 FR 60101, published on November 27, 1991). Also see 57 FR 2712, published on January 23, 1992.

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

August 14, 1992.

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 January 14, 1992, 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 the Philippines and exported during the twelve-month period which began on January 1, 1992 and extends through December 31, 1992.

Effective on August 21, 1992, you are directed to amend further the directive dated January 14, 1992, 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 the Philippines:

Category	Adjusted twelve-month limit [1]
Levels in Group I	
237	1,181,252 dozen.
338/339	1,516,210 dozen.
340/640	784,459 dozen of which not more than 431,452 dozen shall be in Categories 340–Y/640–Y [2].
341/641	694,261 dozen.
347/348	1,378,373 dozen.
638/639	1,557,561 dozen.
645/646	555,083 dozen.
647/648	831,698 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1991.

[2] Category 340–Y: only HTS numbers 6205.20.2015, 6205.20.2020, 6205.20.2046, 6205.20.2050 and 6205.20.2060; Category 640–Y: only HTS numbers 6205.30.2010, 6205.30.2020, 6205.30.2050 and 6205.30.2060.

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. 92–19854 Filed 8–19–92; 8:45 am]

BILLING CODE 3510–DR–F

COMMODITY FUTURES TRADING COMMISSION

Chicago Mercantile Exchange Proposed Futures and Options Contracts

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures and option contracts.

SUMMARY: The Chicago Mercantile Exchange (CME) has applied for designation as a contract market in CME Russell 2000 Stock Price Index futures

and options on that futures contract. The Director of the Division of Economic Analysis (Division) of the Commission, acting pursuant to the authority delegated by Commission Regulation 140.96, has determined that publication of the proposal for comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATES: Comments must be received on or before September 21, 1992.

ADDRESSES: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581. Reference should be made to the CME Russell 2000 Stock Price Index futures and option contracts.

FOR FURTHER INFORMATION CONTACT: Please contact Steve Sherrod of the Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581, telephone 202–254–7303.

SUPPLEMENTARY INFORMATION: Copies of the terms and conditions of the proposed contracts will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K street, NW., Washington, DC 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254–6314.

Other materials submitted by the CME in support of the applications for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR part 145 (1987)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Act Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views, or arguments on the terms and conditions of the proposed contracts, or with respect to other materials submitted by the CME in support of the applications, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581 by the specified date.

Issued in Washington, DC, on August 14, 1992.

Gerald D. Gay,

Director.

[FR Doc. 92–19919 Filed 8–19–92; 8:45 am]

BILLING CODE 6351–01–M

CONSUMER PRODUCT SAFETY COMMISSION

Request for Extension of Approval of Information Collection Requirements—Procedures for Export of Noncomplying Products

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In accordance with provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), the Consumer Product Safety Commission has submitted to the Office of Management and Budget a request for extension of approval through August 31, 1995, of information collection requirements in regulations codified at 16 CFR part 1019, which establish procedures for export of noncomplying products. These regulations implement provisions of the Consumer Product Safety Act, the Federal Hazardous Substances Act, and the Flammable Fabrics Act which require persons and firms to notify the Commission before exporting any product which fails to comply with an applicable standard or regulation enforced under provisions of those laws. The Commission is required by law to transmit the information relating to the proposed exportation to the government of the country of intended destination.

Additional Details About the Request for Extension of Approval of Information Collection Requirements

Agency address: Consumer Product Safety Commission, Washington, DC 20207

Title of information collection: Procedures for export of noncomplying products.

Type of request: Extension of approval.

Frequency of collection: Varies depending upon volume of noncomplying goods exported.

General description of respondents: Exporters of products which fail to comply with standards or regulations enforced under provisions of the Consumer Product Safety Act, the Federal Hazardous Substances Act, or the Flammable Fabrics Act.

Estimated number of respondents: 150.

Estimated average number of responses per respondent: 1.33 per year.

Estimated number of responses for all respondents: 200 per year.

Estimated number of hours per response: 1.

Estimated number of hours for all respondents: 200 per year.

Comments: Comments on this request for extension of approval of information collection requirements should be addressed to Shawn Canter, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503; telephone: (202) 395–7340. Copies of the request for extension of information collection requirements are available from Francine Shacter, Office of Planning and Evaluation, Consumer Product Safety Commission, Washington, DC 20207; telephone: (301) 504–0416.

This is not a proposal to which 44 U.S.C. 3504(h) is applicable.

Dated: August 17, 1992.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 92–19936 Filed 8–19–92; 8:45 am]

BILLING CODE 6355–01–M

[CPSC Docket No. 92–C0004]

Figgie International, Inc., a Corporation; Provisional Acceptance of a Settlement Agreement and Order

AGENCY: Consumer Product Safety Commission.

ACTION: Provisional acceptance of a settlement agreement under the Consumer Product Safety Act.

SUMMARY: It is the policy of the Commission to publish settlements which it provisionally accepts under the Consumer Product Safety Act in the **Federal Register** in accordance with the terms of 16 CFR 1118.20(e). Published below is a provisionally-accepted Settlement Agreement with Figgie International, Inc., a corporation.

DATES: Any interested person may ask the Commission not to accept this agreement or otherwise comment on its contents by filing a written request with the Office of the Secretary by September 4, 1992.

ADDRESSES: Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 92–C0002, Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207.

FOR FURTHER INFORMATION CONTACT: Eric Stone, Trial Attorney, Office of

Compliance and Enforcement, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504–0626.

SUPPLEMENTARY INFORMATION: (attached)

Dated: August 14, 1992.

Sheldon D. Butts,

Deputy Secretary.

Settlement Agreement and Order

1. Figgie International, Inc., a corporation (hereinafter "Figgie" or "Respondent"), enters into this Settlement Agreement and Order (hereinafter "Agreement") with the staff of the Consumer Product Safety Commission (hereinafter "staff") and agrees to the entry of the Order described herein. The purpose of this Agreement and Order is to settle the staff's allegations that Figgie violated the reporting requirements of section 15(b) of the Consumer Product Safety Act, as amended (hereinafter (CPSA"), 15 U.S.C. 2064(b).

I. The Parties

2. The "staff" is the staff of the Consumer Product Safety Commission, an independent regulatory commission of the United States of America (hereinafter, "Commission") established by Congress pursuant to section 4 of the Consumer Product Safety Act, 15 U.S.C. 2053.

3. Respondent Figgie is a corporation organized and existing under the laws of the State of Delaware, with its principal corporate offices located at 4420 Sherwin Rd., Willoughby, Ohio 44094.

4. Figgie's Badger-Powhatan Division, located in Charlottesville, Virginia, manufactured certain model P–250 MA and P–275 RA "American La France" fire extinguishers, for sale to, or use by, consumers in or around a permanent or temporary household or residence. These fire extinguishers are "consumer products" within the meaning of section 3(a)(1) of the CPSA, 15 U.S.C. 2052(a)(1).

5. Figgie manufactured these fire extinguishers and sold them throughout the United States. Figgie, is, therefore, a "manufacturer" of a "consumer product" for "distribution in commerce," as those terms are defined in sections 3(a)(1), and (4) and (11) of the CPSA, 15 U.S.C. 2052(a)(1), (4) and (11).

II. The Product

6. Between May 1985 and December 1985, Figgie manufactured and distributed in commerce approximately 84,000 model P–250 MA and P–275 RA fire extinguishers with metal cylinders and plastic valve assemblies that are the subject of this Agreement.

III. Staff Allegations

7. Prior to July 1990, Figgie obtained at least 72 complaints from retailers, consumers and fire safety officials alleging that the valve assemblies had blown off the top of the metal cylinders in model P–250 MA or P–275 RA fire extinguishers. Some of these valve assemblies allegedly had blown off with sufficient force to go through drywall or cause other significant property damage. Three of these complaints alleged that injuries had occurred.

8. By May 1990, officials at Respondent's Badger-Powhatan division were aware of the complaints described in paragraph 7 and had determined that 1985 production was affected. The firm did not notify the Commission of these facts.

9. On July 10, 1990, the Commission staff inspected Badger-Powhatan to investigate complaints of failures. The staff collected evidence including copies of failure reports, engineering records, and internal memoranda of Badger-Powhatan. Prior to the inspection of July 10, 1990, Figgie did not notify the Commission about any defect in these fire extinguishers.

10. No later than May 1990, Respondent had obtained information which the Commission staff determined reasonably supported the conclusion that the fire extinguishers described in paragraph 6 contained a defect which could create a substantial product hazard but failed to notify the Commission in accordance with section 15(b) of the CPSA, 15 U.S.C. 2064(b).

V. Agreement of the Parties

11. The Consumer Product Safety Commission has jurisdiction over Figgie and the subject matter of this Settlement Agreement and Order pursuant to 15 U.S.C. 2064(b), 2068, and 2069.

12. Figgie agrees to settle the Commission's claim in accordance with the attached Order, by paying a civil penalty in the amount of $175,000. Payment shall be made in five installments at a rate of interest of 8% per year. Respondent shall make the first payment of $36,167 within 10 days of service of the Final Order in this matter upon Respondent. The second through fifth payments of $37,800, $37,100, $36,400, and $35,700 respectively, shall be made within 100, 190, 280, and 370 days respectively after service of the Order. If all payments are made in a timely manner, the total amount due shall be $183,167. If any payment is not made in a timely manner, Respondent shall pay a late payment penalty of $200 per day for each day that the payment is delayed.

13. This Settlement Agreement constitutes a settlement of any violations of the reporting requirements of section 15(b) of the CPSA, 15 U.S.C. 2064(b) that may be alleged on the basis of the information that the Commission staff currently possesses concerning the subject fire extinguishers.

14. Upon final acceptance of this Settlement Agreement by the Commission, Figgie knowingly, voluntarily and completely, waives any rights it may have in this matter (1) to an administrative or judicial hearing, (2) to judicial review or other challenge or contest of the validity of the Commission's actions, (3) to a determination by the Commission whether a violation has occurred, and (4) to a statement of findings of fact and conclusions of law. By making this waiver, Figgie does not concede that its fire extinguishers contain a defect which creates or could create a substantial product hazard within the meaning of section (15(a) of the CPSA, 15 U.S.C. 2064(a).

15. The Commission may publicize the terms of the Settlement Agreement and Order.

16. The Commission does not make any determination that these fire extinguishers contain a defect which could create a substantial product hazard. This Agreement shall not constitute evidence or an admission with respect to any allegation of the staff, or of any wrongdoing, misconduct, or violation of any statute or rule on the part of Figgie. The Commission and Figgie agree that this Agreement is entered into for the purposes of settlement only.

17. Upon provisional acceptance of this Settlement Agreement and Order by the Commission, this Settlement Agreement and Order shall be placed on the public record and the provisional acceptance of the Agreement shall be announced in the **Federal Register** in accordance with the procedure set forth in 16 CFR 1118.20(e). If the Commission receives no written requests not to accept the Agreement within 15 days after publication in the **Federal Register**, the Settlement Agreement and Order will be deemed finally accepted on the 16th day after the date it is published in the **Federal Register**, in accordance with 16 CFR 1118.20(f).

18. The parties further agree that the incorporated Order be issued under the CPSA, 15 U.S.C. 2051 *et seq.*, and that a violation of the Order will be subject Figgie to appropriate legal action.

19. The provisions of the Settlement Agreement and Order shall apply to Figgie and to each of its successors and assigns.

20. No agreement, understanding, representation, or interpretation not contained in this Settlement Agreement and Order may be used to vary or to contradict its terms.

21. Nothing in this Agreement should be construed as limiting Figgie's obligation to report pursuant to section 15(b) of the CPSA.

By agreement of the parties.

L.A. Harthum,

Figgie International, Inc.

Consumer Product Safety Commission Staff

Dated: July 13, 1992.

Eric L. Stone,

Trial Attorney, Division of Administrative Litigation, Office of Compliance and Enforcement.

Alan H. Schoem,

Director, Division of Administrative Litigation, Office of Compliance and Enforcement.

David Schmeltzer,

Assistant Executive Director, Office of Compliance and Enforcement.

Order

Upon consideration of the Settlement Agreement of the parties, it is hereby

Ordered, That Figgie pay a civil penalty in the amount of $175,000. Payment shall be made in five installments at a rate of interest of 8% per year. Respondent shall make the first payment of $36,167 within 10 days of service of the Final Order in this matter upon Respondent. The second through fifth payments of $37,800, $37,100, $36,400 and $35,700 respectively, shall be made within 100, 190, 280, and 370 days respectively after service of the Order. If all payments are made in a timely manner, the total amount due shall be $183,167. If any payment is not made in a timely manner, Respondent shall pay a late payment penalty of $200 per day for each day that the payment is delayed.

Provisionally accepted on the 13th day of August, 1992.

By Order of the Commission.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 92–19937 Filed 8–19–92; 8:45 am]

BILLING CODE 6355–01–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Privacy Act of 1974; Amend Systems of Records

AGENCY: Department of the Air Force, (DoD).

ACTION: Amend systems of records.

SUMMARY: The Department of the Air Force proposes to amend eight existing systems of records in its inventory of record systems subject to the Privacy Act of 1974, as amended, (5 U.S.C. 552a).

DATES: The amended systems will be effective September 21, 1992, unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to Ms. Anne Turner, Air Force Access Programs Manager, SAF/AAIA, The Pentagon, Washington, DC 20330–1000.

FOR FURTHER INFORMATION CONTACT: Mr. James H. Gibson at (703) 697–3491 or DSN: 227–3491.

SUPPLEMENTARY INFORMATION: The Department of the Air Force record systems notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** as follows:

50 FR 22332, May 29, 1985 (DoD Compilation, changes follow)
50 FR 24672, June 12, 1985
50 FR 25737, June 21, 1985
50 FR 46477, November 8, 1985
50 FR 50337, December 10, 1985
51 FR 4531, February 5, 1986
51 FR 7317, March 5, 1986
51 FR 16735, May 6, 1986
51 FR 18927, May 23, 1986
51 FR 41382, November 14, 1986
51 FR 44332, December 9, 1986
52 FR 11845, April 13, 1987
53 FR 24354, June 28, 1988
53 FR 45800, November 14, 1988
53 FR 50072, December 13, 1988
53 FR 51301, December 21, 1988
54 FR 10034, March 9, 1989
54 FR 43450, October 25, 1989
54 FR 47550, November 15, 1989
55 FR 21770, May 29, 1990
55 FR 21900, May 30, 1990 (Updated Mailing Addresses)
55 FR 27868, July 6, 1990
55 FR 28427, July 11, 1990
55 FR 34310, August 22, 1990
55 FR 38126, September 17, 1990
55 FR 42625, October 22, 1990
55 FR 52072, December 19, 1990
56 FR 1990, January 18, 1991
56 FR 5804, February 13, 1991
56 FR 12713, March 27, 1991
56 FR 23054, May 20, 1991
56 FR 23876, May 24, 1991
56 FR 26800, June 11, 1991
56 FR 31394, July 10, 1991 (Updated Index Guide)
56 FR 32181, July 15, 1991
56 FR 63718, December 5, 1991
57 FR 1907, January 16, 1992
57 FR 24600, June 10, 1992
57 FR 27742, June 22, 1992
57 FR 30473, July 9, 1992
57 FR 30474, July 9, 1992
57 FR 30961, July 13, 1992
57 FR 33174, July 27, 1992

The amended systems are not within the purview of subsection (r) of the Privacy Act, as amended, (5 U.S.C. 552a) which requires the submission of an altered system report. The specific changes to the systems of records being amended are set forth below, followed by the systems of records notices published in their entirety.

Dated: August 14, 1992.

L. M. Bynum,

Alternate OSD Federal Register Liaison Office, Department of Defense.

F030 AF MP D

SYSTEM NAME:

Contingency Operations System, (COMPES) (50 FR 22360, May 29, 1985).

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with "Headquarters of major commands and headquarters of unified commands for which Air Force is Executive Agent. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices."

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with "10 U.S.C. 8032, General duties; implemented by Air Force Manual (AFM) 28–626, Functional User Support Manual for the Contingency Operation/ Mobility Planning and Execution System (COMPES) MAJCOM Level Manpower/ Personnel (MANPER) Module, Users Manual; AFM 28–740, Vol 6, Contingency Operations/Mobility Planning and Execution System (COMPES) Operation Planning Module, Users Manual; AFM 28–740, Vol 3, Contingency Operations/Mobility Planning and Execution System (COMPES) Logistics Module -- Major Command (LOGMOD-M) Logistics Force packaging (LOGFOR) Sub-System: A200/ZG, Users Manual; and AFM 28–740, Vol 4, Contingency Operations/ Mobility Planning and Execution System (COMPES) Logistics Module -- Logistics Planning (LOGPLAN) Sub-System: A200/ZR, Users Manual.

* * * * *

SAFEGUARDS:

Delete entry and replace with "Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Those in computer storage devices are protected by computer system software."

RETENTION AND DISPOSAL:

Add to end of entry "Computer output records are destroyed by tearing into pieces, shredding, pulping, macerating or burning. Overwriting."

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with "Deputy Chief of Staff for Personnel, Headquarters United States Air Force, Washington, DC 20330–5060. Director of Personnel Data Systems and Assistant Deputy Chief of Staff for Personnel, Headquarters Air Force Military Personnel Center, Randolph Air Force Base, TX, 78150–6001, or Director of Personnel Data Systems at each major command headquarters and headquarters of unified commands for which Air Force is Executive Agent. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices."

NOTIFICATION PROCEDURE:

Delete entry and replace with "Individuals seeking to determine whether this system of records contains information on themselves should address inquiries to the Deputy Chief of Staff for Personnel, Headquarters United States Air Force, Washington, DC 20330–5060. Director of Personnel Data Systems and Assistant Deputy Chief of Staff for Personnel, Headquarters Air Force Military Personnel Center, Randolph Air Force Base, TX, 78150–6001, or Director of Personnel Data Systems at each major command headquarters and headquarters of unified commands for which Air Force is Executive Agent. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices."

RECORD ACCESS PROCEDURES:

Delete entry and replace with "Individuals seeking to access records about themselves contained in this system should address requests to the Deputy Chief of Staff for Personnel, Headquarters United States Air Force, Washington, DC 20330–5060. Director of Personnel Data Systems and Assistant Deputy Chief of Staff for Personnel, Headquarters Air Force Military Personnel Center, Randolph Air Force Base, TX, 78150–6001, or Director of Personnel Data Systems at each major command headquarters and headquarters of unified commands for which Air Force is Executive Agent. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices."

CONTESTING RECORD PROCEDURES:

Delete entry and replace with "The Department of the Air Force rules for access to records and for contesting and appealing initial agency determinations by the individual concerned are published in Air Force Regulation 12–35, Air Force Privacy Act Program; 32 CFR part 806b; or may be obtained from the system manager."

* * * * *

F030 AF MP D

SYSTEM NAME:

Contingency Operations System (COMPES).

SYSTEM LOCATION:

Headquarters of major commands and headquarters of unified commands for which Air Force is Executive Agent. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained on officer and enlisted personnel that are projected or departed on Temporary Duty (TDY) in support of contingency deployment or manning assistance projects.

CATEGORIES OF RECORDS IN THE SYSTEM:

Data maintained by individual Plan Identification (PID) consisting of data elements required to properly select and deploy members: Includes Plan Identification (PID); Force Requirement Line number (FRNLN); Air Force Specialty Code (AFSC); Required In-Place Date; Number of Days; Attached Consolidated Base Personnel Office; Duty Location Code (DLOC). Information is related to a specific PID that could be implemented in time of war, current on-going contingencies, or yearly exercises. When plans are implemented, the Personnel Data System (PDS) is updated and a TDY mini-record is generated and transmitted via AUTODIN. The system update is applied against the file at base level.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8032, General duties; implemented by Air Force Manual (AFM) 28–626, Functional User Support Manual for the Contingency Operation/Mobility Planning and Execution System (COMPES) MAJCOM Level Manpower/Personnel (MANPER) Module, Users Manual; AFM 28–740, Vol 6, Contingency Operations/Mobility Planning and Execution System (COMPES) Operation Planning Module, Users Manual; AFM 28–740, Vol 3, Contingency Operations/Mobility Planning and Execution System (COMPES) Logistics Module -- Major Command (LOGMOD-M) Logistics Force packaging (LOGFOR) Sub-System: A200/ZG, Users Manual; and AFM 28–740, Vol 4, Contingency Operations/Mobility Planning and Execution System (COMPES) Logistics Module -- Logistics Planning (LOGPLAN) Sub-System: A200/ZR, Users Manual.

PURPOSE(S):

COMPES records provide information regarding manpower requirements necessary to deploy personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The Department of the Air Force "Blanket Routine Uses" published at the beginning of the agency's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in computers and on computer output products.

RETRIEVABILITY:

Individual data records are not accessed nor displayed reflecting name or Social Security Number by standard CPSC programs. Retrieval programs available to major command personnel managers may be used to access individual data.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Those in computer storage devices are protected by computer system software.

RETENTION AND DISPOSAL:

Records pertaining to a wartime plan are maintained until an updated plan is received. Records are maintained only for the duration of the TDY period then are programmatically deleted by computer. Computer output records are destroyed by tearing into pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Personnel, Headquarters United States Air Force, Washington, DC 20330–5060. Director of Personnel Data Systems and Assistant Deputy Chief of Staff for Personnel, Headquarters Air Force Military Personnel Center, Randolph Air Force Base, TX, 78150–6001, or Director of Personnel Data Systems at each major command headquarters and headquarters of unified commands for which Air Force is Executive Agent. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address inquiries to the Deputy Chief of Staff for Personnel, Headquarters United States Air Force, Washington, DC 20330–5060. Director of Personnel Data Systems and Assistant Deputy Chief of Staff for Personnel, Headquarters Air Force Military Personnel Center, Randolph Air Force Base, TX, 78150–6001, and Director of Personnel Data Systems at each major command headquarters or headquarters of unified commands for which Air Force is Executive Agent. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Deputy Chief of Staff for Personnel, Headquarters United States Air Force, Washington, DC 20330–5060. Director of Personnel Data Systems and Assistant Deputy Chief of Staff for Personnel, Headquarters Air Force Military Personnel Center, Randolph Air Force Base, TX, 78150–6001, or Director of Personnel Data Systems at each major command headquarters and headquarters of unified commands for which Air Force is Executive Agent. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CONTESTING RECORD PROCEDURES:

The Department of the Air Force rules for access to records and for contesting contents and appealing initial agency determinations by the individual concerned are published in Air Force Regulation 12–35, Air Force Privacy Act Program; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from automated system interfaces.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F035 AF DP A

SYSTEM NAME:

Family Support Center Case Files, (53 FR 45804, November 14, 1988).

CHANGES:

SYSTEM NAME:

Change system name to "Family Support Center (FSC) Accountability and Data Collection System."

SYSTEM LOCATION:

Delete entry and replace with "At servicing Family Support Centers on Air Force installations. Portions of the system will be maintained at Headquarters, United States Air Force/DPPH and by Family Program Managers at headquarters of major commands. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with "Active duty Air Force personnel and family members; DOD civilian employees and their family members in overseas areas or when authorized by local commander, and Air National Guard and Reserve Forces and their family members when on active duty."

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with "Intake data on client contact and time expended; client interview and assessment, referrals to other agencies, and compiled data on these two categories."

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with "10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; as implemented by Air Force Regulation 30–7, Family Support Center (FSC) Program; and Executive Order 9397."

PURPOSE(S):

Delete entry and replace with "To compile information on client's visits to enable the Center to refer clients to the appropriate support activity, i.e., Mental Health Clinic, Chaplain, Air Force Aid, etc. Information is compiled for statistical reporting to base, major commands, Headquarters United States Air Force, Department of Defense, and Congress. Reports and for program planning and evaluation."

* * * * *

RETRIEVABILITY:

Delete entry and replace with "Individual files are retrieved by name or Social Security Number. Mass retrieval may be made by grade, type service received, a specific time period, etc."

SAFEGUARDS:

Add to end of entry "Those in computer storage devices are protected by computer system software."

RETENTION AND DISPOSAL:

Delete entry and replace with "Records are destroyed 1 year from date of last visit to FSC, unless needed as background for case files supporting a separation or other action in which case disposition will be the same as the file which they support. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning. Computer records are destroyed by erasing, deleting or overwriting."

SYSTEM MANAGER(S) AND ADDRESS:

Add to end of entry "Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices."

NOTIFICATION PROCEDURE:

Delete entry and replace with "Individuals seeking to determine whether this system of records contains information on themselves should address inquiries to the Chief Air Force Family Matters Branch, Human Resources Development Division, Directorate of Personnel Plans, HQ USAF; Directorate of Personnel Programs at major command headquarters; or Director, Family Support Center at Air Force installations. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

Proof of identity such as an Armed Forces Identification Card will be required for personal visits."

RECORD ACCESS PROCEDURES:

Delete entry and replace with "Individuals seeking to access records about themselves contained in this system should address requests to the Chief Air Force Family Matters Branch, Human Resources Development Division, Directorate of Personnel Plans, HQ USAF; Directorate of Personnel Programs at major command headquarters; or Director, Family Support Center at Air Force installations. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

Proof of identity such as an Armed Forces Identification Card will be required for personal visits."

* * * * *

F035 AF DP A

SYSTEM NAME:

Family Support Center (FSC) Accountability and Data Collection System.

SYSTEM LOCATION:

At servicing Family Support Centers on Air Force installations. Portions of the system will be maintained at Headquarters, United States Air Force/DPPH and by Family Program Managers at headquarters of major commands. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty Air Force personnel and family members; DOD civilian employees and their family members in overseas areas or when authorized by local commander, and Air National Guard and Reserve Forces and their family members when on active duty.

CATEGORIES OF RECORDS IN THE SYSTEM:

Intake data on client contact and time expended; client interview and assessment, referrals to other agencies, and compiled data on these two categories.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; as implemented by Air Force Regulation 30–7, Family Support Center (FSC) Program; and Executive Order 9397.

PURPOSE(S):

To compile information on client's visits to enable the Center to refer clients to the appropriate support activity, i.e., Mental Health Clinic, Chaplain, Air Force Aid, etc. Information is compiled for statistical reporting to base, major commands, Headquarters United States Air Force, Department of Defense, and Congress. Reports and for program planning and evaluation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The Department of the Air Force "Blanket Routine Uses" published at the beginning of the agency's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in paper form, in computers and on computer output products.

RETRIEVABILITY:

Individual files are retrieved by name or Social Security Number. Mass retrieval may be made by grade, type service received, a specific time period, etc.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Those in computer storage devices are protected by computer system software.

RETENTION AND DISPOSAL:

Records are destroyed 1 year from date of last visit to FSC, unless needed as background for case files supporting a separation or other action in which case disposition will be the same as the file which they support. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning. Computer records are destroyed by erasing, deleting or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Air Force Family Matters Branch, Human Resources Development Division, Directorate of Personnel Plans, HQ USAF; Directorate of Personnel Programs at major command headquarters; and Director, Family Support Center at Air Force installations. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address inquiries to the Chief Air Force Family Matters Branch, Human Resources Development Division, Directorate of Personnel Plans, HQ USAF; Directorate of Personnel Programs at major command headquarters; or Director, Family Support Center at Air Force installations. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

Proof of identity such as an Armed Forces Identification Card will be required for personal visits.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Chief Air Force Family Matters Branch, Human Resources Development Division, Directorate of Personnel Plans, HQ USAF; Directorate of Personnel Programs at major command headquarters; or Director, Family Support Center at Air Force installations. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

Proof of identity such as an Armed Forces Identification Card will be required for personal visits.

CONTESTING RECORD PROCEDURES:

The Department of the Air Force rules for access to records and for contesting contents and appealing initial agency determinations by the individual concerned are published in Air Force Regulation 12–35, Air Force Privacy Act Program; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from individual, medical institutions, and personnel records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F050 MAC B

SYSTEM NAME:

Training Progress (Permanent Student Record), (50 FR 22455, May 29, 1985).

CHANGES:

SYSTEM IDENTIFICATION NUMBER:

Change system identification number to "F050 AMC B"

SYSTEM LOCATION:

Delete entry and replace with "1380th School Squadron, Air Mobility Command Noncommissioned Officer Academy-West, Norton Air Force Base, CA 92409–5446 and 1381st School Squadron, Air Mobility Command Noncommissioned Officer Academy-East, McGuire Air Force Base, NJ 08641–5000."

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Change "10 USC 8012" to "10 U.S.C. 8013."

* * * * *

SAFEGUARDS:

Delete entry and replace with "Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets."

* * * * *

NOTIFICATION PROCEDURE:

Delete entry and replace with "Individuals seeking to determine whether this system of records contains information on themselves should address inquiries to the 1380th School Squadron, Air Mobility Command Noncommissioned Officer Academy-West, Norton Air Force Base, CA 92409–5446 or 1381st School Squadron, Air Mobility Command Noncommissioned Officer Academy-East, McGuire Air Force Base, NJ 08641–5000."

RECORD ACCESS PROCEDURES:

Delete entry or replace with "Individuals seeking to access records about themselves contained in this system should address requests to the 1380th School Squadron, Air Mobility Command Noncommissioned Officer Academy-West, Norton Air Force Base, CA 92409–5446 and 1381st School Squadron, Air Mobility Command Noncommissioned Officer Academy-East, McGuire Air Force Base, NJ 08641–5000."

CONTESTING RECORD PROCEDURES:

Delete entry and replace with "The Department of the Air Force rules for access to records and for contesting contents and appealing initial agency determinations by the individual concerned are published in Air Force Regulation 12–35, Air Force Privacy Act Program; 32 CFR part 806b; or may be obtained from the system manager."

* * * * *

F050 AMC B

SYSTEM NAME:

Training Progress (Permanent Student Record).

SYSTEM LOCATION:

1380th School Squadron, Air Mobility Command Noncommissioned Officer Academy-West, Norton Air Force Base, CA 92409–5446 and 1381st School Squadron, Air Mobility Command Noncommissioned Officer Academy-East, McGuire Air Force Base, NJ 08641–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Enlisted personnel who are graduates of the Academy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, grade, Social Security Number, duty title, security clearance, marital status, organization assigned, education level, photograph, date of birth, Airman Qualification Examination, evaluation of academic progress.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

To record student achievement.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The Department of the Air Force "Blanket Routine Uses" published at the beginning of the agency's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in card files.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets.

RETENTION AND DISPOSAL:

Destroy ten years after individual completes or discontinues a training course by tearing into pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

1380th School Squadron, Air Mobility Command Noncommissioned Officer Academy-West, Norton Air Force Base, CA 92409–5446 and 1381st School Squadron, Air Mobility Command Noncommissioned Officer Academy-East, McGuire Air Force Base, NJ 08641–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address inquiries to the 1380th School Squadron, Air Mobility Command Noncommissioned Officer Academy-West, Norton Air Force Base, CA 92409–5446 or 1381st School Squadron, Air Mobility Command Noncommissioned Officer Academy-East, McGuire Air Force Base, NJ 08641–5000.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the 1380th School Squadron, Air Mobility Command Noncommissioned Officer Academy-West, Norton Air Force Base, CA 92409–5446 or 1381st School Squadron, Air Mobility Command Noncommissioned Officer Academy-East, McGuire Air Force Base, NJ 08641–5000.

CONTESTING RECORD PROCEDURES:

The Department of the Air Force rules for access to records and for contesting contents and appealing initial agency determinations by the individual concerned are published in Air Force Regulation 12–35, Air Force Privacy Act Program; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From Consolidated Base Personnel Offices and from evaluation of student progress.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F050 MAC C

SYSTEM NAME:

Training Systems Research and Development Materials, (50 FR 22455, May 29, 1985).

CHANGES:

SYSTEM IDENTIFICATION NUMBER:

Change system identification number to "F050 AMC C"

SYSTEM LOCATION:

Delete entry and replace with "1550th Combat Crew Training Wing, Deputy

Commander for Operations, Director of Training, Kirtland Air Force Base, NM 87117–5000."

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AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Add to end of entry "and Executive Order 9397."

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Delete entry and replace with "The Department of the Air Force "Blanket Routine Uses" published at the beginning of the agency's compilation of record system notices apply to this system."

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with "Chief, Evaluation and Analysis, 1550th Combat Crew Training Wing, Kirtland Air Force Base, NM 87117–5000."

NOTIFICATION PROCEDURE:

Delete entry and replace with "Individuals seeking to determine whether this system of records contains information on themselves should address inquiries to the Chief, Evaluation and Analysis, 1550th Combat Crew Training Wing, Kirtland Air Force Base, NM 87117–5000."

RECORD ACCESS PROCEDURES:

Delete entry and replace with "Individuals seeking to access records about themselves contained in this system should address requests to the Chief, Evaluation and Analysis, 1550th Combat Crew Training Wing, Kirtland Air Force Base, NM 87117–5000.

CONTESTING RECORD PROCEDURES:

Delete entry and replace with "The Air Force rules for access to records and for contesting contents and appealing initial agency determinations by the individual concerned are published in Air Force Regulation 12–35, Air Force Privacy Act Program; 32 CFR part 806b; or may be obtained from the system manager."

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F050 AMC C

SYSTEM NAME:

Training Systems Research and Development Materials.

SYSTEM LOCATION:

1550th Combat Crew Training Wing, Deputy Commander for Operations, Director of Training, Kirtland Air Force Base, NM 87117–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Students who have completed training.

CATEGORIES OF RECORDS IN THE SYSTEM:

Training and effectiveness questionnaires for supervisors and graduates, flying instructor and academic instructor improvement and evaluation, evaluation coordination sheet.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by, and Executive Order 9397.

PURPOSE(S):

To evaluate and analyze training effectiveness.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The Department of the Air Force "Blanket Routine Uses" published at the beginning of the agency's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name, rank, Social Security Number and class number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Evaluation and Analysis, 1550th Combat Crew Training Wing, Kirtland Air Force Base, NM 87117–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address inquiries to the Chief, Evaluation and Analysis, 1550th Combat Crew Training Wing, Kirtland Air Force Base, NM 87117–5000.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Chief, Evaluation and Analysis, 1550th Combat Crew Training Wing, Kirtland Air Force Base, NM 87117–5000.

CONTESTING RECORD PROCEDURES:

The Air Force rules for access to records and for contesting contents and appealing initial agency determinations by the individual concerned are published in Air Force Regulation 12–35, Air Force Privacy Act Program; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information from assigned personnel.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F051 MAC A

SYSTEM NAME:

Air Crew Instruction Records, (50 FR 22462, May 29, 1985).

CHANGES:

SYSTEM IDENTIFICATION NUMBER:

Change system identification number to "F051 AMC A."

SYSTEM LOCATION:

Delete entry and replace with, "1550th Combat Crew Training Wing, Kirtland Air Force Base, NM 87117–5000 and 34th Technical Training Squadron, Student Administration Branch, Little Rock Air Force Base, AR 72076–5000."

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AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Change "10 U.S.C. 8012" to "10 U.S.C. 8013."

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Delete entry and replace with, "The Department of the Air Force "Blanket Routine Uses" published at the beginning of the agency's compilation of record system notices apply to this system."

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with, "Deputy Commander for Operations, 1550th Combat Crew Training Wing, Kirtland Air Force Base, NM 87117–5000

and School Registrar, 34th Technical Training Squadron, Little Rock Air Force Base, AR 72076–5000."

NOTIFICATION PROCEDURE:

Delete entry and replace with, "Individuals seeking to determine whether this system of records contains information about themselves should address inquiries to the Deputy Commander for Operations, 1550th Combat Crew Training Wing, Kirtland Air Force Base, NM 87117–5000 or School Registrar, 34th Technical Training Squadron, Little Rock Air Force Base, AR 72076–5000."

RECORD ACCESS PROCEDURES:

Delete entry and replace with, "Individuals seeking to access records about themselves contained in this system should address requests to the Deputy Commander for Operations, 1550th Combat Crew Training Wing, Kirtland Air Force Base, NM 87117–5000 or School Registrar, 34th Technical Training Squadron, Little Rock Air Force Base, AR 72076–5000."

CONTESTING RECORD PROCEDURES:

Delete entry and replace with, "The Air Force rules for access to records and for contesting contents and appealing initial agency determinations by the individual concerned are published in Air Force Regulation 12–35, Air Force Privacy Act Program; 32 CFR part 806b; or may be obtained from the system manager."

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F051 AMC A

SYSTEM NAME:

Air Crew Instruction Records.

SYSTEM LOCATION:

1550th Combat Crew Training Wing, Kirtland Air Force Base, NM 87117–5000 and 34th Technical Training Squadron, Student Administration Branch, Little Rock Air Force Base, AR 72076–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Students and instructors undergoing training; students who completed academic training.

CATEGORIES OF RECORDS IN THE SYSTEM:

Academic completion records, flying training records, training aids usage records and simulator student training records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by.

PURPOSE(S):

To report student performance and completion of academic training.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The Department of the Air Force "Blanket Routine Uses" published at the beginning of the agency's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name and date of completion of training.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets.

RETENTION AND DISPOSAL:

Training summaries are destroyed after one year. Training aids activity case files are destroyed when purpose has been served or after three years, whichever is sooner. Training system research and development material is destroyed when superseded, obsolete, or no longer needed, whichever is sooner. Training aids usage documents are destroyed three months after completion of training phase, provided required flying time is posted on individual flight records. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Commander for Operations, 1550th Combat Crew Training Wing, Kirtland Air Force Base, NM 87117–5000 and School Registrar, 34th Technical Training Squadron, Little Rock Air Force Base, AR 72076–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address inquiries to the Deputy Commander for Operations, 1550th Combat Crew Training Wing, Kirtland Air Force Base, NM 87117–5000 or School Registrar, 34th Technical Training Squadron, Little Rock Air Force Base, AR 72076–5000.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Deputy Commander for Operations, 1550th Combat Crew Training Wing, Kirtland Air Force Base, NM 87117–5000 or School Registrar, 34th Technical Training Squadron, Little Rock Air Force Base, AR 72076–5000.

CONTESTING RECORD PROCEDURES:

The Air Force rules for access to records and for contesting contents and appealing initial agency determinations by the individual concerned are published in Air Force Regulation 12–35, Air Force Privacy Act Program; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from the individuals, from instructors, instructor supervisors, and personnel involved in the evaluation and analysis of training effectiveness, and from special orders and messages.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F060 AF B

SYSTEM NAME:

Contractor Flight Operations, (53 FR 51301, December 21, 1988).

CHANGES:

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SYSTEM LOCATION:

Delete entry and replace with "All Air Force activities that approve contractor aircraft flight and ground operations procedures or utilize contractor personnel who operate aircraft for the government."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with "All contractor personnel who operate aircraft for the Air Force, for which the government assumes some risk of loss or damage. It covers both flight crew member and non-crew member personnel designated by a contractor to conduct flights, perform functions while the aircraft is in flight, or perform ground operations in support of such flights."

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AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with "10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; AFR 55–22,

Contractor's Flight Operations; and Executive Order 9397."

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RETENTION AND DISPOSAL:

Delete entry and replace with "Records are maintained in the system until contract termination, at which time they will be destroyed when no longer needed. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning. Computer records are destroyed by erasing, deleting or overwriting."

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with "Headquarters, Air Force Systems Command/TEO, Andrews AFB, DC 20334–5000."

NOTIFICATION PROCEDURE:

Delete entry and replace with "Individuals seeking to determine whether this system of records contains information on themselves should address written inquiries to the Headquarters, Air Force Systems Command/TEO, Andrews AFB, DC 20334–5000 or to the system location where the flight certification is recorded. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices. For personal visits, the individual may be asked to show a valid identification card or a driver's license as proof of identity."

RECORD ACCESS PROCEDURES:

Delete entry and replace with "Individuals seeking to access records about themselves contained in this system should address requests to the Headquarters, Air Force Systems Command/TEO, Andrews AFB, DC 20334–5000 or to the system location where the flight certification is recorded. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices. For personal visits, the individual may be asked to show a valid identification card or a driver's license as proof of identity."

CONTESTING RECORDS PROCEDURES:

Delete entry and replace with "The Department of the Air Force rules for access to records and for contesting contents and appealing initial agency determinations by the individual concerned are published in Air Force Regulation 12–35, Air Force Privacy Act Program; 32 CFR part 806b; or may be obtained from the system manager."

* * * * *

F060 AF B

SYSTEM NAME:

Contractor Flight Operations.

SYSTEM LOCATION:

All Air Force activities that approve contractor aircraft flight and ground operations procedures or utilize contractor personnel who operate aircraft for the government.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All contractor personnel who operate aircraft for the Air Force, for which the government assumes some risk of loss or damage. It covers both flight crew member and non-crew member personnel designated by a contractor to conduct flights, perform functions while the aircraft is in flight, or perform ground operations in support of such flights.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; Social Security Number; home address and telephone number; date of birth; security clearance data; education; military service data; flight qualification, proficiency, training, and experience records; standardization and evaluation data; safety and mishap records; medical and physiological data; and, similar data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; AFR 55–22, Contractor's Flight Operations; and Executive Order 9397.

PURPOSE(S):

Used to monitor and manage individual contractor flight and ground personnel records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The "Blanket Routine Uses" published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEMS:

Storage:

Maintained in file folders, notebooks, in computers and on computer output products.

RETRIEVABILITY:

Retrieved by name or Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Those in computer storage devices are protected by computer system software.

RETENTION AND DISPOSAL:

Records are maintained in the system until contract termination, at which time they will be destroyed when no longer needed. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning. Computer records are destroyed by erasing, deleting or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Headquarters, Air Force Systems Command/TEO, Andrews AFB, DC 20334–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address written inquiries to the Headquarters, Air Force Systems Command/TEO, Andrews AFB, DC 20334–5000 or to the system location where the flight certification is recorded. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices. For personal visits, the individual may be asked to show a valid identification card or a driver's license as proof of identity.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Headquarters, Air Force Systems Command/TEO, Andrews AFB, DC 20334–5000 or to the system location where the flight certification is recorded. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices. For personal visits, the individual may be asked to show a valid identification card or a driver's license as proof of identity.

CONTESTING RECORDS PROCEDURES:

The Department of the Air Force rules for access to records and for contesting contents and appealing initial agency determinations by the individual concerned are published in Air Force Regulation 12–35, Air Force Privacy Act Program; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is provided by the individual or from training, evaluation, and examination records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F076 MAC A

SYSTEM NAME:

Passenger Reservation and Movement System, (50 FR 22474, May 29, 1985).

CHANGES:

SYSTEM IDENTIFICATION NUMBER:

Change system identification number to "F076 AMC A."

SYSTEM NAME:

Delete the word "Movement" and insert the word "Management"

SYSTEM LOCATION:

Delete entry and replace with "Headquarters, Air Mobility Command, Scott AFB, IL 62225–5001; Aerial Ports of Embarkation and Debarkation, military airfields or installations (all Services), certified air carriers at civil (commercial) airports, and any activity or agency responsible for initiating or receiving a request for the movement of personnel and their baggage; manifesting, tracing and billing actions; and statistical data collection. Official mailing addresses are published in the current United States Government Manual. Commercial air carrier addresses are listed in the Official Airlines Guide."

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AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with, "10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by, and Executive Order 9397."

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Delete entry and replace with, "The Department of the Air Force "Blanket Routine Uses" published at the beginning of the agency's compilation of record system notices apply to this system. Records from the system are routinely disclosed to other Federal agencies and offices providing transportation, and to civilian airlines and airports for transportation services, developing billing data, manifesting passengers, and for forecasting future transportation requirements."

* * * * *

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Those in computer storage devices are protected by computer system software."

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SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with "Director of Passenger and Traffic Management, Deputy Chief of Staff, Air Transportation, Headquarters, Air Mobility Command, Scott AFB, IL 62225–5001."

NOTIFICATION PROCEDURE:

Delete entry and replace with, "Individuals seeking to determine whether this system of records contains information on themselves should address inquiries to the Director of Passenger and Traffic Management, Deputy Chief of Staff, Air Transportation, Headquarters, Air Mobility Command, Scott AFB, IL 62225–5001.

Full name, reservation identification code, and movement channel are required for inquiries."

RECORD ACCESS PROCEDURES:

Delete entry and replace with, "Individuals seeking to access records about themselves contained in this system should address requests to the Director of Passenger and Traffic Management, Deputy Chief of Staff, Air Transportation, Headquarters, Air Mobility Command, Scott AFB, IL 62225–5001.

Full name, reservation identification code, and movement channel are required for inquiries."

CONTESTING RECORD PROCEDURES:

Delete entry and replace with "The Air Force rules for access to records and for contesting contents and appealing initial agency determinations by the individual concerned are published in Air Force Regulation 12–35, Air Force Privacy Act Program; 32 CFR part 806b; or may be obtained from the system manager."

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F076 AMC A

SYSTEM NAME:

Passenger Reservation and Management System.

SYSTEM LOCATION:

Headquarters, Air Mobility Command, Scott AFB, IL 62225–5001; Aerial Ports of Embarkation and Debarkation, military airfields or installations (all Services), certified air carriers at civil (commercial) airports, and any activity or agency responsible for initiating or receiving a request for the movement of personnel and their baggage; manifesting, tracing and billing actions; and statistical data collection. Official mailing addresses are published in the current United States Government Manual. Commercial air carrier addresses are listed in the Official Airlines Guide.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military, civilian, statutory, congressional and others sponsored by the Secretary of Defense or Military Service Secretaries. The Executive Office, Executive Departments, independent agencies, Legislative Branch and the Judicial Branch.

CATEGORIES OF RECORDS IN THE SYSTEM:

Travel order, transportation authorizations, and passenger name records. Categories of information in the passenger name record include, but are not limited to: Name, grade, seats required; reservation identification code, which is assigned by a requesting activity or individual passengers and is the Social Security Number or other unique identifier; origin; destination; requested travel dates, routing indicator (identifies the activity/installation requesting the reservation); cancellation and type standby codes (identifies the reason the passenger did not depart as scheduled); flight number; departure date and reporting time, and other administrative coding as determined by a Service activity or HQ AMC to facilitate the completion of travel to include baggage tracer and billing actions. The passenger name record is a complete listing of all transportation related administrative actions related to individual passengers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by, and Executive Order 9397.

PURPOSE(S):

Passenger name records are used to prepare aircraft manifests for passenger identification processing and movement on military aircraft, commercial contract (charter) aircraft, and on seats reserved (blocked) on regularly scheduled commercial aircraft at military and civilian airports. Records in this system are also used to:

(a) Develop billing data to the user Military Services or other organizations;

(b) Determine passenger movement trends;

(c) Forecast future travel requirements; and

(d) Identify, research, and resolve transportation related problems. In addition, records may also be used as the basis of disciplinary action initiated by the requesting activity, and the conduct of official investigations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Records from the system are routinely disclosed to other Federal agencies and offices providing transportation, and to civilian airlines and airports for transportation services, developing billing data, manifesting passengers, and for forecasting future transportation requirements.

The Department of the Air Force "Blanket Routine Uses" published at the beginning of the agency's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, notebooks/binders, card files, computers, computer output products, paper printouts, computer magnetic tapes, disks, microfiche or rolled microfilm.

RETRIEVABILITY:

Records on this system may be retrieved by any of the following means: Name; Reservation Identification Code; Social Security Number; flight number; movement channel; type transaction; type travel; special passenger category; type standby code, or passenger cancellation reason code.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Those in computer storage devices are protected by computer system software.

RETENTION AND DISPOSAL:

Transportation authorizations and orders are retained in office files for two years after the annual cutoff, then destroyed. Other records in the system are retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed. These records are destroyed by one of the following means: Tearing into pieces, shredding, pulping, macerating, burning, or degaussing in the case of magnetic computer media.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Passenger and Traffic Management and Deputy Chief of Staff, Air Transportation, Headquarters, Air Mobility Command, Scott AFB, IL 62225–5001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address inquiries to the Director of Passenger and Traffic Management, Deputy Chief of Staff, Air Transportation, Headquarters, Air Mobility Command, Scott AFB, IL 62225–5001.

Full name, reservation identification code, and movement channel are required for inquiries.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Director of Passenger and Traffic Management Deputy Chief of Staff, Air Transportation, Headquarters, Air Mobility Command, Scott AFB, IL 62225–5001.

Full name, reservation identification code, and movement channel are required for inquiries.

CONTESTING RECORD PROCEDURES:

The Air Force rules for access to records and for contesting contents and appealing initial agency determinations by the individual concerned are published in Air Force Regulation 12–35, Air Force Privacy Act Program; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from military transportation and personnel activities, individuals requesting air travel or from other agencies designated to arrange air passenger reservations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F205 AF A

SYSTEM NAME:

Personnel Security Access Records, (51 FR 41401, November 14, 1986).

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with "Offices of installation Chiefs of Security Police where individual is assigned or employed or at headquarters of unified or specified commands for which Air Force is Executive Agent. For non-immigrant aliens at headquarters of major commands and major subordinate commands. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices. Also at the National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO, 63132–2001, or Civilian Personnel Records, 111 Winnebago Street, St. Louis, MO, 63118–2001."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with "Air Force active duty military and civilian personnel, Air Force Reserve and Air National Guard personnel, Air Force Academy cadets, American Red Cross Personnel, Exchange Officers, and Foreign Nationals. Army, Navy, Air Force and Marine Corps active duty military and civilian personnel assigned to headquarters of unified commands for which Air Force is Executive Agent."

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Change "10 USC 8012," to "10 U.S.C. 8013."

* * * * *

SAFEGUARDS:

Place a period after the word "rooms," and delete remainder of sentence.

* * * * *

NOTIFICATION PROCEDURE:

Delete entry and replace with "Individuals seeking to determine whether this system of records contains information on themselves should address inquiries to the Chief of Security Police, Headquarters United States Air Force; Commanders of organization units; Director National Personnel Records Center Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63132–2001, or Civilian Personnel Records, 111 Winnebago Street, St. Louis, MO 63118–2001.

Personal visits require positive identification. Provide full name, SSN, and military rank or civilian rating."

RECORD ACCESS PROCEDURES:

Delete entry and replace with "Individuals seeking to access records about themselves contained in this system should address requests to the Chief of Security Police, Headquarters United States Air Force; Commanders of organization units; Director National

Personnel Records Center Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63132–2001, or Civilian Personnel Records, 111 Winnebago Street, St. Louis, MO 63118–2001.

Personal visits require positive identification. Provide full name, SSN, and military rank or civilian rating."

CONTESTING RECORD PROCEDURES:

Delete entry and replace with "The Department of the Air Force rules for access to records and for contesting contents and appealing initial agency determinations by the individual concerned are published in Air Force Regulation 12–35, Air Force Privacy Act Program; 32 CFR part 806b; or may be obtained from the system manager."

* * * * *

F205 AF A

SYSTEM NAME:

Personnel Security Access Records.

SYSTEM LOCATION:

Offices of installation Chiefs of Security Police where individual is assigned or employed or at headquarters of unified or specified commands for which Air Force is Executive Agent. For non-immigrant aliens at headquarters of major commands and major subordinate commands. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices. Also at the National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO, 63132–2001, or Civilian Personnel Records, 111 Winnebago Street, St. Louis, MO, 63118–2001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty military and civilian personnel, Air Force Reserve and Air National Guard personnel, Air Force Academy cadets, American Red Cross Personnel, Exchange Officers, and Foreign Nationals. Army, Navy, Air Force and Marine Corps active duty military and civilian personnel assigned to headquarters of unified commands for which Air Force is Executive Agent.

CATEGORIES OF RECORDS IN THE SYSTEM:

System includes documentation requesting, granting and terminating access to classified information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; and Executive Order 9397.

PURPOSE(S):

Records are used to record level of security clearance and level of access to classified information that has been authorized. Information is used by commanders, supervisors, and security managers to insure that individuals who receive classified information have been properly investigated, cleared, have a definite need-to-know, and have been properly debriefed.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The Department of the Air Force "Blanket Routine Uses" published at the beginning of the agency's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, notebooks/binders, visible file binders/cabinets or card files.

RETRIEVABILITY:

Retrieved by Name and/or Social Security Number (SSN).

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets, safes or vaults, or in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until reassignment or separation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. (Exception: Records on non-immigrant aliens are retained for two years after termination of access or employment, then destroyed, as above). Security Termination Statements are retired one year after termination of service or employment to the Director, National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63132–2001, or Civilian Personnel Records, 111 Winnebago Street, St. Louis, MO, 63118–2001. Records indicating that access to classified information has been withdrawn for cause are forwarded to installation Chief of Security Police for disposition.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Security Police, Headquarters United States Air Force. Commanders of organization units and the Director, National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63132–2001, or Civilian Personnel Records, 111 Winnebago Street, St. Louis, MO 63118–2001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address inquiries to the Chief of Security Police, Headquarters United States Air Force; Commanders of organization units; Director, National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63132–2001, or Civilian Personnel Records, 111 Winnebago Street, St. Louis, MO 63118–2001.

Personal visits require positive identification. Provide full name, SSN, and military rank or civilian rating.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Chief of Security Police, Headquarters United States Air Force; Commanders of organization units; Director, National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63132–2001, or Civilian Personnel Records, 111 Winnebago Street, St. Louis, MO 63118–2001.

Personal visits require positive identification. Provide full name, SSN, and military rank or civilian rating.

CONTESTING RECORD PROCEDURES:

The Department of the Air Force rules for access to records and for contesting contents and appealing initial agency determinations by the individual concerned are published in Air Force Regulation 12–35, Air Force Privacy Act Program; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from medical institutions, from police and investigating officers, or from source documents such as reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 92–19811 Filed 8–19–92; 8:45 am]

BILLING CODE 3810–01–F

Department of the Army

Draft Environmental Impact Statement (DEIS) for Proposed Family Housing Development at Fort McCoy, Wisconsin

AGENCY: United States Army, Department of Defense.

ACTION: Notice of intent.

SUMMARY: Fort McCoy is proposing the construction of family housing on the installation. Approximately 60 units are proposed for construction in fiscal year 1994. Additional units would be constructed as required, with the total constructed not to exceed 374 units as described in the Installation Master Plan. The facilities are needed to replace existing substandard family housing available on-post and an inadequate supply of rental units in the surrounding communities.

Alternatives: a. Designate a 262 acre area along State Highway 21 on the west side of the installation to develop as the Family Housing Area.

b. Select alternate sites.

c. Develop third party, off-post, rental units.

d. No action.

As the Army evaluates impacts and reviews public comment, other alternatives may arise. These will be considered.

Scoping: A public scoping meeting was held to solicit input on significant environmental issues associated with the proposed construction on Tuesday, January 28, 1992, in the Monroe County Courthouse, Sparta, Wisconsin. Notice of the meeting was published in local area newspapers. In addition to this meeting, public input is being solicited as the scoping process continues.

ADDRESSEE: Written comments may be forwarded to: Commander, Fort McCoy, Attention: AFZR–DE–E, Sparta, Wisconsin 54656–5000.

FOR FURTHER INFORMATION CONTACT: Questions regarding this proposal may be directed to Mr. Dennis Stone, (608) 388–2160.

SUPPLEMENTARY INFORMATION: Written comments and suggestions should be received on or before October 5, 1992, to be considered in the DEIS.

Lewis D. Walker,

Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health), OASA (I, L&E).

[FR Doc. 92–19812 Filed 8–19–92; 8:45 am]

BILLING CODE 3710–08–M

Availability of Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Patent Concerning An Excito-Repellency Test System

AGENCY: U.S. Army Medical Research and Development Command, DOD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.6, announcement is made of the availability of U.S. Patent No. 4,794,549 entitled "Excito-Repellency Test System" issued December 27, 1988 for licensing. This patent has been assigned to the United States Government as represented by the Secretary of the Army.

FOR FURTHER INFORMATION CONTACT: Mr. John F. Moran, Patent Attorney, Office of the Command Judge Advocate, U.S. Army Medical Research and Development Command, Fort Detrick, Maryland 21702–5012, telephone (301) 619–2065.

SUPPLEMENTARY INFORMATION: The invention represents a system for measuring the activity of mosquitoes according to their reaction to an insecticide. It includes a chamber which can hold the insects to be tested, a sample holder which holds a sample of the insecticide to be tested at a constant position in the chamber, and an exit in one wall of the chamber to provide an escape path for the insects to leave the chamber. A photosensitive detector is located so that escaping insects will produce an electrical impulse which can be sensed and used to measure the number of insects existing the chamber. Using a computer means, the impulses can be related to each other and to other insecticides as a function of time and concentration so as to measure the relative effectiveness of various insecticides. The data being analyzed can be related to a standard number of insects per given time unit or compared to other tests.

Kenneth L. Denton,

Army Federal Register, Liaison Officer.

[FR Doc. 92–19894 Filed 8–19–92; 8:45 am]

BILLING CODE 3710–08–M

Availability of Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Patent Concerning an Insect Containing Test Apparatus

AGENCY: U.S. Army Medical Research and Development Command, DOD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.6, announcement is made of the availability of U.S. Patent No. 5,074,247 entitled "Insect Containing Test Apparatus" issued December 24, 1991 for licensing. This patent has been assigned to the United States Government as represented by the Secretary of the Army.

FOR FURTHER INFORMATION CONTACT: Mr. John F. Moran, Patent Attorney, Office of the Command Judge Advocate, U.S. Army Medical Research and Development Command, Fort Detrick, Frederick, Maryland 21702–5012, telephone (301) 619–2065.

SUPPLEMENTARY INFORMATION: The invention relates to an insect containing test apparatus for testing repellents on human volunteers and, more particularly, to an improved test apparatus which is inexpensive, easy to make, and autoclavable. The apparatus consists of a cage for containing test insects and which contains test holes which are selectively covered and uncovered by the movement of a slide, thus allowing the insects access to the test skin area which may or may not be treated with a test insect repellent or insecticide.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 92–19895 Filed 8–19–92; 8:45 am]

BILLING CODE 3710–08–M

Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Yuba River Basin Study, California

AGENCY: U.S. Corps of Engineers, DOD.

ACTION: Notice.

SUMMARY: The action being taken is a feasibility investigation to identify and evaluate potential measures to provide additional flood protection in the Yuba River basin. The study area includes the Yuba River basin plus that part of the Feather River basin between the City of Oroville and the Natomas Cross Canal. Measures to be investigated include levee raising along the Feather and Yuba Rivers.

FOR FURTHER INFORMATION CONTACT: Questions regarding this DEIS should be addressed to Mr. Bob Koenings, Planning Division, Corps of Engineers, 1325 J Street, Sacramento, California 95814–2922, telephone (916) 557–6712.

SUPPLEMENTARY INFORMATION:

1. Proposed Action

The Corps of Engineers, together with the non-Federal sponsors (Yuba County Water Agency and The State Reclamation Board) is conducting a feasibility investigation to identify and assess alternative measures of providing additional flood protection in the Yuba River basin. Major flooding occurred on the Yuba and Feather Rivers in 1950, 1955, and 1964 and caused millions of dollars in damages and loss of life. Despite existing flood protection, the area is still subject to catastrophic flooding; as demonstrated by the February 1986 flood. During that flood,

the south levee on the Yuba River faile inundating the towns of Linda and Oliverhurst to about 10 feet in depth and causing damages in excess of $95 million. The results of the investigation will be presented in a feasibility report submitted to Congress for authorization of a project.

2. Alternatives

The feasibility report and EIS will address the full range of alternatives discussed in the 1990 reconnaissance report on the basin including levee raising, re-regulation of Englebright Reservoir, and construction of a multipurpose reservoir at the Parks Bar or Narrown dam sites. However, the feasibility study will concentrate on the levee-raising alternatives. The study will also explore opportunities for restoring fish and wildlife resources adversely affected by previously completed Corps of Engineers projects within the study area. Alternatives to solve the identified flood problems in the study area are discussed in the following paragraphs.

a. No Action. There will be no Federal participation in flood control improvements in the study area.

b. Levee Raising. Alternatives to provide 150-year and 200-year levels of protection along the Yuba River and 200-year protection along the feather River will be examined.

3. Scoping Process

a. A notice of initiation on the Yuba River investigation and proposed alternatives was sent to public agencies, organizations, and individuals in the study area in July 1989. The notice provided an opportunity for the public to identify the significant flood control problems and natural resources in the area. Responses to the notice, were used in preparing the reconnaissance report and accompanying environmental inventory.

b. The reconnaissance report and environmental inventory were circulated for public comment in March 1990. Numerous comments were received from the public concerning the flood control alternatives and potential environmental impacts. Several public workshops and coordination meetings were held on the study. In addition, coordination is being maintained with Federal, State and local agencies, and concerned individuals and groups. Through this notice of intent, all affected publics and agencies are invited to participate in the feasibility investigation process. A DEIS scoping meeting will be held in late 1992 or early 1993.

c. Significant topics that will be discussed in the DEIS include the level of flood protection offered by the alternatives; hydrology of the basin; planning objectives; alternatives analysis; impacts on fish and wildlife resources, recreation, endangered species, vegetation, esthetics, cultural resources, and cumulative impacts of related projects in the study area.

d. The U.S. Fish and Wildlife Service will provide a Fish and Wildlife Coordination Act Report to accompany the DEIS.

e. A 45-day review period will be allowed for all interested agencies and individuals to review and comment on the DEIS. All interested persons are encouraged to respond to this notice and provide a current address if they wish to be contacted about the DEIS.

4. Availability

The DEIS is scheduled to be available for public review and comment in late 1993.

Kenneth L. Denton,

Army Federal Register, Liaison Officer.

[FR Doc. 92-19893 Filed 8-19-92; 8:45 am]

BILLING CODE 5000-BF-M

Department of the Navy

Privacy Act of 1974; Add a Record System

AGENCY: Department of the Navy, DOD.

ACTION: Add a record system.

SUMMARY: The Department of the Navy proposes to add one system of records to its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The addition will be effective on September 21, 1992, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Head, PA/FOIA Branch, Office of the Chief of Naval Operations (OP-09B30), Department of the Navy, The Pentagon, Washington, DC 20350-2000.

FOR FURTHER INFORMATION CONTACT: Mrs. Gwendolyn Aitken at (703) 614-2004.

SUPPLEMENTARY INFORMATION: The Department of the Navy systems of records notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, were published in the **Federal Register** as follows:

51 FR 12908, April 16, 1986
51 FR 18086, May 16, 1986 (DON Compilation changes follow)
51 FR 19884, June 3, 1986
51 FR 30377, August 26, 1986
51 FR 30393, August 26, 1986
51 FR 45931, December 23, 1986
52 FR 2147, January 20, 1987
52 FR 2149, January 20, 1987
52 FR 8500, March 18, 1987
52 FR 15530, April 29, 1987
52 FR 22671, June 15, 1987
52 FR 45846, December 2, 1987
53 FR 17240, May 16, 1988
53 FR 21512, June 8, 1988
53 FR 25363, July 6, 1988
53 FR 39499, October 7, 1988
53 FR 41224, October 20, 1988
54 FR 8322, February 28, 1989
54 FR 14378, April 11, 1989
54 FR 32682, August 9, 1989
54 FR 40160, September 29, 1989
54 FR 41495, October 10, 1989
54 FR 43453, October 25, 1989
54 FR 45781, October 31, 1989
54 FR 48131, November 21, 1989
54 FR 51784, December 18, 1989
54 FR 52976, December 26, 1989
55 FR 21910, May 30, 1990 (Updated Mailing Addresses)
55 FR 37930, September 14, 1990
55 FR 42758, October 23, 1990
55 FR 47508, November 14, 1990
55 FR 48678, November 21, 1990
55 FR 53167, December 27, 1991
56 FR 424, January 4, 1991
56 FR 12721, March 27, 1991
56 FR 27503, June 14, 1991
55 FR 28144, June 19, 1991
56 FR 31394, July 10, 1991 (Updated Index)
56 FR 40877, August 16, 1991
56 FR 46167, September 10, 1991
56 FR 59217, November 25, 1991
56 FR 63503, December 4, 1991
57 FR 2719, January 23, 1992
57 FR 2726, January 23, 1992
57 FR 2898, January 24, 1992
57 FR 5430, February 14, 1992
57 FR 9246, March 17, 1992
57 FR 12914, April 14, 1992
57 FR 14698, April 22, 1992
57 FR 18472, April 30, 1992
57 FR 26422, June 10, 1992
57 FR 26821, June 16, 1992
57 FR 28499, June 25, 1992
57 FR 28502, June 25, 1992
57 FR 31700, July 6, 1992

The new system report, as required by 5 U.S.C. 552a(r) of the Privacy Act, was submitted on August 3, 1992, to the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Office of Management and Budget (OMB) pursuant to paragraph 4b of Appendix I to OMB Circular No. A-130, "Federal Agency Responsibilities for Maintaining Records About Individuals," dated December 12, 1985 (50 FR 52730, December 24, 1985).

Dated: August 7, 1992.

L. M. Bynum,
Alternate OSD Federal Register Liaison Officer, Department of Defense.

N01070–15

SYSTEM NAME:

Nuclear-Trained Naval Officers.

SYSTEM LOCATION:

Office of the Chief of Naval Operations (Code OP-OON), Washington, DC 20350–2000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Nuclear-trained Naval officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records concerning education, specialized nuclear training and qualifications, and past and current assignments of nuclear-trained Naval officers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations, Executive Order 9397, and Public Law 98–525 (Oct. 19, 1984).

PURPOSE(S):

To assist Navy officials in approving assignments to nuclear powered ships and shore billets requiring nuclear qualification.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The "Blanket Routine Uses" that appear at the beginning of the Department of the Navy's compilation of systems of records apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are stored on magnetic tape and on magnetic discs. Some hardcopy records are filed in paper file folders.

RETRIEVABILITY:

Name/Social Security Number and dates of service.

SAFEGUARDS:

Computer processing facilities and terminals are located in restricted areas accessible only to authorized persons who are properly screened. Only a small number of computer users have access to the records, through use of multiple passwords. The computer and terminals are kept in secure areas. Hardcopy records and computer printouts are kept in locked file cabinets in a restricted area.

RETENTION AND DISPOSAL:

Permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Naval Nuclear Propulsion, Office of the Chief of Naval Operations (OP-OON), Washington, DC 20350–2000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Director, Naval Nuclear Propulsion, Office of the Chief of Naval Operations (OP-OON), Washington, DC 20350–2000. The requester should provide full name, Social Security Number, and dates of service.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Director, Naval Nuclear Propulsion, Office of the Chief of Naval Operations (OP-OON), Washington, DC 20350–2000.

The requester should provide full name, Social Security Number, and dates of service.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial determinations by the individual concerned are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual; U.S. Naval Academy, current and/or previous commands; Director, Naval Nuclear Propulsion; Bureau of Naval Personnel promotion results and orders; Commander, Navy Recruiting Command; and Commander, Naval Education and Training.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 92–19810 Filed 8–19–92; 8:45 am]
BILLING CODE 3810–01–F

DEPARTMENT OF ENERGY

Bonneville Power Administration

Review of and Amendment to Policy for Section 6(c) of the Pacific Northwest Electric Power Planning and Conservation Act

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Proposed Amendment of Agency Policy; Request for comments.

SUMMARY: In November 1986, the BPA and the Northwest Power Planning Council (Council) adopted separate but related policies to ensure that all major resource acquisitions on the BPA system would be consistent with the Council's Northwest Conservation and Electric Power Plan (Plan). These policies address section 6(c) of the Pacific Northwest Electric Power Planning and Conservation Act (Northwest Power Act), 16 U.S.C. 389 d(c). BPA's Policy for section 6(c) of the Pacific Northwest Electric Power Planning and Conservation Act, section B.1.c. (Policy), provides for public review at least once every five years "to evaluate evolving understandings of resource acquisitions and to assess the need for changes in this Policy." Moreover, the Policy does not address proposals to grant billing credits or services involving a major resource, or to pay or reimburse investigation or preconstruction costs of a sponsor of a major resource. Decision Document Supporting Policy at 2, November 12, 1986 (Decision Document).

In December of 1990 and January of 1991, BPA and the Council exchanged letters of understanding regarding the applicability of section 6(c) to BPA's Billing Credit Solicitation. BPA believes it is appropriate at this time to incorporate that understanding into its Policy. Consequently, BPA is reviewing its policy and proposes to amend it to incorporate a provision relating to proposals to grant billing credits. BPA also proposes to incorporate provision for payment of investigation or preconstruction costs of a sponsor of a major resource. Finally, BPA proposes to incorporate a provision for expedited hearings procedures for section 6(c) review. BPA is seeking public comment on the proposed amendments as described below in section II.

Responsible Official: Charles E. Meyer, Director, Division of Resource Planning, Office of Energy Resources, is the official responsible for this Policy.

ADDRESSES: Written comments should be submitted to the Public Involvement Manager, P.O. Box 12999, Portland, Oregon 97212 on or before September 21, 1992. For questions or to submit oral comments, call 503–230–3478 in Portland; or toll-free 800–622–4519. To request documents, call 800–622–4520.

FOR FURTHER INFORMATION CONTACT: Julie Pipher, Public Involvement Office, P.O. Box 12999, Portland, Oregon 97212, 503–230–3478. Information may also be obtained from:

Mr. Terrence G. Esvelt, Puget Sound Area Manager, suite 400, 201 Queen Anne Avenue North, Seattle, Washington 98109–1030, 206–553–4130.
Mr. George Bell, Lower Columbia Area Manager, 1500 NE. Irving Street, room 243, Portland, Oregon 97208, 503–230–4551.
Mr. Robert Laffel, Eugene District Manager, room 206, 211 East Seventh Street, Eugene, Oregon 97401, 503–687–6952.
Mr. Wayne R. Lee, Upper Columbia Area Manager, room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509–353–2518.
Mr. Ronald K. Rodewald, Wenatchee District Manager, 301 Yakima Street, room 307, Wenatchee, Washington 98801, 509–662–4379.
Mr. George E. Eskridge, Montana District Manager, 800 Kensington, Missoula, Montana 59801, 406–329–3060.
Mr. Thomas Wagenhoffer, Snake River Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509–522–6226.
Mr. Richard Itami, Idaho Falls District Manager, 1527 Hollipark Drive, Idaho Falls, Idaho 83401, 208–523–2706.
Mr. Jim Normandeau, Boise District Manager, 304 North 8th Street, Room 450, Boise, Idaho 83702, 208–334–9137.

SUPPLEMENTARY INFORMATION:

1. Background and Relevant Statutory Provisions

Section 6(c) of the Northwest Power Act, 16 U.S.C. 839d(c), requires the Administrator to conduct public hearings on any BPA proposal to acquire a major resource, to implement a conservation measure which will conserve an amount of electric power equivalent to a major resource, to pay or reimburse investigation and preconstruction expenses of the sponsors of a major resource, or to grant billing credits or services involving a major resource, and to determine whether the proposed major resource acquisition is consistent with the Council's Plan. 16 U.S.C. 839d(c)(2). In addition, the Act also permits the Council to determine subsequently whether the proposal to acquire the major resource or conservation measure is consistent with the Council's Plan. If either BPA or the Council determines that the proposed major resource acquisition is inconsistent with the Plan, BPA can acquire the major resource only after receiving authorization from Congress. 16 U.S.C. 839d(c)(3). In general, a major resource is a 50 aMW resource acquired over a period of more than 5 years.

In November of 1986, BPA adopted its Policy addressing the type of resource acquisition proposals subject to section 6(c) review, the procedures for section 6(c) hearings, and the criteria for a BPA finding of consistency with the Council's Plan. The Policy does not address proposals to grant billing credits or services involving a major resource under subsection (h) [16 U.S.C. 839d(h)]. Decision Document at 2. Moreover, the Policy (at section B.1.c.) requires that the Policy itself be reviewed publicly at least once every five years. BPA is therefore reviewing the Policy and seeking public comment on amendments proposed in section II.

To date, the Policy has been implemented only once. In early 1987, BPA's Conservation/Modernization Program for Aluminum Smelters was reviewed pursuant to the policy and was found to be consistent with the Plan. Administrator's Record of Decision, In the Matter of the Proposed Implementation of a Conservation Program Designed to Modernize Aluminum Smelters in the Pacific Northwest, February 1987.

In July 1990, BPA issued a Billing Credit Solicitation. In a letter to the Council dated December 15, 1990, BPA proposed that billing credit proposals be subject to the process outlined in the Policy. In a response dated January 29, 1991, the Council agreed.

BPA's 1990 Resource Program called for acquisition of options on 800 aMW of resources. BPA anticipates that investigation and preconstruction costs may be incurred in the course of purchasing these options. The Council and BPA agree that it is appropriate to incorporate provisions relating to the payment of investigation and preconstruction costs into the Policy.

BPA and the Council also agree that it is appropriate to incorporate into the Appendix to the Policy a provision for expedited hearings. The proposed procedures will provide an alternative to achieve substantial savings of both time and expense, without risk to the public process.

II. Proposed Amendment to Agency Policy

BPA therefore proposes to amend its Policy for Section 6(c) as follows (changes to the Policy are noted by italicized text):

I.C. Scope of Policy. This Policy addresses proposals under subsections (a), (b), *(f), (h),* and (1) *of Section 6 to acquire a major resource, to implement a conservation measure which will conserve an amount of electric power equivalent to that of a major resource, to pay investigation and preconstruction expenses of the sponsors of a major resource, or to grant billing credits or services involving a major resource.*

II.*A.6. Billing Credits. Billing credits are an adjustment to a customer's power bill or equivalent cash payment intended to compensate the customer for electric power resources which are developed or acquired and used to reduce the customer's net requirements for electric power or reserves purchased from BPA. Billing Credits Policy, as Amended August 30, 1984.*

A.7. Investigation and/or preconstruction expenses. These expenses are costs incurred by or on behalf of sponsors of resources in obtaining required regulatory approval, including but not limited to licenses and permits; environmental analysis/impact statements; land options; easements and right-of-way acquisition; siting and licensing; geotechnical surveys; and architectural and engineering fees. These costs do not include the procurement of capital equipment or construction material.

B.2.a. A proposal to acquire *or to grant billing credits for* a generating resource shall be subject to section 6(c) review if the aggregate megawatts proposed to be acquired *or granted billing credits* at any one generating resource project constitute more than 50 average megawatts and are acquired *or granted billing credits* for a period of more than 5 years.

b. A proposal to acquire *or grant billing credits for* a generating resource through a utility system sale shall be subject to section 6(c) review if the aggregate megawatts proposed to be acquired *or granted billing credits* from the utility for that sale constitute more than 50 average megawatts and are acquired *or granted billing credits* for a period of more than 5 years.

c. The aggregate megawatts proposed to be acquired *or granted billing credits* shall be measured by the Administrator upon consideration of factors including, but not limited to, planned capability measured with generally accepted planning criteria, and the term of the contract for acquisition *or for application of billing credits.*

3. Generation programs. a. A generation program shall be subject to section 6(c) review if the Administrator proposes to one or more entities binding contract offers to acquire *or to grant billing credits for* more than 50 average megawatts of electric power for a period of more than 5 years:

(1) from a single generating resource technology, and

(2) at a fixed price or a fixed price formula.

b. The electric power proposed to be acquired *or granted billing credits* shall be measured by the Administrator upon consideration of factors including, but not limited to, planned capability measured with generally accepted planning criteria, and the term of the

contract for acquisition *or application of billing credits.*

c. An individual contract resulting from a generation program which has been reviewed under section 6(c), *for purposes other than that provided for in section 9 of this Policy,* shall not be subject to further review under section 6(c).

4. Conservation Resources. a. A proposal to acquire *or grant billing credits for* a conservation resource shall be subject to section 6(c) review if the aggregate megawatts proposed to be acquired *or granted billing credits* under a single contract constitute more than 50 average megawatts and are acquired *or granted billing credits* for a period of more than 5 years.

b. The aggregate megawatts proposed to be acquired *or granted billing credits* shall be measured by the Administrator upon consideration of factors including, but not limited to, the planned savings based upon a reasonably expected penetration of the activities, and the term of the contract for acquisition *or for application of billing credits.*

5. *Conservation Programs.* a. A conservation program shall be subject to section 6(c) review if the Administrator proposes to one or more entities generic contracts which consist of a set of logically related activities proposed by the Administrator to capture more than 50 average megawatts of energy savings in a recognized planning sector or subsector for a period of more than 5 years, and which either:

(1) do not specify particular measures to be installed or implemented, but require an actual delivery of savings for payment; or

(2) are provided by a single mode of program delivery and consist of a well-defined set of measures, but do not require actual delivery of savings for payment.

b. The energy savings proposed to be acquired *or granted billing credits* shall be measured by the Administrator upon consideration of factors including, but not limited to, the planned savings based upon a reasonably expected penetration of the activities, and the term of the contract for acquisition *or for application of billing credits.*

c. An individual contract resulting from a conservation program which has been reviewed under section 6(c), *for purposes other than that provided for in section 9 of this Policy,* shall not be subject to further review under section 6(c).

6. Requests for Proposals. a. A request for proposals (RFP) issued by the Administrator, which the Administrator has determined does not constitute a binding contract offer, shall not be subject to section 6(c) review.

b. In response to an RFP, the Administrator retains the discretion to acquire *or to grant billing credits* for the electric power or the energy savings through an acquisition *or application of billing credits* under sections 2–5, above. In the event of an acquisition *or the grant of billing credits* under section 3 or 5, the Administrator may choose to expand the program to entities which did not participate in or respond to the RFP.

9. Payment of Investigation and/or Preconstruction Expenses. A proposal in the biennial BPA Resource Program to authorize payment for investigation and/or preconstruction expenses of those major resources identified in that Resource Program shall be subject to review under section 6(c). Payment of investigation and/or preconstruction expenses of any other major resources will be reviewed under section 6(c) on a case-by-case basis.

Appendix Section 6(c) Hearings Procedures

4. Initiation of Section 6(c) Process

(a)(5) set forth a statement and short explanation of each of the issues to be addressed in the hearing;

(6) state whether the hearing will be conducted pursuant to the provision for expedited hearings procedures, section 16; and

(7) provide other information which the Administrator determines to be pertinent to the hearing.

16. Expedited Hearings Procedures. (a) General Rule. The record of decision in a section 6(c) hearing, conducted under this section, shall be issued within 90 days after hearings have been completed, except as provided in paragraph (b) of this section. Consistent with fairness to the parties, the hearing officer shall establish the procedures or special rules necessary to satisfy the Administrator's expedited schedule.

(b) Extensions. Any party to the 6(c) hearing may request that the hearing officer petition the Administrator for an extension of the 90-day hearing limit. The party must show that the request is for good cause and is not dilatory. Upon such a showing, the hearing officer shall submit a written request to the Administrator. Submission of a request shall not have the effect of staying the proceedings. The Administrator shall notify the hearing officer and the parties of his determination within four days after receipt of the hearing officer's request.

(c) Special Procedure. Oral argument will not be heard in expedited 6(c) proceedings, unless all parties agree to substitute oral argument for a brief on exceptions.

Due to the limited experience with the Policy, BPA proposes to leave the Policy otherwise unchanged. BPA will accept public comment on the proposed amendments through September 21, 1992. While the Policy that results from this public review will become a final action for purposes of judicial review under the Northwest Power Act, BPA commits to consider revising the Policy whenever experience demonstrates a need for change.

Issued in Portland, Oregon, on August 6, 1992.

Randall W. Hardy,

Administrator.

[FR Doc. 92–19837 Filed 8–19–92; 8:45 am]

BILLING CODE 6450–01–M

Energy Information Administration

Agency Information Collections Under Review

AGENCY: Energy Information Administration, Energy.

ACTION: Notice of request submitted for review by the Office of Management and Budget.

SUMMARY: The Energy Information Administration (EIA) has submitted the energy information collection(s) listed at the end of this notice to the Office of Management and Budget (OMB) for review under provisions of the Paperwork Reduction Act (Pub. L. No. 96–511, 44 U.S.C. 3501 *et seq.*). The listing does not include collections of information contained in new or revised regulations which are to be submitted under section 3504(h) of the Paperwork Reduction Act, nor management and procurement assistance requirements collected by the Department of Energy (DOE).

Each entry contains the following information:

(1) The sponsor of the collection (a DOE component which term includes the Federal Energy Regulatory Commission (FERC));

(2) Collection number(s);

(3) Current OMB docket number (if applicable);

(4) Collection title;

(5) Type of request, e.g., new, revision, extension, or reinstatement;

(6) Frequency of collection;

(7) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit;

(8) Affected public;

(9) An estimate of the number of respondents per report period;

(10) An estimate of the number of responses per respondent annually;

(11) An estimate of the average hours per response;

(12) The estimated total annual respondent burden; and

(13) A brief abstract describing the proposed collection and the respondents.

DATES: Comments must be filed on or before September 21, 1992. If you anticipate that you will be submitting comments but find it difficult to do so within the time allowed by this notice, you should advise the OMB DOE Desk Officer listed below of your intention to do so, as soon as possible. The Desk Officer may be telephoned at (202) 395–3084. (Also, please notify the EIA contact listed below.)

ADDRESSES: Address comments to the Department of Energy Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503.(Comments should also be addressed to the Office of Statistical Standards at the address below.)

FOR FURTHER INFORMATION AND COPIES OF RELEVANT MATERIALS CONTACT: Jay Casselberry, Office of Statistical Standards, (EI–73), Forrestal Building, U.S. Department of Energy, Washington, DC 20585. Mr. Casselberry may be telephoned at (202) 254–5348.

SUPPLEMENTARY INFORMATION: The energy information collection submitted to OMB for review was:

1. Energy Information Administration.
2. EIA–800–804, 807, 810–814, 816–818, 819M, 819A, 820, 822A/D, and 825.
3. 1905–0165.
4. Petroleum Supply Reporting System Surveys.
5. Revision.
6. On occasion, Weekly, Monthly, Annually, and Triennially.
7. Mandatory.
8. Businesses or other for-profit.
9. 5,350 respondents.
10. 10.305 responses per respondent.
11. 1.145 hours per response.
12. 63,134 hours.
13. The Petroleum Supply Reporting System collects information needed for determining the supply and disposition of crude petroleum, petroleum products, and natural gas liquids. These data are published by the EIA. Respondents are producers of oxygenates, operators of petroleum refining facilities, blending plants, bulk terminals, crude oil and product pipelines, natural gas plant facilities, tanker and barge operators, and oil importers.

Statutory Authority: Sec. 5(a), 5(b), 13(b), and 52, Public Law No. 93–275, Federal Energy Administration Act of 1974, 15 U.S.C. 764(a), 764(b), 772(b), and 790a.

Issued in Washington, DC August 12, 1992.

Yvonne M. Bishop,

Director, Statistical Standards Energy Information Administration.

[FR Doc. 92–19836 Filed 8–19–92; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket Nos. ES92–51–000, et al.]

Pennsylvania Power & Light Company, et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

August 13, 1992.

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

1. Pennsylvania Power & Light Co.

[Docket No. ES92–51–000]

Take notice that on August 11, 1992, Pennsylvania Power & Light Company filed an application with the Federal Energy Regulatory Commission under § 204 of the Federal Power Act requesting authorization to issue not more than $500 million of unsecured promissory notes and other evidences of unsecured indebtedness on or before September 30, 1994, with a final maturity date no later than September 30, 1995.

Comment date: September 10, 1992, in accordance with Standard Paragraph E at the end of this notice.

2. Pasco Cogen, Ltd.

[Docket No. QF92–156–000]

On August 11, 1992, Pasco Cogen, Ltd. tendered for filing a supplement to its filing in this docket.

The supplement provides additional information pertaining to the ownership structure of the facility. No determination has been made that the submittal constitutes a complete filing.

Comment date: August 26, 1992, in accordance with Standard Paragraph E at the end of this notice.

3. American Bituminous Power Partners, L.P.

[Docket No. QF87–494–005]

On August 7, 1992, American Bituminous Power Partners, L.P. of 18101 Von Karman Avenue, suite 1700, Irvine, California 92715–1007, submitted for filing an application for recertification of a facility as a qualifying small power production facility pursuant to § 292.207(b) of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located near Grant Town, in Marion County, West Virginia. The Commission previously certified the facility as a qualifying small power production facility, *American Bituminous Power Partners, L.P.*, 40 FERC ¶ 62,286 (1987), and recertified the facility as a qualifying cogeneration facility, *American Bituminous Power Partners, L.P.*, 43 ¶ 62,040 (1988), and recertified the facility again based on the change of the ownership, *American Bituminous Power Partners, L.P.*, 49 FERC ¶ 62,289 (1989). The commission recertified the facility again as a qualifying small power production facility under the Solar, Wind, Waste, and Geothermal Power Production Incentives Act of 1990, *American Bituminous Power Partners, L.P.*, 56 FERC ¶ 62,110 (1991). The instant request for recertification is due to change in ownership of the facility.

Comment date: September 21, 1992, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.215). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92–19943 Filed 8–19–92; 8:45 am]

BILLING CODE 6717–01–M

[P–10567–001]

Application Filed With the Commission

August 14, 1992.

Take notice that the following hydroelectric application has been filed with the Federal Energy Regulatory Commission and is available for public inspection.

a. *Type of Application:* License.

b. *Project No.:* 10567–001.

c. *Date filed:* July 31, 1992.

d. *Applicant:* Barrish and Sorenson Hydroelectric Company.

e. *Name of Project:* Cispus River #4.

f. *Location:* On the Cispus River, in Lewis County, Washington.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Steve Barrish, 1004 S.E. 97th Avenue, Vancouver WA 98664.

i. *FERC Contact:* Michael Spencer at (202) 219–2846.

j. *Description of Project:* The proposed project would consist of: (1) A 22-foot-high concrete and earth-filled dam; (2) a reservoir with a 108 acre-foot storage capacity; (3) a 14,140-foot-long, 37-foot-wide earthen canal; (4) a 1,944-foot-long, 37-foot-wide flume; (5) a 3,023-foot-long, 12.5-foot-diameter penstock; (6) a powerhouse containing 3 generating units with a combined capacity of 22.3 MW and an estimated annual average generation of 86.2 GWh; and (7) an 11,541-foot-long transmission line; and (8) appurtenant facilities.

k. Under § 4.32(b)(7) of the Commission's regulations (18 CFR), if any resource agency, Indian Tribe, or person believes that the applicant should conduct an additional scientific study to form an adequate factual basis for a complete analysis of the application on its merits, they must file a request for the study with the Commission, not later than September 29, 1992, and must serve a copy of the request on the applicant.

Lois D. Cashell,

Secretary.

[FR Doc. 92–19816 Filed 8–19–92; 8:45 am]

BILLING CODE 6717–01–M

[Project Nos. 733–005, et al.]

Hydroelectric Applications [Colorado-Ute Electric Association, Inc., et al.]; Applications

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection:

1 a. *Type of Application:* Transfer of License.

b. *Project No.:* 733–005.

c. *Date Filed:* July 22, 1992.

d. *Applicant:* Colorado-Ute Electric Association, Inc. (Transferor) and Eric R. Jacobson (Transferee).

e. *Name of Project:* Ouray Project.

f. *Location:* On the Uncompahgre River in Ouray County, Colorado.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Eric R. Jacobson, P.O. Box 745, Telluride, CO 81435.

i. *FERC Contact:* Michael Spencer at (202) 219–2846.

j. *Comment Date:* August 28, 1992.

k. *Description of the Project:* Colorado-Ute Electric Association, Inc., proposes to transfer the license for the Ouray Project to the Eric R. Jacobson. The requested transfer is part of a larger transaction in which Eric R. Jacobson and others are acquiring the assets of Colorado-Ute pursuant to a plan approved by the United States Bankruptcy Court for Colorado. The proposed transfer will not result in any changes to the existing development. The Transferor certifies that it has fully complied with the terms and conditions of the license. The Transferee accepts all the terms and conditions of the license and agrees to be bound thereby to the same extent as though he were the original licensee.

l. *This notice also consists of the following standard paragraphs:* B and C.

2 a. *Type of Application:* Amendment of License.

b. *Project No.:* 2219–005.

c. *Date Filed:* July 1, 1992.

d. *Applicant:* Garkane Power Association, Inc.

e. *Name of Project:* Boulder Project.

f. *Location:* On the East and West Forks of Boulder Creek, a tributary of the Escalante River, in Garfield County, Utah. The project affects lands of the United States in the Dixie National Forest.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Glen P. Willardson, General Manager, Garkane Power Association, Inc., P.O. Box 790, Richfield, UT 84701, (801) 896–5403.

i. *FERC Contact:* Paul Shannon, (202) 219–2866.

j. *Comment Date:* October 2, 1992.

k. *Description of Amendment:* Garkane Power Association, Inc. requests authorization to replace an existing pressure reducing valve used for irrigation purposes, with a 100–kW generating unit. The licensee will operate the unit only during the summer irrigation season. The unit will utilize 1.25 cubic feet per second of water taken from the project's existing 30-inch-diameter penstock and will not effect flows to irrigation water right-holders. The licensee proposes to replace the pressure reducing valve house with a 20-foot-long by 17-foot-wide powerhouse and install a 2-mile-long transmission line from the powerhouse to the project's existing substation.

l. *This notice also consists of the following standard paragraphs:* B, C, and D2.

3 a. *Type of Application:* Non-Project Use of Project Lands.

b. *Project No:* 2413–021.

c. *Date Filed:* 06/19/92.

d. *Applicant:* Georgia Power Company.

e. *Name of Project:* Wallace Dam Project.

f. *Location:* Lake Oconee Reservoir in Putnam, Morgan, Oconee, Oglethorpe, Greene, and Hancock Counties, Georgia.

g. *Filed Pursuant to:* Section 23(b) of the Federal Power Act.

h. *Applicant Contact:* Mr. M.H. Thompson, Georgia Power Company, 333 Piedmont Avenue—16th Floor, Atlanta, GA 30308, (404) 526–7140.

i. *FERC Contact:* H. Steve Hocking, (202) 219–2656.

j. *Comment Date:* September 22, 1992.

k. *Description of Project:* The licensee is seeking authorization to a waterfowl impoundment in the upper reaches of Lake Oconee. Construction necessitates lowering the lake water level by 5 feet between November 2, 1992, and December 23, 1992.

l. *This notice also consists of the following standard paragraphs:* B, C, and D2.

4 a. *Type of Application:* Subsequent License.

b. *Project No:* 2476–001.

c. *Date Filed:* December 19, 1991.

d. *Applicant:* Wisconsin Public Service Corporation.

e. *Name of Project:* Jersey Hydro Project.

f. *Location:* On the Tomahawk River in Lincoln County, Wisconsin.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Richard A. Krueger, Senior Vice President, Wisconsin Public Service Corporation, 700 North Adams, P.O. Box 19002, Green Bay, WI 54307, (414) 433–1598.

i. *FERC Contact:* Mike Dees (202) 219–2807.

j. *Comment Date:* October 15, 1992.

k. *Status of Environmental Analysis:* This application is not ready for environmental analysis at this time—see attached standard paragraph E1.

l. *Description of Project:* The project as licensed consists of the following: (1) two existing earthen dikes, 330 feet long and 261 feet long; (2) an existing concrete sluiceway and Tainter gate section about 34 feet high and 148 feet long, containing (a) a 9 foot by 5.5 foot sluice gate, and (b) four steel Tainter gates, 30 feet by 12 feet; (3) an existing reservoir with a surface area of 709 acres and a total volume of 1,794 acre-feet at the normal maximum surface elevation of 1,450.00 NGVD; (4) an existing concrete powerhouse, 62 feet long, 26 feet wide and 16 feet high, containing (a) three vertical Francis

turbines with a combined hydraulic capacity of 568 cfs, manufactured by S. Morgan Smith and rated at 180 hp, 250 hp and 262 hp, and (b) three generators rated at 120 kW, 192 kW and 200 kW for a total of 512 kW; (5) and existing appurtenant facilities. No changes are being proposed for this subsequent license. The applicant estimates the average annual generation for this project would be 2,868 MWH. The dam and existing project facilities are owned by the applicant.

m. *Purpose of Project:* Project power would be utilized by the applicant for sale to its customers.

n. *This notice also consists of the following standard paragraphs:* B1 and E1.

o. *Available Location of Application:* A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC, 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at Wisconsin Public Service Corporation, 700 North Adams, Green Bay, WI or calling (414) 433–1268.

5 a. *Type of Application:* Subsequent License.

b. *Project No.:* 2489–001.

c. *Date Filed:* December 31, 1991.

d. *Applicant:* Central Vermont Public Service Corporation.

e. *Name of Project:* Cavendish Project.

f. *Location:* On the Black River in Windsor County, Vermont.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Robert de R. Stein, Central Vermont Public, Service Corporation, 77 Grove Street, Rutland, VT 05701, (802) 773–2711.

i. *FERC Contact:* Mike Dees (202) 219–2807.

j. *Comment Date:* October 9, 1992.

k. *Status of Environmental Analysis:* This application is not ready for environmental analysis at this time—see attached standard paragraph E1.

l. *Description of Project:* The existing Cavendish Project's principal features consist of a dam structure, a powerhouse, an intake structure with a power tunnel and a penstock, an impoundment, a transmission line, and appurtenant facilities. The existing project has a generator capacity of 1.44 megawatts (MW), a hydraulic capacity range of 19 to 226 cubic feet per second (cfs), and an average annual generation of about 6,108 megawatt-hours (MWH).

The applicant has proposed to change the existing operation of daily peaking to a run-of-river operation. The applicant would maintain within the bypass reach a year-round leakage flow of 3–5 cfs. The consulting agencies requested a year-round minimum flow of 20 cfs.

In detail, the project is described as follows:

(1) A concrete gravity dam consisting of two spillway sections: (a) The North section, 90 feet long by 25 feet high, with a crest elevation of 878.13 feet mean sea level (msl), topped with 6.0-foot-high flashboards; and (b) the South section, 21 feet long by 6 feet high, with a crest elevation of 881.63 feet msl, topped with 2.5-foot-high flashboards;

(2) An intake structure consisting of (a) a 180-foot-long power tunnel; and (b) a 6-foot-diameter steel penstock;

(3) A powerhouse, 64 feet long by 34 feet wide, equipped with three horizontal Francis hydroelectric generating units: (a) two of which are rated at 520 kilowatts (KW), each, and one rated at 400 KW; (b) a hydraulic capacity range of 19 to 226 cubic feet per second (cfs); (c) an average annual generation of 6,108 megawatt-hours (MWH); and (d) a gross head of 119.53 feet;

(4) An impoundment having (a) a surface area of 10 acres (AC); (b) a useable storage capacity of 18.4 acre-feet (AF); and (c) a normal headwater elevation of 884.13 feet msl and tailwater elevation of 764.6 feet msl;

(5) A transmission line; and

(6) Appurtenant facilities.

m. *Purpose of Project:* Project power would be utilized by the applicant for sale to its customers.

n. *This notice also consists of the following standard paragraphs:* B1 and E1.

o. *Available Location of Application:* A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street NE., room 3104, Washington, DC, 20426, or by calling (202) 208-1371. A copy is also available for inspection and reproduction at Central Vermont Public Service Corporation, 77 Grove Street, Rutland, VT, 05701.

6 a. *Type of Application:* Subsequent License.

b. *Project No.:* 2490–001.

c. *Date Filed:* December 31, 1991.

d. *Applicant:* Central Vermont Public Service Corporation.

e. *Name of Project:* Taftsville Project.

f. *Location:* On the Ottauquechee River in Windsor County, Vermont.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Robert de R. Stein, Central Vermont Public Service Corporation, 77 Grove Street, Rutland, VT 05701, (802) 773–2711.

i. *FERC Contact:* Mike Dees (202) 219–2807.

j. *Comment Date:* October 9, 1992.

k. *Status of Environmental Analysis:* This application is not ready for environmental analysis at this time—see attached standard paragraph E1.

l. *Description of Project:* The existing Taftsville Project's principal features consist of a dam structure, a powerhouse, an impoundment, a transmission line, and appurtenant facilities. The existing project has a generator capacity of 500 kilowatts (KW), a hydraulic capacity range of 95 to 370 cubic feet per second (cfs), and an average annual generation of about 1.691 magawatt-hours (MWH).

The applicant has proposed to change the existing operation of daily peaking to a run-of-river operation. The applicant would maintain 0.5- to 1-inch-high of water passing over the spillway and into two bypass reaches. This amount of water is equivalent to flows of 5 to 15 cfs. The bypass reaches are 100 feet long and 135 feet long.

In detail, the project is described as follows:

(1) A concrete gravity dam consisting of a spillway section, 194 feet long by 16 feet high, with a crest elevation of 637.12 feet mean sea level (msl), topped with 1.5-foot-high flashboards;

(2) A powerhouse, equipped with one vertical Kaplan hydroelectric generating unit with (a) a rated capacity of 500 kilowatts (KW); (b) a hydraulic capacity range of 95 to 370 cubic feet per second (cfs); (c) an average annual generation of 1.691 megawatthours (MWH); and (d) a gross head of 20 feet;

(3) An impoundment having (a) a surface area of 20.5 acres (AC); (b) a useable storage capacity of 30 acre-feet (AF); and (c) a normal headwater elevation of 638.6 feet msl and tailwater elevation of 618.6 feet msl;

(4) Three 46-kilovolt (kV), transmission lines; and

(5) Appurtenant facilities.

m. *Purpose of Project:* Project power would be utilized by the applicant for sale to its customers.

n. *This notice also consists of the following standard paragraphs:* B1 and E1.

o. *Available Location of Application:* A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street NE., room 3104,

Washington, DC, 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at Central Vermont Public Service Corporation, 77 Grove Street, Rutland, VT, 05701.

a. *Type of Application:* Major License.
b. *Project No.:* 5797–002.
c. *Date filed:* December 16, 1991.
d. *Applicant:* B & C Energy, Inc.
e. *Name of Project:* Star Falls Hydroelectric Project.
f. *Location:* Partially on lands administered by the Bureau of Reclamation on the Snake River in Twin Falls and Jerome Counties, Idaho. T10S, R20E; T11S, R20E.
g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a) — 825(r).
h. *Applicant Contact:* John G. Lincoln, P.E., CH2M HILL, P.O. Box 8748, Boise, Idaho 83707, (208) 345–5310.
i. *FERC Contact:* Michael Strzelecki at (202) 219–2827.
j. *Comment Date:* October 19, 1992.
k. *Status of Environmental Analysis:* This application is ready for environmental analysis at this time—see attached paragraph D3.
l. *Description of Project:* The run-of-river project would consist of: (1) A 20-foot-high, 400-foot-long gravity concrete dam; (2) a 135-acre impoundment; (3) a 1,220-foot-long, 24-foot-diameter main steel penstock; (4) a main powerhouse containing two generating units with a total installed capacity of 26.8 MW; (5) a 300-foot-long, 10-foot-diameter bypass penstock; (6) a bypass powerhouse containing one generating unit with a total installed capacity of 0.5 MW; (7) a 120-foot-long tailrace; (8) a gravel access road; (9) a short buried transmission line leading from the bypass powerhouse to the main powerhouse; (10) a 4.75-mile-long transmission line from the main powerhouse interconnecting with an existing Idaho Power Company transmission line; and (11) appurtenant facilities.

The Applicant estimates the average annual generation from the main powerhouse and the bypass powerhouse to be 104,400 MWh and 3,000 MWh, respectively.

m. *Purpose of Project:* All project energy generated would be sold to a utility.
n. *This notice also consists of the following standard paragraphs:* A2, A9, B1, and D3.
o. *Available Locations of Application:* A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street NE., room 3104, Washington, DC 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at the offices of CH2M HILL referenced above.

8 a. *Type of Application:* Preliminary Permit.
b. *Project No.:* 11287–000.
c. *Date filed:* May 1, 1992.
d. *Applicant:* Lace River Hydro.
e. *Name of Project:* Lace River Hydro Project.
f. *Location:* On an unnamed Lake and Creek in the First Judicial District on Prince of Wales Island, Alaska, near the town of Haines. The project will be located on lands within the Tongass National Forest. T.34S., R63E, sections 33, 34, 35, 36; T.35S., R.63E., sections 1, 2, 3, 4; T.35S., R63E. sections 4, 8, 9, 17, 18, & 19; T.35S., R62E., sections 24, 23, 22, 21, 16, 17, 8, & 5.
g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791 (a)–825(r).
h. *Applicant Contact:* Earle V. Ausman & Associates, 1503 W. 33rd Ave., Anchorage, AK 99503, (907) 258–2420.
i. *FERC Contact:* Ms. Deborah Frazier-Stutely (202) 219–2842.
j. *Comment Date:* October 22, 1992.
k. *Description of Project:* The applicant proposes to investigate two development alternatives at this site. Alternative No. 1 would consist of: (1) An existing 384-acre unnamed lake reservoir with a storage capacity of 7,600 acre-feet at elevation 3,168 feet msl; (2) a submerged siphon intake; (3) a 21-inch-diameter, 7,600-foot-long penstock; (4) a powerhouse containing a single generating unit with a rated capacity of 4,900 kW; (5) a tailrace; (6) a 5-mile-long, 14.4/24.9–kV submerged cable; and (7) 6 miles of overhead transmission line tying into an existing line.

Alternative No. 2 would consist of: (1) A 20-foot-high, 15-foot-long buttress dam at an elevation of 3,180 feet msl; (2) an intake structure with a trashrack and fish screens; (3) an existing 420-acre unnamed lake reservoir with a storage capacity of 8,400 acre-feet at elevation 3,180 feet; (4) a 21-inch-diameter, 7,600-foot-long penstock; (5) a powerhouse containing a single generating unit with a rated capacity of 4,900 kW; (5) a tailrace; (6) a 5-mile-long, 14.4/24.9–kV submerged cable; and (7) 6 miles of overhead transmission line tying into an existing line.

The applicant estimates the cost of the studies to be conducted under the preliminary permit would be $50,000. No new roads will be needed for the purpose of conducting these studies.

1. *Purpose of Project:* Project power would be sold to Kennsington Mines and other utilities.
m. *This notice also consists of the following standard paragraphs:* A5, A7, A9, A10, B, C, D2.

9 a. *Type of Application:* Preliminary Permit.
b. *Project No.:* 11302–000.
c. *Date Filed:* June 15, 1992.
d. *Applicant:* Shelby Electric Cooperative, Inc.
e. *Name of Project:* Shelbyville Dam.
f. *Location:* At the U.S. Corps of Engineers Dam forming Lake Shelbyville on the Kaskaskia River near Shelbyville in Shelby County, Illinois.
g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).
h. *Applicant Contact:* Mr. James E. Coleman, Route 128 and North 6th St., P.O. Box 560, Shelbyville, IL 62565, (217) 774–3986.
i. *FERC Contact:* Ms. Julie Bernt, (202) 219–2814.
j. *Comment Date:* October 9, 1992.
k. *Description of Project:* The proposed project would consist of: (1) Four 8-foot-diameter, 530-foot-long penstocks; (2) a powerhouse containing eight generating units each with a rated capacity of 850 kW; and, (3) a 200-foot-long transmission line. The estimated average annual energy production of the project is 25,971,022 kWh and the cost of the studies performed under the permit would be $35,000.
l. *Purpose of Project:* The power produced would be sold to members of the electric cooperative.
m. *This notice also consists of the following standard paragraphs:* A3, A7, A9, A10, B, C, and D2.

10 a. *Type of Application:* Preliminary Permit.
b. *Project No.:* 11306–000.
c. *Date Filed:* June 29, 1992.
d. *Applicant:* City of North Adams, Massachusetts.
e. *Name of Project:* Eclipse Dam.
f. *Location:* On the North Branch of the Hoosic River In the City of North Adams, Berkshire County, Massachusetts.
g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).
h. *Applicant Contact:* Mrs. Arlene D. Schiff, City Hall, room 221, 10 Main Street, North Adams, MA 01247, (413) 662–3025.
i. *FERC Contact:* Charles T. Raabe (dt) (202) 219–2811.
j. *Comment Date:* October 15, 1992.
k. *Competing Application:* Project No. 11263–000.
Date Filed: March 6, 1992.
Due Date: July 9, 1992.
l. *Description of Project:* The proposed project would consist of: (1) The existing 51.5-foot-high, 260-foot-long

concrete Eclipse Dam having a 113-foot-long ogee type spillway; (2) a reservior having a 3.6 acre surface area and a 22 acre-foot storage capacity at spillway crest elevation 818.17 feet msl; (3) an intake structure having trash racks; (4) a 72-inch-diameter penstock through the dam's left abutment; (5) a new powerhouse containing a turbine-generator unit rated at 600-kW operated at a flow of 170 cfs and at a 45-foot net head; (6) a short tailrace; and (7) appurtenant facilities.

Applicant estimates that the annual average energy production would be 1,900,000 kWh and that the cost of the studies under the terms of the permit would be $152,000. The dam is owned by the City of North Adams.

m. *This notice also consists of the following standard paragraphs:* A8, A10, B, C, and D2.

11 a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11308–000.

c. *Date filed:* July 9, 1992.

d. *Applicant:* James A. Riendeau.

e. *Name of Project:* Norton Hydroelectric Project.

f. *Location:* On the Coaticook River, near Norton, Essex County, Vermont.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. James A. Riendeau, 8 Gordon Ave. Cascade, Gorham, NH 03581, (603) 752–4874.

i. *FERC Contact:* Ed Lee (202) 219–2809.

j. *Comment Date:* October 9, 1992.

k. *Description of Project:* The proposed project would consist of: (1) An existing 12-foot-high and 120-foot-long concrete dam; (2) a 4-acre reservoir; (3) a new 550-foot-long, 4.5-foot-diameter steel penstock; (4) a new powerhouse containing one 115-kw generating units; (5) a proposed 1/2-mile, 200-kV transmission line; and (6) appurtenant facilities. The project would have an average annual generation of 700 MWh. The applicant estimates that the cost of the studies will be approximately $10,000. The applicant intends to sell the project generation to a local utility or power company. The project dam and related structures are owned by the applicant.

l. *This notice also consist of the following standard paragraphs:* A5, A7, A10, B, C, and D2.

Standard Paragraphs

A2. Development Application—Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified deadline date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified deadline date for the particular application. Applications for preliminary permits will not be accepted in response to this notice.

A3. Development Application—Any qualified development applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permits will not be accepted in response to this notice.

A5. Preliminary—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) (1) and (9) and 4.36.

A7. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) (1) and (9) and 4.36.

A8. Preliminary Permit—Public notice of the filing of the initial preliminary permit application, which has already been given, established the due date for filing competing preliminary permit applications or notices of intent. Any competing preliminary permit or development application or notice of intent to file a competing preliminary permit or development application must be filed in response to and in compliance with the public notice of the initial preliminary permit application. Initial preliminary permit application. No competing applications or notices of intent to file competing applications may be filed in response to this notice. A competing license application must conform with 18 CFR 4.30 (b) (1) and (9) and 4.36.

A9. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

A10. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit with be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

B1. Protests or Motions to Intervene—Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received

on or before the specified deadline date for the particular application.

D1. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Federal Energy Regulatory Commission, room 1027, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtain by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3. Filing and Service of Responsive Documents—The application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to section 4.34(b) of the regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice. (October 12, 1992 for Project No. 5797–002). All reply comments must be filed with the Commission within 105 days from the date of this notice. (December 4, 1992 for Project No. 5797–002).

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must (1) bear in all capital letters the title "PROTEST" "MOTION TO INTERVENE", "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, room 1027, at the above address. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

E1. Filing and Service of Responsive Documents—The application is not ready for environmental analysis at this time; therefore, the Commission is not now requesting comments, recommendations, terms and conditions, or prescriptions.

When the application is ready for environmental analysis, the Commission will issue a public notice requesting comments, recommendations, terms and conditions, or prescriptions.

All filings must (1) bear in all capital letters the title "PROTEST" or "MOTION TO INTERVENE;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426. An additional copy must be sent to Director, Division, of Project Review, Office of Hydropower licensing, Federal Energy Regulatory Commission, room 1027, at the above address. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

Dated: August 14, 1992 Washington, DC.

Lois D. Cashell,

Secretary.

[FR Doc. 92–19941 Filed 8–19–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. CP92–632–000, et al.]

Colorado Interstate Gas Company, et al.; Natural Gas Certificate Filings

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

1. Colorado Interstate Gas Co.

[Docket No. CP92–632–000]

August 10, 1992.

Take notice that on August 5, 1992, Colorado Interstate Gas Company (CIG), Post Office Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP92–632–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) to abandon by sale to Public Service Company of Colorado (PSCo) approximately 18.4 miles of 24-inch sales lateral pipeline facilities located in Douglas County, Colorado, and to construct a new meter station at the interconnection of the lateral and CIG's main line, under CIG's blanket certificate issued in Docket No. CP83–21–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

CIG states that PSCo has requested, by letter dated July 1, 1992, to purchase and CIG has agreed to sell the Littleton Sales Lateral. The lateral and delivery points for the lateral were constructed and operated pursuant to the certificates of public convenience and necessity issued in Docket Nos. CP67–366, CP84–289, CP69–330, and CP74–73, it is stated. CIG asserts that the proposed abandonment involves only the sale of facilities and that no service obligation to PSCo is either reduced or terminated as a result of the proposed abandonment. CIG also requests authority to construct a new meter station at the interconnection of the

Littleton Sales Lateral and CIG's main line to continue deliveries to PSCo.

Comment date: September 24, 1992, in accordance with Standard Paragraph G at the end of this notice.

2. Arkla Energy Resources, a Division of Arkla, Inc.

[Docket No. CP92–629–000]

August 10, 1992.

Take notice that on August 3, 1992, Arkla Energy Resources, a division of Arkla, Inc. (AER), Post Office Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP92–629–000 a request pursuant to § 157.205 of the Commission's Regulations to: (1) Construct and operate a new sales tap and related facilities for delivery of natural gas to Arkansas Louisiana Gas Company (ALG) for resale to domestic customers in Franklin County, Arkansas; (2) operate two existing taps for delivery of natural gas to ALG for sale to consumers other than a right-of-way grantor for whom the taps were originally installed in Cleburne County, Arkansas and Pontotoc County, Oklahoma; (3) upgrade one existing meter station for increased deliveries to ALG for resale customers in Hempstead County, Arkansas; (4) relocate one domestic sales tap and abandon in place a market lateral designated as Line KM–3 in Union County, Arkansas; and (5) abandon two domestic sales taps in Camp County, Texas and Ouachita County, Arkansas under AER's blanket certificate issued in Do. CP82–384–001, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

AER proposes to: (a) Construct and operate a 1-inch tap on AER's Line FT–14 in Franklin County, Arkansas for initial service to ALG's domestic customers, R. E. Mathews and J. M. Gray, using approximately 170 Mcf of natural gas per year and 1 Mcf of natural per peak day at an estimated cost of $1,389; (b) operate an existing 1-inch tap on AER's Line BM–21 in Cleburne County, Arkansas for initial service to ALG's domestic customer, Opal Rowlett, using approximately 85 Mcf of natural gas per year and 1 Mcf of natural gas per peak day with no new construction; (c) operate an existing tap on AER's Line AD-East in Pontotoc County, Oklahoma for initial service to ALG's domestic customer, George H. Scoggin, using approximately 85 Mcf of natural gas per year and 1 Mcf of natural gas per peak day with no new construction; (d) upgrade existing metering facilities on AER's Line A in Hempstead County, Arkansas in order to increase deliveries to domestic and commercial customers served by ALG's Hope Town Border Station in Hope, Arkansas to meet projected requirements of 660,000 Mcf of natural gas per year and 3,300 Mcf of natural gas per peak day at an estimated cost of $64,790; (e) relocate an existing sales tap and to abandon, in place, approximately 1,129 feet of 6-inch pipeline on AER's Line KM–3 in Union County, Arkansas with an estimated abandonment cost of $1,975 and to continue to provide service of approximately 85 Mcf of natural gas per year and 1 Mcf of natural gas per peak day to ALG's customer, Hodges Tank Cleaning, by installing a 1-inch tap on AER's Line HM–1 in Union County, Arkansas, which is the point of interconnection between Line HM–1 and KM–3, at an estimated cost of $1,389; (f) abandon an existing sales tap that is no longer needed on AER's Line AM–53 in Camp County, Texas since ALG's Lineberger Private Line Master Meter has been connected to ALG's town system with an estimated abandonment cost of $125; (g) abandon a 2-inch meter station on AER's Line KM–8 in Ouachita County, Arkansas which is no longer needed with an estimated abandonment cost of $1,200. AER states that the natural gas required for the sales services would be delivered from AER's general system supply, which is adequate to provide the service. AER states that its deliveries of natural gas to ALG are intercompany transfers that are not conducted pursuant to a FERC jurisdictional tariff and that natural gas sold would be billed at ALG's applicable retail rates as filed and effective with the appropriate state regulatory authority from time to time.

Comment date: September 24, 1992, in accordance with Standard Paragraph G at the end of this notice.

3. Panhandle Eastern Pipe Line Co.; Trunkline Gas Company

[Docket No. CP92–630–000]

August 12, 1992.

Take notice that on August 4, 1992, Panhandle Eastern Pipe Line Company and Trunkline Gas Company jointly referred to as "Applicants", P.O. Box 1642, Houston, Texas 77251–1642, filed in Docket No. CP92–630–000, an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon transportation service provided to Western Resources, Inc. (successor by merger to Kansas Power and Light Company (KPL), all as more fully set forth in the application which is on file with the commission and open to public inspection.

Panhandle, Trunkline and KPL, by letter dated July 24, 1992, mutually agreed to terminate the transportation service, effective October 31, 1992, because KPL indicates that it no longer requires the service. As a result, Applicants filed the instant request in order for the Commission to grant authorization to abandon the transportation service to KPL effective October 31, 1992. No facilities are proposed to be abandoned herein.

Comment date: September 2, 1992, in accordance with Standard Paragraph F at the end of the notice.

4. Kern River Gas Transmission Co.

[Docket No. CP92–631–000]

August 12, 1992.

Take notice that on August 5, 1992, Kern River Gas Transmission Company (Kern River), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP92–631–000, a request pursuant to Sections 157.205 and 157.211 of the Commission's Regulations for authorization to operate as delivery points certain receipt points constructed under Kern River's part 157, subpart F blanket certificate issued in Docket No. CP89–2048–000, as more fully set forth in the request that is on file with the Commission and open to public inspection.

Kern River states that the six receipt points which are the subject of its filing are located in Lincoln and Unita Counties in the State of Wyoming. Kern River requests authorization to operate the receipt points as delivery points for its firm shippers under its open-access Rate Schedules KRF–1, CH–1, MO–1, SH–1, and VP–1 and for its interruptible shippers under open-access Rate Schedule KRI–1. Kern River states that the availability of the receipt points as delivery points would provide Kern River's shippers with added flexibility for transportation service under Kern River's Part 284 blanket certificate. Kern River also states that use of the receipt points as delivery points would be permitted in accordance with the applicable provisions of Kern River's tariff.

Comment date: September 28, 1992, in accordance with Standard Paragraph G at the end of this notice.

5. Williams Natural Gas Co.

[Docket No. CP92–637–000]

August 13, 1992.

Take notice that on August 7, 1992, Williams Natural Gas Company (WNG), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP92–637–000 a request pursuant to §§ 157.205 and 157.212 of the Commission's Regulations

under the Natural Gas Act (18 CFR 157.205, 157.212) for authorization to install an additional tap and appurtenant facilities for Kansas Public Service (KPS) in Douglas County, Kansas, under WNG's blanket certificate issued in Docket No. CP82–479–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

WNG proposes to install an additional 6-inch tap on the Kansas University 6-inch pipeline (EK–5) in order for KPS to shift load from an existing town border location to supply the low pressure distribution system serving this area. WNG states that the projected volume of delivery through the new facilities is not expected to exceed the volume currently attributable to the existing Haskell Bottoms town border setting of 2,566 dekatherms equivalent of gas on a peak day and 312,764 dekatherms annually. WNG explains that the ultimate goal is to abandon the Haskell Bottoms setting. It is stated that KPS would reimburse WNG for the construction cost, estimated to be $5,914.

Comment date: September 28, 1992, in accordance with Standard Paragraph G at the end of this notice.

6. United Gas Pipe Line Co.

[Docket No. CP92–644–000]

August 13, 1992.

Take notice that on August 11, 1992, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP92–644–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205), for authorization to relocate twelve 2-inch sales taps to serve farm tap customers of Entex, Inc. (Entex), a jurisdictional sales customer under United's Rate Schedule DG, under the certificate issued to United in Docket No. CP82–430–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

United states that it currently makes natural gas sales to Entex to serve its Aransas Pass billing area distribution systems and rural taps pursuant to an October 1, 1991, service agreement. United requests authorization to relocate twelve 2-inch farm taps serving Entex customers from various locations on United's 16-inch Refugio to Edna line to United's 30-inch Agua Dulce-Perryville Line. It is stated that United plans to remove from service the 16-inch Refugio to Edna line. It is also stated that in order to maintain service to the farm taps, United proposes the relocation of these taps to United's 30-inch line which parallels the 16-inch line. United states that the volumes proposed to be delivered to Entex at these taps will be within Entex's currently effective entitlements of 10,332 MMBtu per day for that billing area. United further states that Entex and its customers have consented to the proposed relocation of tap facilities.

It is stated that the estimated cost for relocating the sales taps is $98,270. United maintains that Entex will not be required to reimburse United for any of these costs.

Comment date: September 28, 1992, in accordance with Standard Paragraph G at the end of this notice.

7. Paiute Pipeline Co.

[Docket No. CP92–642–000]

August 13, 1992.

Take notice that on August 10, 1992, Paiute Pipeline Company (Paiute), P.O. Box 94197, Las Vegas, Nevada 89193–4197, filed in Docket No. CP92–642–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate a new delivery point for service to Southwest Gas Corporation—Northern Nevada (Southwest), and to Newmont Gold Company (Newmont) in Elko County, Nevada, under Paiute's blanket certificate issued in Docket No. CP84–739–000, all as more fully described in the request which is on file with the Commission and open to public inspection.

Paiute proposes to construct and operate the delivery point, for the delivery during the third year of operation of up to 6,700 Mcf of natural gas on a peak day and 1,277,500 Mcf on an annual basis, to Newmont, an end-user. It is stated that Paiute would add the new delivery point to its firm transportation agreement with Southwest, an existing local distribution customer, which would resell the gas to Newmont, and that Paiute would also provide interruptible transportation service to Newmont. Paiute asserts that the volumes proposed for delivery would be within Southwest's existing entitlements from Paiute. It is explained that the facilities are required by Newmont for use in its mining operations. It is estimated that the cost of installing the facilities would be $173,505, for which Paiute would be reimbursed by Newmont.

Comment date: September 28, 1992, in accordance with Standard Paragraph G at the end of this notice.

8. CNG Transmission Corp.

[Docket No. CP92–638–000]

August 13, 1992.

Take notice that on August 7, 1992, CNG Transmission Corporation (CNG), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP92–638–000 a request pursuant to §§ 157.205 and 157.216 of the Commission's Regulations under the Natural Gas Act to abandon certain sales taps and associated gas supply facilities, related right of ways and all other associated equipment, pipe and appliances connected therewith to Jackson Resources Company (Jackson Resources), all as more fully set forth in the application on file with the Commission and open to public inspection.

CNG states that the gas supply facilities services wells under CNG's gas purchase contracts with Jackson Resources. It is further stated that the gas related to the facilities has been removed from jurisdiction under the Natural Gas Act by virtue of the Wellhead Decontrol Act of 1989.

CNG further states that CNG currently makes sales of gas to Hope Gas, Inc. for resale for utility residential sales on the facilities at eleven sales taps. It is stated that Hope has agreed to the discontinuance of service by CNG and will make arrangements to obtain transportation service or gas supplies from Jackson Resources to maintain service to its utility customers.

Comment date: September 28, 1992, in accordance with Standard Paragraph G at the end of this notice.

9. Natural Gas Pipeline Company of America

[Docket No. CP92–635–000]

August 14, 1992.

Take notice that on August 6, 1992, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP92–635–000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the transportation service authorized in Docket No. CP66–422 performed by Natural under its Rate Schedule X–14 for Northern Indiana Public Service Company (NIPSCO), the Peoples Gas Light and Coke Company (Peoples) and Northern Illinois Gas Company (NI–Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Natural states that it entered into a transportation agreement with NIPSCO, Peoples and NI–Gas dated November 1,

1966 (agreement) in order to provide for the transportation for NIPSCO, Peoples and NI–Gas of the natural gas sold to these three companies by Midwestern Gas Transmission Company (Midwestern). Natural further states that the agreement provided for a term ending October 31, 1986. According to Natural, NIPSCO, Peoples, NI–Gas and Natural have negotiated and implemented new and more flexible part 284, Subparts B and G firm transportation agreements (pursuant to Natural's Rate Schedule FTS) which supersede the service provided under the agreement and Natural's Rate Schedule X–14. Therefore, Natural proposes in the present application to abandon the transportation service authorized in Docket No. CP66–422 performed by Natural for NIPSCO, Peoples and NI–Gas under Natural's Rate Schedule X–14.

Comment date: September 4, 1992, in accordance with Standard Paragraph F at the end of this notice.

10. Williams Natural Gas Co.

[Docket No. CP92–646–000]

August 14, 1992.

Take notice that on August 11, 1992, Williams Natural Gas Company (Williams), Post Office Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP92–646–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to abandon the transportation of natural gas and related measuring facilities for direct sale to Dean E. Eyler Oil Company (Eyler) located in Pawnee County, Oklahoma, under Williams blanket certificate issued in Docket No. CP82–479–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Williams states that Eyler has requested abandonment of the sale and facilities.

Comment date: September 28, 1992, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said 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 be proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 92–19942 Filed 8–19–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RS92–21–000]

National Fuel Gas Supply Corp.; Prefiling Conference

August 14, 1992.

Take notice that a prefiling conference will be convened in this proceeding on September 9, 1992, at 10 a.m., in Washington, DC at the office of the Federal Energy Regulatory Commission, in the Commission Meeting Room, at 825 North Capitol Street, NE., Washington, DC. If it becomes necessary to change the location of the conference, a future notice will state the new location.

The purpose of this prefiling conference is to discuss further National Fuel Gas Supply Corporation's summary of its proposal to comply with Order No. 636, as a follow-up to the initial prefiling conference that was held on July 20, 1992.

All interested parties are invited to attend. However, attendance at the conference will not confer party status. For additional information, interested parties may call Donald Williams at (202) 208–0743.

Lois D. Cashell,

Secretary.

[FR Doc. 92–19945 Filed 8–19–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. G–17350–012]

Pacific Gas Transmission Corporation; Request for Abandonment Authorization

August 14, 1992.

Take notice that on July 21, 1992, Northwest Pipeline Corporation (Northwest) and Pacific Gas Transmission Corporation (PGT) filed a settlement in Docket No. RP91–166–011 in which they, among other things, request the Commission, pursuant to section 7(b) of the Natural Gas Act, to authorize PGT to abandon the transportation service it currently provides Northwest under PGT's Rate Schedule T–1, as of November 1, 1992, conditioned upon the capacity being assigned to designated customers of Northwest. The Commission is attaching the above captioned certificate docket to this request.

Any person desiring to be heard or to protest said request for abandonment authorization should on or before August 24, 1992, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene and protest in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. 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 these filings are on file with the

Commission and are available for public inspection in the public reference room.

Take further notice that, pursuant to the authority contained in and subject to the 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 application if no protest is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a protest 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 PGT to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 92-19817 Filed 8-19-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM93-1-41-000]

Paiute Pipeline Co.; Change in Annual Charge Adjustment

August 14, 1992.

Take notice that on August 10, 1992, Paiute Pipeline Company (Paiute) tendered for filing and acceptance the following tariff sheet to be a part of its FERC Gas Tariff:

First Revised Volume No. 1-A

Second Revised Sheet No. 10

Paiute states that the purpose of said filing is to revise its annual charge adjustment surcharge in order to recover the Commission's annual charges for the 1992 fiscal year.

Paiute has requested that the Commission accept its tariff sheet to become effective on October 1, 1992.

Paiute states that copies of this filing have been mailed to all jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a 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 August 21, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. 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 inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-19815 Filed 8-19-92; 8:45 am]

BILLING CODE 6717-01-M

Office of Energy Research

Special Research Grant Program Notice 92-20; High Performance Computing and Communications

AGENCY: Office of Energy Research, Department of Energy.

ACTION: Notice inviting grant applications.

SUMMARY: The Scientific Computing Staff of the Office of Energy Research (ER), U.S. Department of Energy (DOE) hereby announces its interest in receiving applications for Special Research Grants supporting DOE's role in the President's High Performance Computing and Communications (HPCC) Initiative. The 5-year Federal HPCC Program was announced by Dr. D. Allan Bromley, Director, Office of Science and Technology Policy in February 1991. In December, the 102nd Congress passed the "High-Performance Computing Act of 1991" which provides for a coordinated Federal program to ensure continued United States leadership in high-performance computing. The DOE has an integral and broad program within the eight-agency HPCC Initiative. The primary goals of the DOE HPCC Program are: (1) To extend U.S. Technological leadership in high performance computing and computer communications; (2) to improve U.S. productivity and industrial competitiveness by making high performance computing and network technologies an integral part of the design and production process; and (3) to provide wide dissemination and application of the advances in these technologies to both speed the pace of innovation and serve the national economy, security, and education. The DOE program will approach these goals by (1) supporting research and development to solve important scientific and technical challenges; (2) reducing the uncertainties in industrial research and development through increased cooperation between government, industry, and universities and by continued use of government and government-funded facilities as a prototype user of early commercial HPCC products; (3) supporting the underlying research, network, and computational infrastructures on which U.S. high performance computing technology is based; and (4) supporting the U.S. human resource base to meet the needs of industry, universities, and government.

This notice requests applications for grants to support research in the major components of the HPCC Program. They are:

I. High Performance Computing Systems—Research to advance the capabilities of future generations of computing systems and to evaluate advanced prototype systems;

II. Advanced Software Technology and Algorithms—Software support for the computational grand challenges by research and development of software tools, components and computational techniques, and by the establishment of High Performance Computing Research Centers;

III. National Research and Education Network (NREN)—Research and development on very high speed digital communications (gigabits) and participation in the Interagency Interim NREN; and

IV. Basic Research and Human Resources—Research participation and training, educational infrastructure, education, and curriculum development.

Collaborative research among investigators at universities, industrial firms and DOE National Laboratories is encouraged. Advanced software technology and algorithms in support of the DOE energy-related computational grand challenges will be emphasized.

DATES: The DOE HPCC initiative is a 5-year program. To permit timely consideration of awards in Fiscal Year 1993, formal applications submitted in response to this notice must be received by November 4, 1992. Earlier submission is encouraged.

ADDRESSES: Formal applications referencing Program Notice 92-20 sent by U.S. Mail should be forwarded to: U.S. Department of Energy, Office of Energy Research, Division of Acquisition and Assistance Management, ER-64, Washington, DC 20585, Attn: Program Notice 92-20. The following address must be used when submitting applications by U.S. Postal Service Express or any commercial mail delivery service, or when handcarried by the applicant: U.S. Department of Energy, Office of Energy Research, Division of Acquisition and Assistance Management, ER-64/GTN, 19901

Germantown Road, Germantown, MD 20874.

FOR FURTHER INFORMATION CONTACT: The Scientific Computing Staff, Office of Energy Research, ER–7/GTN, U.S. Department of Energy, Washington, DC 20585, (301) 903–5800.

SUPPLEMENTARY INFORMATION: The DOE HPCC Program is described in a report, "The DOE Program Component of the Federal High Performance Computing and Communications Program," dated June 1991 (DOE/ER–0489P). The FY 1993 Federal program is summarized in "Grand Challenges 1993: High Performance Computing and Communications—a Supplement to the President's FY 1993 Budget." These reports can be requested by calling (301) 903–5800.

DOE participates in all four major components of the Federal High Performance Computing and Communications Program, as described below.

I. High Performance Computing Systems (HPCS)

In the area of HPCS, DOE will be an early customer of small versions of systems with advanced architectures and will evaluate these systems on energy-related applications. It should be noted that the primary technology development for HPCS of the HPCC Program will be managed and funded by the Defense Advanced Research Projects Agency (DARPA). DOE will consider cooperative development projects of advanced systems involving its national laboratories, universities, and vendors. DOE will support research and development associated with evaluating the effectiveness of new parallel computing systems.

II. Advanced Software Technology and Algorithms (ASTA)

The ASTA component is strongly emphasized in the DOE HPCC Program. The effort will provide support for (A) grand challenge and other computational collaborations pertinent to the DOE missions, (B) software components and tools for high performance systems and prototype computational science programming environments that conform to standards or de facto standards and are portable, and (C) high performance computing research centers to facilitate research on parallel machines to enhance the effectiveness of applications and programming environments. In addition to these three elements, described in detail below, the HPCC Program will support research and evaluation aimed at improving the integration of advanced DOE research in computational science into commercial products and processes with significant economic impact for the country. Support is also available for pertinent research on the needs of the computational community.

(A) The grand challenge and computational projects subcomponent is directed at enabling major advances in science and engineering of critical importance to the DOE by providing computational resources, both time on high performance computing systems and advanced effective software. These projects will be focussed on the science/engineering application and are expected to involve multidisciplinary teams of scientists and engineers along with computational researchers and computer scientists from academia, governmental institutions, and industry. Goals for the HPCC Initiative include accelerating the pace of innovation and enhancing U.S. competitiveness in the marketplace: these provide the emphasis in this subcomponent. To insure the purposes of the Initiative are fulfilled, applications for grants in this subcomponent should address the following questions:

- *Fundamental Significance:* What fundamental science or engineering problem is addressed? What is the expected economic, societal, and scientific impact?
- *International Competitiveness:* What contribution to the Nation's productivity/economy and international competitiveness will the proposed project have? Industrial involvement is the most evident contribution: partnerships with industrial users of HPCC is strongly encouraged.
- *DOE Mission:* What is the contribution of the proposed project to the missions of the DOE? If a project pertains to a particular DOE science office or a technology office, then the goals of the project should be appropriate to the missions of that office, as well as the office of Scientific Computing Staff missions.
- *Enabling Technologies:* Will the expected progress in software/hardware technologies enable a substantial advance in the project in the next year or two?
- *Interdisciplinary Approach:* Is an interdisciplinary approach involving scientists, engineers, mathematicians and computer/computational scientists appropriate? Only under rare circumstances would an HPCC computational project not incorporate an interdisciplinary approach.
- *Support Leverage:* What is the support for the project from present and pending sponsoring partners—DOE Program Offices, other Federal agencies, private/non-profit institutions and industrial firms?
- *Technology Leverage:* What probable advances in enabling software or hardware technologies developed in this project will benefit other computational projects?

(B) The software technology subcomponent of the DOE program is focused on improving the effectiveness of computational scientists and engineers who are working on grand challenge class problems of critical importance to the DOE and the Nation. This technology falls into three general categories:

(1) Technology to assist in constructing, maintaining, and monitoring scientific software in high performance computing environments;

(2) Technology for understanding and managing the output of scientific software;

(3) Software infrastructure, including compilers, libraries, and computational techniques.

Also, applications should include the following additional information:

- Their potential, relative to other efforts supported by the DOE and other HPCC agencies, for producing technology which is needed and desired by computational scientists and engineers;
- Their potential for producing technology which can interoperate with other technologies through the use of standards and open, clear, rich interface definitions;
- Their potential for producing technology which has a clear path leading to commercial products either through demonstrated prior success or partnership with commercial concerns;
- The quality and level of involvement of computational scientists from government, industry, and academia who are working on grand challenge class problems who are involved as users/evaluators or advisors for the software technology being proposed.

(C) Because of the intricate nature of High Performance Computing Research Center (HPCRC) applications and uncertainties in the budget and, therefore, scope of the DOE HPCC Program in FY 1993, please contact the Scientific Computing Staff before compiling such an application.

Following is a description of the characteristics the DOE expects a HPCRC to have.

The Department of Energy's High Performance Computing Research Centers (HPCRCs) are to serve as intellectual homes for leading-edge research that will enable the solution of

Grant Challenge problems. The activities at the HPCRCs are designed to support interdisciplinary and inter-institutional collaborations. The HPCRCs will house interdisciplinary teams of researchers, drawn from science and engineering applications disciplines, computational mathematics and computer science. These teams focus on application development to harness the power of advanced architecture computers for the solution of computational-intensive, large-scale scientific and engineering problems. Multidisciplinary research also will be emphasized. Computational science and engineering should transcend traditional disciplinary boundaries and present opportunities for novel interactions and synergies. The HPCRCs are expected to exploit these opportunities. The HPCRCs provide a natural setting for a variety of supporting research activities, such as: Computer performance evaluation, visualization, software environments for computational science and engineering, gigabit networking research, high-speed data storage and archiving, and the development of new solvers and better software libraries. The HPCRCs are expected to play an active role in maintaining a dialogue with industry, universities, and other laboratories and centers in order to maximize the dissemination of information, promote and support technology commercialization, and avoid unnecessary duplication of effort.

The HPCRCs are designed to play an important role in computational science education. This aspect of their mission is expected to go well beyond the usual training courses in computing and to embrace such issues as computational science curriculum design at the university level and introductory and motivational programs and material for precollege students and teachers. These activities require strong collaboration with the academic community.

While they are not production computing centers, the HPCRCs house and vigorously exploit full-scale versions of prototype advanced architecture computers. In order for remotely located collaborators to fully participate in the research activities of the HPCRCs, each Center will become a major node on a National Research and Education Network backbone.

As high performance computing and its applications are expected to grow rapidly and experience rapid changes in technology, DOE's commitment to any particular HPCRC will be of limited duration. However, new HPCRCs may be created to exploit new computing technologies and future Grand Challenges applications.

III. The National Research and Education Network (NREN)

The DOE will participate in the cooperative interagency NREN. The Energy Sciences Network (ESNet) will be incorporated into the NREN to provide quality network access to the energy research facilities by research and education communities. It should be noted, however, that broad community access to the NREN will be supported by the National Science Foundation (NSF) through the NREN component of the Federal HPCC Program. ESNet will maintain compatibility and will be upgraded in concert with NREN. Applications are invited to develop gigabit network support technology for DOE projects distributed across multiple energy research centers at the national laboratories and universities. Primary coordination and funding for gigabit research in the Federal HPCC Program will be done by DARPA.

IV. Basic Research and Human Resources (BRHR)

The DOE's BRHR activities will include:

(A) Stimulating research and education in computational science;

(B) Expanding training programs for high school teachers and college students in computing techniques;

(C) Initiation of high school supercomputer programs; and

(D) Provision of fellowships in computational science with internship at national laboratories.

Application and Award Information

Information about submission of applications, eligibility, limitations, evaluation and selection processes, and other policies and procedures, may be found in the Application and Guide for the Special Research Grant Program and in 10 CFR part 605. The application kit and guide and copies of 10 CFR part 605 are available from the Office of Energy Research, Scientific Computing Staff, ER–7, Washington, DC 20585. Instructions for preparation of an application are included in the application kit. However, the project description should not exceed 25 double-spaced pages. Lengthy appendices are discouraged. Telephone requests may be made by calling (301) 903–5800. The Catalog of Federal Domestic Assistance number for this program is 81.049.

Subject to availability of appropriated FY 1993 funds, approximately $3,000,000 will be available for award. The allocation of funds will depend upon the number and quality of applications received. Grant awards will generally be for a 3-year period, funded one year at a time, and may range from $50,000 to $850,000.

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

D.D. Mayhew,

Deputy Director for Management, Office of Energy Research.

[FR Doc. 92–19833 Filed 8–19–92; 8:45 am]

BILLING CODE 6450–01–M

Office of Hearings and Appeals

Issuance of Decisions and Orders During the Week of July 20 Through July 24, 1992

During the week of July 20 through July 24, 1992 the decisions and orders summarized below were issued with respect to appeals and applications for other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Apeals

John R. Brodeur, 07/20/92, LFA–0217

The Government Accountability Project filed an Appeal on behalf of John R. Brodeur from a Freedom of Information Act (FOIA)/Privacy Act determination issued by the DOE's Richland Field Office DOE–RL. In that determination DOE–RL withheld records stating that they were not agency records under the FOIA, In considering the Appeal, the DOE found that responsive agency records may exist. Accordingly, the Appeal was remanded in part and denied in all other respects.

Jon Berg, 07/22/92, LFA–0214

Jon Berg filed an Appeal from a partial denial by the DOE's Office of Inspector General (IG) of a request for information which he had submitted under the Freedom of Information Act (FOIA). Berg sought investigative materials concerning himself and another individual. The IG released to Berg documents pertaining to two investigations conducted by the IG, but withheld portions of the material pursuant to FOIA Exemptions 6 and 7(C). In his Appeal, Berg contended that the Privacy Act entitled him to all information withheld that concerned him, objected to the withholding of material under the FOIA exemptions, and requested a Vaughn index of all documents reviewed by the IG in response to his request. In considering the Appeal, the DOE found that: (i) The

Privacy Act was not applicable to the documents which were the subject of the Appeal; (ii) the IG properly withheld the names and other identifying information of the IG investigators, witnesses, sources, subjects, and private individuals mentioned in the investigative file, as well as the IG employee who entered indexing data regarding the investigation into the IG's information management system; (iii) regarding certain verbs, pronouns, paragraphs, and entire memoranda withheld from the requester, the matter should be remanded to the IG for release of the material or a precise description of how its release could reasonably be expected to disclose the identity of an individual such that it would constitute an unwarranted invasion of privacy; and (iv) the agency need not provide a Vaughn index to the requester at the administrative stages of a FOIA request. Accordingly, the matter was remanded in part as described above and denied in all other respects.

Refund Application

Shell Oil Company/West Side Plaza Car Wash, 07/21/92, RF315–8908, RF315–10216

The DOE issued a Decision and Order concerning the Applications for Refund filed separately in the Shell Oil Company special refund proceeding by Tom Weinzapfel and Ronald Schutz, the two partners of the West Side Plaza Car Wash. The DOE has previously held that partners who owned equal shares of an enterprise during the refund period should divide the refund equally because these partners would have equally borne the alleged overcharges and any accompanying injury. Therefore, Tom Weinzapfel and Ronald Schutz each were entitled to fifty percent of the refund based on West Side Plaza Car Wash's purchases of Shell product. Accordingly, Tom Weinzapfel and Ronald Schutz were each granted a refund of $585 ($405 principal and $180 interest). The total refund granted in this Decision and Order was $1,170 (comprised of $810 in principal and $360 in interest).

Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

Bickley's Logging *et al.*	RF272–89016	07/21/92
Gulf Oil Corporation/ Allen's Gulf Center *et al.*	RF300–16518	07/22/92
Gulf Oil Corporaton/ Arkansas Dept. of Highways.	RF300–16189	07/21/92
Gulf Oil Corporation/ Culotta Gulf.	RF300–20369	07/22/92
Gulf Oil Corporation/ Sevier Ave. Gulf *et al.*	RF300–18301	07/22/92
Gulf Oil Corporation/ Taylor County *et al.*	RF300–12335	07/22/92
Gulf Oil Corporation/ Woodford Oil Company.	RR300–57	07/22/92
Franco Distributors, Inc.	RR300–63	
Joe Lee Smith Distributors.	RR300–86	
Hagood Oil Company, Inc.	RR300–165	
Lovette Egg Co. *et al*	RF272–89064	07/21/92
Quantum Chemical Corporation/ Adams Resources & Energy, Inc.	RF330–49	07/24/92
Texaco, Inc./Don Wolfe's Texaco *et al.*	RF321–1615	07/22/92
Texaco, Inc./Oak Grove Texaco *et al.*	RF321–9903	07/23/92
Texaco, Inc./Virginia Fibre Corporation *et al.*	RF321–15100	07/22/92

Dismissals

The following submissions were dismissed:

Name	Case No.
Alf's Texaco	RF321–12794
Big John Texaco	RF321–12789
Bob Graham's Texaco	RF321–12676
Bulson Texaco	RF321–12665
C & W Texaco Service Station	RF321–12349
Casey's Texaco	RF321–12691
Citizen Action	LFA–0220
Cornwall Oil Co., Inc	RF321–12683
Cross Uptown Texaxo	RF321–12672
Fred's Texaco & Car Care Center	RF321–18561
Garrett's Service Center	RF321–12686
Glenn Ratliff Texaco	RF321–12735
Herkimer Texaco	RF321–12791
Hilleary Texaco	RF321–12680
Hutt Oil Company	RF321–12681
Kock's Texaco Service Station	RF321–12684
Main & Eastwood Texaco	RF321–12677
Memorial Texaco	RF321–12685
Mortland Gas Texaco	RF321–12790
Paul Carter's Texaco	RF321–12667
Petro Vend, Inc	RF321–12664
Randall's Memorial Texaco	RF321–12796
Tony Otero's Texaco	RF321–12793

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, room 1E–234, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, Monday through Friday, between the hours of 1 p.m. and 5 p.m., except federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

Dated: August 13, 1992.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 92–19835 Filed 8–19–92; 8:45 am]

BILLING CODE 6450–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–952–DR]

Florida; Notice of Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

EFFECTIVE DATE: August 14, 1992.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Florida (FEMA–952–DR), dated August 14, 1992, and related determinations.

FOR FURTHER INFORMATION CONTACT: Gregory S. Jones, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3668.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated August 14, 1992, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of Florida, resulting from severe storms and flooding on June 23–30, 1992, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("the Stafford Act"). I, therefore, declare that such a major disaster exists in the State of Florida.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas. Individual Assistance may be added at a later date, if warranted. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of

the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Melvin J. Schneider of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Florida to have been affected adversely by this declared major disaster:

The counties of Charlotte, DeSoto, Manatee, and Sarasota for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Wallace E. Stickney,

Director.

[FR Doc. 92–19905 Filed 8–19–92; 8:45 am]

BILLING CODE 6718–02–M

[FEMA–951–DR]

OHIO: Amendment to a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Ohio (FEMA–951–DR), dated August 4, 1992, and related determinations.

EFFECTIVE DATE: August 14, 1992.

FOR FURTHER INFORMATION CONTACT: Gregory S. Jones, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3668.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Ohio, dated August 4, 1992, 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 August 4, 1992:

The counties of Auglaize, Belmont, Columbiana, Cuyahoga, Erie, Fairfield, Franklin, Fulton, Geauga, Jefferson, Logan, Lorain, Lucas, Mahoning, Medina, Mercer, Ottawa, Portage, Ross, Shelby, Summit, Trumbull, Van Wert, and Wood for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Robert G. Chappell,

Assistant Associate Director, Disaster Assistance Programs.

[FR Doc. 92–19903 Filed 8–19–92; 8:45 am]

BILLING CODE 6718–02–M

[FEMA–951–DR]

Ohio; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Ohio (FEMA–951–DR), dated August 4, 1992, and related determinations.

EFFECTIVE DATE: August 11, 1992.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3614.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Ohio, dated August 4, 1992, 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 August 4, 1992:

The counties of Cuyahoga, Mahoning, Medina, Mercer, Summit, Trumbull, and Van Wert for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Grant C. Peterson,

Associate Director, State and Local Programs and Support.

[FR Doc. 92–19904 Filed 8–19–92; 8:45 am]

BILLING CODE 6718–02–M

FEDERAL RESERVE SYSTEM

Verle and Jo Ann Burgason, et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than September 9, 1992.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Verle and Jo Ann Burgason; to acquire an additional 7.075 percent, for a total of 30.89 percent, of the voting shares of Elcho Bancorporation, Inc., Venice, Florida, and thereby indirectly acquire State Bank of Elcho, Elcho, Wisconsin.

2. John Sapiente, Inverness, Illinois; to acquire 100 percent of the voting shares of Elgin Bancshares, Inc., Kansas City, Missouri, and thereby indirectly acquire Union National Bank & Trust Company, Elgin, Illinois.

B. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Gladden A. Redding Revocable Trust, Windom, Minnesota; to acquire an additional 2.34 percent, for a total of 25.27 percent, of the voting shares of Windom State Investment Company, Windom, Minnesota, and thereby indirectly acquire Southwest State Bank, Windom, Minnesota.

2. Mary Jane Redding Revocable Trust, Windom, Minnesota; to acquire an additional 2.34 percent, for a total of 25.27 percent, of the voting shares of Windom State Investment Company, Windom, Minnesota, and thereby indirectly acquire Southwest State Bank, Windom, Minnesota.

C. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. Kjell H. Qvale, San Francisco, California; to acquire 54.9 percent of the voting shares of Marin National Bancorp, San Rafael, California, and thereby indirectly acquire First National Bank of Marin, San Rafael, California.

Board of Governors of the Federal Reserve System, August 14, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92–19891 Filed 8–19–92; 8:45 am]

BILLING CODE 6210–01–F

Centura Banks, Inc., et al.; Acquisitions of Companies Engaged in Permissible Nonbanking Activities

The organizations listed in this notice have applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a

company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated for the application or the offices of the Board of Governors not later than September 14, 1992.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Senior Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. Centura Banks, Inc., Rocky Mount, North Carolina; to acquire Orange Federal Savings and Loan Association, Chapel Hill, North Carolina, and thereby engage in deposit and lending activities of a savings and loan association, pursuant to § 225.25(b)(9) of the Board's Regulation Y.

B. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Pinnacle Banc Group, Inc., Oak Brook, Illinois; to acquire Batavia Financial Corp., Batavia, Illinois, and thereby indirectly acquire Batavia Savings Bank, Batavia, Illinois, a thrift institution, pursuant to § 225.25(b)(9) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, August 14, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-19890 Filed 8-19-92; 8:45 am]

BILLING CODE 6210-01-F

Centura Banks, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than September 14, 1992.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Senior Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. Centura Banks, Inc., Rocky Mount, North Carolina; to acquire 100 percent of the voting shares of Orange Interim Bank (in organization), Chapel Hill, North Carolina, a *de novo* bank.

2. Key Centurion Bancshares, Inc., Charleston, West Virginia; to acquire 100 percent of the voting shares of Peoples Bank of Charles Town, Charles Town, West Virginia.

B. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Button Gwinnett Bancorp, Inc., Snellville, Georgia; to merge with The Gwinnett Financial Corporation, Lawrenceville, Georgia, and thereby indirectly acquire The Bank of Gwinnett County, Lawrenceville, Georgia.

2. HNB Holding Company, Inc., Headland, Alabama; to become a bank holding company by acquiring 80 percent of the voting shares of The Headland National Bank, Headland, Alabama.

3. Synovus Financial Corp., Columbus, Georgia, and TB&C Bancshares, Inc., Columbus, Georgia; to acquire 100 percent of the voting shares of Interim CB&T Bank of Russell County, Phenix City, Alabama, a *de novo* bank.

4. Synovus Financial Corp., Columbus, Georgia, TB&C Bancshares, Inc., Columbus, Georgia, and Fort Rucker Bancshares, Inc., Fort Rucker, Alabama; to merge with First Commercial Bancshares, Inc., Jasper, Alabama, and thereby indirectly acquire First Commercial Bank of Birmingham, Birmingham, Alabama, Sterling Bank, Montgomery, Alabama, First National Bank of Jasper, Jasper, Alabama, The Bank of Tuscaloosa, Tuscaloosa, Alabama, and First Commercial Bank of Huntsville, Huntsville, Alabama.

C. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. BOI Financial Corp., Normal, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of The Bank of Illinois in Normal, Normal, Illinois.

2. Comerica Incorporated, Detroit, Michigan; to acquire 100 percent of the voting shares of Hibernia National Bank in Texas, Dallas, Texas.

D. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. H & H Holding Company, Alton, Illinois; to become a bank holding company by acquiring at least 86.9 percent of the voting shares of Greene County National Bank in Carrollton, Carrollton, Illinois, and thereby indirectly acquire Godfrey State Bank, Godfrey, Illinois.

2. Mercantile Acquisition Corporation of Kansas I, St. Louis, Missouri; to become a bank holding company by acquiring 100 percent of the voting shares of Johnson County Bankshares, Inc., Prairie Village, Kansas, and thereby indirectly acquire Johnson County Bank, N.A., Prairie Village, Kansas.

3. Mercantile Bancorporation Inc., St. Louis, Missouri; to acquire 100 percent of the voting shares of Crown Bancshares II, Inc., Shawnee Mission, Kansas, and thereby indirectly acquire Johnson County Bankshares, Inc., Prairie Village, Kansas, and Johnson County Bank, N.A., Prairie Village, Kansas.

4. Mercantile Bancorporation Inc., St. Louis, Missouri; to acquire 100

percent of the voting shares of Johnson County Bankshares, Inc., Prairie Village, Kansas, and thereby indirectly acquire Johnson County Bank, N.A., Prairie Village, Kansas.

5. Sun Financial Corporation, Earth City, Missouri; to acquire 97.35 percent of the voting shares of The Security Bank of Mountain Grove, Mountain Grove, Missouri.

E. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Colorado National Bankshares, Inc., Denver, Colorado; to acquire 100 percent of the voting shares of Regency Bancorporation, Inc., Pueblo, Colorado, and thereby indirectly acquire Pueblo Boulevard Bank, Pueblo, Colorado. **Comments on this application must be received by September 10, 1992.**

2. FirstBank Holding Company Employee Stock Ownership Plan, Lakewood, Colorado; to acquire an additional 1.91 percent, for a total of 27.1 percent, of the voting shares of FirstBank Holding Company of Colorado, Lakewood, Colorado, and thereby indirectly acquire FirstBank of West Arvada, N.A., Arvada, Colorado; FirstBank of Aurora, N.A., Aurora, Colorado; FirstBank of Avon, Avon, Colorado; FirstBank of South Boulder, N.A., Boulder, Colorado; FirstBank of Boulder, N.A., Boulder, Colorado; Breckenridge FirstBank, N.A., Breckenridge, Colorado; FirstBank of Castle Rock, N.A., Castle Rock, Colorado; FirstBank of Denver, N.A., Denver, Colorado; FirstBank of Cherry Creek, N.A., Denver, Colorado; FirstBank of Republic Plaza, N.A., Denver, Colorado; FirstBank of Erie, Erie, Colorado; FirstBank of Tech Center, N.A., Englewood, Colorado; FirstBank of Colorado, N.A., Jefferson County, Colorado; FirstBank of Lakewood, N.A., Lakewood, Colorado; FirstBank of Westland, N.A., Lakewood, Colorado; FirstBank of Academy Park, Lakewood, Colorado; FirstBank of Villa Italia, N.A., Lakewood, Colorado; FirstBank of Littleton, N.A., Littleton, Colorado; FirstBank Wadsworth/Coal Mine, N.A., Littleton, Colorado; FirstBank of Arapahoe County, N.A., Littleton, Colorado; FirstBank of Longmont, N.A., Longmont, Colorado; FirstBank at Arapahoe/Yosemite, N.A., Englewood, Colorado; FirstBank of Silverthorne, N.A., Silverthorne, Colorado; FirstBank of Vail, Vail, Colorado; FirstBank at 88th/Wadsworth, N.A., Westminster, Colorado; and FirstBank of Wheat Ridge, N.A., Wheat Ridge, Colorado.

3. Mohler Bancshares, Inc., Harveyville, Kansas; to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of Harveyville, Harveyville, Kansas.

Board of Governors of the Federal Reserve System, August 14, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92–19889 Filed 8–19–92; 8:45 am]

BILLING CODE 6210–01–F

Mercantile Bancorporation Inc.; Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 14, 1992.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. Mercantile Bancorporation Inc., St. Louis, Missouri; to acquire 100 percent of the voting shares of MidAmerican Corporation, Shawnee Mission, Kansas, and thereby indirectly acquire MidAmerican Bank and Trust Company, Shawnee Mission, Kansas, Merchants National Bank of Topeka, Topeka, Kansas, First National Bank of Lawrence, Lawrence, Kansas, and Lawrence National Bank and Trust Company, Lawrence, Kansas.

In connection with this application, Applicant also proposes to acquire MidAmerican Insurance Agency, Inc., Shawnee Mission, Kansas, and thereby engage in the sale, as agent, of the following types of insurance: automobile, homeowners (including flood and theft insurance), accident and health, fire and casualty, outboard, yacht, builder's risk, term and ordinary (or whole) life insurance products, liability, surety bonds and compensation, in addition to packages specified as umbrella, personal and commercial, pursuant to § 225.25(b)(8)(iv) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, August 14, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92–19888 Filed 8–19–92; 8:45 am]

BILLING CODE 6210–01–F

Middle Georgia Bankshares, Inc., et al.; Notice of Applications to Engage de novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 14, 1992.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Middle Georgia Bankshares, Inc., Unadilla, Georgia; to engage *de novo* in real estate and personal property appraising, pursuant to § 225.25(b)(13) of the Board's Regulation Y.

B. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Wishek Bancorporation, Inc., Wishek, North Dakota; to engage *de novo* in making and servicing loans, pursuant to § 225.25(b)(1) of the Board's Regulation Y.

C. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Great Western Securities, Inc., Omaha, Nebraska, parent of Bank of Belleview, Belleview, Nebraska; to engage *de novo* in making and servicing loans, pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, August 14, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92–19887 Filed 8–19–92; 8:45 am]

BILLING CODE 6210–01–F

GENERAL SERVICES ADMINISTRATION

Agency Information Collection Activities

AGENCY: Office of Administration, GSA.

SUMMARY: Under the Paperwork Reduction Act of 1980 (44 U.S.C. ch. 35), the General Services Administration (GSA) requests the Office of Management and Budget (OMB) to renew expiring information collection 3090–0246, 48 CFR 552.210–79, Packing List. This Information Collection is used to administer schedule contracts authorizing oral orders paid by Government commercial credit card.

ADDRESSES: Send comments to Ed Springer, GSA Desk Officer, room 3235, NEOB, Washington, DC 20503, and to Mary Cunningham, GSA Clearance Officer, General Services Administration (CAIR), Washington, DC 20405.

Annual Reporting Burden: Respondents: 3,331; *annual responses;* 115,516; *hours per response:* .0167; *total burden hours:* 1929.

FOR FURTHER INFORMATION CONTACT: Betty Moran, GSA Office of Acquisition Policy (202–501–4764).

COPY OF PROPOSAL: A copy of the proposal may be obtained from the Information Collection Management Branch (CAIR), room 7102, GSA Building, 18th & F St. NW., Washington, DC 20405, by telephoning (202) 501–2691, or by faxing your request to (202) 501–2727.

Dated: August 13, 1992.

Emily C. Karam,

Director, Information Management Division.

[FR Doc. 92–19859 Filed 8–19–92; 8:45 am]

BILLING CODE 6820–61–M

Agency Information Collection Activities

AGENCY: Office of Administration, GSA.

SUMMARY: Under the Paperwork Reduction Act of 1980 (44 U.S.C. ch. 35), the General Services Administration (GSA) requests the Office of Management and Budget (OMB) to renew expiring information collection 3090–0245, Performance and Payment Bonds. This Information Collection is used to establish performance and/or payment bonds when such bonds are essential to protect the Government's interest.

ADDRESSES: Send comments to Ed Springer, GSA Desk Officer, room 3235, NEOB, Washington, DC 20503, and to Mary Cunningham, GSA Clearance Officer, General Services Administration (CAIR), Washington, DC 20405.

Annual Reporting Burden: Respondents: 2,130; *annual responses:* 2,130; *hours per response:* .25; *total burden hours:* 533.

FOR FURTHER INFORMATION CONTACT: Betty Moran, GSA Office of Acquisition Policy (202–501–4764).

COPY OF PROPOSAL: A copy of the proposal may be obtained from the Information Collection Management Branch (CAIR), room 7102, GSA Building, 18th & F St. NW., Washington, DC 20405, by telephoning (202) 501–2691, or by faxing your request to (202) 501–2727.

Dated: August 13, 1992.

Emily C. Karam,

Director, Information Management Division.

[FR Doc. 92–19898 Filed 8–19–92; 8:45 am]

BILLING CODE 6820–61–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Statement of Organization, Functions and Delegations of Authority; Assistant Secretary for Management and Budget

Part A, Office of the Secretary, Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services is being amended as follows: Chapter AM, "HHS Management and Budget Office" as last amended, 57 FR 8334–8340, 3/09/92, to reflect the realignment of functional responsibilities in the Office of Management and Budget; and to indicate the transfer of the Payment Management System to the Public health Service.

I. Make the following changes to Chapter AM

A. Section AM.00 Mission. Delete in its entirety and replace with the following:

AM.00 Mission. The mission of the HHS Management and Budget Office is to provide advice and guidance to the Secretary on administrative and financial management, and to provide for the direction and coordination of these activities throughout the Department on a day-to-day basis.

B. Section AM.10 Organization. Delete in its entirety and replace with the following:

AM.10 Organization. The HHS Management and Budget Office is

headed by the Assistant Secretary for Management and Budget (ASMB) who is also the Departmental Chief Financial Officer (CFO). The ASMB/CFO reports to the Secretary. The office consists of the following organizations:

Immediate Office (AM)
Office of Grants and Acquisition Management (AMG)
Office of Budget (AML)
Office of Information Resources Management (AMM)
Office of Finance (AMN)
Administrative Services Center (ASC)

C. Section AM.20 Functions. Delete in its entirety and replace with the following:

AM.20 Functions.

A. The Immediate Office of the Assistant Secretary for Management and Budget/Chief Financial Officer (AM) provides executive direction to ASMB components. It establishes and monitors the implementation of the quality improvement program in the Department. The ASMB/CFO is the principal adviser to the Secretary on all aspects of administrative and financial management. By delegation from the Secretary, the ASMB/CFO exercises full Department-wide authority of the Secretary in the assigned areas of responsibility to include all responsibilities provided by the Chief Financial Officers Act of 1990. This includes the approval of the job descriptions and skill requirements, and the selection of OPDIV CFOs as well as participation with the OPDIV Head in the annual performance plan/evaluation of the OPDIV CFO. In addition, the ASMB/CFO provides Department-wide policy guidance on the qualifications, recruitment, performance, training, and retention of all financial management personnel.

B. The Office of Grants and Acquisition Management (AMG) advises and supports the Secretary and the Assistant Secretary for Management and Budget/CFO and provides functional management direction in the areas of mandatory and discretionary grants management, acquisition and logistics; provides Department-wide leadership in these areas through policy development, oversight and training. Formulates cost principles and Department-wide cost policies and procedures affecting grants and contracts; and resolves cross-cutting audit findings. Awards and administers contracts in support of the program needs of the Office of the Secretary, and manages the Small and Disadvantaged Business Utilization Program for the Department. Represents the Department in dealings with OMB, GSA and other Federal agencies and Congress in the areas of mandatory and discretionary grants, cost principles, audit resolution, procurement and logistics. Fosters creativity and innovation in the administration of these functions throughout the Department. Oversees the Department's grants and procurement systems to ensure compliance with legislation, regulations and policies. Provides support for the Department's Competition Advocate in fostering competition in contracting. Manages the Department's procurement planning system to avoid excessive and unnecessary year-end spending. Develops, participates in and evaluates grants, procurement, logistics and audit resolution training programs for Department staff. Reviews audit reports containing monetary findings or findings involving deficiencies in the management systems of grantee or contractor organizations which affect the programs of more than one Operating or Staff Division or Federal agency and resolves the findings. Has responsibility within the Department for policy plans and oversight of the functions under Sections 8 and 15 of the Small Business Act, as amended, and Executive Orders 12073 and 12138, relating to preference programs for small business, disadvantaged businesses, labor surplus area concerns, and women-owned businesses. Manages the Department's Small Business Innovation Research Program (SBIR). Plans, directs and carries out the centralized contracting program for the Office of the Secretary, the Office of Consumer Affairs, all small purchasing for the Administration for Children and Families and Administration on Aging and (in the case of certain consolidated and centralized commodities and services) for components of the Department located in Southwest Washington, DC. Assists the Director of the Office of Acquisition Management in providing procurement functional management to the regional contracting offices. Researches, analyzes and tests innovative ideas, techniques and policies in the areas of grants and acquisition. Fosters creativity throughout the Office of Grants and Acquisition Management and the Department in the administration of grants, procurement and logistics.

C. The Office of Budget (AML) advises and supports the Secretary and the Assistant Secretary for Management and Budget/CFO and oversees the preparation of the Departmental Budget estimates and forecasts resources required to support programs and activities of the Department; analyzes budgetary and financial management implications of new or proposed legislation, programs or activities; appraises program activities and operations in terms of policies, goals and objectives of the Department; operates HHS integrated funding system; recommends and administers policies and procedures for allocation and control of employment ceilings; establishes and monitors audit resolution management policy for the Department and prepares reports to Congress on audit resolution management. Through studies, organizational analysis, and other survey methods, assesses the management processes and structures of the Department to ensure cost-effective and efficient practices. Develops and executes Department-wide procedures relating to implementation and management of internal controls under the Federal Managers' Financial Integrity Act (FMFIA). Responsible for reorganizations and delegations of authority in the Department and for the Office of the Secretary activities under the Paperwork Reduction Act. With particular reference to the Office of the Secretary (OS), is responsible for the overall formulation and execution of the OS budget; serves as the focal point for OS budget operations, providing assistance for the development of budget policy and management of positions and financial resources for the OS; manages audit follow-up and resolves issues relating to audit resolution management in the OS; and ensures that all Office of the Secretary employment policies and actions are in accordance with the Equal Employment Opportunity Act.

D. The Office of Information Resources Management (AMM) advises and supports the Secretary and the Assistant Secretary for Management and Budget/CFO on issues and policies pertaining to the utilization of information resources and establishes the IRM control mechanisms and administers the Department's IRM strategic plan; guides and oversees the development of information systems and communications networks; approves the acquisition of major administrative and program systems and is responsible for their subsequent periodic review; develops strategies and frameworks for regional information systems; formulates and coordinates the Department's policies on the creation, handling, storage, dissemination and disposition of information; guides and oversees the Department's printing and reproduction management programs; provides and supports automated data processing and communications

equipment and administrative application systems for the Office of the Secretary; and develops and supports decision support systems for top-level managers.

E. The Office of Finance (AMN) advises and supports the Secretary and the Assistant Secretary for Management and Budget/CFO on all aspects of financial activities across the Department and is headed by the Deputy Assistant Secretary, Finance, who is also the Deputy Chief Financial Officer. Oversees, monitors, and evaluates the design, development, operation, and enhancement of Department-wide and component accounting systems. Coordinates CFO activities and reports throughout HHS including the preparation of audited financial statements and the preparation of the annual CFO report for submission to the ASMB/CFO. In coordination with other ASMB components, participates in the clearance/approval process for program information systems that provide financial and/or program performance data which are used in financial statements. Provides advice to the ASMB/CFO on approval of the job descriptions and skill requirements for OPDIV CFOs and on the approval of the selection of OPDIV CFOs. Provides advice to the ASMB/CFO who participates with the OPDIV Head in the annual performance plan/evaluation of the OPDIV CFO. Provides advice to the ASMB/CFO on the qualifications recruitment, performance, training and retention of all financial management personnel. Serves as the Departmental liaison with GAO, OMB, Treasury, and other Federal agencies on financial matters. Maintains Departmental finance and accounting standards. Resolves monetary findings involving management systems. Directs regional review and negotiation of cost allocation plans and indirect cost rates. In coordination with the Office of Budget, recommends and implements Departmental Budget execution policies and procedures. Serves as the focal point dealing with OMB on these matters. Manages the day-to-day finance and accounting activities of the Office of the Secretary and other Departmental components as determined by the ASMB/CFO.

F. The Administrative Services Center (ASC) provides Department-wide policy leadership and advises the ASMB/CFO and the Secretary on management issues related to postal management, real property, space management, occupational safety and health, emergency preparedness, records management; managers and operates the HHS Health and Wellness Center; provides administrative and facilities management services to HHS components in the Southwest - Washington, D.C. area complex which include mail, property management, supplies, facilities maintenance, physical security, and other office services; serves as the liaison with GSA on all applicable policy issues.

II. Make the Following Changes to Chapter AMS

Delete in its entirety. Add Chapter AMG by inserting:

A. Section AMG.00 Mission. Add the following:

AMG.00 Mission. The Office of Grants and Acquisition Management (OGAM) provides functional management direction in the areas of grants management, acquisition and logistics. Formulates cost principles and grant and contract cost reimbursement policy. Resolves cross-cutting audit findings. Provides Department-wide leadership in these areas through policy development, oversight and training. Also reviews biennially the fees, royalties, rents and services and things of value provided by the Department to assure that costs of these services are being properly recovered. Awards and administers contracts in support of the program needs of the Office of the Secretary, and manages the Small and Disadvantaged Business Utilization Program for the Department. Represents the Department in dealings with OMB, GSA and other Federal agencies and Congress in the areas of mandatory and discretionary grants, procurement and logistics. Fosters creativity and innovation in the administration of these functions throughout the Department.

B. Section AMG.10 Organization. Insert the following:

AMG.10 Organization. The Office of Grants and Acquisition Management (OGAM), headed by a Deputy Assistant Secretary for Grants and Acquisition Management who reports to the Assistant Secretary for Management and Budget, consists of the following components:

Immediate Office
Office of Acquisition Management
  Special Acquisition Initiatives Staff
  Division of Acquisition Policy and Oversight
  Division of Contract Operations
Office of Small and Disadvantaged Business Utilization
Office of Grants Management
  Special Grant Initiatives Staff
  Division of Grants Policy and Oversight
  Division of Cost Policy and Oversight
  Division of Audit Resolution

C. Section AMG.20 Functions. Insert the following:

AMG.20 Functions. The Office of Grants and Acquisition Management provides the following functions:

A. Office of the Deputy Assistant Secretary. The Office of the Deputy Assistant Secretary provides leadership, policy, guidance and supervision, as well as coordinating long and short-range planning to constituent organizations.

B. Office of Acquisition Management. The Office of Acquisition Management provides leadership in the area of acquisition through policy development, oversight and training. The Office awards and administers contracts in support of the program needs of the Office of the Secretary. In addition, the Office manages the Small and Disadvantaged Business Utilization Program for the Department. The Office is composed of the following:

1. Special Acquisition Initiatives.

a. Researches, analyzes and tests innovative ideas, techniques and policies in the area of acquisitions. Establishes and directs ad hoc teams to work on special projects to develop creative approaches to problems in the dynamic areas of acquisition and logistics. Fosters creativity throughout the Office of Acquisition Management and the Department in the administration of procurement and logistics.

b. Serves as the Department's liaison in the areas of acquisitions and logistics and maintains working relationships with OMB, GAS, OPM, and other Federal agencies to coordinate and assist in the development of policy and to participate in government-wide tests of procurement innovations.

c. Services as the Office of the Secretary Competition Advocate.

d. Conducts special projects to develop improved mechanisms for Department-wide management of procurement and logistics. For example, establishes and manages improved procurement information and monitoring systems.

e. Serves as the Department's focal point and liaison with the Operating and Staff divisions for policy development, technical assistance, oversight and training in the area of logistics.

2. Division of Acquisition Policy and Oversight

a. Formulates Department-wide acquisition policies governing the award and administration of procurement activities. Publishes these in regulations and manuals. Recommends and

participates in development of government-wide acquisition policy.

b. Provides advice and technical assistance on procurement activities and policy matters to the Department's Operating and Staff Divisions.

c. Develops, participates in and evaluates procurement training programs for Department staff; develops and participates in training activities for the Department's program staff who act as project officers on the Department's contracts.

d. Monitors the adoption of acquisition polices by the Department's Operating and Staff Divisions to ensure consistent policy interpretation and application.

e. Oversees the Department's procurement system to ensure compliance with procurement laws and polices and efficient acquisition of the Department's program needs.

f. Makes studies of problems requiring creation of new policies or revision of current policies, including the application of Departmental management controls and reports related to the Department's procurement activities; resolves issues arising from implementation of those policies; maintains similar relationships with associations of public and private contractor organizations.

g. Provides support for the Department's Competition Advocate in fostering competition in contracting. Develops the annual report to Congress on the Department's actions and accomplishments in promoting competition.

h. Manages the Department's procurement planning system to avoid excessive and unnecessary year-end spending.

3. Division of Contract Operations.

a. Plans, directs, and carries out the centralized contracting program for the Office of the Secretary, the Office of Consumer Affairs, all small purchasing for the Administration for Children and Families and the Administration on Aging, and (in the case of certain consolidated and centralized commodities and services) for the components of the Department located in Southwest Washington, DC.

b. Administers and manages performance of the contracts of the Office of the Secretary to ensure that it receives the timely and quality performance and the products for which it has contracted.

c. Is responsible for (i) award and administration of procurements up to $25,000 on the "open market", (ii) placing delivery orders for any amount against federal supply schedule contracts, (iii) processing cash orders, oral orders, and training orders and delivery orders, (iv) award of Blanket Purchase Agreements, and (v) closeout of purchase orders from date of award to final archiving.

d. Assists the director of the Office of Acquisition Management in providing procurement functional management to the regional contracting offices.

4. Office of Small and Disadvantaged Business Utilization.

a. Has responsibility within the Department for policy, plans, and oversight of execution of the functions under section 8 and 15 of the Small Business Act as amended and Executive Orders 12073 and 12138, relating to preference programs for small businesses, disadvantaged businesses, labor surplus area concerns, and women-owned businesses. Under provision of Public Law 95–507, the Director reports directly to the Deputy Secretary pursuant to Deputy Secretarial direction, the day-to-day operational review will be provided by the Director of the Office of Acquisition Management to ensure effective departmental coordination and execution of these programs.

b. Acts as the advocate for the Secretary and Deputy Secretary within the Department for matters relating to sections 8 and 15 of Small Business Act and Executive Orders 12073 and 12138 and represents the Department in dealing with other Federal agencies on those matters.

c. Acts as focal point and advocate for the small business, disadvantaged business, labor surplus area and women-owned business firms in their dealings with the Department.

d. Formulates, recommends and monitors implementation of policies for the Department's small business, Small Business Innovation Research, disadvantaged business, labor surplus area, and women-owned business programs.

e. Coordinates and prepares the Department's goals for assigned programs, recommends Secretarial approval of such goals and subsequent to Secretarial approval, negotiates, establishes and reports on goals for the assigned programs with the cognizant Federal agencies.

f. Encourages the awarding of contracts and subcontracts to small business, disadvantaged business, labor surplus area, and women-owned business firms by providing information and assistance to all of the Department's organizational units.

g. Prepares documentation and reports to the Executive Office of the President, the Congress, Office of Management and Budget, the Small Business Administration, and other agencies, as required.

h. Ensures effective implementation by the Department of mandatory plans and/or contract clauses as required by Public Law 95–507 for small business and disadvantaged business firms and monitors the activities relating to such plans.

i. Provides input for coordinated Departmental positions on proposed legislation and Government regulations on matters affecting cognizant socioeconomic programs and maintain liaison with Congress through established Departmental channels.

j. Manages the Department's Small Business Innovation Research Program (SBIR) established under Public Law 97–219 and provides liaison between the Department and the Small Business Administration on SBIR matters.

k. Oversees and monitors the Departmental review and screening of planned procurement by programs and procurement offices to ensure that preference programs are given thorough consideration throughout the decision-making process.

C. Office of Grants Management.

The Office of Grants management provides leadership in the area of mandatory and discretionary grants through policy development, oversight and training. The Office has functional responsibility for the cost principles and Department-wide cost policies and procedures affecting grants and contracts. In addition, the Office is responsible for resolving cross-cutting audit findings. The Office is composed of the following:

1. Special Grant Initiatives Staff.

a. Develops, analyzes and tests innovative ideas, techniques and policies in grants management. Establishes and directs ad hoc teams to work on special projects or initiatives to develop dynamic approaches to problems. Fosters creativity in the administration of grants.

b. Conducts special studies of grants management issues to identify and implement improvements in the way the Department awards and administers grants and other forms of Federal financial assistance; designs and assists in execution of demonstrations, experimentation and tests of innovative approaches to grants management.

c. Establishes and manages improved grants management information and monitoring systems.

d. Serves as project officer for training and certification of grants management professionals throughout the Department.

2. Division of Grants Policy and Oversight

a. Manages oversight of the award and administration of mandatory and discretionary grants and other forms of Federal financial assistance throughout the Department.

b. Formulates Department-wide grant policies governing the award and administration of grant activities. Publishes these in regulations and manuals.

c. Monitors the adoption of grant policies and procedures by the Department's Operating and Staff Divisions to ensure consistent policy interpretation and application.

d. Provides advice and technical assistance to the Department's Operating and Staff Divisions and to the general public on matters relating to the administration of grants and other forms of Federal financial assistance.

e. Develops, participates in and evaluates grants management training programs for Department staff.

f. Serves as the Department's liaison in grants and maintains working relationships with OMB and other Federal agencies to coordinate and assist in the development of government-wide grant policies.

g. Conducts special studies of grants management issues to identify and implement improvements in the way the Department awards and administers grants and other forms of Federal financial assistance; designs and assists in execution of demonstrations, experimentation and tests of innovative approaches to grants management.

3. Division of Cost Policy and Oversight.

a. Formulates cost principles and Department-wide cost policies and procedures affecting grants and contracts.

b. Formulates Department-wide cost policy for resolving audit findings on grantee and contractor organizations.

c. Serves as the Departmental liaison and maintains working relationships with OMB and other Federal agencies in the development of government-wide cost principles and audit resolution policies; maintains similar relationships with associations of States, universities and other grantee and contractor organizations.

d. Provides advice and technical assistance to the Operating and Staff Divisions, grantee and contractor organizations, and other Federal agencies on the financial or cost management of grants and contracts.

e. Develops and presents training programs for Departmental staff and grantee and contractor organizations on cost principles, indirect costs and other areas related to the financial management of grants and contracts.

f. Reviews at least on a biennial basis, the fees, royalties, rents, and other charges imposed by the Department for services and things of value, and makes recommendations on revising these charges to reflect costs incurred in providing these services and things of value.

4. Division of Audit Resolution

A. Reviews audit reports containing monetary findings or findings involving deficiencies in the management systems of grantee and contractor organizations which affect the programs of more than one Operating or Staff Division or Federal agency and resolves the findings. Conducts or arranges for additional reviews or acquires additional information to the extent necessary to determine the actions required to resolve the findings and correct the deficiencies.

b. Coordinates where necessary with other affected Federal agencies to establish a uniform Federal position on the actions needed to be taken to resolve the findings and correct the deficiencies.

c. Negotiates and determines the settlement of the findings and the actions needed to correct the deficiencies with grantee and contractor organizations. As designated by OMB, performs these functions on behalf of all Federal Departments and Agencies.

d. When deemed necessary to protect the interests of the Department, makes recommendations to the Secretary, the ASMB/CFO and other officials on safeguards or other actions against a grantee or contractor, where the organization is unwilling to correct serious deficiencies in a timely manner or fails to comply with previous agreements on corrective actions.

e. Provides and arranges for technical assistance to grantees and contractors on the correction of deficiencies and on other matters related to the financial management of grants and contracts.

f. Upon request, reviews and approves accounting or other systems developed by grantees and contractors to comply with Federal cost principles and policies.

g. Provides advice and technical assistance to Operating and Staff Divisions' audit resolution staffs on the resolution of audit reports assigned to them and on other matters related to the financial management of grants and contracts.

h. Develops and presents training programs for Department staff and grantee and contractor organizations on audit resolution, and other areas related to the financial management of grants and contracts.

III. Make the Following Changes to Chapter AML

Delete in its entirety Chapter AML and replace with the following:

A. Section AML.00 Mission. Delete in its entirety and replace with the following:

AML.00 Mission. The Office of the Budget provides advice and support to the Secretary and the Assistant Secretary for Management and Budget on matters pertaining to: formulation analysis, and presentation of budgets; staff resource allocations and analysis; budget policy; reprogramming (transfer of funds from one program area to another) within an appropriation; integrity issues; organizational analysis; Departmental audit follow-up systems; office of the Secretary paperwork reduction program; management and policy for the Working Capital Fund. Finally, the Office ensures that all Office of the Secretary employment policies and actions are in accordance with Equal Employment Opportunity (EEO) rules and regulations.

B. AML.10 Organization. Delete in its entirety and replace with the following:

Section AML.10 Organization. The Office of Budget is headed by the Deputy Assistant Secretary for Budget who reports to the Assistant Secretary for Management and Budget and includes the following: Immediate Office, Office of Equal Employment Opportunity, Division of Public Health and Social Services Budget Analysis, Division of Health Benefits and Income Security Budget Analysis, Division of Budget Policy and Management, Division of Budget Analysis, Division of Integrity and Organizational Review.

C. Section AML.20 Functions. Delete in its entirety and replace with the following:

AML.20 Functions.

A. The Office of the Budget recommends and issues Department-wide budgetary policies.

B. Develops budget, policy and management options for achieving Secretarial objectives.

C. Provides budget and financial management services for the Office of the Secretary.

D. Evaluates budgetary proposals and formulates alternative budgetary strategies. Coordinates the development of the annual budget and other budgetary and financial documents.

E. Presents the HHS budget and other appropriations matters to the Office of

Management and Budget, Committees of Congress, and other interested parties.

F. Participates in the Department's planning and evaluation process, particularly in the establishment of long-range staffing and funding requirements, and the identification and resolution of policy issues. Comments on draft legislation, regulations, and reorganization proposals.

G. Encourages sound budgetary and program management practices throughout the Department by providing technical guidance for OPDIV staffs.

H. Administers a Department-wide system of employment ceilings. Promotes the development and use of standards for the efficient use of staff resources. Provides technical assistance to agencies to help them maximize the utilization of authorized manpower.

I. Reviews and approves requests for reprogramming, transfer of funds, and other mechanisms relating to the funding of approved programs.

J. Conducts special studies and analyses and develops options for improving management and productivity of program operations.

K. Coordinates the development of policies and procedures for joint funding for integrated research and services projects.

L. Provides policy, management, and financial integrity for the Working Capital Fund.

M. Establishes Department Policy in the management of Inspector General Reports and audits, and GAO reports; prepares the Secretary's semi-annual report to Congress on IG report management; and monitors the Department-wide IG report tracking system.

N. Conducts special studies and organizational analyses; develops options for improving management and quality of program operations within the Department; and develops and executes Department-wide procedures relating to implementation and management of internal controls under the Federal Managers' Financial Integrity Act (FMFIA).

O. Provides policy and financial support to the Assistant Secretary for Management and Budget and other senior officials within the Office of the Assistant Secretary for Management and Budget on regional functions.

P. Assists the ASMB in carrying out the delegated authority to establish and maintain equal employment opportunity programs within the office of the Secretary. The functions of the office also include program efforts which focus on the Federal Women's Program, the Hispanic Employment Program, and the Handicapped Employment Program. The OS Office of Equal Employment Opportunity (EEO) receives program direction from the Assistant Secretary for Management and Budget and supervision and administrative support from the office of the Deputy Assistant Secretary for Budget.

1. Division of Public Health and Social Services Budget Analysis. The Division:

a. Provides staff assistance to the Secretary, the Assistant Secretary of Management and Budget and the OPDIV heads in the budgetary management of Departmental public health and social services programs.

b. Reviews budget and related requests for resources and management and productivity improvement plans and proposals or reports; analyses plans and proposals for new or alternative legislation, regulations, programs, or activities, to determine their resource, management and policy implications; appraises program activities and operations in terms of their contributions to the policies, goals, and objectives of the Department as a basis for evaluating resource requirements and program effectiveness; proposes recommendations for the Office of Budget on draft regulations, proposed legislation and reorganization proposals.

c. Assists the Secretary, the Deputy Secretary, the Assistant Secretary for Management and Budget and the OPDIV heads in evaluating programs and budgetary proposals by developing reliable cost projections for legislative and planning proposals and ensuring that proposals are consistent with approved plans and policies.

d. Coordinates the preparation of budget estimates and forecasts of resources required to support the programs and operations of the Department.

e. Provides guidance in budget formulation of the appropriate OPDIVs.

f. Conducts special management reviews and analyzes and develops management options to insure efficient and effective program operations and to encourage management improvements.

g. Proposes budget options and policy initiatives as necessary to achieve program objectives established by the Secretary.

h. Assists in the planning and presentation of the Budget of the Office of Management and Budget and the Congress and develops materials for key Department officials who testify at hearings before these bodies.

2. Division of Health Benefits and Income Security Budget Analysis.

a. Provides staff assistance to the Secretary, the Assistant Secretary for Management and Budget, and the Department OPDIV heads in the budgetary management of departmental health care financing, social security, and related programs.

b. Reviews budget and related requests for resources and management productivity improvement plans and proposals or reports; analyzes plans and proposals for new or alternative legislation, regulations, programs, or activities to determine their resource, policy, and management implications; appraises program activities and operations in terms of their contributions to the goals and objectives of the Department as a basis for evaluating resource requirements and programs effectiveness; proposes recommendations for the Office of Budget on draft regulations, proposed legislations, and reorganizations proposals.

c. Assists the Secretary, the Deputy Secretary, the Assistant Secretary for Management and Budget and the OPDIV heads in evaluating programs and budgetary proposals by developing reliable cost projections for legislative and planning proposals, and ensuring that proposals are consistent with approved plans and policies.

d. Coordinates the preparation of budget estimates and forecasts of resources required to support the programs and operations of the Department.

e. Reviews reprogramming requests and recommends appropriate action to the Office of Budget.

f. Provides guidance in budget formulation for the appropriate OPDIV.

g. Conducts special management reviews and analyses, and develops management options to ensure efficient and effective program operations and to encourage management improvements.

h. Proposes budget options and policy initiatives as necessary to achieve program objectives established by the Secretary.

i. Assists in the planning and presentation of the budget to the Office of Management and Budget and the Congress and develops materials for key Department officials who testify at hearings before these bodies.

3. Division of Budget Policy and Management. The Division:

a. Directs the formulation and presentation of the HHS budget.

b. The Division is the liaison with OMB and Congressional Committee staffs in defining specifications and schedules for preparing budget submissions.

c. Develops and promulgates to the OPDIV's and others the policies, procedures, guidance, and schedules for preparing budget submissions.

d. Monitors and provides technical assistance to the OPDIVs throughout the budget formulation and presentation process; and reviews and integrates OPDIV budget submissions prior to presentation to OMB or Congress.

e. Manages a computerized budget information system reflecting data on an HHS-wide basis and coordinates OPDIV input into this system.

f. Responsible for preparing summaries of budget submissions and for reconciliation of estimates to Department-wide control amounts.

g. Provides direct staff support to the Secretary in preparation for appropriation hearings and other budget related presentations and briefings.

h. Monitors the Budget and Appropriations Committee in the Congress and provides intelligence and analyses of budget decisions.

i. Participates in the development of guidelines for funding under continuing resolutions; establishes guidelines for, and reviews and processes reprogramming, and provides recommendations and other staff support as required in processing other cross-cutting funding proposals.

j. Promotes the development of standards for the efficient use of staff resources and administers the Departmental employment ceilings.

4. Division of OS Budget Analysis. The Director, Division of OS Budget Analysis serves as budget officer and financial management adviser for the Office of the Secretary. The Division:

a. Provides staff assistance to the Secretary, the Assistant Secretary for Management and Budget, OPDIV Budget Officers and STAFFDIV heads in the budgetary management of the Office of the Secretary and the Working Capital Fund.

b. Provides for the policy management, and financial integrity of Department-wide common services through the WCF.

c. Monitors and reports on Inspector General Reports to Office of Secretary offices at headquarters and the regions, including cross-cutting reports on grantees as well as reports issued to a particular Staff Division.

d. Identifies productivity and management improvements for implementation.

e. Provides budget policy and technical support to the Deputy Assistant Secretaries and the Assistant Secretary for Management and Budget on regional functions.

f. Participates in planning, directing, and coordinating financial and budgetary programs of the Office of the Secretary.

g. Directs and Provides technical guidance to administrative officers in preparing budgets. Assists in the planning and preparation of the Office of Secretary budget for presentation to top HHS management officials, the Office of Management and Budget, and Congress.

h. Develops materials for key members of the Office of the Secretary who testify at hearings before the Office of Management and Budget and the Congress.

i. Prepares requests for an apportionment of appropriated funds. Maintains and monitors subsidiary expenditure controls appropriations in the Office of the Secretary.

j. Develops financial operating procedures and manuals. Maintains budgetary controls to ensure observance of established ceilings both on funds and personnel. Assures implementation within the Office of the Secretary of Departmental and Federal fiscal policies and procedures.

5. Division of Integrity and Organizational Review. The responsibilities of the division include:

a. Leadership of the Management Oversight Council.

b. Implementation and management of internal controls under the Federal Managers' Financial Integrity Act (FMFIA).

c. Exercises operational and oversight responsibility for Department-wide internal control activities.

d. Represents the Department in government-wide activities related to the FMFIA.

e. Establishes Department Policy in the management of Inspector General Reports and audits, and GAO reports; prepares the Secretary's semi-annual report to Congress on IG report management; and monitors the Department-wide IG report tracking system.

f. Serves as the principal source of advice to the Secretary on all aspects of Department-wide organizational analysis including: (i) Planning for new organizational elements; (ii) evaluating current organizational structures for effectiveness; (iii) conducting the review process for reorganization proposals; (iv) maintaining documentation of the entire HHS organization to the prescribed level.

g. Administers the Department's system for the review, approval and documentation of delegations of authority.

h. Analyzes and makes recommendations related to legislative proposals with potential impact upon the Department's organizational structure or managerial procedures.

i. Manages, in accordance with the Paperwork Reduction Act of 1980, the OS activities related to the review and approval of all public use reports and recordkeeping requirements which impose paperwork burden on the public.

j. Develops policies for and manages the OS Information Collection Budget and the Information Collection Budget process.

k. Develops policies and procedure for the OS and carries out analytical and oversight activities related to the Department's paperwork burden reduction efforts.

l. Establishes Departmental statistical policies.

m. Maintains the Departmental Standards Administrative Code (SAC) system, including the SAC Officer, providing oversight, advice, and assistance Department-wide to assure codes are in accord with the current approved organization.

n. Monitors a central tracking system for cleared OIG and GAO audits and serves as the Department's liaison on follow-up action's between OPDIVs, OIG and GAO.

6. The OS Office of Equal Employment Opportunity assists the ASMB in carrying out the delegated authority to establish and maintain equal employment opportunity programs within the Office of the Secretary. The Office is responsible for ensuring that all OS employment policies and actions are based on merit, without regard to race, color, religion, national origin, sex, age, or physical/mental handicap. Major functions include: pre-complaint counseling; formal complaint processing; affirmative employment planning and implementation; technical guidance and policy development. The functions of the office also include program efforts which focus on the Federal Women's Program, the Hispanic Employment Program, and the Handicapped Employment Program.

IV. Make the Following Changes to Chapter AMM

A. Section AMM.00 Mission. Delete in its entirety and replace with the following:

AMM.00 Mission. The Office of Information Resources Management advises the Secretary and the Assistant Secretary for Management and Budget on issues and policies pertaining to the utilization of information resources. The Office of Information Management establishes information resources management (IRM) control mechanisms and administers the Department's IRM strategic plan, guides and oversees the Department's implementation of the

requirements of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and the Paperwork Reduction Reauthorization Act of 1986 (Pub. L. 99–500), the Computer Security Act of 1987 (Pub. L. 100–235), and the Computer Matching and Privacy Act of 1988 (Pub. L. 100–503), and provides and supports automated data processing and communications equipment and applications systems for general office automation and mission critical administrative systems for the Office of the Secretary. The Office also develops and supports an executive information system for senior Departmental managers, and guides and oversees the development of information systems and communications networks throughout the Department.

Further, the Office exercises functional management over strategies for regional information and data communications systems, formulates and coordinates the Department's policies on the creation, processing, handling, storage, dissemination, and disposition of systems of records and other collection of information within the Department. The Office guides and oversees the Department's printing and reproduction management program while providing state-of-the-art telecommunications management including voice and data equipment analysis.

B. Section AMM.10 Organization. Delete in its entirety and replace with the following:

AMM.10 Organization. The Office of Information Resources Management under the supervision of the Deputy Assistant Secretary for Information Resources Management, who reports to the Assistant Secretary for Management and Budget consists of the following components.

Immediate Office
Office of Information Policy and Review
  Division of Applications Systems and Telecommunications
  Division of Policy and Evaluation
  Division of IRM Approvals
Office of Information Technology
  Division of Network Management
  Division of Systems Architecture and Engineering
  Division of Support Services

C. Section AMM.20 Functions. Delete in its entirety and replace with the following:

AMM.20 Functions. The Office of Information Resources Management is responsible for the following:

A. The Immediate Office of the Office of Information Resources Management is responsible for setting strategic plans, formulating and executing the budget, administering acquisitions, directing and coordinating projects, and conducting personnel management activities of the Office of Information Resources Management.

B. The Office of Information Policy and Review is responsible for:

a. Managing the Department's information resources management program in accordance with the Paperwork Reduction Act of 1980 (Pub. L. (96–511), the Paperwork Reduction Reauthorization Act of 1986 (Pub. L. 99–500), the Computer Security Act of 1987, (Pub. L. 100–235), and the Computer Matching and Privacy Protection Act of 1988, (Pub. L. 100–503).

b. Developing, recommending, implementing, and overseeing the policies, procedures, and guidance by which the Department plans, acquires, and manages information resources.

c. Representing the Department in interactions with the Office of Management and Budget, the General Services Administration, the General Accounting Office, and other external entities, regarding the management of the Department's information resources.

1. The Division of Applications Systems and Telecommunications is responsible for:

a. Developing policies, procedures and guidelines for monitoring and evaluating major information systems and telecommunications (voice, image, and data) activities throughout the Department for adherence to approved strategies and plans, and compliance with Federal and Departmental standards.

b. Reviewing and approving Departmental requests to acquire telecommunications equipment and services and managing participation in the FTS 2000 network.

c. Conducting reviews of the Department's major information systems to assess system functionality and reliability, software engineering practices, and cost-effectiveness.

d. Promoting and coordinating standards for the Department's applications systems.

e. Leading efforts to plan and implement electronic connectivity and interoperability among the major telecommunications networks within the Department.

f. Promoting and coordinating the development of data standards for information integration across applications systems.

g. Supporting development of data definitions and data access standards throughout the Department, including standards for the executive information system.

h. Representing the Department and leading Departmental participation in activities of the National Communications System for maintaining telecommunications during national emergencies and disasters.

i. Providing telecommunications and applications systems expertise for on-site reviews of the Department's IRM programs and activities.

2. The Division of Policy and Evaluation is responsible for:

a. Leading and coordinating annually the strategic planning and budgeting processes to produce the Department's Five-Year Information Resources Management Plan and Information Technology Systems Budget.

b. Developing, issuing, and revising the Departmental Information Resources Manual of policies, procedures, and guidelines for information resources management.

c. Conducting and reporting on-site reviews of information resources management programs throughout the Department to determine effectiveness and compliance with Federal and Departmental policies.

d. Coordinating and supporting the Departmental Information Resources Management Advisory Council, which is the representational body of senior information resources management officials from each Operating Division.

e. Planning, coordinating, and evaluating the Department's automated information systems security program, including providing training requirements and planning guidance for systems designated as sensitive.

3. The Division of IRM Approvals is responsible for:

a. Monitoring, evaluating and guiding Department-wide automated data processing activities for adherence to approved IRM strategies, plans, and Federal and Departmental policies and procedures.

b. Evaluating the quality of acquisition management strategies reflected in the Five-Year Information Resources Management Plan.

c. Reviewing and approving procurement requests from agencies throughout the Department seeking to acquire computing resources and services, to determine compliance with Federal and Departmental policies, procedures, and guidelines.

d. Defining and overseeing the Department's records management programs, including directives, forms, files, reports, micrographics, electronic records, and records disposition, by developing policies and guidelines for the handling, printing, disseminating, storing, archiving, destroying, and

sharing of systems of records and other collections of information within the Department.

e. Overseeing the Department's electronic dissemination, printing, and copying activities.

f. Administering the information collection process and budget for information collections for the Department.

g. Coordinating and supporting the Departmental Data Integrity Board, which approves and reports on computer matching activities in compliance with the Computer Matching and Privacy Act of 1988.

h. Providing expertise for on-site reviews of the Department's IRM programs and activities in the areas of automated data processing acquisition, information collection, computer matching, and records, forms, and printing management.

i. Establishing and maintaining standards for the Department's inventory of automated data processing equipment.

D. Office of Information Technology. The Office of Information Technology provides Department-wide leadership by example in the acquisition, application, and management of appropriate information technology. The Office is responsible for:

a. Promoting the use of standardized automated information systems throughout the Office of the Secretary, including the Immediate Office of the Secretary, the Staff Divisions, and the Regional Offices.

b. Developing architectural models for automated information systems which are based upon Federal Information Processing Standards and industry standards, permit applications portability and scalability across computer hardware and operating system environments, enable interoperability among systems, and reduce reliance on proprietary solutions.

c. Conducting applied research, development, and testing in the areas of workstation and communications hardware and software.

d. Coordinating annually the development of the Office of the Secretary Five-Year Information Resources Management Strategic Plan and Information Technology Systems Budget, including formulating, justifying, and administering plans for the Office of the Assistant Secretary for Management and Budget.

e. Coordinating and overseeing automated data processing and telecommunications activities throughout the Office of the Secretary, including efforts in the Regional Offices.

f. Assisting OS managers in the design and implementation of applications systems software which operates within the Office of the Secretary network environment.

g. Overseeing the development, implementation, and operation of specific Department-wide application systems; developing policies and standards related to these systems; and acquiring related resources and support services for the OS Staff Divisions.

h. Chairing and supporting the Office of the Secretary Information Resources Management Policy and Planning Board, which is the advisory body of senior information resources management officials from the OS Staff Divisions.

i. Providing project officer services for contracts used to acquire automated data processing equipment and services.

j. Providing the design, layout, and illustration or other related services in connection with the printing of an organization publication, periodicals, briefing charts, and other information or reference materials. Also, provides for in-house reproduction services.

k. Providing state-of-the-art telecommunications management including voice and data equipment analysis, selections, installation, alterations, and maintenance for the Office of the Secretary. Monitoring telecommunications billings and plans and administering telecommunications budgets for the Office of the Secretary headquarters and Regional Offices.

l. The Division of Network Management supports the development and maintenance of an information management infrastructure to support the total automated information processing needs of the Office of the Secretary, including the Immediate Office of the Secretary, Staff Divisions, and Regional Offices. Specifically the Division is responsible for:

a. Expanding, operating, and maintaining a computer network throughout the Office of the Secretary, consisting of interconnected local area networks with wide area network access for connections to Departmental data centers and commercial information services.

b. Establishing and enforcing network policies and procedures, and developing plans and budgets for network support services.

c. Working with external organizations to implement electronic links between the OS computer network and other networks in conjunction with changing user needs and technological advancements.

d. Managing the acquisition, installation, and warranty support for standard configurations of personal computers, local area networks, and software within the Office of the Secretary.

e. Reviewing and approving requests to acquire computing resources and services for the Office of the Secretary.

f. Providing on-site support for users of personal computers, local area networks, and telephone voice messaging through development of a Federal support staff, contracting for technical support services, and training end users within the Office of the Secretary.

g. Implementing and maintaining standard office automation application running on the Office of the Secretary network, such as electronic mail, scheduling, and bulletin board services.

h. Coordinating annually the development of the Office of the Secretary Five-Year information Resources Management Strategic Plan and Information Technology Systems Budget, including formulating, justifying, and administering plans for the Office of the Assistant Secretary for Management and Budget.

i. Coordinating the Office of the Secretary IRM oversight program, including the IRM review program, acquisition plan approvals, information systems security and execution of IRM regulatory mandates.

j. Establishing and maintaining the inventory of automated data processing equipment for the Office of the Secretary.

2. The Division of Systems Architecture and Engineering is responsible for developing standards and prototypes for systems architectures and information engineering which serve as the basis for implementation of systems enhancements in the operational network environment. The Division is responsible for:

a. Designing and testing configurations of advanced desktop computers and networking products to develop systems architectures which comply with Federal Information Processing Standards and industry standards for applications portability and interoperability.

b. Assisting systems managers to develop migration plans by which existing information systems throughout the Department will be managed toward orderly implementation of open systems standards.

c. Providing technical support to applications development efforts with emphasis on using formal software engineering methodologies.

d. Conducting proof-of-concept and initial demonstrations of emerging standards such as messaging, directory

services, and electronic data interchange with an open systems architecture.

e. Conducting applied research, development and testing in the areas of workstation and communications hardware and software.

f. Initiating and directing special and continuing studies to test, adjust, and improve the existing infrastructure of the Office of the Secretary in conjunction with changing user needs and technological advancements.

g. Identifying and pilot testing new or additional standard office automation applications for implementation within the OS network.

h. Developing guidelines for systems administration and network operations in the Office of the Secretary which conform with Departmental policies regarding electronic connectivity and interoperability.

i. Evaluating and piloting new methods of providing electronic interchange between the Office of the Secretary, the Operating Divisions of the Department, including the Regional Offices, and other public private agencies/ organizations that interact with the Department.

j. Maintaining a collection of technical literature about information technology.

3. Division of Support Services provides the design, layout, and illustration or other related services in connection with printing or publications. Also, provides telecommunications management. Specifically, the Division is responsible for:

a. Providing the design, layout, and illustration or other related services in connection with the printing of organization publications, periodicals, briefing charts, and other information or reference materials.

b. Providing in-house reproduction services.

c. Providing state-of-the-art telecommunications management including voice and data equipment analysis, selections, installation, alterations, and maintenance for the Office of the Secretary.

d. Monitoring telecommunications billings and plans and administering telecommunications budgets for the Office of the Secretary headquarters and Regional Offices.

V. Make the Following Changes to Chapter AMN

A. Section AMN.00 Mission. Delete in its entirety and replace with the following:

AMN.00 Mission. The Office of Finance provides guidance on budget execution, accounting systems, financial and accounting policy, cost and other financial management reporting, financial management activities, cash management, credit and debt management and travel management. The Office is responsible for the coordination of CFO activities and reports throughout HHS, under the guidance of the ASMB/CFO and in conjunction with the CFO officials of the Operating Divisions. The office also oversees, monitors, and evaluates the design, development, implementation, operation, and enhancement of Department-wide and component accounting and financial management systems. This responsibility includes overseeing the preparation of the annual CFO Report.

The Office is also responsible for operating of Departmental automated financial systems and for operating the accounting system and providing fiscal services to the Office of the Secretary and other components as mutually agreed by the ASMB/CFO and the OPDIV Head. The Office of Finance also manages the process for approval of cost allocation plans and indirect cost rates. Serves as the adviser to the Assistant Secretary for Management Budget.

B. Section AMN. 10 Organization. Delete in its entirety and replace with the following:

AMN.10 Organization. The Office of Finance is headed by the Deputy Assistant Secretary, Finance, who is also the Deputy Chief Financial Officer and reports to the Assistant Secretary for Management and Budget/Chief Financial Officer. The organization is composed of the following:

Immediate Office
Office of Financial Operations
  Division of Accounting Operations
  Division of Financial Systems Operations
Office of Financial Policy
  Division of Financial Management Policy
  Division of Accounting and Fiscal Policy
  Division of Cost Allocation and Liaison
  Division of ADP Review
Office of Financial Systems
  Division of Financial Systems Integrity
  Division of Financial Systems Design and Analysis
Budget Execution Staff

C. Section AMN.20 Functions. Delete in its entirety and replace with the following;

AMN.20 Functions. The Office of Finance is responsible for the following functions:

A. Develops and executes, in coordination with the Office of the Budget, spending policies and procedures for continuing resolutions and appropriations.

B. Makes specific studies and appraisals of the financial aspects of program operations including systems designs and data requirements to ensure compliance with CFO objectives in areas assigned by the Assistant Secretary for Management and Budget/ Chief Financial Officer (ASMB/CFO).

C. Establishes and maintains a Departmental system of financial operating plans.

D. Establishes a financial management planning process for providing guidance and performance measurement indicators that enable the ASMB/CFO to evaluate the Operating Divisions.

E. Develops and manages a Department-wide system for estimating and controlling outlays. Assists the Office of Budget in the presentation of budget outlay estimates to the Office of Management and Budget and the Congress.

F. Recommends and issues Department-wide policies and procedures relating to the expenditure and collection of funds administered by the Department.

G. Establishes uniform standards, policies, classifications, and terminologies to be used throughout the Department in budget execution, and financial and cost reporting.

H. Develops and maintains financial management data collection and reporting systems on programs, activities and operations of the Department.

I. Oversees, monitors, and evaluates the design, development, implementation, operation and enhancement of Department-wide and component accounting and financial management systems.

J. Ensures that financial systems provide for timely and accurate reporting of grantee and/or contractor costs and performance of data.

K. In coordination with other ASMB components, participates in the clearance/approval process for program information systems that provide financial and/or program performance data which are used in financial statements.

L. Develops and executes policies and procedures relating to the evaluation of accounting and related systems for conformance with the Comptroller General's principles and standards.

M. Develops and executes policies and procedure relating to cash

management and financing of recipient organizations that receive funding from HHS.

N. Develops, coordinates and issues ADP policy related to the development, implementation, and maintenance of Department-wide financial systems.

O. In its area of responsibility represents the Department in its relationship with the Office of Management and Budget, General Accounting Office, General Services Administration, Treasury, and other Federal Agencies. Oversees Departmental implementation of central agency directives relating to budget execution, fiscal policy, accounting, debt and credit management.

P. Operates and maintains some of the Department-wide financial systems.

Q. Provides fiscal, accounting, and financial reporting services for the Office of the Secretary, and other Department components as determined by the ASMB/CFO.

R. Provides advice to the ASMB/CFO on the approval of the job descriptions and skill requirements for OPDIV CFOs and on the approval of the selection of OPDIV CFOs. Provides advice to the ASMB/CFO who participates with the OPDIV Head in the annual performance plan/evaluation of the OPDIV CFO.

S. Provides advice to the ASMB/CFO on the qualifications, recruitment, performance, training, and retention of all financial management personnel.

T. Prepares the annual HHS report on CFO activities as guided by the ASMB/CFO.

U. Conducts cost allocation activities including the review, negotiations and approval of indirect cost rates and cost allocation plans for grantees and contractors located in the United States.

V. Supervises the administrative office for the Office of Finance, providing personnel, budget, management, and general administrative functions.

1. The Office of Financial Operations. The Office is composed of the following:

A. Division of Accounting Operations

a. Develops and maintains the accounting manual for the Office of the Secretary in conformance with the Departmental Accounting Manual.

b. Maintains the official accounting records and documents for the Office of the Secretary and other Department components as determined by the Assistant Secretary for Management and Budget.

c. Operates the computerized accounting system including responsibility for the automated data processing (ADP) support and maintenance of the system which provides for the computerized obligation records and accounts and financial and cost reports of the activities of the Office of the Secretary and other Departmental components as determined by the Assistant Secretary for Management and Budget.

d. Establishes and maintains financial controls over cash, accounts receivable, property, and other assets.

e. Examines and pays vendors' invoices, transportation and other bills.

f. Examines and pays travel vouchers for employees.

g. Provides Cashier services, including the issuance of Third Party Drafts.

h. Provides billing services for reimbursable activities (other than the Departmental Working Capital Fund).

B. Division of Financial Systems Operations

a. Operates and provides the automated data processing (ADP) and maintenance of the Regional Accounting System (RAS) and ensures the proper exchange of data with other automated systems; provides technical assistance to regional personnel for operating the system.

b. Provides financial oversight and direction to the Regional Finance Offices related to their accounting and fiscal activities.

c. Operates and provides the automated data processing (ADP) support and maintenance of the Central Registry System (CRS) used throughout the Department in other data systems as a source of recipient identity, address, and related information.

2. Office of Financial Policy. The Office of Financial Policy is composed of the following:

A. Division of Financial Management Policy (DFMP). The Division of Financial Management Policy (DFMP) as one of four components within the Office of Financial Policy, Office of Finance, is responsible for all Department-wide policies, procedures, and standards relating to cash management, credit management, debt management, payment management, including disbursement activities and functions. The Division has the following responsibilities:

a. Develops Department-wide policies, procedures, and standards for financial management areas including cash management, credit management, debt management, travel management, payment and disbursement activities and functions, and promulgates these and related government-wide financial management requirements through the Department Staff Manual System.

b. Provides advice and assistance to OPDIVs and STAFFDIVs on financial management area.

c. Serves as principal staff adviser to the Office of Finance on financial management matters.

d. Reviews and drafts Departmental reports on Congressional bills affecting financial management of the Department's programs.

e. Maintains liaison with the Office of Management and Budget (OMB), the Treasury Department, the General Accounting Office (GAO), the General Services Administration (GSA) and other agencies on all financial management matters.

f. Recommends policy and maintains a system for tracking and improving cash and credit management and debt collection performance throughout the Department.

g. Develops and maintains travel voucher examination policies, payment, and disbursing policies and procedures for Department-wide applications and publishes them through the Departmental Staff Manual System.

h. Performs studies and analyses in any of these subject areas singularly or with outside organizations. Maintains continuous contact with GAO, OMB, Treasury, GSA, and other agencies.

i. Establishes a financial management planning process for providing guidance and financial management indicators that enable the ASMB/CFO to evaluate the financial management programs and activities of the Department.

j. Makes specific studies and appraisals of the financial aspects of program operations to ensure compliance with CFO objectives in area assigned by the Deputy CFO.

B. The Division of Accounting and Fiscal Policy (DAFP) functions as one of four components within the Office of Financial Policy, Office of Finance, and is responsible for matters relating to accounting policy, fiscal policy, financial statements presentation, publications, legislative and other special initiatives. The Division has the following responsibilities:

a. Develops policies, procedures, and standards for Department-wide accounting and fiscal areas including legislative or special accounting initiatives such as the Standard General Ledger (SGL) and promulgates these policies, procedures, and standards as well as other government-wide accounting and fiscal procedures through the Departmental Staff Manual System and Maintains appropriate reference material.

b. Provides advice and assistance to OPDIVs and STAFFDIVs on accounting and related fiscal matters.

c. Serves as principal advisor of the Office of Finance on accounting and related fiscal matters.

d. Reviews and drafts Departmental reports on Congressional bills affecting accounting and fiscal matters.

e. Maintains liaison with the Office of Management and Budget (OMB), the General Accounting Office (GAO), Treasury Department, and other agencies on matters involving accounting and related fiscal matters.

f. Develops and maintains financial statements presentation policies, procedures, and standards for Department-wide applications and oversees the preparation of audited financial statements.

g. Performs studies and analyses of any of these or related subjects independently or in conjunction with outside organizations. Maintains continuous contact with OMB, GAO, Treasury, GSA and other agencies.

h. Makes specific studies and appraisals of the financial aspects of program operations to ensure compliance with CFO objectives in areas assigned by the Deputy CFO.

i. Prepares the annual HHS report on CFO activities as guided by the DASF/ Deputy CFO.

C. Division of Cost Allocation and Liaison

a. Serves as the liaison between regional cost allocation staff and federal agencies in the Washington, DC area on operational matters involving the review and negotiation of indirect cost rates and cost allocation plans. Reviews, negotiates and approves indirect cost rates, state and local government cost allocation plans, research plans, research patient care rates and amounts, fringe benefit rates and other special rates for grantees and contractors located in the District of Columbia and the following states: Alabama, Delaware, Florida, Georgia, Kentucky, Maryland, Mississippi, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia and West Virginia.

b. Resolves audit findings on cost allocation plans, indirect cost rates, etc., for grantees and contractors under the division's cognizance. Also provides technical assistance on cost allocation matters in these guidelines to these grantees and contractors.

c. Carries out the functions described in paragraphs a and b above on behalf of all Federal agencies when HHS is designated the cognizant agency by OMB.

D. Division of ADP Review

a. Evaluates a wide range of sophisticated ADP facilities operated by State and Local governments, colleges and universities, and other types of grantee/contractor organizations to determine whether charges for ADP services to Federal programs are reasonable, proper and allowable under Federal cost principles. These reviews cover the propriety of cost accounting methods and billing algorithms, operations efficiency, hardware configurations and need, software, hardware and software compatibility, internal controls, etc.

b. Recommends and participates in the negotiation of ADP cost recoveries and charges to costing/billing methods and internal controls where reviews disclose unreasonable, inequitable or unallowable charges to Federal programs. Recommends modifications to grantee and contractor ADP systems to improve operational efficiency based on state-of-the-art and advances in techniques.

c. Develops guidelines and analysis techniques for the regional Divisions of Cost Allocation (DCAs) in their evaluation of grantee/contractor ADP costs and costing/billing methods. Provides technical assistance and training to DCAs in ADP operations and techniques.

d. Develops and assists in the implementation of ADP systems and techniques in support of DCA and OFP operations.

3. Office of Financial Systems. Provides leadership and coordination in the development of HHS financial systems. Responsible for the establishment of Department-wide financial definitions and data structures. Responsible for the administration of a data integrity and quality control program to ensure compliance with applicable Federal directives, Departmental financial systems policy and automated financial data exchange requirements. Also provides advice on financial systems and serves as the focal point with Federal control agencies on financial systems matters. The office consists of the following:

A. Division of Financial Systems Integrity

a. Oversees, monitors, evaluates, and recommends approval for the design, implementation, operation, and enhancement of Department-wide and component accounting and financial management systems.

b. Establishes and maintains a Department-wide quality assurance program that ensures the auditability of financial and performance data and functions as a data administrator for financial systems.

c. Develops financial systems requirements and policy regarding data structure and interface techniques necessary to communicate between HHS financial systems and with Departmental systems.

d. Makes specific studies and appraisals of the financial aspects of program operations including systems designs and data requirements to ensure compliance with CFO objectives in areas assigned by the Deputy CFO.

e. Serves as principal staff adviser to the Office of Finance on all financial systems related matters.

f. Maintain liaison with the Office of Management and Budget, the Treasury Department, the General Accounting Office, and other agencies on matters involving financial systems.

g. Develops and issues policies and procedures relating to the evaluation of accounting and related systems for conformance with Comptroller General principles and standards under Section 4 of the Federal Managers' Financial Integrity Act and with related systems review guidelines of the Office of Management and Budget, the Treasury Department and the General Accounting Office.

B. Division of Financial Systems Design and Analysis

a. Provides ADP expertise and guidance to the Office of Finance.

b. Performs systems analysis and design in the development of the Office of Finance financial systems to include systems interfaces, distributed processing requirements and reporting capabilities.

c. Participates in the evaluation and selection of vendors and equipment. Serves as the project officer and monitors performance of vendors supplying software to the Office of Finance.

d. Provides technical assistance in the development of hardware, software, telecommunications and ADP service acquisitions for Office of Finance systems. This assistance includes the areas such as cost benefit analyses, requirements statements and performance criteria.

e. Utilizes the financial systems quality assurance program to review and analyze on-going Departmental operations (including the Office of Finance) for compliance with directives and to determine possible problem areas and resolutions thereto.

f. Makes specific studies and appraisals of the financial aspects of

program operations including systems designs and date requirements to ensure compliance with CFO objectives in areas assigned by the Deputy CFO.

4. Budget Execution Staff

a. Establishes and maintains a Departmental budget execution system based on uniform standards, classification and procedures, in order to apply resources consistent with Departmental policy and budget. Resolves questions regarding financial issues and proper authority and application of funds.

b. Establishes and maintains a Department-wide system of outlay estimates in support of formulation and execution of the budget, including a tracking process for identifying variances and preparing reports.

c. In cooperation with the Office of Budget and other staff offices recommends policy for activities and services to continue in the absence of appropriations and for continuing Departmental operations during periods of Continuing Resolutions (CR).

d. Reviews agency Treasury warrant requests and apportionment requests and develops recommendations in cooperation with the Office of the Budget before submission to the Treasury Department and the Office of Management and Budget.

e. Maintains the Catalog of Federal Domestic Assistance and develops State tables of projected obligations for selected programs.

VI. Insert Chapter AMQ as Follows

A. AMQ.00 Mission. The Administrative Services Center (ASC) provides leadership and direction for administrative and management operations, and provides Department-wide policy support for real property, occupational safety and health, and environmental and historic preservation responsibilities. Provides administrative services and facilities management services to all HHS components in the Southwest Washington, D.C. area complex. Plans and administers emergency preparedness activities for the OS. Advises senior Departmental officials on management issues related to the effective and efficient operation of the applicable programs and components. Acts as the Department's focal point with other Federal agencies and HHS Operating Divisions (OPDIVs) on policy and regulatory issues involving postal management, record management, real property, space management, occupational safety and health, and emergency preparedness activities for the Office of the Secretary (OS). Provides administrative services and facilities management functions for the Southwest Complex for the Office of the Secretary and the OPDIVS. Directs, plans, obtains, and coordinates building management, space management and design, systems furniture procurement and installation, safety and health, and support services in the Baltimore-Washington area. Serves as the focal point for advice and guidance on a variety of administrative support activities for the Department, which include Staff Divisions in the OS, OPDIVs located at headquarters, and the Regional Offices. Develops Department-wide policy regarding postal management. The Postal Management Branch makes request to the U.S. Postal Service to carry out a "mail cover". Maintains liaison with the General Services Administration and the U.S. Postal Service regarding postal management. Represents the Department in government-wide activities related to postal management and Cooperative Administrative Support Unit (CASU).

B. AMQ.20 Organization. The Administrative Services center is headed by a Director who reports to the Assistant Secretary for Management and Budget. The Center consists of the following entities:

Immediate Office
  Administrative Staff
  Technological Initiative Staff
Division of Special Programs Coordination
Division of Building Operations
  Buildings Branch
  Materiels Management Branch
Health and Wellness Center

c. Section AMQ.20 Functions. The Administrative Services Center is responsible for the following functions:

A. The Office of the Director provides leadership, policy, guidance, and supervision, as well as coordinating long- and short-range planning to constituent organizations.

1. Administrative Staff

a Provides guidance and direction in formulating and overseeing the execution of ASC's budget and use of its personnel resources, conferring with other organization units within OS as required.

b. Plans, directs, and coordinates financial and budgetary programs for GDM, RENT, WCF, and GSA accounts and the Health and Wellness Center. Maintains commitment records against allowances, and certifies funds availability for these funding activities.

c. Consolidates and presents budget estimates and forecasts of ASC resources. Develops and maintains an overall system of budgetary controls to ensure observance of established ceilings on both funds and personnel.

d. Coordinates the development of ASC's annual work plan and long-range strategies for budget and personnel resources.

e. Coordinates the development of ASC administrative policy and procedures in accoradance with HHS Staff Manual and Personnel Manual Systems. With cooperation and input from other ASC organizational units plans, organizes, and conducts study and management reviews of administrative processes and functions in OSM.

2. Technological Initiative Staff

a. Identifies/develops the creative application of automated systems in ASC to enhance service delivery.

b. Provides comprehensive PC maintenance.

c. Coordinates/develops in-house applications training seminars.

d. Coordinates development of IRM plan.

B. The Division of Special Programs Coordination. The Division of Special Programs Coordination advises senior Departmental officials on management issues related to the effective and efficient operation of applicable programs and components. It also acts as the Department's focal point with other Federal agencies and HHS OPDIVs on policy and regulatory issues involving real property, space management, occupational safety and health, environmental affairs, energy management, and physical security. It serves as the focal point for emergency preparedness activities for the OS and provides advice and guidance on a variety of administrative support activities for the OS.

a. Establishes, maintains, and promulgates HHS policy for the HHS real property program. Establishes guidelines and procedures to monitor effectively the real property owned or leased by HHS.

b. Establishes guidelines to monitor the utilization of all space assigned to the Department by GSA.

c. Prepares initial guidance to the OPDIVs on technical and facilities aspects of the HHS annual RENT budget. Provides oversight of OPDIV performance for this function and provides technical assistance on a Department-wide basis as required. Coordinates preparation among OPDIVs on facilities and space aspects, and collaborates with the Office of Budget on final Department-wide RENT budget.

consistent with OMB and GSA guidance.

d. Establishes, maintains and promulgates HHS policy for the Departmental employee safety and occupational health program. Provides oversight of OPDIV performance of the function and provides technical assistance on a Department-wide basis as required.

e. Provides necessary leadership and coordination activities for emergency preparedness matters internal to the elements of the OS.

f. Establishes, maintains, and promulgates HHS policy for the Departmental physical suecurity programs function an provides technical assistance on a Department-wide basis as required.

g. Establishes, maintains, and promulgates HHS policy for the Departmental historic preservation program. Provides oversight of OPDIV performance for this function and provides techniical assistance on a Department-wide basis as required.

h. Interprets Department of Energy policy on energy management issues and oversees implementation of energy-related legislation within HHS.

i. Establishes information and reporting standards for all above listed programs. Collects, assembles, and analyzes required information for mandated reports to Congress, OMB, GSA, and other Federal agencies.

C. Division of Buildings Operations. This Office directs, plans, and coordinates the facilities management services function. It also serves as the focal point for advice and guidance on a variety of centralized common and general administrative services and staff support. This office provides these services to the OS. OPDIVs located in the Southwest Couples and HHS Regional Offices.

a. Is responsible for the acquisition, disposition, allocation, and budgeting of space for the OS in Washington, D.C. and OPDIVs in the Southwest Complex. Monitors and reconciles centralized RENT billings and distributes charges to responsible Offices.

b. Fosters and enforces compliance with Federal space utilization principles in the southwest Washington, D.C. Complex by the preparation of high-quality space management plans and drawings, and the arrangement of quality and timely renovation work. Provides engineering and architectural services as well as oversight in support of Southwest Complex facilities both through in-house staff and contractors.

c. Procures systems furniture, including related design, installation and maintenance services for the Southwest Complex. Conducts major renovation and system furniture installation projects, moves, and space consolidations.

d. Under delegation from GSA, is responsible for the physical plant operation and maintenance of the Hubert H. Humphrey Building including procurement and administration of related contracts.

e. Oversees the OS and Southwest Complex occupational safety and health programs, including procurement and administration of related contracts.

f. Provides the OS and Regional Offices all aspects of mail services, including receipt, routing, dispatch and control of packages, mail and all other forms of written or printed communications.

g. Provides physical security for employees and facility protection in the Southwest Complex through the procurement and administration of guard services and equipment.

h. Provides a variety of support services to the OS, including the management of conference and parking facilities, the processing of employee identification badge applications, and special events support.

i. Issues, controls, and schedules employees for photographing and issuance or replacement of identification card.

j. Records changes to organizational forms, periodicals, and publications.

k. Manages the HHS administrative directives system, with emphasis upon ensuring that the system is up-to-date.

l. Provides for the management of property through maintenance of records, by conducting periodic inventories, maintenance of depreciation accounts and repair cost analyses, disposal of excess property, and obtaining releases from accountability for lost or stolen property.

m. Receives, stores, issues, and maintains stock levels for a wide variety of supplies and forms, and for office furniture, office machines, and other nonexpendable materials obtained through the appropriate supply organization.

n. Maintains a fleet of motor vehicles for deliveries, messenger, and shuttle services. Plans and schedules drivers to accommodate senior OS officials and agency needs.

o. Provides for the purchase, storage, and issuance, of office forms and unique supplies.

p. Provides guidance, advice, and assistance in all areas of records management including forms management for the OS and upon request OS regional components. Serves as OS liaison with the National Archives and Records Service. Assists the OS in scheduling their records for disposition or for obtaining approval of the Archivist of the United States for new or revised schedules.

D. The Health and Wellness Center. The office operates and manages the HHS Health and Wellness Center including the collection of and accounting for funds from employees and other participating Government agencies.

Dated: August 7, 1992.

Louis W. Sullivan,

Secretary.

[FR Doc. 92–19799 Filed 8–19–92; 8:45 am]

BILLING CODE 4110–60–M

Agency for Health Care Policy and Research

National Advisory Council for Health Care Policy, Research, and Evaluation; Meeting

AGENCY: Agency for Health Care Policy and Research, HHS.

ACTION: Notice of public meeting.

SUMMARY: In accordance with section 10(a) of the Federal Advisory Committee Act, this notice announces a meeting of the National Advisory Council for Health Care Policy, Research, and Evaluation.

DATES: The meeting will be open to the public on Monday, September 14, from 9 a.m. to 5:30 p.m., and on Tuesday, September 15, from 8:30 a.m. to 10:30 a.m.

In accordance with the provisions set forth in section 552b(c)(6), title 5, U.S. Code, and section 10(d) of the Federal Advisory Committee Act, a meeting closed to the public will be held on September 15, 1992, from 10:30 a.m. to 2 p.m. to review, discuss, and evaluate grant applications. The discussion and review of grant applications could reveal confidential personal information, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

ADDRESS: The meeting will be at the Hyatt Regency, 7400 Wisconsin Avenue, Bethesda, Maryland 20814.

FOR FURTHER INFORMATION CONTACT: Deborah L. Gueenan, Executive Secretary of the Advisory Council at the Agency for Health Care Policy and Research, 2101 East Jefferson Street, suite 603, Rockville, Maryland 20852, (301) 227–8459.

In addition, if sign language interpretation or other reasonable

accommodation for a disability is needed, please contact Linda Reeves, the Assistant Administrator for Equal Opportunity, AHCPR, on (301) 227–6662 no later than August 28, 1992.

SUPPLEMENTARY INFORMATION:

I. Purpose

Section 921 of the Public Health Service Act (42 U.S.C. 299c) establishes the National Advisory Council for Health Care Policy, Research, and Evaluation. The Council provides advice to the Secretary and the Administrator, Agency for Health Care Policy and Research (AHCPR), on matters related to the actions of AHCPR to enhance the quality, appropriateness, and effectiveness of health care services and access to such services through scientific research and the promotion of improvements in clinical practice and the organization, financing, and delivery of health care services.

The Council is composed of members appointed by the Secretary. These members are:

Linda H. Aiken, Ph.D.; Mr. Edward C. Bessey; Marion F. Bishop, Ph.D.; Linda Burnes-Bolton, Dr. P.H.; Joseph T. Curti, M.D.; John W. Danaher, M.D.; David E. Hayes-Bautista, Ph.D.; William S. Kiser, M.D.; Kermit B. Knudsen, M.D.; Norma M. Lang, Ph.D.; Barbara J. McNeil, M.D.; Mr. Walter J. McNerney; Lawrence H. Meskin, D.D.S., Ph.D.; Theodore J. Phillips, M.D.; Louis F. Rossiter, Ph.D.; Barbara Starfield, M.D.; and Donald E. Wilson, M.D.

There also are Federal ex officio Members. These members are:

Administrator, Alcohol, Drug Abuse and Mental Health Administration; Director, National Institutes of Health; Director, Centers for Disease Control; Administrator, Health Care Financing Administration; Commissioner, Food and Drug Administration; Assistant Secretary of Defense (Health Affairs); and Chief Medical Director, Department of Veterans Affairs.

II. Agenda

On Monday, September 14, 1992, the open portion of the meeting will begin at 9 a.m. with the call to order by the Council Chairman. The Administrator will introduce new and reappointed members to the Council followed by an update on AHCPR activities. The AHCPR Legislative Officer will conclude the morning meeting with an update on health care reform. In the afternoon AHCPR staff and council members will discuss market forces and health care costs, followed by a discussion on fostering quality of care research. The Council will recess at 5:30 p.m.

On Tuesday, September 15, 1992, the Council will resume at 8:30 a.m. with a discussion on primary care. The open meeting will adjourn at 10:30 a.m. The Council will begin the closed portion of the meeting to review grant applications from 10:30 a.m. to 2 p.m. The meeting will then adjourn at 2 p.m.

Agenda items are subject to change as priorities dictate.

Dated: August 13, 1992.

J. Jarrett Clinton,

Administrator.

[FR Doc. 92–19855 Filed 8–19–92; 8:45 am]

BILLING CODE 4160–90–M

Food and Drug Administration

[Docket No. 92F–0317]

Nordion International, Inc.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Nordion International, Inc., has filed a petition proposing that the feed irradiation regulations be amended to provide for the safe use of gamma radiation from cobalt-60, not to exceed 25 kiloGrays, to pasteurize complete poultry (chickens, turkeys, ducks, geese, cornish hens, pheasant, quail, and fowl) feeds or feed ingredients.

DATES: Written comments by October 19, 1992.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Administration, Rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Woodrow M. Knight, Center for Veterinary Medicine (HFV–226), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–295–8731.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 2216) has been filed by Nordion International, Inc., 447 March Rd., P.O. Box 13500, Kanata, Ontario, Canada, K2K 1X8. The petition proposes to amend the food additive regulations to provide for the safe use of gamma radiation from cobalt-60, not to exceed 25 kiloGrays, to pasteurize complete poultry (chickens, turkeys, ducks, geese, cornish hens, pheasant, quail, and fowl) feeds or feed ingredients.

The potential environmental impact of this action is being reviewed. The environmental assessment prepared by the petitioner may be seen at the Dockets Management Branch (address above). Comments from the public are invited. Those comments received by October 19, 1992, will be considered. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: August 13, 1992.

Gerald B. Guest,

Director, Center for Veterinary Medicine.

[FR Doc. 92–19806 Filed 8–19–92; 8:45 am]

BILLING CODE 4160–01–F

Health Resources and Services Administration

Advisory Council; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of November 1992:

Name: Advisory Council on Nurses Education.

Date and Time: November 13, 1992, 8:30 a.m.

Place: Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

The meeting is open to the public.

Purpose: The Council advises the Secretary and Administrator, Health Resources and Services Administration, concerning general regulations and policy matters arising in the administration of the Nurse Education Amendments of 1985 (Pub. L. 99–92). The Council also performs final review of grants applications for Federal Assistance, and makes recommendations to the Administrator, HRSA.

Agenda: The meeting will cover reports on the Health Resources and Services Administration, the Bureau of Health Professions and Division of Nursing, an update on the legislation, a presentation on issues facing Hispanics, particularly Hispanic nurses, a summary of the follow up on the Minority Congress, and the Council will continue discussion of the grant review process and other issues of interest and concern.

Anyone requiring information regarding the subject Council should contact Dr. Mary S. Hill, Executive Secretary, Advisory Council on Nurses Education, room 9–36, Parklawn Building, 5600 Fishers Lane, Rockville,

Maryland 20857, Telephone (301) 443–6193.

Agenda Items are subject to change as priorities dictate.

Dated: August 14, 1992.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 92–19819 Filed 8–19–92; 8:45 am]

BILLING CODE 4160–15–M

National Institutes of Health

National Institute of Allergy and Infectious Diseases; AIDS Liaison Subcommittee of the AIDS Research Advisory Committee, NIAID; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the AIDS Liaison Subcommittee of the AIDS Research Advisory Committee, National Institute of Allergy and Infectious Diseases, on September 22, 1992, in Building 31C, Conference Room 6, at the National Institutes of Health, Bethesda, Maryland 20892.

The entire meeting will be open to the public from 8 a.m. until adjournment on September 22. The subcommittee will discuss the mission and directions of the Division of AIDS (DAIDS) providing input and broad programmatic advice on the DAIDS extramural program with respect to basic and clinical research. Attendance by the public will be limited to space available.

Ms. Patricia Randall, Office of Communications, National Institute of Allergy and Infectious Diseases, Building 31, room 7A32, National Institutes of Health, Bethesda, Maryland 20892, telephone 301–496–5717, will provide a summary of the meeting and a roster of the committee members upon request.

Jean S. Noe, Executive Secretary, AIDS Research Advisory Committee, DAIDS, NIAID, NIH, Solar Building, room 2A22, 6003 Executive Boulevard, Rockville, Maryland 20892, telephone 301–496–0545, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 93.855, Immunologic, Allergic and Immunologic Diseases Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health).

Dated: August 13, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92–19925 Filed 8–19–92; 8:45 am]

BILLING CODE 4140–01–M

Amended Notice of Meeting

Notice is hereby given of a change in the notice of meeting of the National Advisory General Medical Sciences Council, National Institute of General Medical Sciences, September 14 and 15, 1992, in Building 31C, Conference Room 6, National Institutes of Health, which was published in the **Federal Register** on July 27, (57 FR 33204.

The meeting was to have been open to the public from 8:30 a.m. to 11 a.m., on September 14, but now will be open to the public on September 14, from 1:30 p.m. to 2:30 p.m., and on September 15, from 8:30 a.m. to 10 a.m., for opening remarks; report of the Director, NIGMS; and other business of the Council.

Dated: August 13, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92–19926 Filed 8–19–92; 8:45 am]

BILLING CODE 4140–01–M

Public Health Service

National Toxicology Program; Availability of Technical Report on Toxicology and Carcinogenesis Studies of Naphthalene

The HHS' National Toxicology Program announces the availability of the NTP Technical Report on the toxicology and carcinogenesis studies of naphthalene, used in the manufacture of phthalic and anthranilic acids, naphthylamines, and synthetic resins. Naphthalene is used as an insecticide, antiseptic, and vermicide. It is also an ingredient in various commercial moth repellents and toilet bowl cleaners.

Toxicology and carcinogenesis studies of naphthalene were conducted by exposing groups of 75 mice of each sex to naphthalene at target concentrations of 0, 10, or 30 ppm in air. Two additional groups of 75 male mice and 75 female mice were exposed to 30 ppm. Twice as many animals received the high dose because of the lack of information on the long-term toxicity of inhaled naphthalene and to ensure that a sufficient number of animals lived to study termination. Exposures were for 6 hours daily, 5 days per week, for 104 weeks.

Under the conditions of these 2-year inhalation studies, there was no evidence of carcinogenic activity [1] of naphthalene in male B6C3F1 mice exposed to 10 or 30 ppm. There was some evidence of carcinogenic activity of naphthalene in female B6C3F1 mice, based on increased incidences of pulmonary alveolar/bronchiolar adenomas.

In both male and female mice, naphthalene caused increased incidences and severity of chronic inflamation, metaplasia of the olfactory epithelium, and hyperplasia of the respiratory epithelium in the nose and chronic inflammation in the lungs.

The study scientist for this bioassay is Dr. Kamal Abdo. Questions or comments about the contents of this Technical Report should be directed to Dr. Abdo at P.O. Box 12233, Research Triangle Park, NC 27709 or telephone (919) 541–7819.

Copies of Toxicology and Carcinogenesis Studies of Naphthalene in B6C3F1 Mice (Inhalation Studies) (TR 410) are available without charge from Central Data Management, NIEHS, MD AO–01, P.O. Box 12233, Research Triangle Park, NC 27709; telephone: (919) 541–3419 or (919) 541–0977.

Dated: August 14, 1992.

Kenneth Olden,

Director, National Toxicology Program.

[FR Doc. 92–19927 Filed 8–19–92; 8:45 am]

BILLING CODE 4140–01–M

[1] The NTP uses five categories of evidence of carcinogenic activity to summarize the evidence observed in each animal study: Two categories for positive results ("clear evidence" and "some evidence"), one category for uncertain findings ("equivocal evidence"), one category for no observable effect ("no evidence"), and one category for studies that cannot be evaluated because of major flaws ("inadequate study").

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK–967–4230–15; AA–8447–A2]

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of section 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(a), will be issued to The Eyak Corporation for 1,061.46 acres. The lands involved are in the vicinity of Cordova, Alaska.

Copper River Meridian, Alaska

T. 16 S., R. 1 W.

A notice of the decision will be published once a week, for four (4) consecutive weeks, in the Cordova Times. Copies of the decision may be obtained by contacting the Alaska State Office of the Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513–7599 ((907) 271–5960).

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government, or regional corporation, shall have until September 21, 1992, to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file and appeal. Appeals must be filed in the Bureau of Land Management at the address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4, subpart E, shall be deemed to have waived their rights.

Terry R. Hassett,

Chief, Branch of KCS Adjudication.

[FR Doc. 92-19798 Filed 8-19-92; 8:45 am]

BILLING CODE 4310-JA-M

[CO-010-02-4320-02]

Craig Colorado Advisory Council; Meeting

Time and Date: 10:30 a.m., September 9, 1992.

Place: BLM—Kremmling Resource Area, 1116 Park Avenue, Kremmling, Colorado 80459.

Status: Open to public; interested persons may make oral statements at 10:30 a.m. Summary minutes of the meeting will be maintained in the Craig District Office.

Matters to be Considered: 1. Upper Colorado Alliance. 2. Field trip to see the Upper Colorado River from Pumphouse to Radium.

Contact Person for More Information: Mary Pressley, Craig District Office, 455 Emerson Street, Craig, Colorado 81625-1129, Phone: (303) 824-8261.

Dated: July 30, 1992.

[FR Doc. 92-19911 Filed 8-19-92; 8:45 am]

BILLING CODE 4310-JB-M

Susanville District Advisory Council Meeting

AGENCY: Bureau of Land Management, Susanville District Advisory Council, Susanville, Ca.

ACTION: Notice of Meeting.

SUMMARY: Notice is hereby given that the Bureau of Land Management's Susanville District Advisory Council will meet on Wednesday, September 16, and Thursday, September 17, 1992, at the Bureau of Land Management's Susanville District Office, 705 Hall Street, Susanville, California 96130.

On September 16, the board will hold a business meeting in the Susanville District Office beginning at 10 a.m. Items for discussion will include the status of the East Lassen Integrated Vegetation Management Plan, and an update on the BLM 2015 reorganization proposal. Council members will discuss and take public input on the Susanville District's FY 93 plans to use helicopters for gathering wild horses and burros, and also will hear reports from the District Manager and Resource Area Managers. A Susanville businessman will address the council on the subject of mineral material sales.

On September 17, the Council will meet at the Susanville District office at 8 a.m., then depart for a field trip to areas that will be affected by development of the East Lassen Integrated Vegetation Management Plan.

The meeting is open to the public and time will be provided on the agenda for public comment.

Summary minutes of the board meeting will be maintained in the Susanville District Office, and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Robert J. Sherve,

Associate District Manager.

[FR Doc. 92-19896 Filed 8-19-92; 8:45 am]

BILLING CODE 4310-40-M

[WY-920-41-5700; WYW103253]

Proposed Reinstatement of Terminated Oil and Gas Lease

August 12, 1992.

Pursuant to the provisions of 30 U.S.C. 188(d), and 43 CFR 3108.2-3(a) and (b)(1), a petition for reinstatement of oil and gas lease WYW103253 for lands in Crook County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of $5.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500 administrative fee and $125 to reimburse the Department for the cost of the **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW103253 effective February 1, 1992, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Florence R. Speltz,

Supervisory Land Law Examiner.

[FR Doc. 92-19865 Filed 8-19-92; 8:45 am]

BILLING CODE 4310-22-M

[WY-920-41-5700; WYW107670]

Proposed Reinstatement of Terminated Oil and Gas Lease

August 12, 1992.

Pursuant to the provisions of 30 U.S.C. 188(d), and 43 CFR 3108.2-3(a) and (b)(1), a petition for reinstatement of oil and gas lease WYW107670 for lands in Natrona County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of $5.00 per acre, or fraction thereof, per year and 16⅔ percent respectively.

The lessee has paid the required $500 administrative fee and $125 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW107670 effective April 1, 1992, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Florence R. Speltz,

Supervisory Land Law Examiner.

[FR Doc. 92-19866 Filed 8-19-92; 8:45 am]

BILLING CODE 4310-22-M

[CA-940-4212-13; CACA 14636]

Issurance of Land Exchange Conveyance Document; Exchange of Federal and Non-Federal Lands in Inyo and Los Angeles Counties, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Act of October 30, 1984 (98 Stat. 2946) amended section 507(c)(2) of the National Parks and Recreation Act of 1978 (92 Stat. 3501) to authorize the exchange of certain lands between the Bureau of Land Management and the city of Los Angeles, California, for purposes of the Santa Monica Mountains National Recreation Area. Upon acceptance of title, the land

acquired by the United States became a part of the Santa Monica Mountains National Recreation Area subject to all the laws and regulations applicable thereto as provided by section 3 of the Federal Land Exchange Facilitation Act of 1988. The public interest was well served through completion of this exchange.

FOR FURTHER INFORMATION CONTACT: Marcia Sieckman, BLM California State Office, 916–978–4820.

The United States issued an exchange conveyance document to the city of Los Angeles on July 29, 1992, under section 507(c)(2) of the National Parks and Recreation Act of 1978 (92 Stat. 3501), as amended by the Act of October 30, 1984 (98 Stat. 2946), for the following described lands:

Mount Diablo Meridian

T. 19 S., R. 37 E.,
Sec. 34, SW¼.
T. 20 S., R. 37 E.,
Sec. 3, lot 5;
Sec. 4, E½SE¼;
Sec. 10, W½SW¼;
Sec. 15, SE¼NW¼, E½SW½, SW¼SW¼, W½SE¼, and SE¼SE¼;
Sec. 22, NW¼NE¼, W½W½, and SE¼SW¼;
Sec. 26, lots 6, 7, AND 8, SW¼NW¼, S½SW¼, and SW¼SE¼.
Sec. 27, NE¼NW¼, and W½W½;
Sec. 34, SW¼NE¼, NE¼SW¼, and W½SE¼;
Sec. 35, W½NE¼ and NW¼.
T. 21 S., R. 37 E.,
Sec. 1, lot 1, SW¼NW¼, and W½SW¼;
Sec. 2, lot 3, lots 7 to 12, inclusive, lot 15, SE¼NE¼, N¼SE¼SW¼, AND SE¼SE¼;
Sec. 11, lots 4 to 7, inclusive, lots 12 and 13, NE¼NE¼, E½NW¼NE¼, E½W½N W¼NE¼, SW¼SW¼NW¼NE¼, E½SE¼S W¼, and S½SE¼;
Sec. 14, lot 11 and E½NE¼NW¼.

The areas described aggregate 2,734.62 acres of Federal Land in Inyo County.

In exchange for these lands, the United States acquired the following described lands from the city of Los Angeles:

Those portions of lots 5, 6, 11, and 12 of the SW¼ of sec. 36, T. 1 N., R. 15 W., and lot 4 of the NW¼NW¼ of sec. 1, T. 1 S., R. 15 W., San Bernardino Meridian, in the city of Los Angeles, County of Los Angeles, State of California, in particular described in Book 4931, Page 85 of Deeds; Book 1717, Page 41 of Deeds; Book 6091, Page 330 of Deeds, and Instrument No. 88–529369, of the Official Records of said county.

The areas described aggregate 16.23 acres of non-Federal land in Los Angeles County.

A specific description of these acquired lands, including exceptions and reservations too numerous to list in this notice, is available in the above listed case file which is located in the California State office.

The values of the Federal land and the non-Federal land in the exchange were appraised at $324,000 and $303,000, respectively. An equalization payment in the amount of $21,000 was paid to the city of Los Angeles by the United States.

Dated: August 12, 1992.

Nancy J. Alex,

Chief, Lands Section.

[FR Doc. 92–19900 Filed 8–19–92; 8:45 am]

BILLING CODE 4310–40–M

[OR120–6350–02 GPO 2–364]

Coos Bay District, Oregon Draft Resource Management Plan; Availability

ACTION: Notice of availability of draft resource management plan/environmental impact statement for the Coos Bay District, Oregon.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, section 202(f) of the Federal Land Policy and Management Act of 1976, and 43 CFR part 1610, a draft resource management plan/environmental impact statement (RMP/EIS) for the Coos Bay District, Oregon, has been prepared and is available for review and comment. The Draft RMP/EIS describes and analyzes future options for managing approximately 329,600 acres of mostly forested public land and 12,150 acres of non-federal surface ownership with federal mineral estate administered by the Bureau of Land Management in Coos, Curry, Douglas, and Lane counties in southwestern Oregon.

Decisions generated during this planning process will supersede land use planning guidance presented in the South Coast-Curry Management Framework Plan (MFP) including the 1984 North Spit Plan Amendment, and the decision record for the 1981 Coos Bay District Oil and Gas Environmental Assessment.

Copies of the Draft RMP/EIS and a summary of it may be obtained from the Coos Bay District Office. Public reading copies will be available for review at the public libraries in Brookings, Gold Beach, Bandon, Myrtle Point, Coquille, Coos Bay, North Bend, Reedsport; all government document depository libraries; and at the following BLM locations:

Office of External Affairs, Main Interior Building, room 5600, 18th and C Streets, NW., Washington, DC.
Public Room, Oregon State Office, 1300 N.E. 44th Avenue, Portland, Oregon 97213.
Public Room, Coos Bay District Office, 1300 Airport Lane, North Bend, Oregon 97459.
All other BLM offices in western Oregon.

Background information and maps used in developing the Draft RMP/EIS are available at the Coos Bay District Office.

Open houses with opportunity to discuss the Draft RMP/EIS will be held at the Coos Bay District Office (at the above address). The dates, times, and locations of all open house meetings will be announced in a separate mailer as well as in the local media.

DATES: Written comments on the Draft RMP/EIS must be submitted or postmarked no later than December 21, 1992.

ADDRESSES: Written comments should be addressed to: District Manager, Coos Bay District, Bureau of Land Management, 1300 Airport Lane, North Bend, Oregon 97459.

FOR FURTHER INFORMATION CONTACT: Bob Gunther, RMP Team Leader, Coos Bay District Office; Phone (503) 756–0100.

SUPPLEMENTARY INFORMATION: The Draft RMP/EIS describes and analyzes seven alternatives to resolve the following issues:

(1) Timber production practices;
(2) Old-growth forests and habitat diversity;
(3) Threatened and endangered and other special status species habitat (including habitat for the northern spotted owl);
(4) Special areas;
(5) Visual resources;
(6) Stream/riparian/water quality;
(7) Recreation resources;
(8) Wild and scenic rivers;
(9) Land tenure; and
(10) Rural interface areas. The issues are analyzed in seven distinct alternatives.

In BLM's preferred alternative, water quality would be maintained or improved primarily by a combination of best management practices and exclusion of selected ares from planned timber harvest. Particularly important exclusion areas would be the riparian zones of perennial streams and other streams that support fish.

Some 82,900 acres would be managed to maintain and strengthen a system of old-growth emphasis areas, which is expected to increase the amount of old-growth stands in the planning area from 51,100 acres to 56,300 acres over the next 100 years.

Some 244,300 acres would be managed for timber production, including 103,300 acres managed under substantial restrictions to protect or

enhance other resource values. The annual allowable timber sale quantity would be 20.1 million cubic feet (124 million board feet). To contribute to biological diversity, standing trees, snags, and down, dead woody material would be retained.

In addition to protecting listed or proposed threatened and endangered species as required by the Endangered Species Act, BLM would manage habitats of federal candidate, state listed, and Bureau sensitive species to maintain their populations at a level that would avoid listing the species.

Management would provide for a wide variety of recreation opportunities, with particular emphasis on enhancement of opportunities for dispersed recreational use.

Approximately 184 miles of river found eligible for designation and studied by BLM would be found not suitable for designation.

Most BLM-administered lands would remain available for mineral leasing and location of mining claims, but 1,600 acres would be closed to leasing for oil and gas and geothermal resources, and 6,800 acres would be closed to location of claims.

The RMP/EIS proposes continuation of designation of one Area of Critical Environmental Concern (ACEC), one Research Natural Area (RNA), and designation of nine new ACECs. The preferred alternative would designate or redesignate the following ACECs and RNA with the noted restrictions.

Area Name	Acres	Veg. harv.	ORV use	Mining loc.	Min. lease	R/W
Cherry Creek RNA	570	NC	NC	NC	NC	NC
New River ACEC	860	NA	R	P	P	P
Wassen Creek ACEC	3,440	R	P	R	R	P
North Spit ACEC	580	NA	R	R	R	P
North Fork Coquille River ACEC	290	P	R	R	R	P
Tioga Creek ACEC	40	P	P	R	R	P
China Wall ACEC	240	P	R	R	R	P
North Fork Hunter Creek ACEC	1,730	R	R	R	R	P
Hunter Creek Bog ACEC	570	P	P	R	R	P
North Fork Chetco River ACEC	600	P	P	R	R	P
Upper Rock Creek ACEC	460	P	P	R	R	P

NC=No Change from existing situation
P=Use is prohibited
R=Use is allowed but with restrictions
NA=Use is not applicable to this area

There were no potential ACEC areas identified that met the Bureau ACEC criteria of relevance and importance that are not included in whole or in part in the preferred alternative described above.

This Notice meets the requirements of 43 CFR 1610.7–2 for designation of ACECs and the requirements of the final revised Department of the Interior—Department of Agriculture Guidelines for Eligibility, Classification, and Management of Rivers (FR Vol. 47, No. 173, pg. 39454).

Dated: August 12, 1992.

Mel Chase,

District Manager.

[FR Doc. 92–19864 Filed 8–19–92; 8:45 am]

BILLING CODE 4310–33–M

[OR–93–02–6350–08: GP2–398]

Roseburg District, Oregon Draft Resource Management Plan; Availability

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of draft resource management plan/environmental impact statement for the Roseburg District, Oregon.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1970, section 202(f) of the Federal Land Policy and Management Act of 1976, and 43 CFR part 1610, a draft Resource Management Plan/Environmental Impact Statement (RMP/EIS) for the Roseburg District, Oregon, has been prepared and is available for review and comment. The draft RMP/EIS describes and analyzes future options for managing approximately 423,928 acres of mostly forested public land and 1,717 acres of unrelated Federal mineral estate administered by the Bureau of Land Management in Douglas County in western Oregon.

Decisions generated during this planning process will supersede land use planning guidance presented in the 1983 Management Framework Plans (MFP) for the Dillard, North Umpqua, South Umpqua and Drain Resource Areas, and the Roseburg Timber Management Environmental Impact Statement, 1983 for the Douglas and South Umpqua sustained yield units.

Copies of the Draft RMP/EIS and a summary of it may be obtained from the Roseburg District Office. Public reading copies will be available for review at the public libraries in Roseburg and Douglas County, all government document depository libraries, and at the following BLM locations:

Office of External Affairs, Main Interior Building, Room 5600, 18th and C Streets NW., Washington, DC.
Public Room, Oregon State Office, 1300 NE. 44th Avenue, Portland, Oregon 97213.
Roseburg District Office, 777 NW Garden Valley Blvd., Roseburg, OR 97470.
All other BLM offices in western Oregon.

Open houses with opportunities to discuss the Draft RMP/EIS will be held at the Roseburg District Office and other locations within the district. Times and locations will be announced at a later date through the local media and in a separate mailer.

DATES: Written comments on the Draft RMP/EIS must be submitted or postmarked no later than December 21, 1992.

ADDRESSES: Written comments should be addressed to James Moorhouse, District Manager, Roseburg District, Bureau of Land Management, 777 NW Garden Valley Blvd., Roseburg, OR 97470.

FOR FURTHER INFORMATION CONTACT: Philip J. Hall, RMP Team Leader, Roseburg District Office, Phone (503) 440–4930.

SUPPLEMENTARY INFORMATION: The Draft RMP/EIS describes and analyses seven alternatives to resolve the following issues:

(1) Timber production practices;
(2/3) Old-growth forests and habitat diversity;
(4) Threatened and endangered and other special status species habitat;
(5) Special areas;
(6) Visual resources;
(7/8) Stream/riparian/water quality;

(9a) Recreation resources;
(9b) Wild and scenic rivers;
(10) Land tenure; and
(11) Rural Interface Areas. The issues are analyzed in seven distinct alternatives.

In BLM's preferred alternative, water quality would be maintained or improved primarily by combination of Best Management Practices and exclusion of selected areas from planned timber harvest. Particularly important exclusion areas would be the riparian zones of perennial streams and other streams that carry fish.

About 121,900 acres would be managed to maintain and strengthen a system of old-grown ecosystem areas. The amount of old-growth stands in the planning area are expected to decrease from about 114,700 acres to about 99,500 acres over the next 100 years.

About 144,300 acres would be allocated as a general forest management area (primarily for timber production). Some 63,000 acres would be managed under substantial restrictions to protect or enhance other resource values. The annual allowable timber sale quantity would be 16.3 million cubic feet. To contribute to biological diversity, standing trees, snags, and down, dead woody material would be retained.

In addition to protecting listed or proposed threatened and endangered species as required by the Endangered Species Act, BLM would manage habitats of Federal candidate, State Listed, and Bureau Sensitive species to maintain their populations at a level that would avoid contributing to the listing of the species.

Management would provide for a wide variety of recreation opportunities with particular emphasis on developed recreation sites and trails.

No river segments would be recommended as suitable for designation by Congress under the Wild and Scenic River Act. A 17.5 mile segment of Smith River and a 10.7 mile segment of Canton Creek which were found eligible for designation and studied by BLM would be found not suitable for designation.

All BLM administered lands would remain available to leasing for oil and gas and geothermal resources and location of mining claims, but a variety of allocations such as areas of critical environmental concern, restrict exploration and development.

The RMP/EIS proposes continuation of designation or expansion of six existing Areas of Critical Environmental Concern (ACEC) and designation of two new ACECs. The preferred alternative would designate or redesignate the following ACECs with the noted restrictions.

Area name	Acres	Vegetation harvest	ORV use	Mining location	Mineral leasing	Rights-of-way
Bear Gulch ACEC/RNA	330	P	P	P	R	P
Beatty Creek ACEC/RNA	331	P	P	P	R	P
Myrtle Island ACEC/RNA	30	P	P	P	R	P
North Myrtle Creek ACEC/RNA	472	P	P	P	R	P
North Umpqua River ACEC	1620	P	P	P	R	P
Red Pond ACEC/RNA	134	P	P	P	R	P
Tater Hill ACEC/RNA	280	P	P	P	R	P
Umpqua River Wildlife Area ACEC	947	P	P	P	R	P

P=Use is prohibited.
R=Use is allowed by with restrictions.

The Bushnell-Irwin Rocks potential ACEC area was also identified, which meets the Bureau ACEC criteria of relevance and importance, that is not included in the preferred alternative. The primary value of this area would not be protected by other allocations.

This Notice meets the requirements of 43 CFR 1610.7-2 for designation of ACECs and the requirements of the final revised Department of the Interior-Department of Agriculture Guidelines for Eligibility, Classification, and Management of Rivers (FR Vol. 47, No. 173, pg. 39454).

Dated: August 14, 1992.

James A. Moorhouse,

District Manager.

[FR Doc. 92-19862 Filed 8-19-92; 8:45 am]

BILLING CODE 4310-33-M

[CO-942-92-4730-12]

Colorado; Filing of Plats of Survey

Dated: August 11, 1992.

The plats of survey of the following described land, will be officially filed in the Colorado State Office, Bureau of Land Management, Lakewood, Colorado, effective 10 a.m., August 11, 1992.

The plat (in sixteen sheets) representing the corrective dependent resurvey of the subdivisional line between sections 21 and 22, the dependent resurvey of the subdivisional line between sections 21 and 28, and of mineral claims in section 21, T. 3 S., R. 73 W., Sixth Principal Meridian, Colorado, Group No. 679, was accepted June 11, 1992.

The plat representing the dependent resurvey of a portion of the subdivisional lines, the completion survey of a portion of the north boundary of section 9, and the subdivision of certain sections, T. 49 N., R. 19 W., New Mexico Principal Meridian, Colorado, Group No. 915, was accepted May 19, 1992.

The plat representing the dependent resurvey of a portion of the east half mile between sections 24 and 25, the south half mile of the north and south center line, and a metes-and-bounds survey in section 24, T. 13 S., R. 79 W., Sixth Principal Meridian, Colorado, Group No. 993, was accepted May 18, 1992.

The plat representing the dependent resurvey of portions of the subdivisional lines, the subdivision, and the meander lines of the right bank of the Gunnison River and the subdivision of section 5, T. 2 S., R. 1 E., Ute Meridian, Colorado, Group No. 1010, was accepted June 12, 1992.

The supplemental plat showing the protracted line between lots 2 and 4 in section 14 and the location of lots 12 and 13 in section 23, T. 9 S, R. 86 W., Sixth Principal Meridian, Colorado, was accepted June 26, 1992.

These surveys were executed to meet certain administrative needs of this Bureau.

The plat (in two sheets) representing the dependent resurvey of portions of the Ninth Guide Meridian West (west boundary) and subdivisional lines and the subdivision of sections 18, 19, and 20, T. 12 S., R. 72 W., Sixth Principal Meridian, Colorado, Group No. 912, was accepted June 24, 1992.

The plat representing the dependent resurvey of a portion of the subdivisional lines and Homestead

Entry No. 233 and the subdivision of sections 12 and 13, T. 12 S., R. 73 W., Sixth Principal Meridian, Colorado, Group No. 912, was accepted June 24, 1992.

The plat representing the dependent resurvey of portions of the east boundary and subdivisional lines and the subdivision of sections 24 and 25, T. 22 S., R. 69 W., Sixth Principal Meridian, Colorado, Group No. 925, was accepted May 28, 1992.

These surveys were executed to meet certain administrative needs of the U.S. Forest Service.

The plat (in six sheets) representing the dependent resurvey of certain mineral claims, T. 4 S., R. 75 W., Sixth Principal Meridian, Colorado, Group No. 689, was accepted May 11, 1992.

This survey was executed to meet certain administrative needs of this Bureau and certain administrative needs of the U.S. Forest Service.

All inquiries about this land should be sent to the Colorado State Office, Bureau of Land Management, 2850 Youngfield Street, Lakewood, Colorado, 80215.

Jack A. Eaves,

Chief, Cadastral Surveyor for Colorado.

[FR Doc. 92-19868 Filed 8-19-92; 8:45 am]

BILLING CODE 4310-JB-M

[CA-940-4214-10; CACA 30534]

Notice of Proposed Withdrawal and Opportunity for Public Meeting; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: To allow the State of California and the public adequate time to fully evaluate the State's proposal to site a low-level nuclear waste facility at Ward Valley, California, the Bureau of Land Management proposes to withdraw 1,000 acres of public land in San Bernardino County to preserve their current status pending a final decision by the State on this project. This notice closes the land for up to 2 years from entry under the agricultural land laws and the general U.S. mining laws. The land will remain open to mineral leasing.

DATES: Comments and requests for a public meeting on this withdrawal proposal to maintain the status quo pending a final decision by the State must be received by November 18, 1992.

ADDRESSES: Comments and meeting requests should be sent to the California State Director, BLM, 2800 Cottage Way, Sacramento, California 95825.

FOR FURTHER INFORMATION CONTACT: Douglas Romoli, BLM California Desert District Office, 714 697-5237.

SUPPLEMENTARY INFORMATION: On August 13, 1992, a petition was approved allowing the Bureau of Land Management to file an application to withdraw the following described public land from operation of the agricultural land laws and the mining laws, subject to valid existing rights:

San Bernardino Meridian

T. 9 N., R. 19 E.,
Sec. 26, SW¼SW¼;
Sec. 27, S½S½;
Sec. 34, all;
Sec. 35, W½W½.

The area described contains approximately 1,000 acres in San Bernardino County.

The purpose of the proposed withdrawal is to allow adequate time for the State of California and the public to fully evaluate the State's proposal to license and locate a low-level nuclear waste facility in Ward Valley, California.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the California State Director of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the California State Director within 90 days from the date of publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR 2300.

For a period of 2 years from the date of publication of this notice in the **Federal Register**, the land is segregated from entry under the agricultural land laws and the general U.S. mining laws unless the application is denied or canceled or the withdrawal is approved prior to that date. Upon approval by the authorized officer, the temporary uses which may be permitted during this segregative period are licenses, permits, cooperative agreements, or discretionary land use authorizations.

Nancy J. Alex,

Chief, Lands Section.

[FR Doc. 92-19861 Filed 8-19-92; 8:45 am]

BILLING CODE 4310-40-M

Fish and Wildlife Service

Availability of a Draft Recovery Plan for Geocarpon for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability and public comment period.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the availability for public review of a draft recovery plan for geocarpon (*Geocarpon minimum*). Populations occur on Federal, State, and private lands on sandstone glades in Missouri and on saline soil prairies in Arkansas and Louisiana. The Service solicits review and comment from the public on this draft plan.

DATES: Comments on the draft recovery plan must be received on or before October 15, 1992, to receive consideration by the Service.

ADDRESSES: Persons wishing to review the draft recovery plan may obtain a copy by contacting the Jackson Field Office, U.S. Fish and Wildlife Service, 6578 Dogwood View Parkway, Suite A, Jackson, Mississippi 39213. Written comments and materials regarding the plan should be addressed to the Field Supervisor at the above address. Comments and materials received are available on request for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Ms. Cary Norquist at the above address (601/965-4900).

SUPPLEMENTARY INFORMATION:

Background

Restoring endangered or threatened animals and plants to the point where they are again secure, self-sustaining members of their ecosystems is a primary goal of the U.S. Fish and Wildlife Service's endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for conservation of the species, establish criteria for the

recovery levels for downlisting or delisting them, and estimate time and cost for implementing the recovery measures needed.

The Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*) requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that a public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. The Service and other Federal agencies will also take these comments into account in the course of implementing approved recovery plans.

The species considered in this draft recovery plan is geocarpon (*Geocarpon minimum*). This plant, which is an annual, occurs in shallow depressions on sandstone glades in Missouri and in barren patches on saline soil prairies of Louisiana and Arkansas. This species was listed as threatened in 1987 due to its limited distribution and habitat destruction or modification from pasturing and off-road vehicle use. Geocarpon is an early successional species and several population appear to have declined due to competition from invading vascular plants and mosses and lichens.

The recovery objective of the proposed plan is to delist geocarpon. Delisting will be accomplished through:

(1) Protection and management of extant populations through landowner cooperation and regulatory means;

(2) monitoring of extant sites and searching for additional populations;

(3) evaluating habitat needs and conducting species' biology studies; and

(4) preserving genetic stock.

This Plan is being submitted for agency review. After consideration of comments received during the review period, it will be submitted for final approval.

Public Comments Solicited

The Service solicits written comments on the recovery plan described. All comments received by the date specified above will be considered prior to approval of the plan.

Authority

The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: August 17, 1992.

Robert Bowker,

Complex Field Supervisor.

[FR Doc. 92-19950 Filed 8-19-92; 8:45 am]

BILLING CODE 4310-55-M

Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*):

Applicant: Leonard Cacioppo, Brooksville, FL, PRT-769846.

The applicant requests a permit to import a sport-hunted trophy of a male bontebok (*Damaliscus dorcas dorcas*) from the captive herd of the Ciskei Government, Tsolwana Game Reserve, Queenstown, South Africa (concessionaire: Frontier Safaris) for the purpose of enhancement of survival of the species.

Applicant: Theodore J. Pawlias, Macomb, IL, PRT-770553.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus dorcas dorcas*), culled from the captive herd maintained by the Ciskei Government, Tsolwana Game Reserve, Queenstown, South Africa, (concessionaire: Frontier Safaris) for the purpose of enhancement of propagation of the species.

Applicant: Thad A. Howard, Olathe, KS, PRT-769945.

The applicant requests a permit to purchase in interstate commerce one pair of captive-hatched Eastern indigo snakes (*Drymarchon corais couperi*) from Shay P. Hamper, Columbus, OH, for the purpose of enhancement of propagation or survival of the species through breeding.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review by any party who submits a written request for a copy of such documents to, or by appointment during business hours (7:45-4:15) in, the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203. Phone: (1-800/358-2104); FAX: (703/358-2281).

Dated: August 14, 1992.

Margaret Tieger,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 92-19834 Filed 8-19-92; 8:45 am]

BILLING CODE 4310-55-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Board for International Food and Agricultural Development and Economic Cooperation; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given of the One Hundred and Twelfth Meeting of the Board for International Food and Agricultural Development and Economic Cooperation (BIFADEC) on September 10, 1992 from 8:30 a.m. to 5 p.m.

The purposes of the meeting are: (1) To consider the charter of the new Joint Committee on Research and Development (JCORD); (2) to review the program activities of the University Center including the Higher Education and Development Project; (3) to hear reports from the Joint Committee on Agricultural Research and Development and the Budget Panel; (4) to discuss reports on Management Improvement in A.I.D. and (5) to receive a report on the new American Council on Education Liaison office for the University Center.

This meeting will be held in Pan American Health Organization Building located at 525 23rd Street (between 23rd and Virginia Avenue), Washington, DC 20037. At this address it will be held in Conference Room C. Any interested person may attend and may present oral statements in accordance with procedures established by the Board and to the extent time available for the meeting permits.

C. Stuart Callison, Deputy Executive Director, Agency Center for University Cooperation in Development, Bureau for Research and Development, Agency for International Development, will be the A.I.D. Advisory Committee Representative at this Meeting. Those desiring further information may write to Dr. Callison, in care of the Agency for International Development, room 900 SA-38, Washington, DC 20523-3801 or telephone him on (703) 816-0258.

Dated: August 11, 1992.

Ralph H. Smuckler,

Executive Director, Agency Center for University Cooperation in Development.

[FR Doc. 92-19813 Filed 8-19-92; 8:45 am]

BILLING CODE 6116-01-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-32 (Sub-No. 48X)]

Boston & Maine Corp. and Springfield Terminal Co.—Discontinuance of Trackage Rights—Hartford County, CT; Exemption

Applicant has filed a notice of exemption under 49 CFR part 1152 Subpart F—*Exempt Abandonments* to discontinue its overhead trackage rights on approximately 4.0-miles of rail line as follows: (1) The Wethersfield Secondary between milepost 0.0 and milepost 3.0; (2) the West Leg of the Wye between Hartford Yard and "Hart" Interlocking; and (3) the New Britain Secondary between the Waterbury Switch and the Griffins Switch, all in Hartford, CT. The rail line belongs to Consolidated Rail Corporation (Conrail). Conrail will continue to operate the line.

Applicant has certified that: (1) It has handled no local traffic on the line for at least 2 years; (2) overhead traffic, if any, which previously moved over the line has been rerouted over other lines; and (3) no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to the use of this exemption, any employee affected by the discontinuance shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979). To address whether this conduction adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on September 21, 1992 (unless stayed pending reconsideration). Petitions to stay that do not involve environmental issues [1] and formal expressions of intent to file an offer of financial assistance under 49 CFR 1152.27(c)(2),[2] must be filed by August 31, 1992. Petitions to reopen must be filed by September 9, 1992, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: John R. Nadolny, Boston and Maine Corporation, Springfield Terminal Railway Company, Iron Horse Park, North Billerica, MA 01862.

If the notice of exemption contains false or misleading information use of the exemption is void *ab initio.*

Decided: August 10, 1992.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr., Secretary.

[FR Doc. 92-19922 Filed 8-19-92; 8:45 am]

BILLING CODE 7035-01-M

[1] Ordinarily a stay will be routinely issued by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Section of Energy and Environment in its independent investigation) cannot be made prior to the effective date of the notice of exemption. See Exemption of Out-of-Service Rail Lines, 5 I.C.C.2d 377 (1989). Because trackage rights discontinuances are exempt from the Commission's environmental and historic reporting requirements, a stay would not be issued here for these reasons.

[2] See Exempt. of Rail Abandonment—Offers of Finan. Assist., 4 I.C.C.2d 164 (1987).

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Advisory Committee on Actuarial Examinations; Meeting

Notice is hereby given that the Advisory Committee on Actuarial Examinations will meet at One Park Avenue, New York, New York, on September 21, 1992, beginning at 8:30 a.m.

The purpose of the meeting is to discuss topics and questions which may be recommended for inclusion on future examinations in actuarial mathematics and methodology referred to in title 29 U.S. Code, section 1242(a)(1)(B).

A determination as required by section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) has been made that the subject of the meeting falls within the exception to the open meeting requirement set forth in title 5 U.S. Code, section 552b(c)(9)(B), and that the public interest requires that such meeting be closed to public participation.

Dated: August 12, 1992.

Leslie S. Shapiro,

Advisory Committee Management Officer, Joint Board for the Enrollment of Actuaries.

[FR Doc. 92-19909 Filed 8-19-92; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF JUSTICE

Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

(1) The title of the form/collection;
(2) The agency form number, if any, and the applicable component of the Department sponsoring the collection;
(3) How often the form must be filled out or the information is collected;
(4) Who will be asked or required to respond, as well as a brief abstract;
(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;
(6) An estimate of the total public burden (in hours) associated with the collection; and,
(7) An indication as to whether Section 3504(h) of Public Law 96-511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Ms. Lin Liu on (202) 395-7340 and to the Department of Justice's Clearance Officer, Mr. Don Wolfrey, on (202) 514-4115. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the DOJ Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Don Wolfrey, DOJ Clearance Officer, SPS/JMD/5031 CAB, Department of Justice, Washington, DC 20530.

Reinstatement of a Previously Approved Collection for Which Approval Has Expired

(1) Directory of Criminal Justice Information Source Survey Form.
(2) National Institute of Justice.
(3) Biennially.
(4) State or local governments, Federal agencies or employees and Non-profit

institutions. The information is used to collect information for a publication, the Directory of Criminal Justice Information Sources. The publication provides criminal justice professionals, researchers, librarians and law enforcements with a single source for information sources and services.

(5) 8,000 annual responses at .1 hours per response.

(6) 800 annual burden hours.

(7) Not applicable under 3504(h).

Public comment on these items is encouraged.

Dated: August 14, 1992.

Don Wolfrey,

Department Clearance Officer, Department of Justice.

[FR Doc. 92-19807 Filed 8-19-92; 8:45 am]

BILLING CODE 4410-18-M

Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 USC Chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

(1) The title of the form/collection;

(2) The agency form number, if any, and the applicable component of the Department sponsoring the collection;

(3) How often the form must be filled out or the information is collected;

(4) Who will be asked or required to respond, as well as a brief abstract;

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;

(6) An estimate of the total public burden (in hours) associated with the collection; and,

(7) An indication as to whether Section 3504(h) of Public Law 96-511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Ms. Lin Liu on (202) 395-7430 and to the Department of Justice's Clearance Officer, Mr. Don Wolfrey, on (202) 514-4115. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the DOJ Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Don Wolfrey, DOJ Clearance Officer, SPS/JMD/5031 CAB, Department of Justice, Washington, DC 20530.

This notice contains a collection for which an expedited review has been requested from the Office of Management and Budget (INS Form I-833). In an effort to fully inform the reporting public, this entry is printed in full, including instructions, at the end of this notice. Written comments concerning this form should be sent to the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, 425 I Street NW., room 2001D, Washington, DC 20536, Attention: Form I-833, within 15 days after the date of publication (September 11, 1992) of this notice in the **Federal Register.**

New Collection

An expedited review has been requested for this entry.

(1) INSPASS Application Form

(2) Form I-833. Immigration and Naturalization Service

(3) On occasion

(4) Individuals or households. Form I-833 information will be the basis for establishing identity, admissibility and participation in the INSPASS program, which uses automated inspections processing to facilitate entry into the U.S. by frequent business travelers

(5) 250,000 annual responses at .166 hours per response

(6) 41,500 annual burden hours

(7) Not applicable under 3504(h).

Public comments on these items is encouraged.

Dated: August 17, 1992.

Don Wolfrey,

Department Clearance Officer, Department of Justice.

BILLING CODE 4410-10-M

INSPASS

For
Frequent Business Travelers

The *INSPASS* system has been developed by the United States Immigration and Naturalization Service to be used by frequent business travelers to facilitate their entry into the United States at designated air ports of entry. The system is currently being tested for a six-month period at Newark International Airport and JFK International Airport in New York.

Participation in the test is voluntary and is open to citizens of any of the following countries who travel to the United States on business three or more times a year:

Andorra	Finland	Liechtenstein	San Marino
Austria	France	Luxembourg	Spain
Belgium	Germany	Monaco	Sweden
Bermuda	Iceland	Netherlands	Switzerland
Canada	Italy	New Zealand	United Kingdom
Denmark	Japan	Norway	United States

Applications for the *INSPASS* must be made at designated United States Immigration and Naturalization Service sites. Applicants will be interviewed and biometric technology will be used to capture identification data. The *INSPASS* will be issued at the conclusion of the application process.

At the time of arrival at one of the designated air ports of entry, the *INSPASS* holder will proceed to an automated inspectional booth for accelerated inspection processing. The captured biometrics (encoded in the *INSPASS*) will be used to establish identity.

The *INSPASS* does not relieve the holder of compliance with documentary requirements. The traveler must still be in possession of a valid passport and visa if required. The Immigration and Naturalization Service reserves the right to conduct an in-depth inspection of any *INSPASS* holder at the time of application for admission to the United States.

The *INSPASS* may not be available to a traveler if any of the following conditions apply:

a. communicable disease; physical or mental disorder; or drug abuse or addiction.
b. arrest or conviction for: an offense or crime involving moral turpitude or a violation related to a controlled substance; two or more offenses for which the aggregate sentence to confinement was five years or more; controlled substance trafficking; seeking entry to engage in criminal or immoral activities.
c. involvement in espionage or sabotage, terrorist activities, or genocide; or involvement, in any way, between 1933 and 1945 in persecutions associated with Nazi Germany or its allies.
d. seeking to work in the United States without authorization; exclusion, deportation or previous removal from the United States; or procurement or attempt to procure a visa or entry into the United States by fraud or misrepresentation.
e. detention, retention, or withholding of custody of a child from a United States citizen granted custody of the child.
f. cancellation or denial of a United States visa or entry into the United States.
g. assertion of immunity from prosecution.

The *INSPASS* remains the property of the U.S. Immigration and Naturalization Service and may be revoked or cancelled at any time without notice.

Form I-833

DRAFT

U.S. Department of Justice OMB #

U.S. IMMIGRATION AND NATURALIZATION SERVICE

INSPASS APPLICATION

Please type or print in ink

ALL APPLICANTS

1. _____ *Family Name*
2. _____ *First (Given) Name*
3. _____ *Date of Birth (day/month/year)*
4. _____ *Sex (male/female)*
5. _____ *Country of Citizenship*
6. _____ *Passport number & Expiration Date*
7. _____ *Permanent Address (number & street)*
8. _____ *Permanent Address (city, state & country)*
9. _____ *Company Name*
10. _____ *Position with Company*
11. _____ *Number of trips to or from the United States per year*
12. _____ *Average length of trip*

I understand that presentation of the ***INSPASS*** *does not relieve me of complying with documentary requirements and that the captured biometrics data will be encoded in the* ***INSPASS*** *and used to verify identity upon entering the United States.*

_____ _____
(Signature) *(Date)*

NON UNITED STATES CITIZENS

13. _____ *Visa Class (if applicable)*
14. _____ *Date & Place of Visa Issuance*
15. _____ *Country of Residence*
16. _____ *"A" File Number (if applicable)*
17. _____ *Contact Address in the United States (number & street)*
18. _____ *Contact Address in the United States (city, state, & Zip code)*

Form I-833

DRAFT

NON UNITED STATES CITIZENS

DO ANY OF THE FOLLOWING APPLY TO YOU?

A. Do you have a communicable disease; physical or mental disorder; or are you a drug abuser or addict? [] Yes [] No

B. Have you ever been arrested or convicted for an offense or crime involving moral turpitude or a violation related to a controlled substance; or been arrested or convicted for two or more offenses for which the aggregate sentence to confinement was five years or more; or been a controlled substance trafficker; or are you seeking entry to engage in criminal or immoral activities? [] Yes [] No

C. Have you ever been or are you now involved in espionage or sabotage; or in terrorist activities; or genocide; or were you involved, in any way, between 1933 and 1945 in persecutions associated with Nazi Germany or its allies? [] Yes [] No

D. Are you seeking to work in the United States; or have you ever been excluded and deported or previously removed from the United States; or have you ever procured or attempted to procure a visa or entry into the United States by fraud or misrepresentation? [] Yes [] No

E. Have you ever detained, retained, or withheld custody of a child from a United States citizen granted custody of the child? [] Yes [] No

F. Have you ever been denied a United States visa or entry into the United States or had a United States visa cancelled? [] Yes [] No
If yes, When?_____ Where?_____

G. Have you ever asserted immunity from prosecution? [] Yes [] No

Certification: I certify that I have read and understood all the questions and statements on this form. The answers I have furnished are true and correct to the best of my knowledge and belief.

_____
(Signature) (Date)

APPLICANTS FOR ADMISSION TO THE UNITED STATES UNDER THE VISA WAIVER PILOT PROGRAM

I understand that I am not entitled to any review or appeal of an immigration officer's determination as to my admissibility, nor am I entitled to contest any determination of deportability other than on the basis of an application for asylum.

_____
(Signature) (Date)

Warning: You may not accept unauthorized employment; or attend school; or represent the foreign information media during your visit under this program. You are authorized to stay in the U.S. for 90 days or less. You may not apply for: 1) a change of nonimmigrant status; 2) adjustment of status to temporary or permanent resident, unless eligible under section 201(b) of the INA; or 3) an extension of stay. Violation of these terms will subject you to deportation.

Form I-833

[FR Doc. 92-19977 Filed 8-19-92; 8:45 am]
BILLING CODE 4410-10-C

DRAFT

Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

In accordance with section 122(d)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9622(d)(2), and Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States* v. *Deere & Company, et al.*, Civil Action No. 4–92–CV80529, was lodged on August 11, 1992 with the United States District Court for the Central Division of the Southern District of Iowa. Under the Consent Decree, Defendants John Deere & Company and State of Iowa, by and through the Iowa Department of Transportation, will file deed restrictions limiting the use of the John Deere-Ottumwa Works Superfund Site ("Site"), which is located in the city of Ottumwa, Wapello County, Iowa; and the Defendants will continue to conduct ground water and surface water monitoring at the Site. Defendants also will reimburse the United States for costs it has incurred in responding to a release or threatened release of hazardous substances at the Site.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Deere & Company, et al.*, DOJ Ref. #90–11–3–890.

The proposed consent decree may be examined at the Office of the United States Attorney, 115 U.S. Courthouse, East First and Walnut Streets, Des Moines, Iowa; the Region VII Office of the Environmental Protection Agency, 726 Minnesota Avenue, Kansas City, Kansas 66106; and at the Consent Decree Library, 601 Pennsylvania Avenue, NW., Washington, DC 20044, 202–347–2072. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 601 Pennsylvania Avenue, NW., Box 1097, Washington, DC 20044. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $46.25 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Vicki A. O'Meara,

Acting Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 92–19874 Filed 8–19–92; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act and the Resource Conservation and Recovery Act

In accordance with Departmental policy, 28 CFR 50.7, and with section 122(d)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9622(d)(2), notice is given that a proposed consent decree in *United States* v. *City of Dover, et al.*, Civil Action No. 92–407–D, was lodged on August 7, 1992 with the United States District Court for the District of New Hampshire. The action, filed simultaneously with the lodging of the consent decree, and the proposed consent decree involve the cleanup and reimbursement of response costs in connection with the Dover Municipal Landfill Superfund Site in Dover, New Hampshire ("Site"). This settlement is between the United States and State of New Hampshire and twenty-four responsible parties at the Site.

The agreement requires the settling defendants to undertake the source control and groundwater monitoring portions of the work set forth in EPA's September 1991 Record of Decision for the Site. The settlement requires defendants to pay $200,000 of EPA's past response costs, all future response costs incurred by the United States in obtaining access, implementing institutional controls, undertaking emergency response activities, and performing any work required of the settling defendants, and up to $370,000 of any other future response costs incurred by the United States. The agreement also requires defendants to pay $6,500 in past costs to the State and to reimburse up to $75,000 in future response costs of the State.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *City of Dover, et al.*, DOJ Ref. #90–11–2–735.

The proposed consent decree may be examined at the Office of the United States Attorney, 55 Pleasant Street, Room 439, Concord, New Hampshire; the Region I Office of the Environmental Protection Agency, One Congress Street, Boston, MA; and at the Consent Decree Library, 601 Pennsylvania Avenue, NW., Washington, DC 20044, 202–347–2072. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 601 Pennsylvania Avenue, NW., Box 1097, Washington, DC 20044. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $28.50 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Vicki A. O'Meara,

Acting Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 92–19875 Filed 8–19–92; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on July 30, 1992, a proposed Consent Decree in *United States* v. *J. B. Stringfellow, Jr. et al.*, Civil Action No. 83–2501 (JMI), was lodged with the United States District Court for the Central District of California. The proposed Consent Decree is the subject of a separate Notice. The Complaint in this action was brought pursuant to, *inter alia*, the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601 *et seq.*, to recover costs incurred in connection with remedial activities at the Stringfellow Superfund Site in Riverside, California, and to obtain injunctive relief requiring the defendants to take further remedial actions at the Site.

Pursuant to the proposed Consent Decree that is the subject of this Notice, one defendant in this action, Alcan Aluminum Corporation, will, for four years, pay all direct and indirect costs incurred by the United States in connection with the operation of the Mid-Canyon Pretreatment Plant at the Site. This pretreatment plant is used to treat groundwater extracted from the Site prior to its disposal. The United States will continue to operate the pretreatment plant and will bill Alcan for the costs incurred. This proposed Consent Decree is only a partial settlement and does not effect any release from liability.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin

Station, Washington, DC 20044. Comments should refer to *United States v. J. B. Stringfellow, Jr. et al.*, Civil Action No. 83–2501 (JMI), D.J. Ref. No. 90–11–2–24.

The proposed Consent Decree may be examined at the Office of the United States Attorney, Central District of California, Federal Building, room 7516, 300 North Los Angeles Street, Los Angeles, California; Office of Regional Counsel, Environmental Protection Agency, 75 Hawthorn St., San Francisco, California; and at the Consent Decree Library, 601 Pennsylvania Avenue Building, NW., Washington, DC 20004, phone number (202) 347–2072. A copy of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library.

In requesting a copy, please enclose a check in the amount of $6.00 (25 cents per page reproduction cost) payable to the "consent Decree Library."

Vicki A. O'Meara,

Acting Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 92–19873 Filed 8–19–92; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on July 30, 1992, a proposed Consent Decree in *United States* v. *J.B. Stringfellow, Jr. et al.*, Civil Action No. 83–2501 (JMI), was lodged with the United States District Court for the Central District of California. The proposed Consent Decree is one of two proposed Consent Decrees in this action lodged simultaneously. Each proposed Consent Decree is the subject of a separate Notice. The Complaint in this action was brought pursuant to, *inter alia*, the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601 *et seq.*, to recover costs incurred in connection with remedial activities at the Stringfellow Superfund Site in Riverside, California, and to obtain injunctive relief requireing the defendants to take further remedial action at the Site.

Pursuant to the proposed Consent Decree that is the subject of this Notice, certain defendants will: (1) Reimburse the United States for in excess of $80,000,000 in costs that the United States expended in connection with the Site; (2) design, construct, and demonstrate the effectiveness of remedial actions selected in the most recent Record of Decision for the Site; (3) provide certain routine maintenance and monitoring functions at the Site for a defined period; (4) reimburse the United States for certain future response costs that will be incurred in connection with the Site; and (5) provide support and funding for community relations activities in connection with the Site. This proposed Consent Decree is only a partial settlement and does not effect any release from liability.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044. Comments should refer to *United States v. J.B. Stringfellow, Jr. et al.*, Civil Action No. 83–2501 (JMI), D.J. Ref. No. 90–11–2–24.

The proposed Consent Decree may be examined at the Office of the United States Attorney, Central District of California, Federal Building, room 7516, 300 North Los Angeles Street, Los Angeles, California; Office of Regional Counsel, Environmental Protection Agency, 75 Hawthorn, St., San Francisco, California; and at the Consent Decree Library, 601 Pennsylvania Avenue Building, NW., Washington, DC 20004, phone number (202) 347–2072. A copy of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library.

In requesting a copy, please enclose a check in the amount of $49.50 (25 cents per page reproduction cost) payable to the "Consent Decree Library."

Vicki A. O'Meara,

Acting Assistant Attorney General, Environmental and Natural Resources Division.

[FR Doc. 92–19872 Filed 8–19–92; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Consent Decree

Notice is hereby given that a proposed Settlement Agreement and Stipulated Order ("Agreement") in *In re U.E. Systems, Inc., et al.*, No. 91–32791–HCD (Bankr. N.D. Ind.), among the United States, the States of Wisconsin and Indiana, and Debtors Polycast Technology Corp., Uniroyal Adhesives and Sealants Company, Inc., Uniroyal Engineered Products, Inc., and Ensolite, Inc. ("Debtors") was lodged on August 10, 1992 with the United States Bankruptcy Court for the Northern District of Indiana. Under the Agreement, the Debtors agree to an allowed general unsecured claim of $27,775,409 in the Debtors' bankruptcy proceeding for response costs, and, to the extent indicated in the Agreement, natural resource damages, under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9601 *et seq.*, at the following twenty (20) sites: The Alburn Incinerator/American Chemical Services Site in Chicago, Illinois; the American Chemical Service Site in Griffith, Indiana; the Calumet Container Site in Hammond, Indiana; the Douglass Road Landfill Site in Mishawaka, Indiana; the Dunn Landfill/City Disposal Sanitary Landfill Site in Dunn, Wisconsin; the Envirochem Site in Zionsville, Indiana; the Gallups Quarry Site in Plainfield, Connecticut; the Hagen Farm Site in Stoughton, Wisconsin; the I. Jones Site in Ft. Wayne, Indiana, the Midco I and Midco II Sites in Gary, Indiana; the Nascolite Site in Millville, New Jersey; the Ninth Avenue Site in Gary, Indiana; the Northside Sanitary Landfill Site in Zionsville, Indiana; the Solvents Recovery Site in Southington, Connecticut; the Stoughton City Landfill Site in Stoughton, Wisconsin; the Thermo-Chem Site in Muskegon, Michigan; the Verona Wellfield/Thomas Solvent Site in Battle Creek, Michigan; the Wayne Waste Oil/Wayne Reclamation Site in Columbia City, Indiana; and the Cam-Or/Westville Oil Site in Westville, Indiana. The Settlement Agreement also provides that the Debtors' obligations and liabilities arising from prepetition acts, omissions, or conduct of the Debtors or their predecessors at any Additional Sites not owned by the debtors will be discharged under the bankruptcy laws but will be liquidated and satisifed as general unsecured claims if and when the United States undertakes enforcement activities in the ordinary course. Finally, the Settlement Agreement resolves the United States' civil penalty claim under the Clean Air Act against debtor Uniroyal Engineered Products, Inc. for alleged violations of section 113(b) of the Clean Air Act, 42 U.S.C. 7413(b), for alleged emissions of volatile organic compounds from vinyl printers at a facility near Mishawaka, Indiana for an allowed general unsecured claim of $170,000.

The Department of Justice will receive comments relating to the proposed Settlement Agreement and Stipulated Order for 30 days following the publication of this Notice. Comments should be addressed to the Assistant Attorney General of the Environment

and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *In re U.E. Systems, Inc., et al.*, No. 91-32791-HCD (Bankr. N.D. Ind.), D.J. Ref. No. 90-11-2-784. The proposed Settlement Agreement and Stipulated Order may be examined at the Office of the United States Attorney for the Northern District of Indiana, 507 State Street, Hammond, Indiana 46320; the Region V Office of the United States Environmental Protection Agency, 77 West Jackson Street, Chicago, Illinois 60604; and at the Environmental Enforcement Section Consent Decree Library, 601 Pennsylvania Avenue, NW., Box 1097, Washington, DC 20004 (202-347-2072). A copy of the proposed Settlement Agreement and Stipulated Order may be obtained in person or by mail from the Consent Decree Library. In requesting a copy, please enclose a check in the amount of $11.00 (25 cents per page for reproduction costs), payable to the Consent Decree Library.

Vicki A. O'Meara,

Acting Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 92-19871 Filed 8-19-92; 8:45 am]

BILLING CODE 4410-01-M

Antitrust Division

Notice Pursuant to the National Cooperative Research Act of 1984—Automotive Emissions Cooperative Research Program

Notice is hereby given that, on July 7, 1992, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et al.* ("the Act"), the Automotive Emissions Cooperative Research Program (known as the Auto/Oil Air Quality Improvement Research Program) filed written notifications simultaneously with the Attorney General and with the Federal Trade Commission disclosing a change in the membership of the Auto/Oil Air Quality Improvement Research Program. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, the notifications stated that the following additional party has become an associate member of the Auto/Oil Air Quality Improvement Research Program: Nissan Research & Development Corporation, Ann Arbor, MI.

No other changes have been made in either the membership or the planned activities of the Auto/Oil Air Quality Improvement Research Program.

On October 16, 1989, the Auto/Oil Air Quality Improvement Research Program filed its original notification pursuant to section 6(a) of the Act. The Department of Justice ("the Department") published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on November 29, 1989, 54 FR 49122. On June 28, 1990, May 17, 1991, and November 27, 1991, the Auto/Air Quality Improvement Research Program filed additional notifications. The Department published notices in the **Federal Register** in response to these additional notifications on August 8, 1990, 55 FR 32321, June 14, 1991, 56 FR 27539, and January 14, 1992, 57 FR 1492.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 92-19876 Filed 8-19-92; 8:45 am]

BILLING CODE 4410-01-M

Notice Pursuant to the National Cooperative Research Act of 1984; Bell Communications Research, Inc.

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), Bell Communications Research, Inc. ("Bellcore") on July 24, 1992, filed a written notification on behalf of Bellcore and Metro Traffic Control Inc. ("Metro Traffic") simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to the venture and (2) the nature and objective of the venture. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties to the venture, and its general areas of planned activities are given below.

Bellcore is a Delaware corporation with its principal place of business in Livingston, New Jersey.

Metro Traffic is a Maryland corporation with its principal place of business in Houston, Texas.

Effective on June 15, 1992, Bellcore and Metro Traffic entered into an agreement to engage in cooperative research to explore the technology for personal traffic information services to better understand the application of this technology for the support of such services through exchange and exchange access services, including operation of prototypes for experimental demonstration of such technology.

Joseph H. Widmar,

Director of Operations Antitrust Division.

[FR Doc. 92-19870 Filed 8-19-92; 8:45 am]

BILLING CODE 4410-01-M

Notice Pursuant to the National Cooperative Research Act of 1984; Hydrocyclone Development Consortium

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), Michigan State University, on behalf of the Hydrocyclone Development Consortium (HDC), filed written notifications simultaneously with the Attorney General and the Federal Trade Commission on July 14, 1992, disclosing the identities of additional members of the HDC. The written notifications were filed for the purpose of extending the protections of section 4 of the Act limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

The following are additional parties which have become members of the HDC: Monosep Corporation, Broussard, LA; and the Department of the Navy, Represented by Naval Surface Warfare Center, Carderock Division Annapolis Detachment, Annapolis Laboratory, Annapolis, MD.

No other changes have been made in either the membership or planned activity of the HDC.

On January 17, 1991, the HDC filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on February 14, 1991, 56 FR 6035. The HDC filed additional notifications on May 15, 1991 and May 31, 1991, notice of which the Department published in the **Federal Register** on June 13, 1991, 56 FR 27272, and on July 19, 1991, 56 FR 33307.

Joseph H. Widmar,

Director of Operations Antitrust Division.

[FR Doc. 92-19877 Filed 8-19-92; 8:45 am]

BILLING CODE 4410-01-M

Notice Pursuant To the National Cooperative Research Act of 1984; Petrotechnical Open Software Corp.

Notice is hereby given that, on July 20, 1992, pursuant to section 6(a) of the National Cooperative Research Act of

1984, 15 U.S.C. 4301, *et seq.* ("the Act"), Petrotechnical Open Software Corporation ("POSC") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of invoking the protections of the Act limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, the notification stated that the following additional parties have become new, non-voting members of POSC: Stanford University, Department of Geophysics, Stanford, CA; Petrospec Computer Corporation, Richardson, TX; Amoco Production Company, Houston, TX; Dwight's Energydata, Inc., Richardson, TX; The Petroleum Science and Technology Institute, Edinburgh, Scotland; KAPPA Engineering, S.A., Paris, France; and Telesoft, GUI Division, San Diego, CA.

No other changes have been made in either the membership or planned activity of POSC.

On January 14, 1991, POSC filed its original notification pursuant to section 6(a) of the Act. The Department of Justice (the "Department") published a notice in the **Federal Register** pursuant to section 6(b) of the Act on February 7, 1991, 56 FR 5021. On April 12, 1991, July 19, 1991, October 21, 1991, January 21, 1992, and April 14, 1992, POSC filed additional written notifications. The Department published notices in the **Federal Register** in response to these additional notifications on May 7, 1991, 56 FR 21176, August 13, 1991, 56 FR 38465, November 14, 1991, 56 FR 57902, March 25, 1992, 57 FR 10383, and May 7, 1992, 57 FR 19646, respectively.

Joseph H. Widmar,

Director of Operations Antitrust Division.

[FR Doc. 92–19869 Filed 8–19–92; 8:45 am]

BILLING CODE 4410–01–M

NATIONAL COMMISSION ON MIGRANT EDUCATION

Meeting

ACTION: Notice of meeting.

SUMMARY: The National Commission on Migrant Education will hold its 21st meeting on Monday, August 24, 1992, during a conference call between Commission members and staff. The Commission was established by Public Law 100–297, April 28, 1988.

DATE, TIME, AND PLACE: Monday, August 24, 1992, beginning at 4:30 p.m., 8120 Woodmont Avenue, Fifth Floor, Bethesda, Maryland 20814.

STATUS: Open to the public. Audio equipment provided for public attendance. Limited seating available.

AGENDA: Discussion of draft chapter.

FOR FURTHER INFORMATION CONTACT: Elizabeth J. Skiles (301) 492–5336, National Commission on Migrant Education, 8120 Woodmont Avenue, Fifth Floor, Bethesda, Maryland 20814.

Note: In order to meet the deadlines required for finalizing the Commission's final report, scheduling of this meeting to allow for the 15-day publication of the notice was not possible.

Linda Chavez,

Chairman.

[FR Doc. 92–19930 Filed 8–19–92; 8:45 am]

BILLING CODE 6820–DE–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel; Meetings

AGENCY: National Endowment for the Humanities, NFAH.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506:

FOR FURTHER INFORMATION CONTACT: David C. Fisher, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone 202/786–0322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on 202/786–0282.

SUPPLEMENTARY INFORMATION: The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; or (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated September 9, 1991, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), and (6) of section 552b of title 5, United States Code.

1. *Date:* September 9, 1992.

Time: 9 a.m. to 5 p.m.

Room: 415.

Program: This meeting will review NEH/Reader's Digest Teacher/Scholar Program for Elementary and Secondary School Teachers, submitted to the Division of Education Programs, for projects beginning after September 1, 1993.

2. *Date:* September 15, 1992.

Time: 9 a.m. to 5 p.m.

Room: M–14.

Program: This meeting will review applications for NEH/Reader's Digest Teacher/Scholar Program for Elementary and Secondary School Teachers, submitted to the Division of Education Programs, for projects beginning after September 1, 1993.

3. *Date:* September 18, 1992.

Time: 9 a.m. to 5 p.m.

Room: M–14.

Program: This meeting will review applications for NEH/Reader's Digest Teacher/Scholar Program for Elementary and Secondary School Teachers, submitted to the Division of Education Programs, for projects beginning after September 1, 1993.

4. *Date:* September 18, 1992.

Time: 8:30 a.m. to 5 p.m.

Room: 415.

Program: This meeting will review applications for Preservation and Access Projects, submitted to the Division of Preservation and Access, for projects beginning after January 1, 1993.

5. *Date:* September 21, 1992.

Time: 8:30 a.m. to 5 p.m.

Room: 415.

Program: This meeting will review applications for Preservation and Access Projects, submitted to the Division of Preservation and Access, for projects beginning after January 1, 1993.

6. *Date:* September 22, 1992.

Time: 8:30 a.m. to 5 p.m.

Room: 415.

Program: This meeting will review applications for United States Newspaper Projects, submitted to the Division of Preservation and Access, for projects beginning after January 1, 1993.

7. *Date:* September 24–25, 1992.

Time: 8:30 a.m. to 5 p.m.

Room: 415.

Program: This meeting will review applications in Preservation and Access Projects, submitted to the Division of

Preservation and Access, for projects beginning after January 1, 1993.

David C. Fisher,

Advisory Committee Management Officer.

[FR Doc. 92–19829 Filed 8–19–92; 8:45 am]

BILLING CODE 7536–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Astronomical Sciences; Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meetings.

Date and Time: September 14, 1992; 8:30 a.m. to 5 p.m.

Place: Room 1242, National Science Foundation, 1800 G St. NW., Washington, DC.

Contact Person: Dr. Benjamin B. Snavely, Program Director, Division of Astronomical Sciences, rm. 615, National Science Foundation, 1800 G St., NW., Washington, DC 20550. Telephone (202) 357–7622.

Agenda: To review and evaluate Small Business Innovation Research (SBIR) proposals as part of the selection process for awards.

Date and Time: September 21, 1992; 8:30 a.m. to 5 p.m.

Place: Room 1242, National Science Foundation, 1800 G St. NW., Washington, DC.

Contact Person: Dr. Benjamin B. Snavely, Program Director, Division of Astronomical Sciences, rm. 615, National Science Foundation, 1800 G St., NW., Washington, DC 20550. Telephone: (202) 357–7622.

Agenda: To review and evaluate SBIR proposals as part of the selection process for awards.

Type of Meetings: Closed.

Purpose of Meetings: To provide advice and recommendations concerning support for research proposals submitted to the NSF for financial support.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: August 17, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–19852 Filed 8–19–92; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Computer and Computation Research; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Date and Time: September 9, 1992; 8:30 a.m. to 5 p.m.

Place: Rooms 500 A–D, 1110 Vermont Avenue, NW., Washington, DC.

Type of Meeting: Closed.

Contact Person: Dr. Bruce H. Barnes, Deputy Division Director, Computer and Computation Research, Rm. 304, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357–9747.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Small Business Innovation proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: August 17, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–19848 Filed 8–19–92; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Design and Manufacturing Systems; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Design and Manufacturing Systems.

Date and Time: September 10, 1992, 8:30 a.m. to 5 p.m. Room 500–D, 1110 Vermont Ave., NW. Washington, DC.

Type of Meeting: Closed.

Contact Person: Drs. Louis A. Martin-Vega and F. Hank Grant, Program Directors, 1800 G St., NW., room 1128, Washington, DC 20550. Telephone: (202) 357–7676.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals submitted to the Small Business Innovation Research Program Solicitation for the Engineering Design, Computer-Integrated Engineering, Production Systems and Operations Research Programs.

Reason for Closing: The proposals being reviewed include information of a proprietary of confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: August 17, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–19851 Filed 9–19–92; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Electrical and Communications Systems; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Date and Time: September 22, 1992; 8:30 a.m. to 5 p.m.

Place: Room 523, National Science Foundation, 1800 G Street, NW., Washington, DC.

Type of Meeting: Closed.

Contact Person: Drs. Brian J. Clifton and Linton G. Salmon, Program Directors, Division of Electrical and Communications Systems, room 1151, National Science Foundation, 1800 G Street, NW., Washington, DC 20550. Telephone: (202) 357–9618.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate research proposals submitted to the Small Business Innovation Research (SBIR) Program.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: August 17, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–19846 Filed 8–19–92; 8:45 am]

BILLING CODE 7555–01–M

Interagency Arctic Research Policy Committee; Meeting; Correction

Federal Register/Vol. 57, No. 153/Friday, August 7, 1992/Notices/Page 34984/Column 3/*Type of Meeting:* The reason the meeting is closed is corrected to read: Because of the internationally sensitive topic this meeting is closed to the public.

Public Participation: Corrected to read: This committee meeting is not a public hearing and will not receive verbal comments from the public.

Peter E. Wilkniss,

Director, Division of Polar Programs.

[FR Doc. 92–19828 Filed 8–19–92; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Materials Research; Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463 as amended), the National Science Foundation announces the following meetings:

Where and When:

The Conference and Training Center, 1100 Vermont Avenue, NW., Washington, DC 20550.

September 22, 1992 8:30 a.m. to 5 p.m. Rooms 500 A,B,D

September 23, 1992 8:30 a.m. to 5 p.m. Rooms 500 A,B,C,D

September 24, 1992 8:30 a.m. to 5 p.m. Rooms 500 C&D

National Science Foundation, 1800 G Street, NW., Washington, DC 20550.

September 29, 1992 8:30 a.m. to 5 p.m. Room 411

September 30, 1992 8:30 a.m. to 5 p.m. Room 411

Type of Meeting: Closed.

Contact Person: Dr. Robert J. Reynik, Head, Office of Special Programs in Materials, Division of Materials Research, room 408, National Science Foundation, Washington, DC 20550. Telephone (202) 357–9791.

Purpose of Meeting: To provide advice and recommendations concerning support for Small Business Innovation Research (SBIR) Phase I proposals.

Agenda: Evaluate proposals and make award recommendations.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b (c)(4) and (6) of the Government in the Sunshine Act.

Dated: August 17, 1992.

M. Rebecca Winkler,

Committee Management Office.

[FR Doc. 92–19850 Filed 8–19–92; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Mathematical Sciences; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Date and Time: September 24–25, 1992; 8:30 a.m., to 5 p.m.

Place: Room 500A, National Science Foundation, 1110 Vermont Ave., NW., Washington DC.

Type of Meeting: Closed.

Contact Person: Drs. Rouben Rostamian, Deborah Lockart and Keith Crank, Division of Mathematical Sciences, rm. 339, National Science Foundation, 1800 G St. NW., Washington, DC 20550. Telephone: (202) 357–3686.

Purpose of Meeting: to provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Small Business Innovation Research (SBIR) proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: August 17, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–19847 Filed 8–19–92; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Networking and Communications Research and Infrastructure; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Networking and Communications Research and Infrastructure.

Date and Time: September 15, 1992; 8:30 a.m. to 5 p.m.

Place: Room 416, National Science Foundation, 1800 G Street, NW., Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Mr. David A. Staudt, NSFNET Program, National Science Foundation, room 416, Washington, DC 20550 (202 357–9717).

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals submitted to the SBIR Program.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals.

These matters are exempt under 5 U.S.C. 552(b).(c)(4) and (6) of the Government in the Sunshine Act.

Dated: August 17, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–19849 Filed 8–19–92; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Proposed Generic Communication Emergency Response Data System Test Program

AGENCY: United States Nuclear Regulatory Commission.

ACTION: Notice of opportunity for public comment.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to issue a Generic Letter. A generic letter is an NRC document that: (1) Transmits information to and requests that analyses or descriptions of proposed corrective actions or both be submitted by the addressees regarding matters of safety, safeguards, or environmental significance; (2) informs addressees of changes in NRC policy and requirements approved by the Committee to Review Generic Requirements (CRGR), the issuance of a topical report evaluation of a NUREG type of document of interest to them, or changes in NRC administrative procedures; or (3) requests the addressees to submit revised technical specifications or other technical or administrative information which does not involve any physical changes to the facility, but which NRC needs to properly perform its function.

This draft generic letter recommends a schedule to addresses for efficiently accomplishing the presently required quarterly testing of the Emergency Response Data System (ERDS), using available telephone lines.

The NRC is seeking comment from interested parties regarding both the technical and regulatory aspects of the proposed generic letter presented under the Supplementary Information heading. The NRC will consider comments received from interested parties in the final evaluation of the proposed generic letter. Should this generic letter be issued by the NRC, it will become available for public inspection in the Public Document Rooms.

DATES: Comment period expires September 21, 1992. Comments submitted after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except for comments received on or before this date.

ADDRESSES: Submit written comments to Chief, Rules and Directives Review Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Written comments may also be delivered to Room P–223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 am to 4:14 pm, Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC.

FOR FURTHER INFORMATION CONTACT: John B. Hickman (301) 504–3017.

SUPPLEMENTARY INFORMATION: The proposed generic letter text is given below:

Emergency Response Data System Test Program

Purpose

The U.S. Nuclear Regulatory Commission (NRC) is issuing this generic letter to recommend a schedule to addressees for efficiently accomplishing the presently required quarterly testing of the Emergency Response Data System (ERDS), using available telephone lines. The NRC is also issuing this generic letter to recommend an acceptable testing program to addressees, based on experience of both the industry and the NRC in setting up ERDS.

The Code of Federal Regulations requires each addressee to provide onsite hardware and software for each unit to interface with the NRC ERDS receiving system and to use them in the event of an emergency. Further the Code of Federal Regulations requires testing of the system for each licensed plant; the schedule for testing is quarterly unless otherwise set by the NRC. However, suggestions contained in this generic letter do not constitute NRC requirements.

Background

On August 21, 1989, the NRC issued Generic Letter 89–15, "Emergency Response Data System," to inform licensees and applicants about the voluntary efforts that certain licensees were taking to implement the ERDS and to solicit the participation of all applicable licensees and applicants in the ERDS program. ERDS is a direct near real-time electronic data link between computer data systems used by licensees of operating reactors and the NRC Operations Center upon declaring an emergency classified as an alert or higher.

On October 9, 1990, the NRC published a proposed rule in the **Federal Register** (55 FR 41095) that would require licensees and applicants to participate in the ERDS program and to establish a schedule for its implementation.

On August 13, 1991, after considering public comments on the proposed rule, the NRC published the final rule in the **Federal Register** (56 FR 40178). This final rule amended part 50 of title 10 of the Code of Federal Regulations (10 CFR part 50) to require licensees to provide hardware and software with specific characteristics to interface with the NRC receiving system (10 CFR part 50, appendix E, section VI, paragraph 2). The amended part 50 also requires licensees to test, maintain, and implement the ERDS (10 CFR part 50, appendix E, section VI, paragraphs 1, 3, and 4, respectively). Finally, the amended part 50 requires licensees to activate the ERDS in the event of an emergency, classified as an alert or higher (10 CFR 50.72(a)(4)).

The program that has been followed by industry for the past several years in setting up the ERDS system is documented in "Emergency Response Data System (ERDS) Implementation," NUREG–1394, Revision 1, June 1991. This document is referenced in a footnote of 10 CFR part 50, appendix E, section VI. The staff's recommendations in this generic letter are based on this experience.

Requested Actions

This generic letter is addressed to all the facilities for which the final rule applies. This includes all licensed nuclear power reactor facilities, except Big Rock Point (which is exempt because its computer system does not have a sufficient number of parameters available for effective participation in the ERDS program) and those that are permanently or indefinitely shut down (10 CFR part 50, appendix E, section VI, paragraph 2).

Because the NRC can connect up to three plants simultaneously for testing ERDS, the NRC staff has developed a schedule (Enclosure 1) to test efficiently. The NRC recommends, but does not require, that each addressee follow this schedule. The addressee should arrange ERDS testing with the NRC Operations Center at (301) 492–4102. A test monitor person will be available between 8 a.m. and 4 p.m. eastern time on days scheduled for testing. The schedule is arranged by weeks of a calendar quarter, with the first week of a quarter taken to be the first entire work week (Monday to Friday) of the quarter. Scheduled test days that fall on Federal holidays will be rescheduled to Friday of the same week.

Based on experience of both the industry and the NRC, the NRC staff has developed a testing program that would demonstrate acceptable operation of ERDS. The NRC recommends, but does not require, that each addressee use this testing program. The program consists of demonstrating the ability to (1) establish a link with ERDS, (2) transmit all parameters in the plant's ERDS database for 2 hours while meeting the requirements of the final rule, (3) reconnect with ERDS upon a loss of telephone connection, and (4) terminate the ERDS link.

If an addressee chooses to test the ERDS in a different manner, the addressee should document and retain in appropriate plant records a justification that the alternative program satisfies the final rule.

Reporting Requirements

The NRC will record the results of each test in the NRC Operations Center. Following each test, the NRC will review the transmitted data and inform the licensee of any testing anomalies noted. The NRC does not expect applicable licensees and applicants to submit any report after a test. No written reply is required in response to this generic letter.

Backfit Discussion

The final rule requires each licensee and applicant to test the ERDS each quarter. In this generic letter, the staff recommends but does not require (or seek to impose) an ERDS testing schedule and procedure to implement the testing required by the rule. Because the staff recommendations are voluntary

in nature, this action is not considered to be a backfit under NRC procedures. The recommended test schedule is designed to efficiently use limited facilities at the NRC Operations Center. The recommended elements of the testing program are based on the experience of both industry and the NRC is setting up the ERDS system during the past several years, as documented in NUREG–1394, Revision 1. The recommended program will enable the licensee or applicant to successfully test the ERDS with a minimum of inconvenience and yet with sufficient detail to ensure satisfactory performance of ERDS.

* * * * *

Dated at Rockville, Maryland, this 13th day of August 1992.

For the Nuclear Regulatory Commission.

Richard J. Barrett,

Director, Project Directorate III–2, Division of Reactor Projects—III/IV/V, Office of Nuclear Reactor Regulation.

[FR Doc. 92–19884 Filed 8–11–92; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards (ACRS) and Advisory Committee on Nuclear Waste (ACNW); Proposed Meetings

In order to provide advance information regarding proposed public meetings of the ACRS Subcommittees and meetings of the ACRS full Committee, of the ACNW, and the ACNW Working Groups the following preliminary schedule is published to reflect the current situation, taking into account additional meetings that have been scheduled and meetings that have been postponed or cancelled since the last list of proposed meetings was published July 24, 1992 (57 FR 33024). Those meetings that are firmly scheduled have had, or will have, an individual notice published in the **Federal Register** approximately 15 days (or more) prior to the meeting. It is expected that sessions of ACRS and ACNW full Committee meetings designated by an asterisk (*) will be closed in whole or in part to the public. The ACRS and ACNW full Committee meetings begin at 8:30 a.m. and ACRS Subcommittee and ACNW Working Group meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during ACRS and ACNW full Committee meetings, and when ACRS Subcommittee and ACNW Working Group meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the September 1992 ACRS and ACNW full Committee meetings can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committees (telephone: 301/492–4600 (recording) or 301/492–7288, Attn: Barbara Jo White) between 7:30 a.m. and 4:15 a.m., Eastern Time.

ACRS Subcommittee Meetings

Computers in Nuclear Power Plant Operations

August 20–21, 1992, Bethesda, MD. The Subcommittee will continue its review of hardware and software issues for digital Instrumentation and Control (I&C) systems. National experts will discuss software design concepts including safety, reliability, fault-tolerance, formal methods, and verification and validation.

Plant Operations

September 9, 1992, Bethesda, MD. The Subcommittee will continue its review of the NRC staff and industry programs to address the issue of risk from low power/shutdown operations at U.S. nuclear power plants.

Planning and Procedures

September 9, 1992, Bethesda, MD (3 p.m.–5:30 p.m.). The Subcommittee will discuss proposed ACRS activities and related matters. Qualifications of candidates nominated for appointment to the ACRS will also be discussed. Portions of this meeting will be closed to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy.

Joint Thermal Hydraulic Phenomena/ Core Performance

September 15, 1992, Bethesda, MD. The Subcommittees will continue their review of the issues pertaining to BWR core power stability, including the NRC staff's proposed resolution approach for this matter.

Joint Plan License Renewal/Reliability and Quality

September 16, 1992 (8:30 a.m.–12 Noon), Bethesda, MD. The Subcommittee will review the proposed Branch Technical Position on Equipment Qualification for Plant License Renewal.

Computers in Nuclear Power Plant Operations

September 22, 1992, Bethesda, MD. The Subcommittee will host a special international meeting to hear directly from manufacturers in Germany, France, Japan, U.K., Sweden, and Canada about advanced developments in digital I&C systems.

Advanced Boiling Water Reactors

September 23–24, 1992, Bethesda, MD. The Subcommittee will begin its review of the Final Safety Evaluation Report (FSER) for the GE ABWR design, certain other GE and staff licensing documents, and the remainder of the Standard Safety Analysis Report (SSAR) submittals.

Maintenance Practices and Procedures

October 6, 1992, Bethesda, MD. The Subcommittee will discuss the Nuclear Management and Resources Council (NUMARC) maintenance guidance document and the NRC regulatory analysis.

Advanced Pressurized Water Reactors

October 7, 1992, Bethesda, MD. The Subcommittee will continue its review of the ABB CE System 80+ Design Certification. Topics being proposed for discussion include: Engineered Safety Feature Systems; and incorporation of the requirements resulting from the resolution of USIs and GSIs into the System 80+ design.

Planning and Procedures

October 7, 1992, Bethesda, MD. (3 p.m.–5:30 p.m.). The Subcommittee will discuss proposed ACRS activities and related matters. Qualifications of candidates nominated for appointment to the ACRS will also be discussed. Portions of this meeting will be closed to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy.

Advanced Boiling Water Reactors

October 21–22, 1992, Bethesda, MD. The Subcommittee will continue its review of the Final Safety Evaluation Report (FSER) for the GE ABWR design and the remainder of the SSAR submittals.

Planning and Procedures

November 4, 1992, Bethesda, MD (1 p.m.–4 p.m.). The Subcommittee will discuss proposed ACRS activities and related matters. Qualifications of candidates nominated for appointment to the ACRS will also be discussed. Portions of this meeting will be closed to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy.

Advanced Boiling Water Reactors

November 18, 1992, Bethesda, MD. The Subcommittee will review Supplement 1 to the Final Safety Evaluation Report (FSER) for the ABWR design and any residual issues.

Planning and Procedures

December 9, 1992, Bethesda, MD (1 p.m.–4 p.m.). The Subcommittee will discuss proposed ACRS activities and related matters. Qualifications of candidates nominated for appointment to the ACRS will also be discussed. Portions of this meeting will be closed to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy.

ACRS Full Committee Meetings

389th ACRS Meeting

September 10–12, 1992, Bethesda, MD. Items are tentatively scheduled.

A. Pilgrim Nuclear Station, Emergency Planning/Response

Briefing by representatives of the NRC staff regarding results of the emergency response plan demonstration at this facility. Representatives of the licensee and cognizant state and federal agencies will participate as appropriate.

B. Meeting with Director, NRC Office of Nuclear Reactor Regulation (NRR)

Briefing by and discussion with the Director, Office Nuclear Reactor Regulation, regarding items of current interest, including the basis for NRR staff action regarding the FitzPatrick nuclear plant individual plant examination (IPE), scheduling and conduct of team inspections taking into account findings of the NRC Regulatory Impact Survey, the NRC staff's planned use of PRA in the formulation and implementation of the maintenance rules, and the policy implications of the NRC staff decision on use of Bayseian statistical methodology in evaluation of the Watts Bar nuclear plant quality assurance records.

C. Insights from Common Mode Failure Events

Briefing by representatives of the NRC staff (Office for Analysis & Evaluation of Operational Data) on insights obtained from selected common mode failure events. Representatives of the nuclear industry will participate as appropriate.

D. Prioritization of Generic Safety Issues

Briefing by and discussion with representatives of the NRC staff regarding prioritization of generic safety issues. Representatives of the nuclear industry will participate as appropriate.

E. Environmental Qualification of Safety-Grade Digital Computerized Safety and Control System

Briefing by and discussion with representatives of the NRC staff regarding the status of research on environmental qualification of safety-grade digital computerized safety and control systems. Representatives of the nuclear industry will participate as appropriate.

F. Use of PRA in the Regulatory Process

Briefing by representatives of the NRC staff regarding use of PRA in the regulatory process.

G. Evaluation of Shutdown and Low-Power Operations Risk Issues

Review and report on NRC staff evaluation of nuclear power plant risk during shutdown and low-power operations. Representatives of the nuclear industry will participate as appropriate.

H. Regulatory Impact on Nuclear Power Plant Safety

Briefing by and discussion with Nuclear Management and Resources Council (NUMARC) representatives regarding the impact of regulatory activities on the safety of nuclear power plant operations.

I. Meeting with NRC Commissioners

Meeting with NRC Commissioners to discuss matters of mutual interest, including the status of ACRS reviews on advanced reactor designs, use of design acceptance criteria (DAC) and inspections, tests, analyses and acceptance criteria (ITTAC) in the certification process, safety goal policy implementation, and the impact of the regulatory process on reactor safety.

**J. GE Nuclear Energy's Generic Power Uprate Program/Enrico Fermi Nuclear Power Plant, Unit 2 Proposed Power Increase*

Review and comment on GE Nuclear Energy's generic program in support of power level increases for GE BWRs and on the request for a power level increase for this nuclear plant. Representatives of the NRC staff, GE Nuclear Energy, and the licensee will participate as appropriate. Portions of this session will be closed as necessary to discuss Proprietary Information applicable to this matter.

K. Policy Issues for Certification of Evolutionary and Passive LWR Nuclear Plants

Review and report on policy issues identified by the NRC staff which are applicable to the certification of evolutionary and passive LWR nuclear power plants. Representatives of the NRC staff and the nuclear industry will participate as appropriate.

L. Implementation of the NRC Safety Goal Policy

Discuss the ACRS plans for regulatory use of the NRC Safety Goal Policy.

M. Future Activities

Discuss topics proposed for consideration by the full Committee.

**N. Appointment of New Members*

Discuss the status of appointment of new members and qualifications of candidates nominated for consideration. Portions of this session will be closed as necessary to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy.

**O. ACRS Practices and Procedures*

Discuss procedures for the conduct of Committee business and its impact on the activities of members. Portions of this session will be closed as necessary to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy.

P. Miscellaneous

Discuss administrative matters related to Committee activities and items that were not completed at previous meetings as time and availability of information permit.

390th ACRS Meeting

October 8–10, 1992, Bethesda, MD. Agenda to be announced.

391st ACRS Meeting

November 5–7, 1992, Bethesda, MD. Agenda to be announced.

392nd ACRS Meeting

December 10–12, 1992, Bethesda, MD. Agenda to be announced.

ACNW Full Committee and Working Group Meetings

46th ACNW Meeting

August 13–14, 1992, Bethesda, MD—Deferred until September 23–25, 1992.

46th ACNW Meeting

September 23 (1 p.m.), 24–25 (8:30 a.m.), 1992, Bethesda, MD—Items are tentatively scheduled.

A. Discussion with Dr. David Brown, Connecticut Department of Health Services. Role and perspectives of a state department of health regarding the siting of a LLW disposal facility.

B. Prepare the next four-month plan of ACNW activities.

C. Discuss with EPA representatives results of the EPA's Science Advisory Board's recent consideration of C–14 release limits from a high-level waste repository.

D. Continue to prepare a response to a supplemental request from Chairman Selin made on April 24, 1992, on a systems analysis approach to reviewing the overall high-level waste program.

E. Discussion with and progress report by the NRC's Division of Low-Level Waste Management on the Site Decommissioning Management Plan (SDMP) list. Generic objectives and examples will be considered.

F. Hear a briefing on plans for an enhanced participatory rulemaking process on the radiological criteria for decommissioning (tentative).

G. Review a proposed regulatory guide on 10 CFR part 20, ALARA criteria for material licensees.

H. Discuss anticipated and proposed Committee activities, future meeting agenda, administrative, and organizational matters, as appropriate. Also, discuss matters and specific issues that were not completed during previous meetings as time and availability of information permit.

ACNW Working Group on Potential for Presence of Natural Resources at a High-Level Waste Repository Site

October 20, 1992, St. Tropez Hotel, Las Vegas, NV. The Working Group will discuss methodologies for the assessment of the potential for the presence of significant natural resources at the proposed high-level waste repository site at Yucca Mountain. The relationship between future exploration for such resources and the potential for human intrusion will be emphasized.

47th ACNW Meeting

October 21, 1992, St. Tropez Hotel, Las Vegas, NV—Agenda to be announced.

48th ACNW Meeting

November 16–17, 1992, Bethesda, MD—Agenda to be announced.

ACNW Working Group on the Impact of Long-Range Climate Change in the Area of the Southern Basin and Range

November 18, 1992, Bethesda, MD. The Working Group will discuss the historical evidence and the potential for climate changes in the Southern Basin and Range and the impact of climate change on natural processes affecting the performance of the proposed high-level waste repository at Yucca Mountain.

ACNW Working Group on Performance Assessment

December 16, 1992, Bethesda, MD. The Working Group will hear a briefing by DOE representatives regarding the status of the DOE's Total System Performance Assessment. Also, this Group will discuss the progress of Phase 2 of the HLW Iterative Performance Assessment effort by NRC.

49th ACNW Meeting

December 17–18, 1992, Bethesda, MD—Agenda to be announced.

Dated: August 14, 1992.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 92–19886 Filed 8–19–92; 8:45 am]

BILLING CODE 7590–01–M

All Light Water Reactors; Receipt of Petition for Director's Decision Under 10 CFR 2.206

Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC) has received a letter to NRC Chairman Ivan Selin, dated July 21, 1992, from Ernest C. Hadley, on behalf of We The People, Inc., and Mr. Paul Blanch (Petitioners). The Petitioners request "immediate shutdown of any reactor (boiling water reactor (BWR) and pressurized water reactor (PWR)) that cannot affirmatively demonstrate that it has operable condensate pots or has in place an adequate backup system that will accurately measure the water level in the reactor core in the event of a mishap." The Commission is treating the letter as a Petition requesting action under 10 CFR 2.206.

The Petitioners allege that many reactor licensees rely on condensate pots as part of reactor vessel instrumentation to monitor core coolant level; that many of these licensees have no alternative means to monitor coolant level; that gases in the condensate pot will be absorbed in the reference leg over time; that when pressure is rapidly released during an accident, a large amount of liquid is pushed out of the reference leg, causing a significant decrease in reference leg level and a false high coolant level indication; that for most boiling water reactors (BWRs), the false indication would effectively defeat many safety systems and emergency core cooling systems; that operators have not been trained to deal with the false indications; and that, in an accident, operators would be unable to accurately assess core coolant level because of the above. Moreover, the Petitioners assert that Rosemount transmitters, which are commonly relied on as part of coolant level monitoring systems, are highly unreliable, and that their interaction with "the condensate pot problem" greatly increases the risk of a serious accident.

On the basis of these allegations, the Petitioners request that the NRC order the immediate shutdown of any reactor whose licensee cannot affirmatively demonstrate that it has operable condensate pots or has in place an adequate backup system that will accurately measure the water level in the core in case of a mishap.

The Petition was referred to the Director of the Office of Nuclear Reactor Regulation for the preparation of a response. By letter dated August 11, 1992, the Petitioners' request for immediate action regarding BWR and PWR shutdown was denied. As provided by 10 CFR 2.206, appropriate action with regard to the specific issues raised in the Petition will be taken within a reasonable time.

A copy of the Petition is available for inspection at the Commission's Public Document Room located at the Gelman Building, 2120 L Street, NW., Washington, DC 20555.

Dated at Rockville, Maryland this 11th day of August 1992.

For the Nuclear Regulatory Commission.

Thomas E. Murley,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 92–19883 Filed 8–19–92; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–528, 50–529 and 50–530]

Arizona Public Service Co. et al., Palo Verde Nuclear Generating Station; Issuance of Director's Decision (DD–92–4) Under 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has issued a Final Director's Decision concerning a Petition dated May 22, 1990, filed by Mr. David K. Colapinto, Esq., on behalf of Mrs. Linda E. Mitchell. The Petition alleged safety violations regarding fire protection at the Palo Verde Nuclear Generating Station (Palo Verde) of the Arizona Public Service Company (APS). The Petition also presented numerous allegations that APS and U.S. Nuclear Regulatory Commission (NRC) personnel were involved in wrongdoing regarding possible violations of NRC requirements for fire protection and emergency lighting at Palo Verde. Based on the allegations, Petitioner requested a variety of relief including institution of a proceeding pursuant to 10 CFR 2.202 to

modify, suspend, or revoke the licenses issued by the NRC to Palo Verde; issuance of citations to the Licensee for violations deleted from an NRC inspection report; issuance of fines to APS and named employees of the Licensee for impeding an NRC inspection; disciplinary action against NRC employees allegedly involved in retaliation against an NRC inspector; and such other relief as the NRC may deem appropriate.

On June 21, 1990, the Director, Office of Nuclear Reactor Regulation (NRR) acknowledged receiving the Petition. The Director informed Mr. Colapinto that the Petition would be treated under 10 CFR 2.206 and that appropriate action would be taken in a reasonable time.

On October 31, 1990, the Director of NRR issued a Partial Director's Decision on the technical aspects of the Petitioner's concerns regarding fire protection and emergency lighting. For the reasons set forth in the Partial Director's Decision, Petitioner's request to institute a proceeding pursuant to 10 CFR 2.202 with respect to the safety issues raised in the Petition regarding fire protection and emergency lighting was denied.

The Director of NRR has now determined that the portion of Petitioner's request dealing with wrongdoing by Licensee personnel should be denied for the reasons set forth in the "Final Director's Decision Under 10 CFR 2.206 (DD–92–4). This document is available for inspection and copying in the Commission's Public Document Room, Gelman Building, 2121 L Street, NW., Washington, DC 20555 and at the local public document room located in the Phoenix Public Library, 12 East McDowell Road, Phoenix, Arizona 85004.

A copy of the Final Director's Decision will be filed with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206(c). As provided in 10 CFR 2.206(c), the Final Director's Decision will become the final action of the Commission 25 days after issuance unless the Commission on its own motion institutes review of the Decision within that time.

Dated at Rockville, Maryland this 12th day of August, 1992.

For the Nuclear Regulatory Commission.

Thomas E. Murley,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 92–19882 Filed 8–19–92; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–443]

North Atlantic Energy Service Corp.; Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–86, issued to the North Atlantic Energy Service Corporation (the licensee), for operation of the Seabrook Station located in Rockingham County, New Hampshire.

The proposed amendment would change the provisions of Seabrook Station Technical specification Surveillance Requirement 4.3.1.1. to delay the performance of one aspect of the trip actuating device operational test (TADOT) for the manual reactor trip function until no later than startup from the first planned or unplanned shutdown, to MODE 3 or lower, occurring after July 30, 1992. The licensee feels that it would be imprudent to conduct a complex surveillance test procedure with its attendant trip potential while operational. It is proposed to issue this amendment on an exigent basis under 10 CFR 50.91(a)(6). The proposed Technical Specification change eliminates the need to initiate a plant shutdown to Mode 3 to perform the one aspect of surveillance testing. The licensee plans to perform the entire surveillance test during its next refueling outage now scheduled to begin in September 1992.

The licensee's independent safety engineering group identified a potential testing inadequacy for the reactor trip breakers and reactor trip bypass breakers on July 28, 1992. Seabrook's management was apprised of this and on July 29, 1992, concluded that Seabrook's trip breaker testing had not been performed in compliance with all aspects of Seabrook's Technical Specifications. This determination was immediately discussed with NRC staff via a conference call, and on July 30, 1992, a temporary waiver of compliance (TWOC) was granted. On July 31, 1992, the NRC requested the licensee to submit a request for a Technical Specification amendment to support the TWOC, and the licensee's request was filed on August 3, 1992.

Accordingly, the Commission finds that exigent circumstances exist, and that the licensee did not act to create the exigency. Any comments on the proposed action are due within fifteen (15) days after the date of publication of this notice.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards considerations. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed temporary waiver of compliance does not involve a significant increase in the probability or consequences of an accident previously evaluated. Although the surveillance test did not adequately test one aspect of the manual reactor trip function, there is no reason to believe that based on the preoperational and surveillance testing performed, that any element of the manual trip function is not functional. If for some reason manual actuation of the shunt trip failed to operate, the diversity and redundancy of the reactor protection system would still enable it to perform its design function. Therefore, since the response of the plant to an accident is unchanged there is no significant increase in either the probability or consequences of an accident previously evaluated as a result of this temporary waiver of compliance.

2. The proposed temporary waiver of compliance will not create the possibility of a new or different kind of accident from any previously evaluated.

The proposed temporary waiver of compliance does not affect the operation or response of any plant equipment or introduce any new failure mechanisms. Therefore, the previous accident analyses are unchanged and bound all expected plant transients and there are no new or different accident scenarios introduced.

3. The proposed temporary waiver of compliance will not involve a significant reduction in a margin of safety.

The proposed temporary waiver of compliance will not reduce the margin of safety defined in the BASES of any Technical Specification. The BASES of Technical Specification 3.3[.]1, Reactor Trip System Instrumentation states in part that operability of the reactor trip system ensures that a reactor trip will occur when needed. The reactor trip system possesses several diverse and independent features which enable it to

shutdown the reactor on demand. The operation of any of these features demonstrates that the reactor protection system in capable of performing its safety function. Therefore, the assumptions in the BASES of Technical Specifications are not affected and the proposed temporary waiver of compliance will not result in a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within fifteen (15) days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Rules and Directives Review Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of the **Federal Register** notice. Written comments may also be delivered to room P–223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By September 21, 1992, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a part in the proceeding must file a written request for hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rule of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available 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 Exeter Public Library, 47 Front Street, Exeter, New Hampshire 03833.

If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene, which must include a list of the contentions that are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner is aware on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If the amendment is issued before the expiration of 30 days, the Commission will make a final determination on the issue of no significant hazards considerations. If a hearing is requested, the final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards considerations, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 15-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 15-day notice period, provided that its final determination is that the amendment involves no significant hazards considerations. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC

20555, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 325–6000 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Victor Nerses: Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Thomas Dignan, Esquire, Ropes & Gray, One International Place, Boston, Massachusetts 02110–2624, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment, dated July 30, 1992, as supplemented August 3, 1992, which is 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 Exeter Public Library, 47 Front Street, Exeter, New Hampshire 03833.

Dated at Rockville, Maryland, this 13th day of August 1992.

For the Nuclear Regulatory Commission.

Gordon Edison,

Senior Project Manager,

Project Directorate I–3, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 92–19885 Filed 8–19–92; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–77]

Catholic University of America; Proposed Issuance of Orders Approving Decommissioning Plan, Authorizing Decommissioning and Terminating Facility License

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of Orders authorizing the Catholic University of America (CUA or the licensee) to dismantle the CUA AGN–201 reactor facility, dispose of the component parts, and to terminate Possession Only License No. R–31, in accordance with the licensee's application dated February 6, 1992.

The first of these Orders would be issued following the Commission's review and approval of the licensee's plan for decontamination of the facility and disposal of the radioactive components, or some alternate disposition plan for the facility. This Order would authorize implementation of the approved plan. Following completion of the authorized activities and verification by the Commission that acceptable radioactive contamination levels have been achieved, the Commission would issue a second Order terminating the facility license and any further NRC jurisdiction over the facility. Prior to issuance of each Order, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

By September 21, 1992, the licensee may file a request for a hearing with respect to issuance of the subject Orders and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules and Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board Panel, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board Panel will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such as amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matter within the scope of the orders under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to a least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may

be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by toll-free telephone call to Western Union at 1–(800) 325–6000 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Seymour H. Weiss: petitioner's name and telephone number; date petition was mailed; Catholic University of America; and publication date and page of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Dr. Warren E. Keene, Reactor Administrator, Department of Nuclear Science and Engineering, The Catholic University of America, 620 Michigan Avenue, NE., Washington, DC 20064.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, presiding officer or the Atomic Safety and Licensing Board Panel that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the licensee's application dated February 6, 1992. This document is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555.

Dated at Rockville, Maryland this 14th day of August 1992.

For the Nuclear Regulatory Commission.

Seymour H. Weiss,

Director, Non-Power Reactors, Decommissioning and Environmental Project Directorate, Division of Reactor Projects—III/IV/V, Office of Nuclear Reactor Regulation.

[FR Doc. 92–19881 Filed 8–19–92; 8:45 am]

BILLING CODE 7590–01–M

OVERSEAS PRIVATE INVESTMENT CORPORATION

Agency Report Forms Under OMB Review

AGENCY: Overseas Private Investment Corporation.

ACTION: Request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), agencies are required to submit information collection requests to OMB for review and approval, and to publish a notice in the Federal Register notifying the public that the Agency has made such a submission. The proposed form under review is summarized below.

DATES: Comments must be received within 14 calendar days of this notice. If you anticipate commenting on the form but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB Reviewer and the Agency Submitting Officer of your intent as early as possible.

ADDRESSES: Copies of the subject form and the request for review submitted to OMB may be obtained from the Agency Submitting Officer. Comments on the form should be submitted to the Agency Submitting Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

OPIC Agency Submitting Officer: Valerie Settles, Management Services, Overseas Private Investment Corporation, 1100 New York Avenue, NW., Washington, DC 20527; Telephone (202) 336–8554.

OMB Reviewer: Lin Lui, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; Telephone (202) 395–7340.

Summary of Form Under Review

Type of Request: Extension.

Title: Project Information Report.

Form Number: OPIC–71 (OMB No. 3420–0004).

Frequency of Use: On Occasion—a function of the sampling criteria.

Type of Respondent: Business or other instructions (except farms).

Standard Industrial Classification Codes: All.

Description of Affected Public: Business and other institutions.

Number of Responses: 25 per year.

Reporting Hours: 5 hours per application.

Authority for Information Collection: Section 231(k)(2) [Title 22 U.S.C. 2191(k)(2)] and 239(h) [Title 22 U.S.C. 2199(h)] of the Foreign Assistance Act of 1961, as amended.

Abstract (Needs and Uses): The Project Information Report is necessary to elicit and record the information on the developmental, environmental, and U.S. economic effects of OPIC-assisted projects. The information will be used by OPIC's staff and management solely as a basis for monitoring these projects and reporting the results, as required by Congress, in aggregate form.

Dated: August 14, 1992.

James R. Offutt,

Office of the General Counsel.

[FR Doc. 92–19899 Filed 8–19–92; 8:45 am]

BILLING CODE 3210–01–M

PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

Meetings

Notice is hereby given of the meetings of the Prospective Payment Assessment Commission on Tuesday and Wednesday, September 15–16, 1992, at the Madison Hotel, 15th & M Streets, NW., Washington, DC.

The full Commission will convene on Tuesday at 9 a.m. until 5 p.m., and on Wednesday from 9 a.m. to 12 noon, in Executive Chambers 1, 2 and 3.

All meetings are open to the public.

Donald A. Young,

Executive Director.

[FR Doc. 92–19910 Filed 8–19–92; 8:45 am]

BILLING CODE 6820–BW–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–31039; File No. SR–AMEX–92–18]

Self-Regulatory Organizations; Filing of Proposed Rule Change by the American Stock Exchange, Inc. Relating to Portfolio Depositary Receipts

August 13, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on July 22, 1992,[1] the American Stock Exchange, Inc. ("AMEX" 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 self-regulatory organization. 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 Amex proposes to adopt new Rules 1000 *et seq.* relating to Exchange listing and trading of Portfolio Depository Receipts ("PDRs"), which are

[1] The AMEX originally submitted its filing on June 5, 1992. On July 22, 1992, the AMEX submitted an amendment to its filing. These amendments are incorporated in this notice.

securities based on a unit investment trust operating on an open-end basis and holding a portfolio of securities.

The text of the proposed rule change is available at the Office of the Secretary, AMEX, 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 self-regulatory organization included statements concerning the purpose of, and statutory basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) Purpose

Portfolio depository receipts. The Exchange proposes to add new Rules 1000 *et seq.* to accommodate trading on the Exchange of PDRs, securities which are interests in a unit investment trust ("Trust") operating on an open-end basis and that holds a portfolio of securities. The Trust sponsor ("Sponsor") will be PDR Services Corporation, a wholly-owned subsidiary of the AMEX.[2] Each Trust will provide investors with an instrument that closely tracks the underlying securities portfolio, that trades like a share of common stock, and that pays to PDR holders periodic dividends proportionate to those paid with respect to the underlying portfolio of securities, less certain expenses, as described in the Trust prospectus. The Exchange expects that the first Trust to be formed in connection with the issuance of PDRs will be based on the Standard & Poor's ("S&P") 500 Composite Stock Price Index ("S&P 500 Index") and will be known as S&P Depository Receipts ("SPDRs").[3] The terms of the SPDR Trust will be 25 years from the date of initial issuance, and will terminate at the end of that period.[4]

The Sponsor will enter into a trust agreement with a trustee in accordance with section 26 of the Investment Company Act of 1940 ("40 Act"). PDR Distributors, Inc. ("Distributor") will act as the underwriter of SPDRs on an agency basis. All orders to create SPDRs in Creation Unit [5] size aggregations must be placed with the Distributor, and it will be the responsibility of the Distributor to transmit such orders to the Trustee. The Distributor is a corporation organized in 1991 under the laws of the State of Delaware and is located at 6 St. James Avenue, Boston, MA 02116. The Distributor is a registered broker-dealer, a member of the National Association of Securities Dealers, Inc. ("NASD"), and a wholly-owned subsidiary of Signature Financial Group, Inc.

Payment with respect to creation orders placed through the Distributor will be made by (1) the "in-kind" deposit with the Trustee of a specified portfolio of securities that is formulated to mirror, to the extent practicable, the component securities of the underlying index or portfolio, and (2) a cash payment sufficient to enable the Trustee to make a distribution to the holders of beneficial interests in the Trust on the next dividend payment date as if all the securities had been held for the entire accumulation period for the distribution ("Dividend Equivalent Payment"), subject to the certain specified adjustments (*see* "Distributions" below). The securities and cash accepted by the Trustee are referred to, in the aggregate, as a "Portfolio Deposit."

Issuance of portfolio depositary receipts. Upon receipt of a Portfolio Deposit, in payment for a creation order placed through the Distributor as described above, the Trustee will issue a specified number of PDRs, which in the aggregate is referred to as a "Creation Unit." The Exchange anticipates that, with respect to SPDRs, a Creation Unit will consist of 50,000 SPDRs.[6] Individual PDRs can then be traded in the secondary market like any other equity security.[7] It is expected that Portfolio Deposits will be made by institutional investors and by institutional arbitrageurs.

To maintain the correlation between the portfolio of securities held in the Trust and that of the underlying index, it is anticipated that the composition of the Portfolio Deposits will be adjusted by the Trustee from time to time to conform to changes to the index made by the organization that compiles and maintains such index (in the case of the S&P 500 Index, for example, S&P Corporation). The Trustee will aggregate certain of these adjustments and make periodic conforming changes to the Trust securities.

It is expected that the Trustee or Sponsor will make available (a) on a daily basis a list of the names and required number of shares for each of the securities in the current Portfolio Deposit; (b) on a minute-by-minute basis throughout the day a number representing the value (on a per PDR basis) of the securities portion of a Portfolio Deposit; and (c) on a daily basis, the accumulated dividends, less expenses, per outstanding PDR.

Transactions in PDRs may be effected on the Exchange until 4:15 p.m. New York time each business day.

Redemption. PDRs in Creation Unit size aggregations will be redeemable in kind by tendering them to the Trustee. While holders may sell PDRs in the secondary market at any time, they must accumulate a specific minimum number of PDRs (*i.e.*, for the SPDR Trust, 50,000 SPDRs, or multiples thereof) in order to redeem through the Trust. PDRs will remain outstanding until redeemed or

[2] Portfolio Depository Receipts and PDRs are service marks of PDR Services Corp.

[3] "S&P 500 Composite Stock Price Index," "S&P 500 Index," "Standard & Poor's Depository Receipts" and "SPDRs" are service marks of the Standard & Poor's Corporation. PDRs offered on different indexes will require a Rule 19b–4 filing with the Commission.

[4] The Trust however may be terminated at an earlier time under the following circumstances: (1) Delisting of SPDRs from the AMEX; (2) if the license agreement with S&P is terminated; or (3) if the Trustee, Sponsor, Distributor, Depository Trust Company ("DTC") or the National Securities Clearing Corporation ("NSCC") are unable to perform their respective functions or duties with respect to operation of the Trust and a suitable successor entity is unavailable. In addition, the Sponsor may also terminate the Trust if the Trust net asset value, after six months from inception, falls below $150 million, and after three years from inception, the Trust net asset value falls below $350 million, as adjusted annually for inflation. SPDRs cannot be traded after the termination of the underlying Trust, however, on termination the Trust will be liquidated, and SPDR holders at that time will receive a distribution of their pro rata share of the assets of the Trust, net of certain fees and expenses.

[5] An aggregation of 50,000 SPDRs is referred to as a Creation Unit. SPDRs may be created only in a Creation Unit size aggregation, or multiples thereof.

[6] As of May 1, 1992, the value of an individual SPDR was estimated to be approximately $41.25.

[7] The SPDR Trust, Series I, has filed with the Commission an application seeking, among other things, an order: (1) Permitting secondary market transactions in SPDRs at negotiated prices, rather than at a current public offering price described in the prospectus as required by section 22(d) of the Investment Company Act of 1940 ("' 40 Act") and Rule 22c–1; (2) permitting the sale of SPDRs to purchasers in the secondary market unaccompanied by a prospectus, when prospectus delivery is not required by section 4(3) of the Securities Act of 1933 but may be required according to section 24(d) of the '40 Act for redeemable securities issued by a Unit Investment Trust. These exemptions, if granted, will permit individual SPDRs to be traded in secondary market transactions similar to a closed-end investment company.

until the termination of the Trust. Creation Units will be redeemable on any business day in exchange for a portfolio of the securities held by the Trust identical in weighting and composition to the securities portion of a Portfolio Deposit in effect on the date request is made for redemption, together with a "Cash Component" (as defined in the Trust prospectus), including accumulated dividends, less expenses, through the date of redemption. The number of shares of each of the securities transferred to the redeeming holder will be the number of shares of each of the component stocks in a Portfolio Deposit on the day the redemption notice is received by the Trustee, multiplied by the number of Creation Units being redeemed. Nominal service fees will be charged in connection with the creation and redemption of Creation Units. The Trustee will cancel all tendered Creation Units upon redemption.

Distributions. The PDR Trusts will pay dividends periodically (*e.g.*, quarterly) and, with respect to the SPDR Trust, it is expected that the regular quarterly ex-dividend date for PDRs will be the third Friday in March, June, September and December, unless such day is a New York Stock Exchange, Inc. ("NYSE") holiday, in which case the ex-dividend date will be the preceding Thursday ("ex-dividend date"). Holders of PDRs on the business day preceding the ex-dividend date will be entitled to receive an amount representing dividends accumulated through the quarterly dividend period preceding such ex-dividend date net of fees and expenses for such period. The payment of dividend will be made on the last Exchange business day in the calendar month following the ex-dividend date ("Dividend Payment Date"). On the Dividend Payment Date, dividends payable for those securities with ex-dividend dates falling within the period from the ex-dividend date most recently preceding the current ex-dividend date through the business day preceding the current ex-dividend date will be distributed.[8] The Trustee will compute on a daily basis the dividends accumulated within each quarterly dividend period. Dividend payments will be made through DTC and its participants to all such holders with funds received from the Trustee. The PDRs will be registered in book entry form only, which records will be kept by DTC.

Criteria for initial and continued listing. Because of the open-end nature of the Trust upon which a series of PDRs is based, the Exchange believes it is necessary to maintain appropriate flexibility in connection with listing a specific Trust. In connection with initial listing, the Exchange proposes that, for each Trust, the Exchange will establish a minimum number of PDRs required to be outstanding at the time of commencement of Exchange trading, and such minimum number will be filed with the Commission in connection with any required submission under Rule 19b–4 for each Trust. For SPDRs, it is anticipated that a minimum of 150,000 SPDRs (*i.e.*, three Creation Units of 50,000 SPDRs each) will be required to be outstanding when trading begins.

Because the Trust operates on an open-end basis, and because the number of holders is subject to substantial fluctuations depending on market conditions, the Exchange believes it would be inappropriate and burdensome on PDR holders to consider suspending trading in or delisting a series of PDRs, with the consequent termination of the Trust, unless the number of holders remains severely depressed during an extended time period. Therefore, following twelve months from the formation of a Trust and commencement of Exchange trading, the Exchange will consider suspension of trading in, or removal from listing of, a Trust when, it its opinion, further dealing in such securities appears unwarranted under the following circumstances:

(a) If the Trust on which the PDRs are based has more than 60 days remaining until termination and there have been fewer than 50 record and/or beneficial holders of the PDRs for 30 or more consecutive trading days; or

(b) If the index on which the Trust is based is no longer calculated; or

(c) If such other event shall occur or condition exists which, in the opinion of the Exchange, makes further dealings on the Exchange inadvisable.

A Trust shall terminate upon removal from Exchange listing and its PDRs redeemed in accordance with provisions of the Trust prospectus. A Trust may also terminate under such other conditions as may be set forth in the Trust prospectus. For example, the Sponsor, following notice to PDR holders, shall have discretion to direct that the Trust be terminated if the value of securities in such Trust falls below a specified amount. The SPDR Trust will also terminate if the license agreement with S&P Corporation terminates.[9]

Trading halts. Prior to commencement of trading in PDRs, the Exchange will issue a circular to members informing them of Exchange policies regarding trading halts in such securities. The circular will make clear that, in addition to other factors that may be relevant, the Exchange may consider factors such as those set forth in Exchange Rule 918C(b) in exercising its discretion to halt or suspend trading. For a Trust based on an index, these factors would include whether trading has been halted or suspended in the primary market(s) for any combination of underlying stocks accounting for 20% or more of the applicable current index group value; or whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present.

According to AMEX, SPDR trading would be halted (along with other securities on the Exchange) if the circuit breaker parameters under AMEX Rule 117 have been reached. The triggering of futures price limits for the S&P 500, S&P 100 or Major Market Index ("MMI") futures contracts will not, in itself, result in a halt in SPDR trading or a delayed opening. Such an event, however, could be considered by the Exchange, along with other factors, such as a halt in S&P 100 Index Option ("OEX"), S&P 500 Index Option ("SPX"), or the Major Market Index Option ("XMI"), in deciding whether to halt trading in SPDRs or other index-based derivative securities.[10]

Terms and characteristics. The Exchange proposes to require that members and member organizations provide to all purchasers of each series of PDRs a written description of the terms and characteristics of such securities, in a form prepared by the Exchange, not later than the time a confirmation of the first transaction in each series is delivered to such purchaser. The Exchange also proposes to require that such description be included with any sales material on that series of PDRs that is provided to customers or the public. In addition, the

[8] Because the Trust intends to qualify for and elect tax treatment as a regulated investment company under the Internal Revenue Code, the Trustee will also be required to make additional distributions to the minimum extent necessary (i) to distribute the entire annual taxable income of the Trust, including any net capital gains (from sales of securities in connection with adjustments to the portfolio of securities held by the Trust, or to generate cash for distributions), and (ii) to avoid imposition of the excise tax imposed by section 4982 of the Internal Revenue Code

[9] *See supra* note 4.

[10] *See* letter from James F. Duffy, Senior Vice President and General Counsel, Legal & Regulatory Policy Division, AMEX, to Sharon Lawson, Assistant Director, Division of Market Regulation, SEC, dated July 23, 1992.

Exchange proposes to require that any other written materials provided by a member or member organization to customers or the public making specific reference to a series of PDRs as an investment vehicle must include a statement in substantially the following form: "A circular describing the terms and characteristics of [the series of PDRs] has been prepared by the AMEX and is available from your broker or the Exchange. It is recommended that you obtain and review such circular before purchasing [the series of PDRs]. In addition, upon request you may obtain from your broker a prospectus for [the series of PDRs]." Finally, as noted above, the Exchange requires that members and member organizations provide customers the prospectus for a series of PDRs upon request.

A member or member organization carrying an omnibus account for a non-member broker-dealer is required to inform such non-member that execution of an order to purchase PDRs for such omnibus account will be deemed to constitute an agreement by the non-member to make such written description available to its customers on the same terms as are directly applicable to member and member organizations.

(2) Basis

The AMEX 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)(5), in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, and in general, to protect investors and the public interest. The Exchange believes that PDRs have the potential to benefit the markets by providing an alternative trading instrument, such as those encouraged by the Division of Market Regulation in its report, "The October 1987 Market Break," that may help temper market volatility and reduce stress on individual index component stocks during unusual market conditions.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Amex believes that the proposed rule change will impose no 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 either solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by September 10, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-19821 Filed 8-19-92; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-31037; File No. SR-BSE-92-08]

Self-Regulatory Organizations; Notice of Filing and Order Granting Temporary Accelerated Approval of Proposed Rule Change by Boston Stock Exchange, Inc. Relating to Specialist Concentration Policy Pilot Program

August 13, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b-4 thereunder,[2] notice is hereby given that on August 7, 1992, the Boston Stock Exchange, Inc. ("BSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission" or "SEC") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is granting accelerated approval and 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 Exchange seeks to obtain accelerated effectiveness of a one-year extension of the pilot program concerning the BSE's Specialist Concentration Policy,[3] which will continue to permit the Executive Committee to review proposed specialist combinations that, in the Exchange's view, may lead to undue concentration within the specialist community.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of

[1] 15 U.S.C. 78s (b)(1) (1988).

[2] 17 CFR 240.19b-4 (1991).

[3] On February 7, 1990, the Commission approved, on a six-month pilot basis ending August 7, 1990, a proposed rule change by the BSE to establish procedures for reviewing proposed combinations among specialist units on the Exchange. *See* Securities Exchange Act Release No. 27684 (February 7, 1990), 55 FR 5527 (approving File No. SR-BSE-89-05). The Commission later approved the renewal of the pilot program for an additional one-year period ending August 1, 1991, and a one-year extension ending August 13, 1992. *See* Securities Exchange Act Release Nos. 28327 (August 10, 1990), 55 FR 33794 (File No. SR-BSE-90-11) and 29551 (August 13, 1991), 56 FR 41380 (File No. SR-BSE-91-06).

these statements may be examined at the places specified in Item III below. The self-regulatory organization has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to extend the BSE's specialist concentration pilot program, which establishes certain standards for reviewing proposed mergers, acquisitions and other combinations between or among specialist units. The pilot program authorizes the Executive Committee of the Board of Governors to review proposed combinations that, in the Exchange's view, may lead to undue concentration within the specialist community.

The Executive Committee ("Committee") reviews any arrangement where previously separate specialist organizations would be operating under common control and would comprise:

(a) 15% or more of the 100 most actively traded Consolidated Tape Association ("CTA") stocks; or,

(b) 15% or more of the second 100 most actively traded CTA stocks; or,

(c) 20% or more of the third 100 most actively traded CTA stocks; or,

(d) 15% or more of all the CTA stocks eligible for trading on the BSE where the Free List contains fewer than 100 issues.[4]

The Executive Committee approves or disapproves the proposed combination based on its assessment of the following considerations:

(a) Specialist performance and market quality in the stocks subject to the proposed combination;

(b) The effects of the proposed combination in terms of the following criteria:

(i) Strengthening the capital base of the resulting specialist organization;

(ii) Minimizing both the potential for financial failure and the negative consequences of any such failure on the specialist system as a whole; and

(iii) Maintaining or increasing operational efficiencies;

(c) Commitment to the Exchange market, focusing on whether the constituent specialist organizations engage in business activities that might detract from the regulating specialist organization's willingness or ability to act to strengthen the Exchange agency/auction market and its competitiveness in relation to other markets; and

(d) The effect of the proposed combination on overall concentration of specialist organizations.

With respect to the criteria relating to the "commitment to the Exchange market," the Executive Committee looks to a variety of factors that extend beyond compliance with the Exchange's requirements for providing sufficient capital, talent and order handling services. For example, the Committee reviews and assesses each constituent unit's past performance on the Exchange relating to such matters as:

—Acceptance and cooperation in the development, implementation and enhancement to the BSE Automated Communications Network ("BEACON");

—Efforts at resolving problems concerning customer orders;

—Willingness to facilitate early openings in order to compete effectively with other exchanges; and

—Willingness to voluntarily provide Execution Guarantees beyond the minimum required under BSE Rule 2039A.

2. Statutory Basis

The basis under the Act for the proposed policy is section 6(b)(5) in that the policy enables the Exchange to monitor the tendencies toward concentration in the specialist community and to intervene to prevent undue concentration, and as such is designed to protect investor and the public interest, and are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers, or to regulate by virtue of any authority conferred by this title matters not related to the purposes of this title or the administration of the exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed policy will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rules Change Received from Members, Participants or Others

Comments have neither been solicited nor received.

[4] The Free List is made up of securities which are not registered to certain specialists and can be traded by any specialist.

III. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the BSE. All submissions should refer to File No. SR–BSE–92–08 and should be submitted by September 10, 1992.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Commission finds that the BSE's proposal to extend its pilot program regarding specialist concentration for an additional one-year period is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, specifically, section 6 of the Act.[5] The Commission believes it is necessary to extend the pilot program's operation in order to afford both the Exchange and the Commission a further opportunity to evaluate the pilot's operation during the Commission's consideration of permanent approval of the concentration rules. Although the pilot has been in effect since February, 1990, only one proposed combination has triggered a Committee review. Consequently, the Commission believes that the Exchange, in conjunction with the SEC, needs additional time to fully evaluate the operation of the concentration policy and to determine whether the concentration rules are enhancing the quality of markets and improving specialist performance on the BSE. The Commission believes that allowing the Exchange an additional one-year period in which to implement the pilot will enable the Exchange and the Commission to adequately address the effectiveness of the pilot program.

[5] 15 U.S.C. 78f (1988).

In its prior orders renewing and extending the pilot program,[6] the Commission requested that the BSE develop criteria to evaluate the effects of its concentration rules on the activities of specialists and to determine, for example, whether implementation of these rules is increasing the performance and effectiveness of specialists and aiding in the prevention of undue concentration. Specifically, the Commission requested that the BSE submit a report to the Commission addressing, among other things, the following issues: The number of proposed specialist combinations that have triggered a Committee review since the inception of the pilot program and the circumstances surrounding these reviews; whether the existence of more firms has increased competition among specialists for new stock allocations; whether the concentration rules have increased incentives for quality markets and higher standards for performance; and the impact that the specialist combination rules have had upon the competitive environment necessary to maintain an orderly market.

In response to the Commission's request, the BSE submitted a letter which stated that, as a result of the concentration policy, the Exchange has experienced increased order flow and enhanced competition among specialists and specialist firms for new stock allocations.[7] In its letter, the Exchange also stated that this in turn has resulted in increased incentives for quality markets and higher standards of performance. The BSE letter also states that since the inception of the pilot program, there has been one proposed specialist combination that has triggered Committee review.[8]

During the extended pilot period, as was requested during the prior one-year pilot period, the Commission expects the Exchange to continue to develop criteria to evaluate the effects of its concentration rules on the activities of specialists. In this regard, the Commission expects the BSE to report to the Commission by May 1, 1993, the number of proposed specialist combinations that have triggered a Committee review since the extension of the pilot program and the circumstances surrounding these reviews; whether competition among specialists for new stock allocations has increased, as evidenced by the number of new stock allocations as well as specialists and specialist firms applying for those allocations since the inception of the pilot program; and whether any of the specialist firms that have undergone Executive Committee review have demonstrated an improvement in specialist evaluation results or displayed a higher quality of markets. In addition, the Commission remains interested in whether the BSE believes that the concentration rules have assisted the Exchange in increasing order flow and if so, the reasons for this conclusion, as well as the impact that the specialist combination rules have had upon the competitive environment necessary to maintain an orderly market.[9]

The Commission finds good cause for approving the proposed extension of the specialist concentration pilot program prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register**. The Commission believes that accelerated approval of the extension of this pilot program furthers the protection of investors and the public interest because it allows the Exchange additional time to evaluate the effectiveness of the pilot program on an uninterrupted basis during the Commission's consideration of the Exchange's request for permanent approval and because the BSE's concentration policy may result in higher quality markets and improved standards for specialist performance. Further, the substance of the proposed rule change has been noticed previously in the **Federal Register** for the full statutory period and the Commission did not receive any comments.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act [10] that the proposed rule change (SR–BSE–92–08) be, and is hereby approved for a period ending August 13, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–19822 Filed 8–19–92; 8:45 am]

BILLING CODE 8010–01–M

[6] *See supra,* note 3.

[7] *See* letter from Karen A. Aluise, Staff Attorney, BSE to Mary Revell, Branch Chief, SEC, dated June 1, 1992. The letter did not specify the reasons for these conclusions. *See infra* note. 9.

[8] For a discussion of this proposed combinations, *see* Securities Exchange Act Release No. 29551 (August 13, 1991), 56 FR 41380 (File No. SR–BSE–91–06).

[9] In evaluating the effects of the pilot, the Commission expects the BSE to provide specific data to support its conclusions. For example, the Commission is interested in examining the number of specialists applying for new allocations both before and during the pilot program.

[10] 15 U.S.C. 78s(b)(2) (1988).

[11] 17 CFR 200.30–3(a)(12) (1991).

[Release No. 34–31038; File No. SR–MSE–92–09]

Self-Regulatory Organizations; Filing and Order Granting Accelerated Approval of Proposed Rule Change of the Midwest Stock Exchange, Incorporated Requesting a Six-Month Extension of the SuperMAX and Enhanced SuperMax Pilot Programs

August 13, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) ("Act"), notice is hereby given that on August 3, 1992, the Midwest Stock Exchange, Incorporated ("MSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons, and simultaneously publishing an order granting accelerated approval of the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The MSE proposes to extend its SuperMAX and Enhanced SuperMAX pilot programs for an additional six-month period. The SuperMAX program guarantees the execution price of small agency market orders received over the Midwest Automated Execution System ("MAX") at an automatically improved price over the consolidated best bid or offer according to certain pre-defined criteria. The Commission first approved the pilot program for SuperMAX on May 14, 1990.[1] Subsequent extensions were requested and approved. The current extension of the pilot program expires on August 14, 1992.

The enhanced version of SuperMAX ("Enhanced SuperMAX") operates as a separate system and is available to MSE specialists as an addition, or as an alternative, to SuperMAX. The pilot program for the Enhanced version of SuperMAX was first approved on December 10, 1991.[2] One extension was requested and approved. The current extension of the pilot program is set to expire on August 14, 1992.

The MSE proposes to extend the pilot programs for the SuperMAX and the

[1] See Securities Exchange Act Release No. 28014 (May 14, 1990), 55 FR 20990 (order approving SR–MSE–90–05).

[2] See Securities Exchange Act Release No. 30058 (December 10, 1991), 56 FR 65765 (order approving SR–MSE–92–12).

Enhanced SuperMAX systems until February 14, 1993.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule 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 self-regulatory organization 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 Statutory Basis for, the Proposed Rule Change

The six-month extension of the pilot period is sought to allow the Exchange to forward the results of its analysis regarding the effectiveness of both SuperMAX and Enhanced SuperMAX to the Commission. The Exchange will supply the Commission with requested trading data regarding both systems and also will seek to implement the Enhanced version of SuperMAX on a permanent basis in a separate 19b–4 filing.

The proposed rule change is consistent with section 6 of the Securities Exchange Act of 1934 in that it will promote just and equitable principles of trade and will help to perfect the mechanism of free and open markets and a national market system and will foster competition among markets.

(B) Self-Regulatory Organization's Statement on Burden on Competition

Midwest Stock Exchange, Incorporated believes that no burden will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement of Comments on the Proposed Rule Change Received from Members, Participants or Others

No comments were received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The MSE requests that the Commission find good cause for approving the proposed rule change extending its pilot programs until February 14, 1993, prior to the thirtieth day after publication of the notice in the **Federal Register**. The proposed rule change implementing the pilot programs has been published for comment in the **Federal Register** previously, and there have been no adverse comments on it. The MSE believes it appropriate to approve the extension of the pilot programs so that the Exchange may have additional time to analyze the effectiveness of SuperMAX and Enhanced SuperMAX without any break in operation.

The Commission finds that the proposed rule change extending the pilot programs is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSE and, in particular, the requirements of Section 6, and the rules and regulations thereunder.

The Commission finds good cause for extending the pilot programs prior to the thirtieth day after the date of publication of the notice of filing thereof, in that accelerated approval is appropriate to extend the pilot programs until February 14, 1993, without interruption, so that it may consider the results of MSE's evaluation of both programs when the MSE makes it available to the Commission, and may fully consider the MSE's request to make Enhanced SuperMAX permanent.

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 submissions, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the principal office of the above-referenced self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by September 10, 1992.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change extending the pilot program for the SuperMAX and Enhanced SuperMAX systems until February 14, 1993, be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–19824 Filed 8–19–92; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Midwest Stock Exchange, Inc.; Application for Unlisted Trading Privileges in Over-the-Counter Issues

July 31, 1992.

On July 9, 1992, the Midwest Stock Exchange, Inc. submitted an application for unlisted trading privileges ("UTP") pursuant to section 12(f)(1)(C) of the Securities Exchange Act of 1934 ("Act") in the following over-the-counter ("OTC") securities, *i.e.*, securities not registered under section 12(b) of the Act.

File No.	Symbol	Issuer
7–8738	NTRS	Northern Trust Corp., Common Stock, $1.66 2/3 par value.
7–8739	NSBI	N.S. Bancorp, Inc., Common Stock, $.01 par value.
7–8740	CRGN	Cragin Financial Corp., Common Stock, $.01 par value.
7–8741	CDIC	Cardinal Distribution, Inc., Common Stock, no par value.
7–8742	CUSA	Compusa Inc., Common Stock, no par value.
7–8743	IJIN	International Jensen Inc., Common Stock, $.01 par value.
7–8744	SPBC	St. Paul Bancorp, Inc. Common Stock, $.01 par value.
7–8745	SSAX	System Software Associates, Inc., Common Stock, $.0033 par value.
7–8746	STRY	Stryker Corp., Common Stock, $.10 par value.
7–8747	SBUX	Starbuck's Corp., Common Stock, no par value.
7–8748	BELL	Bell Bancorp, Inc., Common Stock, $.01 Common Stock, par value.

The above-referenced issues are being applied for as an expansion of the exchange's program in which OTC securities are being traded pursuant to a grant of UTP.

Comments

Interested persons are invited to submit, on or before August 31, 1992, written comments, data, views and arguments concerning this application. Persons desiring to make written comments should file three copies with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Commentators are asked to address whether they believe the requested grant of UTP would be consistent with section 12(f)(1), which requires that, in considering an application for extension of UTP in OTC securities, the Commission consider, among other matters, the public trading activity in such security, the character of such trading, the impact of such extension on the existing markets for such securities, and the desirability of removing impediments to and the progress that has been made toward the development of a National Market System.

For the Commission, by the Division of Market Regulations, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–20036 Filed 8–18–92; 1:49 pm]

BILLING CODE 8010–10–M

Self-Regulatory Organizations; Midwest Stock Exchange, Inc.; Application for Unlisted Trading Privileges in Over-the-Counter Issues

July 31, 1992.

On July 14, 1992, the Midwest Stock Exchange, Inc. submitted an application for unlisted trading privileges ("UTP") pursuant to section 12(f)(1)(C) of the Securities Exchange Act of 1934 ("Act") in the following over-the-counter ("OTC") securities, *i.e.,* securities not registered under section 12(b) of the Act:

File No.	Symbol	Issuer
7–8774	APCC	American Power Conversion Corp., Common Stock, $.01 par value.
7–8775	BOAT	Boatmen's Bancshares Inc., Common Stock, $1.00 par value.
7–8776	BSMT	Filene's Basement Corp., Common Stock, $.01 par value.
7–8777	CHKR	Checkers Drive-In Restaurants, Inc., Common Stock, $.001 par value.
7–8778	DBRL	Dibrell Brothers, Inc., Common Stock, $1.00 par value.
7–8779	IFMX	Informix Corp., Common Stock, $.01 par value.
7–8780	IRIC	Information Resources, Inc., Common Stock, $.01 par value.
7–8781	PCTL	Picturetel Corp., Common Stock, $.01 par value.
7–8782	PMTC	Parametric Technology Corp., Common Stock, $.01 par value.
7–8783	RTRSY	Reuters Holdings PLC, American Depositary Receipts, Representing Three Ordinary Shares, 10 pence par value.
7–8784	SCIXF	Scitex Corp. LTD., Ordinary Shares, $.0012 N.I.S. par value.
7–8785	SOCI	Society Corporation, Common Stock, $1.00 par value.
7–8786	SYMC	Symantec Corp., Common Stock, $.01 par value.
7–8787	TSQM	T2 Medical, Inc., Common Stock, $.01 par value.
7–8788	WFLT	Wellfleet Communications, Inc., Common Stock, $.01 par value.

The above-referenced issues are being applied for as an expansion of the exchange's program in which OTC securities are being traded pursuant to a grant of UTP.

Comments

Interested persons are invited to submit, on or before August 31, 1992, written comments, data, views and arguments concerning this application. Persons desiring to make written comments should file three copies with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

Commentators are asked to address whether they believe the requested grants of UTP would be consistent with section 12(f)(2), which requires that, in considering an application for extension of UTP in an OTC security, the Commission consider, among other matters, the public trading activity in such security, the character of such trading, the impact of such extension on the existing markets for such security and the desirability of removing impediments to and the progress that has been made toward the development of a national market system.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–20037 Filed 8–18–92; 1:50 pm]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Midwest Stock Exchange, Inc.; Application for Unlisted Trading Privileges in an Over-the-Counter Issue and to Withdraw Unlisted Trading Privileges in an Over-the-Counter Issue

July 31, 1992.

On June 23, 1992, the Midwest Stock Exchange, Inc. submitted an application for unlisted trading privileges ("UTP" pursuant to section 12(f)(1)(C) of the Securities Exchange Act of 1934 ("Act") in the following over-the-counter ("OTC") security, *i.e.,* a security not registered under section 12(b) of the Act.

File No.	Symbol	Issuer
7–8654	GNSA	Gensia Pharmaceuticals, Inc., Common Stock, $.01 per value.

The above-referenced issue is being applied for as a replacement for the following security which forms a portion of the exchange's program in which OTC securities are being traded pursuant to the granting of UTP.

File No.	Symbol	Issuer
7–8655	ICOS	ICOS Corp., Common Stock, $.01 per value.

In the case of ICOS Corp., a replacement issue is being requested due to lack of trading activity.

Comments

Interested persons are invited to submit, on or before August 31, 1992, written comments, data, views and arguments concerning this application. Persons desiring to make written comments should file three copies with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

Commentators are asked to address whether they believe the requested grant of UTP would be consistent with section 12(f)(2), which requires that, in considering an application for extension of UTP in an OTC security, the Commission consider, among other matters, the public trading activity in such security, the character of such trading, the impact of such extension on the existing markets for such activity, and the desirability of removing

impediments to and the progress that has been made toward the development of a national market system.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-20038 Filed 8-18-92; 1:50 pm]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Midwest Stock Exchange, Inc.; Application for Unlisted Trading Privileges in Over-the-Counter Issues and Application to Withdraw Unlisted Trading Privileges in Over-the-Counter Issues

July 31, 1992.

On July 9, 1992, the Midwest Stock Exchange, Inc. submitted an application for unlisted trading privileges ("UTP") pursuant to Section 12(f)(1)(C) of the Securities Exchange Act of 1934 ("Act") in the following over-the-counter ("OTC") securities, *i.e.*, securities not registered under Section 12(b) of the Act.

File No.	Symbol	Issuer
7-8734	HCCC	Healthcare Compare Corp., Common Stock, $.01 par value.
7-8735	MIDL	Midlantic Corp., Common Stock, $3.00 par value.

The above-referenced issues are being applied for as replacements for the following securities which form a portion of the Exchange's program in which OTC securities are being traded pursuant to the granting of UTP.

The MSE also applied to withdraw UTP pursuant to Section 12(f)(4) of the Act on the following issues:

File No.	Symbol	Issuer
7-8736	MIPS	MIPS Computer Systems, Inc., Common Stock, No par value.
7-8737	MEDC	Medical Care International Inc., Common Stock, $.01 per value.

A replacement issue is being requested for MIPS Computer Systems, Inc. due to its merger with and into Silicon Graphics, Inc. A replacement issue for Medical Care International Inc. is being requested due to its listing on the New York Stock Exchange which renders the issue ineligible for continued inclusion in the program.

Comments

Interested persons are invited to submit, on or before August 31, 1992, written comments, data, views and arguments concerning this application. Persons desiring to make written comments should file three copies with the Secretary, Securities and Exchange Commission, 450 Fifth Street, Washington, DC 20549.

Commentators are asked to address whether they believe the requested grant of UTP would be consistent with section 12(f)(2), which requires that, in considering an application for extension of UTP in an OTC security, the Commission consider, among other matters, the public trading activity in such security, the character of such trading, the impact of such extension on the existing markets for such security, and the desirability of removing impediments to and the progress that has been made toward the development of a national market system.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-20039 Filed 8-18-92; 1:51 pm]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Midwest Stock Exchange, Inc.; Application for Unlisted Trading Privileges in an Over-the-Counter Issue and to Withdraw Unlisted Trading Privileges in an Over-the-Counter Issue

July 31, 1992.

On June 24, 1992, the Midwest Stock Exchange, Inc. submitted an application for unlisted trading privileges ("UTP") pursuant to section 12(f)(1)(C) of the Securities Exchange Act of 1934 ("Act") in the following over-the-counter ("OTC") security, *i.e.*, a security not registered under section 12(b) of the Act.

File No.	Symbol	Issuer
7-8658	MAFB	MAF Bancorp, Inc., Common Stock, $.01 par value.

The above-referenced issue is being applied for as a replacement for the following security which forms a portion of the Exchange's program in which OTC securities are being traded pursuant to the granting of UTP.

The MSE also applied to withdraw UTP pursuant to Section 12(f)(4) of the Act for the following issue:

File No.	Symbol	Issuer
7-8657	WHOO	Waterhouse Investor Services Inc., Common Stock, $.01 par value.

A replacement issue is being requested for the common stock Waterhouse Investor Services Inc., due to its listing on the American Stock Exchange, rendering it ineligible for the OTC/UTP program.

Comments

Interested persons are invited to submit, on or before August 31, 1992, written comments, data, views and arguments concerning this application. Persons desiring to make written comments should file three copies with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

Commentators are asked to address whether they believe the requested grant of UTP would be consistent with section 12(f)(2), which requires that, in considering an application for extension of UTP in an OTC security, the Commission consider, among other matters, the public trading activity in such security, the character of such trading, the impact of such extension on the existing markets for such security, and the desirability of removing impediments to and the progress that has been made toward the development of a national market system.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-20040 Filed 8-18-92; 1:51 pm]

BILLING CODE 8010-01-M

[Release No. 34-31032; File No. SR-NYSE-92-14]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the New York Stock Exchange, Inc. Relating to Amendments to the Specialist Performance Evaluation Questionnaire

August 13, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on June 18, 1992, the New York Stock Exchange, Inc. ("NYSE" 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 self-regulatory organization. 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 proposed rule change consists of amendments to the Exchange's Specialist Performance Evaluation Questionnaire ("SPEQ").[1]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule 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 III below. The self-regulatory organization has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) Purpose

The SPEQ is an important tool in the Exchange's continuing effort to improve specialist performance and the stock allocation process. Exemplary specialist performance may be rewarded with an improved chance to receive a stock allocation. The Exchange reviews the SPEQ process periodically in order to ensure that the instrument maintains its vitality and effectiveness. The following proposed amendments are the result of the Exchange's latest study of the SPEQ process.

The Exchange proposes to restructure the questionnaire so that each of the five functions considered, which include the dealer, service, competitiveness, communications and administrative functions, will be weighted equally.[2] Currently, the first three functions are weighted at 30% each, and the last two functions are weighted at 5% each. The Exchange believes that an equal distribution of weight would be more appropriate to the importance of the functions and would lead to more objective evaluations of specialists as the weight given to a particular question or function would not be considered by brokers when evaluating a unit's performance.

The Exchange proposes to use two versions of the questionnaire during each quarter's administration of the process and continue the practice of dispersing positively and negatively worded questions throughout the instrument.

In order to avoid any conflict of interests, the Exchange proposes to preclude brokers from rating specialist units which maintain Exchange Rule 325(e) financial responsibility guarantees for them or have lease agreements with them.

The Exchange proposes to amend the SPEQ to provide space on the questionnaire for voluntary signing by rating brokers. Specialists would not be informed which brokers signed the questionnaires. The signing would indicate the broker's willingness to discuss an evaluation with a Floor Governor. The Exchange is proposing to use Floor Governors as liaisons to facilitate communication between specialists and the brokers who rate them. In conjunction with this proposal, the Exchange proposes to provide specialists with an alphabetized list of brokers that rated their unit.

The Exchange proposes to amend the SPEQ to provide that a rating broker may indicate the percentage of the business he conducts (*e.g.*, retail or institutional) in the unit's stock. This information would not be used in connection with the calculation of a unit's score, but would accompany the broker's comments to assist specialists in their performance improvement efforts.

In order to ensure that each specialist unit's pool of selected evaluators is roughly comparable and that most qualified brokers, in terms of activity (*i.e.*, trades, share volume and days), are assigned to evaluate each unit, the Exchange proposes to implement a guideline which would enable eligible brokers from order-generating firms to rate the same unit(s) in consecutive quarters and eligible two-dollar brokers to rate the same unit(s) in three out of every four quarters. The Exchange proposes to require that at least 40% of every unit's assigned evaluators must be brokers from order-generating firms and, if necessary to meet the 40% minimum, assign such brokers as many as four units to evaluate each quarter.

Finally, the Exchange proposes to amend the SPEQ to provide a space for comments on specialist performance by the head of a member organization's upstairs trading desk. The input of these individuals may be useful as a communications tool and as an additional perspective on specialist performance.

The Exchange is not proposing any change to the rating scale used on the SPEQ, or to the performance standards applicable to the SPEQ specified in Rule 103A.[3]

(2) Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5) that an Exchange have rules that are designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and in general, to protect investors and the public interest. The proposed amendments are consistent with these objectives in that they set forth new initiatives to improve the evaluation of specialist performance.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such other period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory

[1] The SPEQ is a quarterly survey on specialist performance completed by eligible floor brokers (*i.e.*, any floor broker with at least one year of experience). The SPEQ consists of 21 questions and requires floor brokers to rate, and provide written comments on, the performance of specialist units with whom they deal frequently. The Exchange last revised the SPEQ process in February, 1990 when the Commission approved the Exchange's proposal to provide specialists with their overall rank among all specialist units as well as a range of ranks, which shows their comparability to other units. The current SPEQ also provides specific, minimum relative performance standards so that specialists who are regularly among the lowest ranked units on a relative basis would be subject to performance improvement actions.

[2] The five functions themselves will remain the same.

[3] For information relating to the rating scale used on the SPEQ, and the performance standards applicable to the SPEQ, *see generally* Securities Exchange Act Release No. 28923 (February 27, 1990), 56 FR 9993, and note 1, *supra*.

organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to File No. SR–NYSE–92–14 and should be submitted by September 10, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–19823 Filed 8–19–92; 8:45 am]

BILLING CODE 8010–01–M

Issuer Delisting; Application to Withdraw From Listing and Registration, (First Republic Bancorp, Inc., Common Stock, $.01 Par Value) File No. 1–9837

August 14, 1992.

First Republic Bancorp, Inc. ("Company") has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and rule 12d2–2(d) promulgated thereunder, to withdraw the above specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

According to the Company, in addition to being listed on the Amex, its common stock is listed on the New York Stock Exchange, Inc. ("NYSE"). The Company's common stock commenced trading on the NYSE at the opening of business on July 28, 1992 and concurrently therewith such stock was suspended from trading on the Amex.

In making the decision to withdraw its common stock from listing on the Amex, the Company considered the direct and indirect costs and expenses attendant on maintaining the dual listing of its common stock on the NYSE and on the Amex. The Company does not believe that trading of its common stock on both national exchanges is in the best interests of the Company or its stockholders and believes that dual listing would fragment the market for its common stock.

Any interested person may, on or before September 4, 1992 submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92–19921 Filed 8–19–92; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–18894; 812–7763]

Keene Corporation; Notice of Application

August 12, 1992.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 (the "Act").

APPLICANT: Keene Corporation ("Keene").

RELEVANT ACT SECTIONS: Exemption requested pursuant to sections 6(c) and 6(e).

SUMMARY OF APPLICATION: Applicant seeks an order that would exempt it from all provisions of the Act except sections 9(a), 17(a), 17(d), 17(e), 17(f), and 36–53 as if it were a registered investment company, until the earlier of one year from the date of the requested order, or until applicant would no longer be considered an investment company.

FILING DATE: The application was filed on July 29, 1991, and amended on January 21, 1992, and June 15, 1992.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on September 8, 1992, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street NW., Washington, DC 20549. Applicant, 200 Park Avenue, New York, New York 19166.

FOR FURTHER INFORMATION CONTACT: Elaine M. Boggs, Staff Attorney, at (202) 272–3026, or Nancy M. Rappa, Branch Chief, at (202) 272–3030 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Keene, a Delaware corporation, is a custom manufacturer of heat-absorbing composite materials, sheet molding compounds and structural composite components for a variety of aerospace, defense, and commercial applications.

2. From 1967 to 1987, Keene acquired the stock or assets of various operating companies, three of which were operated as subsidiaries, the remainder as divisions. In January 1981, Keene formed a holding corporation, Bairnco Corporation ("Bairnco"), to facilitate a corporate restructuring. As a result of such restructuring, Keene became a wholly-owned subsidiary of Bairnco. In early 1990, the board of directors of Bairnco approved a distribution to the holders of Bairnco's common stock of 100% of the outstanding common stock of Keene, representing all of Bairnco's interest in Keene. Keene is now a public company with its principal office in New York City. Its common stock, par value $.0001 per share, is quoted on the

National Association of Securities Dealers Automated Quotation System.

3. During the period from 1968 through 1974, Keene acquired and operated a small manufacturer of acoustical ceilings, ventilation systems, and thermal insulation products. Until 1972, some of the thermal insulation products contained asbestos. As a result of these operations, Keene is currently one of multiple defendants in thousands of asbestos-related claims.

4. In June 1990, Keene evaluated the potential costs of both defense and settlement of the various claims, and set internal guidelines for settlements. At that time, the estimated aggregate settlements, together with estimated costs of defense, amounted to approximately $190 million and Keene established the goal of disposing of all current and future asbestos-related claims for up to this amount. At March 31, 1992, up to $103 million of the original $190 million remained available in Keene's asbestos compensation/defense program ("Asbestos Compensation Program") and approximately 85,000 cases were pending against Keene.

5. As of March 31, 1992, 253 plaintiff verdicts were outstanding against Keene as defendant. Keene's share of these verdicts totalled approximately $61 million. Depending on the court's treatment of the shares of the other defendants who have settled or are bankrupt or insolvent, Keene's share may increase or decrease.

6. As of March 31, 1992, Keene held approximately $112 million in cash, cash equivalents, and marketable securities. Of that amount, approximately $50 million is subject to collateralization or escrow arrangements to secure appeal bonds. Keene accumulated the amounts now comprising its investment portfolio primarily as a result of the sale of certain operating divisions and subsidiaries.

7. Keene maintains a substantial part of its assets in highly liquid investments to cover its potential contingent liabilities arising out of the asbestos litigation (including the collateralization of appeal bonds) and to fund its acquisitions of additional businesses and capital equipment.

Applicant's Legal Analysis

1. Following the spin-off from Bairnco, Keene relied on the safe harbor provided by rule 3a–2 under the Act. Keene represents that it complied with the requirements of rule 3a–2, as evidenced by a resolution of the board of directors, and that the one year safe harbor of rule 3a–2 commenced on August 6, 1990, the date Keene was spun off from Bairnco.

2. Rule 3a–2 generally provides that, for purposes of section 3(a)(3) of the Act, an issuer will not be deemed to be engaged in the business of investing, reinvesting, owning, holding, or trading in securities for a period not exceeding one year if the issuer has a bona fide intent to be engaged in a non-investment company business. Section 3(a)(3) defines the term "investment company" to include any issuer that "is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and case items) on an unconsolidated basis."

3. Rule 3a–1 exempts from the definition of investment company those companies with respect to which no more than 45% of the value of total assets (exclusive of government securities and cash items) consists of, and no more than 45% of net income after taxes (for the last four fiscal quarters combined) is derived from, securities, other than government securities and certain other specified categories of securities. As of March 31, 1992, Keene had total assets of $154.8 million which includes assets attributable to Reinhold Industries, Inc., a wholly-owned subsidiary. Of this amount, investment securities accounted for $17.5 million or 29.3% of Keene's total assets exclusive of $95.0 million in government securities and cash items. Although, during the 12 months ended March 31, 1992, the percentage of Keene's assets consisting of securities other than government securities ranged from 29% to 64%, thus qualifying Keene, from time to time, for exemption under the asset test of rule 3a–1, Keene received 72% of its income after taxes for the last four fiscal quarters ending March 31, 1992 from securities other than government securities, and thus did not meet the 45% income test of rule 3a–1. Due to fluctuations in the percentage of Keene's assets consisting of investment securities, as well as the proportionate income produced by such securities (relative to Keene's operating income), from time to time, Keene would be deemed an investment company pursuant to section 3(a)(3). Thus, Keene would be unable to qualify for the self-executing exemption provided by rule 3a–1.

4. Subsequent to the spin-off of Keene from Bairnco, Keene held substantially all of its investments in United States Treasury Bills and Treasury Notes in an effort to meet the requirements of the rule 3a–1 exemption. In September 1990, New York State and New York City revised certain tax regulations governing investment capital and the taxation of investment income for years beginning on or after January 1, 1990. The effect of the revised regulations would have been to subject substantially all of Keene's previously tax-sheltered income from United States government securities to state and city taxation unless Keene's investment strategy was modified to increase its investment in investment securities. Keene states that if it were willing to forfeit $800,000 of tax savings, it could structure its investment portfolio so that it would not fall within the section 3(a)(3) definition of investment company. Keene does not believe that such changes in its investment policy would protect the public or its shareholders, or further the purposes of the Act.

5. Through March 31, 1992, a substantial portion of the costs to defend and indemnify Keene has been paid by Keene's insurers. At March 31, 1992, approximately $58 million of insurance coverage remains; however, Keene has recorded a receivable of $22 million due from insurers which, when paid, will reduce the insurance coverage available to Keene to $36 million. Keene believes that the remaining insurance coverage and settlement proceeds could be sufficient to cover settlement of currently pending cases involving bodily injury as a result of occupational exposure to asbestos ("Bodily Injury Cases") only if Keene is able to adhere to the provisions of its Asbestos Compensation Program. However, certain recent verdicts adverse to Keene have been higher than expected, several appeals courts recently have refused to review verdicts which Keene believed had meritorious appeal issues and new cases continue to be filed. These factors require Keene to continue to incur substantial defense costs for currently pending and potential future Bodily Injury Cases, as well as encourage some lawyers to refuse settlements within the provisions of the Asbestos Compensation Program. The costs of the asbestos-related litigation will exceed the remaining insurance coverage and settlement proceeds to be received by Keene if settlements are at amounts higher than the Asbestos Compensation Program guidelines and defense costs do not substantially decline in the near future. Such excess costs will be paid by Keene and taken as a charge to earnings.

6. Although a large number of the Bodily Injury Cases have been resolved on Keene's behalf, Keene believes the number of future potential Bodily Injury Cases and the rate and cost of future dispositions cannot accurately be determined. Accordingly, Keene believes that the possible loss or range of loss resulting from the asbestos-related litigation cannot reasonably be estimated.[1] Due to the inability to reasonably estimate the possible loss of range of loss resulting from the asbestos-related litigation, Keene cannot determine the effects of the ultimate asbestos-related liability upon Keene's financial position.

7. The portion of Keene's portfolio that is collateralized or in escrow cannot be used by Keene for other purposes, hence Keene believes it should not be viewed as highly liquid investments. Keene's bonding capacity to prevent the execution of potential future judgments against Keene's assets is limited to those assets not currently pledge to collateralize appeals. Given the volume of cases pending against Keene and Keene's related need to collateralize appeals, Keene does not believe that its pool of liquid investments is excessively high.

8. Assuming that the current rate of expenditure continues in the future, Keene estimates that most likely it would take three to four years before Keene would fall consistently outside the section 3(a)(3) definition of an investment company. Keene states that it is also difficult to estimate when Keene would satisfy the rule 3a–1 exemption on a continuous basis. Keene states that it may submit one or more additional applications seeking a reasonable extension or extensions of the period of exemption afforded by the requested order, as may be necessary to enable Keene to attain a financial position so that it would no longer be considered an investment company.

9. Keene believes that the issuance of an order exempting it until the earlier of one year from the date of the requested order, or such time as applicant would no longer be considered an investment company is in the public interest and consistent with the protection of investors and purposes fairly intended by the policy and provisions of this title.

10. In determining whether to grant exemptive relief beyond the one-year period prescribed by rule 3a–2, and whether a period longer than one year would be considered "temporary" in the context of an inadvertent investment company, the Commission has examined factors such as: (a) Whether the failure of the company to become primarily engaged in a non-investment company business or liquidate within one year was due to factors beyond its control, (b) whether the company's officers and employees during that period tried, in good faith, to invest the company assets in a non-investment company business or to cause the liquidation of the company, and (c) whether the company invested in securities solely to preserve the value of its assets.

a. As to the first factor, Keene states that the lack of resolution of Keene's contingent liabilities, which is the primary impediment to its ability to employ a significant portion of its assets in the expansion of its business, is, to a large extent, beyond Keene's control. Keene states that it is not within its power to control the duration of asbestos lawsuits or the future filing of lawsuits. In addition, Keene states that it must maintain substantial amounts of liquid investments as collateral for appeal bonds.

b. Second, Keene states its officers and employees are trying, in good faith, to expand Keene's operations. In March 1992, Keene's operating subsidiary, Reinhold Industries, Inc., purchased 100% of the outstanding common stock of Reynolds & Taylor, Inc., a composite component manufacturer. Keene states its acquisition program remains active and will require funds to implement.

c. Third, Keene states it is investing in securities solely to preserve the value of its assets. Keene states that its investment securities are overnight demand notes and corporate bonds. The corporate bonds are investment grade and held as part of the investment strategy to minimize New York State and New York City taxes.

Applicant's Conditions

Applicant agrees that the following conditions may be imposed in any order of the Commission granting the requested relief:

1. During the period of time Keene is exempted from registration under the Act, Keene will not purchase or otherwise acquire any additional securities other than securities that are rated investment grade or higher by a nationally recognized statistical rating organization or, if unrated, deemed to be of comparable quality under guidelines approved by Keene's board of directors, except that Keene may make equity investments in issuers that are not investment companies, as defined in section 3(a) of the Act (unless such issuer is covered by a specific exclusion from the definition of investment company under section 3(c) other than section 3(c)(1)), in the following circumstances: (a) in connection with the consideration of the possible acquisition of an operating business as evidenced by a resolution approved by Keene's board of directors, and (b) in connection with the acquisition of majority-owned subsidiaries.

2. Keene will utilize its accumulated cash and securities for the purpose of funding cash requirements for its existing businesses, acquiring one or more new businesses, and/or the settlement of asbestos-related claims.

3. While any exemptive order is in effect, Keene will disclose in its reports on Forms 10–K and 10–Q and its annual reports to shareholders that such an exemptive order has been granted pursuant to sections 6(c) and 6(e) and that Keene and certain other persons, in their transactions and relations with Keene, are subject to sections 9, 17(a), 17(d), 17(e), and 17(f), and 36–53 as if Keene were a registered investment company.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–19820 Filed 8–19–92; 8:45 am]

BILLING CODE 8010–01–M

[1] The current rate of expenditure for resolution of asbestos litigation is approximately $50 million per year.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Clark County, Nevada

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent..

SUMMARY: The FHWA is issuing this Notice to advise the public that a Tier 1 environmental impact statement will be prepared for a proposed highway project in Clark County, Nevada.

FOR FURTHER INFORMATION CONTACT:

Daryl N. James, P.E., Supervisor, Environmental Services Division, Nevada Department of Transportation, 1263 South Stewart Street, Carson City, NV 89712, Telephone: 702–687–5680

or

Frederick G,. Wright, Jr., Division Administrator, Federal Highway Administration, Nevada Division, 1535 Hot Springs Rd., No. 100, Carson City, NV 89706–0602, Telephone: 702–687–5302.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Nevada

Department of Transportation (NDOT), will prepare a Tier 1 environmental impact statement (EIS) on a proposal to adopt a route corridor location for a future transportation facility along the western and northern fringes of the Las Vegas Valley. This proposed project is a collaborative effort with the Regional Transportation Commission (RTC) of Clark County.

The project to be studied will provide the western and northern segments of a beltway around the southern, western, and northern perimeter of the Las Vegas Valley. The complete beltway will connect with US 95 on the southeast and with I–15 on the northeast. The southern segment was described and analyzed in a previously-prepared EIS.

Rapid growth has occurred in the Las Vegas Valley over the past several years. The growth has added to the existing heavy demand on the regional transportation system. Substantial growth is expected to continue, with a major portion of the new development occurring in the western and northern portions of the area. A need exists for the early identification and preservation of transportation corridors that will serve the increasing transportation demand that will result from the new growth and development.

The Tier 1 EIS will address the purpose and need for the project, evaluate alternatives to satisfy the needs, describe the affected environment, and provide for agency coordination and public involvement. The scope and level of analysis will be sufficient to satisfy FHWA requirements for location approval and corridor preservation. A more detailed Tier 2 EIS will be prepared at a latter date. The Tier 2 document will address project specific issues and describe in greater detail the project environmental consequences, design alternatives and project mitigation. Approval of the Tier 2 EIS will provide the basis for environmental clearance for project construction.

Alternatives to be considered will be based on the results of a preliminary study prepared for the RTC in August, 1991. In addition to the no-build option, several other alternatives will be studied. Along the western segment, the study corridors include: (1) An alignment one mile west of Hualapai Way; and (2) a curvilinear alignment approximately one and one-quarter miles west of Hualapai Way. Both of these alignments connect to either Alternative E of Alternative C of the southern segment of the Las Vegas Beltway and extend in a northerly direction to connect to US 95 in the northwest corner of the Valley. Along the northern segment, the study corridors include: (1) An alignment one-quarter mile north of Iron Mountain Road; (2) the Elkhorn Road alignment; and (3) the Centennial Parkway alignment. Each of these alignments extends from US 95 to I–15 via Lamb Boulevard.

Letters describing the proposed action and soliciting comments will be sent to appropriate federal, state, and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. A scoping meeting will be held in the near future and a series of public meetings is proposed. A public hearing will also be held. Public notice will be given of the time and place of the meetings and hearing. Public meetings will be held throughout the planning process and prior to the circulation of the draft Tier 1 EIS. The public hearing will be held after the draft EIS is available for review.

To ensure that the full range of issues related to this proposed action is addressed and any significant impacts are identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the Tier 1 EIS should be directed to the FHWA or the NDOT at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: August 11, 1992.

Frederick G. Wright, Jr.,

Division Administrator, Federal Highway Administration, Carson City, Nevada.

[FR Doc. 92–19948 Filed 8–19–92; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: August 14, 1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Bureau of Alcohol, Tobacco and Firearms

OMB Number: 1512–0022.
Form Number: ATF F 5320.20.
Type of Review: Extension.
Title: Application to Transport or to Temporarily Export Certain National Firearms Act (NFA) Firearms.
Description: When approved, this form satisfies requirements that the Secretary of the Treasury give prior approval to the movement of certain NFA firearms in interstate or foreign commerce.
Respondents: Individuals or households, Businesses or other for-profit, Small businesses or organizations.
Estimated Number of Respondents: 710.
Estimated Burden Hours Per Respondent: 30 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 355 hours.
OMB Number: 1512–0027.
Form Number: ATF F 4 (ATF F 5320.4).
Type of Review: Extension.
Title: Application for Tax Paid Transfer and Registration of Firearms.
Description: This form must be submitted to ATF to obtain approval for tax paid transfers of NFA firearms. Approval of a transfer and registration of a firearm to a new owner are accomplished with the information supplied on this document.
Respondents: Individuals or households, Businesses or other for-profit, Small businesses or organizations.
Estimated Number of Respondents: 4,778.
Estimated Burden Hours Per Respondent: 4 hours and 12 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 20,068 hours.
OMB Number: 1512–0028.
Form Number: ATF F 5 (ATF F 5320.5).
Type of Review: Extension.
Title: Application for Tax-Exempt Transfer and Registration of a Firearm.
Description: The National Firearms Act (NFA) requires that the information contained on this form be submitted to the Secretary of the Treasury for a tax-exempt transfer of an NFA firearm. Approval of the form amends the record in the National Firearms Registration and Transfer Record to show the current owner of the firearm.

Respondents: Individuals or households, Businesses or other for-profit, Small businesses or organizations.
Estimated Number of Respondents: 1,997.
Estimated Burden Hours Per Respondent: 3 hours.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 11,982 hours.
OMB Number: 1512–0029.
Form Number: ATF F 10 (ATF F 5320.10).
Type of Review: Extension.
Title: Application for Registration of Firearms Acquired by Certain Governmental Entities.
Description: This form provides a method for certain government entities to register, for official use only firearms; otherwise unregisterable, such as those unregistered weapons seized by or abandoned to local law enforcement agencies.
Respondents: State or local governments.
Estimated Number of Respondents: 300.
Estimated Burden Hours Per Respondent: 30 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 300 hours.

Clearance Officer: Robert N. Hogarth (202) 927–8930, Bureau of Alcohol, Tobacco and Firearms, room 3200, 650 Massachusetts Avenue, NW., Washington, DC 20226.
OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 92–19920 Filed 8–19–92; 8:45 am]

BILLING CODE 4810–31–M

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation Order No. 85–5 of June 27, 1985 (50 FR 27393, July 2, 1985), I hereby determine that the objects to be included in the exhibit, "Jusepe de Ribera: Spanish Realist in Baroque Italy" (see list [1]), imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to a loan agreement with the foreign lenders. I also determine that the temporary exhibition or display of the listed exhibit objects at the Metropolitan Museum of Art, New York, New York, from on or about September 18, 1992, to on or about November 29, 1992, is in the national interest.

Public notice of this determination is ordered to be published in the **Federal Register.**

Dated: August 18, 1992.

Alberto J. Mora,

General Counsel.

[FR Doc. 92–20094 Filed 8–19–92; 8:45 am]

BILLING CODE 8230–01–M

[1] A copy of this list may be obtained by contacting Mr. Paul W. Manning of the Office of the General Counsel of USIA. The telephone number is 202/619–6827, and the address is room 700, U.S. Information Agency, 301 Fourth Street, SW., Washington, DC 20547.

Sunshine Act Meetings

Federal Register
Vol. 57, No. 162
Thursday, August 20, 1992

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, August 25, 1992, 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This Meeting Will Be Closed to the Public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. § 437g.
Audits conducted pursuant to 2 U.S.C. § 437g, § 438(b), and Title 26, U.S.C.
Matters concerning participation in civil actions or proceedings or arbitration
Internal personnel rules and procedures or matters affecting a particular employee

DATE AND TIME: Thursday, August 27, 1992, 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC (Ninth Floor).

STATUS: This Meeting Will Be Open to the Public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes
Title 26 Certification Matters
Advisory Opinion 1992-29: Kornman/ Holtzman Senate Campaign
Advisory Opinion 1992-34: Anthony G. Flynn on behalf of Castle for Congress Fund
Administrative Matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Press Officer, Telephone: (202) 219-4155.

Delores Harris,

Administrative Assistant.

[FR Doc. 92-20086 Filed 8-18-92; 3:10 pm]

BILLING CODE 6715-01-M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 10:00 a.m., Wednesday, August 26, 1992.

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. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: August 18, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-20098 Filed 8-18-92; 3:47 pm]

BILLING CODE 6210-01-M

UNITED STATES POSTAL SERVICE BOARD OF GOVERNORS

Notice of a Meeting

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 C.F.R. Section 7.5) and the Government in the Sunshine Act (5 U.S.C. Section 552b), hereby gives notice that it intends to hold a meeting at 1:00 p.m. on Monday, August 31, 1992, and at 8:30 a.m. on Tuesday, September 1, 1992, in Washington, D.C. The August 31 meeting, at which the Board will consider: (1) A filing with the Postal Rate Commission to Establish a Bulk Small Parcel Service; (2) a filing with the Postal Rate Commission for a Mail Classification Change Regarding Delivery Point Barcoding, and (3) the July 17, 1992, Postal Rate Commission Opinion and Recommended Decision in Docket No. MC91-3, Second-Class Pallet Discount, 1991, is closed to the public. (See 57 FR 35003, August 7, 1992)

The September 1 meeting is open to the public and will be held in the Benjamin Franklin Room on the 11th floor of U.S. Postal Service Headquarters, 475 L'Enfant Plaza, S.W. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, David F. Harris, at (202) 268-4800.

Agenda

Monday Session

August 31-1:00 p.m. (Closed)

1. Consideration of a Filing with the Postal Rate Commission to Establish a Bulk Small Parcel Service. (Frank R. Heselton, Assistant Postmaster General, Rates and Classification Department.)
2. Consideration of a Filing with the Postal Rate Commission for a Mail Classification Change Regarding Delivery Point Barcoding. (Frank R. Heselton, Assistant Postmaster General, Rates and Classification Department.)
3. Consideration of the Postal Rate Commission Opinion and Recommended Decision in Docket No. MC91-3, Second-Class Pallet Discount, 1991. (John L. DeWeerdt, Associate General Counsel, Office Postal Rates and Mailing Rules.)

Tuesday Session

September 1-8:30 a.m. (Open)

1. Minutes of the Previous Meeting, August 3-4, 1992.
2. Remarks of the Postmaster General. (Marvin Runyon.)
3. Postal Rate Commission Fiscal Year 1993 Budget Request. (Norma Pace, Chairman.)
4. Quarterly Report on Service Performance. (Ann McK. Robinson, Consumer Advocate.)
5. Fiscal Year 1993 Change in Third-Class Nonprofit Mail Rates. (Comer S. Coppie, Senior Assistant Postmaster General, Finance Group.)
6. Tentative FY 1994 Budget Request to Congress. (Comer S. Coppie, Senior Assistant Postmaster General, Finance Group.)
7. Tentative Agenda for October 5-6, 1992, meeting in Washington, D.C.

David F. Harris,

Secretary.

[FR Doc. 92-20013 Filed 8-18-92; 2:50 pm]

BILLING CODE 7710-12-M

Corrections

Federal Register
Vol. 57, No. 162
Thursday, August 20, 1992

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

ENVIRONMENTAL PROTECTION AGENCY

[FIFRA Docket Nos. 646, et al.; FRL-4125-8]

Pesticide Products Containing Ethylene Bisdithiocarbamates (EBDCs)

Correction

In notice document 92-9386, appearing on page 14715, in the issue of Wednesday, April 22, 1992, make the following correction:

On page 14715, in the third column, the file line at the end of the document was omitted and should appear as follows:

[FR Doc. 92-9386 Filed: 4-21-92; 8:45 am]

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 178

[Docket No. 88F-0113]

Indirect Food Additives; Adjuvants, Production Aids, and Sanitizers

Correction

In rule document 92-18856 beginning on page 35462 in the issue of Monday, August 10, 1992, make the following correction:

On page 35463, in the first column, under *G. Calcium Chloride*, in the first paragraph, in the fourth line, "21 CFR 184.1192" should read "21 CFR 184.1193".

BILLING CODE 1505-01-D

Reader Aids

Federal Register

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LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 202-523-6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202-512-2470).

H.R. 5487/P.L. 102-341

Agriculture, Rural Development, Food and Drug Administration, and Related

Agencies Appropriations Act, 1993. (Aug. 14, 1992; 106 Stat. 873; 38 pages) Price: $1.25

S. 2759/P.L. 102-342

Child Nutrition Amendments of 1992. (Aug. 14, 1992; 106 Stat. 911; 4 pages) Price: $1.00

S. 959/P.L. 102-343

Thomas Jefferson Commemoration Commission Act. (Aug. 17, 1992; 106 Stat. 915; 6 pages) Price: $1.00

Last List August 14, 1992

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The United States Government Manual 1991/92

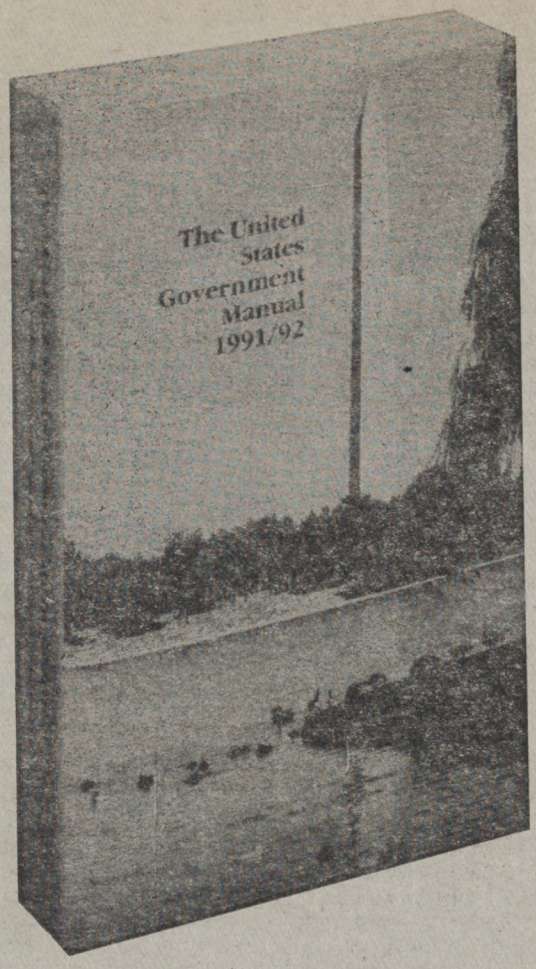
As the official handbook of the Federal Government, the *Manual* is the best source of information on the activities, functions, organization, and principal officials of the agencies of the legislative, judicial, and executive branches. It also includes information on quasi-official agencies and international organizations in which the United States participates.

Particularly helpful for those interested in where to go and who to see about a subject of particular concern is each agency's "Sources of Information" section, which provides addresses and telephone numbers for use in obtaining specifics on consumer activities, contracts and grants, employment, publications and films, and many other areas of citizen interest. The *Manual* also includes comprehensive name and agency/subject indexes.

Of significant historical interest is Appendix C, which lists the agencies and functions of the Federal Government abolished, transferred, or changed in name subsequent to March 4, 1933.

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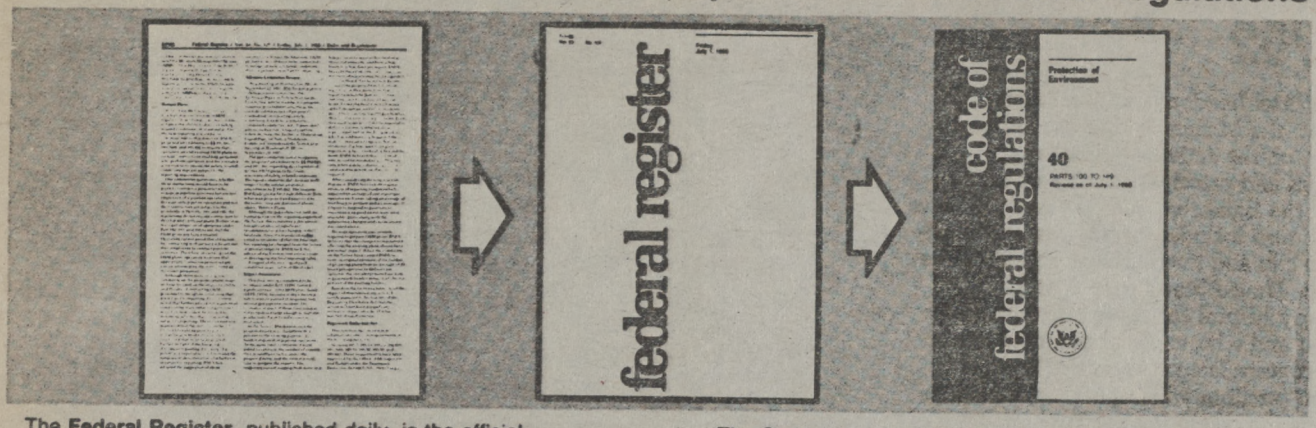
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